

**PLANNING COMMISSION  
MINUTES  
DECEMBER 8, 2020  
Virtual (Zoom.us) and In-Person  
LOWER LEVEL – LIBRARY COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Jon Ingalls, Vice-Chair  
Lynn Fleming  
Peter Luttrupp  
Lewis Rumpler (Zoom)  
Michael Ward (Zoom)

**STAFF MEMBERS PRESENT:**

Hilary Anderson, Community Planning Director  
Sean Holm, Senior Planner  
Shana Stuhlmiller, Public Hearing Assistant  
Randy Adams, Deputy City Attorney

**COMMISSIONERS ABSENT:**

Brinnon Mandel

**CALL TO ORDER:**

The meeting was called to order by Chairman Messina at 12:00 p.m.

**APPROVAL OF MINUTES:**

Motion by Fleming, seconded by Luttrupp, to approve the minutes of the Planning Commission meeting on November 10, 2020, Motion approved.

**PUBLIC COMMENTS:**

None.

**STAFF COMMENTS:**

Ms. Anderson provided the following comments.

- We have scheduled one public hearing item for the January 12<sup>th</sup> Planning Commission Meeting.
- She stated that we have been working on scheduling a workshop with City Council on the Envision Coeur d'Alene project (Comprehensive Plan update) to give them the same information you will be receiving today based on your recommendations.

**COMMISSION COMMENTS:**

None.

**PUBLIC HEARINGS\*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1. Applicant: City of Coeur d'Alene  
Request: Proposed housekeeping amendments to Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) of the Municipal Code.  
LEGISLATIVE, (0-2-20)

**OTHER BUSINESS: \*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1. Applicant: City of Coeur d'Alene  
Request: Proposed amendment to the Commercial Design Guidelines regarding Residential/Parking Lot Screening

*NOTE: The Public Hearing and Other Business items were presented together by staff because they are directly related. The Planning Commission was directed to make separate findings.*

Ms. Anderson provided the following statements:

- The City's Subdivision and Zoning Ordinances need regular review and updates to ensure consistency.
- The proposed edits to Title 16 and Title 17 are housekeeping edits that will clean up inconsistencies with regard to how the appeal process works and clean up old references to a male planning director.
- There are also proposed amendments to clarify performance standards in some of the zoning districts. There are also inconsistencies between the Zoning Ordinance and the Commercial Design Guidelines with regard to landscape buffering when adjacent to a residential use versus a residential zone.
- Staff is bringing forward updates to clean up these sections of the Municipal Code and the Commercial Design Guidelines.
- The Planning Commission will need to hold a public hearing on the proposed housekeeping amendments to the Municipal Code and make a recommendation to the City Council. The Commercial Design Guidelines do not need a public hearing, but are directly related to the housekeeping edits and, therefore, will be presented as one item to the Planning Commission. The Commission will need to make two separate motions.

**PROPOSED AMENDMENTS:**

**Title 16 Amendments:**

- Appeal timing will be based on the date of mailing the notice of decision rather than date of publication.

**Title 17 Amendments:**

- Aggrieved or affected party definition is being clarified using language from the State Statutes related to standing for an appeal.
- Clarifying the R-34 zoning district to make it clear that it is only available through the special use permit process and that it does provide the increased height in addition to the increased density; clarifying that the referenced Coeur d'Alene transportation plan is KMPO's 2020 Metropolitan Transportation Plan; and clarifying that schools are not relevant if it is an adult only apartment complex, but park proximity would be a consideration.
- Clarifying the maximum height for a single-family home built in an MH-8 zoning district. (note: they are already allowed, but the height was not defined).
- Clarifying site performance standards for C-17 regarding side and rear setbacks to ensure no eaves cross over a property line or result in offsite stormwater impacts and allowing for horizontal

- mixed-use projects to have setbacks associated with the various uses.
- Cleaning up carryover language from when there was a male planning director and making the language gender neutral.
  - Clarifying that an ADU can be as tall as 24 feet if over a garage. A stand-alone ADU in the rear yard would have a maximum height of 18 feet.
  - Clarifying buffer yard regulations so that they would apply if next to a residential use or zone. (Note: this is the section that also affects the Commercial Design Guidelines and the need for amendments to both documents).
  - Revisions to Planning Director, City Engineer and City Attorney references for consistency and to use proper titles, and adding in missing references to “or designee.”
  - Clarifying the appeal process related to mailing the notice of decision and referring to an amended 17.09.125B for consistency.

**Commercial Design Guidelines:**

- Clarifying under I. SITE DESIGN, F. Residential/Parking Lot Screening on page 11 of the Commercial Design Guidelines that the buffering is required when a site abuts a residential district or residential use. (Note: see bullet point above related to clarifying buffer yard regulations to make the Zoning Ordinance and Design Guidelines consistent).

Ms. Anderson concluded her presentation.

**Commission Comments:**

Commissioner Luttrupp inquired if the information we received in the packet today is online. Ms. Anderson stated that is correct.

Commissioner Ingalls commented when the newspapers state that the city is changing its subdivision code it gets people’s attention but after reading through this amendment these changes are really housekeeping changes and don’t see anything that would have a significant impact. Ms. Anderson stated that is correct.

**Public testimony open.**

David Lyons stated he is opposed to the R-34 changes because the way they are written that expand the existing high density loop hole into a high density/height loop hole. He referenced the Missing Middle housing presentation done by Tony Perez of Opticos a few years ago and explained Mr. Perez’s idea for density housing is “house scale buildings with multiple housing units inside” that includes duplexes, triplexes, court yard bungalows in/or on the edge of residential neighborhoods with buildings that look like a large house that fit in with the character of the neighborhood and don’t destroy it. He said there should be a plan for where to put this high density. His question is why is R-34 treated so differently than other zoning. He asked the City to develop a plan for where to put this high density and eliminate spot density.

He stated that he doesn’t agree with the proposed changes to the Administrative Appeal and the definition of “aggrieved.” He explained that the previous definition was “very broad” that stated anyone who is a resident of Coeur d’Alene, or owns property in Coeur d’Alene etc. can file an appeal and now with the change states you have to have an interest in the property that might be adversely affected by whatever the decision was. He stated that the aggrieved party definition works for the state because it is related to lawsuits, but he doesn’t feel it is appropriate for the City’s appeal process.-Planning Commission and City Council decide on matters that are city-wide. People should be able to come and oppose a project even if they live several miles away. So, he said he believes the difference of standing is different for the state than the city. He said the argument to change the definition of standing and aggrieved has some superficial plausibility to line up with State Statutes, but he thinks they are two entirely different issues.

Commissioner Luttrupp asked about the R-34 density height limit and questioned what is the height change.

Mr. Lyons explained that the way the law is now is that you can only get density by the Special Use Permit. There are other things you can get with zoning. If you applied for R-34 zoning, you could get up to 63 feet for multifamily which is 5-stories plus. But if you only get a density increase through the Special Use Permit, you are bound by the height of the existing zoning district. He said he thinks there are gimmicks and loopholes with the R-34, and doesn't feel that the proposed changes are housekeeping edits because he thinks it is increasing the height from 45 to 63 feet.

Commissioner Fleming believes that the city would not accept an R-34 zoning district without a lot of opposition and as a group we look at each R-34 request on how it will impact other surrounding properties whether it is a four story or multifamily and because it is an exception under a special use, we "drill down" a little harder.

Mr. Lyons stated it makes sense to have an R-34 zoning district to be only allowed in commercial areas and restricted to major corridors. Mr. Lyons gave an example of a project that was approved for R-34 that was next to R-12 that he believes will tower over the neighborhood. That could impact some sensitive neighborhoods, especially those that are not well organized.

Applicant Rebuttal.

Ms. Anderson, on behalf of the City as the applicant, clarified the definition for aggrieved or affected parties. She said it is beneficial for the appeals process and definition of aggrieved mirror the state statute because if you wanted to file a lawsuit you have to go through the appeal process with the city to take it to the next level, which is the court. She explained that this change is needed to prevent someone from appealing every project because they didn't like that person. The proposed language is similar to other sections of the Municipal Code tied to a person's interest in the property.

She responded to the comment by Mr. Lyons regarding having an R-34 zone and respectfully disagrees with him on the height limit associated with the R-34 special use permit. It specifically states in the code that the city has the option of granting an R-34 request through the special use permit process. She did agree with his comment that maybe not every location in the city is appropriate for R-34. She said that is one of the reasons why the City is working on the Coeur Housing Code to give other opportunities for developers to build various housing options at the house-scale to make sure they won't be impacting neighborhoods, and also why the City is working on Envision Coeur d'Alene to provide a future land use map that will help with decision making to determine where should special use permits be granted or where certain zone changes are appropriate.

#### **Discussion:**

Commissioner Luttrupp questioned the appeal process and if this change will restrict an applicant's right to appeal.

Ms. Anderson explained that it would restrict who can appeal to someone who has an interest in real property which was not stated before. The current code says the person who files the appeal could be a resident of the City of Coeur d'Alene, or any person having interest in real property, or any person with an interest in real property located within a 300 ft radius of the property.

Commissioner Luttrupp commented that an appeal is a chance for the people to voice their opinion and questioned in the past has this been a problem and if you don't let people talk it causes more problems.

Mr. Adams clarified that the amendment to "who can appeal" has nothing to do with who can speak at a public hearing and address council or the Planning Commission on any particular issue.

Commissioner Rumpler stated that he is in support of all the changes.

Commissioner Ingalls concurs with all the commissioner's comments especially Commissioner Fleming's assessment of R-34 and only available through a special use permit that includes all the attributes that go with R-34.

Commissioner Ward concurs with all the comments and approves this request.

**Motion by Ingalls, seconded by Fleming, to approve Item O-2-20 Title 16 and 17. Motion approved.**

**Motion by Fleming, seconded by Ward, to approve the amendment to the Commercial Guidelines. Motion approved.**

### **WORKSHOP:**

Envision Coeur d'Alene – Land Use Scenarios and Draft Land Use Map - Alex Dupey, MIG

Sean Holm, Senior Planner stated that he sent out an email to everybody who has some background information on what we are going to cover today which is the land use scenarios and place types and the next logical step following our policy discussion and review which was just approved.

Mr. Alex Dupey presented a Power Point that covered the following topics:

#### **Questions to Consider:**

What land use guidance do you think is needed in the Plan to advance the Policy Framework?

- Walking, bicycling, transit
  - Access to nearby services
  - Providing diverse housing options
  - Which scenario(s) do you think best articulates the community vision?
  - How should Coeur Housing be incorporated into the land use
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- Which scenario(s) do you think best articulates the community vision?
  - How should Coeur Housing be incorporated into the land use elements of the Plan

#### **Scenario Planning versus Land Use Map**

##### **Scenario Planning:**

- Test various development options to identify options and tradeoffs
- Not a land use map-tests what decisions might mean for urban form and development

##### **Comprehensive Plan Land Use Map:**

- Implements vision and growth-related policies
- Identifies general land use classifications within the ACI (Place Types)
- Provide guidance about future growth

##### **Place Types:**

What Are Place Types?

- Provides guidance on future land uses within the Area of City Impact

- Implements the Vision and Guiding Principles
- Implemented through the City's Development Code
- Provides guidance on future land uses within the Area of City Impact
- Implemented through the City's Development Code

### **Evaluate Existing Development Patterns**

#### Identify Vacant and Developable Land

##### Corridor

- Focuses future growth along major highway and road corridors
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##### Compact:

- Envisions increasing jobs and housing primarily in the central portion of the city through infill and redevelopment of commercial areas

##### District

- Locates jobs and housing in concentrated areas (e.g., districts) around the city to provide a mix of uses, including housing and retail

### **Commission Comments:**

Commissioner Ingalls stated "good presentation" and asked if the commission is supposed to make a choice with respect to the three scenarios: compact, corridor and district. Mr. Dupey explained the decision today is not to say for example to pick a specific district but to have a discussion on what would be a good fit to use on the future land use map and from the discussion today hopefully will come back with a draft land use map for the commission to consider.

Commissioner Rumpler stated it seems the area to look at is north of I-90 and south of I-90 and that he would choose north of I-90 for a compact scenario and south of I-90 choose a district approach and questioned if this is something to consider to use on the land use map. Mr. Dupey explained the input we are looking for is the direction you would want to see this land use map to go and from the discussion today for example be looking at something like a mix use or commercial to the north and put those things a draft land use map and bring it back to you.

Mr. Dupey continued his presentation showing the types of development people were interested based on the results of a survey taken

- He stated that the compact and districts scenarios were the two district that came out the highest based on interest from the community and the types of land use those districts would provide.
- He added we looked at various types of development for example: jobs, mixed use employment and housing the urban neighborhood, mixed use districts, and compact neighborhoods that start to come up. He stated that there was a demarcation of the freeway within the city. He commented when we started looking what the city was doing from Coeur Housing and looking at that map, we started to see these start to align with a district or compact development type and noted on the map where the different types of infill housing might be permitted.

Ms. Anderson explained that staff is looking at Coeur Housing to see how it relates to these growth scenarios and make sure we are not missing anything, and we are working with Mr. Dupey and Planner Mike Behary to look at place types to see how do they fit with the various types of Coeur Housing, and what that means for growth and traffic. She concurred with Mr. Dupey that Coeur Housing aligns well with those two growth scenarios Compact and District.

Chairman Messina stated that he understands that the underlined zoning for the city is not going to be changed but the underline zone will dictate what can be developed and that Coeur Housing is going to be

a new ordinance.

Mr. Dupey explained the key piece of the Comprehensive Plan Map is tied to the vision and growth policy's and when looking at that structure the Comprehensive Plan Map should not be the end all/be all it's the growth policies used to make decisions, but it does identify those general land use classifications within the ACI by providing guidelines for future growth. He stated as an example, by using a copy of Post Falls Comprehensive Plan Map and noted the various colors identifying their place types such as residential, business, commercial etc. and also shared an example of a land use map from Boise and noted that their map is pretty general given the size of Boise.

Mr. Holm clarified that he sent out an email that included an attachment from Jerry Mason on a court case from and a video from 1984. He explained that Mr. Mason was trying to say in the court case is if someone came forward with a request for a zone change and that person was not granted and he sued based on his property was located within the requested zone. The court decided that the applicant was not entitled to that zone based upon that land use map and that the decision was based on the future where timing has everything to do with it and maybe too soon to request that zone at this time, so the court denied his appeal. He explained that the commission is not bound to the land use map to make decisions.

Ms. Anderson added that what Mr. Mason wanted to convey is that the policies in the Comprehensive Plan are more important than the future land use map, so you want to use those together to make a decision. She stated that we are not going to make the land use map that specific that someone says that is what my property should be zoned.

Commissioner Rumpler noted that the simplest way to look at that is the land use map is more of a "may" as opposed to a "shall" and that we are not obligated, limited or restricted that has to be a certain way and his take away from that court case.

Mr. Dupey concurs and has seen land use maps applied where some of them were regulatory and some were more guidance, he feels that this will be a tool to make decisions on future actions.

Commissioner Luttrupp commented that you can't stop someone for suing you and that if we do have questions refer to the city attorney who can help address those concerns.

Mr. Dupey asked the commission if there are other items not discussed today that should be included in the land use map.

Chainman Messina commented that it is important to have further discussion on Coeur Housing since I have heard comments from people who think by approving Coeur Housing change will change the outlook of the city. He added we do need guidelines from where the city is going and how development is implemented through the city the zoning and what a developer wants to put in a piece of property.

Commissioner Luttrupp questioned what is Coeur Housing and has it been defined.

Ms. Anderson explained that we are working on Frequently Asked Questions (FAQ) to help the community understand what is Coeur Housing which are the types of housing between single family detached and midrise apartments for example triplexes, stacked flats, live-work units, cottage court etc. Mr. Dupey replied that Coeur Housing is going to be its own process with more opportunity for different types of infill housing including examples of the housing in the land use map that was discussed.

Commissioner Ingalls stated that he likes compact scenario because of the focus it has on infill and the redevelopment of commercial areas which seems to be a "hot button" issue.

Commissioner Fleming stated that she also likes the definition of the compact scenario and feels the district is an "old fashioned" idea and doesn't see it going forward

Commissioner Rumpler concurs with everyone and feels it comes down to transportation and whatever we decide to do deciding what is the vision and guidance and if we aren't able to maintain transportation across the region allowing people to access services to be able to move around the area transportation becomes the defining element. He feels that transportation is the most important element in the process. He stated that a vision for North/South of I-90 there is a vision and agrees with the compact scenario and doesn't know enough about Coeur Housing but if everyone thinks its important will go along with the crowd.

Chairman Messina inquired if staff has a time line when Coeur Housing will be done and if it will be done at the same time when the Comprehensive Plan is done.

Ms. Anderson replied that they both are in tandem, and that we could complete Coeur Housing and Envision around March and now both will be delayed in order to have more workshops with City Council to see if we are getting it right. She explained that Coeur Housing was delayed because of needing to work with some of the neighborhood groups to get them comfortable including the Historic Preservation Commission and consultant on how this will impact the historic neighborhoods with an estimated date of May/June.

**Next steps:**

Mr. Dupey made the following statements.

- He will incorporate the discussion today into a draft Comprehensive Plan.
- He stated that we are in the process of wrapping up the traffic analysis.
- He stated based on input today hopefully next time have an agreement on place types in the draft Land Use map to provide input at the next meeting.

Ms. Anderson stated we will be working with all departments to make sure we get it right. She added that she would also like to thank Nicole Kahler, CDA 2030 who are helping us on the implementation plan related to the lead and supporting partners to keeping the ball moving.

Please [click](#) here to view the entire meeting.

**ADJOURNMENT:**

Motion by Rumpler, seconded by Fleming to adjourn the meeting. Motion approved.

The meeting was adjourned at 8:36 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant