

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

JUNE 11, 2019

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, Luttrupp, Mandel, Rumppler, Ward

PLEDGE:

APPROVAL OF MINUTES:

May 14, 2019

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

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

1. Applicant: TDS Metrocom, LLC
 Location: 215 W. Sunup
 Request: A proposed Wireless Communication special use permit
 in the C-17 zoning district
 QUASI-JUDICIAL, (SP-4-19)

2. Applicant: The Unfolding, LLC
 Location: 2744 N. Riviera Parkway
 Request:
 - A. A proposed 2.23 acre Planned Unit Development known as
 "The District at Riverstone"
 QUASI-JUDICIAL, (PUD-1-19)

 - B. A proposed 24 preliminary plat known as "The District at Riverstone"
 QUASI-JUDICIAL, (S-1-19)

3. Applicant: Virginia Tate
 Location: 4176 E. Potlatch Hill Road
 Request: A proposed 6.125 acre annexation from County Rural Residential
 to City R-1 (Residential at 1 unit/acre) zoning district.
 LEGISLATIVE, (A-3-19)

ADJOURNMENT/CONTINUATION:

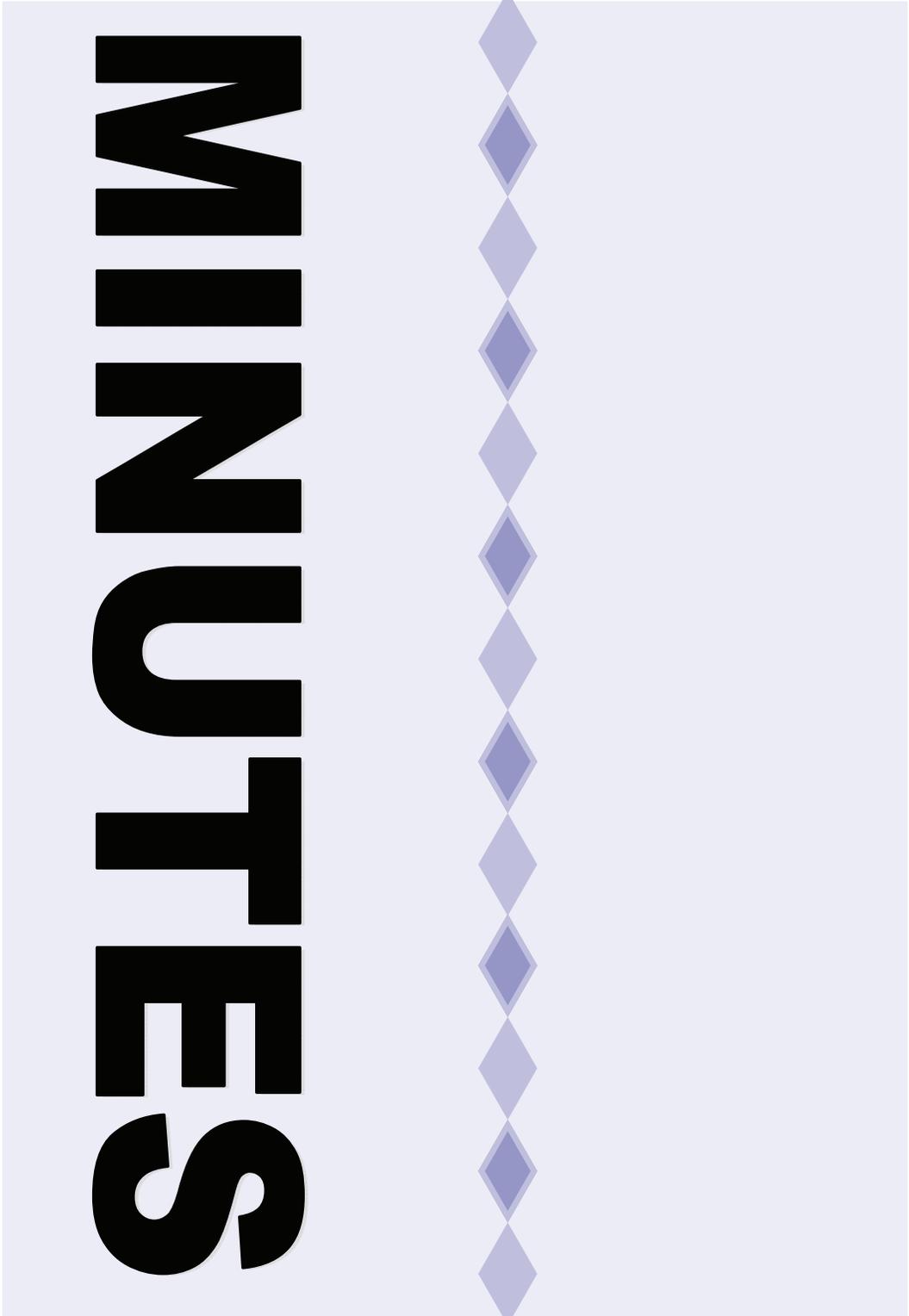
Motion by _____, seconded by _____ ,
to continue meeting to _____, ___, at ___ p.m.; motion carried unanimously.

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 Stuhlmiller at (208)769-2240 at least 72 hours in advance of the meeting date and time.***



MINUTES



**PLANNING COMMISSION
MINUTES
MAY 14 2019
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

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

STAFF MEMBERS PRESENT:

Sean Holm, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Peter Luttropp
Brinnon Mandel

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Ingalls, seconded by Fleming, to approve the minutes of the Planning Commission meetings on April 4, 2019 and April 9, 2019. Motion approved.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

Sean Holm, Senior Planner provided the following statements:

- There is an upcoming (Accessory Dwelling Unit) ADU workshop scheduled for May 28, 2019, starting at 5:30 in the Library Community Room.
- The Comprehensive Plan scope and budget is going to be presented to the City Council at an upcoming meeting.
- He noted that an appeal has been filed for SP-1-19, a request for an R-34 Special Use Permit approved by the Planning Commission on April 9, 2019. The appeal hearing has been set for the next City Council Meeting on June 4, 2019.
- He stated that on the next month's Planning Commission meeting on June 11, 2019 they have scheduled a (Planned Unit Development) PUD, Subdivision, Annexation and a Special Use Permit.

PUBLIC COMMENTS:

Mary Jo Kringas stated she had a question regarding impact fees and noticed on the city website a single family impact fee report for new single family homes and wondered why there wasn't an impact fee report listed for apartments or commercial buildings. She asked if staff was aware of another place that this information would be available on the website.

Mr. Holm noted that the City Finance Department would be able to answer those questions.

Ms. Kringas suggested that staff might consider in the future posting a list of impact fees on the Planning Commission website for people who are new coming to the area and looking for those fees.

PUBLIC HEARINGS

1. Applicant: John Hern
Location: 6215 N. Atlas Road
Request: A proposed 11.73 acre annexation from County Industrial to City C-17 LEGISLATIVE, (A-2-19)
 - A. A proposed Warehouse Storage/ Custom Manufacturing special use permit in the C-17 zoning district
QUASI-JUDICIAL (SP-3-19)

Sean Holm, Senior Planner, presented the staff report and stated that Tri-State Consulting Engineers, on behalf of the owner John Hern, is requesting approval of a proposed +/- 11.74 acre annexation from Kootenai County Light Industrial to City C-17 zoning district (Commercial at 17 units/acre). Two parcels make up the request; the first measuring 3.262 acres, and the second 8.473 acres.

Mr. Holm provided the following statements:

- John Hern, represented by Tri-State, is proposing to annex +/- 11.74 acres as shown on the annexation map.
- Prior to this request, the City of Coeur d'Alene approved annexation of a vacant 7.46 acre parcel at the southwest corner of Hanley Avenue and Atlas Road (A-6-16). The property owned by Mr. Hern that remained in Kootenai County has been subsequently short-platted into four lots. That property is currently zoned County Light Industrial.
- The applicant is requesting annexation of two of the four parcels with a C-17 zoning designation. The Planning Commission's findings will act as a recommendation to City Council.
- He provided a map showing the property currently zoned in the county.
- He noted that the Comprehensive Plan designates the area as Atlas-Prairie, Transition.
- He noted the Comprehensive Goals and Objectives for the project.
- He noted the various comments from City Staff and where they were located in the staff report.
- He stated that the subject property is relatively flat with Atlas Road to the east and Hanley Avenue to the north. Multiple uses will remain in the county that are industrial in nature and are primarily located in pole-type structures.
- He noted that a stick-built office structure will remain in the county along with the foundry.
- The site, as it remained in the county following annexation approval of A-6-16, was recently short-platted into four lots. Two of the four lots make up the current request for annexation into city limits.
- He showed various site photos of the subject property.

- The proposed annexation would likely not adversely affect the surrounding area with regard to traffic, assuming that the use would be for a mini storage unit as described by the applicant. The ITE Trip Generation Manual predicts 0.85 trips per 1000 square feet of Industrial Park building (existing use), while a Mini Warehouse building (the most similar land use code to mini storage facilities defined in the ITE Trip Generation Manual) would generate only 0.29 trips per 1000 square feet. Atlas Road has the available capacity to accommodate additional traffic generated from the subject site.
- He presented a map showing the land uses and existing zoning surrounding the property.
- He noted that there are nine items to consider with the Annexation Agreement, if approved.

Mr. Holm concluded his presentation.

Commission Comments:

Commissioner Ingalls described the area as a "doughnut hole" in an island of county property surrounded by the city. He explained that the city has been serving this area, even though it is in the county. He stated that all accesses will be off of Hanley or Atlas that the city maintains. He feels that this request is the right move to remove these "doughnut holes" and clean up the city. He asked if the applicant has approached staff about bringing the entire property into the city as is their goal to clean up those "doughnut holes" and not leave a couple properties in the county.

Public testimony open.

Chris Clark, applicant representative provided the following statements:

- He commented that staff did an excellent job explaining what they are planning to do through the annexation.
- He stated that the property is considered in an infill area and he recognizes the importance of bringing the lots into the city.
- He explained the reason why the remaining properties were not included in the request is that they want to be able to bring them in as they are going to develop them; but, more important is that annexations cost money and to bring the entire property into the city would be very expensive. He added that presenting the properties this way allows them to bring the parcels in when they have a use and in a timeline that is manageable for their client.
- He explained that a C-17 zone was chosen because there are a lot of residential areas to the north and to the east. The C-17 zone would allow the development of service and commercial industry that will provide for the neighborhood with this transition area.
- He commented that there is a gun club to the south of the property that will need a buffer between the residential area and the gun club and that staff has received complaints in the past from the noise coming from the gun club. He explained that by having a C-17 zone, it would allow them to continue to provide a buffer between the residential and the manufacturing and provide for future industries to be developed.
- He stated that by approving this request, it will continue the existing zoning that was already established and is a win/win for the city.

Mr. Clark concluded his presentation.

Commission Comments:

Commissioner Rumpler asked if the applicant agreed with the conditions included with the annexation agreement, if approved.

Mr. Clark answered that they concur with all the conditions in the annexation agreement; specifically, the trail expansion. He explained that if you drive on Hanley, there is an existing trail that goes from Atlas

west and dead ends, and that they are in favor of extending that piece to the Prairie Trail to help with pedestrian access.

Commissioner Ingalls inquired if the triangle piece of the property already annexed into the city will have access off of Hanley and questioned if the other “flag” lot configuration will also have access off of Hanley.

Mr. Clark stated that the “flag” piece will have frontage off of Hanley. He further explained that the lot currently has access off of a private road called Hern Avenue. He commented that as they develop the lots, they will provide access off of Hanley, but still maintain Hern Avenue as a primary access for shipments or larger structure shipments that need to have a larger turn off of Hanley.

Commissioner Ingalls said that in the narrative it mentions a future gas station, convenience store and a mini storage and that it would be a benefit for the area to provide a variety of service nodes to be able to get a carton of milk on your way home. He explained that the request for annexation is not a guarantee that these types of service nodes will be provided and that they must be careful when approving the request as there are a number of uses allowed within the C-17 zoning district.

Mr. Clark explained that by choosing the C-17 zoning designation, it will give them more of a selection to choose from the various service nodes.

John Jacekes said that he is concerned with how the approval of the property will fit into the Comprehensive Plan and said that the Atlas Prairie area as noted in the Comprehensive Plan is envisioned to be a residential area that is lower in density and which develops interconnected neighborhoods providing a mix of housing choices. He explained that the applicant is requesting the 20 plus acres for commercial use and feels that by approving the request, it will result in a high density of commercial buildings. He commented that the current fence line on the property creates a “choke” point off of Hanley, and that he is opposed to the request.

Austin Hoyer said that he is concerned that by approving the request it will increase traffic and he has a concern for safety. He stated that he approves of some development and it is done with the best intentions. He explained that he is a teacher at Woodland Middle School and a couple kids have been hit by cars, including an adult. He suggested that if this project is approved, the commission should ensure that safety is number one and provide a buffer between the project and the residential homes to ensure safety.

Rebuttal:

Mr. Clark provided the following statements:

- He stated that they are also concerned with safety for pedestrians and the development of the trail, as discussed earlier, will help ensure that people will be able to get around the area safely.
- He noted that they are aware of the choke point that Mr. Jacekes referenced and said that it is north of the first property that is next to the existing fence that sits 3 feet from the edge of the road. He noted that it has been discussed with staff to move that back 20 feet to ensure there is enough room for the trail and a buffer between the trail and the road to make sure it has a viable access with some additional landscaping along Hanley to make sure the buildings are not big gray slabs that are an eyesore.
- He stated that the existing industrial park has been in the area for 20 years prior to the development of Hawk's Nest and that the foundry was started in the 70's with no additional commercial uses to the neighborhood, and that those uses have been here before any of the residential uses were constructed.

Public testimony closed.

Discussion:

Commissioner Fleming said that there are a number of elements in the area that impact the surrounding properties including the gun range that has existed for seven years, and she doubts that the developer would build a house up against the gun range. She explained that the industrial businesses south of the property will be there forever, and that the buildings in this area are being improved and would be a good complement to the area. She feels that it is a valuable use and complements the C-17 designation, and she supports the request.

Commissioner Ingalls said that he concurred and thinks there is a benefit for the city and the neighborhood by getting rid of the “doughnut holes” by cleaning up city boundaries in areas that are getting city services and “freeloading”. He doesn’t see the 11 acres becoming residential and it states in the Comprehensive Plan that it is an area of transition and it would be positive for the area.

Commissioner Ward said that it is a request for annexation and, regardless of opinions for or against having a building code, they have an opportunity to address the Area of City Impact by bringing the property into the city. He feels that by not approving the request, it will allow the county to call the shots and not allow the city to properly manage the land and the uses in the area. He supports the request.

Chairman Messina said that he concurs with the other commissioners.

Motion by Fleming, seconded by Rumpler, to approve Item A-2-19. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

SP-3-19

Sean Holm, Senior Planner, said that Tri-State Consulting Engineers, on behalf of the owner John Hern, are requesting approval for a special use permit for existing uses currently operating onsite. The request is for two uses: warehouse/storage and custom manufacturing. He noted that a map showing the locations of the existing buildings could be found under finding #B8B on page 6 of the staff report.

Mr. Holm provided the following statements:

- The applicant is requesting the uses to comport with the request for annexation which includes a designation of C-17 zoning filed in conjunction with the application. As such, the existing identified buildings and uses require a special use permit to continue their operation under a commercial designation.
- He noted the various findings for the project.
- He stated that the Comprehensive Plan designates this area as Atlas – Prairie, Transition.
- He noted the Comprehensive Plan Goals and Objectives.
- As mentioned above under the “general information” portion of the staff report, the request is unique insofar as the uses and buildings currently exist on the parcel, rather than it being a proposed use to be constructed in the future.
- The applicant’s request to legitimize the uses in conjunction with a request for annexation with a C-17 zoning designation is the driver for the request. There are plans in the near future to redevelop the site under allowed C-17 uses, in which case the buildings and uses would be demolished (or converted), and the site would ultimately conform with the zoning, if approved.

- In the meantime, this avenue would allow the applicant to continue to operate, whilst plans, financing, and entitlements are sought for the parcel(s).
- This area is eclectic in the uses that make up the area. Some of the uses include: single family housing to the north and east, a gun range to the south of the Prairie Trail, as well as the Industrial Park.
- The subject property and associated county area owned by the applicant is used as a foundry with various other industrial uses which are appropriately zoned in the county for such uses (County Light Industrial).
- He referenced a map showing where the existing buildings are located on the property.
- He noted the various land uses surrounding the property.
- He stated that the property is zoned C-17.
- He showed a map locating the other approved special use permits in the area.
- He referenced various photos of the site and buildings
- He noted the various staff comments located in the staff report.
- He stated that there are eight proposed conditions for the project, if approved.

Mr. Holm concluded his presentation.

Public testimony open.

Chris Clark provided the following statements:

- He explained that the request for a Special Use Permit (SUP) is a way to allow the developer to give his current tenants the time/opportunity to relocate prior to the development of the area.
- He explained that the buildings noted by staff will be gone within a year and that staff has been kind to add an additional year. He explained that people are using the current buildings as businesses and it would give them notice to relocate. He noted that the building that will remain, building B-1, is a storage facility for the foundry and is included in the request because it doesn't sit on the same property as the foundry. He is requesting that they be allowed to use the building as storage until the lot is fully developed.

Mr. Clark concluded his presentation.

John Jaceks stated that the commission needs to make sure to look at the number of uses that could be approved if the request is allowed. He stated that in previous testimony it was mentioned that an additional 20 feet would be used as open space.

Mr. Holm explained that the right-of-way, which was Hawk's Nest, was deeded down to a quarter section line and contested by Mr. Hern, who stated that his property line is based on the fence that was built decades ago and exists today. He added that there were back and forth discussions between the city and the owner at the time Hawk's Nest was being developed, and that the city said that Mr. Hern would need to get the fence off the right-of-way property. He explained that Mr. Hern said that the fence is the property line and the response of his attorney to the city stated such. The city agreed it would recognize the fence as the property line through correspondence. Mr. Holm said that it is currently being sorted by way of a request to vacate a portion of that right-of-way to where the fence line is now, and that the applicant has agreed to give 20 feet from the back of the curb line south where the pinch point is, to allow the trail to go through. Mr. Holm said that, when completed, it will be a win/win for everyone to get the trail completed and provide the applicant the property he assumed was his.

Steve Syrcle said that he created Hawk's Nest and explained about the setback. He commented that they appreciate staff's help.

Public Testimony closed.

Discussion:

Motion by Rumpler, seconded by Ward, to approve Item SP-3-19 Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT:

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

The meeting adjourned at 6:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



PUBLIC HEARINGS

**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, SENIOR PLANNER

DATE: JUNE 11, 2019

SUBJECT: SP-4-19 – SPECIAL USE PERMIT REQUEST FOR A WIRELESS COMMUNICATION FACILITY ON A PARCEL ZONED C-17

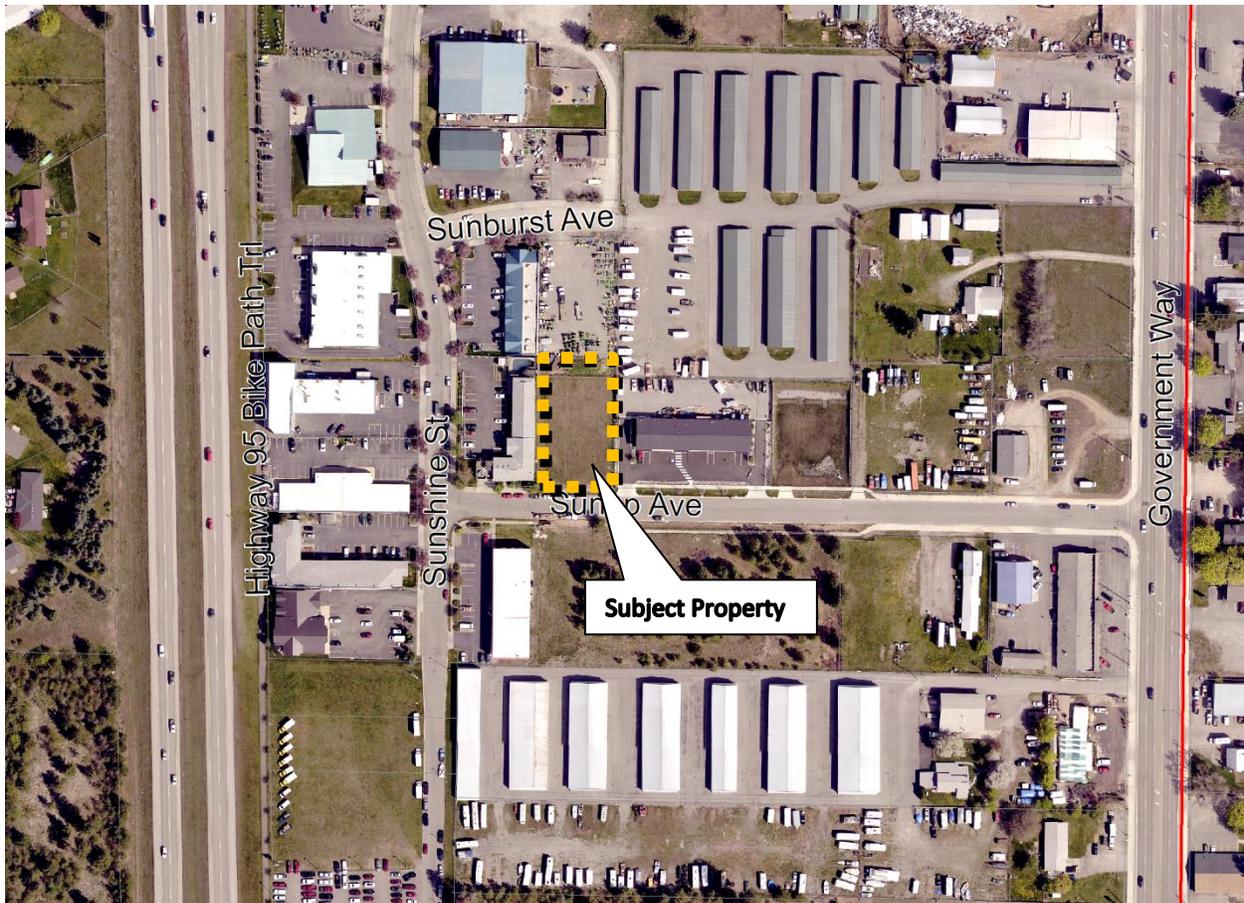
LOCATION: A SINGLE PARCEL MEASURING +/- .49 ACRES COMMONLY KNOWN AS 215 W SUNUP AVENUE, LEGALLY DESCRIBED AS SUNRISE COMMERCIAL PARK (LT 4 BLK 2), COEUR D'ALENE, ID 83815

APPLICANT:
Owner: TDS Metrocom, LLC
525 Junction Rd.
Madison, WI 53717

DECISION POINT:

TDS Metrocom, LLC is requesting approval for a special use permit for a wireless communication facility. This request would grant the applicant the ability to place a building mounted mast and antenna(s) for receiving off-air (local) channels.

AERIAL VIEW:



GENERAL INFORMATION:

The applicant is requesting a special use permit for a wireless facility in the City of Coeur d’Alene. TDS Metrocom, LLC seeks to install an antenna to capture local over-the-air television channels to be able to provide them to their future customers via a fiber optic network. The applicant’s justification and explanation of why a special use permit is being requested can be found in the attached narrative.

C-17 Zoning District:

17.05.490: GENERALLY:

- A. 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.
- B. This district should be located adjacent to arterials; however, joint access developments are encouraged.
- C. A variance may be granted to partially waive off street parking and/or lot coverage requirements for commercial developments utilizing common parking facilities.
- D. Residential developments in this district are permitted as specified by the R-17 district.

17.05.520: PERMITTED USES; SPECIAL USE PERMIT:

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

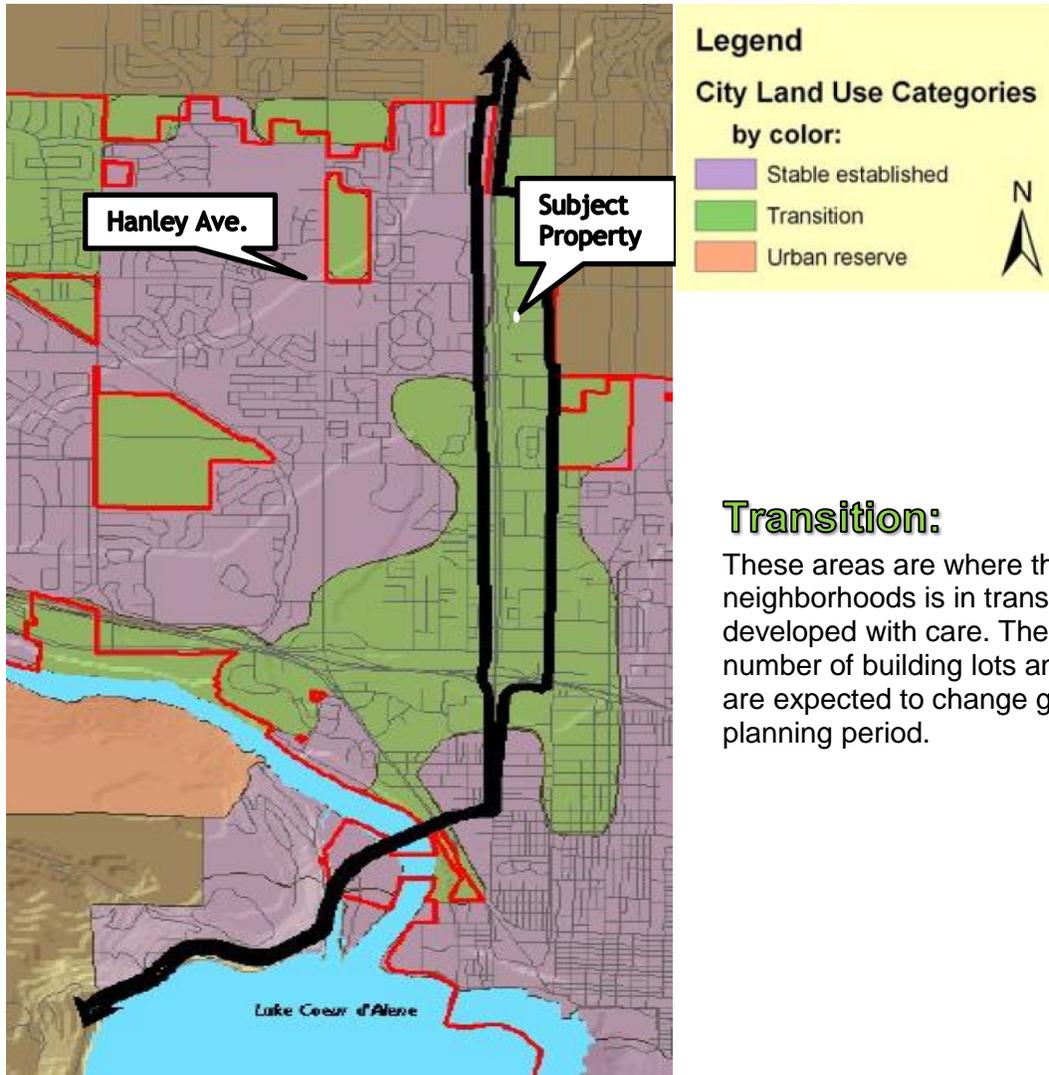
- Adult entertainment sales and service.
- Auto camp.
- Criminal transitional facility.
- Custom manufacturing.
- Extensive impact.
- Residential density of the R-34 district as specified.
- Underground bulk liquid fuel storage - wholesale.
- Veterinary hospital.
- Warehouse/storage.
- Wireless communication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

REQUIRED FINDINGS:

Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

Finding #B8A: **The proposal (is) (is not) in conformance with the Comprehensive Plan.**

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as **US 95 Corridor:**



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.

Land Use: US 95 Corridor

US Corridor Today:

US Highway 95 has become a high impact gateway into the community as well as the major north-south highway through north Idaho. It is also the main arterial that connects communities to the north of Coeur d'Alene to I-90 and is the state's principal route to Canada. Northwest Boulevard and I-90 are major intersections within city limits. Large scale native trees along this corridor help to offset the negative impacts associated with a major thoroughfare. Presently the highway is a bottleneck for both local and through traffic.

US 95 Corridor Tomorrow

The city of Coeur d'Alene will be working during the next planning period until the year 2027 with the Idaho Department of Transportation to design an efficient transportation system through the city.

The characteristics of the US 95 Corridor will be:

- Ensuring that access to businesses along the highway corridor is protected.
- Ensuring the city is not divided by this highway.

- Designing a system for the safe and efficient traffic flow through the city with a separate arterial for through traffic.
- Encouraging retention and planting of native variety, evergreen trees.
- Anticipating that US 95 traffic will be possibly diverted to a future bypass.
- Careful planning is needed to the south of Coeur d'Alene due to the continued development of Blackwell Island.
- Careful planning is needed to the south of Coeur d'Alene because access to these areas is limited to the US 95 bridge over the Spokane River.
- Retaining and expanding landscaping along both I-90 and US 95.
- Provide for safe crossings of US 95 for pedestrian and bicycle traffic.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

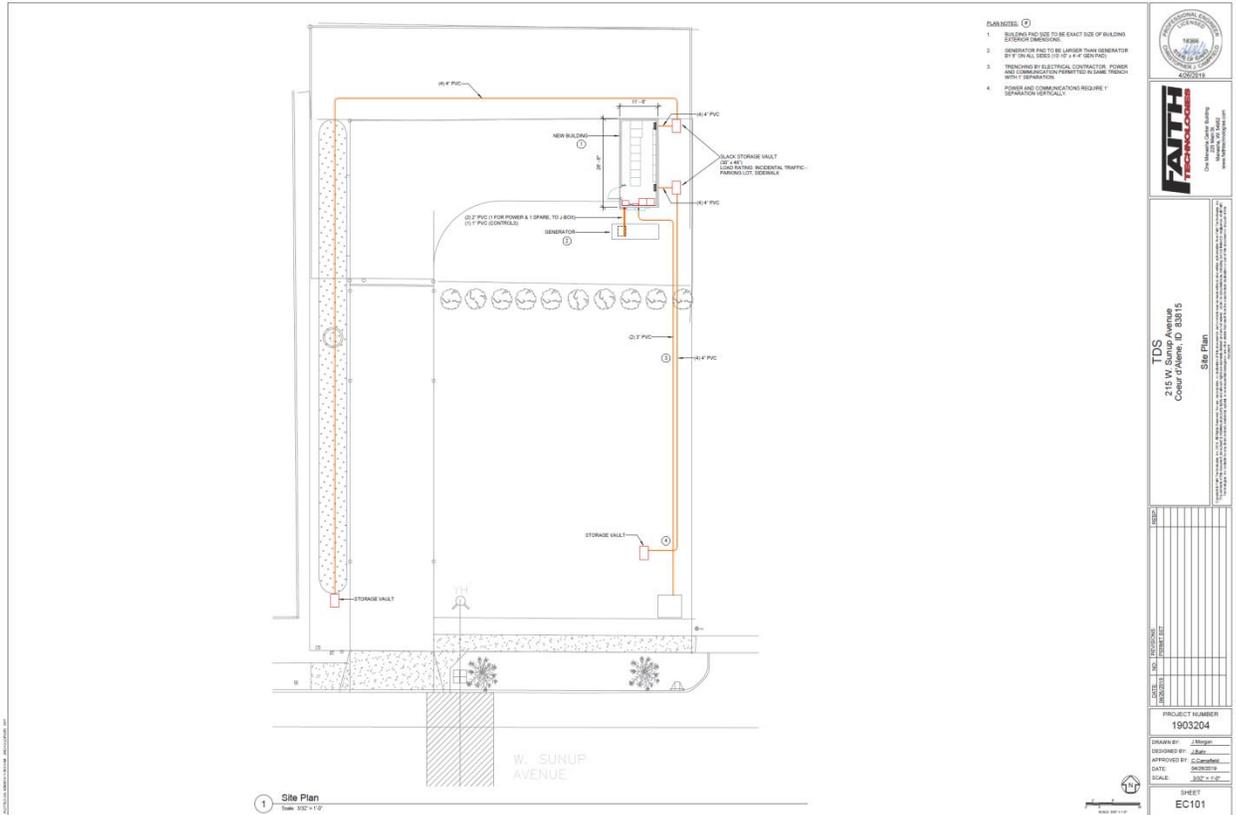
- **Objective 1.11- Community Design:**
Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.
- **Objective 1.12 - Community Design:**
Support the enhancement of existing urbanized areas and discourage sprawl.
- **Objective 1.14 - Efficiency:**
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- **Objective 1.16 - Connectivity:**
Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.
- **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 3.16 - Capital Improvements:**
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- **Objective 4.02 - City Services:**
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).
- **Objective 4.06 - Public Participation:**
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

Evaluation: *The Planning Commission must 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.*

Finding #B8B:

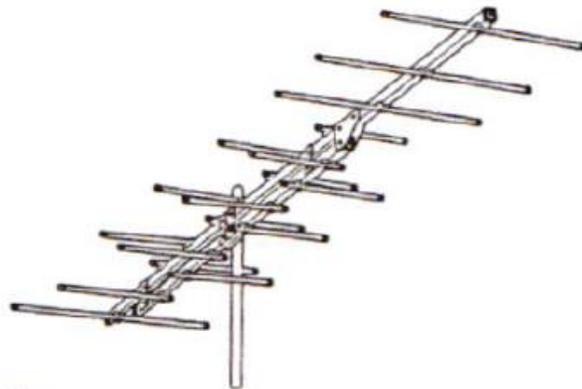
The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

PROPOSED SITE PLAN (INCLUDING LANDSCAPING/GATE):



See also the "US 95 Corridor" descriptions from the 2007 Comprehensive Plan listed in Finding #B8A as well as the photos of subject property. A land use and zoning map are provided below to assist in depicting the context of the area.

WADE Antenna, Inc.

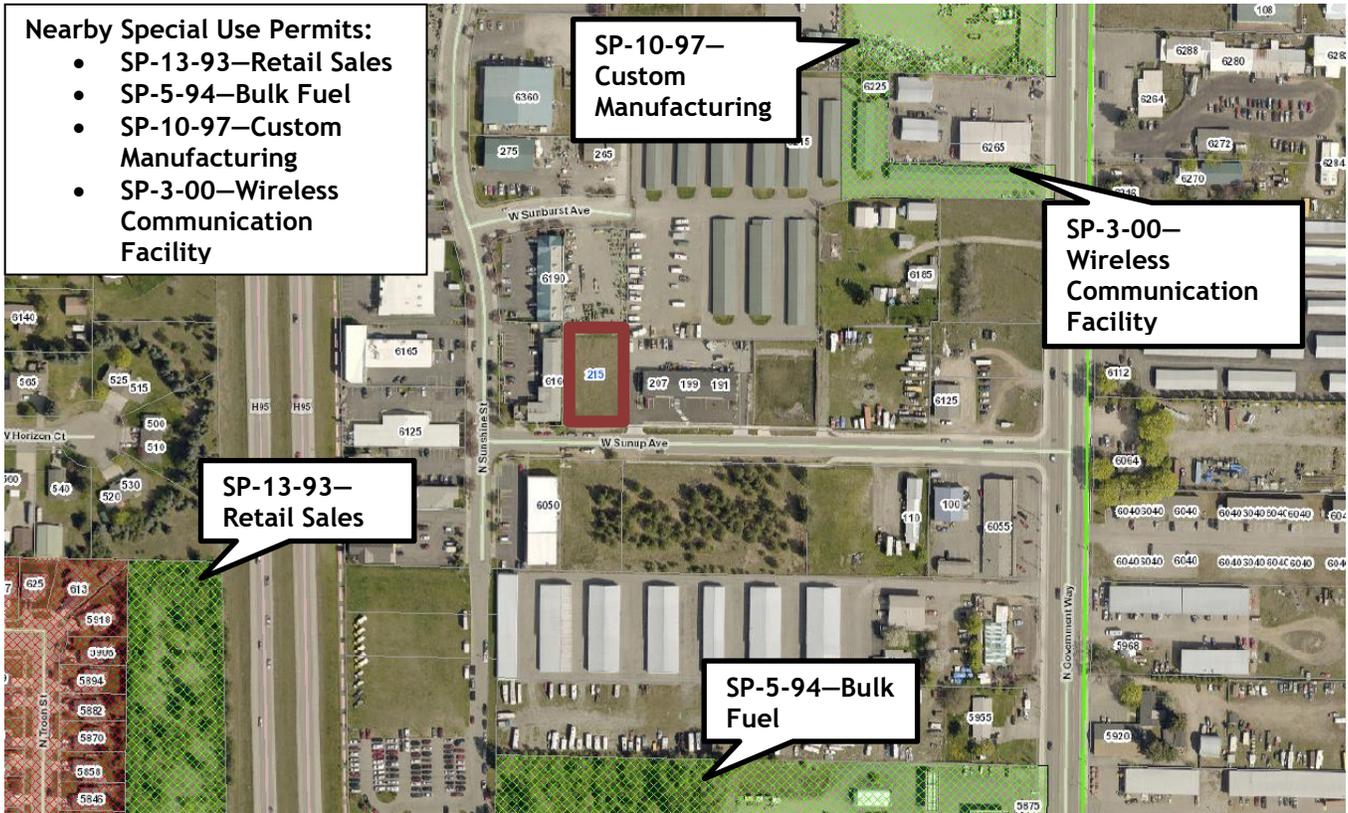


J105-HI

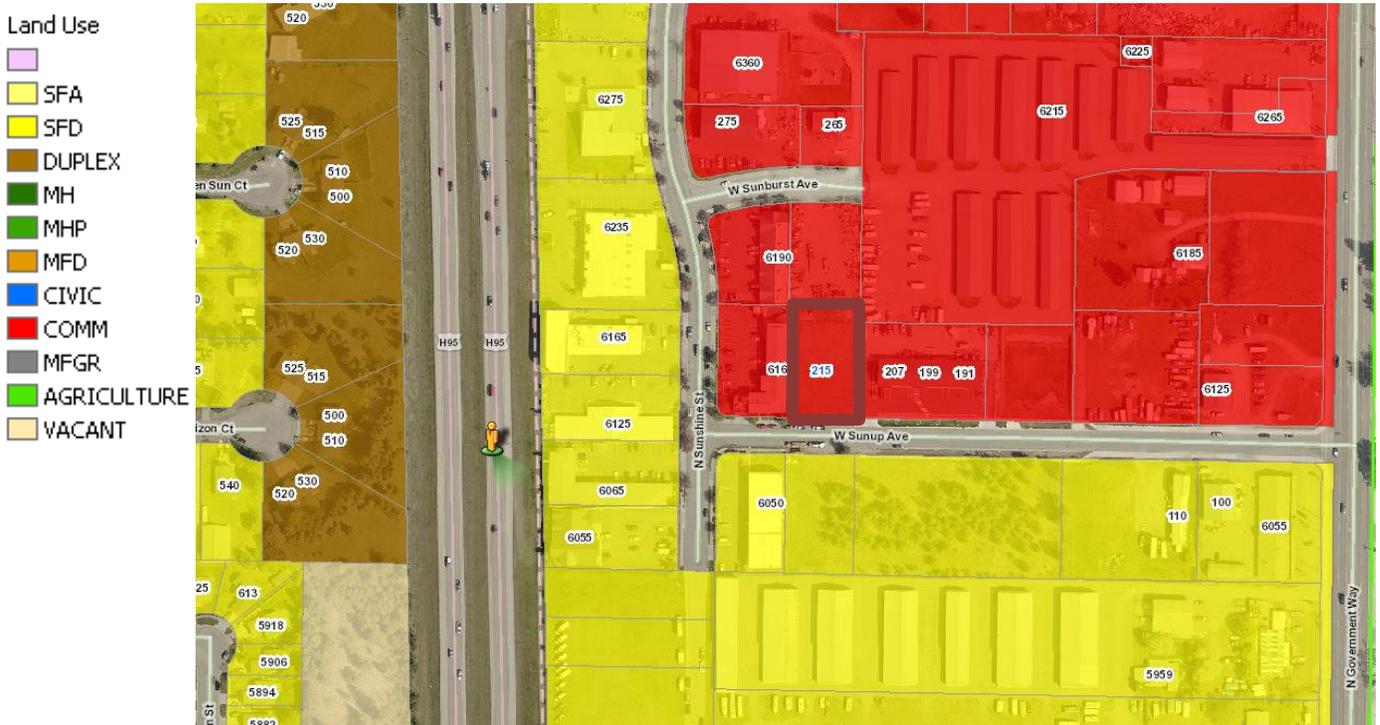
MECHANICAL SPECIFICATIONS

MODEL	LENGTH (IN.)	WIDTH (IN.)	WEIGHT (LBS)	THRUST (FT-Lbs)	
				NO ICE	1/4" ICE
J105-HI	104	33	19	55	77

MAP DEPICTING EXISTING BUILDINGS FOR SPECIAL USE PERMIT:



GENERALIZED LAND USE PATTERN:



Looking north into subject property from West Sunup Avenue



Subject property frontage looking east from adjacent property showing sidewalk terminus



Evaluation: *Based on the information presented, the Planning Commission must determine if the request is compatible with surrounding uses and is designed appropriately to blend in with the area.*

Finding #B8C: **The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.**

STAFF COMMENTS:

STORMWATER:

Stormwater treatment and containment will be addressed during development and construction on the subject property. City Code requires stormwater to remain on site and for a stormwater management plan to be submitted and approved prior to any construction activity on the site.

-Submitted by Chris Bosley, City Engineer

STREETS:

The subject property is bordered by Sunup Ave to the south. Sunup Ave meets City Standards, but sidewalk will be required along Sunup Ave with construction.

-Submitted by Chris Bosley, City Engineer

TRAFFIC:

The proposed project is expected to have negligible impacts on the adjacent transportation network. Streets and Engineering has no objections to the proposed SUP.

-Submitted by Chris Bosley, City Engineer

WATER:

No comments or conditions for this request.

-Submitted by Kyle Marine, Assistant Water Superintendent

WASTEWATER:

Public Sewer is available to this property from Sunup. In accordance with the 2013 Sewer Master Plan, the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this Special Use as proposed.

-Submitted by Mike Becker, Utility Project Manager

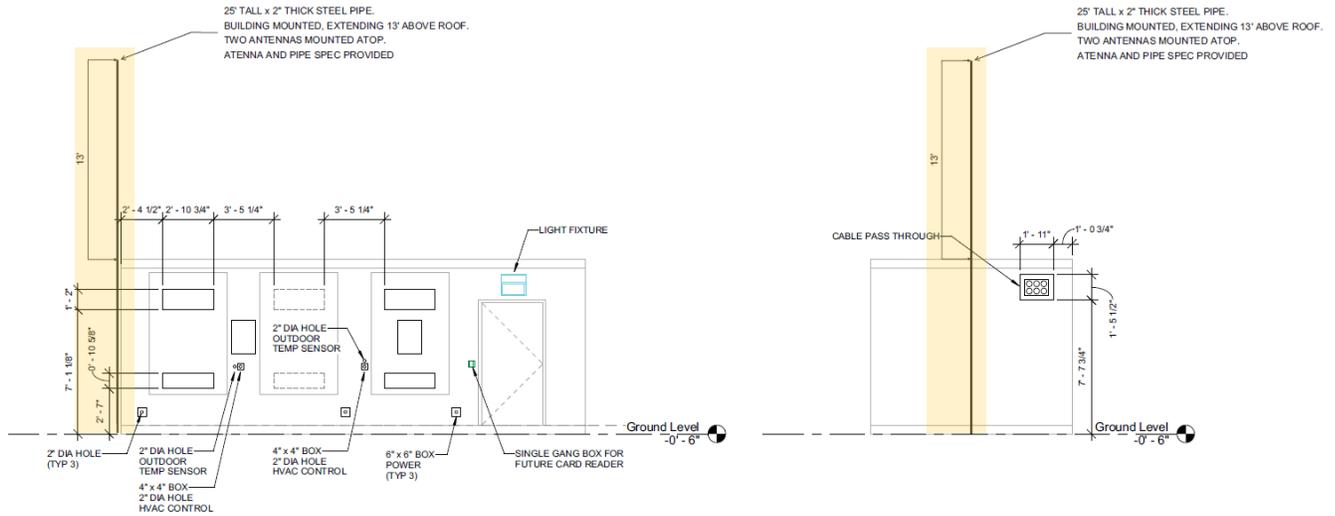
FIRE:

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 with the corrections to the below conditions.

-Submitted by Bobby Gonder, Fire Inspector / IAAI – CFI

ELEVATIONS OF STRUCTURE:



2 Exterior Elevation - West Wall
Scale: 1/4" = 1'-0"

Exterior Elevation - North Wall
Scale: 1/4" = 1'-0"

Evaluation: *Planning Commission must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*

PROPOSED CONDITIONS:

No conditions are proposed for this Special Use Permit request.

The Planning Commission may, as a condition of approval, establish reasonable requirements as conditions of approval to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, if additional conditions are added to the motion.

ORDINANCES AND STANDARDS USED IN 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 and Bikeways Master Plan

ACTION ALTERNATIVES:

The Planning Commission must consider this request and make appropriate findings to approve, approve with conditions, deny, or deny without prejudice. The findings worksheet is attached.



**APPLICANT'S
NARRATIVE**



City of Coeur d'Alene
Planning Department
710 E. Mullan Ave
Coeur d'Alene, ID 83814

TDS Metrocom LLC – Special Use Permit: Wireless Communication Facility Proposal

Overview: TDS Metrocom LLC (TDS) is proposing to construct a communication facility pursuant to principal use within a TDS Metrocom LLC owned lot currently zoned C-17 – Commercial; said lot being assigned PID C-8735-002-004-0 with the Kootenai County Assessor. A portion of this proposed development will require the placement of a building mounted mast and antennas for receiving off-air (local) channels. After discussion with City of Coeur d'Alene Planning and Legal Staff, the construction of the mast and antennas is classified as a wireless communication facility (WCF) for commercial use. Wireless communication facilities for commercial use, by definition, require a special use permit (SUP).

Community Impact: To appropriately describe the benefits of this development as it relates to the WCF, it is important to describe the objective of the principal use as well. The objective of this development is to offer residents, businesses, local government bodies and other interested parties access to a 100% fiber-optic network. The site associated with this development proposal will serve as the centralized location for the entire network, also known as a central office.

The off-air receiver that we are seeking through this SUP will allow TDS to distribute the contents of said off-air channels through the aforementioned fiber-optic network. This will allow customers at the extents of off-air channel reception the same optimized signal that TDS receives at the central office. The deployment of these channels is authorized through TDS's re-distribution agreements with channel providers and state-wide video franchise with the State of Idaho.

This development correlates directly with the comprehensive plan's Goal 2: Economic Environment. By eliminating the bandwidth constraints, maintenance issues, and aging technology of common hybrid fiber-coax/copper (HFC) networks, TDS will deploy a network using the fastest and most reliable broadband technology available today. Access to the speed and reliability of a fiber network will increase economic opportunity and efficiency for those currently limited by HFC network capacity. Due to the size of the deployment, this development will also allow for future economic development in areas that HFC network operators haven't prioritized for system upgrades. Furthermore, TDS enters this market as a competitor; competition has been proven to drive innovation, lower prices, and give consumers additional service options.



Design Consideration: The proposed antenna structure is set to be 25' above ground; extending on a building-mounted steel mast 13' above the roof of the pre-fab building. Specs from the manufacturer of the mast can be found below. The proposed building is 26' in length, 12' in width, and 12' in height. Specs of the pre-fab building are included in the SUP application packet. Adjacent buildings are similar in height; an adjacent wireless communication tower located at SUNRISE COMMERCIAL PARK 1ST ADD, LT 1 BLK 1 (C-K259-001-001-0) is over twice the height of TDS's building and mast proposal. Atop the mast, two antennas will be placed to receive off-air signal; Wade Antenna, Inc's WL 14-69/S UHF and J-105-HI VHF. Manufacturer specs for Wade antennas can be found on additional sheets included with this application. The building is proposed to be set in the northernmost quadrant of the Lot 4 Blk 2 in Sunrise Commercial Park. The entirety of the northernmost quadrant will be securely fenced and gated; arborvitae or similar landscape shrubbery will be planted to appropriately beautify the development and disguise the fence and building. An asphalt driveway will be constructed to allow technicians to access the site from W. Sunup Ave. The site is accessible for services such as water, sewer, gas and electric utilities. Applications will be filed appropriately if the aforementioned services are required.

Mast Specifications:

Brand: DX Engineering

Manufacturer's Part Number: DXE-ST300CM-22

Part Type: Tower Masts

Product Line: DX Engineering Heavy-Duty 4130 Chromoly Steel Masts

DXE Part Number: DXE-ST300CM-22

Tower Mast Material: Carbon-Steel

Tower Mast Length: 22.00 ft. (13' above building roof)

Tower Mast Diameter: 3.000 in.

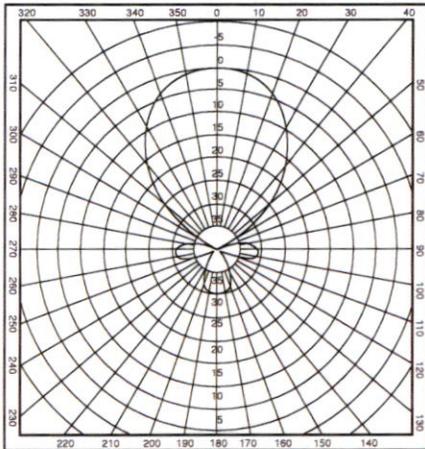
Approximate Weight: 170 lbs.

Certified Yield Stress Rating: > 100,000 psi

Tensile strength minimum: 110,000 psi

Rockwell B Hardness Rating: 96

Other Ratings/Specifications: ASTM A-513 Type 5, ASTM A123/A123M



SINGLE UHF ANTENNA MODEL:

- WL 14-69/S

A single broadband UHF model provides optimum performance over the desired band. The 75 Ohm feed point is sealed within the boom. A short length of cable is fitted with a standard "F" connector for connection to the down lead. This light weight, high quality antenna is small in size and big on performance.

ELECTRICAL SPECIFICATIONS:

MODEL(S)	WL-14-69/S
Frequency Range (MHz)	470-806 MHz
Channels	14 to 69
Gain	11 dBi
Impedence	75 Ohm
VSWR	<1.25:1
FR:BK Ratio	>25 dB
Polarization	H or V
H. Beam Width	46 deg.
V. Beam Width	65 deg.
Side lobe Suppression	>30 dB
Connectors	"F" Connector
Std. Mount	3/8" U-bolts to fit 2-7/8" O.D. Pipe

- Where interfering signals such as co-channel, adjacent channel and ghosting are present, custom arrays can be designed to reduce the level of interference by as much as 40 db in most cases.

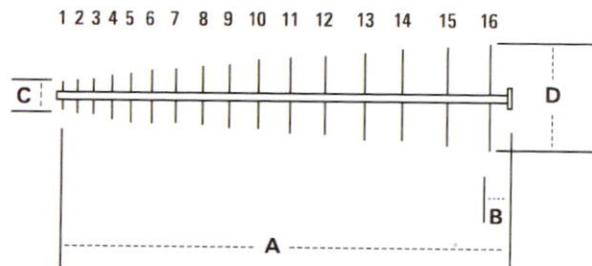
MECHANICAL SPECIFICATIONS:

MODEL(S)	WL-14-69/S
Boom length	45.25"
Weight (lbs):	
No ice	5.8
1" radial ice	35
Wind load (lbs):	
No ice*	23
1" radial ice**	15
Wind torque (ft-lbs):	
No ice*	43.5
1" radial ice**	28.5
Wind load area (sq.ft.)	
No Ice	0.63
1" Radial Ice	1.42

* WIND SPEED - 100 M.P.H. ** HALF WIND SPEED - 50 M.P.H.

OVERALL DIMENSIONS

MODEL(S)	WL-14-69/S
Number of Elements	16
Boom Length (A)	45.25"
Boom Length (B)	2.675"
Shortest Length (C)	3.675"
Longest Element (D)	11"



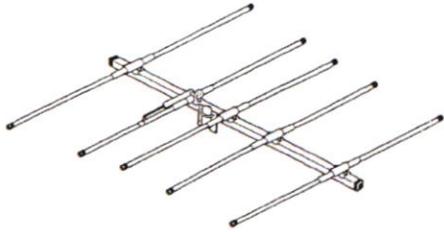
WADE Antenna Inc.

29 Sharp Road
 Brantford, Ontario, N3T 5L8 Canada
 Tel: 519.756.7157
 Fax: 519.756.5056

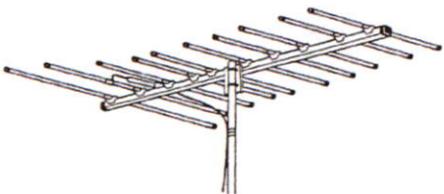
(800) 463-1607
 sales@wadeantenna.com

www.wadeantenna.com

WADE Antenna, Inc.



J55-*



J105-*

J-Series YAGI and LOG Periodic Antenna

J55-* (Single Channel), J105-* (Single Channel),
J55-LO (Log Periodic), J105-HI (Log Periodic)

Description

J-Series system antennas are specifically designed for commercial and industrial master antenna installations. Their heavy-duty construction ensures reliability under severe climatic conditions, providing a durable, trouble-free operation. Available in both cut-to-channel yagi and broadband models. Our single channel antennas feature sharp directivity for high gain, and excellent front-to-back ratios. Broadband models are of true log periodic design assuring extremely flat response and matched output over the entire band. All antennas are available with the exclusive Wade Cantilever Mount. Our J Series antennas are the answer to any system where high reliability or long life is a must.

Features

- Extra heavy-duty construction
- Seamless end-sealed chrome aluminum tubing prevents moisture penetration
- Anti-corrosion ensures maintenance free, weather resistant installation
- Stack vertically or horizontally for increased gain and directivity
- 125 mph wind velocity survival rating
- Cantilever mount available for all models

ELECTRICAL SPECIFICATIONS

MODEL	Cut Channel		Broadband	
	J55-*	J105-*	J55-LO	J105-HI
NO. ELEMENTS	5	10	5	10
CHANNEL*	2 to FM*	7 to 13*	2 Thru FM	7 Thru 13
GAIN	10 dBi	12.5 dBi	10 dBi	10.5 dBi
IMPEDANCE	75 Ohm	75 Ohm	75 Ohm	75 Ohm
VSWR	1.5:1	1.5:1	1.5:1	1.5:1
FR:BK RATIO	18 dB	20 dB	22 dB	22 dB
POLARIZATION	Horiz.	Horiz.	Horiz.	Horiz.
H. BEAM WIDTH	60 deg.	44 deg.	60 deg.	49 deg.
V. BEAM WIDTH	100 deg.	59 deg.	100 deg.	75 deg.
CONNECTOR	"F" Connector	"F" Connector	"F" Connector	"F" Connector
CENTRE MOUNT	Standard	Standard	Standard	Standard
CANTILEVER MOUNT	Optional	Optional	Optional	Optional
PIPE SIZE **	Up to 2.5" O.D.			

* Specify Channel ** Larger sizes available on request

** See reverse for Mechanical Specifications and more images. **

Wade Antenna's ongoing policy of continuing development may result in specification changes to its products.

WADE Antenna, Inc.

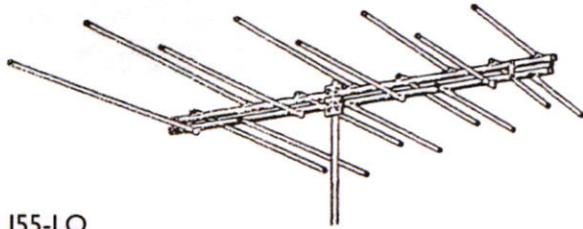
29 Sharp Road, Brantford, Ontario, N3T 5L8 Canada
Tel: 519.756.7157 Fax: 519.756.5056

1.800.463.1607

sales@wadeantenna.com
www.wadeantenna.com

SPEC0017_A01

WADE Antenna, Inc.



J55-LO



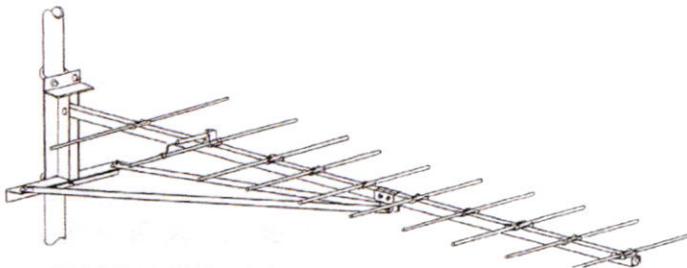
J105-HI

MECHANICAL SPECIFICATIONS

MODEL	LENGTH (IN.)	WIDTH (IN.)	WEIGHT (LBS)	THRUST (FT-Lbs)	
				NO ICE	1/4" ICE
J55-LO	94	54	24	69	109
J105-HI	104	33	19	55	77
J55-2	102	110	18	52	80
J55-3	89	100.5	18	46	72
J55-4	88	89	17	40	66
J55-5	80	77	16	36	60
J55-6	71	70	16	32	54
J55-FM	79	65	16	32	54
J105-7	98	33.5	16	35	55
J105-8	98	32.5	16	33.5	52.5
J105-9	98	31.5	15	31.5	50
J105-10	91	30.5	15	30	48.5
J105-11	91	30	15	28.5	46.3
J105-12	85	28.5	15	27.5	44
J105-13	82	27	15	26	42

* Length of longest element

** Wind speed 100mph



WADE Cantilever Mount

Wade Antenna's ongoing policy of continuing development may result in specification changes to its products.

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SPEC0017_A02

PLANNING COMMISSION STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: JUNE 11, 2019

SUBJECT: PUD-1-19 "THE DISTRICT AT RIVERSTONE" PLANNED UNIT
DEVELOPMENT

S-1-19 24 LOTS AND 5 TRACTS PRELIMINARY PLAT REQUEST FOR
"THE DISTRICT AT RIVERSTONE"

LOCATION: 2.23 ACRES LOCATED AT 2744 N. RIVIERA PARKWAY

APPLICANT/OWNER:

The Unfolding, LLC
PO BOX 3398
Coeur d'Alene, ID 83816

REPRESENTATIVE/ENGINEER:

ATS, Inc.
PO Box 3457
Hayden, ID 83835

TWO DECISION POINTS:

The Unfolding, LLC is requesting approval of a gated residential Planned Unit Development.

AND;

A 24 lot, 5 tract, preliminary plat to be known as "The District At Riverstone".

BACKGROUND INFORMATION:

The existing site is currently vacant and is made up of one parcel consisting of 2.23 acres. The proposed Planned Unit Development (PUD) will comprise of 24 residential lots with private open space areas for residents of the development. The PUD is proposed as a private gated community with private roads. In addition to the proposed gate for vehicle access there are also two proposed pedestrian gated access points.

The applicant is proposing to install the streets and the subdivision infrastructure for this the project in one phase. The applicant has indicated that if approve construction would begin in August of this year with the proposed completion of the subdivision work by December 2019. The proposed PUD will have a density of 10.7 units per acre. The property is currently zoned C-17 and the current zoning allows for a density at 17 units per acre.

The applicant has indicated that he intends to develop the PUD similarly to the adjacent PUD located adjacent to the west of this site. The proposed PUD will comprise of four single family detached houses and 20 single family attached dwellings. Attached single family dwellings share a common wall with another home that is separated by a property line. The applicant has submitted building elevations of the proposed residential dwellings indicating how it will look from the street. (See building elevations on pages 14 and 15) The applicant has also submitted a PUD site plan that shows the proposed site layout and the building locations on the proposed PUD. (See site plan on page 8)

In the past, this site was part of a gravel extraction operation. Staff has become aware that there are some possible fill issues related to the subject site. The applicant has submitted a geotechnical report as part of this application (See attached geotechnical report). The City's Building, Wastewater, and Water Departments will require an updated geotechnical report for the approval of any mitigation for the presence of groundwater and unacceptable fill material as noted under the conditions.

PLANNED UNIT DEVELOPMENT MODIFICATION REQUESTS:

The applicant is requesting the following deviations from existing standards:

- Front Setback: 10' rather than 20'
- Rear Setback: 10' rather than 25'
- Side Yard Setback: 5' and 5' rather than the 5' and 10' required for lots without alley access.
- Minimum Lot Area: 1,875 SF rather than 5,500 SF
- Minimum Lot Width/Frontage: 25' rather than 50'
- Private gated vehicle access rather than open access for the public.
- Private streets rather than public streets.
- Right-of-Way width: 31' rather than 55'
- Sidewalk on only one side of the street.

LOCATION MAP:



AERIAL MAP:



BIRDS EYE AERIAL PHOTO:



PUD-1-19: PLANNED UNIT DEVELOPMENT FINDINGS:

17.07.230: PLANNED UNIT DEVELOPMENT REVIEW CRITERIA:

A planned unit development may be approved only if the proposal conforms to the following criteria, to the satisfaction of the commission:

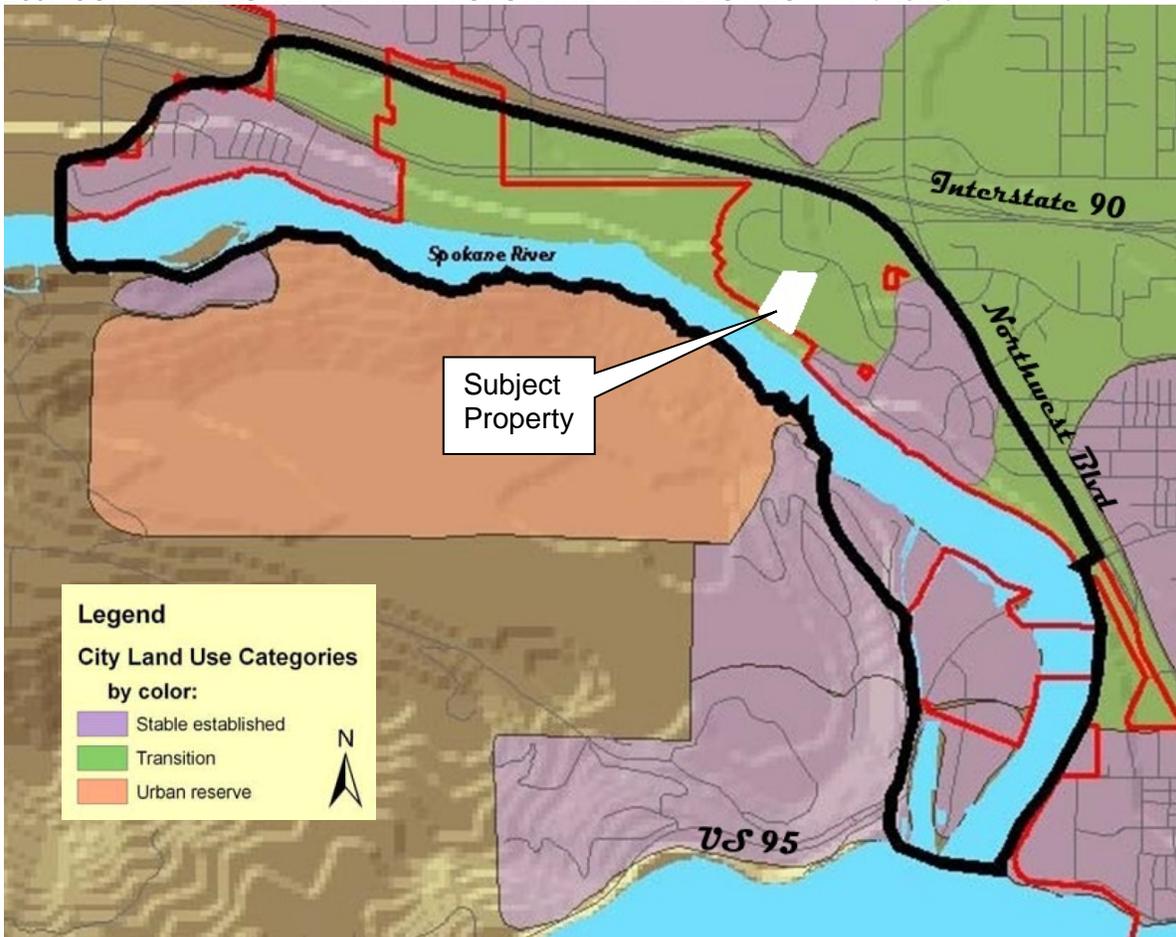
REQUIRED FINDINGS (PUD):

Finding #B8A: The proposal (is) (is not) in conformance with the Comprehensive Plan.

2007 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as: Spokane River District
- The subject property is located in the City's Area of Impact

2007 COMPREHENSIVE PLAN MAP: SPOKANE RIVER DISTRICT – Transition



Transition Areas:

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.

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 Spokane River shoreline is sure to change dramatically.

The characteristics of the Spokane River District neighborhoods 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, 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.

NEIGHBORHOOD CHARACTER:2007 Comprehensive Plan: Spokane River District Today

This Spokane River District is in a state of flux from its historic past use as a site of four major water front 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 mixes use structures. Recent subdivisions aside, large ownership patterns ranging from approximately 23 acres to 160+ acres provide opportunities for large scale master planning.

2007 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 1.02 – 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 1.05 – Vistas:**
Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.
- **Objective 1.09 – Parks:**
Provide an ample supply of urbanized open space in the form of beaches, squares, 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 1.16 - 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 2.02 - 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.

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 3.05 - Neighborhoods:**
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- **Objective 3.08 - Housing:**
Design new housing areas to meet the city's need for quality neighborhoods for all income and family status categories.
- **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 prior to approval for properties seeking 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 4.02 - City Services:**
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).
- **Objective 4.06 - Public Participation:**
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

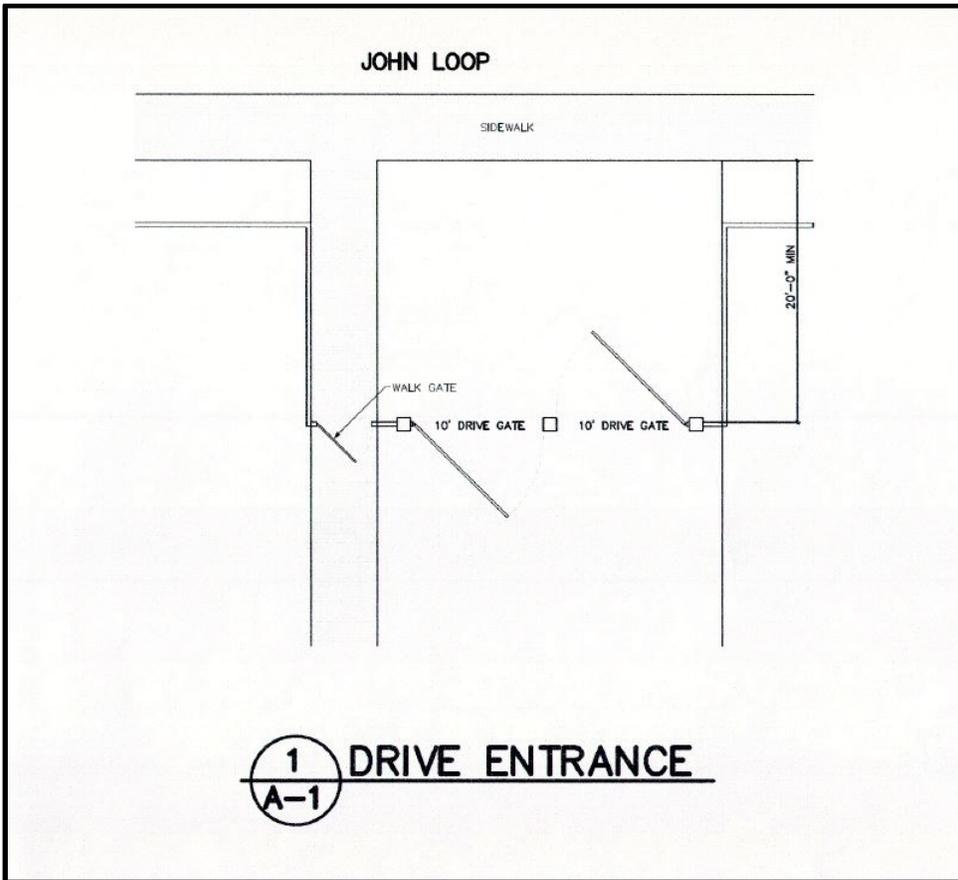
Evaluation: *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B8B: **The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

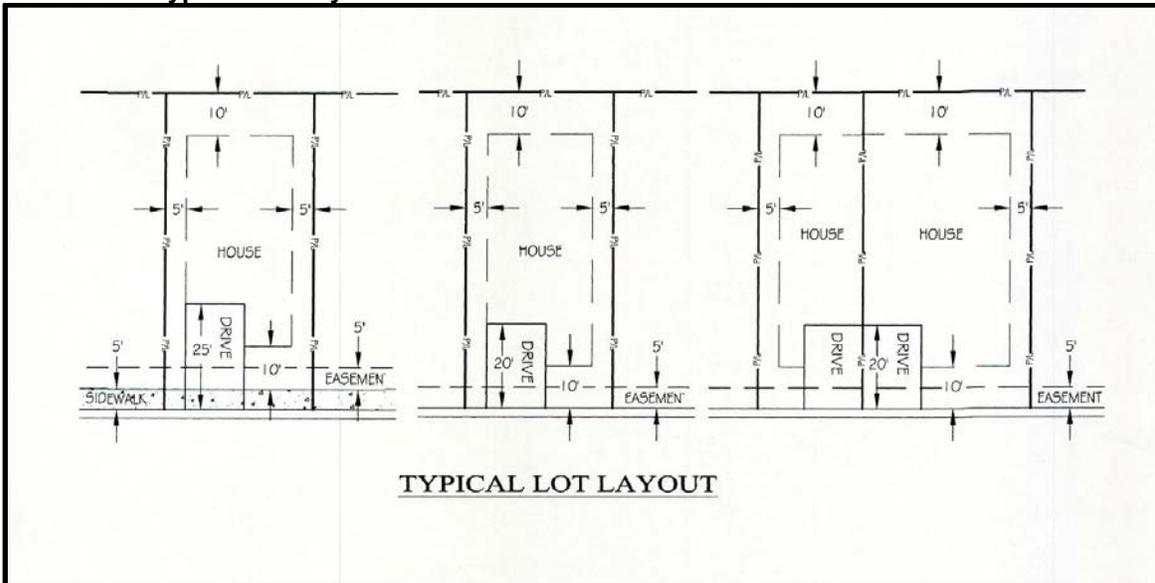
LOCATION, SETTING, AND EXISTING USES:

The site is relatively flat and site grading on the site has been done. There are no topographical or other physical constraints that would make the subject property unsuitable for the proposed subdivision and Planned Unit Development.

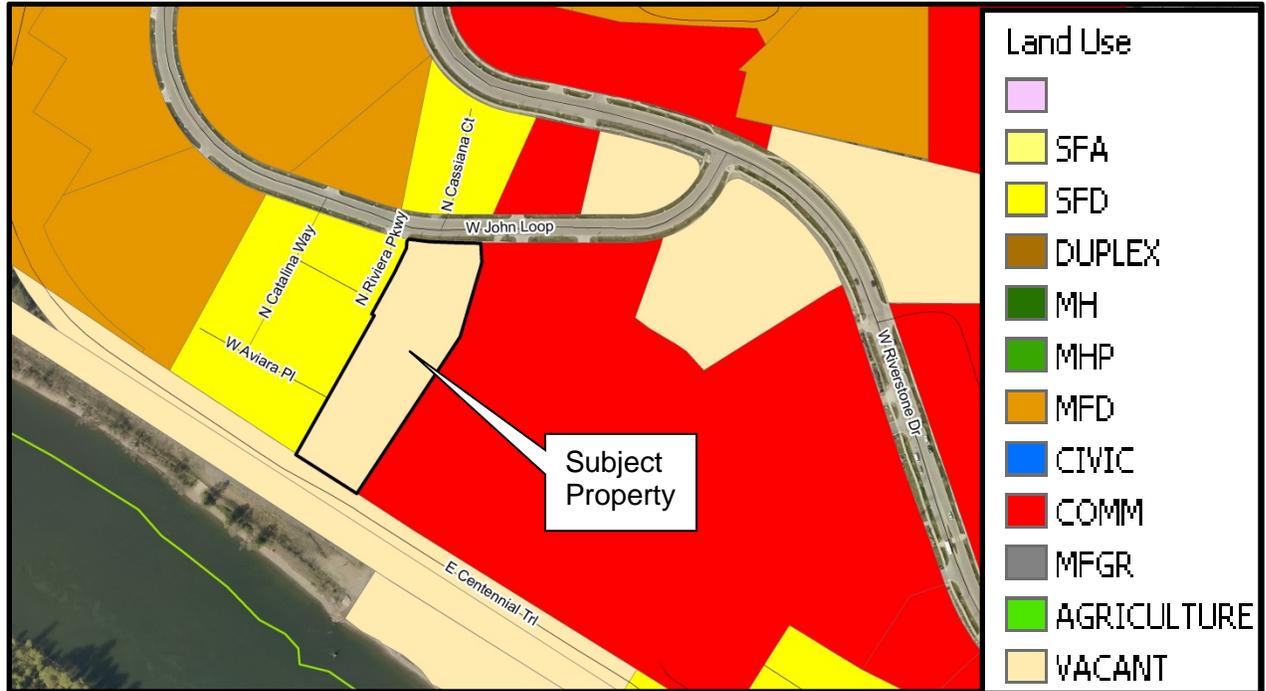
GATE DIAGRAM:



PUD LOTS – Typical Lot Layout with Setbacks



GENERALIZED LAND USE MAP:



EXISTING ZONING:



SITE PHOTO - 1: View from the northeast corner of property looking west.



SITE PHOTO - 2: View from the northeast corner of property looking south



SITE PHOTO - 3: View from the east central portion of property looking west.



SITE PHOTO - 4: View from the south central portion of property looking north.



SITE PHOTO - 5: View from the west central portion of property looking south.



SITE PHOTO - 6: View from the west central portion of property looking north.



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.*

Finding #B8C: **The proposal (is) (is not) compatible with natural features of the site and adjoining properties.**

The subject property is relatively flat with John Loop Road to the north. The natural features of the site are consistent with the natural features of the surrounding properties, including the residential subdivision to the west (Riviera Walk) and Riverstone Park to the east. The following images reflect the proposed building elevations.

APPLICANT'S BUILDING ELEVATION - 1:



APPLICANT'S BUILDING ELEVATION - 2:



APPLICANT'S BUILDING ELEVATION - 3:



APPLICANT'S BUILDING ELEVATION - 4:



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal is compatible with natural features of the site and adjoining properties.*

Finding #B8D: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.

See staff comments which can be found in finding #B7B (Subdivision: page. 20-22) below.

Evaluation: The Planning Commission must determine, based on the information before them, whether or not the location, design, and size of the proposal are such that the development will be adequately served by existing public facilities and services.

Finding #B8E: The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

The applicant is proposing 10 percent (10%) open space that can be accessed by residences of the proposed development. The applicant has indicated that the open space will be two large grass areas for dogs of the community, benches, garden boxes for seasonal vegetables, espalier apple trees, and landscaping areas for the residences to enjoy.

OPEN SPACE – SITE PLAN MAP:



TRACK LEGEND AND PROJECTS STATISTICS:

TRACT LEGEND:

TRACT A = PRIVATE ROAD.
TRACT B = COMMUNITY OPEN SPACE.
TRACT C = PEDESTRIAN WALKWAY CONNECTION & CITY UTILITY EASEMENT.
TRACT D = COMMUNITY OPEN SPACE.
TRACT E = OPEN WALKWAY

*FOR FURTHER DEFINITION OF OPEN SPACE AND USE, PLEASE REFER TO THE P.U.D. APPLICATION/NARRATIVE "RESERVATION DIAGRAMS".

PROJECT STATISTICS:

PROJECT AREA (NET) = 2.230 ACRES / 97,128 SF
PRIVATE ROAD AREA = 16,394 SF
OPEN SPACE AREA = 9,750 SF (10% OF PROJECT)
PROPOSED NUMBER OF LOTS = 24



In February of 2016, the Planning Commission held a workshop to discuss and better define the intent, functionality, use, types, required improvements, and other components of open space that is part of Planned Unit Development (PUD) projects. The workshop discussion was necessary due to a number of requested PUD's and the Planning Commission being asked to approve "usable" open space within a proposed development.

Per the Planning Commission Interpretation (Workshop Item I-1-16 Open Space) the below list outlines what qualifies as Open Space.

- ≥ 15 FT wide, landscaped, improved, irrigated, maintained, accessible, usable, and include amenities
- Passive and Active Parks (including dog parks)
- Community Gardens
- Natural ok if enhanced and in addition to 10% improved
- Local trails

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal provides adequate private common open space area, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.*

Finding #B8F: **Off-street parking (does) (does not) provide parking sufficient for users of the development.**

There was no request made to change the City's off-street parking requirements through the PUD process. Single family homes would be required to provide two (2) off-street paved parking spaces per unit, which is consistent with code requirements for single-family residential.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the off-street parking provides parking sufficient for users of the development.*

Finding #B8G: **That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.**

From the applicant's narrative:

The Unfolding LLC and the design team will work with the City of Coeur d'Alene legal department on all required language for the CC&Rs, Articles of Incorporation and By-Laws, and any language that will be required to be placed on the final subdivision plat in regard to maintenance of all private infrastructure.

The HOA will be responsible for continued maintenance of all street and traffic signage and required signalization.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal provides for an acceptable method for the perpetual maintenance of all common property.*

S-1-19 SUBDIVISION FINDINGS:

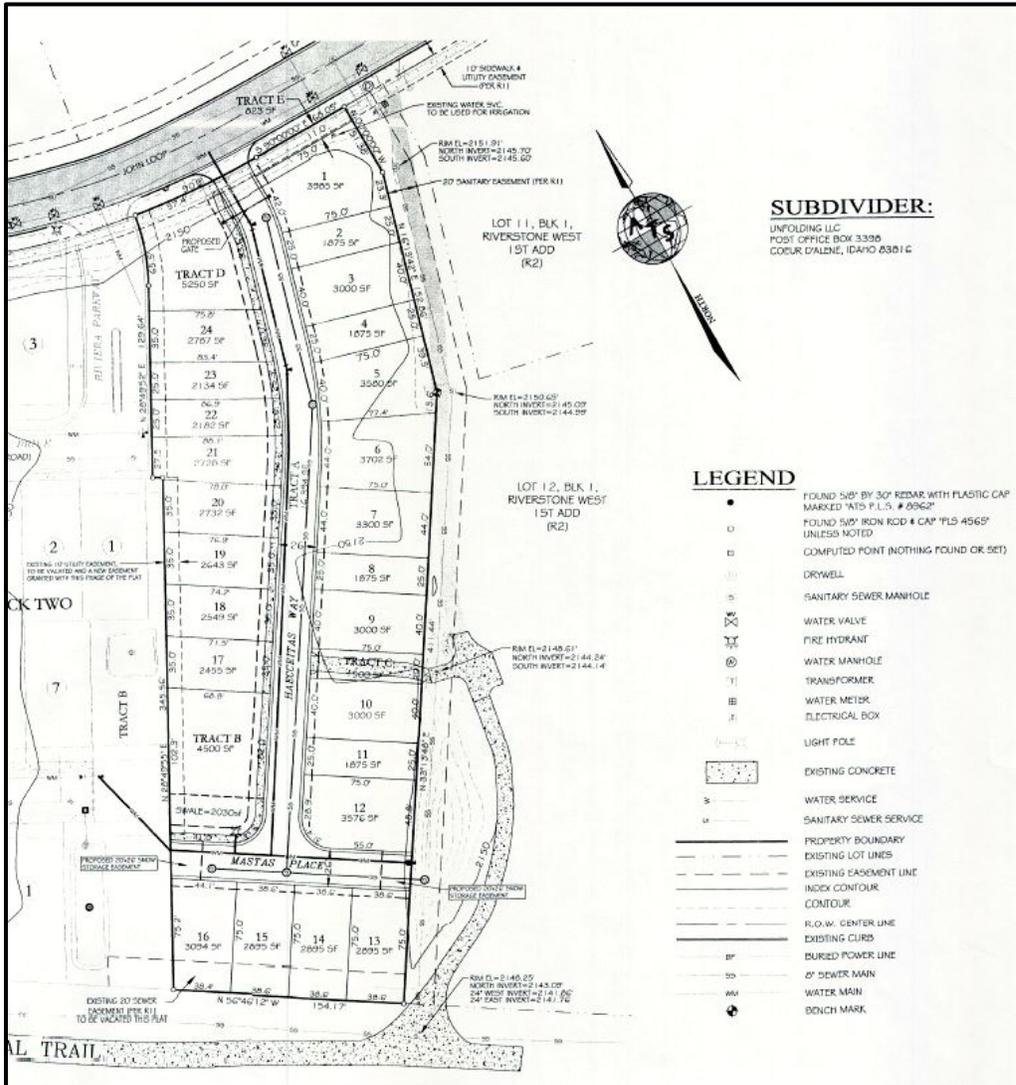
REQUIRED FINDINGS (Subdivision):

Finding #B7A: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

Per Chris Bosley, City Engineer, the preliminary plat submitted contains all of the general preliminary plat elements required by the Municipal Code.

- Deviations from the required subdivision standards have been requested through the Planned Unit Development process as noted in the PUD portion of the staff report.
- Deviations include: reduction of required street width
- Sidewalk on ONLY one side of the street.

PRELIMINARY PLAT FOR "THE DISTRICT AT RIVERSTONE":



Evaluation: The Planning Commission must determine, based on the information before them, whether or not all of the general preliminary plat requirements have been met as attested to by the City Engineer.

Finding #B7B: That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.

STORMWATER:

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. Development of the subject property will require that all new storm drainage be retained on site. This issue will be addressed at the time of plan review and site development of the subject property.

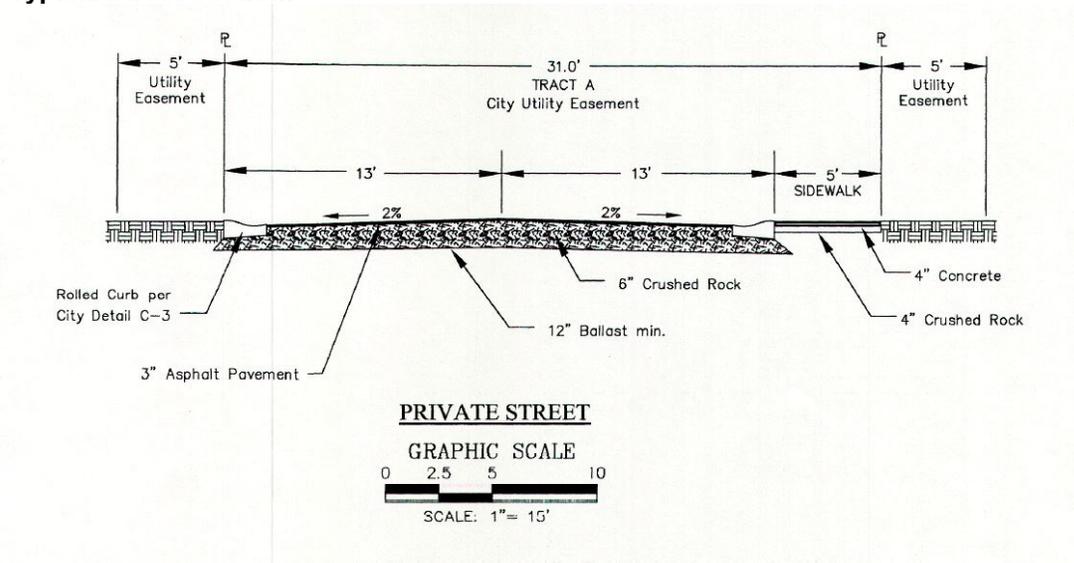
-Submitted by Chris Bosley, City Engineer

STREETS:

The subject property is bordered by John Loop to the north. The existing street was developed to City standards and no alterations will be required. Streets and Engineering has no objections to the proposed PUD.

-Submitted by Chris Bosley, City Engineer

Typical Street Section:



TRAFFIC:

The ITE Trip Generation Manual estimates the project may generate approximately 11 AM and 13 PM peak hour trips per day. The additional traffic generation will not likely result in any significant increase to congestion on the surrounding streets.

-Submitted by Chris Bosley, City Engineer

WATER:

Opinion: The Geo-Tech Report originally submitted is unfortunately incomplete and it is recommended to further investigate the site for potentially required approved remediation methods. This will be necessary for acceptable long term, viable public infrastructure installation.

Available capacity: There is an existing 12" main in John Loop with sufficient capacity and the City Water Dept. is willing to serve the project provided acceptable remediation efforts can be accomplished.

-Submitted by Terry Pickel, Water Department Director

WASTEWATER:

1. The presence of subsurface groundwater and unsuitable soil material exists at this site. A geotechnical report addressing the mitigation of groundwater and unsuitable soils in preventing the differential settlement and soil stabilization issues will be required for the approval by the Wastewater Utility prior to the installation of public sewer.
2. Public Sewer within an easement already exists along the eastern boundary of this site. In accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this PUD and Subdivision request, as proposed.
3. Sewer Policy #719 requires a 20'-wide utility easement (30' if shared with Public Water) or R/W dedicated to the City for all public sewers.
4. Sewer Policy #719 requires an "All-Weather" surface permitting O&M access to the public sewer.

-Submitted by Mike Becker, Utility Project Manager

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, turning radiuses, no parking-fire lanes, snow storage and gate access), 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 – 2015 Edition) for compliance. The CD'A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

1. Gate access using Knox system
2. Snow storage – not blocking FD turn-around in the hammerhead. Follow Fire Code for dimensions of an approved hammerhead.
3. Fire hydrant placement – Maximum 600 feet apart. This required 1 hydrant inside the gate. Please relocate the hydrant from the proposed location closer to the gate in the area of Lot 20 and 21.

4. FD turning radiuses are 25' interior and 50' exterior.

-Submitted by Bobby Gonder, Fire Inspector / IAAI – CFI

BUILDING:

The presence of subsurface groundwater and unsuitable soil material exists at this site. A geotechnical report addressing the mitigation of groundwater and unsuitable soils in preventing the differential settlement and soil stabilization issues will be required for approval by the Building Department.

-Submitted by Ted Lantzy, Building Official

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

Finding #B7C: **That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.**

Per engineering review, for the purposes of the preliminary plat, both subdivision design standards (Chapter 16.15) and improvement standards (Chapter 16.40) have been vetted for compliance. Because the proposed streets are private, adherence to the City standards for width are not required.

Evaluation: *The Planning Commission must determine, based on the information before them, whether the proposed preliminary plat does or does not comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B7D: **The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.**

The gross area of the subject property is +/- 2.2 acres. The total number of single family units requested is 24. The result is an average of 3,993 SF square feet per unit with an overall density of 10.7 units per acre. The existing zoning is C-17, which allows a mix of housing types at a density of not greater than 17 units per acre. The proposed density is less than allowed by the zoning.

Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the lots proposed in the preliminary plat do or do not meet the requirements of the applicable zoning district*

APPLICABLE CODES AND POLICIES:

Utilities:

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.
4. All required utility easements shall be dedicated on the final plat.

Streets:

5. All new streets shall be dedicated and constructed to City of Coeur d'Alene standards.
6. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
7. All required street improvements shall be constructed prior to issuance of building permits.
8. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

Stormwater:

9. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

Fire Protection:

10. Fire hydrant(s) shall be installed at all locations as determined by the City Fire Inspectors.

General:

11. The final plat shall conform to the requirements of the City.
12. Prior to approval of the final plat, all required improvements must be installed and accepted by the City. The developer may enter into an agreement with the City guaranteeing installation of the improvements and shall provide security acceptable to the City in an amount equal to 150 percent of the cost of installation of the improvements as determined by the City Engineer. The agreement and security shall be approved by the City Council prior to recording the final plat.

PROPOSED CONDITIONS:

Planning:

1. The creation of a homeowners association will be required to ensure the perpetual maintenance of the open space and other common areas.
2. The applicant's requests for subdivision, and PUD run concurrently. The subdivision and PUD designs are reliant upon one another. Additionally, approval of the requested PUD is only valid once the Final Development Plan has been approved by the Planning Department.

Water:

3. Further site investigation by a certified Geo-Tech engineer will be required to provide acceptable remediation methods for anticipated unsuitable soils prior to final approval of water infrastructure installation.
4. A public utility easement a minimum 20' wide (30' if combined sewer and water) will be required for all public infrastructure on the private street.
5. All water infrastructure shall be installed per City Water Dept. Construction Standards.

Wastewater:

6. Prior to the installation of any underground utilities, including sanitary sewer, a geotechnical report must be submitted to the Wastewater Utility for the approval of any mitigation for the presence of groundwater and unacceptable fill material.
7. All newly created lots within the City are required to connect to the public sewer system conforming to all Sewer Polices and Standards.
8. A utility easement or R/W for all public sewer shall be dedicated to the City
9. An unobstructed City approved "all-weather" access shall be required over all public sewers.

Fire:

10. Gate access using Knox system
11. Snow storage – not blocking FD turn-around in the hammerhead. Follow Fire Code for dimensions of an approved hammerhead.
12. Fire hydrant placement – Maximum 600 feet apart. This required 1 hydrant inside the gate. Please relocate the hydrant from the proposed location closer to the gate in the area of Lot 20 and 21.
13. FD turning radiuses are 25' interior and 50' exterior.

Building:

14. Prior to the issuance of a building permit, a geotechnical report shall be submitted to the Building Department for the approval of any mitigation for the presence of groundwater and unacceptable fill material. The geotechnical report shall identify the allowable soil bearing pressures and include recommendations for the foundation design to prevent settlement of the structures.
15. Building foundations designed by an Idaho licensed engineer may be required based on the future geotechnical site evaluation.

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

ACTION ALTERNATIVES:

The Planning Commission must consider these requests and make separate findings to approve, deny, or deny without prejudice. The findings worksheets are attached.

Attachments:

Applicant's Narrative
Geotechnical Report



**APPLICANT'S
NARRATIVE**



**Advanced Technology Surveying
& Engineering**

PROJECT NARRATIVE
FOR
RIVIERA WALK 2ND ADDITION

“The District”

April 24, 2019

ATS, INC.
P.O. BOX 3457
HAYDEN, ID 83835
(208) 772-2745

Advanced Technology Surveying and Engineering has been retained by The Unfolding LLC to represent them in their request for a new PUD development for this future project called "The District". The Unfolding is seeking PUD approval of the proposed subdivision development "Riviera Walk 2nd Addition", on John Loop in the Riverstone Development in Coeur d'Alene, Idaho.

Legal Description and Location of Property

The land for development currently consists of one parcel with the following legal description: RIVIERA WALK AT RIVERSTONE AMENDED, LT 1 BLK 1 URD CDA

The total acreage of the existing parcel is 2.2 acres.

Project Overview: Proposed Uses, Open Space, Structures and Infrastructure

Proposed Uses

"The District" (Riviera Walk 2nd Addition) will be developed by Dennis Cunningham, Managing Member of The Unfolding LLC. of Coeur d'Alene Idaho. He will model this PUD after his various projects in Coeur d'Alene and Hayden Idaho which are primarily infill locations. Some of the criteria will integrate principles of smart growth, urbanism and green building practices. Meadow Ranch sub-division and Riviera Walk 1st Addition has been a success story for both Active West Builders and the City of Coeur d'Alene. We believe that modeling The District (Riviera Walk 2nd Addition) after Meadow Ranch and Riviera Walk 1st Addition will lead to another successful project within the City of Coeur d'Alene Idaho meeting the demands of the consumer in the Riverstone PUD.

The site will be developed and gated as a private residential sub-division PUD, with duplexes and single-family residences with a private road and sidewalk infrastructure on one side of street. The Preliminary Plat Exhibit A shows the lot layouts, infrastructure, swale areas, snow storage areas, opens space and the related tracts. This has all been based on two Project meetings with all departments at City of Coeur d'Alene Idaho. Exhibit B shows the site plan and unit location, setbacks and housing type (single family or duplex). The site will have a density of 10.7 units per acre and will meet PUD open space requirements with a total of 10% active open space.

Open Space

The open space will consist of 3 different areas, located throughout the PUD, as delineated on the preliminary plat and landscape plan. The open space area on the Southeast portion of this PUD will provide gate access/entrance to the dedicated City Park for homeowners to enjoy. There will be two larger grassy areas for dogs of the community, garden boxes for seasonal vegetables, espalier apple trees and landscaping for the residents to enjoy in these dedicated open spaces. Exhibit E shows the landscape plan and opens space buildout amenities.

Landscaping will include street trees, lawn, designated grassy swale(s), shrub and planting areas in all community areas as well as individual home site landscaping residences (see Exhibit E). Privacy fencing will be installed along the perimeter of the development as well as between each home. Sidewalk will be located on one side of the street where both the larger open space areas are located. Handicap access ramps will be installed on the private streets where applicable.

Residential Unit Mix

The project is zoned as C-17 and in accordance with City Code and will be developed as a single family/duplex residential project under the R-12 zoning provisions. The proposed PUD will consist of 24 units, 4 single-family and 18 duplex residential lots with an average lot size of 2,650 sf. Setbacks are shown on the attached Exhibit C. Also provided is the architectural concepts for the housing mix, style for The District – See Exhibit D.

Infrastructure

Access to the site will be from John Loop by a paved, gated entry onto New Street A (tract A). Proposed infrastructure within the development includes one private road section type, referenced herein as Section A. Since the proposed road section will be private roads, dedicated to and maintained by the Homeowners Association, they will be platted as tracts of land as opposed to typical public right-of-way dedications. Road tract widths vary throughout the development will be 31'. This road design is proven to work as illustrated in Riviera Walk 1st Addition sub-division. The fire department will have the required turnaround located and the ends of both sides of the proposed private road.

Driveways to the single-family homes will be private driveways accessed off the private sub-division road tracts and will have setbacks that will be 0' to 5' from the adjacent property line. This driveway design has a proven track record as well – it is identical to what was constructed in Meadow Ranch and Riviera Walk 1st Addition. The recordation of the PUD Master Plan will ensure that future homeowners/contractors construct driveways and homes in the exact location as shown on the PUD Master Plan.

Drainage will be facilitated through swales and drywells placed strategically throughout the planned unit development. All drainage calculations will be to the City of Coeur d'Alene standards and requirements and shall be included on the plat.

Setbacks

In summary, deviations from City standards for this PUD will include – see exhibit C:

1. Reductions in proposed building setbacks
 - 10' front yard (from 20' per R-12 zoning)
 - 5' side yard setbacks (from 5-10' per R12 zoning)
 - 10' rear yard to face of structure (from 25' per R-12 zoning) with the duplex to share a common wall.
2. Reductions to typical lot frontage widths
 - Proposed lots range from 25'-45' of private street frontage deviating from R-12 zoning code requirement of 50' of street frontage
3. A privately maintained development with vehicle gated entrance and a pedestrian gated entry on one side of the project entrance.

Site Utility Extensions

Utilities to the project will be provided by the following utility companies. Avista Utilities will have gas lines extended into the property. Avista or Kootenai Electric will provide the electrical power. Local cable and telephone will be extended into the property. City of Coeur d'Alene will serve the property with sanitary sewer and water. There are multiple existing utility and sewer easements on this property.

Common Space Ownership and Management

The Unfolding LLC and the design team will work with the City of Coeur d'Alene legal department on all required language for the CC&Rs, Articles of Incorporation and By-Laws, and any language that will be required to be placed on the final subdivision plat in regard to maintenance of all private infrastructure.

The HOA will be responsible for continued maintenance of all street and traffic signage and required signalization.

Relationship to Adjacent Public Development Programs

The proposed PUD will be located within the Riverstone Development, located south of Seltice Way and east of Northwest Boulevard. The PUD will interface with the Centennial Trail, running east-west parallel to the development's southern property line.

There is also a City Park just East of this property that will have private access through a dedicated open space tract for residents.

Preliminary Development Schedule

There will be one continuous phase of development upon PUD approval. It is anticipated that the site improvement and site infrastructure work will begin August 15, 2019 and continue through December 2019.

**GEOTECHNICAL EVALUATION
PROPOSED RIVIERA WALK AT RIVERSTONE 1ST ADDITION
LOT 1, BLOCK 1 RIVIERA WALK AT RIVERSTONE
COUER D'ALENE, ID**

Inland Pacific Engineering Company Project No. 18-887

November 7, 2018

IPEC

Inland Pacific Engineering Company
Geotechnical Engineering and Consulting

18062

IPEC

Inland Pacific Engineering Company
Geotechnical Engineering and Consulting

November 7, 2018
Project No. 18-887

Mr. Charly Ragan
Active West Builders, LLC
PO Box 3398
Coeur d'Alene, ID 83816

Re: **Geotechnical Evaluation**
Proposed Riviera Walk at Riverstone 1st Addition
Lot 1, Block 1 Riviera Walk at Riverstone
Coeur d'Alene, ID

Dear Mr. Ragan:

We have completed the geotechnical evaluation for the proposed project located at the above-referenced site in Coeur d'Alene, Idaho. The purpose of evaluation was to assess subsurface soil and groundwater conditions to assist in design and construction of house foundations, slabs, pavement, and stormwater management facilities and in preparation of plans and specifications.

We appreciate the opportunity to provide our services to you on this project. If you have any questions or need additional information, please do not hesitate to call me at (509) 209-6262 at your convenience.

Sincerely,
Inland Pacific Engineering Company



Gregory J. Voigt, P.E.
Project Engineer



Paul T. Nelson, P.E.
Principal Engineer

Attachment: Geotechnical Evaluation Report



Geotech Report

**GEOTECHNICAL EVALUATION
RIVIERA WALK AT RIVERSTONE 1ST ADDITION
LOT 1, BLOCK 1 RIVIERA WALK AT RIVERSTONE
COEUR D'ALENE, ID**

Inland Pacific Engineering Company Project No. 18-887

November 7, 2018

Prepared for:

**Active West Builders, LLC
Coeur d'Alene, ID**



IPEC

**Inland Pacific Engineering Company
Geotechnical Engineering and Consulting**

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Appendix A – Site Location Map, NRCS Map, Boring Location Map

Appendix B – Boring Logs, Descriptive Terminology

1.0 INTRODUCTION

1.1 Project Description

We understand that the project will consist of constructing roadways with underground utilities and stormwater management areas associated with 24 single-family residential lots for this plat. At this time, specific design details are not available. For our purposes, we have assumed that future house wall loads will be less than 1 to 2 kips per lineal foot and column loads, if any, will be less than 25 kips. We have further assumed that traffic will consist mostly of light automobiles with occasional truck traffic and that traffic data will be provided to us for our pavement design. Stormwater will be managed using infiltration swales with drywells and/or gravel galleries.

1.2 Purpose

The purpose of the evaluation is to assess subsurface soil and groundwater conditions to assist in design and construction of house foundations, slabs, pavements, and stormwater management facilities and in preparation of plans and specifications for construction.

1.3 Scope

Our services were requested by Ms. Cindy Espe of Advanced Technology Surveying. Mr. Charly Ragan of Active West Builders, LLC authorized us to proceed on October 12, 2018. The scope of work agreed upon consisted of the following:

- review of existing geotechnical data and reports, if available
- performing 6 soil borings at the site to depths ranging from 15 to 20 feet,
- classifying the soils and preparing boring logs, and
- submitting a geotechnical report containing logs of the borings, results of our field investigation, our analyses and our recommendations for design and construction.

1.4 Available Information

We were provided a site plan for the project. This plan showed the locations of the proposed building, parking and drive areas, existing roadways, and property lines. This plan was prepared by Advanced Technology Surveying & Engineering and was dated September 20, 2018.

We were also provided a geotechnical engineering and construction observation report for the Riverstone West development. This report provided copies of various geotechnical investigations and field reports for the placement of structural fill, including density test results, for the development. This report was titled "Geotechnical Engineering and Construction Testing and Observations Report" prepared by ALLWEST Testing & Engineering, LLC and was dated September 24, 2009. The Riviera site lies in Area 8 (Appendix I) of this report.

Furthermore, we performed a geotechnical evaluation dated February 26, 2016 for the north end of the site. The geotechnical evaluation consisted of performing 8 soil borings to depths ranging from about 7½ to 30 feet and providing recommendations for the design and construction of a proposed 4-story apartment building.

1.5 Locations and Elevations

The borings were performed at or near locations selected by us. The boring locations are shown on the Boring Location Map in Appendix A. The borings were drilled by Inland Pacific Engineering Company (IPEC). Ground surface elevations were not obtained as part of our scope.

2.0 RESULTS

2.1 Logs

Log of Boring sheets indicating the vertical sequence of soils and materials encountered and groundwater observations are included in Appendix B. The strata changes at the borings were inferred based on the changes in the penetration test samples and auger cuttings brought to the surface. Please note that the depths shown as changes between the strata are only approximate. The changes are likely transitions and the depths of changes may vary between the borings. Geologic origins for each stratum are based on the soil type, available geologic maps, and available common knowledge of the depositional history of the site.

2.2 Site Conditions and History

The site is located on Lot 1, Block 1 in the Riviera Walk at Riverstone development in Coeur d'Alene, Idaho. The location of the site is shown on the Site Location Map in Appendix A. The site is relatively level with little or no vegetation.

The Riverstone West site is a former gravel pit that was filled to create building lots and roadways. The fill depth is up to 80 feet in Area 8. The structural fill consisted of sand and gravel which was compacted and tested during construction. The subject lot was intended to be a parking area for a fitness center project.

During the grading operations, structural fill was mined from the subject site for use in other areas. The structural fill was mined to a depth of 15 to 20 feet. The contractor replaced the fill with marginal fill having organics and debris and was compacted and reinforced with geogrid. At that time, this was acceptable as the intent was strictly for parking. The marginal fill was then capped with approximately 5 feet of suitable structural fill.

2.3 Soils

The borings in the southern portion of the site (Borings B-101 through B-106) encountered existing fill to their termination depths. In general, the borings encountered suitable structural fill in the upper 5 to 9 feet overlying marginal fill to their termination depths. However, suitable structural fill was encountered below the marginal fill soils in Boring B-106.

The borings in the northern portion of the site (B-1 through B-6A), which were performed for our previous geotechnical evaluation, encountered existing fill to their termination or refusal depths. In general, the borings encountered suitable structural fill in the upper 5 to 8 feet overlying marginal fill to depths of 19 to 27 feet. Suitable structural fill was encountered below the marginal fill soils.

Borings B-1, B-3, B-4, B-6, and B-6A met refusal at depths ranging from 7½ to 16 feet. Refusal is defined as the depth at which the boring could not be advanced further. Refusal can be caused by boulders, bedrock, very dense soils, or obstructions. Because obstructions were encountered in the borings during drilling, it is our opinion that refusal was caused by obstructions in the fill. At Borings B-1 and B-6, the auger was removed and the bore hole was re-drilled several feet away.

2.4 Groundwater

Groundwater was encountered in Borings B-1 through B-3, B-5, B-6, B-105, and B-106 at depths ranging from 3 to 8 feet. Because groundwater was not present in the gravel pit prior to filling, it is our opinion that the observed groundwater is perched or “trapped” above the marginal fill soils as they have an appreciable amount of fines. Seasonal and annual fluctuations of groundwater should be anticipated.

3.0 DESIGN DATA

We understand that the project will consist of constructing roadways with underground utilities and stormwater management areas associated with 24 single-family residential lots for this plat. At this time, specific design details are not available. For our purposes, we have assumed that future house wall loads will be less than 1 to 2 kips per lineal foot and column loads, if any, will be less than 25 kips. We have further assumed that traffic will consist mostly of light automobiles with occasional truck traffic and that traffic data will be provided to us for our pavement design. Stormwater will be managed using infiltration swales with drywells and/or gravel galleries.

When design loads and elevations become available, we should be contacted. Additional analyses may be necessary.

4.0 ANALYSIS AND RECOMMENDATIONS

4.1 Discussion

Based on the borings and existing geotechnical data, existing fill is present across the entire property. Some of the existing fill encountered in the borings appears to be marginal fill. Because of the variability in the relative density of the existing fill, it is our opinion that the fill is not suitable for direct support of foundations, slabs, or pavements.

Because of the depth of the fill, we recommend a limited subexcavation be performed below the proposed houses and replaced with a compacted structural fill reinforced with geogrid. With this approach, the risk of long-term differential settlement would be reduced. However, there would still be a risk of some limited long-term settlement and should be assumed by the owner. Alternatively, deep foundations, such as micropiles, etc. could be considered.

It may be possible to re-use a portion of the existing fill as structural fill provided large particles, foreign materials, and organic or deleterious particles are removed. Reuse of existing fill should be evaluated by a geotechnical engineer at the time of construction.

Based on the data obtained from the borings, it is our opinion that the proposed buildings can be supported on structural slabs bearing on the compacted structural fill placed over the existing fill and soils.

4.2 Site Preparation

We recommend that the existing fill be excavated to a depth of 10 feet below proposed house areas. We recommend that the excavations be oversized (widened) 1 foot horizontally from the outside edges of the buildings for each foot of excavation below bottom-of-footing grade (1:1 oversizing). After these soils have been removed, we recommend surface compacting the exposed soils prior to placing geogrid and structural fill.

We recommend placing a biaxial or triaxial geogrid reinforcement (e.g., Tensar BX-1200 or TX-140) at depths of 5 and 10 feet. Structural fill should be placed in 6- to 8-inch-thick loose lifts at or near optimum moisture content and compacted to a minimum of 95 percent of the maximum dry density determined in accordance with ASTM D 1557 (modified Proctor). Non-structural fill should be placed in twelve-inch-thick, loose lifts and compacted to at least 85 percent of the modified Proctor maximum dry density.

4.3 Foundations

We recommend that continuous foundations be placed at least 24 inches below the exposed ground surface for frost protection or as required by local building codes. Interior footings can be placed immediately below the slab. For unheated footings, we recommend that they be placed a minimum of 36 inches below the exposed ground surface.

We recommend that any subexcavations be oversized (widened) 1 foot horizontally from the edges of the footings for each foot of excavation below bottom-of-footing grade (1:1 oversizing). All foundation bearing surfaces should be free of loose soil and debris. If the foundation bearing soils are disturbed by excavation, the exposed soil should be re-compacted to a minimum of 95 percent of the modified Proctor maximum dry density.

It is our opinion that the native soils encountered at the site would be suitable for support of isolated or continuous footings designed for a net allowable bearing pressure of 1,500 pounds per square foot (psf). Fill or backfill placed and compacted as previously recommended would be suitable for support of isolated or continuous footings designed for a net allowable bearing

pressure of 1,500 pounds per square foot (psf). This recommended bearing capacity includes a safety factor of at least 3.0 against shear failure. The maximum net allowable bearing pressure values may be increased up to 30 percent to account for transient loads such as wind and seismic.

4.4 Floor Slabs

After the construction of the building pads have been completed, slab subgrades will consist of structural fill. Interior footing and mechanical trenches should be compacted to a minimum of 95 percent of the modified Proctor maximum dry density.

We recommend placing a minimum of 6 inches of crushed aggregate or pea gravel having less than 5 percent by weight passing a 200 sieve immediately below the slabs. This aggregate cushion will reduce moisture transmission to the floor slabs from the subgrade soils by creating a capillary break. The aggregate cushion should be compacted to a minimum of 95 percent of the modified Proctor maximum dry density.

We recommend using a subgrade modulus of 200 pounds per cubic inch per inch of deflection (pci) to design the slabs. If a minimum of 6 inches of crushed gravel road base is placed above the subgrade and below the aggregate cushion, a modulus of 250 pci could be used for design.

If moisture-sensitive floor coverings or coatings will be used, a vapor retarder beneath the slabs should be considered. The designer of the buildings is best suited to make the decision regarding use of a vapor retarder, placement, and location relative to the slab base. We would be available to discuss the methods available.

4.5 Exterior Slabs

The silty sand at the site is considered to be low to moderately frost-susceptible. If these soils become saturated and freeze, up to ½ inch of heave may occur. This heave may become a nuisance for slabs or steps in front of doors or at other critical grade areas adjacent to the buildings. One way to reduce this heave is to remove the frost-susceptible soils down to bottom-of-footing grade and replace them with non-frost-susceptible sand or sandy gravel. Sand or sandy gravel having less than 5 percent of the particles by weight passing a 200 sieve is considered to be non-frost-susceptible.

4.6 Friction Coefficients

For mass concrete placed over granular structural fill, we recommend using a coefficient of friction against sliding of 0.45. For mass concrete placed on a vapor retarder over the native soils, we recommend using a coefficient of friction against sliding of 0.35.

4.7 Lateral Earth Pressures

Any below-grade or retaining walls will retain low to significant amounts of soil. To reduce the potential for hydrostatic pressures to develop against the walls, we recommend using a free draining granular material with less than 5 percent passing a 200 sieve as backfill. The backfill material should consist of a sand or sandy gravel having 100 percent by weight passing a 1½ inch sieve and less than 5 percent passing a 200 sieve.

The equivalent fluid pressure used to design the walls will depend on the soil type used as backfill and whether the walls are designed to be flexible (allowed to move) or rigid (not allowed to move).

Assuming a sand or sandy gravel backfill with an internal friction angle of 34 degrees and a unit weight of 125 pound per cubic foot (pcf), we recommend using the following values for design:

A. Flexible Walls

Active Earth Pressure Coefficient, K_a :	0.28
Equivalent Fluid Pressure, pcf:	35

B. Rigid Walls

At-rest Earth Pressure Coefficient, K_0 :	0.44
Equivalent Fluid Pressure, pcf:	55

For passive pressures, we recommend using a passive earth pressure coefficient K_p of 3.54 and an equivalent fluid pressure of 440 pcf for design.

4.8 Seismic Conditions

An S_s coefficient of 0.354g should be used for the project site per Figure 1613.3.1(1) in the 2015 edition of the International Building Code. An S_1 coefficient of 0.116g should be used for the project site per Figure 1613.3.1(2). The seismic coefficients should be modified for a soil site class C per Table 1613.3.5(1) of the International Building Code.

4.9 Utilities

Based on the borings, support soils for utilities will consist of existing fill. We recommend that the existing fill soils be subexcavated to a minimum depth of 5 feet below invert elevation and replaced with a compacted structural fill. We recommend placing geogrid reinforcement below the structural fill and extending a minimum of 3 feet on either side of the pipe and 5 feet below manholes. For trench sidewall support, the site soils are considered Type C soils according to Occupational Safety and Health Administration (OSHA) guidelines.

Backfill placed over the utilities should consist of a debris-free mineral soil. Soils from the trench excavation can be used as backfill above the pipe provided that oversized particles and debris are removed. Backfill should be placed and compacted to a minimum of 95 percent of the modified Proctor maximum dry density. Compaction to 85 percent would be suitable in landscape areas.

4.10 Site Grading and Drainage

We recommend that the site be graded to provide positive runoff away from the proposed structures. We recommend that landscape areas be sloped a minimum of 6 inches within 10 feet of structures and that slabs be sloped a minimum of 2 percent.

4.11 Stormwater Recommendations

We recommend that stormwater be routed to swales for treatment and drywells installed in the suitable structural fill which should drain and infiltrated adequately. We recommend excavating test pits in swale areas to evaluate the soils for drywell placement.

5.0 PAVEMENTS

5.1 Subgrade Preparation

To provide a uniform subgrade for pavements, we recommend that the upper 24 inches of the parking and drive area subgrades be excavated, moistened or dried to within 3 percent of optimum moisture, and compacted to a minimum of 95 percent of the modified Proctor maximum dry density determined in accordance with ASTM D 1557. Where fill is required, we recommend that it be similarly moisture conditioned and compacted. If there are areas that cannot be compacted, we recommend that the unstable soils be removed and replaced with soils similar to the surrounding subgrade soils.

We recommend that the subgrade surface be shaped to provide for positive drainage to minimize the potential for water to pond in the subgrade. Because the site soils are low to moderately frost-susceptible, it will be important to avoid creating "bathtubs" in the subgrade where water can pond and freeze, which could heave the pavement.

After preparing the subgrade, we anticipate that the subgrade will likely consist primarily of silty sand or structural fill consisting of these soils. These soils are low to moderately sensitive to disturbance, especially when wet. If these soils are wet, we recommend that construction traffic be minimized where these soils are exposed. If these soils become unstable, other measures, such as excavation and replacement or geotextile fabric may be necessary.

5.2 Test Rolling

Prior to placing the aggregate base, we recommend that all subgrade areas be proof-rolled with a loaded dump truck. This precautionary measure would assist in detecting any localized soft areas. Any soft areas discovered during the proof-rolling operation should be excavated and replaced with a suitable structural fill material. The structural fill should be similar to the existing subgrade soil type to provide a uniform subgrade. We recommend that the proof-rolling process be observed by an experienced geotechnical engineer to make the final evaluation of the subgrade.

5.3 Pavement Section Design

Based on the data from the borings and laboratory testing, we recommend a pavement section consisting of a minimum of 2 inches of asphalt over 6 inches of crushed gravel base for parking and drive areas. If significant truck traffic is anticipated, we recommend that the asphalt thickness be increased to 3 inches in truck drive areas. If anticipated traffic data becomes available, we should be notified so we can review our pavement recommendations and provide revisions if necessary.

5.4 Materials and Compaction

We recommend specifying crushed gravel base meeting the requirements of the Idaho Department of Transportation (IDT) Standard Specification 703 for crushed gravel surfacing. We recommend that the asphalt concrete pavement meet the requirements of IDT Standard Specification 405 for HMA asphalt concrete pavements. We recommend that the crushed gravel surfacing be compacted to a minimum of 95 percent of the modified Proctor maximum dry density. We recommend that the asphaltic concrete surface be compacted to minimum of 92 percent of the Rice density.

6.0 CONSTRUCTION

6.1 Excavation

Based on the data obtained from the borings, it is our opinion the on-site soils can be excavated with standard soil excavation equipment. We recommend excavations greater than four feet deep be sloped no steeper than 1.5:1 (horizontal to vertical), or that deeper excavations be shored or braced in accordance with OSHA specifications and local codes. The soils present at the site are considered to be Type C soils by OSHA.

6.2 Observations

We recommend that a geotechnical engineer observe all subgrades prior to placing fill or forms for footings to evaluate if the soils are suitable for support of the proposed structure and to evaluate whether the subsurface conditions are consistent with the borings.

6.3 Backfills and Fills

Backfills and fills should be moisture conditioned to near optimum moisture content to achieve adequate compaction and placed in thin lifts not exceeding 6 to 8 inches. Based on the borings, it may be possible to re-use the some of the existing fill as structural fill provided large particles, foreign materials, and organic or deleterious particles are removed. Reuse of the existing fill should be evaluated by a geotechnical engineer at the time of construction.

6.4 Testing

We recommend in-place density tests be performed on all fill placed. We recommend at least one test for every 2,500 square feet in the building areas for each foot of fill placed. We recommend at least one test for every 100 cubic yards of fill placed in the parking and drive areas with at least one test for every 2 feet of fill placed. At least one density test should be taken for every 100 feet of trench at vertical intervals not exceeding 2 feet.

6.5 Cold Weather

If site grading and construction are anticipated during cold weather, we recommend that good winter construction practices be observed. All snow and ice should be removed from excavated and fill areas prior to additional earthwork or construction. No fill, footings, or slabs should be placed on soils which have frozen or contain frozen material. Frozen soils should not be used as backfill or fill.

Concrete delivered to the site should meet the temperature requirements of ASTM C 94. Concrete should not be placed upon frozen soils or soils which contain frozen material. Concrete should be protected from freezing until the necessary strength is achieved. Frost should not be permitted to penetrate below footings bearing on frost-susceptible soils since such freezing could heave and crack the footings and/or foundation walls.

6.6 Wet Weather

The sands encountered at the site are low to highly sensitive to disturbance when wet. If these soils become wet and unstable, we recommend that construction traffic be minimized where these soils are exposed. Low ground pressure (tracked) equipment should be used to minimize disturbance. For high traffic areas, such as access or haul roads, we recommend placing a woven, water-permeable geotextile fabric (e.g., Mirafi 500X or 600X) and 12 to 18 inches of crushed gravel to reduce disturbance. Specific options should be evaluated during construction in order to select the most cost-effective option.

7.0 PROCEDURES

7.1 Excavation and Sampling

The borings were drilled on October 17, 2018 using a truck-mounted drill provided by IPEC. The borings were drilled in accordance with ASTM D 1586 procedures. With this method, a hollow-stem auger is advanced to the desired test depth. A 140-pound hammer falling 30 inches is used to drive a standard, 2-inch O.D., split barrel sampler a total of 18 inches below the tip of the hollow-stem auger.

The blows required to advance the sampler are recorded for each 6-inch increment. The blows for the last foot of penetration are called the N-value and are an indication of the soil strength characteristics. The N-values are shown on the attached Log of Boring sheets. A geotechnical engineer from IPEC continuously observed the borings and logged the surface and subsurface conditions. After we logged the borings, the borings were backfilled in accordance with applicable state procedures.

7.2 Soil Classification

The soils encountered in the borings were visually and manually classified in the field by our field personnel in accordance with ASTM D 2488, "Description and Identification of Soils (Visual-Manual Procedures)".

8.0 GENERAL RECOMMENDATIONS

8.1 Basis of Recommendations

The analyses and recommendations submitted in this report are based on the data obtained from the borings performed at the locations indicated on the Boring Location Map in Appendix A. It should be recognized that the explorations performed for this evaluation reveal subsurface conditions only at discreet locations across the project site and that actual conditions in other areas could vary. Furthermore, the nature and extent of any such variations would not become evident until additional explorations are performed or until construction activities have begun. If significant variations are observed at that time, we may need to modify our conclusions and recommendations contained in this report to reflect the actual site conditions.

8.2 Groundwater Fluctuations

We made water level observations in the borings at the times and conditions stated on the boring logs. These data were interpreted in the text of this report. The period of observation was relatively short and fluctuation in the groundwater level may occur due to rainfall, flooding, irrigation, spring thaw and other seasonal and annual factors not evident at the time the observations were made. Design drawings and specifications and construction planning should recognize the possibility of fluctuations.

8.3 Use of Report

This report is for the exclusive use of the addressee and the copied parties to use in design of the proposed project and to prepare construction documents. In the absence of our written approval, we make no representations and assume no responsibility to other parties regarding this report. The data, analyses, and recommendations may not be appropriate for other structures or purposes. We recommend that parties contemplating other structures or purposes contact us.

8.4 Level of Care

Services performed by the geotechnical engineers for this project have been conducted in a manner consistent with that level of care ordinarily exercised by members of the profession currently practicing in this area under similar budget and time restraints. No warranty, expressed or implied, is intended or made.

8.5 Professional Certification

This report was prepared by me or under my direct supervision and I am a duly registered engineer under the laws of the State of Idaho.



Paul T. Nelson, P.E.
Principal Engineer



11-7-18

APPENDIX A

SITE LOCATION MAP, NRCS MAP,
BORING LOCATION MAP

FIGURE 1



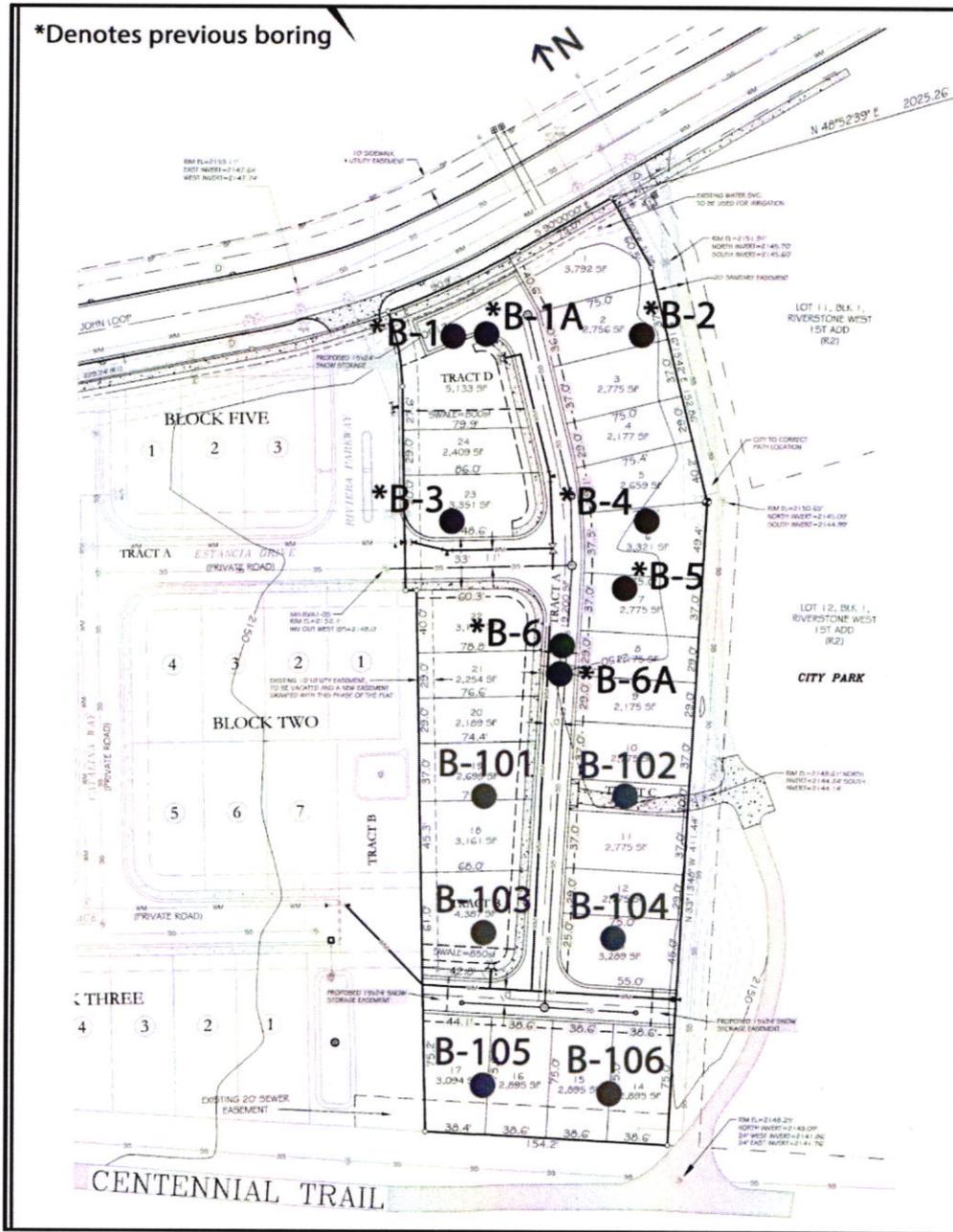
Site Location Map		
IPEC Inland Pacific Engineering Company Geotechnical Engineering and Consulting	Project No. 18-887	November 7, 2018
	Proposed Riviera Walk at Riverstone 1 st Addition Lot 1, Block 1 Riviera Walk at Riverstone Coeur d'Alene, ID	

FIGURE 2



NRCS Map		
 Inland Pacific Engineering Company Geotechnical Engineering and Consulting	Project No. 18-887	November 7, 2018
	Proposed Riviera Walk at Riverstone 1 st Addition Lot 1, Block 1 Riviera Walk at Riverstone Coeur d'Alene, ID	

FIGURE 3



APPENDIX B

LOGS OF BORINGS, DESCRIPTIVE TERMINOLOGY



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-1

CLIENT Active West Builders, LLC PROJECT NAME Riviera Terraces Apartments
 PROJECT NUMBER 16-237 PROJECT LOCATION Lot 1, Block 1 URD CDA
 DATE STARTED 2/12/16 COMPLETED 2/12/16 GROUND ELEVATION _____ HOLE SIZE 7 inches
 DRILLING CONTRACTOR Johnson Exploration Drilling GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger ▽ AT TIME OF DRILLING 4.00 ft
 LOGGED BY PTN CHECKED BY PTN ▽ AT END OF DRILLING 3.50 ft
 NOTES _____ ▽ AFTER DRILLING 3.50 ft

IPEC BORING LOG - GINT STD US LAB.GDT - 2/23/16 16:00 - J.I. IPEC PROJECTS - 2016 PROJECTS\16-237 RIVIERA TERRACES APARTMENTS\GINT\16-237 RIVIERA TERRACES APARTMENTS.GPJ

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		(SM) FILL: Silty Sand with Gravel, medium to coarse grained, a trace of concrete, brown to gray, moist to 4', then water-bearing.										
4			SS		11-14 (25)							
5			SS		12-19 (31)							
6			SS		50							

Refusal.
 Groundwater down 4' with 6' of hollow-stem auger in the ground.
 Groundwater down 3.5' immediately after withdrawal of the auger.
 Bore hole then abandoned.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-2

CLIENT Active West Builders, LLC PROJECT NAME Riviera Terraces Apartments
 PROJECT NUMBER 16-237 PROJECT LOCATION Lot 1, Block 1 URD CDA
 DATE STARTED 2/12/16 COMPLETED 2/12/16 GROUND ELEVATION _____ HOLE SIZE 7 inches
 DRILLING CONTRACTOR Johnson Exploration Drilling GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING --- Not encountered
 LOGGED BY PTN CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ ∇ AFTER DRILLING 4.00 ft

IPEC BORING LOG - GINT STD US LAB.GDT - 2/23/16 16:00 - J.I. IPEC PROJECTS\16-237 RIVIERA TERRACES APARTMENTS\GINT\16-237 RIVIERA TERRACES APARTMENTS.GPJ

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		(SM) FILL: Silty Sand, fine to medium grained, a trace of Gravel, brown, moist.			50							
5	∇	(SM) FILL: Silty Sand, fine to medium grained, with pieces of concrete, wood, and organics, gray to black, wet to water-bearing.	SS		17-24 (41)							
			SS		32-28 (60)							
10			SS		21-13 (34)							
15			SS		21-21 (42)							
			SS		50							

End of Boring.

Groundwater not encountered with 19' of hollow-stem auger in the ground.

Groundwater not encountered to cave-in depth of 5' immediately after withdrawal of the auger.

Groundwater down 4' two hours after withdrawal of the auger.

Bore hole then abandoned.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-3

CLIENT Active West Builders, LLC PROJECT NAME Riviera Terraces Apartments
 PROJECT NUMBER 16-237 PROJECT LOCATION Lot 1, Block 1 URD CDA
 DATE STARTED 2/15/16 COMPLETED 2/15/16 GROUND ELEVATION _____ HOLE SIZE 7 inches
 DRILLING CONTRACTOR Johnson Exploration Drilling GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger ∇ AT TIME OF DRILLING 5.00 ft
 LOGGED BY PTN CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ ∇ AFTER DRILLING 3.00 ft

IPEC BORING LOG - GINT STD US LAB.GDT. - 2/23/16 16:00 - J.J. IPEC PROJECTS\2016 PROJECTS\16-237 RIVIERA TERRACES APARTMENTS.GPJ

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		(SM) FILL: Silty Sand, fine to coarse grained, a trace of Gravel, brown, moist.										
3	∇		SS		22-26 (48)							
5	∇		SS		13-11 (24)							
6		(SC) FILL: Clayey Sand, very fine to fine grained, with wood, concrete, and organics, dark gray to black, wet.										
8			SS		11-12 (23)							
10			SS		38-25 (63)							
15			SS		26-26 (52)							
			SS		50							

Refusal.
 Groundwater down 5' with 9' of hollow-stem auger in the ground.
 Groundwater not encountered with 16' of hollow-stem auger in the ground.
 Groundwater not encountered immediately after withdrawal of the auger.
 Groundwater down 3' two hours after withdrawal of the auger.
 Bore hole then abandoned.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-4

CLIENT Active West Builders, LLC PROJECT NAME Riviera Terraces Apartments
 PROJECT NUMBER 16-237 PROJECT LOCATION Lot 1, Block 1 URD CDA
 DATE STARTED 2/12/16 COMPLETED 2/12/16 GROUND ELEVATION _____ HOLE SIZE 7 inches
 DRILLING CONTRACTOR Johnson Exploration Drilling GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING --- Not encountered
 LOGGED BY PTN CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ AFTER DRILLING -- 2

IPEC BORING LOG - GINT STD US LAB.GDT - 2/23/16 16:00 - J.I. IPEC PROJECTS - 2016 PROJECTS\16-237 RIVIERA TERRACES APARTMENTS\GINT\16-237 RIVIERA TERRACES APARTMENTS.GPJ

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		(SP-SM) FILL: Poorly Graded Sand with Silt, medium to coarse grained, a trace of Gravel, gray to brown, moist to 4', then water-bearing.	SS		9-8 (17)							
5		(SC-SM) FILL: Silty Clayey Sand, fine to coarse grained, a trace of Gravel mixed with wood and organics, gray to black, wet.	SS		17-35 (52)							
			SS		50							
10			SS		16-16 (32)							
15			SS		50							

Refusal.

Groundwater not encountered with 16' of hollow-stem auger in the ground.

Groundwater not encountered immediately after withdrawal of the auger.

Groundwater down 2' three days after withdrawal of the auger.

Bore hole then abandoned.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-5

CLIENT Active West Builders, LLC PROJECT NAME Riviera Terraces Apartments
 PROJECT NUMBER 16-237 PROJECT LOCATION Lot 1, Block 1 URD CDA
 DATE STARTED 2/15/16 COMPLETED 2/15/16 GROUND ELEVATION _____ HOLE SIZE 7 inches
 DRILLING CONTRACTOR Johnson Exploration Drilling GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING --- Not encountered
 LOGGED BY PTN CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ ∇ AFTER DRILLING 8.00 ft

IPEC BORING LOG - GINT STD US LAB.GDT - 2/23/16, 16:00 - J.I. IPEC PROJECTS\2016 PROJECTS\16-237 RIVIERA TERRACES APARTMENTS\GINT\16-237 RIVIERA TERRACES APARTMENTS.GPJ

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		(SM) FILL: Silty Sand, fine to coarse grained, a trace of Gravel, brown, moist.										
2.5			SS		22-12 (34)							
5			SS		44-20 (64)							
8			SS		50							
10		(SC-SM) FILL: Silty Clayey Sand, very fine to fine grained, with wood and organics, dark gray to black, moist to wet.										
12.5			SS		19-18 (37)							
15			SS		25-32 (57)							
20			SS		10-20 (30)							
25			SS		43-28 (71)							
30		(SM) FILL: Silty Sand, fine to coarse grained, a trace of Gravel, brown, moist.										
30			SS		50							

End of Boring.
 Groundwater not encountered with 29' of hollow-stem auger in the ground.
 Groundwater not encountered immediately after withdrawal of the auger.
 Groundwater down 8' four hours after withdrawal of the auger.
 Bore hole then abandoned.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-6

CLIENT Active West Builders, LLC PROJECT NAME Riviera Terraces Apartments
 PROJECT NUMBER 16-237 PROJECT LOCATION Lot 1, Block 1 URD CDA
 DATE STARTED 2/15/16 COMPLETED 2/15/16 GROUND ELEVATION _____ HOLE SIZE 7 inches
 DRILLING CONTRACTOR Johnson Exploration Drilling GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING --- Not encountered
 LOGGED BY PTN CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ AFTER DRILLING --- Not encountered

IPEC BORING LOG - GINT STD US LAB.GDT - 2/23/16 16:00 - J.I. IPEC PROJECTS\2016 PROJECTS\16-237 RIVIERA TERRACES APARTMENTS\GINT\16-237 RIVIERA TERRACES APARTMENTS.GPJ

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		(SM) FILL: Silty Sand, fine to coarse grained, a trace of Gravel, brown, moist.										
			SS		24-24 (48)							
5		(SM) FILL: Silty Sand, fine to medium grained, with wood and organics, black, moist to wet.			12-24 (36)							
			SS		50							

Refusal.

Groundwater not encountered with 8' of hollow-stem auger in the ground.

Groundwater not encountered to cave-in depth of 1' immediately after withdrawal of the auger.

Bore hole then abandoned.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-6A

CLIENT Active West Builders, LLC PROJECT NAME Riviera Terraces Apartments
 PROJECT NUMBER 16-237 PROJECT LOCATION Lot 1, Block 1 URD CDA
 DATE STARTED 2/15/16 COMPLETED 2/15/16 GROUND ELEVATION _____ HOLE SIZE 7 inches
 DRILLING CONTRACTOR Johnson Exploration Drilling GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING --- Not encountered
 LOGGED BY PTN CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ ∇ AFTER DRILLING 5.00 ft

IPEC BORING LOG - GINT STD US LAB.GDT - 2/23/16 16:00 - J.I. IPEC PROJECTS - 2016 PROJECTS\16-237 RIVIERA TERRACES APARTMENTS\GINT\16-237 RIVIERA TERRACES APARTMENTS.GPJ

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		(SM) FILL: Silty Sand, fine to coarse grained, a trace of Gravel, brown, moist.										
5	∇	(SM) FILL: Silty Sand, fine to medium grained, with wood and organics, black, moist to wet.										
10			SS		50							
			SS		50							

Refusal.
 Groundwater not encountered 13' of hollow-stem auger in the ground.
 Groundwater down 5' immediately after withdrawal of the auger.
 Bore hole then abandoned.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-101

PAGE 1 OF 1

CLIENT Advanced Technology Surveying PROJECT NAME Proposed Riviera Walk at Riverstone 1st Addition
 PROJECT NUMBER 18-887 PROJECT LOCATION Coeur d'Alene, ID
 DATE STARTED 10/17/18 COMPLETED 10/17/18 GROUND ELEVATION _____ HOLE SIZE 6 inches
 DRILLING CONTRACTOR IPEC GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING --- Not encountered
 LOGGED BY GV CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ AFTER DRILLING --- Not encountered

GENERAL BH / TP / WELL - GINT STD US LAB.GDT - 11/7/18 11:54 - J.I. IPEC PROJECTS_2018 PROJECTS18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION.GPJ

DEPTH (ft)	SAMPLE TYPE NUMBER	BLOW COUNTS (N VALUE)	U.S.C.S.	GRAPHIC LOG	MATERIAL DESCRIPTION
0					
	SS	4-10-18 (28)	SM		(SM) FILL: Silty Sand with Gravel, fine to coarse-grained, brown, moist.
5	SS	4-8-12 (20)			5.0
	SS	5-7-5 (12)			(SC) FILL: Clayey Sand, fine to medium-grained, trace Gravel, with organics and debris (fabric, wood), gray to dark gray, moist to wet.
10	SS	3-4-3 (7)	SC		-black and with odor below 7 1/2 feet.
15	SS	7-8-13 (21)			
				16.0	

End of boring.
 Groundwater not encountered.
 Boring backfilled with bentonite chips.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-102

PAGE 1 OF 1

CLIENT Advanced Technology Surveying PROJECT NAME Proposed Riviera Walk at Riverstone 1st Addition
 PROJECT NUMBER 18-887 PROJECT LOCATION Coeur d'Alene, ID
 DATE STARTED 10/17/18 COMPLETED 10/17/18 GROUND ELEVATION _____ HOLE SIZE 6 inches
 DRILLING CONTRACTOR IPEC GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING --- Not encountered
 LOGGED BY GV CHECKED BY PTN AT END OF DRILLING --- Not encountered
 NOTES _____ AFTER DRILLING --- Not encountered

GENERAL BH / TP / WELL - GINT STD US LAB.GDT - 11/7/18 11:54 - J:\IPEC PROJECTS\2018 PROJECTS\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION\GINT\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION.GPJ

DEPTH (ft)	SAMPLE TYPE NUMBER	BLOW COUNTS (N VALUE)	U.S.C.S.	GRAPHIC LOG	MATERIAL DESCRIPTION
0					
	SS	7-11-15 (26)	SM		(SM) FILL: Silty Sand with Gravel, fine to coarse-grained, brown, moist.
4.0					
5	SS	3-7-9 (16)			(SC) FILL: Clayey Sand, fine to medium-grained, trace Gravel, with organics and debris (wood, rubber, metal), gray to dark gray, moist to wet.
	SS	7-6-7 (13)			
10	SS	3-4-5 (9)	SC		-black and with odor below 10 feet.
15	SS	3-5-3 (8)			
16.0					

End of boring.
 Groundwater not encountered.
 Boring backfilled with bentonite chips.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-103

CLIENT Advanced Technology Surveying PROJECT NAME Proposed Riviera Walk at Riverstone 1st Addition
 PROJECT NUMBER 18-887 PROJECT LOCATION Coeur d'Alene, ID
 DATE STARTED 10/17/18 COMPLETED 10/17/18 GROUND ELEVATION _____ HOLE SIZE 6 inches
 DRILLING CONTRACTOR IPEC GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING — Not encountered
 LOGGED BY GV CHECKED BY PTN AT END OF DRILLING — Not encountered
 NOTES _____ AFTER DRILLING — Not encountered

GENERAL BH / TP / WELL - GINT STD US LAB.GDT - 11/7/18 11:54 - J.I. IPEC PROJECTS_2018 PROJECTS_18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION.GPJ

DEPTH (ft)	SAMPLE TYPE NUMBER	BLOW COUNTS (N VALUE)	U.S.C.S.	GRAPHIC LOG	MATERIAL DESCRIPTION
0					
5	SS	5-6-7 (13)	SM		(SM) FILL: Silty Sand with Gravel, fine to coarse-grained, brown, moist.
	SS	8-8-6 (14)			
	SS	3-4-4 (8)			
10	SS	2-2-4 (6)	SC		(SC) FILL: Clayey Sand, fine to medium-grained, trace Gravel, with organics and debris (wood, plastic), with odor, gray to dark gray and black, moist to wet.
15	SS	12-24-4 (28)			
16.0					-mostly wood in sampler.

End of boring.
 Groundwater not encountered.
 Boring backfilled with bentonite chips.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-104

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CLIENT Advanced Technology Surveying PROJECT NAME Proposed Riviera Walk at Riverstone 1st Addition
 PROJECT NUMBER 18-887 PROJECT LOCATION Coeur d'Alene, ID
 DATE STARTED 10/17/18 COMPLETED 10/17/18 GROUND ELEVATION _____ HOLE SIZE 6 inches
 DRILLING CONTRACTOR IPEC GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger AT TIME OF DRILLING — Not encountered
 LOGGED BY GV CHECKED BY PTN AT END OF DRILLING — Not encountered
 NOTES _____ AFTER DRILLING — Not encountered

GENERAL BH / TP / WELL - GINT STD US LAB.GDT - 11/7/18 11:54 - J.J. IPEC PROJECTS_2018 PROJECTS\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION\GINT\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION.GPJ

DEPTH (ft)	SAMPLE TYPE NUMBER	BLOW COUNTS (N VALUE)	U.S.C.S.	GRAPHIC LOG	MATERIAL DESCRIPTION	
0						
	SS	12-14-15 (29)	SM		(SM) FILL: Silty Sand with Gravel, fine to coarse-grained, brown, moist.	
5	SS	8-9-9 (18)				
	SS	4-6-5 (11)			5.9	(SC) FILL: Clayey Sand, fine to medium-grained, trace Gravel, with organics and debris (wood, concrete), gray to dark gray, moist. -augur chatter during drilling throughout layer. -black and with odor below 7 1/2 feet.
10	SS	2-3-4 (5)	SC			-wet at 10 feet.
	SS	50/5"		14.9	-no recovery at 14 1/2 feet.	

End of boring.
 Groundwater not encountered.
 Boring backfilled with bentonite chips.



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BORING NUMBER B-105

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CLIENT Advanced Technology Surveying PROJECT NAME Proposed Riviera Walk at Riverstone 1st Addition
 PROJECT NUMBER 18-887 PROJECT LOCATION Coeur d'Alene, ID
 DATE STARTED 10/17/18 COMPLETED 10/17/18 GROUND ELEVATION _____ HOLE SIZE 6 inches
 DRILLING CONTRACTOR IPEC GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger ∇ AT TIME OF DRILLING 4.50 ft
 LOGGED BY GV CHECKED BY PTN ∇ AT END OF DRILLING 4.50 ft
 NOTES _____ ∇ AFTER DRILLING 4.50 ft

GENERAL_BH / TP / WELL - GINT STD US LAB.GDT - 11/7/18 11:54 - J.I. IPEC PROJECTS_2018 PROJECTS\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION\GINT\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION.GPJ

DEPTH (ft)	SAMPLE TYPE NUMBER	BLOW COUNTS (N VALUE)	U.S.C.S.	GRAPHIC LOG	MATERIAL DESCRIPTION
0					
	SS	4-11-19 (30)	SM		(SM) FILL: Silty Sand with Gravel, fine to coarse-grained, brown, moist.
5	SS	6-12-25 (37)			5.0 ∇ -water-bearing at 4 1/2 feet.
	SS	5-5-5 (10)			(SC) FILL: Clayey Sand, fine to medium-grained, trace Gravel, with organics and debris (wood, metal), with odor, gray to dark gray and black, moist to wet.
10	SS	3-8-7 (15)	SC		
15	SS	4-9-8 (17)			-mostly wood in sampler
16.0					

End of boring.
 Groundwater encountered at 4 1/2 feet while drilling.
 Boring backfilled with bentonite chips.



Inland Pacific Engineering Company
 3012 North Sullivan Road, Suite C
 Spokane Valley, WA 99216
 Telephone: 509-209-6262
 Fax: 509-290-5734

BORING NUMBER B-106

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CLIENT Advanced Technology Surveying PROJECT NAME Proposed Riviera Walk at Riverstone 1st Addition
 PROJECT NUMBER 18-887 PROJECT LOCATION Coeur d'Alene, ID
 DATE STARTED 10/17/18 COMPLETED 10/17/18 GROUND ELEVATION _____ HOLE SIZE 6 inches
 DRILLING CONTRACTOR IPEC GROUND WATER LEVELS:
 DRILLING METHOD Hollow Stem Auger ∇ AT TIME OF DRILLING 5.00 ft
 LOGGED BY GV CHECKED BY PTN ▼ AT END OF DRILLING 5.00 ft
 NOTES _____ ▼ AFTER DRILLING 5.00 ft

GENERAL BH / TP / WELL - GINT STD US LAB.GDT - 11/7/18 11:54 - J.I. IPEC PROJECTS_2018 PROJECTS\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION\GINT\18-887 RIVIERA WALK AT RIVERSTONE 1ST ADDITION.GPJ

DEPTH (ft)	SAMPLE TYPE NUMBER	BLOW COUNTS (N VALUE)	U.S.C.S.	GRAPHIC LOG	MATERIAL DESCRIPTION
0					
0 - 5	SS	13-17-20 (37)	SM		(SM) FILL: Silty Sand with Gravel, fine to coarse-grained, brown, moist.
5	SS	6-5-8 (13)			▼ 5.8
5 - 10	SS	3-4-9 (13)	SC		(SC) FILL: Clayey Sand, fine to medium-grained, trace Gravel, with organics and debris (wood), gray and dark gray to black, with odor, moist to wet.
10	SS	10-7-7 (14)			
10 - 15	SS	3-7-8 (15)	SC		
15	SS	3-7-8 (15)			
15 - 17.5					
17.5					▼ 17.5
17.5 - 20			SM		(SM) FILL: Silty Sand with Gravel, fine to coarse-grained, brown, moist.
20	SS	5-7-6 (13)			
20 - 21.0					
21.0					▼ 21.0

End of boring.
 Groundwater encountered at 5 feet while drilling.
 Boring backfilled with bentonite chips.

IPEC

Inland Pacific Engineering Company
Geotechnical Engineering and Consulting

RELATIVE DENSITY OR CONSISTENCY VERSUS SPT N-VALVE			
COARSE-GRAINED SOILS		FINE-GRAINED SOILS	
DENSITY	N(BLOWS/FT)	CONSISTENCY	N(BLOWS/FT)
Very Loose	0 - 4	Very Soft	0 - 1
Loose	5 - 10	Soft	2 - 3
Medium-Dense	11 - 30	Rather Soft	4 - 5
		Medium	6 - 8
Dense	31 - 50	Rather Stiff	9 - 12
		Stiff	13 - 16
Very Dense	> 50	Very Stiff	17 - 30
		Hard	> 30

USCS SOIL CLASSIFICATION				
MAJOR DIVISIONS			GROUP DESCRIPTIONS	
Coarse-Grained Soils <50% passes #200 sieve	Gravel and Gravelly Soils <50% coarse fraction passes #4 sieve	Gravel <small>(with little or no fines)</small>	GW	Well Graded Gravel
			GP	Poorly Graded Gravel
		Gravel <small>(with >12% fines)</small>	GM	Silty Gravel
			GC	Clayey Gravel
	Sandy and Sandy Soils >50% coarse fraction passes #4 sieve	Sand <small>(with little or no fines)</small>	SW	Well Graded Sand
			SP	Poorly Graded Sand
Sand <small>(with >12% fines)</small>		SM	Silty Sand	
		SC	Clayey Sand	
Fine-Grained Soils >50% passes #200 sieve	Silt and Clay Liquid Limit < 50		ML	Silt
			CL	Lean Clay
			OL	Organic Silt and Clay (low plasticity)
	Silt and Clay Liquid Limit > 50		MH	Inorganic Silt
			CH	Fat Clay
			OH	Organic Clay and Silt (med to high plasticity)
Highly Organic Soils			PT	Peat
				Muck

MODIFIERS	
DESCRIPTION	RANGE
Occasional	<5%
Trace	5% - 12%
With	>12%

MOISTURE CONTENT	
DESCRIPTION	FIELD OBSERVATION
Dry	Absence of moisture, dusty, dry to the touch
Moist	Dry of optimum moisture content
Wet	Wet of optimum moisture content

MAJOR DIVISIONS WITH GRAIN SIZE							
SIEVE SIZE							
	12"	3"	3/4"	4	10	40	200
GRAIN SIZE (INCHES)							
	12	3	0.75	0.19	0.079	0.0171	0.0029
Boulders	Cobbles	Gravel		Sand			Silt and Clay
		Coarse	Fine	Coarse	Medium	Fine	

**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, SENIOR PLANNER
DATE: JUNE 11, 2019
SUBJECT: A-3-19 – ZONING PRIOR TO ANNEXATION OF +/- 6.156 ACRES FROM COUNTY AG-SUBURBAN TO CITY R-1
LOCATION: A PORTION OF AN EXISTING PARCEL LEGALLY DESCRIBED AS ELK POINT LOT 2, BLOCK 1, COMMONLY KNOWN AS 4176 E. POTLACH HILL ROAD

APPLICANT:
Owner: Virginia L. Tate
P.O. Box 1060
CDA, ID 83816

DECISION POINT:
Ms. Virginia Tate is requesting approval of a proposed +/- 6.156 acre annexation from Kootenai County Rural Residential to City R-1 zoning district (Residential at 1 unit/gross acre). Please refer to the area and annexation maps below for visualization. Note that this request has been filed in conjunction with a short plat application to subdivide the property into 4 parcels.

AREA MAP:



that the City honor Low's promise to provide water hookups. The legal department did an extensive review and analysis of the history of the Tate property, Low, and Armstrong Park. It determined that the City acquired only the Armstrong Park Water System in 2006, not each and every obligations Low may have owed to Tate. Over the next nearly two years, Tate and the City, together with their respective legal counsel, held numerous discussions. Tate threatened legal action several times and suggested that she could revoke the road easement, effectively landlocking Armstrong Park, unless the City honored Low's agreement to install a water main and fire hydrants, and provide 30 water hookups for her property, all without requiring her to annex into the City.

In March 2019, a tentative settlement was reached between Tate and the City. The terms of that agreement included that the City would extend the water main from Armstrong Park to the intersection of E. Potlatch Hill Rd. and E. Sky Harbor Dr., install one fire hydrant, and provide one water hookup. Tate agreed to waive all other claims she might have against the City arising out of the agreement between her father and Low, and to request the annexation of that portion of her property north of the road easement, which was the property to receive the one water hookup. She further acknowledged that should she request annexation of the rest of her property in the future, she would be provided water service in accordance with City policies then in existence. A settlement agreement was drafted and signed by the parties. Tate has now applied for annexation of the property north of the road easement and an annexation agreement has been drafted by City's legal counsel and approved by Tate.

-Submitted by Randy Adams, Chief Civil Deputy City Attorney

Article I-A. R-1 RESIDENTIAL

17.05.001: GENERALLY:

- A. The R-1 District is intended as a residential area that permits single-family detached housing at a density of one unit per gross acre (i.e., the density for an acre of unsubdivided land, regardless of where streets, etc., may or may not be located, will be calculated at a maximum of 1 unit).
- B. The gross acre calculation is intended to provide the subdivider flexibility, so when dedicating land for public use, the density may be made up elsewhere in the subdivision as long as the other site performance standards are met.
- C. This district is intended for those areas of the City that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard, and landslide hazard.
- D. A maximum of two (2) dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two (2) units and each dwelling unit meets the minimum yard (setback) requirements.
 1. For the purposes of this section, the term "two (2) dwelling units" shall mean two (2) single family dwelling units or one single family dwelling unit and one accessory dwelling unit (ADU). (Ord. 3600, 2018: Ord. 1815 §1(part), 1983)

17.05.002: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-1 District shall be as follows:

- Essential service (underground).
- "Home occupation".
- Neighborhood recreation.
- Public recreation.
- Single-family detached housing.

17.05.003: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-1 District shall be as follows:

- Accessory dwelling units.
- Facilities for the housing and sheltering of animals.
- Garage or carport (attached or detached).

17.05.004: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-1 District shall be as follows:

- Commercial film production.
- Community education.
- Essential service (aboveground).
- Noncommercial kennel.
- Religious assembly.

17.05.005: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in an R-1 District shall be as follows:

Structure Type	Structure Location	
	<u>In Buildable Area For Principal Facilities</u>	<u>In Rear Yard</u>
<i>Principal structure</i>	32 feet ¹	n/a
<i>For public recreation, community education or religious assembly activities</i>	45 feet ¹	n/a
<i>Detached garages and carports</i>		With low or no slope roof: 14 feet With medium to high slope roof: 18 feet
<i>All other accessory structures</i>	25 feet ²	n/a

17.05.007: SITE PERFORMANCE STANDARDS; MINIMUM LOT:

Minimum lot requirements in an R-1 District shall be thirty four thousand five hundred (34,500) square feet. All buildable lots must have seventy five feet (75') of frontage on a public street, unless an alternative is approved by the City through normal subdivision procedure (i.e., cul-de-sac and flag lots), or unless a lot is nonconforming (see section 17.06.980 of this title).

17.05.008: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

A. Minimum yard requirements for residential activities in an R-1 District shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').

2. Side, Interior: The interior side yard requirement shall be ten feet (10').
 3. Side, Street: The street side yard requirement shall be twenty feet (20').
 4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard shall be reduced by one-half (1/2) when adjacent to public open space (see section 17.06.480 of this title).
- B. Minimum yard requirements for nonresidential activities in an R-1 District shall be as follows:
1. Front: The front yard requirement shall be twenty feet (20').
 2. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
 3. Side, Street: The street side yard requirement shall be twenty five feet (25').
 4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space (see section 17.06.480 of this title).
- C. There will be no permanent structures erected within the corner cutoff areas.
- D. Extensions into yards are permitted in accordance with section 17.06.495 of this title.

17.05.009: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

- A. Minimum yard requirements for nonresidential activities in an R-1 District shall be as follows:
1. Front: The front yard requirement shall be twenty feet (20').
 2. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
 3. Side, Street: The street side yard requirement shall be twenty five feet (25').
 4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space (see section 17.06.480 of this title).

CURRENT KOOTENAI COUNTY ZONING:



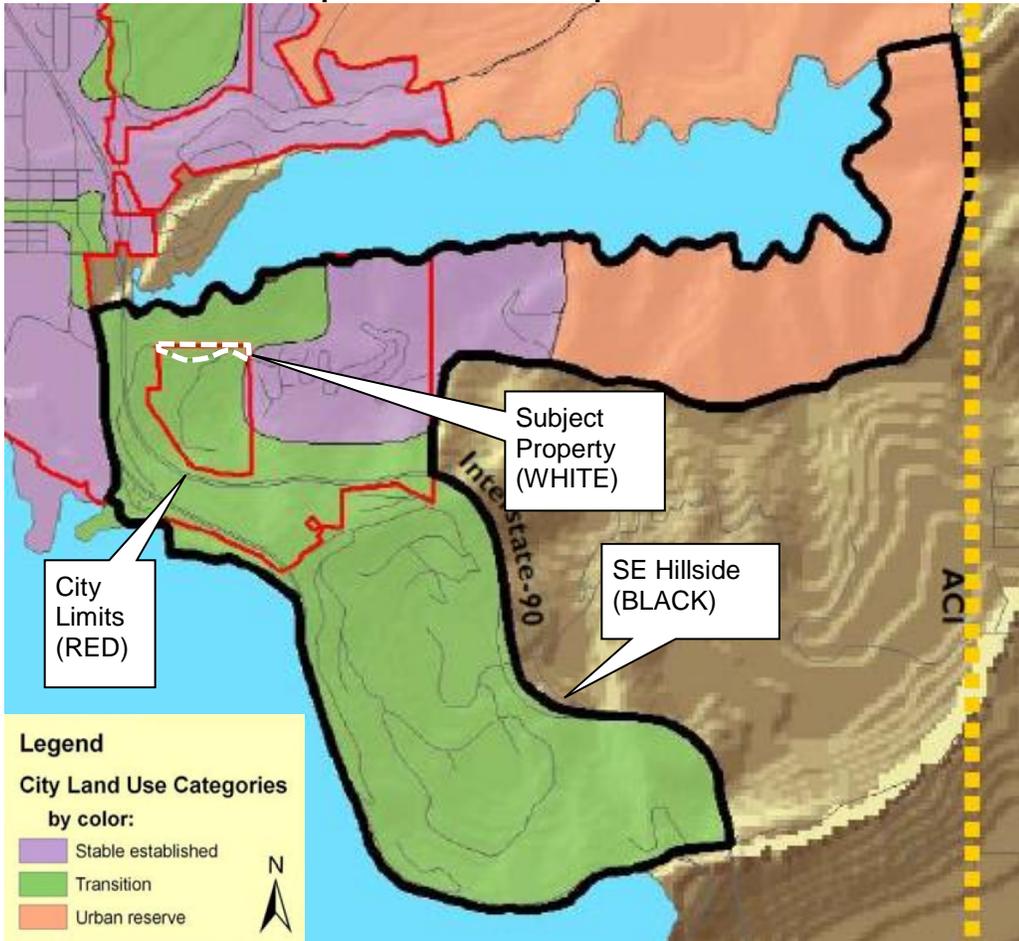
REQUIRED FINDINGS FOR ANNEXATION:

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

2007 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is contiguous with existing city limits
- The City Comprehensive Plan Map designates this area as: **SE Hillside**

SE Hillside Comprehensive Plan Map:



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 Land Use Designation:

SE Hillside Today:

This area is generally known to the public as the forested backdrop across Fernan Lake and has rural, residential lots in the hills east of the I-90 hilltop interchange.

Native vegetation and basalt outcroppings dominate this area. Steep slopes are also present. Deer, elk, and bear frequent the area. These characteristics provide a very pleasant environment, but combined with clay soils and low water availability, can provide development challenges.

This area is largely undeveloped with some subdivision ownerships ranging from approximately 3 to 140 acres, having approximately one house per eighty acres (1:80) of land.

Public infrastructure for development is not present and this area will require additional studies to determine appropriate improvements.

SE Hillside Tomorrow:

This area is generally envisioned to be a sparsely developed area with preservation of its natural vegetation, views and vistas, with open space being the main priority. Where development occurs, it will be lower density residential.

The characteristics of SE Hillside neighborhoods will be:

- That overall density in this area will be approximately one dwelling unit per ten acres (1:10). However, in any given development, higher densities up to three units per acre (3:1) are appropriate where site access is gained without significant disturbance, terrain is relatively flat, natural landforms permit development, and where development will not significantly impact views and vistas.
- Infrastructure needs will guide development.
- Large natural open spaces will require careful planning for wildfire mitigation.
- Developments within the Fernan Lake Watershed should reflect careful consideration of ensuring water quality and preserving visual aesthetics.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering.
- Open space preservation is preferred.

SPECIAL AREAS:

Hillside Landmarks (Policy & Methods)

The City of Coeur d'Alene enjoys a rich topography of mountains, hills, rivers, streams, flatlands, and lakes. This terrain frames the setting where we live and recreate. Because some of this rich land surface is often fragile, and because so much of the city's ambiance depends on its health and stability, it must be preserved for the entire community.

The protection of hillsides is particularly important to the community because of their panoramic prominence.

Best Hill, Canfield Mountain, and Tubbs Hill are recognized as unique landmarks for the City of Coeur d'Alene and its neighbors. Lakeview Hill, Blackwell Hill and the slopes above Fernan Lake within our planning area also contribute to the setting and help define our physical image.

Policy:

- We will protect the natural ecology and visual beauty of all hillsides.

Methods:

- Monitor the health and beauty of the city's hillsides to ensure that the Hillside Ordinance is sufficient to maintain our environmental and aesthetic goals.
- Encourage development that works in a cooperative effort to accomplish these public goals

- Work with land owners, citizens' groups, and governmental agencies to acquire additional lands or development rights for use as a city park or open space (also see Parks and Open Space Plan).
- Work with land owners, citizens' groups, and governmental agencies to establish and maintain trails linking the city property to the established US Forest Service recreational trail system.
- Encourage jurisdictions with control of hillside landmarks outside of our Area of City Impact (ACI) to protect the mountains' visual quality.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

- **Objective 1.05 - Vistas:**
Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.
- **Objective 1.08 - Forests & Natural Habitats:**
Preserve native tree cover and natural vegetative cover as the city's dominant characteristic.
- **Objective 1.10 - Hillside Protection:**
Protect the natural and topographic character, identity, and aesthetic quality of hillsides.
- **Objective 1.13 - Open Space:**
Encourage all participants to make open space a priority with every development and annexation.
- **Objective 1.15 - Natural Terrain:**
Wherever possible, the natural terrain, drainage, and vegetation should be preserved with superior examples featured within parks and open spaces.
- **Objective 1.17 - Hazardous Areas:**
Areas susceptible to hazardous conditions (e.g. flooding, landslides, earthquakes, etc.) should be left in a natural state unless impacts are mitigated.
- **Objective 3.02 - Managed Growth:**
Coordinate planning efforts with our neighboring cities and Kootenai County, emphasizing connectivity and open spaces.
- **Objective 4.01 - City Services:**
Make decisions based on the needs and desires of the citizenry.
- **Objective 4.02 - City Services:**
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).
- **Objective 4.06 - Public Participation:**
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

Evaluation: *Planning Commission must 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.*

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

STORMWATER:

Stormwater will be addressed at the time that the area proposed for annexation develops. 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.

-Submitted by Chris Bosley, City Engineer

STREETS:

The subject site has frontage along the north and south sides of Potlatch Hill Road, with developed areas only to the south. Potlatch Hill Road has served as access to Armstrong Park for many years and is similar in construction within the subject property as it is on either side. The Streets and Engineering Department has no objection to this annexation request.

-Submitted by Chris Bosley, City Engineer

WATER:

All Water Department comments and conditions are provided in the settlement and annexation agreements.

-Submitted by Kyle Marine, Assistant Water Superintendent

WASTEWATER:

An 8-inch public sanitary sewer with multiple sewer laterals already exists in Potlatch Hill Road & Sky Harbor Drive.

The Subject Property is within the City of Coeur d'Alene Area of City Impact (ACI) and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this annexation request as proposed. Any increase in density may require hydraulic modeling the sewer flows acceptable to the Wastewater Utility and upsizing of public sewer.

-Submitted by Mike Becker, Utility Project Manager

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.

-Submitted by Bobby Gonder, Fire Inspector / IAAI – CFI

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

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

PHYSICAL CHARACTERISTICS - CONTOUR MAP (5 FT) SHOWING SLOPE:



The subject property would be annexed into the city under the city's Hillside Regulations with potential development requiring average lot slope for determination of validity. The site is currently densely treed. Potlach Hill Road and Sky Harbor Drive provide access to the Armstrong Park and Falcon Ridge neighborhoods in the city.

PHOTOS OF SUBJECT PROPERTY:

Eastern property line along Skyharbor Drive looking north (assumed corner post):



Skyharbor Drive looking west showing slope (assumed corner post):



Subject property photo at Potlach Hill Road looking northwest from above:



Subject property photo at Potlach Hill Road looking northeast from above:



Western portion of property looking west toward public access/pumphouse:



Western most edge of land looking east into subject property:



Evaluation: *Planning Commission must 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.*

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 area with regard to traffic, as no traffic is generated from an annexation alone. Any potential traffic impacts will be evaluated at the time future development is proposed. The Streets & Engineering Department has no objection to the annexation as proposed.

-Submitted by Chris Bosley, City Engineer

NEIGHBORHOOD CHARACTER:

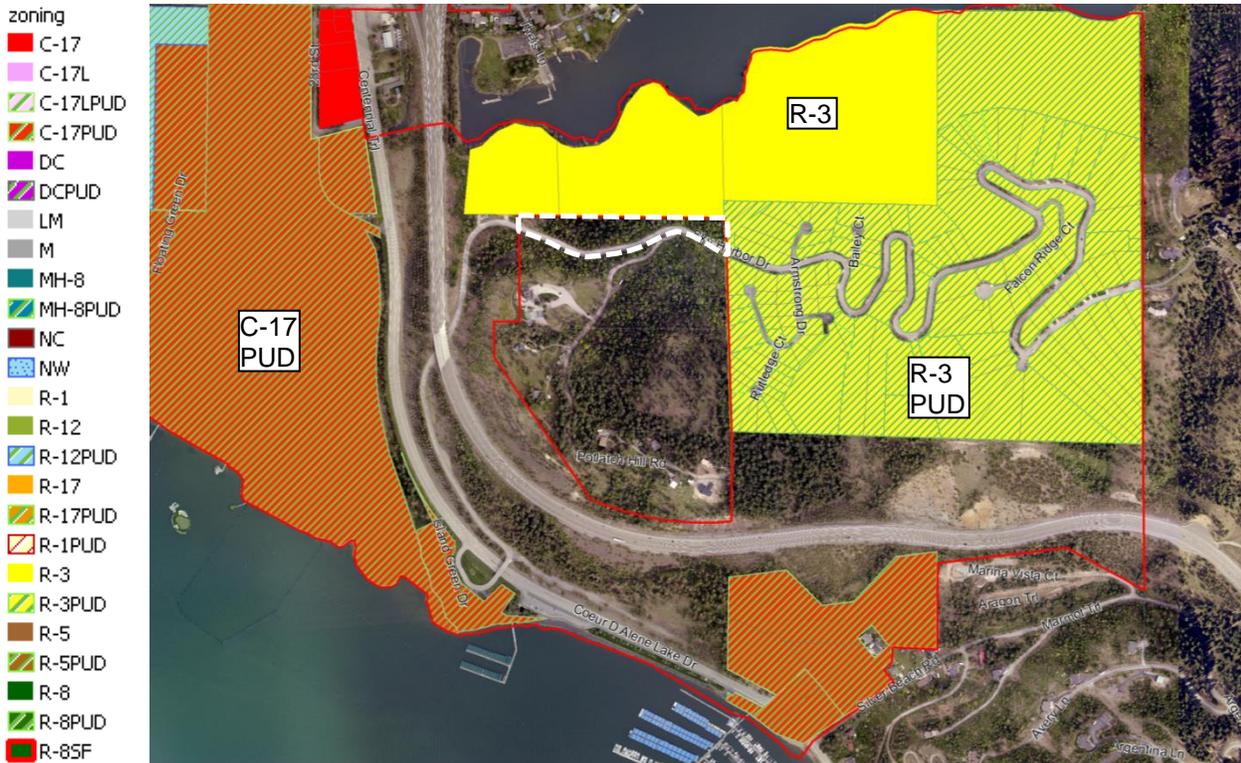
This area is commonly associated with the access to the Armstrong Park neighborhood. It is densely treed and much of the area has slopes that trigger hillside code requirements for construction. Large tracts of city owned property extending north to the edge of Fernan Lake provide public recreation opportunities. Some lots provide commanding views of the area.

See also the “SE Hillside” descriptions from the 2007 Comprehensive Plan listed in Finding #B8 as well as photos of subject property. A land use and zoning map are provided below to assist in depicting the context of the area.

GENERALIZED LAND USE PATTERN:



EXISTING ZONING:



Evaluation: Planning Commission must 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.

SETTLEMENT AND ANNEXATION AGREEMENT:

The settlement and annexation agreements are attached for review.

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 and Bikeways Master Plan

ACTION ALTERNATIVES:

Planning Commission must consider this request and make separate findings to approve, deny or deny without prejudice. The findings worksheet is attached.



**APPLICANT'S
NARRATIVE**

Annexation Written Narrative
Elk Point, First Addition Annexation

May 9, 2019

City of Coeur d'Alene
710 E. Mullan Ave.
Coeur d'Alene, Idaho 83814

Dear Mayor Widmyer, City Council, Planning and Zoning Commission:

Please consider the annexation of Elk Point First Addition to benefit the City of Coeur d'Alene and supportive of the City's Comprehensive Plan as follows:

Goal #1 – Natural Environment

Our annexation with short plat of Zoning for R1 (or 1:1.0) or 1+ acre lot size supports this goal and Objectives: 1.01 Environmental, 1.02 Water Quality, 1.03 Waterfront Development, 1.05 Vistas, 1.06 Urban Forest, 1.14 Efficiency by:

Elk Point First Addition, by limiting lots to 1+ acre sizes allow views to Lake Fernan, Lake Coeur d'Alene and city and forest views over Coeur d'Alene, Post Falls, Rathdrum, Dalton Gardens, Fernan Village to the Fernan Saddle.

By limiting lot size and utilizing hillside ordinance rules, site disturbances are limited, and fire fuels are reduced. This maintenance allows views for passers-by, allows easier access to the adjacent Fernan Park trail system for first responders. Vista views are enhanced.

The infrastructure was installed in 1989 and Elk Point, First Addition requires minimal enhancement. All sewer, utilities, roads, curbs and drainage are already in place.

Equally important is wildlife management. The large lots allow for elk, deer, turkeys and other wildlife to travel through the lots on their way to Lake Fernan in the same manner that they currently traverse to the lake.

Goal #2 – Economic Environment

Objective 2.02 Economic & Workforce Development, Objective 2.04 Downtown & Neighborhood Services Nodes, Objective 2.05 Pedestrian & Bicycle Environment are met because

Elk Point, First Addition is a pedestrian and bicycle environment quickly linking this addition to the Centennial Trail with quick access to the Coeur d'Alene Resort Golf Course, new commercial/mixed use buildings in progress and quick access to East Sherman and downtown businesses.

Goal #3 – Home Environment

Objective 3.01 & 3.02 Managed Growth, 3.05 Neighborhoods, 3.09 Housing, 3.12 Education

Elk Point First Addition borders the Fernan Hill Park system allowing beauty and value to the neighborhood. The higher end homes allow additional tax revenue for education and civic developments.

Goal #4 – Administrative Environment

Objective 4.02 City Services, Objective 4.05 Public Safety

Elk Point First Addition annexation utilizes existing utilities and expands fire protection for Potlatch Hill. In addition, the clearing of thick forestation allows public safety officers to access

users of the Fernan Trail System. The fire department had been concerned about quick access on the NW end of Elk Point and the creation of driveways will greatly aid in access.

Special Areas – Land Use – SE Hillside

Elk Point First Addition adheres and supports the SE Hillside of today and tomorrow through 1+ acre lots that allow for fire fuel reduction, preservation of wildlife by allowing easier access to Lake Fernan through open spaces, preservation of views and vistas, utilization of as built roads and utilities. There is not a large impact on the environment with this annexation, in fact the preservation of public safety by expansion of fire hydrants enhances the use of the land. Open space areas are preserved. Safety of hikers on the Fernan Lake Natural Area trails is enhanced with fire and police access and especially residents able to view and report inappropriate or illegal activities at the trailhead.

Respectfully Submitted,



Virginia L. Tate, CFE/CIRA/EA

Landowner of Elk Point

4176 E Potlatch Hill Road

Coeur d'Alene, ID 83814



Annexation Agreement

ANNEXATION AGREEMENT

THIS AGREEMENT, made and dated this ____ day of _____, 2019, by and between the City of Coeur d'Alene, a municipal corporation organized and existing pursuant to the laws of the state of Idaho, hereinafter referred to as the "City," and located at 710 E. Mullan Ave., Coeur d'Alene, Idaho, and Virginia L. Tate, an individual, with an address of 4176 E. Potlatch Hill Road, Coeur d'Alene, Idaho, hereinafter referred to as the "Owner,"

W I T N E S S E T H:

WHEREAS, the Owner owns a parcel of land adjacent to the City limits of the City, which the Owner wishes to develop, and the Owner has applied for annexation to the City, and said property to be annexed is more particularly described in Exhibit "A" attached hereto (hereinafter referred to as "the Property") and incorporated by reference into the substantive portion of this Agreement; and

WHEREAS, the Coeur d'Alene Planning and Zoning Commission has determined, subject to the successful completion of the annexation process, that the appropriate zoning district for the Property is R-1. A copy of the approved Findings and Order are attached hereto as Exhibit "B" and are incorporated by reference into the substantive portion of this Agreement; and

WHEREAS, the Mayor and City Council of the City have determined that it would be in the best interests of the City and the citizens thereof to annex the Property subject to the Owner performing the conditions hereinafter set forth;

N O W, T H E R E F O R E,

IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

ARTICLE I: LEGAL DESCRIPTION

1.1. Legal description: The Property to be annexed is generally located north of E. Potlatch Hill Road and E. Sky Harbor Drive, west of the Armstrong Park subdivision, and east of Interstate 90, and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

ARTICLE II: STANDARDS

2.1. Applicable standards: The Owner agrees that all laws, standards, policies and procedures regarding public improvement construction that the Owner is required to comply with or otherwise meet pursuant to this Agreement or City codes shall be those in effect at the time of plan approval. The Owner waives any right the Owner may have regarding the date used to determine what public improvements; construction laws, standards, policies and procedures shall apply.

ARTICLE III. UTILITIES

3.1. Water and sewer: The Owner agrees to use the City's water and sanitary sewer systems for this development. The Owner will extend, at her own cost, the water and sanitary sewer systems to each lot which may be created within Property and further agrees to fully comply with all City policies for its water and wastewater systems, with the following exceptions: (a) the City shall extend, at its sole cost, a water main line to the intersection of E. Potlatch Hill Road and E. Sky Harbor Drive. The City shall complete the extension in two phases: (1) in 2019, the water main line shall be extended to the east corner of the proposed lot at the easterly boundary of Tate Parcel # 0-2089-001-002-0 lying north of E. Sky Harbor Drive ("Proposed Lot 4"); and (2) in 2020, the water main shall be extended to the intersection of E. Potlatch Hill Road and E. Sky Harbor Drive; (b) the City install a sewer stub to and install a water meter for proposed lot 4, as approximately depicted on attached Exhibit "C", ("Proposed Lot 4") without cost to Tate; and (c) the City shall waive its water extension rules, *i.e.*, its "to-and-through policy, with respect to proposed Lots 3 and 4 as approximately depicted on attached Exhibit "C".

3.2. Water rights: Prior to the recordation of any plat on the Property or any other transfer of an ownership interest in the Property, the Owner will grant to the City, by warranty deed in a format acceptable to the City, all water rights associated with the Property. The parties expressly agree that the Owner is conveying the water rights to the City so that the City will have adequate water rights to ensure that the City can provide domestic water service to the Property.

3.3. Garbage collection: The Owner agrees that upon the expiration of the existing term of any contract to provide garbage collection services to the Property, that the Owner will begin using the garbage collection service in effect within the City of Coeur d'Alene, which garbage collection service shall be identified by the City.

3.4. Street lights: The Owner agrees to adhere to City policies and standards for street light design and construction.

3.5. Street Trees: The Owner agrees to adhere to City policies and standards for street trees.

ARTICLE IV: PUBLIC IMPROVEMENTS AND PERMITS

4.1. Installation of public improvements: The Owner agrees that prior to occupancy of the Property, other than Proposed Lot 4, and prior to issuance of any building permits for the Property, other than Proposed Lot 4, the Owner shall submit plans for approval and construct and install, or otherwise secure the required construction and installation in a manner acceptable to the City, of all improvements required by this Agreement or by City code including but not limited to sanitary sewer improvements (except for the sewer stub to Proposed Lot 4), storm water disposal, water lines (but not the water meter for Proposed Lot 4), hydrants, monumentation, grading, subbase, paving, curbs, dry utility conduit, street lights, **except for**

pedestrian/bicycle paths and sidewalks. The City shall have no obligation, if any exists, for maintenance of improvements until such time as the City formally accepts the improvements.

4.2. Compliance with conditions of approval: The conditions of any approval for the subdivision of the Property are expressly incorporated into this Agreement as binding provisions of this Agreement. As such, the Owner specifically agrees to fulfill each condition of approval as if each condition was specifically enumerated in this Agreement.

4.3 City Permits: The Owner shall apply to the City for any permits required for development and construction on the Property even if the permit(s) are requested prior to the completion of annexation. Required permits include, but are not limited to, building permit and site disturbance permit. City permits can be pulled upon concurrence by the Kootenai County Board of Commissioners. Development and construction shall proceed under, and shall comply with, City building and planning ordinances and regulations.

ARTICLE V: FEES

5.1. Consideration: The Owner shall pay no annexation fee for the Property. The Owner will remain responsible for all other costs and fees required by City code.

5.2. Other fees: The Owner shall be responsible for all other required fees and charges, not otherwise excepted by this Agreement, including but not necessarily limited to: water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s), building permit fees, and any applicable impact fees that may be imposed. Fees referred to in this paragraph are set forth by municipal ordinance and/or resolution and arise independent of this Agreement.

ARTICLE VI. MISCELLANEOUS

6.1. Default; Deannexation: The Owner agrees that in the event the Owner fails to comply with the terms of this Agreement, defaults, is otherwise in breach of this Agreement, the City may deannex and terminate utility services without objection from the Owner, or her assigns or successors-in-interest of such portions of the Owner's Property as the City in its sole discretion decides. Notwithstanding the foregoing, in the event of any failure to comply with the terms of this Agreement, default, or breach of this Agreement by the Owner, the City shall deliver written notice of default to the Owner by personal delivery or certified mail. The Owner shall have ninety (90) days from receipt of the notice of default to cure or to commence reasonable steps towards curing the default or breach. The City will be entitled to pursue the remedies under this paragraph only if the Owner fails to cure or to commence such reasonable steps toward curing the breach within 90 days of receipt of the notice of default.

6.2. The Owner to hold the City harmless: The Owner further agrees it will indemnify, defend and hold the City harmless from any and all causes of action, claims and damages that arise, may arise, or are alleged, as a result of the Owner's development, operation, maintenance, and use of the Property described in Exhibit "A."

6.3. Time is of the essence: Time is of the essence in this Agreement.

6.4. Merger: The representations, warranties, covenants, conditions and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements. All prior agreements, oral or written, are merged herein, with the exception of the Settlement Agreement dated April 16, 2019 (“Settlement Agreement”), which remains in full force and effect and which is incorporated herein by reference.

6.5. Recordation: The Owner further agrees this Agreement may be recorded by the City.

6.6. Amendment: The Parties agree that this Agreement shall only be amended in writing and signed by both parties. The parties agree that this Agreement shall not be amended by a change in any law. The parties agree this Agreement is not intended to replace any other requirement of City code.

6.7. Section headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the respective sections to which they appertain.

6.8. Compliance with applicable laws: The Owner agrees to comply with all applicable laws except as otherwise provided herein or in the Settlement Agreement.

6.9. Covenants run with land: The covenants herein contained to be performed by the Owner shall be binding upon the Owner and the Owner’s heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land.

6.10. Publication of ordinance: The parties agree that until the date of publication of the annexation ordinance, no final annexation of the Owner’s Property shall occur. Upon proper execution and recordation of this Agreement, the City will, to the extent lawfully permitted, adopt and thereafter publish an ordinance annexing the Owner’s Property.

6.11. Promise of cooperation: Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement and without first engaging in at least four (4) hours of mediation with a mediator mutually agreed upon by the parties.

IN WITNESS WHEREOF, the City of Coeur d'Alene has caused this Agreement to be executed by its Mayor and City Clerk and its corporate seal affixed hereto, and Virginia L. Tate has executed the same on the day and year first above written.

CITY OF COEUR D'ALENE

OWNER

By: _____
Steve Widmyer, Mayor

Virginia L. Tate

ATTEST:

Renata McLeod, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this ____ day of _____, 2019, before me, a Notary Public, personally appeared **Steve Widmyer** and **Renata McLeod**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene, who executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission expires: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

On this ____ day of _____, 2019, before me, a Notary Public, personally appeared **Virginia L. Tate**, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission expires: _____



Settlement Agreement



SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is entered into this 15th day of April, 2019, by and between Virginia L. Tate ("**Tate**") and the City of Coeur d'Alene ("**City**").

RECITALS AND ACKNOWLEDGMENTS

A. Tate owns two parcels of real property currently located in Kootenai County, Idaho and outside the boundaries of the City. The parcels are identified as Parcel # 0-2089-001-001-0 and Parcel # 0-2089-001-002-0 and are more particularly described on the attached Exhibit "A" (the "Tate Parcels").

B. In February 1989, Tate's father, Harold Tate, entered into an agreement with Low Investments, Inc. ("Low Investments"), the developer of an area now within the boundaries of the City known as "Armstrong Park" (the "1989 Agreement"). Pursuant to the 1989 Agreement, Low Investments was given the right to expand a road traversing Tate's property, now known as E. Potlatch Hill Road and E. Sky Harbor Drive, in order to provide access to the Armstrong Park development. In exchange, Low Investments agreed to install a water main from Armstrong Park to the intersection of E. Potlatch Hill Road and E. Sky Harbor Drive, to install a fire hydrant at that intersection, to stub a water line to the north side of the roads, to provide the Tate Parcels with one prepared water hookup, and to allow an additional twenty-nine (29) water hookups for the Tate Parcels at some point in the future.

C. In April 1989, Harold Tate granted a Road Easement, recorded as Instrument No. 1151626 Records of Kootenai County, Idaho ("Instrument No. 1151626"), to Gary Low Investments, Inc., for road and utility purposes.

D. In September 2006, Development Concepts, Inc., Gary and Margaret Low, Gary Low Investments, Inc., and the Armstrong Park Homeowners Association entered into an Agreement for the Sale of Armstrong Park Water Company of Development Concepts, Inc., with the City. At that time, the Armstrong Park Water Company provided water for residential uses to some residents of Coeur d'Alene Idaho, who live in the subdivisions known as Armstrong Park, Armstrong Park 1st Addition, and Armstrong Park 2nd Addition.

E. Also in September 2006, Gary and Margaret Low, Development Concepts, Inc., and Gary Low Investments, Inc., quitclaimed to the City all of their right, title, and interest in and to the Road Easement granted by Instrument No. 1151626.

F. In October 2006, the Armstrong Park Homeowners Association entered into an Agreement for Transfer of Armstrong Park Water System with the City.

G. The water main from Armstrong Park to the intersection of E. Potlatch Hill Road and E. Sky Harbor Drive, the fire hydrant at the intersection, and the water line stub, were never installed by Low Investments, Inc.

H. Tate contends that the City, by purchasing the Armstrong Park Water System and/or the Armstrong Park Water Company, became obligated to fulfill the obligations of Low Investments, Inc., under the 1989 Agreement with Harold Tate.

I. The City denies that it is bound to fulfill the obligations of Low Investments, Inc., under the 1989 Agreement with Harold Tate because it purchased only the water system, including infrastructure, which served Armstrong Park, Armstrong Park 1st Addition, and Armstrong Park 2nd Addition.

TERMS

In consideration for the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals and Acknowledgments.** The Recitals and Acknowledgments set forth above are material and are incorporated herein.

2. **Waiver of Remaining Claims by Tate.** Provided that the City fully and completely satisfies its obligations under Paragraph 7 hereof, Tate forever waives, for herself and her heirs, assigns, and successors, any remaining claims, known or unknown, she may have against the City arising under, from, or as a result of the 1989 Agreement between Harold Tate and Gary Low Investments, Inc.

3. **Right to Cure Upon Breach.** Upon breach of this Agreement, the non-breaching party shall give the breaching party written notice of the breach, including such detail as may be sufficient to allow the breaching party a reasonable opportunity to cure. If the breaching party fails to cure, or fails to take reasonable steps to cure, such breach within ten (10) days after written notice is mailed, postage prepaid, certified mail return receipt requested, to the address listed in paragraph 4, the non-breaching party may, at its option, either enforce this Agreement or declare this Agreement terminated and pursue any legal remedies which may be available. In any litigation brought for breach of this Agreement, costs and/or attorney fees may be awarded to the prevailing party as provided by law.

4. **Notices.** Unless otherwise provided by this Agreement, all notices or demands by any party relating to this Agreement shall be in writing and either personally served or sent by regular U.S. Mail, postage prepaid, to:

If to Tate: Virginia L. Tate
4176 E. Potlatch Hill Road
Coeur d'Alene, ID 83814

If to the City: The City of Coeur d'Alene
Attn: City Clerk
710 E. Mullan Avenue

Any party may change the address at which they are to receive notice hereunder by providing written notice to the other.

5. **Final Expression of Agreement.** This Agreement is the final expression of all of the parties' agreements regarding the Tate Parcels, and it supersedes all prior or contemporaneous negotiations, understandings, and agreements between the parties, whether oral or written. Any prior oral promises, representations, waivers, and courses of conduct cannot be relied upon by either party and are of no further effect.

6. **Counterparts; Facsimile and Electronic Signatures.** This Agreement may be executed in counterparts, and when each party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and when taken together with the other signed counterparts, shall constitute one agreement that shall be binding upon and effective as to all parties. Facsimile or electronic transmission of any signed original of this Agreement, and retransmission of any signed facsimile or electronic transmission, shall be the same as delivery of an original and shall be binding upon the parties.

7. **City Obligations.** The City hereby agrees to the following:

a. At its sole cost, the City shall extend a water main line to the intersection of E. Potlatch Hill Road and E. Sky Harbor Drive, and install fire two (2) hydrants at a location to be determined by mutual agreement of Tate and the Coeur d'Alene City Fire Department. The City shall complete the extension and installation in two phases: (1) in 2019, the water main line shall be extended to the east corner of the proposed lot at the easterly boundary of Tate Parcel # 0-2089-001-002-0 lying north of E. Sky Harbor Drive ("Proposed Lot 6"); and (2) in 2020, the water main shall be extended to the intersection of E. Potlatch Hill Road and E. Sky Harbor Drive and the two fire hydrants shall be installed;

b. The City shall waive the annexation fee for proposed lots north of E. Potlatch Hill Road and E. Sky Harbor Drive;

c. The City shall install a sewer stub to and install a water meter for Proposed Lot 6 without cost to Tate;

d. The City shall draft the Annexation Agreement and other documents necessary to complete the annexation of the proposed lots north of E. Potlatch Hill Road and E. Sky Harbor Drive without cost to Tate;

e. The City shall waive its water extension rules, *i.e.*, its "to-and-through" policy, with respect to proposed Lots 3 and 4 as approximately depicted on attached Exhibit "B";

f. The City shall complete fuel reduction clean-up on parcels covered by a grant to the City Fire Department for that purpose at the later of spring of 2019 or if and when grant money for the project is received;

h. The City shall support Tate's request to Eastside Highway District to bring ~~E. Potlatch Hill Road and E. Sky Harbor Drive~~ up to City standards, but shall not be obligated to contribute funds for said project; and

i. The City acknowledges its current "good neighbor policy" with respect to providing water service, but does not warrant that the policy might be changed by the City Council in the future. The policy in effect at the time water service is requested will be applicable.

8. **Tate Obligations.** Tate hereby agrees to the following:

a. Tate will pay any and all fees, including utility cap fees and applicable impact fees, which are generally required by the City, with the exception of the annexation fee for the proposed lots north of E. Potlatch Hill Road and E. Sky Harbor Drive;

b. Tate will pay for any utility laterals;

c. Tate acknowledges and reaffirms the Road Easement, Instrument No. 1151626, in favor of the City for those portions of E. Potlatch Hill Road and E. Sky Harbor Drive which lie within the boundaries of her parcel, and shall not attempt to vacate or otherwise withdraw the easement without the City's written consent, so long that the easement is used for road and/or utilities;

d. Tate shall grant such easements, temporary or permanent, and without charge, as may be necessary for the construction and maintenance of the water main to be extended pursuant to this Agreement;

e. Tate will hold harmless, defend, and indemnify the City from any claims brought for, by, or through her, arising out of the 1989 Agreement between Harold Tate and Gary Low Investments, Inc.; and

f. Tate will promptly apply for, and carry through to completion, the annexation into the City of the proposed lots north of E. Potlatch Hill Road and E. Sky Harbor Drive.

9. **Cooperation.** Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer in good faith, at the request of either party, to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action, or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement.

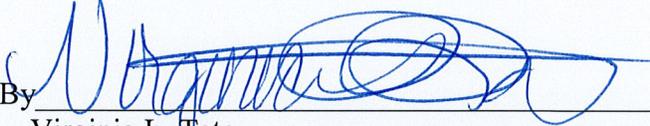
10. **Amendments.** Changes or amendments to this Agreement shall not be effective unless in a writing signed by both parties lawfully adopted by the City Council.

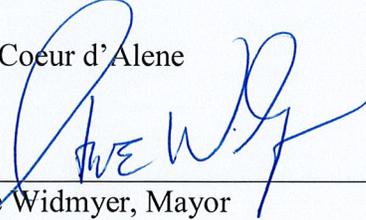
11. **Venue and Choice of Laws.** Any legal action to enforce or interpret the terms of this Agreement shall be brought in the District Court of the First Judicial District of the State of Idaho in and for the County of Kootenai. This Agreement shall be interpreted, construed and enforced in all respects in accordance with the laws of the State of Idaho.

12. **Severability.** If any term or provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each other term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

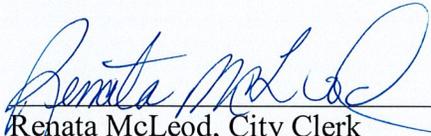
13. **Binding Effect.** This Agreement shall inure to the benefit of, and shall be binding upon, the heirs, successors, and assigns of the parties hereto, and each of them, and shall survive the completion of annexation and any construction.

14. **Time of the Essence.** Time is of the essence with respect to the terms of this Agreement.

By 
Virginia L. Tate

City of Coeur d'Alene
By 
Steve Widmyer, Mayor

ATTEST:


Renata McLeod, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 15 day of April, 2019, before me, a Notary Public, personally appeared ~~Virginia L. Tate~~, known to me to be the person who executed the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.



Sarah Jones
Notary Public for Idaho
Residing at Coeur, ID
My Commission expires: Jan 19th, 2025

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 15th day of April, 2019, before me, a Notary Public, personally appeared Steve Widmyer and Renata McLeod, the Mayor and City Clerk of the City of Coeur d'Alene respectively, known to me to be the persons who executed the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.



Amy C. Ferguson
Notary Public for Idaho
Residing at Spier + Lake
My Commission expires: 10-30-21

Exhibit A

Legal Description of the Tate Parcels

Parcel # 0-2089-001-001-0

Lot 1, Block 1, Elk Point, according to the plat thereof, filed in Book I of Plats at page(s) 273, records of Kootenai County, Idaho.

Parcel # 0-2089-001-002-0

Lot 2, Block 1, Elk Point, according to the plat thereof, filed in Book I of Plats at page(s) 273, records of Kootenai County, Idaho.

Exhibit C

Fernan Site Fuel Reduction Map

