

PLANNING COMMISSION AGENDA
COEUR D'ALENE PUBLIC LIBRARY
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE

AUGUST 8, 2017

THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

5:30 P.M. CALL TO ORDER:

ROLL CALL: Messina, Fleming, Ingalls, Luttropp, Mandel, Rumpier, Ward

APPROVAL OF MINUTES:

June 13, 2017
July 11, 2017, Workshop

PUBLIC COMMENTS:

STAFF COMMENTS:

PUBLIC HEARINGS:

1. Applicant: City of Coeur d'Alene
Location: 3074 W. Seltice Way, Atlas Mill Site
Request: A proposed 46+/- acre annexation from County Industrial to City C-17 (Commercial at 17 units/acre) zoning district. LEGISLATIVE, (A-2-17)

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____ ,
to continue meeting to _____, ___, at __ p.m.; motion carried unanimously.
Motion by _____, seconded by _____ , to adjourn meeting; motion carried unanimously.

****The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhlmeier at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



MINUTES



**PLANNING COMMISSION
MINUTES
JUNE 13, 2017
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

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

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Tami Stroud, Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Luttrupp, seconded by Fleming, to approve the minutes of the Planning Commission meeting on May 9, 2017. Motion approved.

OATH:

Brinnon Mandel

Shana Stuhlmiller, Public Hearing Assistant, performed the Oath of Office for Brinnon Mandel.

COMMISSION COMMENTS:

There were none.

STAFF COMMENTS:

- Ms. Anderson stated that on Tuesday, June 6th at the City Council meeting she presented the Planning Commission work plan to the council. In her presentation, she asked them to pick their top three projects for the commission and staff to work on. The following are the top four projects that were selected: Comprehensive Plan update would include addressing the Spokane River Master plan, as well as City Heritage and Historical preservation, General zoning code amendments would include infill housing, and revise Design Review procedures and the East Sherman Master Plan.
- She recently worked with Nicole Kahler, Project Manager for CDA 20/30, on a grant application with Community Builders for technical assistance on the East Sherman Master (we will hopefully hear back in early August).

- She announced there are no public hearings scheduled for July, so she had sent out an e-mail to the commission with a few options: cancel the meeting in July; have a workshop on the Work Plan Projects; have a joint workshop with another commission to discuss a topic of mutual interest, or ask a department head and /or staff member(s) to provide updates on specific city projects. When the commissioners said they would like to have a workshop, she then asked if they would like this workshop in the afternoon or evening on July 11th. It was decided the workshop would start at 4pm.

PUBLIC COMMENTS:

No comments.

PUBLIC HEARINGS:

1. Applicant: Northwest Solutions Investment Group, LLC
 Location: 721 E. Spokane Avenue
 Request: A proposed zone change from R-12 (Residential at 12units/acre) to R-17 (Residential at 17units/acre) zoning district. QUASI-JUDICIAL (ZC-2-17)

Tami Stroud, Planner, presented the staff report and stated that Brenny Ross is requesting approval of a Zone Change from R-12 (Residential at 12 units/acre) to R-17 (Residential at 17units/acre) for property located at 721 E. Spokane Street.

Ms. Stroud provided the following statements:

- The subject property is located on the north side of Spokane Street between 7th Street and Kaleigh Court.
- The applicant is proposing the R-17 zoning for the +/- 1 acre parcel. If the requested zone change is approved, Mr. Ross intends on constructing a multi-family project on the site. The subject property is currently vacant.
- The owner is utilizing the on-site timber to construct fencing around the perimeter of the property.
- Ms. Stroud went through the required findings for this project.
- She described the R-17 zoning district for the commission. R-17 is intended as a medium/high residential area that permits a mix of housing types at a density of 17 dwelling units per gross acre. This district is for establishment in those areas that are not suitable for lower density residential due to proximity to more intense types of land use.
- The Comprehensive Plan designates this as Stable Established.
- Ms. Stroud noted the comments listed in the staff report from Engineering, Water, Sewer, Wastewater, and Fire on page 5 and 6 in the staff report.
- Ms. Stroud described the photos showing the existing land uses surrounding the subject property.
- She stated that the City Engineer provided a statement that Spokane Avenue is a relatively low volume residential street. The additional traffic generated as a result of the zone change is expected to be minor and easily accommodated on the existing street. Frontage improvements will be required at the time of development.
- She provided an aerial view of the property.
- Ms. Stroud stated that staff recommends the Commission consider the request with respect to compatibility of the proposed R-17 zoning and if it is consistent with the surrounding land uses.
- Ms. Stroud concluded her presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Ingalls inquired if staff could bring up the zoning map and noted that staff pointed out all the buffers surrounding this property. He explained that this is an “island” of property surrounded by R-12 properties and inquired if there are other places in the city that are similar.

Ms. Stroud commented that she would have to do further research and get back to the commission on those areas.

Commissioner Ingalls stated that the North Idaho College (NIC) Armory Building located north of the property is not zoned commercial or Industrial but has a different feel. He inquired if the city would consider that this property is a “quirky” space and argues maybe the subject property could be used as a buffer between the Armory Building and the surrounding R-12 properties.

Ms. Stroud stated that she would encourage the commission to look at the Comprehensive Plan policies in determining a decision for this request and compare the uses and descriptions of the R-12 and R-17 zoning districts to see if this property is compatible with the surrounding uses.

Commissioner Luttrupp inquired if the NIC Armory Building is not compatible with the current zone, are there any rules that can be applied.

Ms. Stroud explained that the Armory Building is considered to be a non-conforming property that was built in the 1950s before the zoning code was adopted by the city.

Commissioner Luttrupp concurred with Commissioner Ingalls that the Armory Building parcel is an “island.”

Ms. Stroud commented that the city does not intend to activate the Armory Building for any city activities, but will mostly be used for storage.

Commissioner Rumpel inquired if staff has clarified with North Idaho College that the Armory Building will not change its use in the future.

Ms. Stroud stated that she spoke with Bill Greenwood, Parks and Recreation Director, who confirmed that the city would continue to use this building only for storage.

Public testimony open.

Brenny Ross, applicant, provided the following statements:

- He stated his goal for the property is to do multifamily project. He originally planned to do a pocket housing development, but that is no longer an option since the ordinance was repealed. He explained since the elimination of pocket housing, the only thing that he would be able to fit on the property (without subdividing the property) and meet setbacks is one single family home or a duplex.
- He noted in the Comprehensive Plan that this area is suitable for clustering.
- He stated that after speaking with staff they told him that the replacement for something similar to pocket housing is still being worked on which is why he has brought this request forward.
- He addressed the concern about the Armory Building being considered an island surrounded by R-12 zoning and explained that he feels his property could buffer from a much heavier use in the Armory Building from a residential use.
- He commented that during the week he has noticed multiple cars going and coming from the Armory Building participating in some type of meetings. He commented that there is a lot of outdoor storage with semi-trucks going in and out that are associated with Ironman and Jacklin Seed trailers and containers. He stated that he is not complaining and doesn't bother him, and he is putting up a fence to help act as a buffer between his property and the Armory Building.

- He feels that the Armory will continue to be used as a storage facility and is a far different use than an R-12 zone, and it could serve as an appropriate buffer since the Armory is considered to be a non-conforming use that doesn't fit in the R-12 zone.
- He spoke with many of the neighbors and they are very receptive to his project.
- Mr. Ross concluded his presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Mandel commented that in the applicant's justification, he stated that the Armory Building is used for mostly commercial type activities, but it is her understanding that the Armory Building is considered a civic use and not a commercial use.

Mr. Ross explained that the interior of the building seems to be civic and the outside is being used for storage and feels is more of an industrial use. He stressed that he is not complaining but trying to explain what the Armory Building is used for.

There was no additional public testimony.

Discussion:

Commissioner Ingalls commented what staff mentioned that we should look at the Comprehensive Plan and after reviewing the policies, found that there are some policies that would support this and some polices that would make us "pause". He feels we could argue that the Comprehensive Plan says for that area, we should be receptive to provide areas with high density pocket housing including multifamily homes. He feels multifamily homes are appropriate if they are in a compatible area and would questions if this is considered a compatible area. He questioned if there are other areas in the city where we have these "islands" The decision comes down to if this property is compatible or not, and is sure that the proper noticing was done by staff and the applicant is in favor and surprised we don't have any neighbors here tonight to testify if they approve or not.

Commissioner Luttrupp concurs and is surprised that nobody from the neighborhood is here. He feels that the decision should be based on the Comprehensive Plan policies, so even if we had a big turnout would still have to go back to those policies. He referenced the Comprehensive Plan policy 3.05 that states "Protect and preserve existing neighborhoods from incompatible land uses and developments." He feels based on that policy, this property is incompatible and he is opposed to the request.

Chairman Messina stated that under Comprehensive Policy 3.01 Managed Growth "Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population." He feels that this property is on a "thin line" of compatible or not compatible. It is good that we have this discussion and use the Comprehensive Plan as a guide. He concurs that the public did not show up for the hearing and feels the appropriate notices were sent out. He feels a decision is based on what is on the record.

Commissioner Ingalls commented if the Comprehensive Plan states we have expectations of higher density pocket housing including multifamily in this area. We could look at the various comprehensive policy listed in the staff report that those are elements in the Comprehensive Plan that we should discourage sprawl and should make use with the existing infrastructure to provide a diversity of suitable housing. He feels we should "densify" properties in the city to discourage sprawling out. He feels those arguments could be considered in favor and comes down to what is compatible, He stated in the past they used public testimony as a gauge and with this request nobody from the neighborhood has shown up to testify.

Chairman Messina inquired if any of the commissioners were ready to make a motion.

Ms. Anderson reminded the commission before a motion is made that public testimony should be closed.

Chairman Messina closed the public testimony.

Commissioner Luttrupp requested to speak out against the motion and cited Comprehensive Policy 3.05 is more important as the governing one and Comprehensive Plan policy 3.01 can apply to any place in the city under any circumstances that is pretty broad. He feels if we approve this request we are greatly broadening our direction in increasing the density in any part of the city. He feels this request is not compatible with the existing neighborhood, and will be opposing the motion.

Motion by Rumpler, seconded by Ingalls, to approve Item ZC-2-17. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	No
Commissioner Ingalls	Voted	Yes
Commissioner Luttrupp	Voted	No
Commissioner Rumpler	Votes	Yes
Commissioner Ward	Voted	Yes
Commissioner Mandel	Voted	No
Chairman Messina	Voted	Yes

There was a tie vote that was broken by Chairman Messina voting in favor of the request.

Chairman Messina stated that he agrees with the approval of this project and, because he feels it is in agreement with the Comprehensive Plan which was stated by the Commissioner Rumpler, who made the motion for approval. He believes that the surrounding area can handle this project as pointed out by staff that all services including traffic are sufficient. He commented that there were no neighbors here to testify for or against this project and based on that would approve this project.

Motion to approve carried by a 4 to 3 vote.

ADJOURNMENT:

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

The meeting was adjourned at 6:06 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
MINUTES
JULY 11, 2017
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward
Peter Luttrupp
Lewis Rumppler
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Mike Behary, Planner
Sean Holm, Planner
Shana Stuhmiller, Public Hearing Assistant
Randy Adams, Chief Civil Deputy City Attorney

COMMISSIONERS ABSENT:

None

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 4:00 p.m.

WORKSHOP:

1. To discuss the adopted 2017 Planning Department Work Plan and priority projects.

Hilary Anderson, Community Planning Director, made the following statements:

The Priority Projects as adopted by City Council include:

- Comprehensive Plan Amendment (including Spokane River Master Planning and Historic Preservation);
- Zoning Code Amendments (including infill regulation revisions);
- Revisions to the Design Review Procedures; and
- East Sherman Master Planning.

Commission Comments:

- Commissioner Luttrupp noted under the descriptions for each of the priority projects there seems to be solutions provided from staff for each of the priority projects. He commented the list is too long and overwhelming to complete. He would like to have a more clear explanation of what the problems are within these priorities.
- Commissioner Ingalls explained that the commission was asked to provide staff with comments on each of the priority projects in the Work Plan with our concerns, which we did, and now is the time to discuss each of the four priority projects as identified by the City Council.

- In response to Commissioner Luttrupp and Ingalls, Ms. Anderson explained that when the City Council chose these top four priority items, they knew that the commission had been working on the Vacation Rental Ordinance and the Neighborhood Compatibility Ordinance. She explained that along with the four work plan items the council approved, they would also like for staff to continue working on the Vacation Rental Ordinance with the draft ordinance going forward for City Council review in a couple months. She also noted that the City Council directed staff to put the Neighborhood Compatibility Ordinance on hold.

Design Review Procedures:

Commission Comments:

- Chairman Messina explained that he and Commissioner Ingalls are on the Design Review Commission. He feels that the Planning Commission shouldn't spend a lot of time on this and has confidence in staff and the Design Review Commission to make those changes.
- Commissioner Ingalls concurred with Chairman Messina regarding the Design Review procedures, and said that this item can be handled by staff and the Design Review Commission.
- Ms. Anderson explained that staff had already put together a draft of the Design Review Procedure changes listed in the memo and that staff planned to have a meeting with the Design Review Commission to discuss the proposed changes, and after that meeting will forward a copy to the Planning Commission for their review.
- The commission directed staff to bring back a draft of the revised Design Review Procedures after the Design Review Commission meets with staff and works through the ordinance.

Comprehensive Plan:

Commission Comments:

- Chairman Messina stated that he worked on the Comprehensive Plan in 2007 and that it was a complete rewrite of the previous Comprehensive Plan, and a "big deal". He feels this time there will be some work, but not a rewrite of the entire plan. In his opinion, the revision should include growth in the city and neighborhoods.
- Commissioner Rumppler inquired regarding the process to start work on the Comprehensive Plan.

Ms. Anderson explained that the last time the Comprehensive Plan was updated, the commission was split into subcommittees and will probably do it the same way this time. She added that the FY 2017/2018 budget request includes additional funds for a consultant to help with the Comprehensive Plan.

- Commissioner Mandel asked if staff feels there are some priority CDA 2030 action items that need to be addressed first.

Ms. Anderson responded that staff can work through the CDA 2030 priority items with the Planning Commission to determine how to best incorporate them into the Comprehensive Plan update, with some of the action items being special projects such as East Sherman revitalization.

- Commissioner Messina commented he remembers working in subcommittees and was given assignments after the meeting.

Mr. Holm explained when the Comprehensive Plan was done in 2007, the subcommittees would meet every other month and that each person was asked to work on a specific section of the plan and when they were done with their assignment, they would email a draft to him and he would incorporate those pieces into the draft and then email the draft to the commission for review. He explained when they

started working on the Comprehensive Plan in 2007; the draft plan at that time was only eight pages long.

- Commissioner Ingalls stated, as an example, in Post Falls they still have a lot of areas that are in transition, because they still have a lot of land to develop. He feels that eventually the City of Coeur d'Alene will be running out of big parcels of land to develop, unless we decide to expand the city boundary.
- Commissioner Messina explained that the mission statement took a long time to come up with. We met every other month because people were busy. He cited as an example, that the rewrite of the Comprehensive Plan was like constructing a building, where they started at the top with the mission statement and worked through the issues. He feels this time the process should be less work and would be receptive to the help of a consultant.

Ms. Anderson explained that as we move forward we can figure out how to best utilize the consultant for the update. Staff and CDA 2030 will be able to handle a lot of the public involvement and outreach efforts.

Mr. Holm stated we received a lot of great feedback when the 2007 Comprehensive Plan was being drafted. He feels the old plan was more "nuts and bolts" and the 2007 plan is thematic. He inquired if the commission is ok with the thematic style of the 2007 plan or if they would like for staff to incorporate more nuts and bolts into the update.

- Commissioner Ingalls commented the city has changed and looking 10 to 15 years down the road they will be hearing more requests for infill projects or development will jump into the hills. He feels maybe the hills and urban infill are areas where we need more tools to navigate change. He also suggested that maybe a hybrid style of Comprehensive Plan may be needed – with nuts and bolts for urban infill development and thematic for other areas.
- Commissioner Messina suggested that we look at the boundary for the city and county because city has progressed since the 2007 Comp Plan was approved. We have Spokane River property coming into the city and people want to know what the plans are for those properties. These are new stumbling blocks for how the Spokane River area will be developed, but with the prior experience of the Riverstone property, hopefully it will go smoothly.

Mr. Holm concurs with all the comments and explained since the last update, technology has taken off with the use of big data that it would be great to incorporate data and analysis into the new plan with the help of a consultant who has all the tools to decipher the data.

- Commissioner Mandel commented that after she read the Comprehensive Plan, it makes sense, but asked, "Is it at a level where it is not operational?" It seems to be missing the "how." It could have more depth to help with decisions and prioritization, to help address alternatives and trade-offs, and provide objective ways for commissioners and the City Council to make decisions. She feels that the themes need to remain, but that the Comprehensive Plan update should provide guidance on how to implement the plan, not just principles. She feels that since the plan was approved a decade ago that priorities may have shifted. She stated themes are important, but doesn't see how the current plan guides implementation.
- Commissioner Rumpler feels that there has been some great discussion tonight and explained the reason he joined the commission was to help change the future. He questioned how many times in our lifetime do we get to shape the future, and that the Comprehensive Plan can be used as the tool to do the job. He concurs that theme is important, and has discussed in past public hearings commenting about traffic and, "How this will be managed in the future?" He is in favor of allocating the resources necessary to achieve an optimum outcome, since there won't be a lot of chances to do this again, so we might as well do it right. He also supported addressing data,

transportation systems (including public transportation and bikes), services, utilities, and open space in the update.

- Commissioner Messina explained when he was involved in the first revision of the Comprehensive Plan, he didn't really understand what it was all about, but a few years later, things make sense. He feels that this is a new commission with new people and new ideas. He stated this is an opportunity to change our community and would support bringing on a consultant to assist with the update effort.

Mr. Holm explained that the mindset in 2006 and 2007 was growth. We were growing at 5 percent. A lot of feedback from the business owners was, "Don't kill the golden goose". He explained the way the Comprehensive Plan was structured was to allow the ability to say yes or no on many items. He feels that in other jurisdictions there is no give and take; it's either one way or another. He questioned where is the sweet spot that we can look a developer in the eye and say "no" if a project is not consistent with the Comprehensive Plan. He feels that there is more room to structure guidance within the Comprehensive Plan for focus.

- Commissioner Fleming commented that recently Kmart has closed and feels that more will follow. She questioned with a number of the big box stores closing, what will happen with the parking lots.
- Commissioner Rumpler feels a better theme for Coeur d'Alene would be a "Quality of Place" and feels that we should preserve this. He said the Comprehensive Plan update should consider a mixed use theme that identifies how to integrate commercial and residential and incentivizes mixed use villages, especially to address how big box stores will transition to other uses in the future.
- Commissioner Ingalls explained that he also sees a trend where developers will take these smaller parcels and duplicate communities like Meadow Ranch - that is a residential community within walking distance of commercial services. He feels that this makes sense since these communities are surrounded by amenities like stores that they can walk to.
- Chairman Messina suggested that each of the commissioners look at the Comprehensive Plan and highlight what they feel is working, and what doesn't work for discussion at the next workshop, and before subcommittees are selected we need to know if we will be approved for a consultant. The commission can also help staff identify other commissions, committees, groups and organizations to involve in the Comprehensive Plan update.
- Other items that commission members identified to be addressed with the update included: Revising overlay districts and transition areas that may have changed, and making sure to address the shoreline, the river corridor and public access, high rises, big box stores, and large parking lots that are underutilized.

General Zoning Code Amendments

Rooftop equipment allowing over height residences

17.06.325: Projections above Maximum Height

17.08.235: Projections above Maximum Height

17-08.255: Variances

Ms. Anderson explained that in this section, General Zoning Code Amendments, the City Council felt some of the loopholes needed to be fixed. She explained that these sections of the code allow a person to go over the maximum height because of the rooftop equipment. Staff and the City Council thought we

should eliminate that from the code. The over height allowance would still stay in the code for the Downtown Core (DC). She continued that the other things are housekeeping items. There is another list that was not included with a list of things that weren't as critical and that staff could look at those items to bring forward with future amendments. She clarified that the Zoning Code will need to be amended again after the Comprehensive Plan update is complete.

Commission comments:

The commission concurred to eliminate the language to allow rooftop equipment in the following sections: 17.06.325: Projections above Maximum Height; 17.08.235: Projections above Maximum Height; and 17.08.255: Variances.

Restrict berming to increase finished grades – “Should this be in all zoning districts or everything except C-17, M and LM?”

Ms. Anderson explained this item would restrict berming to increase finished grades. She commented that this was more of an issue for residential neighborhoods. Staff felt this is something the city should address and recommend not to allow except in C-17, M and LM.

Commission comments:

- Commissioner Ward inquired if this would this eliminate projects like the apartments on Ramsey Road where the apartments were built on a very high berm.

Ms. Anderson stated they are aware of those apartments and thinking maybe C-17 should be included to ensure that type of thing does not happen in the future, or maybe it should not be allowed in any zone in the city.

- Commissioner Fleming feels that there should be some exceptions if a developer feels they want to be creative that should be allowed, thoughtfully done and not impact the neighbors. She stated this would be dangerous in the Fort Grounds area.
- After discussion, the commission agreed that maybe berming should be restricted in all zoning districts.

Mr. Holm inquired before a decision is made to restrict berming in all zoning districts, if the commission feels there needs to be some exceptions.

- Chairman Fleming commented if a developer wanted to do some special contouring those examples should be included.

Mr. Holm explained if a developer comes in with a request and it's approved and the next person comes in with the same two or three items expecting to be approved like the previous person questioned if we would be setting precedence.

- Commissioner Luttrupp inquired if staff has any different examples of contours that could be used as an example
- Chairman Messina feels that if a developer has something special in mind to recommend they come before the Planning Commission for that exception. He feels that the Planning Commission should make the decision and not staff because we are the ones that adopted these changes.

The commission determined that berming should not be allowed for individual residential lots or single commercial lots, but could be allowed for larger projects or master planned communities if done in a thoughtful way which doesn't negatively impact the neighbors as approved by the commission.

Provision allowing nonconforming house destroyed by natural hazard to be rebuilt – possible hardship variance.

Nonconforming Use; Damage or Destruction of Facilities (17.06.930) is this where the additional language should be added?

Ms. Anderson explained that this provision was brought forward by Councilman Gookin and pertained more to the Fort Grounds area. She explained currently in the code, if 51% or more of the structure is damaged or destroyed due to natural causes, the new structure has to meet the current code. She stated criteria for approval if we pursue a hardship variance would be based on that it doesn't impact neighbors, original setbacks fit with character, and lot sizes are substandard.

Commission comments:

- Commissioner Ingalls stated there are few houses in town that would fit this criteria, so if approved, would want this city-wide.
- Commissioner Ward feels that setbacks are an issue when you look at various pocket housing developments that we have approved with zero setbacks.

Ms. Anderson explained that has happened where there was a problem with water draining on the neighbor's property because the setback distances were too small between residences.

- Chairman Messina feels if a house is destroyed, it could be rebuilt, maybe a little different than the original, but the design would have to remain in the same footprint that includes the driveway and the height of the house. He explained his concern is that it doesn't impact the neighbors. He added if the house was a single story and was destroyed, but they wanted to rebuild a two story; that could be allowed with a height of 32-38 feet depending on the zoning. He feels the neighbors would not be happy.

Ms. Anderson said we would need to really need to be careful when putting the language together for the definition and criteria of a hardship variance.

Mr. Adams explained if your house was destroyed and it was a single story, by the code, you have the right to go up to 32 feet +/- if that is allowed. He explained that the setbacks need to be the same and the driveway could be different depending on the current code when it was destroyed.

The Commission feels that this provision needs more discussion and would like to have staff bring this back at the next workshop.

Setbacks:

17.06.405 General Setback Minimums

Ms. Anderson explained what is currently allowed in Section 17.06.405: Ensure minimum of 10 feet between residences. Staff suggested removing the provision in the code that allows "Windowless Wall" zero lot-line construction with an approved 5-foot maintenance easement on the neighbor's property, and only allowing a zero setback if buildings are touching (e.g., townhouses w/ a common wall). Zero lot line development would still be allowed in the Commercial and Downtown Core; and staff could modify the code section related to extensions into required yards. She stated that staff has a weekly meeting with all departments to discuss upcoming projects and during our discussions, setbacks between homes has been an issue. Staff feels that there should be at least 10 feet between principal structures to ensure that there is enough room for stormwater runoff. Ms. Anderson is seeking the commission's input on these items.

Commission Comments:

- Commissioner Rumpler feels that he already sees this happening in Bellerive and stated when the density increases these issues will come up, and commented if there was a ten foot minimum setback required between homes, there would have been fewer homes on the property.
- Commissioner Ingalls commented it is a fire issue and feels that when a building permit is issued it will also trigger those requirements.
- Chairman Messina commented that he has done projects with zero lot lines and has had issues with storm water runoff and resulting complaints. He feels if staff thinks this is an issue, then let's set some guidelines and if a person wants to change it, they should come before the commission and not staff.
- Commissioner Rumpler concurs with Chairman Messina and stated that he doesn't have an issue with setting the bar higher.
- Commissioner Luttrupp feels we need criteria when these special requests come before the Planning Commission in order to make the right decision.
- Chairman Messina explained that we already have the criteria and if someone wants something different they need to come to the commission for approval.
- Commissioner Mandel commented that maybe 10 feet between structures is based on safety and a person who has an issue with this will have to prove that their neighbor is acceptable with this proposal.

Mr. Adams explained that the commission should not worry about setting precedence since every property is different. He also reminded the commission that we already have an ordinance that regulates stormwater.

- Chairman Messina questioned why Commercial and Downtown Core districts are allowed zero setbacks.

Ms. Anderson clarified that the construction type allowed in Commercial and Downtown Core can result in zero setback construction. She also commented that it should be clear in the code that townhouses are allowed zero setbacks.

Mr. Holm stated that if the applicant is asking for something "outside the box" that he agrees that they should come to the commission as long as the request is not a self-imposed hardship. He explained in the past we used to allow variances for height in our local code, even though variances for height were not part of the state code, and in 2005-2006 had an applicant who asked for a variance to allow excessive height, and after that request was denied, staff and City Council felt it was time to remove the height variance section from the code, which it was.

Commissioner Mandel inquired if staff has looked at other communities on how they regulate their setbacks.

Ms. Anderson commented that would be a good idea to look at other jurisdictions. She stated if the commission wants to look at these special requests case by case that could be a lot of work for staff and she cautioned that there could be a lot of requests to come before the Planning Commission. If the Commission desires more flexibility and the option for home owners to appeal for a reduced setback, then maybe the minimum side yard setback should not be changed in the Code. This should be discussed further.

- Chairman Messina inquired if staff will do more research on setbacks and bring that information back to the commission for discussion at the next workshop.

17.0 6.495: Extensions into required yards:

A. Extensions Into Front Yards: Where any front yard is required, no building shall hereafter be erected nor shall any addition be made to any existing building that projects into the minimum required front yard; subject to the following exceptions:

1. Eaves, cornices, belt courses, and similar ornamentation may project over a front yard not more than two feet (2').

Ms. Anderson explained extension into required side yards may not be an issue if we require more setbacks between structures like the homes at Bellerive that have items encroaching into their five foot setback quickly it becomes a small space between lots. She stated if the commission agrees on ten feet between the principal residences then there is room to play and it may not be an issue.

Commission Comments:

The commission concurred.

2. Open porches, covered unenclosed one-story porches over a first floor entry, platforms, or terraces, the floors of which are not higher than the first floor of the building, may extend into the front yard ten feet (10') but not closer than ten feet (10') to the front property line. Steps may connect such porches, platforms or terraces to the surface of the front yard.

Commission Comments:

- Commissioner Fleming explained that she has seen this in Fort Grounds where the person next door builds a large porch and blocks the view of the neighbor. She explained that she has a front porch but it is aligned with the other neighbors, so it's not intrusive and their views are not blocked. She feels that a porch should be aligned with the neighbor's home.
- Commissioner Rumpler feels that the theme for the Comprehensive Plan should be neighborhood.

Mr. Holm agrees with what the commission is saying but there are times where this doesn't work well; an example is a house on 7th Street that was built in the back 25 feet of the lot. A porch on the front of this home wouldn't affect the neighbor but it would prevent his neighbor, who has an existing house close to the street the ability to construct a porch because the other home is so far back on the lot.

- Commissioner Ingalls feels we are not going to resolve all the issues since some of the homes in Fort Grounds are set back on their lot.
- Commissioner Fleming commented that she strongly feels nothing should be extended in the 20-foot front setback. She explained if you want an overhang, then push your house back to allow for that overhang.
- Chairman Messina understands but asked what happens with subdivisions.
- Commissioner Fleming explained when she was working on a housing project in Hayden they approved that project with a Planned Unit Development (PUD) that allowed this situation.
- Commissioner Luttrupp asked, "What is the requirement now?"

Ms. Anderson replied that we currently allow porches to extend 10 feet into the front yard setback. She explained the problem is largely in the Fort Grounds neighborhood and some of the other older neighborhoods where the property line may be along the curb instead of behind a side walk.

- Commissioner Luttrupp feels if the setback is currently 10 feet, then why would we want to change the setback to 20 feet.
- Chairman Messina explained if you have an existing neighborhood this could be a valid point. He feels if its new construction and build 20 houses are able to design the porches within that 20 feet. He agrees in an existing neighborhood you don't want a porch to extend farther then your neighbors. He suggested maybe having two different requirements for existing and new construction.
- Commissioner Ingalls concurs with Chairman Messina and added that through a PUD this would be allowed.
- Commissioner Luttrupp stated because of two different cases now this is a problem and questioned is this enough of a reason to change everything.

Mr. Holm stated that he has a problem with not allowing porches within a 20 feet setback especially for existing homes that it would not be fair. He explained that they see permits for decks/porches on existing homes 20 to 30 times a year, but also feels that you have to be considerate of your neighbors.

Ms. Anderson feels a quick fix could be to clarify that the measurement should be from back of sidewalk or property line, and consider issue with lots that don't have sidewalks and property line is at the curb, that the setback measurement should be whichever is greater.

- The commission decided to bring this item back for further discussion.

3. Chimneys may extend into a side yard a distance of not more than twenty four inches (24').

- The Commission did not have any changes to this exception.

4. Structures completely below natural grade may extend into yards not more than one-half (1/2) the distance of the normal requirement.

- The Commission did not have any changes to this exception.

The commission set the next workshop on Tuesday, August 22nd at 4pm in the Library Community Room.

Motion by Messina, seconded by Mandel, to adjourn the meeting. Motion approved.

The meeting was adjourned at 6:15 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



PUBLIC HEARINGS



**PLANNING COMMISSION
STAFF REPORT**

FROM: HILARY ANDERSON, COMMUNITY PLANNING DIRECTOR
MIKE BEHARY, PLANNER

DATE: AUGUST 8, 2017

SUBJECT: A-2-17 – ZONING PRIOR TO ANNEXATION OF +/- 46 ACRES FROM COUNTY INDUSTRIAL TO C-17 (COMMERCIAL AT 17 UNITS/ACRE)

LOCATION: PROPERTY LOCATED IMMEDIATELY SOUTH OF SELTICE WAY AND WEST OF THE CENTENNIAL TRAIL AND NORTH OF THE SPOKANE RIVER. THE SUBJECT SITE IS COMMONLY KNOWN AS 3074 W. SELTICE WAY AND IS REFERRED TO AS THE ATLAS MILL SITE.

APPLICANT:

The City of Coeur d'Alene
710 E Mullan Avenue
Coeur d'Alene, ID 83814

OWNER:

Bad Axe LLC
1645 Village Center Circle, Suite 170
Las Vegas, NV 89134

DECISION POINT:

The City of Coeur d'Alene is requesting approval of zoning prior to annexation of +/- 46 acres from County Industrial to City C-17 (Commercial at 17 units/acre) on the property commonly known as the Atlas Mill site.

BACKGROUND INFORMATION:

The City of Coeur d'Alene entered into a Purchase and Sale Agreement with Bad Axe LLC on May 4, 2017 to purchase land commonly known as 3074 W. Seltice Way, which is referred to as the Atlas Mill site. It is comprised of approximately 46 acres of vacant land located to the west of Riverstone and south of Seltice Way, flanking the north bank of the Spokane River. Acquisition of the 46 acres of land opens the door for economic development and public access to the river which is something that has been deemed as a high priority in the CDA 2030 Vision and Implementation Plan. The City Council also adopted a resolution in 2014 (14-049) specifically directing City staff to work toward public acquisition of riverfront property, protection of the riverfront, and providing comprehensive planning for the river corridor. The City and Bad Axe LLC are in a six-month due diligence period.

The subject property is located in Kootenai County, but is surrounded by the city limits. The City owns the former railroad right-of-way that runs through this property. The former right-of-way was acquired and annexed into the city in 2015 to provide opportunities for parkland, a trail, and public access to the waterfront.

The subject property is a former mill site that has been vacant since 2005. The Atlas Mill was founded in 1909 and supplied railroad ties to the Northern Pacific Railroad. It was used to produce cedar and pine boards for siding, fencing, decking and trim. When it closed, 120 living-wage jobs were lost in the community.

Annexation of the property into the City of Coeur d'Alene would allow for City water and sewer utilities to be extended to the property. Without municipal utilities, the property cannot be properly developed. When the City considers annexation of property it reviews many issues, including what type of zoning should be assigned to the property, the types of public amenities that might be included, what types of infrastructure might be required depending on the type of zoning and potential level of development, how annexation meets the vision of the City's Comprehensive Plan, and more. It is also important that the property is within the city limits to allow development of the properties consistent with City standards.

Development of the Atlas Mill site will promote multi-modal connectivity to the downtown and connect neighborhoods to the west and east with a trail, parkland and public access to the river. Additionally, it will create opportunities for economic development and job creation.

The Atlas Mill site is also within the Special Area known as Shorelines, which requires unique planning. The city's shorelines are an asset to the community. Public access and enhancement of the shorelines are priorities and they must be protected. The Shoreline Ordinance was adopted to protect, preserve, and enhance the visual resources and public access by establishing limitations and restrictions on shoreline property within the city. Efficient use of adjacent land, including mixed-use development and shared parking where appropriate, are some incentives to enhance the shoreline. The policy under this Shorelines Special Area is to "*make public access to river and lake shorelines a priority.*"

In order for ignite CDA, the City's Urban Renewal Agency, to participate in the project, the agency's designated boundaries must be expanded to include this property. That cannot happen until the property is annexed into the City of Coeur d'Alene. As part of the six-month due diligence process, the current property owner has agreed to allow the City to begin annexing the property. City staff is managing the annexation process to ensure this moves forward as quickly as possible.

See the attached Narrative/Justification for a complete overview of the request.

PROPERTY LOCATION MAP:



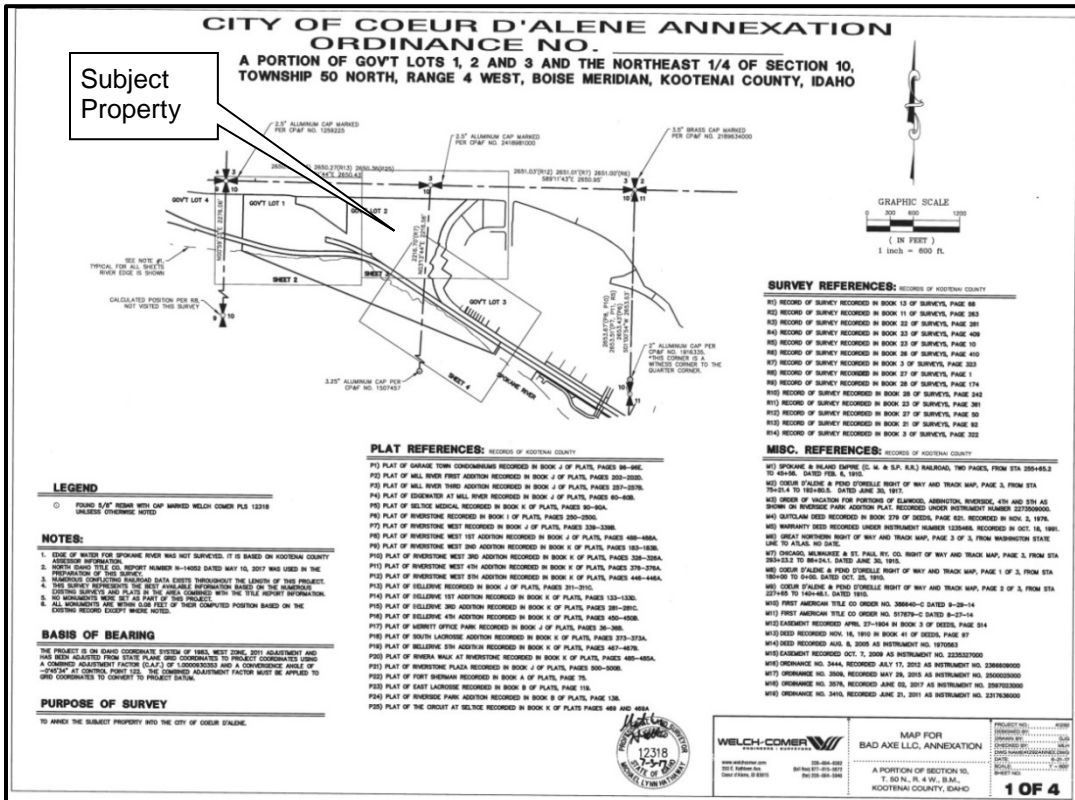
AERIAL PHOTO:



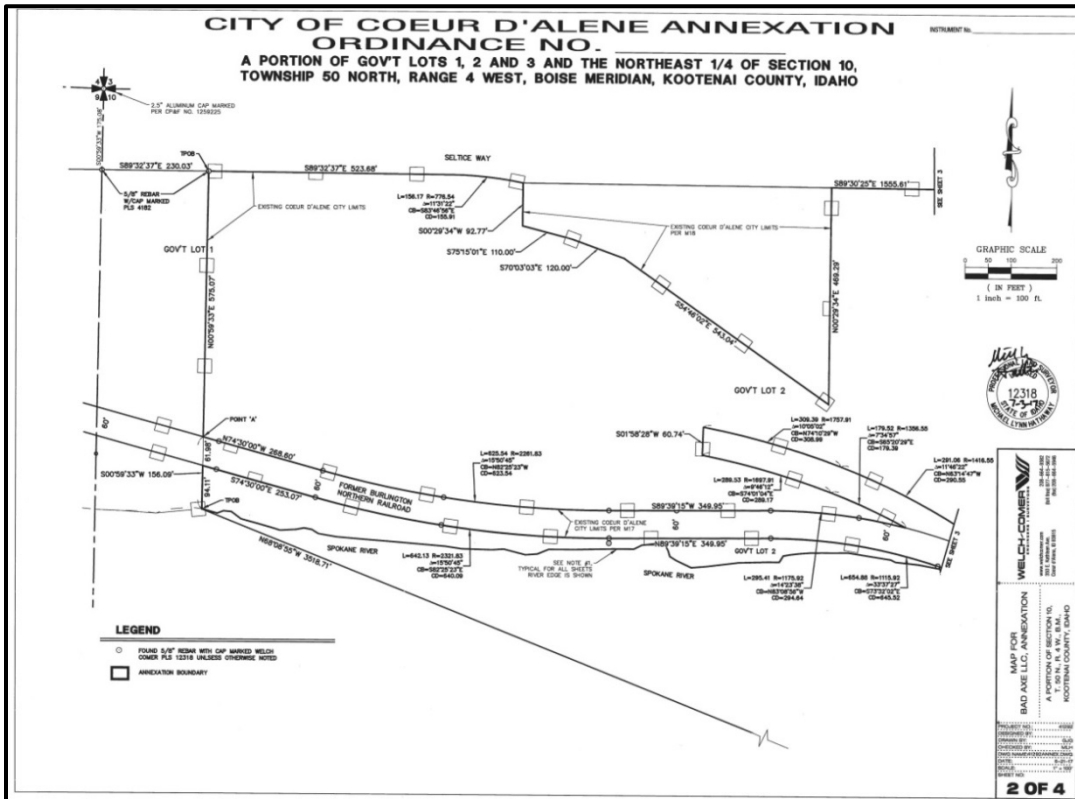
1999 AERIAL PHOTO SHOWING ATLAS MILL IN OPERATION:



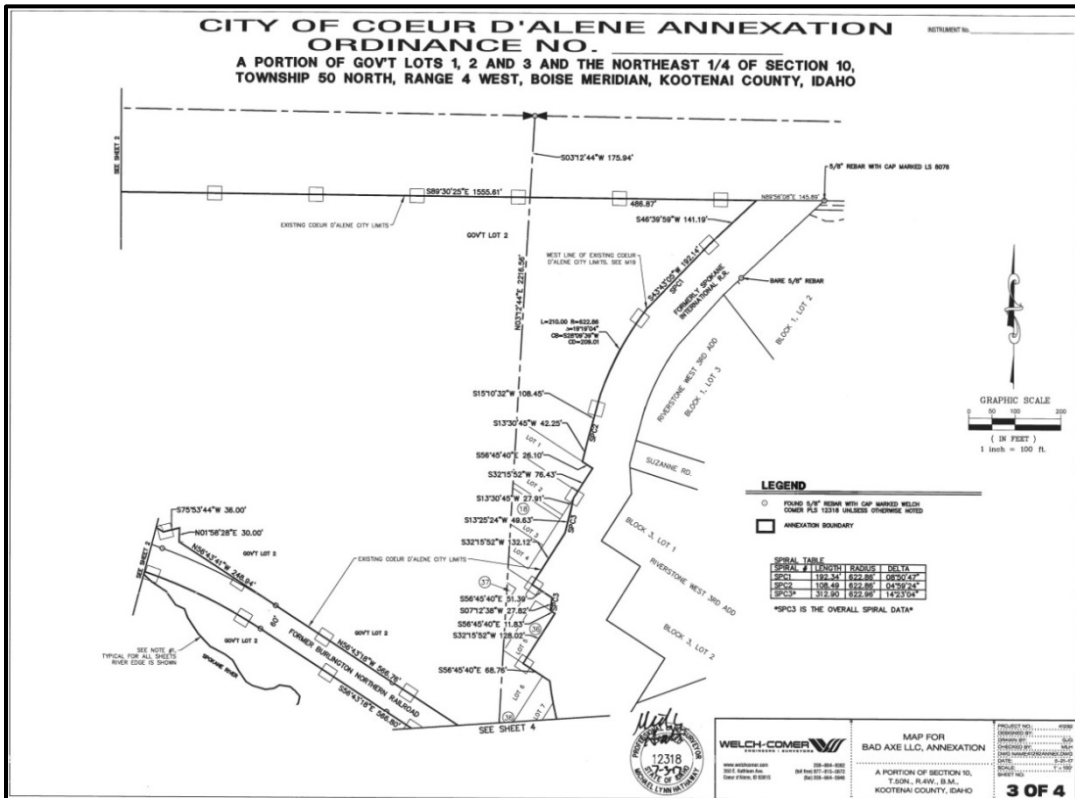
ANNEXATION MAP, 1 OF 4:



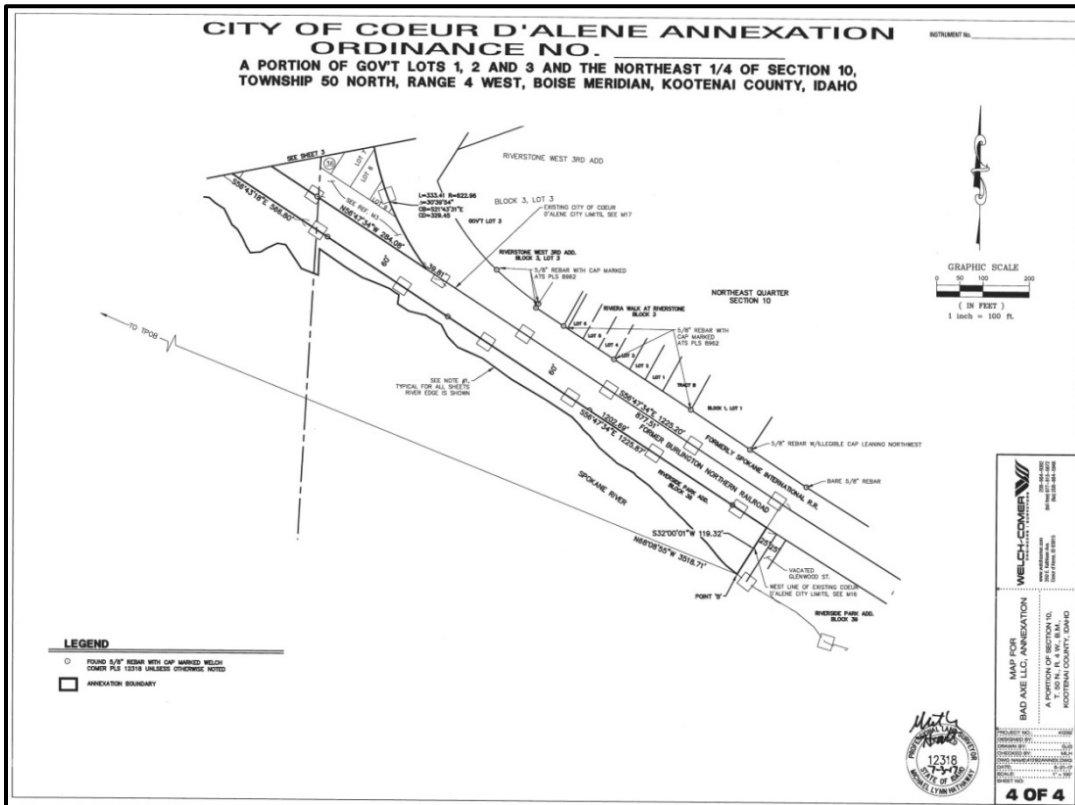
ANNEXATION MAP, 2 OF 4:



ANNEXATION MAP, 3 OF 4:



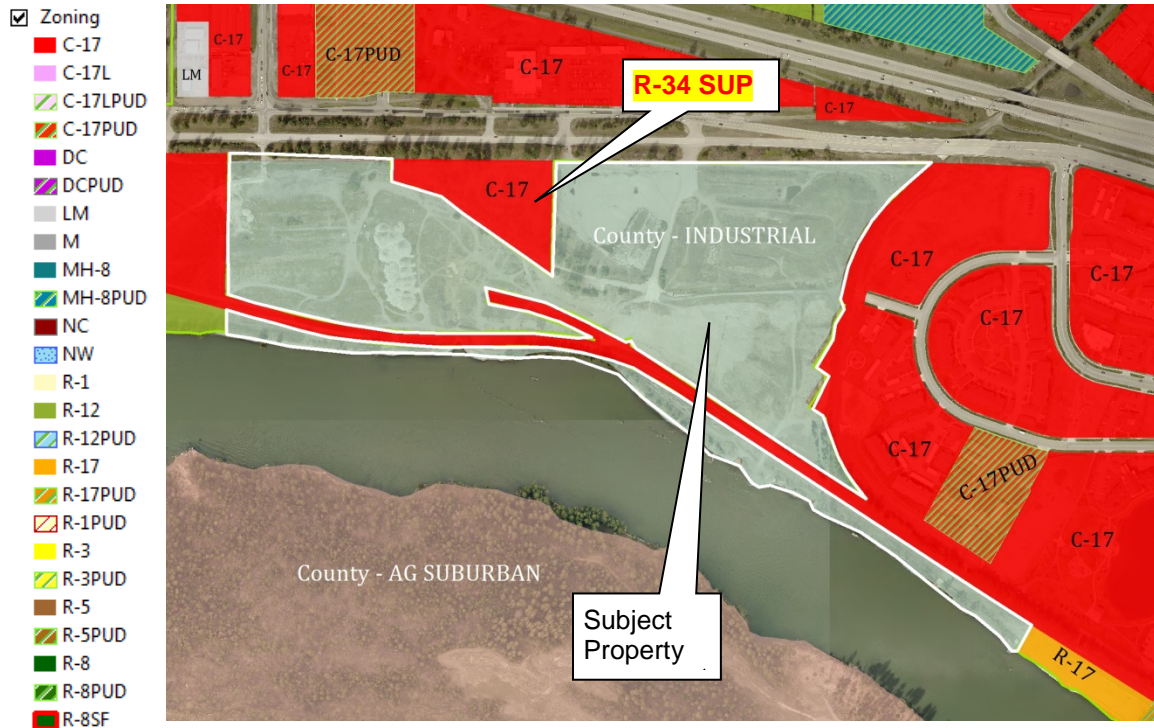
ANNEXATION MAP, 4 OF 4:



ANNEXATION HISTORY MAP:



EXISTING ZONING MAP:



Approval of the proposed C-17 zoning district request in conjunction with annexation would allow the following potential uses of the property.

C-17 Zoning District:

The C-17 district is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre. This district should be located adjacent to arterials; however, joint access developments are encouraged.

17.05.500: PERMITTED USES; PRINCIPAL

Principal permitted uses in a C-17 district are as follows:

- Administrative offices
- Agricultural supplies and commodity sales
- Automobile and accessory sales
- Automobile parking when serving an adjacent business or apartment
- Automobile renting
- Automobile repair and cleaning
- Automotive fleet storage
- Automotive parking
- Banks and financial institutions
- Boarding house
- Building maintenance service
- Business supply retail sales
- Business support service
- Childcare facility
- Commercial film production
- Commercial kennel
- Commercial recreation
- Communication service
- Community assembly
- Community education
- Community organization
- Construction retail sales
- Consumer repair service
- Convenience sales
- Convenience service
- Department stores
- Duplex housing (as specified by the R-12 district)
- Essential service
- Farm equipment sales

- Finished goods wholesale
- Food and beverage stores, on/off site consumption
- Funeral service
- General construction service
- Group assembly
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Home furnishing retail sales
- Home occupations
- Hospitals/healthcare
- Hotel/motel
- Juvenile offenders facility
- Laundry service
- Ministorage facilities
- Multiple-family housing (as specified by the R-17 district)
- Neighborhood recreation
- Noncommercial kennel
- Nursing/convalescent/rest homes for the aged
- Personal service establishments
- Pocket residential development (as specified by the R-17 district)
- Professional offices
- Public recreation
- Rehabilitative facility
- Religious assembly
- Retail gasoline sales
- Single-family detached housing (as specified by the R-8 district)
- Specialty retail sales
- Veterinary office

17.05.510: PERMITTED USES; ACCESSORY

Accessory permitted uses in a C-17 district are as follows:

- Accessory dwelling units.
- Apartment for resident caretaker watchman.
- Outside area or buildings for storage and/or preparation of merchandise or goods necessary for and incidental to the principal use.
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district

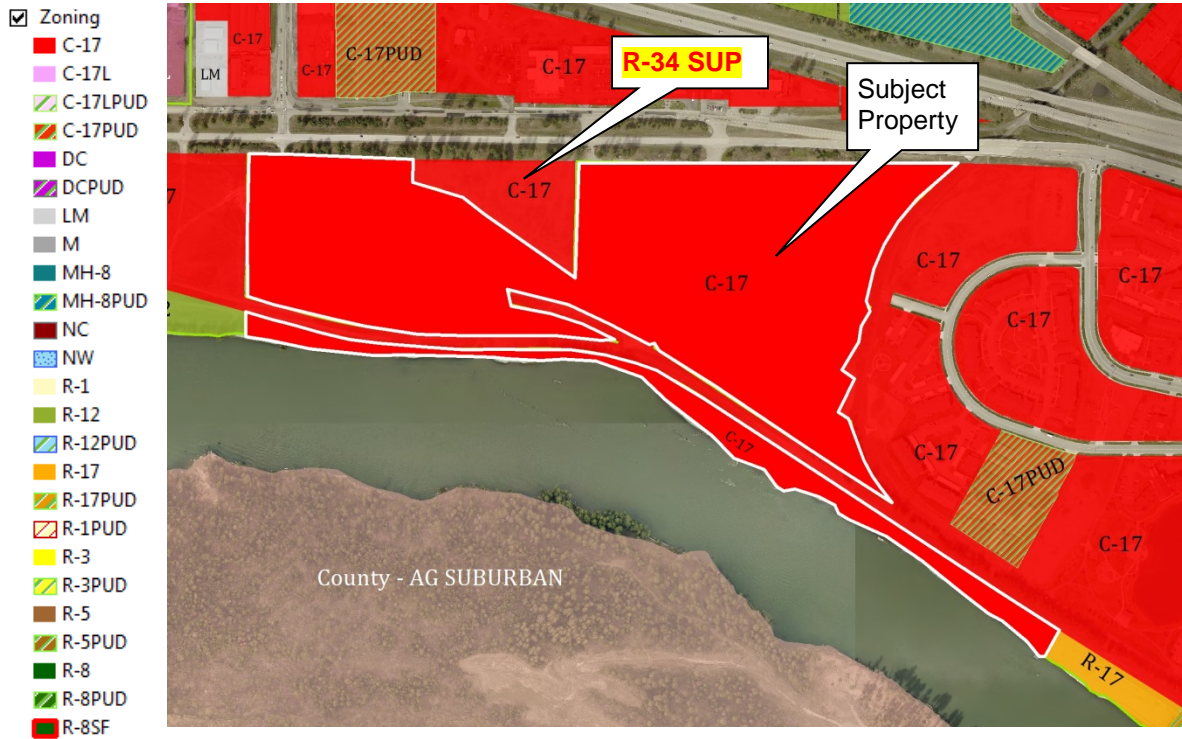
17.05.520: PERMITTED USES; SPECIAL USE PERMIT

Permitted uses by special use permit in a C-17 district are as follows:

- Adult entertainment sales and service
- Auto camp
- Criminal transitional facility
- Custom manufacturing
- Extensive impact
- Residential density of the R-34 district as specified
- Underground bulk liquid fuel storage - wholesale
- Veterinary hospital
- Warehouse/storage
- Wireless communication facility

PROPOSED ZONING MAP:

The requested C-17 zoning is shown on the map below. This zoning district is consistent with the existing zoning of the surrounding properties in the vicinity of the subject property.



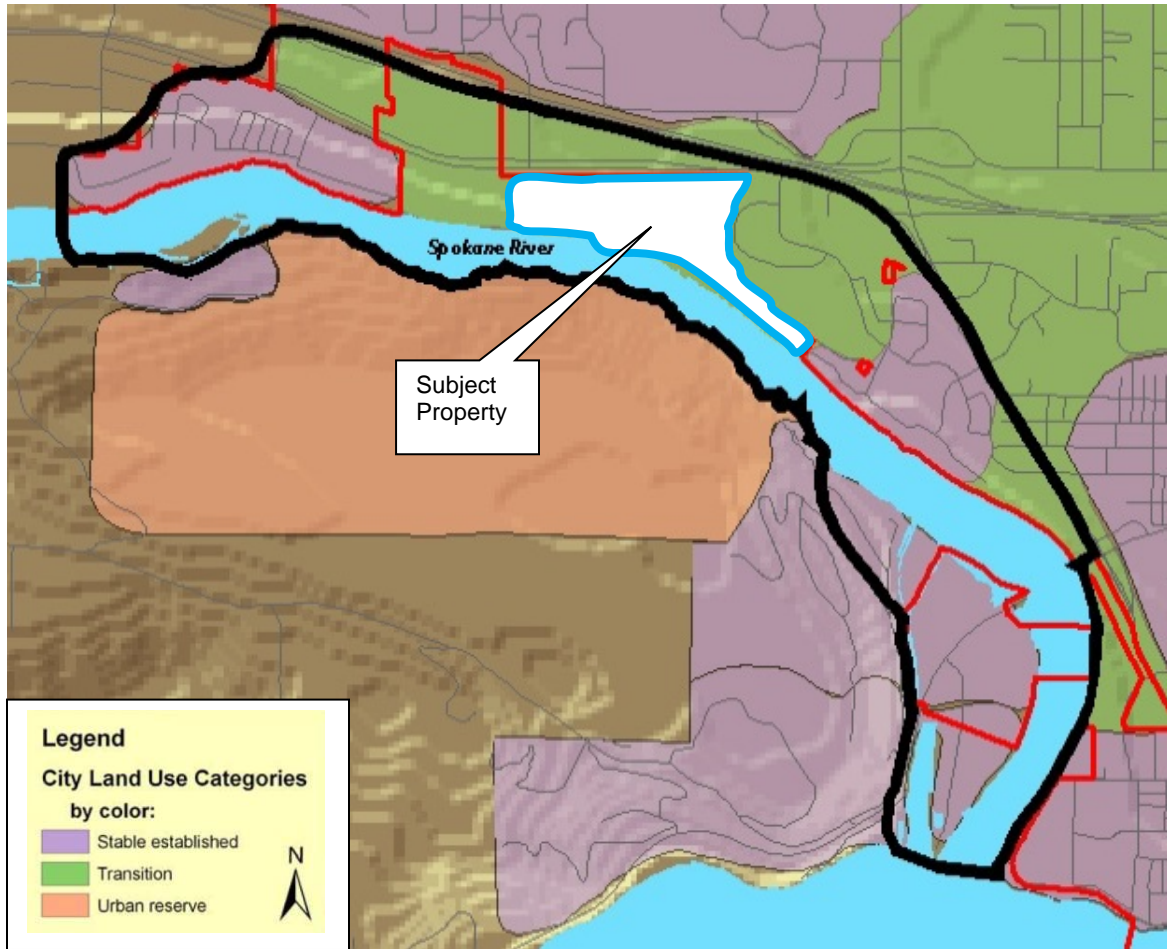
REQUIRED FINDINGS FOR ANNEXATION:

A. **Finding #B8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2007 COMPREHENSIVE PLAN LAND USE CATEGORY:

- The subject property is within the City of Coeur d'Alene's Area of City Impact Boundary.
- The City's 2007 Comprehensive Plan designates this area as the Spokane River District.
- The subject property falls within the "Transition" Land Use Category as described below.
- The subject property is also within the Shoreline boundary, which is a special area.

COMPREHENSIVE PLAN MAP: Spokane River



The 2007 Comprehensive Plan includes the following descriptions of the Spokane River District Today and Tomorrow and the Transition Land Use Category.

Spokane River District Today:

The Spokane River District is in a state of flux from its historic past use as a site of four major waterfront sawmills and other industrial uses. In place of sawmills, recently subdivided property in this area along portions of the shoreline is developing into commercial, luxury residential units, and mixed use structures. Recent subdivisions aside, large ownership patterns ranging from approximately 23 to 160+ acres provide opportunities for large scale master planning.

The Spokane River is now under study by federal and state agencies to determine how the quality of the water may be improved. Through coordination with neighboring communities and working with other agencies, our planning process must include protecting the quality of the water from any degradation that might result from development along the river's shores.

Public infrastructure is not available in some locations and would require extensions from existing main lines.

Spokane River District Tomorrow:

This area is going through a multitude of changes and this trend will continue for many years.

Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of

housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the river shoreline is sure to change dramatically.

The characteristics of Spokane River District will be:

- Various commercial, residential, and mixed uses.
- Public access should be provided to the river.
- That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.
- That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.
- That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.
- The scale and intensity of development will be less than the Downtown Core.
- Neighborhood service nodes are encouraged where appropriate.
- That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- That neighborhoods will retain and include planting of future, large-scale, native variety trees.

Transition:

These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.

COMPREHENSIVE PLAN GOALS & OBJECTIVES THAT APPLY:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.01 Environmental Quality:

Minimize potential pollution problems such as air, land, water, or hazardous materials.

Objective 1.02 Water Quality:

Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.

Objective 1.03 Waterfront Development:

Encourage public and private development to incorporate and provide ample public access, both physical and visual, to the lakes and rivers.

Objective 1.04 Waterfront Development:

Provide strict protective requirements for all public and private waterfront developments.

Objective 1.05 Vistas:

Protect the key vistas and view corridors of the hillside and water fronts that make Coeur d'Alene unique.

Objective 1.09 Parks:

Provide an ample supply of urbanized open space in the form of squares, beaches, greens, and parks whose frequent use is encouraged by placement, design, and access.

Objective 1.11 Community Design:

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl

Objective 1.13 Open Space:

Encourage all participants to make open space a priority with every development and annexation.

Objective 1.14 Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 1.15 Natural Terrain:

Wherever possible, the natural terrain, drainage, vegetation should be preserved with superior examples featured within parks and open space.

Objective 1.16 Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trails systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes opportunities for economic growth.

Objective 2.01 Business Image & Diversity:

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

Objective 2.02 Economic & Workforce Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Objective 2.03 Business Enhancement & Urban Renewal:

Support the efforts of local and regional economic development agencies such as Jobs Plus, Inc. and Ignite cda.

Objective 2.05 Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Objective 2.06 Cooperative Partnerships:

Encourage public/private partnerships to procure open space for the community while enhancing business opportunities.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01 Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.02 Managed Growth:

Coordinate planning efforts with our neighboring cities and Kootenai County, emphasizing connectivity and open spaces.

Objective 3.05 Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.06 Neighborhoods:

Protect the residential character of neighborhoods by allowing residential/commercial /industrial transition boundaries at alleyways or along back lot lines if possible.

Objective 3.08 Housing:

Design new housing areas to meet the city's need for all income and family status categories.

Objective 3.13 Parks:

Support the development acquisition and maintenance of property and facilities for current and future use, as described in the Parks Master Plan.

Objective 3.14 Recreation:

Encourage city-sponsored and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities, hiking and biking pathways, open space, passive parks, and water access for people and boats.

Objective 3.16 Capital Improvements:

Ensure infrastructure and essential services are available for properties in development.

Objective 3.18 Transportation:

Provide accessible, safe and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation, requesting input from authoritative districts and neighboring communities when applicable.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.03 Project Financing:

Manage in-house finances (and appropriate outside funding, when necessary).

2007 COMPREHENSIVE PLAN – SPECIAL AREAS - SHORELINES:

The City of Coeur d'Alene is known for its shorelines. They are an asset and provide a multitude of benefits; community pride, economic advantages, transportation, recreation, and tourism are just a few examples of the shorelines affect the use and perception of our city.

Public access to and enhancement of our shorelines is a priority. Shorelines are a positive feature for a community and they must be protected. To ensure preservation, the city has an ordinance that protects, preserves, and enhances our visual resources and public access by establishing limitations and restrictions on specifically defined shoreline property located within the city limits.

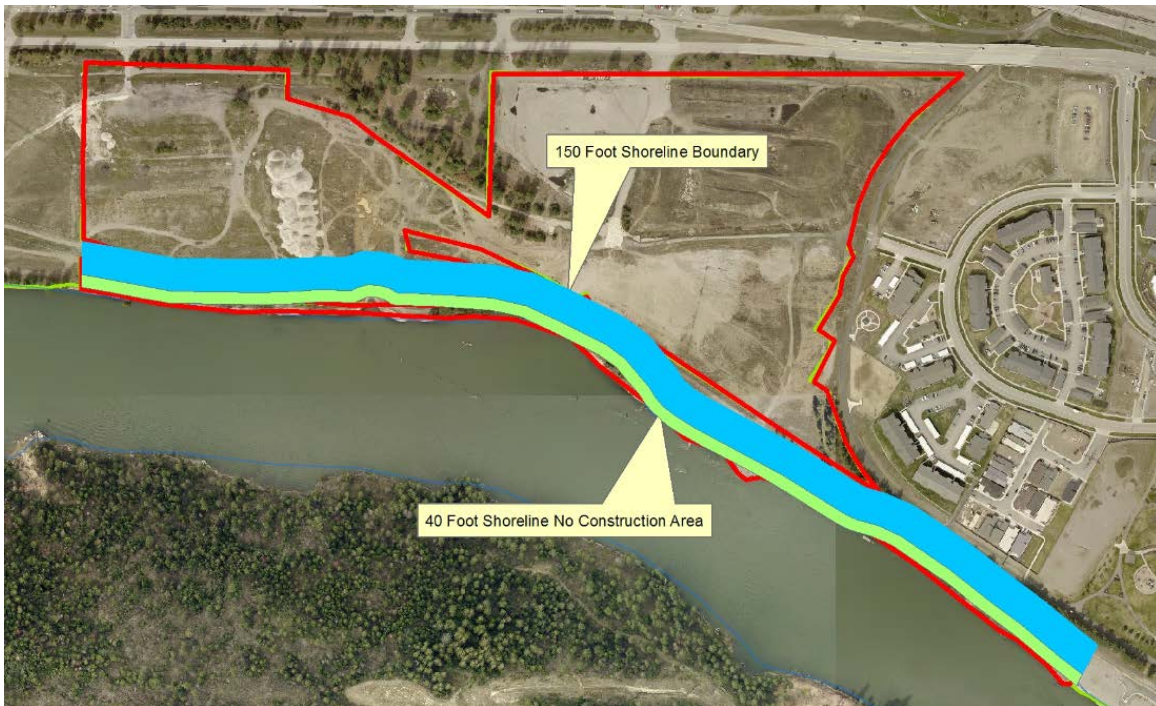
To increase desired uses and access to this finite resource, the city will provide incentives for enhancement. Efficient use of adjacent land, including mixed use and shared parking where appropriate, are just a few tools we employ to reach this goal.

Comprehensive Plan Shoreline Policy:

Make public access to river and lake shorelines a priority.

As shown on the following map, property along the waterfront of the subject property is subject to the Shoreline Policy and the city's Shoreline Ordinance (17.08, Article IIA, Shoreline Regulations of the City Code). Approximate boundaries for the 150-foot shoreline ordinance boundary and 40-foot shoreline no construction area are shown on the map below. A portion of the property along the shoreline is also within the floodplain and subject to the city's floodplain regulations (15.32: Flood Damage Prevention of the City Code).

SHORELINE OVERLAY DISTRICT MAP



Additional Background Information and Analysis Related to the Comprehensive Plan

In 2013, the City Council formed the Spokane River Corridor Advisory Committee, an ad hoc committee, tasked with studying potential development on the north shore of the Spokane River West of Riverstone in consideration of other developments along the river, the 2007 Comprehensive Plan and Zoning Code related to the shoreline, the 2008 Parks Master Plan, and public input from the CDA 2030 visioning process. The committee presented their findings to the City Council after their 6-month effort was completed. In 2014, the City Council adopted Resolution 14-049 further supporting public acquisition of the waterfront for public use, protection of the riverfront and directing staff to conduct comprehensive planning for the Spokane River corridor. See Exhibit 1.

Additionally, there are at least six related action items in the CDA 2030 Implementation Plan that are in support of providing more public access to the waterfront, recreation opportunities, and preservation of view corridors. There are additional action items supporting job creation as well. See Exhibit 3.

Evaluation: *The Planning Commission will need to determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

B. Finding #B9: That public facilities and utilities (are) (are not) available and adequate for the proposed use.

STORMWATER:

Stormwater will be addressed as the area proposed for annexation develops. It is anticipated that the development will typically utilize swales adjacent to curbs to manage the site runoff. All stormwater must be contained on-site. A stormwater management plan, conforming to all requirements of the City, shall be submitted and approved prior to the start of any construction.

STREETS:

The subject site is currently undeveloped. The site has frontage along the south side of Seltice Way. Seltice Way is currently being upgraded and work is scheduled to be completed in 2018. Any necessary improvements to this site would be addressed during the subdivision and site development process. The Streets and Engineering Department has no objection to this annexation request as proposed.

-Submitted by Chris Bosley, City Engineer

WATER:

The property for the proposed annexation lies within the City of Coeur d'Alene water service area. Water is available from Seltice Way in an eight inch (8") main on the south side as well as Suzanne Road in a twelve inch (12") main stubbed to the end of the road. There is sufficient capacity within the public water system to provide adequate commercial, domestic, irrigation, and fire flow service to the subject parcel. Any proposed development of the parcel will require extension of the public water utilities at the owner/developer's expense. The Water Department has no objection to this annexation request as proposed.

-Submitted by Terry Pickel, Water Superintendent

SEWER:

In conformance to the Sewer Master Plan, public sewer is available west and downgradient of this annexation at the east end of Shoreview Lane (Edgewater at Mill River).

As shown in the attached Sewer Master Plan (SMP) (Exhibit 2), the entire Atlas Mill Site is projected to drain into the Mill River Lift Station Surcharge Area to the west. See thin solid and dashed lines. The Wastewater Department allows deviations to the SMP if the Applicant can demonstrate that their deviation will not negatively impact the public sewer collection system. This often requires a hydraulic analysis of the public sewer system from the site to the Wastewater Treatment Plant. Exhibit 2 shows that this entire area can be served by gravity sewer which may have to traverse across the properties to the West. The connection point is Sanitary Manhole MIL1-01E at the east end of Shoreview.

Lastly, this area is subject to the Surcharge Fee Analysis for the Mill River Lift Station upgrades. This Surcharge Fee was adopted and implemented by Council in 2013 and covers the anticipated cost for growth requirements demanded on the Mill River Lift Station. The City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this project as proposed. The Wastewater Utility has no objection to this annexation request as proposed.

-Submitted by Mike Becker, Utility Project Manager

PARKS:

The Parks Department sees this property as an excellent opportunity to provide the public with a regional park, a waterfront trail with connector trails throughout the future development, public access points, water access, a beach park, an accessible non-motorized boat launch, an accessible swim area with a jetty, dog water park, open space, water inlet, public parking, and street trees. The Parks Department has no objection to the proposed annexation. See Exhibit 4, which shows existing and proposed trail locations.

-Submitted by Monte McCully, Trails Coordinator

FIRE:

The Fire Department works with the Engineering, Water, and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals. The Fire Department has no objection to this annexation request as proposed.

-Submitted by Bobby Gonder, Fire Inspector

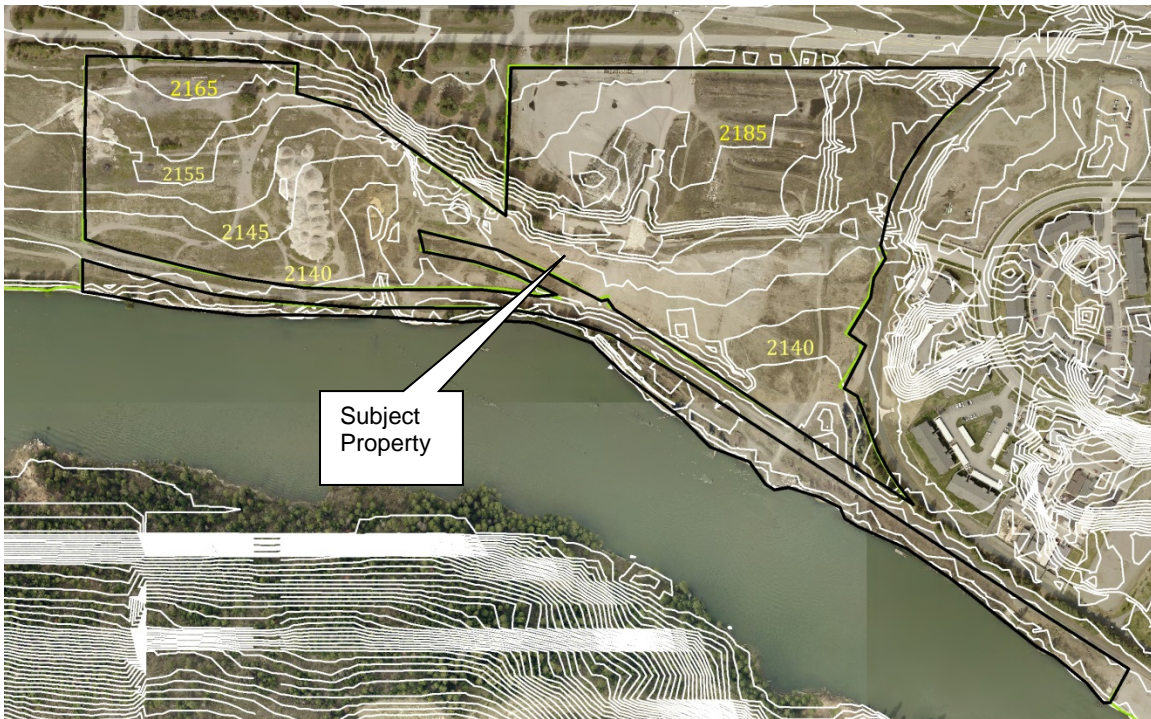
Evaluation: *The Planning Commission will need to determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

- C. **Finding #B10:** That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

PHYSICAL CHARACTERISTICS:

The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately forty five foot elevation drop on the subject property. There are two relatively large piles of dirt on the northeast part of the property. There are no topographical or other physical constraints that would make the subject property unsuitable for the annexation request. See topographic map below and site photos that are provided on the next few pages.

TOPOGRAPHIC MAP:



SITE PHOTO - 1: View from the northeast portion of the property looking southeast toward the Spokane River. Riverstone and the Centennial Trail are visible on the left side of the photo.



SITE PHOTO - 2: View from the north central part of the property looking south toward the river. Piles of dirt and rock from the Atlas Mill cleanup effort are visible.



SITE PHOTO - 3: View from the center portion of the property looking north toward Seltice Way and the future roundabout at Atlas. Dirt and rock piles from the Atlas Mill cleanup effort are visible.



SITE PHOTO - 4: View from the center of the property looking northwest toward Seltice Way.



SITE PHOTO - 5: View from the central portion of the property looking south toward the river and the City-owned former railroad right-of-way.



SITE PHOTO - 6: View from the west portion of the subject site looking southwest toward the adjacent property. The City-owned former railroad right-of-way is also visible.



SITE PHOTO - 7: View from the central portion of the property looking southeast. Dirt piles from the mill cleanup, the city-owned former railroad right-of-way property and the river are visible.



SITE PHOTO - 8: View from the southern edge of the property looking east along the city-owned former railroad right-of-way property.



SITE PHOTO - 9: View from the southern edge of the property looking southeast at a natural inlet on the Spokane River.



Evaluation: *The Planning Commission will need to determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

- D. **Finding #B11:** **That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

TRAFFIC:

The proposed annexation would not adversely affect the surrounding neighborhood with regard to traffic. Seltice Way has the available capacity to accommodate additional traffic generated from the subject site.

-Submitted by Chris Bosley, City Engineer

SURROUNDING NEIGHBORHOOD AND EXISTING LAND USES:

The subject property is has been vacant for the past 12 years since the Atlas Mill closed in 2005.

The Spokane River runs along the southern edge of the property. In the project vicinity, the river is primarily used for recreational activities.

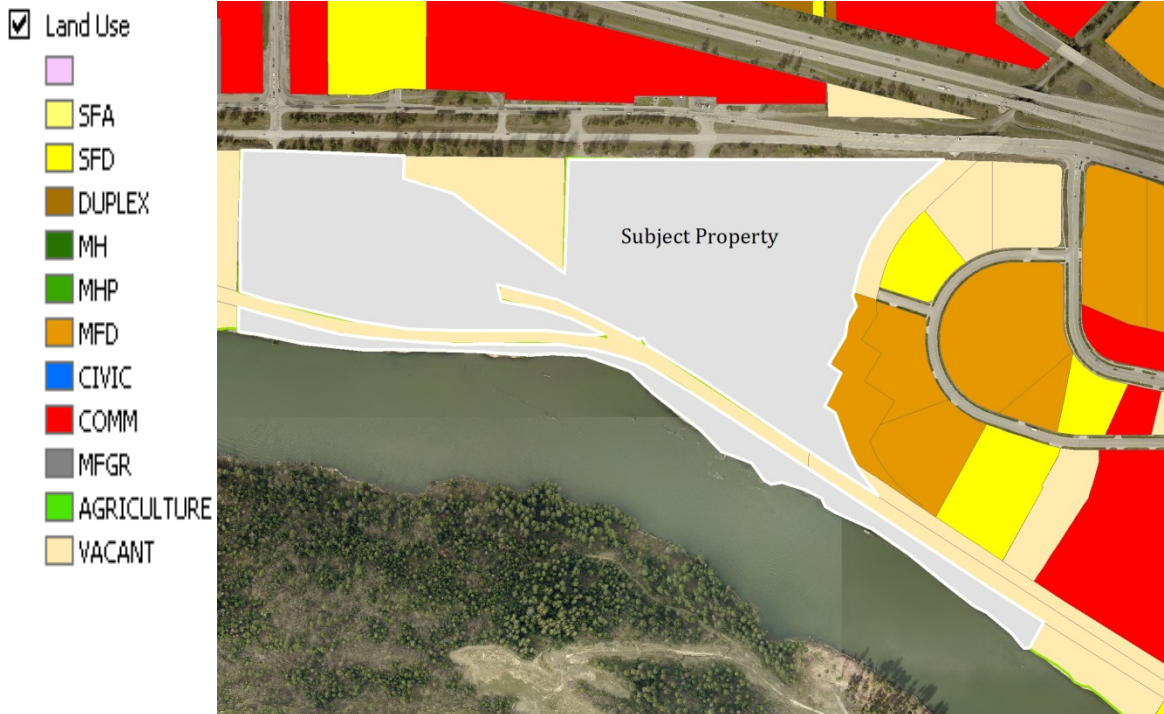
The approximately 22-acre property to the west is currently vacant and undeveloped. It was also previously part of the Atlas Mill and is already within the city limits. It was annexed into the city in early 2014 with C-17 and R-12 zoning.

Seltice Way runs along the property's northern boundary. As discussed above, Seltice Way is currently being reconstructed. Once complete, Seltice Way will have a new roundabout at the Atlas intersection, which will provide access to the northwestern portion of the property.

The properties along the north side of Seltice Way have residential and commercial uses on them. There is also a vacant undeveloped triangle shaped property located immediately to the north of the subject site that lies between this property and the south side of Seltice Way. It was the former Stimson office for the Atlas Mill site and is within the city limits and has C-17 zoning along with an approved special use permit for 34 dwelling units per acre.

Riverstone and the Bellerive subdivision are located east and southeast of the subject property, as well as the Centennial Trail and a dog park. Uses within Riverstone include multi-family apartments, a retirement community, single family dwellings, restaurants, a mixed use village with retail uses, and other commercial uses.

GENERALIZED LAND USE PATTERN:



Evaluation: *The Planning Commission will need to determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

ORDINANCES & STANDARDS USED FOR EVALUATION:

2007 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2017 Coeur d'Alene Trails Master Plan

RECOMMENDED ITEMS FOR THE CITY COUNCIL TO CONSIDER INCLUDING AS PART OF THE ANNEXATION AGREEMENT:

1. As part of the annexation, any potable water rights will need to be granted to the city.
2. Consider including a provision to master plan the property. A Planned Unit Development (PUD) could be an advantageous tool to specify how the subject property will be developed. It also allows flexibility for development of the property and requires master planning and design. Staff recommends that if a PUD is required for the project that it needs to be a full PUD and not a Limited Design PUD.
3. A PUD will be required to allow a marina/docks along the waterfront since the property is subject to the Shoreline Ordinance. Any marina/public or private docks would also require coordination and permits from the Idaho Department of Lands.
4. Consider specifying maximum density of single-family residential and multi-family residential, or possibly restricting multi-family residential based on public feedback.
5. Consider specifying minimum acreage(s) and width of total parkland and open space within the property, and a minimum acreage for the parkland/open space along the Spokane River that will provide public access. Ten (10) acres has been discussed as the minimum acreage for the park and public open space to be located near and along the waterfront.
6. Consider specifying when the parks and trails need to be constructed in relation to the rest of the project. Possibly establish a minimum to be improved with the first phase.
7. Specify that a trail will be constructed along the river and through the property connecting it to the Centennial Trail to the east and to properties to the west (generally as shown on the Trails Master Plan), and including trail connections to the multi-use path along Seltice Way. Per the Parks & Recreation Department's standards, the multi-purpose trail through the property will need to be a minimum of 12-13 feet wide and constructed of asphalt.
8. Consider specifying minimum acreage of land to be set aside that will create permanent jobs. Incentives such as parking reductions could also be specified.
9. Specify that the plat will need to show the 40' and 150' shoreline setbacks on all properties subject to the Shoreline Regulations, unless modified through the PUD process.
10. Specify that the plat will also show the 100 year Base Flood Elevation (BFE) for all properties located in the floodplain along the Spokane River.

ACTION ALTERNATIVES:

The Planning Commission will need to consider this request for zoning prior to annexation and make separate findings to approve, deny, or deny without prejudice.

Attachments:

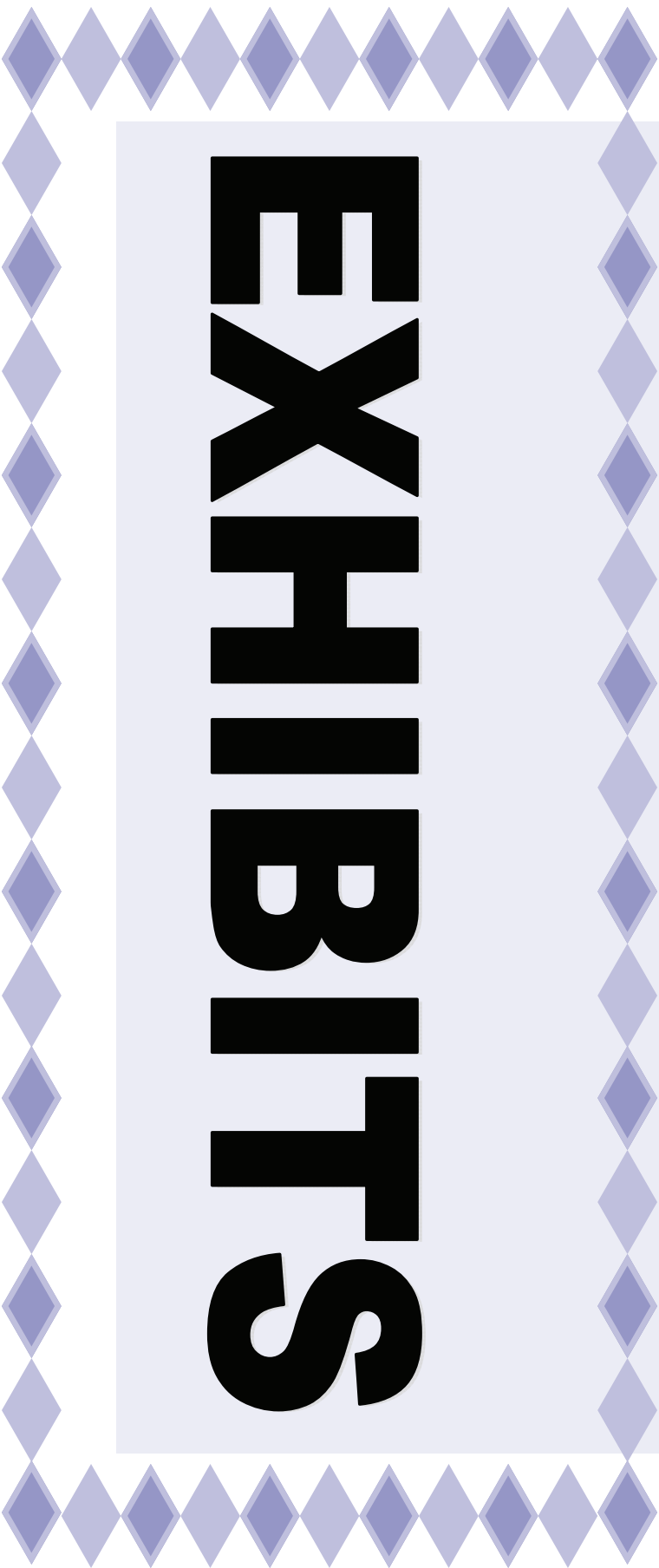
Narrative/Justification

Exhibit 1. Adopted Resolution 14-049 related to public access to the waterfront


Exhibit 2. Sewer Master Plan – Map of subject site

Exhibit 3. CDA 2030 Vision and Implementation Plan Action Items

Exhibit 4. Existing and Proposed Trail Locations



EXHIBITS



JUSTIFICATION

Please use this space to state the reason(s) for the requested annexation and include comments on the 2007 Comprehensive Plan Category, Neighborhood Area, and applicable Special Areas and appropriate goals and policies and how they support your request.

The City of Coeur d'Alene entered into a Purchase and Sale Agreement with Bad Axe LLC on May 4, 2017 to purchase land commonly known as 3074 W. Seltice Way, which is referred to as the Atlas Mill site. It is comprised of approximately 46 acres of vacant land located to the west of Riverstone and south of Seltice Way, flanking the north bank of the Spokane River. Acquisition of the 46 acres of land opens the door for economic development and public access to the river which is something that has been deemed as a high priority in the CDA 2030 Vision and Implementation Plan. The city and Bad Axe LLC are currently in a six-month due diligence period.

The subject property is located in Kootenai County, but is surrounded by the city limits. The city owns the former railroad right-of-way that runs through this property. The former right-of-way was acquired and annexed into the city in 2015 to provide opportunities for parkland, a trail, and public access to the waterfront.

The subject property is a former mill site that has been vacant since 2005. The Atlas Mill was founded in 1909 and supplied railroad ties to the Northern Pacific Railroad. It was used to produce cedar and pine boards for siding, fencing, decking and trim. When it closed, 120 living-wage jobs were lost in the community.

Annexation of the property into the City of Coeur d'Alene would allow for city water and sewer utilities to be extended to the property. Without municipal utilities, the property cannot be properly developed. When the city considers annexation of property it reviews many issues, including what type of zoning should be assigned to the property, the types of public amenities that might be included, what types of infrastructure might be required depending on the type of zoning and potential level of development, how annexation meets the vision of the City's Comprehensive Plan, and more. It is also important that the property is within the city to allow development of the properties consistent with city standards.

Water is available from an eight inch water main on the south side of Seltice Way (8") as well as a twelve inch (12") water main stubbed out at the end of Suzanne Road (12"). In conformance to the Sewer Master Plan, public sewer is available west and downgradient of this annexation at the east end of Shoreview Lane (Edgewater at Mill River). Stormwater will be handled at the time of development and will need to be retained onsite.

The city is working with ignite CDA, its urban renewal agency, on the purchase of the property and future development opportunities. Urban renewal agencies are created under state law to help address blighted areas, such as former mill sites, where there is potential for enhanced economic development. This project is a perfect example of how urban renewal can be used to take blighted land and turn it into property that will generate jobs, property tax revenue and public benefits. City officials and ignite CDA intend to work with the Coeur d'Alene Economic Development Council (CDA-EDC, formerly known as Jobs Plus) to help recruit businesses that may want to partner on this project as well.

Development of the Atlas Mill site will promote multi-modal connectivity to the downtown and connect neighborhoods to the west and east with a trail, parkland and public access to the river. Additionally, it will create opportunities for economic development and job creation.

In order for ignite CDA to participate in the project, the agency's designated boundaries must be expanded to include this property. That cannot happen until the property is annexed into the City of Coeur d'Alene. As part of the six-month due diligence process, the current property owner has agreed to allow the city to begin annexing the property. City staff are managing the annexation process to ensure this moves forward as quickly as possible.

The zoning district that is being requested as part of this annexation is C-17 in order to provide the most flexibility and allow a mix of land uses to be developed on the site. It is anticipated that the annexation agreement will require a Planned Unit Development to be completed for the property, which will provide master planning and design details, as well as limitations on residential densities for any single-family and multi-family

residential uses, and details on parkland, open space, trails, and public access to the Spokane River.

The property falls within the Spokane River District planning area of the 2007 Comprehensive Plan. The Spokane River District is an area that has been in flux and transitioning from vacant land that was formerly sawmills and other industrial uses to mixed-use projects, residential subdivisions, and commercial uses. The Spokane River District is described as being an ideal location for large-scale master planning efforts due to the quantity of large vacant parcels. This area is envisioned to be developed with a mix of uses that are compatible with surrounding residential and commercial uses and complement the natural beauty of the river corridor, as well as provide public access to the river, open space, parks, pedestrian and bicycle connections and other public spaces adjacent to the Spokane River. It is also an important area because of its proximity to the Spokane River and water quality concerns. The Comprehensive Plan states that our planning process must include protecting the quality of the water from any degradation that might result from development along the river's shores. So, it is important that development within this planning area does not negatively impact the river's water quality.

As stated in the Comprehensive Plan, the Spokane River District is envisioned to include the following characteristics:

- *Various commercial, residential, and mixed uses.*
- *Public access should be provided to the river.*
- *That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.*
- *That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.*
- *That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.*
- *The scale and intensity of development will be less than the Downtown Core.*
- *Neighborhood service nodes are encouraged where appropriate.*
- *That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.*
- *That neighborhoods will retain and include planting of future, large-scale, native variety trees.*

The subject property is categorized on the Comprehensive Plan's Land Use Base Map as Transition. These are areas where the character of neighborhoods is in transition and should be developed with care. The street network, number of building lots, and general land use are expected to change greatly within the planning period.

The Atlas Mill site is also within the Special Area known as Shorelines, which requires unique planning. The city's shorelines are an asset to the community. Public access and enhancement of the shorelines is a priority and they must be protected. The Shoreline Ordinance was adopted to protect, preserve, and enhance the visual resources and public access by establishing limitations and restrictions on shoreline property within the city. Efficient use of adjacent land, including mixed use and shared parking where appropriate, are some incentives to enhance the shoreline. The policy under this Shorelines Special Area is to "*make public access to river and lake shorelines a priority.*"

The three methods to achieve this policy include:

- *Shoreline ordinance will govern appropriate development in designated areas.*
- *Ensure scale, use, and intensity are suitable with location.*
- *Promote protection and connectivity along shorelines.*

The requested annexation of the Atlas Mill site is consistent with **Goal #1 Natural Environment** and objectives 1.01 Environmental Quality; 1.02 Water Quality; 1.03 Waterfront Development; 1.04 Waterfront Development; 1.05 Vistas; 1.09 Parks; 1.11 Community Design; 1.12 Community Design; 1.12 Open Space; 1.13 Open Space; 1.14 Efficiency; Objective 1.15 Natural Terrain; and 1.16 Connectivity. It is also consistent with objectives 2.01 Business Image & Diversity; 2.02 Economic & Workforce Development; 2.03 Business Enhancement & Urban Renewal; 2.05 Pedestrian and Bicycle Environment, and 2.06 Cooperative Partnerships under **Goal #2 Economic** and objectives 3.01 Managed Growth; 3.02 Managed Growth; 3.05 Neighborhoods; 3.06 Neighborhoods; 3.08 Housing; 3.13 Parks, 3.14 Recreation, 3.16 Capital Improvements; and 3.18 Transportation under **Goal #3 Home Environment**.

RESOLUTION NO. 14-049

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO DIRECTING STAFF MEMBERS TO CONSIDER MAXIMIZING PUBLIC RIVERFRONT PROPERTY, PROTECTION OF THE RIVERFRONT AND PROVIDING COMPREHENSIVE PLANNING OF THE SPOKANE RIVER CORRIDOR FROM RIVERSTON TO HUETTERROAD.

WHEREAS the development of the Spokane River Corridor from Riverstone to Huetter Road will be crucial to the future identity of the City of Coeur d'Alene and deserves careful coordinated planning; and

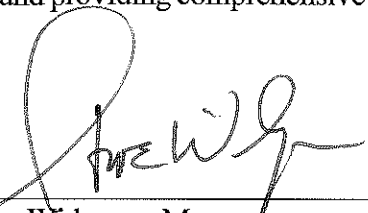
WHEREAS the public has expressed in numerous studies the desire for more “waterfront access”; and

WHEREAS the City has recognized the importance of waterfront protection by adopting a Shoreline Protective Ordinance; and

WHEREAS the City is working to acquire the BNSF right of way that runs through the Spokane River Corridor; NOW THEREFORE,

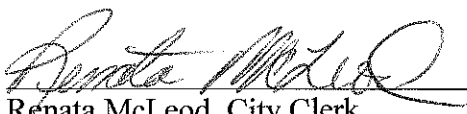
BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that all city staff and staff actions regarding the Spokane River Corridor should consider maximizing the public acquisition of riverfront property, protecting the riverfront and providing comprehensive planning for this corridor.

DATED this 18th day of November 2014.



Steve Widmyer, Mayor

ATTEST:



Renata McLeod, City Clerk

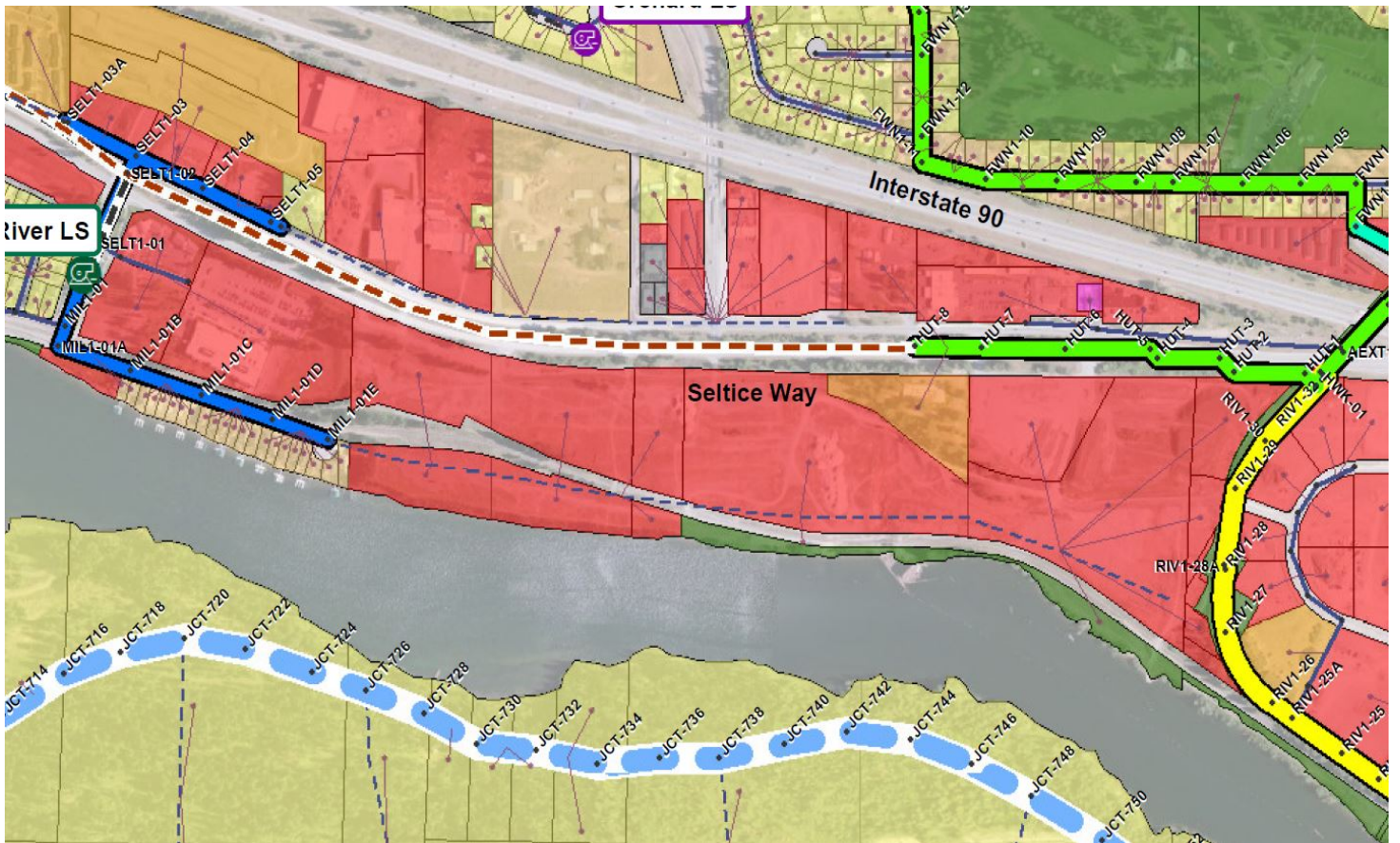
Motion by Gookin, Seconded by Miller, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER GOOKIN	Voted Aye
COUNCIL MEMBER MCEVERS	Voted Aye
COUNCIL MEMBER MILLER	Voted Aye
COUNCIL MEMBER EDINGER	Voted Aye
COUNCIL MEMBER EVANS	Voted Aye
COUNCIL MEMBER ADAMS	Voted Aye

Motion Carried.

EXHIBIT 2: Sewer Master Plan Map of Subject Property



THE CDA 2030 VISION AND IMPLEMENTATION PLAN ACTION ITEMS AS THEY PERTAIN TO ITEM A-2-17:

Environment & Recreation - 2.1

Open Space Preservation Program - Continue to implement the Coeur d'Alene Parks Master Plan for the purpose of acquiring and preserving public open space for beneficial use of the citizens that includes parkland, trails, passive and active recreation, scenic views and vistas, wildlife habitat, and conservation easements.

Environment & Recreation - 2.2

Recreational Lands Acquisition Program - Identify, develop, coordinate, prioritize, and identify a funding mechanism to purchase diverse city land acquisitions to expand recreation offerings and achieve conservation.

Environment & Recreation – 6.1

Park Land Expansion and Maintenance - Encourage acquisition and development of park land. Support the annual evaluation of the preventative maintenance program for all parks, facilities, equipment, and vehicles.

Environment & Recreation – 6.2

Public Beaches - Evaluate and recommend ways to increase access to public beaches, including ADA disabled access. Consider an off-leash water access area for dogs.

Growth & Development – 3.7


Preserve View Corridors - Support zoning which would limit building heights in order to preserve major view corridors and signature vistas in and around the lakefront and river.

Growth & Development – 6.4


Lakefront and Riverfront Public Access - Require public access to the lake and river fronts for all new developments.

EXHIBIT 4: Existing and Proposed Trail Locations





FINDINGS



**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

A. INTRODUCTION

This matter having come before the Planning Commission on August 8, 2017, and there being present a person requesting approval of ITEM A-2-17, a request for zoning prior to annexation from County Industrial to City C-17.

APPLICANT: CITY OF COEUR D'ALENE

LOCATION: PROPERTY LOCATED IMMEDIATELY SOUTH OF SELTICE WAY AND WEST OF THE CENTENNIAL TRAIL AND NORTH OF THE SPOKANE RIVER. THE SUBJECT SITE IS REFERRED TO AS THE ATLAS MILL SITE AND IS COMMONLY KNOWN AS 3074 W. SELTICE WAY.

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential and commercial.
- B2. That the Comprehensive Plan Map designation is Spokane River District.
- B3. That the zoning is County Industrial.
- B4. That the notice of public hearing was published on July 21, 2017, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, July 21, 2017.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on August 8, 2017.

B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use.
This is based on

Criteria to consider for B9:

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available to the property?

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

Criteria to consider for B10:

1. Topography.
2. Streams.
3. Wetlands.
4. Rock outcroppings, etc.
5. vegetative cover.

B11. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses because

Criteria to consider for B11:

1. Traffic congestion.
2. Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed?
3. Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of THE CITY OF COEUR D'ALENE for zoning prior to annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement are as follows:

1. As part of the annexation, any potable water rights will need to be granted to the city.
2. Consider including a provision to master plan the property. A Planned Unit Development (PUD) could be an advantageous tool to specify how the subject property will be developed. It also allows flexibility for development of the property and requires master planning and design. Staff recommends that if a PUD is required for the project that it needs to be a full PUD and not a Limited Design PUD.
3. A PUD will be required to allow a marina/docks along the waterfront since the property is subject to the Shoreline Ordinance. Any marina/public or private docks would also require coordination and permits from the Idaho Department of Lands.
4. Consider specifying maximum density of single-family residential and multi-family residential, or possibly restricting multi-family residential based on public feedback.
5. Consider specifying minimum acreage(s) and width of total parkland and open space within the property, and a minimum acreage for the parkland/open space along the Spokane River that will provide public access. Ten (10) acres has been discussed as the minimum acreage for the park and public open space to be located near and along the waterfront.
6. Consider specifying when the parks and trails need to be constructed in relation to the rest of the project. Possibly establish a minimum to be improved with the first phase.
7. Specify that a trail will be constructed along the river and through the property connecting it to the Centennial Trail to the east and to properties to the west (generally as shown on the Trails Master Plan), and including trail connections to the multi-use path along Seltice Way. Per the Parks & Recreation Department's standards, the multi-purpose trail through the property will need to be a minimum of 12-13 feet wide and constructed of asphalt.
8. Consider specifying minimum acreage of land to be set aside that will create permanent jobs. Incentives such as parking reductions could also be specified.
9. Specify that the plat will need to show the 40' and 150' shoreline setbacks on all properties subject to the Shoreline Regulations, unless modified through the PUD process.
10. Specify that the plat will also show the 100 year Base Flood Elevation (BFE) for all properties located in the floodplain along the Spokane Rives located in the floodplain along the Spokane River.

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner Rumpler	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted _____ (tie breaker)

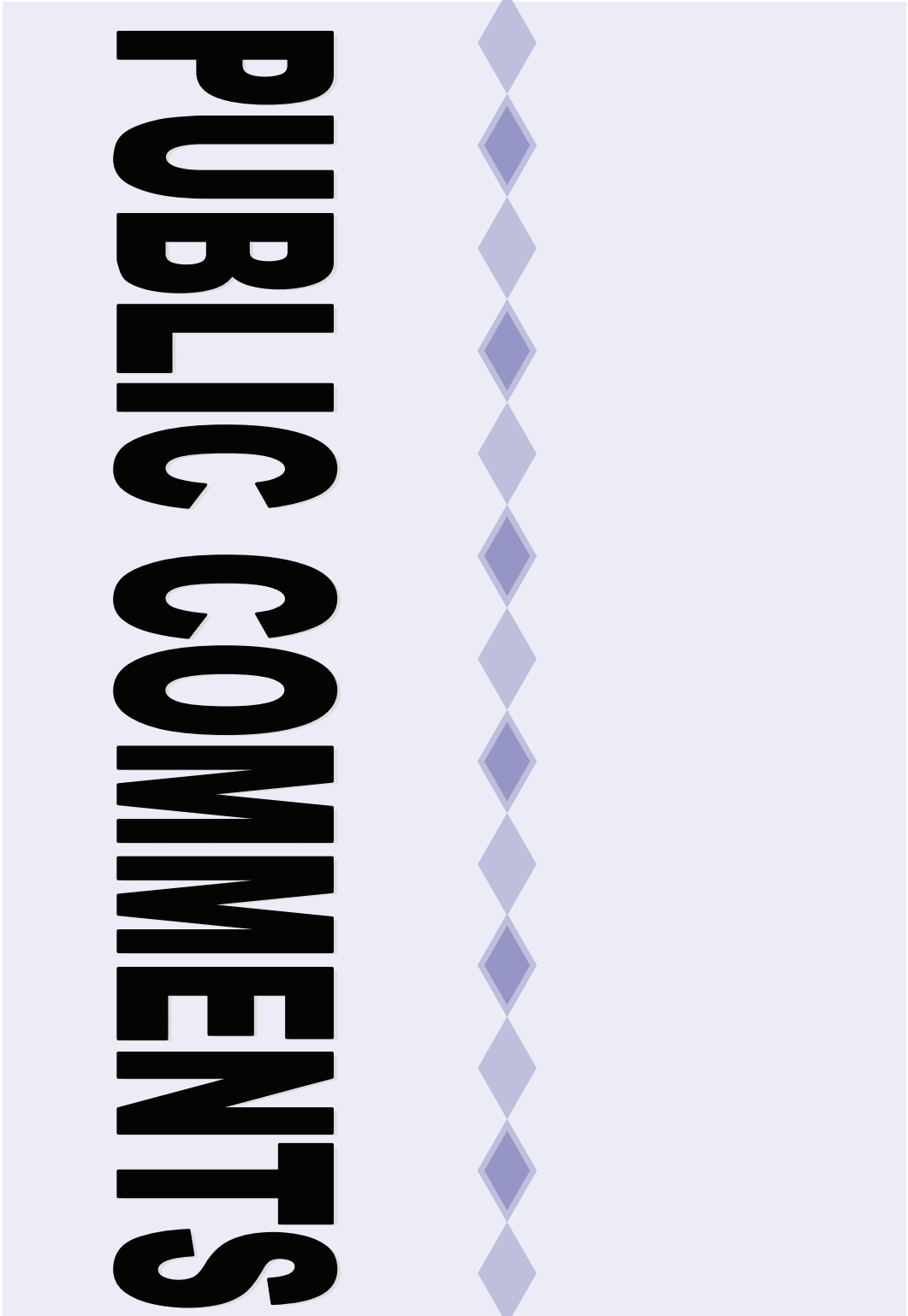
Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN TOM MESSINA



PUBLIC COMMENTS



Chet Gaede
Friends of the Spokane River Corridor
SplashofBlue1212@Gmail.com



City of Coeur d'Alene Planning Commission
C/O, Shana Stuhlmiller
Shana@Cda.org

Dear Planning Commission:

Subject: Public Comments for Public Hearing A-2-17 Zoning prior to Annexation of the Atlas Mill Site

This property is a "Once in Forever" opportunity for the City of Coeur d'Alene and must be given extraordinary care as it is brought into the City and developed. City Council has recognized this by passing Resolution 14-049 and by initiating the purchase of the property. Now the Planning Commission has its opportunity to exercise its extraordinary care. The Friends of the Spokane River Corridor (FSRC) strongly support Resolution 14-049 and offer some comments.

RECOMMENDATIONS: - *Rationale follow the recommendations*

- That the Planning Commission make a finding: While a zoning of C-17 provides the greatest flexibility for development and would not preclude the City from the stated goals of Resolution 14-049, a C-17 zoning would provide the least protection of the riverfront and the least requirement for comprehensive planning.
- That the Planning Commission recommend that to achieve Resolution 14-049's stated goals, of public ownership and protection of the riverfront, a condition of annexation should be: The shoreline, to include the former BNSF right of way (ROW) and all land between the ROW and the river, will remain public.
- That the Planning Commission recommend that to achieve Resolution 14-049's stated goal of comprehensive planning of the Spokane River Corridor, a condition of annexation should be: There must be a comprehensive planning process prior to any development, including infrastructure.

Resolution 14-049 states: "BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that all city staff and staff actions regarding the Spokane River Corridor should consider maximizing the public acquisition of riverfront property, protecting the riverfront and providing comprehensive planning for this corridor."

MAXIMIZE THE PUBLIC ACQUISITION OF RIVERFRONT PROPERTY.

When this Resolution was passed the City was purchasing the ROW and the City's goal was to **acquire** ownership of the shoreline area between the railroad right of way and the river. The acquisition of this property plus the ROW would provide the City with public ownership of land along the river. City Council is now going to exceed everyone's wildest expectations by purchasing the entire mill site and - **THAT CHANGES EVERYTHING.**

Now the concern is to **retain** public ownership of the land when the City sells the land to be developed. This can be accomplished by an Annexation Agreement that states: the shoreline, to include the ROW and all land between the ROW and the river, will remain public.

PROTECT THE RIVERFRONT.

Protection of the riverfront can be from development or environmental hazards. Currently the City has a very weak Shoreline Ordinance and a lot of “plans”. The Shoreline Ordinance can be circumvented simply by creating a PUD and “plans” cannot be enforced. The best way for the City to protect the shoreline is to retain ownership. This can be accomplished by an Annexation Agreement that states: the shoreline, to include the ROW and all land between the ROW and the river, will remain public.

PROVIDE COMPREHENSIVE PLANNING FOR THE CORRIDOR.

Resolution 14-049 defines the Spokane River Corridor as running from Riverstone to Huetter Road. The City has many plans, the Comprehensive Plan, the Parks Master Plan, the Trails and Bikeway Master Plan, CdA 2030 Implementation Plan and many more that have been created using “public process”. Unfortunately, these “plans” do not carry the “force of law” and are often circumvented. Even the enforceable tools, such as the Annexation Agreements and the Shoreline Ordinance are often forgotten or circumvented during development. The City has said there will be public input into the development process after the property is acquired. We believe that will happen and are applauding wildly.

Part of the extraordinary care required by this property are multiple layers of requirements to safeguard its use and development. All the City Plans, the Annexation Agreement, Shoreline Ordinance and public input must all be considered prior to any development, including infrastructure. The first road or water line will determine the shape and usage of the entire property. The Annexation Agreement should state: there must be a comprehensive planning process prior to any development, including infrastructure.

City Council asked the Staff to take extraordinary steps in considering development of this property when it passed Resolution 14-049. It is appropriate that Staff require the extraordinary steps of Council to achieve Council’s own goals.

Sincerely,

Chet Gaede
Co-chair – Friends of the Spokane River Corridor