

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room

AGENDA
VISION STATEMENT

Our vision of Coeur d'Alene is of a beautiful, safe city that promotes a high quality of life and sound economy through excellence in government.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when **Item E - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

March 5, 2019

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Pastor Sean McCartin with Life Center CDA

C. PLEDGE OF ALLEGIANCE

D. AMENDMENTS TO THE AGENDA: Any items added less than forty-eight (48) hours prior to the meeting are added by Council motion at this time.

E. PUBLIC COMMENTS: (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items listed on the agenda.)

F. ANNOUNCEMENTS

- 1. City Council**
- 2. Mayor**

***ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS

G. CONSENT CALENDAR: Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the February 19, 2019 Council Meetings.
2. Approval of Bills as Submitted.

3. Approval of Public Works Committee Meeting Minutes from February 25, 2019
4. Setting of General Services and Public Works Committees meetings for Monday, March 11, 2019 at 12:00 noon and 4:00 p.m. respectively.
5. Acceptance of Quitclaim Deeds
 - a. Fernan Lift Station from DBH Properties, LLLP.
 - b. Library Property from ignite cda
6. **Resolution No. 19-008** –
 - a. Removal of Personnel Rule 22: Police and Fire Payback Program, and other general housekeeping amendments to the Personnel Rules.
 - b. Approval of Amendment No. 1 to the Coeur d’Alene Firefighters Local No. 710, IAFF agreement eliminating conflicting language and clarifying the benefit for conservative sick use, to be retroactively effective October 1, 2018.
 - c. Approval of the State/Local Agreement for construction of the Local Highway Technical Assistance Council (LHTAC) Local Strategic Initiatives Program project to install a traffic signal at Atlas Road and Industrial Loop and to eliminate a gap in the Atlas Road trail.

As Recommend by the Public Works Committee

H. OTHER BUSINESS:

1. **CB 19-1003** - ZC-3-18, 925 W. Emma, Zone change from R-12 to C-17L request by: Melrose Properties, LLC.

Pursuant to Council action on September 18, 2018.

I. PUBLIC HEARINGS:

1. (Legislative) V-19-01 – Vacation of a Portion of 5th Place Right-of-Way Adjoining the East Boundary of Lots 1 through 6, Block 1, Reid’s Subdivision of Block 33 in the City of Coeur d’Alene

Staff Report by: Dennis Grant, Engineering Project Manager

- a. **Council Bill No. 19-1004** - Approving the vacation of a Portion of 5th Place Right-of-Way Adjoining the East Boundary of Lots 1 through 6, Block 1, Reid’s Subdivision of Block 33 in the City of Coeur d’Alene
2. (Legislative) ZC-4-18: Applicant: Rivers Edge Apartments, LLC; Location: 3528 W. Seltice Way Request: A proposed zone change from R-12 to C-17

Staff Report by: Mike Behary, Associate Planner

3. (Quasi-judicial) Appeal - LDPUD-1-18 and SP-11-18: Applicant: Rivers Edge Apartments, LLC Location: 3528 W. Seltice Way Request: A proposed Limited Design PUD “Rivers Edge and a proposed R-34 Density Request Special Use Permit on 25.92 acres.

Staff Report by: Mike Behary, Associate Planner

J. RECESS: To March 15, 2019 for a workshop with the Parks and Recreation Commission at 12:00 noon at the Library Community Room located at 702 E. Front Avenue.



Coeur d'Alene

CITY COUNCIL MEETING

March 5, 2019

MEMBERS OF THE CITY COUNCIL:

Steve Widmyer, Mayor

Council Members Edinger, English, Evans, Gookin, McEvers, Miller

CONSENT CALENDAR

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM

FEBRUARY 19, 2019

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room, February 19, 2019 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers)	Members of Council Present
Amy Evans)	
Dan Gookin)	
Kiki Miller)	
Loren Ron Edinger)	
Dan English)	Member of Council Absent

CALL TO ORDER: Mayor Widmyer called the meeting to order.

INVOCATION: Pastor Stuart Bryan with Trinity Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

PUBLIC COMMENTS:

Parking:

Tyler Lunde, Coeur d'Alene, expressed concern regarding the parking fees recently adopted for the McEuen parking lot. He noted that he posted an online petition and gathered approximately 5,800 signatures in opposition of the fee for 2-hour parking. He believes that McEuen Park should be a park to attract all and felt that charging the local residents will deter people from using the park. He noted that he found out that 60% of parking in downtown has two-hour free parking; however, when people move toward using the garage it will fill up quicker. He expressed a desire to use the park and keep the 2-hour free parking. He asked Council to consider that citizens that cannot afford to pay \$2 or \$3 a day.

Mayor Widmyer asked how many of the 5,800 signatures were citizens of Coeur d'Alene. Mr. Lunde noted that the majority of the signatures were from Coeur d'Alene and Post Falls, and he believes that it was about 4,000 of the signatures. The Mayor asked City Administrator Troy Tymesen to provide some information regarding the new fee structure. Mr. Tymesen noted that there is free on street parking in the downtown area after 6:00 p.m., and on Sundays and holidays. He noted that they are trying to draw folks to use the new parking garage; and, additionally, in order to utilize the license plate recognition software, there needs to be a fee for every hour. Using this technology would avoid the use of the kiosk, as the bulk of tickets are people that do not get a ticket out of the kiosk for the free first two hours. Mr. Tymesen noted

that McEuen was \$3.00 for the third hour and now there is one dollar per hour for hour one and two with the same cost of \$3.00 for the third hour. Councilmember Gookin expressed his belief that the software was the driver for the decision to raise the fee. Mr. Tymesen noted that they are trying to resolve the frustration of users wanting to avoid the kiosk. Mayor Widmyer noted that there is a need to have funds in the parking reserve fund to cover maintenance costs. For example, the normal recommendation is to have a reserve of \$25 per year per space; meaning the City would need more than \$50,000 per year in its reserve fund. He clarified that the idea behind the increase was to have a reserve fund for needed replacements. He noted that it is wise fiscal policy to have a reserve for replacement account and confirmed that there are still 1,200 stalls that have a free parking element. The Mayor also noted that the majority of people that pay for the parking will be tourists, so it is equal to a user fee rather than an increase in residents' property taxes. Councilmember Gookin requested the numbers regarding the need and what the estimated costs will be to ensure the City is meeting the Idaho Code regarding fees.

Steven Becken, Coeur d'Alene, noted that he was not in favor of the parking fee increase. He requested clarification regarding the City Hall parking lot fee proposal. Mr. Tymesen noted that proposed fee structure related to the City Hall campus is being reviewed by the Parking Commission to determine the implementation plan. They cannot currently assess the fee due to a lack of infrastructure and the need to determine how to offer passes for meetings and employees. The proposal was to allow two hours free, and that the Commission plans to look at the proposal this year and bring a proposal forward in 2020. Mr. Becken noted that he does not use his phone to pay for anything and he is not fond of the kiosk. He hopes there will be change. Councilmember Miller asked if there would there be signage for the 15-minute parking stalls at City Hall. Mr. Tymesen confirmed that there is 15-minute parking in front of City Hall that will remain in place.

Linda Wolovich, Coeur d'Alene, expressed concern that the fee decision was being driven by tourists, not the citizens. She expressed her desire to have two hours of free parking for residents. She said that when McEuen Park was built, the Parks Director at the time, Doug Eastwood, stated that upkeep would be handled. She felt that the best services enhancement would be to bring back the employee-operated booth with the dropping cross arms, because the kiosks are a pain. The Mayor noted that the arm system slows down vehicle exits during large events and many complaints were heard regarding that system.

Susan Snedaker, Coeur d'Alene, congratulated the City for working with the residents in midtown regarding the residential parking problems on Montana Avenue. She felt the fees adopted were done so with very little thought to the process and the impact it would have on the public. Additionally, regarding the City Hall campus parking, the kiosk locations still need to be determined, with payment options undetermined. She is concerned for the possible impact it would have on people attending public meetings that last more than two hours. She also noted the city should demand the Downtown Association comply with the maintenance of facilities within the downtown area pursuant to their contract as the items continue to deteriorate. Additionally, she noted that employee-parking passes should be taxable benefits and they should not be allowed to park free.

Richard Fiardo, Coeur d'Alene, thanked the City for making the community a fine place to live, as he moved here six years ago. He noted that he does not agree with parking fees as it seems like a violation of a promise. He wondered if the City can show data regarding the majority of people coming from out of town. He noted that the population keeps increasing, apartments growing, and thought the City should allow at least one-hour free. Mayor Widmyer noted that this is the first summer season that the new parking garage is going to be open, so the City will see the effect it will have on downtown parking.

A.J. Rugar, Coeur d'Alene, noted that he has worked for a food vendor that does vending at the "Live After 5:00" event in McEuen Park and said that it gets busy down there. He thinks that people come to the event as it is cheap and many people do not have a lot of money to spend. Therefore, he believes the increase will drive people away and felt that those with kids will have a hard time if they have to park further away. Mayor Widmyer noted there is no price change for those that park for more than two hours.

Rivers Edge Apartments:

Chet Gaede, Coeur d'Alene, noted that he wanted to provide some information regarding the River's Edge Apartment on-line petition, through the Change.org website, in opposition of the development that has over 8,000 names on it. He wanted to note a few of the comments from the petition. There were many notes regarding traffic concerns, and a lack of infrastructure needs for the project, such as water and wastewater; however, City staff has noted that there is infrastructure available to handle the project. He stated that he personally appreciated what the City has done to fix Seltice Way. Many people within the petition noted that the shoreline should be kept public; however, the entire shoreline is not currently in the hands of the public, but this project is the only opportunity to negotiate the shoreline. Others within the petition stated that apartments are not needed; however, the local apartments are all full. Mr. Gaede noted that it appears that all 8,000 people signing the petition do not like the project; however, he felt that is not true because the description is fear mongering and not a presentation of facts as it does not include that it will provide public access to the river and land to help develop Atlas. The answer is to go back and look at the Atlas planning input, which said the community is willing to trade shoreline access for density. It is up the Council to determine what the right density will be. He cautioned the Council to consider what the social media polls are really saying and what they actually know about their input. He thanked the City for making this a pleasant and an attractive place to live.

Address to vacant lot:

Ricco Sciconi and Bree Barret, Coeur d'Alene, bought the lot with a storage unit on it and he wants to start a garden there, yet when he contacted the City to get water, he could not get an address for the lot due to the fact that if he got an address, he would have the ability to utilize the lot outside of city code. He does not want to build on the lot; rather, he just wanted to have storage and a garden. He would be willing to sign a waiver or agreement to ensure he does not build on the lot without a permit. The Mayor suggested he connect with Mr. Tymesen to follow up on this request.

Midtown:

Greg Johnson, Coeur d'Alene, noted that he was excited for potential projects in mid-town. He encouraged people living in the area to review the proposals that ignite received. He expressed concern how they will be leaving midtown when the district closes in three years and what the money will be used for at the end of the district. He acknowledged that there is not enough parking, as there are too many successful businesses, so he encouraged ignite to spend the dollars on the best spots.

ignite cda ANNUAL REPORT PRESENTATION: ignite cda Executive Director Tony Berns presented the 2018 Annual report. He reminded the Council that they have three districts now noted as the Lake, River, and Atlas districts. Mr. Berns explained that goals set within the past year remain on track. Highlights include public space acquisition, land use planning review within the Atlas Mill site, East Sherman and the health corridor, and the completion of the construction of the downtown parking facility. He updated the Council on board transitions, including the term expiration of long-term member Deanna Goodlander (18 years of board service) and the welcoming of new member Brinnon Mandel. He reviewed several projects including the Four Corners Master Plan which includes \$1.6 million in funding toward the Mullan Road element, trails, parking and \$1.9 million for the Memorial Park and Skate Park improvements. He noted that the Higher Education Campus initiative was a brown field redevelopment with a \$5.4 million investment in infrastructure including roads, trails, and intersections. He noted that the next step for the Higher Education Campus is a collaborative education facility with \$2.3 million in funding toward a total project cost of \$7.5 million paid for with education partners. Mr. Berns noted that the downtown parking facility is complete with a \$7.6 million investment, netting 350 spaces. The Stimson Mill site planning initiative brought forward the creation of the Atlas District. In 2019, ignite will work toward defining public improvements and design standards for future construction. He reviewed past projects including Riverstone and Mill River and explained that their financing was done through a Tax Increment Reimbursement Agreement. He noted that ignite has received two proposals from their Request for Proposals for the mid-town project that are currently being reviewed. Additionally, they have an infill partnership project for the Lake Apartments, which will bring forward 46 market-rate apartments. Mr. Berns noted that over the past year ignite hired a consultant and completed a performing arts feasibility study. Another large project was the Seltice Way revitalization with a \$4.5 million investment, which was completed in the fall 2018. He noted the long-term goals that include the topics of education, job creation and retention, housing, public space - creation of new and enhancement of existing, public parking, midtown vitalization, downtown vitalization, Stimson Mill site redevelopment initiatives, health corridor expansion initiatives, and East Sherman initiatives.

Councilmember McEvers thanked Mr. Berns and the ignite Board for their time and effort. Mayor Widmyer noted that the skate park funding was mostly funded by ignite cda.

ACEC AWARD FOR SELTICE WAY PRESENTATION: Matt Gillis, Principal with Welch Comer, Inc., noted that Welch Comer, the City of Coeur d'Alene and ignite cda have received a gold award for transportation throughout the entire state of Idaho for the City's Seltice Way project from the American Council of Engineering Companies (ACEC). He felt this project was unique due to the partners involved and availability of staff and leadership. He provided several

aerial photos of the past road conditions and of the final project, explaining that now there are buffered shared use paths that connect into the Centennial Trail. There are five transit stops throughout the corridor and they were able to repurpose trees that were removed within the project to build the transit structures, which is iconic of the historical logging industry of the corridor. They were also able to transform the Grand Mill and Atlas intersections. During the design phase, there were many concerns regarding large trucks being able to maneuver the intersection and Mr. Gillis presented a video of a large truck maneuvering the traffic circle with no complication. He thanked the City for their leadership and for allowing Welch Comer to be a partner in this project and presented the City with a plaque for the wall.

CONSENT CALENDAR: Motion by McEvers, seconded by Miller, to approve the Consent Calendar.

1. Approval of Council Minutes for the February 5, 2019 Council Meeting.
2. Approval of Minutes for the February 11, 2019 Public Works Committee Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services and Public Works Committees meetings for Monday, February 25, 2019 at 12:00 noon and 4:00 p.m. respectively.
6. Setting a Public Hearing for March 5, 2019: V-19-01 – Vacation of a Portion of 5th Place Right-of-Way Adjoining the East Boundary of Lots 1 – 6, Block 1, Reid’s Subdivision of Block 33 in the City of Coeur d’Alene
7. Approval of SS-18-14c, Final Plat for The City Lofts First Amendment
8. **RESOLUTION NO. 19-006- A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED CONTRACTS, AGREEMENTS, AND OTHER ACTIONS OF THE CITY OF COEUR D’ALENE INCLUDING: A SUBDIVISION IMPROVEMENT AGREEMENT, FINAL PLAT, AND SECURITY FOR THE BELLERIVE CENTENNIAL TRAIL RIVERFRONT ADDITION; RATIFICATION OF AN AGREEMENT WITH WESTERN STATES EQUIPMENT COMPANY FOR A WHEEL LOADER; A CONTRACT WITH SPECIALTY PUMP SERVICE FOR THE LOCUST WELL PUMP REHABILITATION PROJECT; A CONTRACT WITH NNAC FOR THE 2019 COMPOST FACILITY IMPROVEMENTS PROJECT; AND FUNDING FOR ADDITIONAL HOURS OF EMPLOYMENT FOR THE CITY’S COMMUNITY DEVELOPMENT BLOCK GRANT SPECIALIST.**

ROLL CALL: Gookin Aye; Edinger Aye; Evans Aye; Miller Aye; McEvers Aye. **Motion Carried.**

A-2-18: A PROPOSED ANNEXATION OF 2.50 ACRES FROM AGRICULTURAL SUBURBAN TO R-1 ZONING DISTRICT, BEING TAX PARCEL #4952, E. FERNAN RD. PURSUANT TO COUNCIL ACTION ON DECEMBER 18, 2018

RESOLUTION NO. 19-007

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ANNEXATION AGREEMENT WITH DAVE AND YVONNE PALMER.

MOTION: Motion by Gookin, seconded by Edinger to approve **Resolution No. 19-007**, Annexation Agreement with Dave and Yvonne Palmer for the annexation of 2.50 acres, being tax parcel #4952, E. Fernan Rd., zoning from Agricultural Suburban to R-1 zoning district.

ROLL CALL: Edinger Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion carried.**

COUNCIL BILL NO. 19-1002

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 17, TOWNSHIP 50, NORTH, RANGE 3 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 19-1002** once by title only.

ROLL CALL: Edinger Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion carried.**

MOTION: Motion by Gookin, seconded by McEvers, to adopt **Council Bill 19-1002**.

ROLL CALL: Edinger Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion carried.**

MIDTOWN PARKING PLAN UPDATE

STAFF REPORT: Community Planning Director Hilary Anderson noted that a midtown parking study was conducted by Rich and Associates in September, 2018. Additionally, on November 6, 2018 the City Council gave direction to staff to proceed with the creation of a parking plan for Midtown that was to include the following 10 action items: Improve Existing Public Parking Lots; Work with ignite cda to Create More Public Parking in the Reid-Boise Corridor; Improve Signage Directing Cars to Public Parking; Improve Lighting in Alley Leading to Public Parking; Create Residential Parking Zones and Enforcement; Encourage Shared-use Parking in Private Lots; Create a Loading Zone for Deliveries; Marketing of Parking Lots; Identify Future Public Parking Lots; and, Work to Get Public/Private Parking to a 50-50 Ratio.

She noted that staff members from Administration, Planning, Streets & Engineering, Municipal Services, and Police have been meeting and working toward solutions to those action items. She informed the Council that they have been meeting with residents and midtown businesses. Staff is presenting a Draft Midtown Parking Plan for City Council consideration and input before further staff action. The plan addresses recommendations for the ten action items, and includes a status update for current efforts and future phases. Goal 1 included a need to improve existing public parking lots, including lighting, striping and asphalt repairs, which are currently underway. Goal 2 involves activity seeking additional land for parking and increasing lighting options through the alley; however, staff is waiting for ignite's review and recommendation of project proposals to finalize the parking use included in those proposals.

Ms. Anderson noted that the cost to light up the 4th Street Public Parking Lot is \$7,000, which includes the cost of the transformer. The City's Streets & Engineering Department will be working with Avista to extend power to the 3rd Street lot and will be repurposing light poles that are in storage to light up the 4th Street lot. The City is seeking assistance from ignite to purchase two additional lights for the 3rd Street Public Parking Lot that will match the two lights along the northern edge of the property. The final cost of improvements to the two public parking lots has not yet been determined. Staff is waiting to see if the land acquisition moves forward and until ignite makes a decision on the development proposals for their properties on 4th Street. These variables will affect the design, layout, and necessary parking lot improvements. There will also be a cost associated with signage in Midtown. On-street signs typically cost \$100-\$150 per sign if made by the Streets & Engineering Department. At least two signs will be needed for the loading zone to indicate the beginning and end of the designated loading zone. The proposed creation of a loading zone for deliveries was reviewed by public safety and determined a location along 4th Street would be appropriate. It would need to be incorporated into the city code, if the location is amendable to the Council. Additional signs will be needed for a Resident-Only parking area and the cost will be dependent upon the areas approved. Requests for Rectangular Rapid Flashing Beacon's (RRFB's) in the area were made and staff concurred that they would be a good addition to the area. The City can purchase a pair of RRFB's for \$7,000-8,000, for an approximate cost of \$16,000 for two intersections. Staff is seeking assistance from ignite to purchase the RRFBs. City staff would install the beacons at the two intersections, which would be an additional cost savings.

The proposed Resident-Only Parking Permit program was evaluated under a few scenarios for enforcement. Diamond Parking was not an effective option since they do not patrol after 5:00 p.m. and the Midtown area has activity day and night. Northern Security was also contacted for a quote for enforcement and would have ticketing authority; however, it was determined that contracting for such a small area would not be cost effective, as it would result in a net loss even with the cost of parking permits and violations. Therefore, it was determined that enforcement and ticketing would be done by the City's Police Department, with enforcement handled with prioritization based on calls for service and public safety needs. Staff could then analyze its effectiveness over a year period before creating a formal code amendment. Additionally, staff has been reviewing opportunities to share parking with private uses, such as Trinity Lutheran Church. Marketing of parking lots is something that will occur, with the use of maps and outreach to the businesses to post maps, etc. One easy solution is to update the downtown map to include the midtown map and make it readily available. Staff continues to work on the 50/50

ratio for public/private parking in the midtown area. Additional suggestions from staff include the creation of a midtown stakeholders association, similar to the Downtown Association. Ignite currently has signs that restricts overnight parking and restricts parking after 11 p.m., and have agreed to consider amending the signage to allow the lot to stay open until 2:00 a.m. Next steps include the review and integration of ignite's decision on a midtown development proposal, continuing to seek property acquisition, scheduling of a meeting with midtown stakeholders, and meeting with Trinity Lutheran Church.

DISCUSSION: Mayor Widmyer asked about the percentage of participation included in the pilot residential permit parking program and if it would be determined by street or for the entire project area. Ms. Anderson noted that staff is seeking Council input on that concept, and that either way of determining the percentages could work. Councilmember Gookin asked how many residents in total would be eligible for permits. Ms. Anderson noted that there were approximately nine homes on three different streets. Councilmember Gookin asked if the parcels had alley access and off-street parking. Ms. Anderson noted that she was not sure if they have alley access, but it seems that all parcels have off-street parking. Mayor Widmyer noted that the citizens on Reid Avenue have expressed some concern with people parking in front of their driveways, and the issue on Montana Avenue was an employee parking in front of their house. Ms. Anderson noted that there was input from two of the restaurant owners in opposition to the residential program and the lack of other available parking for patrons and staff. Councilmember Gookin asked if there have been any complaints regarding cars being pushed further into the abutting residential areas. Ms. Anderson noted she has not received any other complaints. Mayor Widmyer clarified that if 66% was based on street participation then it would take two homeowners out of three to determine the program for that street, and both homeowners on Roosevelt Avenue would need to participate; therefore, the residents could or could not participate in the program and he felt that it should be determined by street. Councilmember McEvers asked how many parking spaces are included in the proposed pilot program. Ms. Anderson noted that it would be approximately 10 spots, which is why no visitor passes were included in the proposal and the \$30.00 fee is consistent with the Fort Grounds parking pass program. Councilmember Miller thanked staff for their work and for working with the citizens; however, she has concerns about the pilot program as she feels there are many unanswered questions. She is concerned about the apartment complex on Reid Avenue taking over all the on-street parking and not fixing the issue for the other homeowners. Additionally, taking care of this parking area may move the problems one block over. She expressed concern that this program may have businesses making the same request later on, and then off Sherman Avenue or the Garden District, and who would oversee those requests? The Mayor noted that on Reid Avenue the apartment house would not qualify, as it is not in the proposed zone, which only includes the three residential single-family homes. Additionally, he noted that it is pilot program as it is complicated and there are ever changing issues. Councilmember Gookin noted that he would support the lighting of signs for the parking lot use and hopes it would make it an obvious available parking lot, which should resolve many issues. He noted that he has a lot of experience with residential parking permit programs, as he lives in the Fort Grounds. He felt it was important for the residents to know that there is a huge issue with enforcement and they may be calling the police a lot, as enforcement is complaint driven and response is based on priority of other calls and it may be a frustrating thing, and there is still no guarantee of parking in front of your house. He felt another solution could be to make it a no parking zone and that he is

concerned that it will just push people onto 5th Street. Councilmember Miller noted that she does agree that the City has to start somewhere, but there are still a lot of unanswered situations that will need to be dealt with as they come up.

MOTION: Motion by Evans, seconded by Gookin to direct staff to move forward with the Midtown Parking Plan to include the 66% participation by block within the residential parking pilot program and have a check in at the midpoint providing the Council an update in October. **Motion carried.**

EXECUTIVE SESSION: Motion by Gookin, seconded by Miller to enter into Executive Session pursuant to Idaho Code 74-206 (d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code, (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated, and (i) to engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed.

ROLL CALL: Evans Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion carried.**

The City Council entered into Executive Session at 7:54 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Council returned to regular session at 8:20 p.m.

MOTION: Motion by McEvers, seconded by Gookin to approve a Release and Settlement Agreement with Daniel O'Dell.

ADJOURNMENT: **Motion** by McEvers, seconded by Gookin that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:20 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, CMC, City Clerk

**PUBLIC WORKS COMMITTEE
MINUTES
February 25, 2019
4:00 p.m., Library Community Room**

COMMITTEE MEMBERS PRESENT

Councilmember Woody McEvers
Councilmember Dan English
Councilmember Kiki Miller

STAFF PRESENT

Melissa Tosi, Human Resources Dir.
Amy Ferguson, Executive Asst.
Chris Bosley, City Engineer
Randy Adams, Deputy City Attorney
Tim Martin, Streets & Eng. Director

**Item 1 Approval of Personnel Rule Deletion – Police and Fire Payback Program, and
General Housekeeping Amendments
Consent Calendar**

Melissa Tosi, Human Resources Director, presented a request for council approval of the deletion of Personnel Rule 22: Police and Fire Payback Program, and general housekeeping amendments. She explained in her staff report that in 2002, the Police Payback Program was added to the Personnel Rules with the goal of discouraging police officers from quickly moving on to other agencies. With other agencies looking for previously trained officers to minimize expenses, the payback program is an agreement signed when the officer is initially hired and promises a specified period of time to remain employed with the City. If the employee chooses to leave voluntarily before the expiration of that period of time, they would be required to repay the City an amount equivalent to the costs related to testing, backgrounds, equipment, training, etc. In 2014, firefighters were added to the payback program. The intent of adding fire to the program was to recoup identified costs for firefighters who voluntarily leave during their first year of employment. It has been years since a police officer has been required to repay any expenses and the City has not had a firefighter leave voluntarily since the inception of the program. As the public safety job market continues to change, the rule is being proposed for deletion for the following reasons:

1. The current hiring pool for police officers is very challenging and any program that would prevent an applicant from applying is detrimental to the City;
2. The police profession has dramatically changed since the inception of this program and the department is not having issues with employees voluntarily leaving for other agencies within the allotted time frame;
3. Some officers realize through various stages of training that being a police officer is not the right fit for them and may wish to voluntarily resign, which is in the best interest of the department. If the officer feels financially obligated to stay due to a payback agreement, this could create a safety concern to all those involved;
4. It is very unusual for the fire department to have an employee voluntarily leave within the first year of employment. Additionally, the fire union recently added a payback clause to their current collective bargaining agreement that is specific to their paramedic certification requirement. The paramedic payback is the fire department's focus as opposed to the new hire firefighter payback program.

In regard to the general housekeeping amendments, Ms. Tosi explained in her staff report that approving the deletion of Rule 22 would require the renumbering of subsequent rules and, additionally, miscellaneous amendments were made throughout the table of contents and Personnel Rules to reflect the accurate sections.

Ms. Tosi confirmed that both the police and fire departments have approved the deletion of Rule 22 from the personnel rules. Councilmember Miller asked about the paramedic pay back agreement and Ms. Tosi explained that the paramedic payback program is not in the personnel rules, but was added to the fire union Collective Bargaining Agreement.

Councilmember English commented that he believes that the deletion of the payback program makes sense for the market.

MOTION: Motion by English, seconded by Miller, to recommend that council approve the deletion of Personnel Rule 22: Police and Fire Payback Program, and the general housekeeping amendments.

DISCUSSION: Councilmember McEvers said that he was on the council in 2002 when the original payback rule was approved, and it seemed important at the time. Ms. Tosi explained that since police officer and employee compensation and benefits are pretty good, they are just not having a high turnover for employees who are voluntarily leaving to go to another agency.

Motion carried.

Item 2 Approval of Amendment to Collective Bargaining Agreement with the Coeur d'Alene Firefighters Local No. 710, International Association of Firefighters (IAFF) Consent Calendar

Melissa Tosi, Human Resources Director, presented a request for council approval of a proposed amendment to the Coeur d'Alene Firefighters Local No. 710, IAFF Agreement clarifying conflicting language and establishing an additional benefit for conservative sick use, retroactive effective October 1, 2018.

Ms. Tosi explained in her staff report that the current Collective Bargaining Agreement, which was effective October 1, 2018, has two areas of conflicting language regarding the conservative sick use benefit. The proposed amended language would be as follows, and the conflicting language in the Collective Bargaining Agreement and Personnel Rules would be deleted:

Conservative Sick Use: To be eligible for conservative sick use, employees must be employed for the entire quarter of the fiscal year. Fifty-six (56) hour a week employees shall receive six (6) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave. Forty (40) hour a week employees shall receive four (4) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave.

The proposed amendment would allow employees to continue to receive the added vacation for the conservative sick use benefit not only for when they have less than 1440 hours (56 hour employees) and 720 hours (40 hour employees), but also once they reach and go above the before-mentioned hours. By approving the proposed amended Collective Bargaining Agreement language, 17 fire employees, who are currently over 1440 hours of sick leave accruals, would be eligible for the 6 additional earned vacation hours. The estimated value of the immediate impact for the current fiscal year would be \$12,600 and an additional 408 hours of earned vacation.

Councilmember McEvers asked about the economic impact of this change. Ms. Tosi said that the benefit is really just for the conservative sick use. If the employee doesn't use sick leave in that quarter, they are provided with six hours of vacation. It is not a pay out, but time off, so there is a value behind it.

Councilmember Miller asked how the City became aware of this discrepancy. Ms. Tosi explained that Human Resources sends out a conservative sick use benefit each quarter and the fire union noticed that their names weren't on it so they came to the City's negotiation team to discuss their concerns. They found that the language and the intent was different. Fire provided an audio recording of their original request and so, in the spirit of negotiation, the negotiation team decided that the best move would be to bring forward an amendment to the contract. Ms. Tosi confirmed that the fire union has approved the proposed amendment.

Councilmember English commented that these kinds of programs encouraging less use of sick leave are common and he thinks they make sense.

MOTION: Motion by Miller, seconded by English, that Council approve the amendment to the Coeur d'Alene Firefighters Local No. 710, IAFF Agreement eliminating conflicting language and clarifying the benefit for conservative sick use, to be retroactively effective October 1, 2018. Motion carried.

**Item 3 Approval of State/Local Agreement for Construction of the Local Highway
 Technical Assistance Council (LHTC) Local Strategic Initiatives Program project to
 Install a Traffic Signal at Atlas Road and Industrial Loop and Eliminate a Gap in
 the Atlas Trail**

Consent Calendar

Chris Bosley, City Engineer, presented a request for council approval of a State/Local Agreement for construction of the Local Highway Technical Assistance Council (LHTAC) Local Strategic Initiatives Program project to install a traffic signal at Atlas Road and Industrial Loop and eliminate a gap in the Atlas Trail.

Mr. Bosley explained in his staff report that traffic leaving Industrial Loop onto Atlas Road experiences lengthy delays during peak commute hours. Industrial Loop is home to many businesses and TESH, Inc. Additionally, Atlas Trail users must cross to the east side of Atlas Road to make the connection between Kathleen Avenue and the Prairie Trail. The City hired Welch Comer to design a signal improvement and trail connection in hopes of securing grant funding for the construction. The project was submitted to LHTAC for the Local Strategic Initiatives Grant and was ranked number one out of 92 submittals. In order to move to construction, LHTAC requires a signed State/Local Agreement. Approval of the agreement will allow staff to advertise the project for bids and begin construction. Construction will be completed this year.

Mr. Bosley explained that, in regard to the grant application, they were able to hit each of the scoring points pretty well in regard to providing letters of support, access onto the properties or securing right-of-way, etc. He noted that the proximity of the signal to the existing Prairie Trail signal was a bit of a concern so they included funds in the grant application to coordinate those signals and the Kathleen Avenue signal to tie them together to decrease congestion.

Councilmember English said that he was very happy to see this grant award as he drives back and forth to work every day in that area and it is a real problem.

Councilmember Miller asked if the City had applied for any other grants along the same lines as this one, and who designs them. Mr. Bosley explained that the plans were put together by Welch Comer Engineers, who helped to put the grant application together. Mr. Bosley obtained the right-of-entry agreements and support letters.

Councilmember Miller asked about language in the agreement that says that the funds cannot be used for local agency wages. Mr. Bosley explained that the language is used to keep cities from getting a grant and then doing the work themselves and keeping the money. He noted that in this project, the City will receive the money up front, and then return what they don't spend.

Councilmember McEvers asked about street improvements. Mr. Bosley said that the streets will be widened as needed to allow for them to put in curb and gutter and make room for the left turn lane and put in driveways approaches to the north and south. He also noted that the timeline requires that the project be completed this year, so as soon as the agreement is signed, they will need to go to bid on this, get a contractor, and have the project closed out by December.

MOTION: Motion by English, seconded by Miller, that Council approve the State/Local Agreement for Construction of the Local Highway Technical Assistance Council (LHTAC) Local Strategic Initiatives Program project to Install a Traffic Signal at Atlas Road and Industrial Loop and to eliminate a gap in the Atlas Trail. Motion carried.

The meeting adjourned at 4:22 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison

Recording Requested By and
When Recorded Return to:
City of Coeur d'Alene
710 E. Mullan Ave.
Coeur d'Alene, ID 83814

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

QUITCLAIM DEED

This Quitclaim Deed made and entered as of this 25th day of February 2019, between **DBH Properties, LLLP.**, P.O. Box 6200, Coeur d'Alene, Idaho 83816 (the "**Grantor**") and the **City of Coeur d'Alene**, Idaho, whose address is 710 E Mullan Avenue, Coeur d'Alene, Idaho 83814 (the "**Grantee**").

Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents REMISE, RELEASE AND FOREVER QUITCLAIM unto Grantee and to Grantee's heirs and assigns, all right, title and interest in and to the real property and improvements thereon located in Kootenai County, State of Idaho, and more specifically described on as:

Tax Parcel C-3285-002-001-0; A City Lot approximately 0.5802 acres, more particularly described as Lot 1, Block 2, of Fernan Lake Terrace located in the Northwest Quarter of the Southwest Quarter of Section 17, Township 50 North, Range 03 West, Boise Meridian, City of Coeur d'Alene, Kootenai County, Idaho as recorded in Book E, Page 242 of Kootenai County Book of Plats.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder or remainders, rents, issues, and profits thereof, to have and to hold all and singular and to its heirs and assigns forever.

By its execution of the Deed Acceptance, attached hereto as **Exhibit "A"**, and incorporated herein by reference, the Grantee agrees to the terms and conditions set forth in said Quitclaim Deed.

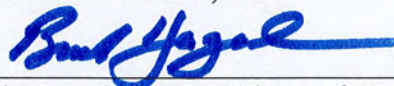
IN WITNESS WHEREOF, Grantor has hereunto set its hand the day and year first above written.

GRANTOR:

DBH PROPERTIES, LLLP.

Date: 2/25/19

By

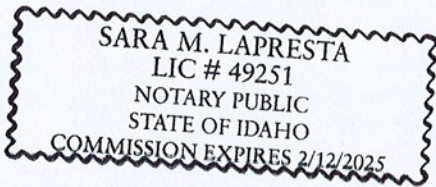


Brad Hagadone, President of Hagadone Realty, Inc., General Partner for DBH Properties, LLLP.

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 25th day of Feb, 2019, before me, Sara M. Lapresta, a Notary Public in and for said State, personally appeared Brad Hagadone, known or identified to me to be the President of Hagadone Realty, Inc., General Partner of DBH Properties, LLLP., the person who executed the instrument on behalf of DBH Properties, LLLP., and acknowledged to me that he executed the same on behalf of DBH Properties, LLLP.

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



Sara M. Lapresta
Notary Public for Idaho
Residing at Coeur d'Alene, Idaho
My commission expires 2/12/25

EXHIBIT "A"

DEED ACCEPTANCE

This is to certify that the interest in real property conveyed by Quitclaim Deed, dated the _____ of _____, 2019, from DBH Properties, LLLP., is hereby accepted by the City of Coeur d'Alene, a municipal corporation of the State of Idaho. The Quitclaimee consents to recordation thereof by its duly authorized officer, and by its execution of this Deed Acceptance agrees to the terms and conditions set forth in said Quitclaim Deed.

CITY OF COEUR D'ALENE KOOTENAI COUNTY, IDAHO	ATTEST:
_____ Steve Widmyer, Mayor	_____ 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 that 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: _____

RECORDING FEE: \$15.00

DD



143

Recording Requested By and
When Recorded Return to:
Danielle Quade
HAWLEY TROXELL ENNIS & HAWLEY LLP
250 Northwest Boulevard, Suite 204
Coeur d'Alene, ID 83814

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

QUITCLAIM DEED

FOR VALUE RECEIVED, COEUR D'ALENE URBAN RENEWAL AGENCY, DBA IGNITE CDA (formerly COEUR D'ALENE URBAN RENEWAL AGENCY, DBA LAKE CITY DEVELOPMENT CORPORATION, a/k/a Lake City Development Corporation), an independent public body corporate and politic of the State of Idaho (hereinafter referred to as "Grantor"), does by these presents convey, remise, release and forever quitclaim unto the CITY OF COEUR D'ALENE, IDAHO, a municipal corporation of the State of Idaho, whose pertinent address is 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814 (hereinafter referred to as "Grantee"), all right, title and interest which Grantor now has or may hereafter acquire in the real property situated in the County of Kootenai, State of Idaho, which is more particularly described on EXHIBIT A attached hereto and by this reference incorporated herein.

TOGETHER WITH all right, title and interest which Grantor now has or may hereafter acquire in the buildings, structures and improvements thereon and rights-of-way, easements, tenements, hereditaments and appurtenances thereunto belonging, reversion and reversions and remainder and remainders, rents, issues and profit thereof.

TO HAVE AND TO HOLD the same unto the Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, this Quitclaim Deed has been duly executed by and on behalf of Grantor this 11th day of April, 2018.

COEUR D'ALENE URBAN RENEWAL
AGENCY, DBA IGNITE CDA

By: Scott Hoskins
Name: Scott Hoskins
Title: Chair

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 11th day of April, 2018, before me, a Notary Public in and for said State, personally appeared Scott Hoskins known or identified to me to be the Chair of Coeur d'Alene Urban Renewal Agency, dba ignite cda, the entity that executed the within instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that such entity executed the same.

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

[Signature]
Notary Public for Idaho
Residing at Coeur d'Alene, ID
My commission expires 11/24/21

Grantee's Acceptance of Quitclaim Deed:

City of Coeur d'Alene
By: [Signature]
Steven Widmyer, Mayor



ATTEST:
[Signature]
Renata McLeod, City Clerk



Copy

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 1 thru 5 and portions of Lots 6 thru 12 and a portion of the vacated alley, all in Block 38, COEUR D'ALENE AND KINGS ADDITION, according to the plat recorded in the office of the County Recorder in Book C of Deeds at Page 144, records of Kootenai County, Idaho, in Section 13, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of said Block 38, said corner being the TRUE POINT OF BEGINNING for this description; thence,

along the boundary line of said Block 38, South 87°41'07" East, 271.23 feet to the Westerly right of way line of 8th Street; thence,

TX#18982

leaving the said boundary line along the said Westerly right of way line, South 2°36'21" West, 220.84 feet to a point on the Northerly railroad right of way line recorded in Book 34 of Deeds at Page 619, records of Kootenai County, Idaho; thence,

leaving the said Westerly right of way line along the said Northerly railroad right of way line, North 67°21'09" West, 260.96 feet to a point on the Southerly right of way line of the said vacated alley, vacated by city ordinance number 332; thence,

leaving the said Northerly railroad right of way line, North 2°41'03" East, 7.50 feet to the centerline of the said vacated alley; thence,

along the said centerline of the vacated alley, North 87°18'57" West, 25.07 feet to the said boundary line of Block 38; thence,

leaving the said centerline of the vacated alley along the said boundary line of Block 38, North 2°08'06" East, 122.50 feet to the TRUE POINT OF BEGINNING.

RESOLUTION NO. 19-008

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED AGREEMENT AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE, INCLUDING: REMOVAL OF PERSONNEL RULE 22: POLICE AND FIRE PAYBACK PROGRAM, AND OTHER GENERAL HOUSEKEEPING AMENDMENTS TO THE PERSONNEL RULES; AN AMENDMENT TO THE COEUR D'ALENE FIREFIGHTERS LOCAL NO. 710, IAFF AGREEMENT, ELIMINATING CONFLICTING LANGUAGE AND CLARIFYING THE BENEFIT FOR CONSERVATIVE SICK USE, TO BE RETROACTIVELY EFFECTIVE OCTOBER 1, 2018; AND A STATE/LOCAL AGREEMENT FOR CONSTRUCTION OF THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL (LHTAC) LOCAL STRATEGIC INITIATIVES PROGRAM PROJECT TO INSTALL A TRAFFIC SIGNAL AT ATLAS ROAD AND INDUSTRIAL LOOP AND TO ELIMINATE A GAP IN THE ATLAS ROAD TRAIL.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the agreement and take the other actions listed below, pursuant to the terms and conditions set forth in the agreement and other action documents attached hereto as Exhibits "A" through "C" and by reference made a part hereof as summarized as follows:

- A) Removal of Personnel Rule 22: Police and Fire Payback Program, and other general housekeeping amendments to the Personnel Rules;
- B) An amendment to the Coeur d'Alene Firefighters Local No. 710, IAFF agreement eliminating conflicting language and clarifying the benefit for conservative sick use, to be retroactively effective October 1, 2018; and
- C) A State/Local agreement for construction of the Local Highway Technical Assistance Council (LHTAC) Local Strategic Initiatives Program project to install a traffic signal at Atlas Road and Industrial Loop and to eliminate a gap in the Atlas Road trail;

AND

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into contracts and agreement and take the other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A" through "C" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are

hereby authorized to modify said contracts and agreement, and the other action, so long as the substantive provisions of the contracts and agreement, and the other action remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such contracts and agreements, or other documents as may be required on behalf of the City.

DATED this 5th day of March, 2019.

Steve Widmyer, Mayor

ATTEST

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER ENGLISH	Voted _____
COUNCIL MEMBER EVANS	Voted _____
COUNCIL MEMBER MILLER	Voted _____
COUNCIL MEMBER MCEVERS	Voted _____
COUNCIL MEMBER GOOKIN	Voted _____
COUNCIL MEMBER EDINGER	Voted _____

_____ was absent. Motion _____.

Date: February 25, 2019

To: Public Works

From: Melissa Tosi, Human Resources Director

Re: Personnel Rule Amendment – Delete Police and Fire Payback Program

Decision Point: City Council is requested to approve the deletion of Personnel Rule 22: Police and Fire Payback Program and general housekeeping amendments. This program is outdated and is not being utilized.

History: In 2002, the Police Payback Program was added to the Personnel Rules with the goal of discouraging police officers from quickly moving on to other agencies. With other agencies looking for previously trained officers to minimize expenses, the payback program is an agreement signed when the officer is initially hired and promises a specified period of time to remain employed with the City. If the employee chooses to leave voluntarily before the expiration of that period of time, they would be required to repay the City an amount equivalent to the costs related to testing, backgrounds, equipment, training, etc.

In 2014, firefighters were added to the payback program. The intent of adding fire to the program was to recoup identified costs for firefighters who voluntarily leave during their first year of employment.

It has been years since a police officer has been required to repay any expenses and we have not had a firefighter leave voluntarily since the inception of the program. As the public safety job market continues to change, this rule is being proposed for deletion for the following reasons:

1. The current hiring pool for police officer is very challenging and any program that would prevent an applicant from applying is detrimental to the City;
2. The police profession has dramatically changed since the inception of this program and the department is not having issues with employees voluntarily leaving for other agencies within the allotted time frame;
3. Some officers realize through various stages of training that being a police officer is not the right fit for them and may wish to voluntarily resign, which is in the best interest of the department. If the officer feels financially obligated to stay due to a payback agreement, this could create a safety concern to all those involved.
4. It is very unusual for the fire department to have an employee voluntarily leave within the first year of employment. Additionally, the fire union recently added a payback clause to their current collective bargaining agreement that is specific to their paramedic certification reimbursement. The paramedic payback is the fire department's focus as opposed to the new hire firefighter payback program.

General Housekeeping Amendments: If approving the deletion of Rule 22, the subsequent rules will need to be renumbered. Additionally, miscellaneous amendments were made throughout the table of contents and personnel rules to reflect the accurate sections.

These proposed amendments have been discussed with both the police and fire departments and have been posted for all employees to review.

Financial:

Due to the lack of utilization of the police and fire payback program, there are no hard costs associated with this Personnel Rule deletion.

Performance Analysis:

Our goal is to provide a consistent and clear document for the Personnel Rules with up to date, relevant information.

Decision Point/Recommendation:

City Council is requested to approve the deletion of Personnel Rule 22: Police and Fire Payback Program and general housekeeping amendments.

~~RULE 22: POLICE AND FIRE PAYBACK PROGRAM~~

~~SECTION 1. Preamble~~

~~The City of Coeur d'Alene spends a great deal of money during the testing and background checks of potential police officers and firefighters.~~

~~SECTION 2. Definitions~~

~~“Peace Officer” means any employee of the Coeur d'Alene Police Department and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or the City of Coeur d'Alene.~~

~~“Firefighter” means any employee of the Coeur d'Alene Fire Department whose duties includes and primarily consists of protecting the community from disaster situations and promoting an environment of public safety within the City of Coeur d'Alene.~~

~~SECTION 3. Agreement~~

~~As a condition of employment, each applicant for peace officer or firefighter with the City of Coeur d'Alene shall execute an agreement whereby said applicant promises to remain within employ of the City of Coeur d'Alene as a peace officer or firefighter, on a full time basis, for a period of time not less than two and a half years after the date of hire for peace officers and for a period of time not less than one year after the date of hire for firefighter.~~

~~Also, as a condition of employment, each applicant who voluntarily leaves the employ of the City of Coeur d'Alene Police or Fire Department, prior to successfully completing two and a half years of employment for peace officer and one year for firefighter, shall reimburse the City of Coeur d'Alene a sum equivalent to the costs, that may include, training, background investigation, boots, nametags, body armor, medical, hearing, vision, psychological, and polygraph testing administered to the applicant during the pre-employment process.~~

~~SECTION 4. Pay Back~~

~~In the event that a peace officer or firefighter of the Coeur d'Alene Police or Fire Department voluntarily resigns within the time frame stated above, the peace officer or firefighter shall be required to pay the City the sum set forth in the signed payback agreement. The amount shall be reduced proportionately for each month that the officer or firefighter was employed within the Coeur d'Alene City Police or Fire Department.~~

~~The amount owed by the employee to the City shall be deducted from the final pay check that the employee is owed. If the amount owed to the City is greater than the amount of the final pay check, the balance shall be owed to the City within 30 days of the final work day.~~

~~SECTION 5. Exceptions~~

~~If the officer or firefighter is terminated for cause by the City of Coeur d'Alene, the officer shall not owe the City any amount.~~

~~If the officer or firefighter resigns in lieu of termination for cause, the officer or firefighter shall not owe the City any amount.~~

~~**SECTION 6. Appeals**~~

~~An officer or firefighter may appeal the amount assessed pursuant to the agreement to the Personnel Officer. If the employee is still not satisfied, the final appeal may then be made to a committee of three appointed City Council Members who will meet in executive session to consider the appeal. Final recommendation will be made to the Mayor and entire Council in an open public meeting. A simple majority vote of the Council will be required to decide on the appeal. The Mayor and Council shall also have the authority to modify the reimbursement rate to a less amount as the majority deems necessary. In no case can the Mayor and Council modify the reimbursement to an amount greater than would be required by the initial agreement.~~

RULE 11: ATTENDANCE AND LEAVES

SECTION 4. Sick Leave

- (a) Purpose: All employees in the competitive service are eligible to accrue and use sick leave with pay only as specifically allowed by the rules contained in this section. Sick leave shall not be considered as a right, which an employee may use at his/her discretion.
- (b) Accrual Method: Unless otherwise provided by contract or other written agreement, Sick leave will be accrued as: ten (10) hours for each month of service, accrued at a rate of five (5) hours per pay period, for Forty (40) hour a week employees.
- (1) No sick leave shall accrue after sixty (60) consecutive days of absence.
- (c) Allowable Use: Accrued sick leave hours may be used for the following reasons that prevent an employee from working during a regularly scheduled workday/shift:
 - (1) Personal illness;
 - (2) Personal injury.
 - (3) Illness or quarantine of employee's immediate family necessitating the employee's absences from work. Unless otherwise provided by contract or other written agreement, immediate family is defined as spouse, child, mother, and father. A child is defined as the biological, adopted, foster, stepchild or a child of an individual acting in the parent's stead, who is under the age of eighteen unless an eligible IRS dependent.
 - (4) Personal or medical related appointments, including annual wellness exams, counseling, dental check-up, etc. (including the employee's immediate family).
 - (5) Conditions qualifying for leave under the Family and Medical Leave Act as provided under Section 10 of this Rule.
 - (6) Sick leave may not be used in the same pay period in which it is accrued.
 - (7) Notification Requirement: Unless otherwise specified by contract or written agreement, an employee who seeks to receive compensation while absent on sick leave, must notify his/her immediate supervisor or the Human Resources Director within four (4) hours prior to scheduled work shift, or as specified by the Department Head. If the employee is incapable of providing the required notice, the employee must provide notice as soon as possible.
 - (8) Documentation of Illness/Injury: When the absence is for more than three (3) consecutive workdays, the Department Head/Supervisor or Human Resources Director may require a report from a medical provider stating that the employee is/was unable to perform his/her duties or is/was needed for the care of an immediate family member's illness or injury, or other qualified, allowable uses, as noted in this rule. Additionally, if in the Department Head's/Supervisor's opinion the employee is unable to perform their job duties, a medical report maybe required at any time.
 - (9) Conservative Sick Use: To be eligible for conservative sick use,

employees must be employed for the entire quarter of the fiscal year (eligible hours will be pro-rated for part-time employees). All employees with less than seven hundred twenty (720) hours of accumulated sick leave shall be eligible to receive four (4) hours of vacation for each quarter of the fiscal year in which they did not use any sick leave. ~~Employees represented by IAFF, who work a fifty-six (56) hour week with less than fourteen hundred forty (1440) hours of accumulated sick leave shall be eligible for six (6) hours of vacation for each quarter of the fiscal year in which they did not use any sick leave.~~

- (10) Maximum Usable Balance: As of October 1 of each year, a forty (40) hour a week employee may not have a usable balance of sick leave exceeding seven hundred and twenty (720) hours.
- (11) Compensation for Excess Sick Leave: Unless otherwise provided by contract or other written agreement, employees who have accrued more than the maximum usable balance of sick leave must select one of the following options for compensation of their excess sick leave. Once an employee has selected an option upon reaching eligibility, that selection may not be changed.
 - (i) Option One: Employees having accrued more than the usable balance of sick leave shall forfeit all sick leave in excess of the maximum on October 1 of each year. The employee will be paid, in November of the same year for one third (1/3) of the forfeited sick leave. Upon retirement from the City of Coeur d'Alene, employees will be paid for one-third (1/3) of their accrued sick leave balance at the date of retirement up to a maximum of two hundred forty (240) hours.
 - (ii) Option Two: Employees having accrued more than the usable balance of sick leave, will bank the excess sick leave on October 1 of each year. Upon retirement from the City of Coeur d'Alene pursuant to the provisions of Idaho Code, the termination of an employee due to that employee's job being abolished, or the death of the employee, the employee or their beneficiary will be paid for thirty-five percent (35%) of the employee's banked excess sick leave. Banked excess sick leave balance cannot be converted back into usable sick leave. Excess sick leave will continue to be banked each October 1 of each year.
- (12) Sick Leave Balance upon Separation: No payment shall be made for accumulated sick leave at the time of separation of employment, except those employees who retire from the City of Coeur d'Alene pursuant to the provisions of the Idaho Code. If a sick leave option has been selected, the selected option shall be applicable, see Section 11 entitled "Compensation for Excess Sick Leave" of this rule.

Sick leave time shall not be used for the purpose of postponing the date of separation, retirement or other predetermined separation or termination of

employment. For example, an employee who submits a notice of resignation will not be allowed to use sick leave to cover the last days of employment instead of working.

- (13) Long Term Disability: Unless otherwise provided by contract or other written agreement, employees utilizing the City provided disability insurance shall not receive vacation or sick leave accruals after sixty 60 consecutive days of absences.

Housekeeping updates to Table of Contents: The added sections below are already included in the Personnel Rules, however, they are not currently listed in the Table of Contents.

Table of Contents

RULE 1: GENERAL PROVISIONS	10
SECTION 1. Adoption of Personnel System	10
SECTION 2. Personnel Officer	10
SECTION 3. Personnel Appeals Board	10
SECTION 4. Competitive Service	11
SECTION 5. Adoption and Amendment of Rules	11
SECTION 6. Appointments	12
SECTION 7. Probationary Period	12
SECTION 8. Demotion, Dismissal, Reduction in Pay and Suspension	13
SECTION 9. Right of Appeal	13
SECTION 10. Abolition of Position	13
SECTION 11. Employee Standards of Conduct	14
SECTION 12. Outside Employment	14
<u>SECTION 13. City Commissions, Committees and Boards.....</u>	15
SECTION 14. Penalties	15
SECTION 15. Limitations	15
RULE 2: DEFINITIONS OF TERMS	16
SECTION 1. “Advancement”	16
SECTION 2. “Allocation”	16
SECTION 3. “Appointing Power”	16
SECTION 4. “Bereavement Leave”	16
SECTION 5. “Board”	16
SECTION 6. “Class”	16
SECTION 7. “Classification Plan”	16
SECTION 8. “Classified Service”	16
SECTION 9. “Class Specifications”	16
SECTION 10. “Compensation Plan”	16
SECTION 11. “Competitive Service”	16
SECTION 12. “Demotion”	16
SECTION 13. “Dismissal”	17
SECTION 14. “Eligible”	17
SECTION 15. “Employment List”	17
SECTION 16. “Examination”	17
SECTION 17. “Job Description”	17
SECTION 18. “Part-time Employee”	17
SECTION 19. “Pay Plan”	17

SECTION 20. “Full-time Regular Employee”	17
SECTION 21. “Personnel Resolution”	17
SECTION 22. “Probationary Period”	18
SECTION 23. “Promotion”	18
SECTION 24. “Provisional Appointment”	18
SECTION 25. “Reinstatement”	18
SECTION 26. “Suspension”	18
SECTION 27. “Temporary Employee”	18
SECTION 28. “Title”	18
SECTION 29. “Transfer”	18
RULE 3: MISCELLANEOUS PROVISIONS	19
SECTION 1. Fair Employment	19
SECTION 2. Residency	19
SECTION 3. Violation of Rules	19
SECTION 4. Qualifications	19
SECTION 5. Safe Work Practices Policy	19
RULE 4: CLASSIFICATION	21
SECTION 1. Preparation of Plan	21
SECTION 2. Adoption, Amendment and Revision of Plan	21
SECTION 3. Allocation of Position.....	21
SECTION 4. New Positions	21
SECTION 5. Reclassification	21
RULE 5: COMPENSATION	23
SECTION 1. Preparation of Plan	23
SECTION 2. Adoption of Plan	23
SECTION 3. Emergency Personnel	23
SECTION 4. Overtime	23
SECTION 5. Temporary Appointment to Higher Class	24
SECTION 6: Pay Periods	24
RULE 6: APPLICATIONS AND APPLICANTS	25
SECTION 1. Announcement	25
SECTION 2. Application Forms	25
SECTION 3. Disqualifications, In General	25
SECTION 4. Burden of Proof	26
SECTION 5. Special Provisions	26
RULE 7: EXAMINATIONS	27
SECTION 1. Nature, Types and Notice of Examination	27
SECTION 2. Promotional Examinations	28
SECTION 3. Continuous Examination	28
SECTION 4. Conduct of Examination.....	28

SECTION 5. Scoring Examinations and Qualifying Scores	28
SECTION 6. Notification of Examination Results and Review of Papers	28
RULE 8: EMPLOYMENT LISTS	29
SECTION 1. Employment Lists	29
SECTION 2. Employment Lists/Police Department	29
SECTION 3. Re-employment Lists	29
SECTION 4. Removal of Names from List	30
RULE 9: METHOD OF FILLING VACANCIES	31
SECTION 1. Types of Appointments	31
SECTION 2. Notice to Human Resources Director	31
SECTION 3. Certification of Police Eligibles	31
SECTION 4. Appointment	32
SECTION 5. Provisional Appointment	32
SECTION 6. Temporary Appointments-Police	32
RULE 10: PROBATIONARY PERIOD	34
SECTION 1. Regular Appointment Following Probationary Period	34
SECTION 2. Objective of Probationary Period	34
SECTION 3. Rejection of Probationer	34
SECTION 4. Termination Following Promotion and Transfer	34
SECTION 5. Change of Positions	35
RULE 11: ATTENDANCE AND LEAVES	36
SECTION 1. Hours and Days of Work	36
<u>SECTION 2. Work Week.....</u>	<u>36</u>
SECTION 23 . Vacation Leave	36
SECTION 34 . Sick Leave	37
SECTION 45 . Bereavement Leave	39
SECTION 56 . Military Leave	39
SECTION 67 . Unpaid Leave of Absence	40
SECTION 78 . Witness and Jury Leave	40
SECTION 89 . Attendance	40
SECTION 910 . Holidays	40
SECTION 1011 . Family and Medical Leave (FML)	41
SECTION 1112 . Retirement Consultation Benefit	41 44
RULE 12: PAY ADJUSTMENTS	46
SECTION 1. Application of Rates	46
SECTION 2. Advancement	46
SECTION 3. Meritorious Increase	46
RULE 13: TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT	47
SECTION 1. Transfer	47
SECTION 2. Promotion	47

SECTION 3. Promotion of Police Officers	47
SECTION 4. Demotion	48
SECTION 5. Suspension	48
SECTION 6. Reinstatement	48
RULE 14: DISCIPLINARY ACTION - LAYOFF - RESIGNATION	49
SECTION 1. Disciplinary Action	49
SECTION 2. Strikes	49
SECTION 3. Authority for Disciplinary Action	49
SECTION 4. Notice of Disciplinary Action	50
SECTION 5. Types of Disciplinary Action	50
SECTION 6. Layoff	51
SECTION 7. Resignation	51
RULE 15: GRIEVANCE PROCEDURES	52
SECTION 1. Purpose of Rule	52
SECTION 2. Matters Subject to Grievance Procedures	52
SECTION 3. Informal Grievance Procedures	52
SECTION 4. Formal Grievance Procedure	52
SECTION 5. Conduct of Grievance Procedure	53
SECTION 6. No Prejudice to Personnel Appeal	53
RULE 16: PERSONNEL APPEALS PROCEDURES	54
SECTION 1. Method of Appeal	54
SECTION 2. Notice	54
SECTION 3. Investigation	54
SECTION 4. Hearing	54
SECTION 5. Findings and Recommendations	55
RULE 17: TRAINING OF EMPLOYEES	56
SECTION 1. Responsibility for Training	56
SECTION 2. Credit for Training	56
RULE 18: CITY PROPERTY	57
SECTION 1. Purpose / Intent	57
SECTION 2. Employees Not to be Party to Purchase or Sale of Property	57
SECTION 3. Use of City Property	57
SECTION 4. Use of Electronic Communication Equipment	57
SECTION 5. Modification of City Property	60
SECTION 6. Privacy Advisory	60
RULE 19: AUTHORIZATION AND PROCEDURES FOR EXPENSE REIMBURSEMENT	61
SECTION 1. Purpose; Definitions	61
SECTION 2. Allowable Expenditures	61
SECTION 3. Per Diem Allowance Advance	62
SECTION 4. Reimbursement	63

SECTION 5. Official Representation	64
SECTION 6 Third Party Funded Travel	64
SECTION 7 Partial Reimbursement for Tuition Reimbursement	64
RULE 20: REPORTS AND RECORDS	65
SECTION 1. Personnel File	65
SECTION 2. Change-of-Status Report	65
SECTION 3. Destruction of Records	65
RULE 21: DRUG/ALCOHOL POLICY	66
SECTION 1. Purpose	66
SECTION 2. Drug and Alcohol Free Workplace	66
SECTION 3. Prohibited Behavior.....	66
SECTION 4. Notification of Arrest or Citation	66
SECTION 5. Drug/Alcohol Testing	66
SECTION 6. Testing Guidelines	67
<u>SECTION 7. Types of Testing</u>	<u>68</u>
SECTION 8. Drug & Alcohol Testing Procedures	69
SECTION 9. Test Result Notification	70
SECTION 10. Testing Positive for Drugs or Alcohol	70
SECTION 11. Grounds for Discipline	70
SECTION 12. Voluntary Treatment	71
SECTION 13. Employee Assistance Program (EAP)	71
<u>SECTION 14. Shared Responsibility</u>	<u>72</u>
SECTION 15. Communication and Training	72
<u>RULE 22: POLICE AND FIRE PAYBACK PROGRAM</u>	<u>73</u>
<u>SECTION 1. Preamble</u>	<u>73</u>
<u>SECTION 2. Definitions</u>	<u>73</u>
<u>SECTION 3. Agreement</u>	<u>73</u>
<u>SECTION 4. Pay Back</u>	<u>73</u>
<u>SECTION 5. Exceptions</u>	<u>73</u>
<u>SECTION 6. Appeals</u>	<u>74</u>
<u>RULE 2322: PROHIBITION AGAINST HARASSMENT</u>	<u>7573</u>
<u>AND VIOLENCE IN THE WORKPLACE</u>	<u>7573</u>
SECTION 1. Purpose	7573
SECTION 2. Definitions	7573
SECTION 3. Complaint Procedure	7674
<u>SECTION 4. All Weapons Banned.....</u>	<u>75</u>
<u>SECTION 5. Inspections</u>	<u>75</u>
SECTION 6. Retaliation Prohibited	7775
SECTION 7. Scope of Employment	7775
SECTION 8. Lists and Examples Not All-Inclusive	7876

RULE 2423: SMOKING POLICY	<u>7977</u>
SECTION 1. Purpose	<u>7977</u>
SECTION 2. Policy.....	<u>7977</u>
SECTION 3. Definitions	<u>7977</u>
SECTION 4. Location	<u>7977</u>
RULE 2524: APPOINTED OFFICERS AND DEPARTMENT HEADS	<u>8078</u>
SECTION 1. Purpose/Intent	<u>8078</u>
SECTION 2. Definitions	<u>8078</u>
SECTION 3. Conditions of Employment	<u>8078</u>
SECTION 4. Initial Appointment	<u>8179</u>
SECTION 5. Benefits	<u>8280</u>
SECTION 6. Organization and Supervision	<u>8381</u>
SECTION 7. Termination of Employment	<u>8381</u>
RULE 2625: FLSA EXEMPT EMPLOYEES	<u>8583</u>
SECTION 1. Purpose/Intent	<u>8583</u>
SECTION 2. Definitions	<u>8583</u>
SECTION 3. Conditions of Employment	<u>8583</u>
SECTION 4. Appointment	<u>8583</u>
SECTION 5. Benefits	<u>8684</u>

Housekeeping updates to Personnel Rules:

- RULE 11, SECTION 4(c)(5) – Update sentence to reflect accurate section:
Conditions qualifying for leave under the Family and Medical Leave Act as provided under Section ~~40~~11 of this Rule.
- Update the following section headers in RULE 11 in accordance with updates above for accurate sequence of sections:
SECTION ~~4~~5. Bereavement Leave
SECTION ~~5~~6. Military Leave
SECTION ~~6~~7. Unpaid Leave of Absence
SECTION ~~7~~8. Witness and Jury Leave
SECTION ~~8~~9. Attendance
SECTION ~~9~~10. Holidays
SECTION ~~10~~11. Family and Medical Leave (FML)
SECTION ~~11~~12. Retirement Consultation Benefit
- Update the following Rule numbers due to the proposed deletion of RULE 22 POLICE AND FIRE PAYBACK PROGRAM to ensure continued sequence:
RULE ~~23~~22: PROHIBITION AGAINST HARASSMENT AND VIOLENCE IN THE WORKPLACE
RULE ~~24~~23: SMOKING POLICY
RULE ~~25~~24: APPOINTED OFFICERS AND DEPARTMENT HEADS
RULE ~~26~~25: FLSA EXEMPT EMPLOYEES
- RULE 25 (proposed RULE 24) APPOINTED OFFICERS AND DEPARTMENT HEADS, SECTION 3(e) – Update subsection to reflect accurate Personnel Rules in accordance with changes above:

Application of Personnel Rules: Department Heads are subject to the following personnel rules unless otherwise modified by this section:

- (1) *Rule 1, Section 11, Standards of Conduct;*
- (2) *Rule 11, Section ~~3~~4, Sick Leave;*
- (3) *Rule 11, Section ~~4~~5, Bereavement Leave;*
- (4) *Rule 11, Section ~~5~~6, Military Leave;*
- (5) *Rule 11, Section ~~7~~8, Witness and Jury Leave;*
- (6) *Rule 11, Section ~~9~~10, Holidays;*
- (7) *Rule 11, Section 11, Family and Medical Leave;*
- (8) *Rule 11, Section 12, Retirement Medical Benefit;*
- (9) *Rule 18, City Property;*
- (10) *Rule 19, Authorization and Procedures for Expense Reimbursement;*

- (11) *Rule 21, Drug Policy;*
- (12) *Rule ~~23~~22, Prohibition against Harassment and Violence in the Workplace; and*
- (13) *Any other rule that, by its terms, is specifically applicable to Department Heads.*

- RULE 25 (proposed RULE 24) APPOINTED OFFICERS AND DEPARTMENT HEADS, SECTION 5(b)(4) – Update subsection to reflect accurate Personnel Rule in accordance with changes above:

Maximum Sick Leave Accrual: Department Heads may not accumulate more sick leave than is allowed for other employees as outlined in Rule 11, Section ~~3~~4. Department Heads may select either of the two options for compensation for excess sick leave contained in Rule 11, Section ~~3~~4. Sick leave accruals paid out at retirement will be deposited into the Department Head's VEBA account.

- RULE 26 (proposed RULE 25) FLSA EXEMPT EMPLOYEES, SECTION 3(e) – Update subsection to reflect accurate Personnel Rule in accordance with changes above:

FLSA exempt employees follow the observed Holidays listed in Rule 11, Section ~~9~~10.

- RULE 26 (proposed RULE 25) FLSA EXEMPT EMPLOYEES, SECTION 5(b)(4) – Update subsection to reflect accurate Personnel Rule in accordance with changes above:

Maximum Sick Leave Accrual: FLSA exempt employees will not receive compensation for accumulated sick leave unless the FLSA exempt employee retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code. The FLSA exempt employee must select sick leave option 1 or 2, found in Rule 11, Section ~~3~~4.

Date: February 25, 2019

To: **Public Works**

From: Melissa Tosi, Human Resources Director

Re: Amendment to Collective Bargaining Agreement with the Coeur d'Alene Firefighters Local No. 710, International Association of Firefighters (IAFF)

Decision Point: City Council is requested to approve the proposed amendment to the Coeur d'Alene Firefighters Local No. 710, IAFF Agreement clarifying conflicting language and establishing an additional benefit for conservative sick use. The proposed amendment is requested to be retroactively effective October 1, 2018.

History: The current Collective Bargaining Agreement (CBA), which was effective October 1, 2018, has two areas of conflicting language regarding the conservative sick use benefit.

The current CBA language (Article 16, Section 4, Option One) is as follows:

Employees who have not accumulated one thousand four hundred forty (1440) hours of sick leave, or seven hundred twenty (720) hours for 40-hour employees, as of October 1, shall receive four (4) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave.

The current conflicting language in the CBA (Article 16, Section 7) is as follows:

Employees who do not use sick leave during an entire fiscal quarter will receive an additional six (6) hours of vacation leave per quarter.

The current language in the Personnel Rules (Rule 11, Section 4, Sick Leave (c)(9)) is as follows:

Employees represented by IAFF, who work a fifty-six (56) hour week with less than fourteen hundred forty (1440) hours of accumulated sick leave shall be eligible for six (6) hours of vacation for each quarter of the fiscal year in which they did not use any sick leave.

The proposed amended CBA language is below, and if approved, the language quoted above from the CBA and Personnel Rules would be deleted:

Conservative Sick Use: To be eligible for conservative sick use, employees must be employed for the entire quarter of the fiscal year. Fifty-six (56) hour a week employees shall receive six (6) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave. Forty (40) hour a week employees shall receive four (4) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave.

Financial:

The proposed amendment would allow employees to continue to receive the added vacation for the conservative sick use benefit not only for when they have less than 1440 hours (56 hour employees) and 720 hours (40 hour employees), but also once they reach and go above the before mentioned hours.

By approving the proposed amended CBA language, 17 fire employees, who are currently over 1440 hours of sick leave accruals, would be eligible for the 6 additional earned vacation hours. The estimated value of the immediate impact for the current fiscal year would be \$12,600 and an additional 408 hours of earned vacation.

Performance Analysis:

The proposed amendment with the Fire Union clarifies the intent of language brought forward in negotiations and adds an additional conservative sick use benefit to all employees who are continuing to conservatively use their sick leave.

Decision Point/Recommendation:

City Council is requested to approve the proposed amendment to the Coeur d'Alene Firefighters Local No. 710, IAFF Agreement establishing an additional benefit for conservative sick use effective retroactively to October 1, 2018.

AGREEMENT
Amendment No.1

THIS AGREEMENT AMENDMENT is made and entered into this 5th day of March, 2019, between the CITY OF COEUR D'ALENE, hereinafter referred to as the "CITY," and the COEUR D'ALENE FIREFIGHTERS LOCAL NO. 710, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, hereafter referred to as "Union," collectively referred to as the "Parties."

WHEREAS, the Parties entered into a labor agreement on September 4, 2018, adopted pursuant to Resolution No. 18-050.

WHEREAS, the Parties desire to amend the agreement; and

THEREFORE, effective October 1, 2018, the Parties mutually agree that the Agreement is amended as follows:

ARTICLE 16
SICK LEAVE

SECTION 1. Sick leave with pay shall be granted to all probationary and regular employees within the competitive service, except those who work less than 1040 hours per year. Sick leave shall not be considered as a right that an employee may use at his/her discretion but shall be allowed only in case of necessity and actual personal sickness or disability. In order to receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor prior to, or within four (4) hours after, the time set for reporting to work or as may be specified by the head of the department. In those situations which have rendered the employee incapable of reporting as specified above, the employee shall report at the earliest possible time. When the absence is for more than three (3) shifts, the employee may be required to file a physician's certificate with the Human Resource Director, and department head stating the date the employee is released fit for duty and any restrictions/limitations if released for light duty.

SECTION 2. Sick leave will also be granted in the event of an illness to a member of an employee's immediate family that requires the employee's presence to care for said family member. Immediate family is defined as spouse, child, brother, sister, mother, and father. A child is defined as the biological, adopted, foster, step child, or a child of an individual acting in the parent's stead who is under the age of eighteen unless an eligible IRS dependent.

Three days/shifts are allowed without physician's guidance. To continue to use sick leave beyond three days/shifts, a physician's documentation is required stating the employee needs to care for the family member and the inclusive dates.

SECTION 3. Sick leave shall be earned at twelve (12) hours per pay period for fifty-six (56) hour a week employee, and at the rate of five (5) hours per pay period for forty (40) hour a week employee. Unused sick leave may be accumulated to a total of not more than 1440 hours for employees who work a fifty-six (56) hour week and to a total of 720 hours for employees who work a forty (40) hour week. For the purpose of computing compensation for accrued sick leave at retirement provided for in Option Two of Section 4, sick leave shall be calculated as unlimited accrual.

SECTION 4. Each employee shall select one of the following options for compensation of sick leave accrual:

Option One: Employees having accumulated one thousand four hundred forty (1440) hours of sick leave as of October 1, shall receive one (1) additional hour of vacation leave for every three (3) hours of sick leave forfeited on October 1, of each year. Employees receiving additional vacation credits in this manner may elect to be compensated at their hourly wage for up to seventy-two (72) hours of such additional vacation credits.

~~Employees who have not accumulated one thousand four hundred forty (1440) hours of sick leave, or seven hundred twenty (720) hours for 40-hour employees, as of October 1, shall receive four (4) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave.~~

An employee who retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code shall be compensated for thirty-three and one third percent ($33\frac{1}{3}\%$) of his/her accumulated sick leave at the time of retirement.

Option Two: Employees selecting this option shall not receive any yearly pay back for accrued sick leave. Upon retirement from the City of Coeur d'Alene pursuant to the provisions of Idaho Code or the death of the employee, he/she or their beneficiary shall be compensated for forty one percent (41%) of the employee's accrued sick leave hours.

Once an employee has selected one of the above options upon reaching eligibility, that selection may not be changed.

All employees receiving regular wages in lieu of temporary disability payments will no longer accumulate vacation and sick leave following sixty (60) days of disability.

SECTION 5. Conservative Sick Use: To be eligible for conservative sick use, employees must be employed for the entire quarter of the fiscal year. Fifty-six (56) hour a week employees shall receive six (6) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave. Forty (40) hour a week employees shall receive four (4) hours of vacation for each quarter of a fiscal year in which they did not use any sick leave.

Section 65. In order to address post employment medical and dental needs, once a fifty six (56) hour a week employee reaches five hundred (500) sick leave hours, the employee shall contribute eight (8) hours of sick leave per month towards eligibility for the below HRA/VEBA flat monthly contribution based on the applicable rank the employee holds.

- Battalion Chief: \$288
- Captain: \$265
- Engineer: \$241
- Firefighter: \$225

Once a forty (40) hour a week employee reaches three hundred twenty (320) sick leave hours, the employee shall contribute four (4) hours of sick leave per month towards eligibility for the below HRA/VEBA flat monthly contribution.

- Fire Inspector: \$162

SECTION 76. An employee eligible for temporary time-loss payments under the Worker's Compensation Law (Idaho Code § 72-301 et seq.) shall not have lost duty time deducted from his/her sick leave until any of the following occur:

1. The employee is released for return to duty by a physician approved by the State of Idaho Industrial Commission; or
2. The employee receives a partial or total permanent disability rating; or
3. The employee retires from the City of Coeur d'Alene pursuant to Idaho Code; or
4. The employee remains unable to return to duty after six (6) months from the date of injury, or one year in the case of an injury sustained under emergency conditions (going to, coming from, or at the actual scene) or while participating in simulated emergency scene training exercises.

Any time-loss payments received by the employee as a result of worker's compensation shall be paid to the CITY as long as the employee is continuing to receive full wage. Should the employee continue to be unable to return to work after six (6) months (or one (1) year, whichever applies from (4) above) from the date of injury, the CITY shall begin to charge the employee's sick leave account the difference between his/her base wage and the amount of time loss payments received by the CITY; such payments shall be credited to the employee's sick leave account until the sick leave is exhausted or until one of conditions 1, 2, or 3 above occurs. The CITY shall continue to provide medical, dental and vision insurance coverage for the employee and eligible dependents during the first two years of an employee's disability retirement. All

employees receiving base wages in lieu of worker's compensation payments will no longer accumulate vacation and sick leave following sixty (60) days of disability.

~~SECTION 7. Employees who do not use sick leave during an entire fiscal quarter will receive an additional six (6) hours of vacation leave per quarter, to be used as described in Article 22.~~

DATED THIS 5th day of March, 2019.

Steve Widmyer, Mayor

Eric Paul, President, Local 710

ATTEST:

Renata McLeod, City Clerk

Josh Sutherland, Secretary, Local 710

**PUBLIC WORKS
STAFF REPORT**

DATE: February 19, 2019
FROM: Chris Bosley – City Engineer
SUBJECT: State/Local Agreement for Atlas/Industrial Signal Project Grant

=====

DECISION POINT:

Staff is requesting approval the State/Local Agreement for construction of the Local Highway Technical Assistance Council (LHTAC) Local Strategic Initiatives Program project to install a traffic signal at Atlas Road and Industrial Loop and eliminate a gap in the Atlas Trail.

HISTORY:

Traffic leaving Industrial Loop onto Atlas Road experiences lengthy delays during peak commute hours. Industrial Loop is home to many businesses and TESH, Inc. Additionally, Atlas Trail users must cross to the east side of Atlas Road to make the connection between Kathleen Avenue and the Prairie Trail. The City hired Welch Comer to design a signal improvement and trail connection in hopes of securing grant funding for the construction. The project was submitted to LHTAC for the Local Strategic Initiatives grant and was ranked number one out of 92 submittals. In order to move to construction, LHTAC requires a signed State/Local agreement. Construction will be completed this year.

FINANCIAL ANALYSIS:

There is no match required by the City for this project.

PERFORMANCE ANALYSIS:

Approval of this agreement will allow staff to advertise the project for bids and begin construction. Once complete, the project will provide much a needed traffic signal installation at Industrial Loop and improve pedestrian and bicycle safety and connectivity.

DECISION POINT/RECOMMENDATION:

Staff recommends that Council approve the State/Local agreement with the Local Highway Technical Assistance Council.

Local Highway Technical Assistance Council

3330 Grace Street
Boise, Idaho 83703

Phone 208.344.0565
Fax 208.344.0789
Toll Free 1.800.259.6841

www.lhtac.org



Diana Thomas
Chairman

Gilbert Hofmeister
Vice Chairman

Todd Smith
Secretary/Treasurer

Jeff R. Miles, P.E.
Administrator

February 19, 2019

RE: Local Strategic Initiatives 2019 Grant

Dear Sir or Madam,

Congratulations! Your application for a 2019 Local Strategic Initiatives (LSI) grant has been approved for funding by the Local Highway Technical Assistance Council (LHTAC) and the appropriation has been signed by the Governor.

Complete the enclosed attached agreement and return to LHTAC at your earliest convenience. Once an acceptable bid set and executed agreement is received, funds will be issued to your Jurisdiction.

Any funds received shall be used for contracting out to private enterprise for the work or project to be accomplished. You also must comply with Idaho Code Sec. 67-2309, 67-2320, 67-2803 to 67-2808 and Title 54, Chapter 19. Funds cannot be used for local agency wages, work completed prior to award, or equipment purchases/reimbursement.

Recipients will be required to notify LHTAC in the event that project expenditures require modification and/or differ from that shown on the approved application. The Project Closeout Form (PCF) along with before/after photos are due at the end of the project, to LHTAC no later than **December 6, 2019**. Jurisdictions who do not submit PCF documents or have an extension granted by LHTAC, will be required to repay funds. They will also be ineligible to apply for future funds until all documentation has been submitted.

LHTAC has a responsibility to report to the Legislature and evaluate the LSI program. The local jurisdiction must adhere to the following requirements:

- 1) Recipients will be required to provide documents on project expenditures.
- 2) Recipients will be required to provide before and after digital photos.
- 3) Recipients may be requested to provide on-site project review with LHTAC staff.

Any excess funds that cannot be used on eligible expenses must be returned to LHTAC for the LSI program.

If you have any questions, please contact Laila Kral (lkral@lhtac.org).

Sincerely,

Jeff Miles, PE
LHTAC Administrator

Council Members

Association of Idaho Cities

Mayor Mac Pooler
City of Kellogg

Mayor Robert Berlin
City of Roberts

Mayor Diana Thomas
City of Weiser

Idaho Association of Highway Districts

Commissioner Neal Gier
Buhl Highway District

Commissioner Terry Werner
Post Falls Highway District

Commissioner Gilbert Hofmeister
Power County Highway District

Idaho Association of Counties

Commissioner Phil Lampert
Benewah County

Commissioner Mark Rekow
Gem County

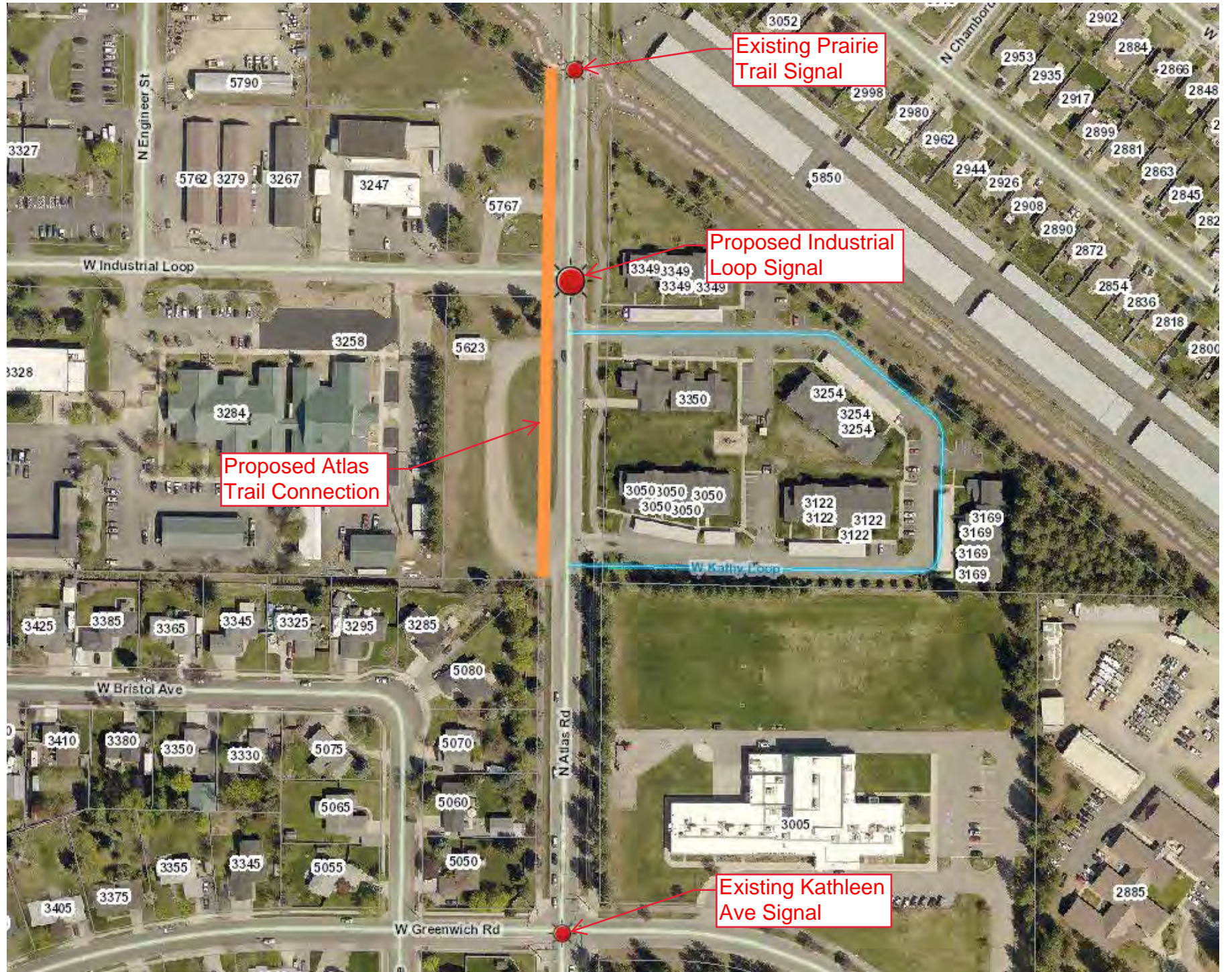
Commissioner Todd Smith
Madison County

Ex-Officio Members

Jessica Harrison, Executive Director
Association of Idaho Cities

Nick Veldhouse, Executive Director
Idaho Association of Highway Districts

Seth Grigg, Executive Director
Idaho Association of Counties



Existing Prairie Trail Signal

Proposed Industrial Loop Signal

Proposed Atlas Trail Connection

Existing Kathleen Ave Signal

LHTAC/LOCAL AGREEMENT
2019 LOCAL STRATEGIC INITIATIVES PROGRAM
ATLAS/INDUSTRIAL SIGNAL AND ATLAS TRAIL GAP PROJECT,
CITY OF COEUR D'ALENE
LSI# 19-101 (PROJECT)

PARTIES

THIS AGREEMENT is made and entered into this 5th day of March, 2019, by and between the **LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL (LHTAC)**, hereafter called LHTAC, and **City of Coeur d'Alene**, acting by and through its Board or Council (Sponsor).

PURPOSE

LHTAC is administering the Local Strategic Initiatives Program (LSI) with state funds obligated from the Idaho Legislature. This program is intended to serve the local highway jurisdictions. The Sponsor has requested to receive a grant award to complete design and construction of its roadway maintenance project. The purpose of this Agreement is to set out the terms and conditions to accomplish this Project.

Authority for this Agreement is established by IC 40-719 passed during the 2017 legislative session.

The Parties agree as follows:

SECTION I. GENERAL

1. It is necessary for Sponsor to prepare plans and bid the project as part of this Agreement.
2. State participation in the project is in the form of a grant for the amount of \$804,500. No match is required. Scheduled funding for this project is listed in the approved LSI Program rankings, and subsequent revisions.
 - a. A **maximum** of 10% of grant funds can be used for engineering services on a roadway project, including but not limited to project design, bid support and Construction Engineering & Inspection (CE&I).
 - b. A **maximum** of 20% of grant funds can be used for engineering services on a bridge project, including but not limited to project design, bid support and Construction Engineering & Inspection (CE&I).
3. If the project is terminated prior to completion, Sponsor shall repay to LHTAC all state funds received for the project.

4. The Sponsor acknowledges that eligible uses of funds are engineering fees as listed above and hiring of a contractor. Ineligible uses of funds include reimbursement of sponsor for agency work or salary cost including but not limited to design, construction or inspection related activities. Other ineligible uses of funds include equipment fees, project costs prior to agreement execution, project match, education and outreach.
5. Sufficient Appropriation. It is understood and agreed that LHTAC is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate LHTAC beyond the term of any particular appropriation of funds by the State.

SECTION II. LHTAC shall:

1. Provide the following services incidental to Project development:
 - a. Provide support to the Sponsor on project bidding, procurement processes, general questions, and other technical assistance.
 - b. Provide approved funding to Sponsor upon receipt of acceptable bid documents.
 - c. Complete final acceptance of each Project based on Sponsor documentation and physical observation.
2. Maintain all application and award records, including source documentation for all expenditures for a period of three (3) years from the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.
3. Bill Sponsor for any state funds to be repaid by Sponsor if Project is terminated prior to completion.
4. Cancel the Agreement should Sponsor not be able to award Project to a contractor by **May 30, 2019** and request Sponsor to return the funds, unless a written extension has been granted by LHTAC.

SECTION III. Sponsor shall:

1. Sponsor warrants that it will repay any state funds on this project if Project is terminated prior to completion. The Sponsor also warrants that it will repay

all state funds if Project is not awarded to a contractor by **May 30, 2019**, unless an extension has been granted by LHTAC.

2. Provide LHTAC with bid documents by **May 15, 2019**.
3. Provide LHTAC with a mid-project report by **June 1, 2019**.
4. Provide LHTAC with before and after pictures upon completion of the project.
5. Submit all major project changes including additions of work, deletions of work, project location, and scope of work to LHTAC for approval.
6. Bid and award the project following state procurement rules.
7. Complete Project and provide Project Closeout Form and financial records to LHTAC by **December 6, 2019**.
8. Comply with all other applicable Federal and State statutes and regulations.
9. Sponsor agrees that failure to deliver any of the specified items listed above may result in the program award being rescinded.
10. Any excess funds that cannot be used on eligible expenses shall be returned to LHTAC for the LSI program.

EXECUTION

This Agreement is executed for LHTAC by its Administrator, and executed for Sponsor by its duly appointed representative, attested to by its Clerk.

LHTAC
Brian Wright
3330 Grace Street, Boise, ID 83703

Administrator

ATTEST:

City of Coeur d'Alene

Renata McLeod, City Clerk

Steve Widmyer, Mayor

OTHER BUSINESS

ORDINANCE NO. _____
COUNCIL BILL NO. 19-1003

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO C-17L, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .67 ACRE PARCEL LOCATED AT 925 W. EMMA AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing on the hereinafter provided amendments, and after recommendation by the Planning Commission, it is deemed by the Mayor and City Council to be for the best interests of the City of Coeur d'Alene, Idaho, that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. That the following described property, to wit:

The East 100 feet of Lot 1, Block 15, EAST LACROSSE, according to the plat recorded in Book "B" of Plats, Page 119, records of Kootenai County, Idaho.

is hereby changed and rezoned from R-12 (Residential at 12 unites/acre) to C-17L (Commercial at 17 units/acre).

SECTION 2. That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

SECTION 3. That the Planning Director is hereby instructed to make such change and amendment on the official Zoning Map of the City of Coeur d'Alene, and shall make an electronic copy available on the City's website.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on March 5, 2019.

APPROVED this 5th day of March, 2019.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Zone Change – ZC-3-18 925 W. Emma Avenue

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO C-17L, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .67 ACRE PARCEL LOCATED AT 925 W. EMMA AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Zone Change – ZC-3-18 925 W. Emma Avenue, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 5th day of March, 2019.

Randall R. Adams, Chief Civil Deputy City Attorney

PUBLIC HEARINGS

PUBLIC WORKS COMMITTEE

STAFF REPORT

DATE: February 11, 2019
FROM: Dennis J. Grant, Engineering Project Manager
SUBJECT: **V-19-01, Vacation of a portion of 5th Place right-of-way adjoining the east boundary of Lots 1 – 6, Block 1, Reid's Subdivision of Block 33 in the City of Coeur d'Alene.**

DECISION POINT

The applicant, David and Sheran Woodworth, are requesting the vacation of right-of-way along the west side of 5th Place, between Montana Avenue and Roosevelt Avenue.

HISTORY

The requested right of way was originally dedicated to the City of Coeur d'Alene in the Reid's Acre Tracts plat in 1903.

FINANCIAL ANALYSIS

The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 4,464 square feet to the County tax roll. It would be a benefit to the municipality as tax revenue and to the land owners whose lots adjoin the strip of usable property.

PERFORMANCE ANALYSIS

The purpose of this request is to vacate a twelve foot (12') strip of right-of-way along the west side of 5th Place, between Montana Avenue and Roosevelt Avenue. This vacation would accommodate a building structure and setback for the property owner. This would leave forty-eight feet (48') of right-of-way for the street. Located just behind the curb, there will be a 5' public utility easement. All other utilities and easements will remain in place. The City requested that Mr. Woodworth obtain signed approval from the other 5 property owners that they will agree to this vacation adjoining their property. All property owners have agreed and signed the letter that Mr. Woodworth sent out. The Development Review Team was informed about this vacation.

Here are the comments from the Planning Department on the Vacation Request for 834 N. 5th Street: Although the garage and bedroom addition for the work at 834 N 5th St. went through the permitting process and received approval in 2018 (the plans satisfied the zoning code based on the provided property lines shown on the site plan) it wasn't until the structure was in the middle of construction that the errors on the plans were discovered during a site visit by Planning Staff. The property lines shown on the plans were found to be inaccurate, and the structure was not built to what was approved (although the property lines were inaccurate, the structure should have still met all

setbacks according to the measurements shown on the plans). After discovering the inaccuracies with the plans, the contractor and the owners were contacted. This prompted multiple meetings between the Woodworth's and Planning Department staff, along with Randy Adams with the Legal Department, Dennis Grant with Streets & Engineering, and Ted Lantzy and Keith Clemmons with the Building Department to discuss the extent of the structure's noncompliance, which included (flipped garage doors, a driveway length that was shorter than the Code requirement, a rear setback length that was shorter than the Code requirement, and a height of the accessory structure within the rear yard setback that exceeded the permitted maximum of 18 feet). Staff helped brainstorm potential solutions with the Woodworth's to see if there were any options to bring the garage into compliance and avoid major alterations to the structure. One of the discussed options was a potential vacation of the right of way for the full length of 5th Place along the west side of the street to the curb to gain the needed amount of property so that the rear setback would align with the code requirement and would bring the height of the accessory structure (garage) in the rear yard into compliance with the 18-foot maximum height in the 25-foot rear yard setback. The vacation was discussed as a potentially viable option for multiple reasons, including the fact that the lot is a double frontage lot, and that there are existing structures already located in the City's right-of-way on the same block. The vacation would also make some of the other properties along the west side of 5th Place legal and compliant with the Code if a vacation request was approved. Staff asked that the Woodworth's present the proposal for a vacation request to the rest of the home owners on the west side of 5th Place to see if they were in support. The Woodworth's did seek support from neighboring properties prior to submitting the vacation application. Staff also said that in order for a vacation to be supported, that it would need to be for the full length of 5th Place on the west side of the street. The exhibit provided for the vacation also has a 5' easement for public utilities. Staff supports the vacation request with the previous caveats and is not concerned that it would set precedence for other vacation requests because 5th Place is an unusual situation with only six properties having a double frontage with the primary frontage being 5th Street, 5th Place has been used by the six properties as an alley for a number of years, and many of the properties that have been using the City's right-of-way for sheds, other structures and fences for a number of years.

RECOMMENDATION

Staff recommends that the Public Works Committee instruct Staff to proceed with the vacation process as outlined in Idaho Code Section 50-1306 and recommend to the City Council the setting of a public hearing for the item on March 5, 2019.



N. 2nd St

E. Boise Ave

Miller Ave

N. 3rd St

N. 4th St

N. 5th St

Roosevelt Ave

E. Montana Ave

E. Elm Ave

E. Reid Ave

N. 7th St

N. 8th St

AREA OF RIGHT OF WAY
VACATION

PROJECT NO: S18016	SCALE: 1" = 200'
DRAWN BY: VJK	CHECKED BY: RCH
DWG FILE: Z:2018\S18016\09 Survey\10 DWG	

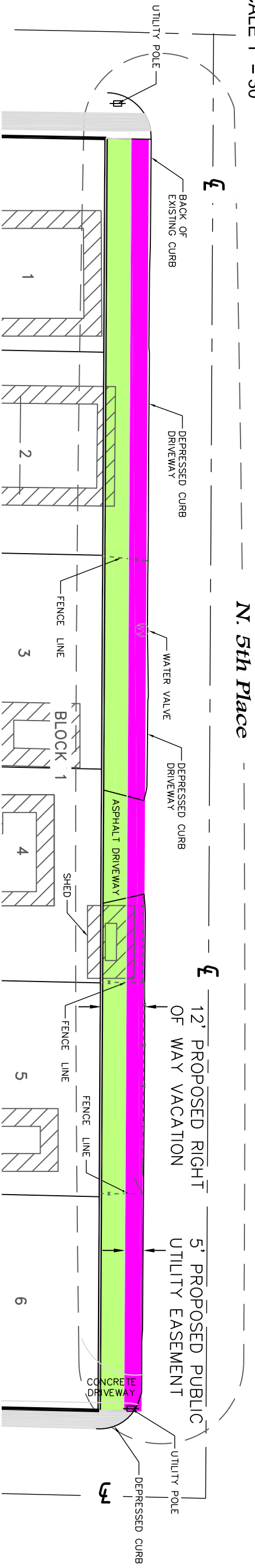


HMMH
engineering
3882 North Schreiber Way Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

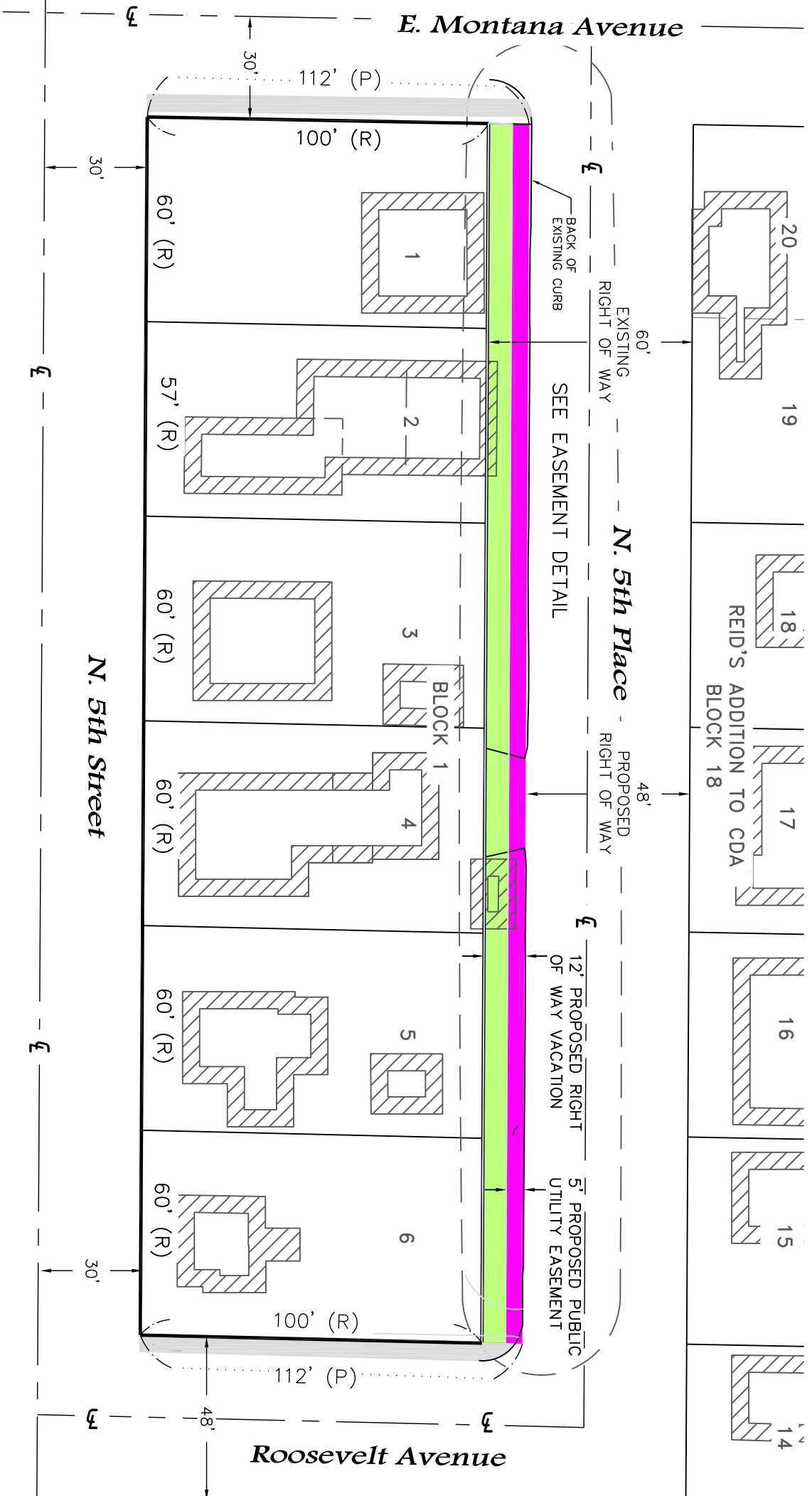
RIGHT OF WAY VACATION
REID'S SUBDIVISION OF BLOCK 33,
SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN,
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

EASEMENT DETAIL

SCALE 1" = 30'



VICINITY MAP



LEGEND:

- (R) Record information.
- (P) Proposed distance
- Proposed right of way vacation
- Proposed 5' public utility easement
- Existing sidewalk

Existing sq ft of lots 1 - 6
= 35,712 sq. ft., 0.82 acres
Proposed right of way vacation
= 4,464 sq. ft., 0.10 acres

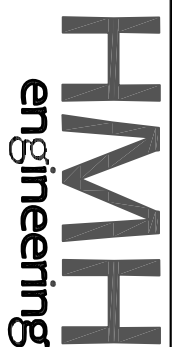
PROJECT NO: S18016

SCALE: 1"=40'

DRAWN BY: VJK

CHECKED BY: RCH

DWG FILE: Z:2018\S18016\09 Survey\10 DWG



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RIGHT OF WAY VACATION

REID'S SUBDIVISION OF BLOCK 33,
SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN,
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

ORDINANCE NO. _____
COUNCIL BILL NO. 19-1004

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF 5TH PLACE RIGHT-OF-WAY, ACCORDING TO REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS SIX PARCELS OF LAND ADJOINING THE EAST BOUNDARY OF LOTS 1 THROUGH 6, BLOCK 1, REID'S SUBDIVISION OF BLOCK 33 IN THE CITY OF COEUR D'ALENE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said portion of right-of-way be vacated; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. That the following described property, to wit:

Legal description and drawing, attached as Exhibits "A1 & B1", "A2 & B2", "A3 & B3", "A4 & B4", "A5 & B5", and "A6 & B6"

be and the same is hereby vacated.

SECTION 2. That said vacated right-of-way shall revert to the adjoining property owners to the west.

SECTION 3. That the existing right-of-way, easements, and franchise rights of any lot owners, public utility, or the City of Coeur d'Alene shall not be impaired by this vacation, as provided by law, and that the adjoining property owners shall in no manner place any obstruction over any public utilities.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an ordinance of the City of Coeur d' Alene at a regular session of the City Council on March 5, 2019.

APPROVED by the Mayor this 5th day of March, 2019.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
V-19-01, 5TH PLACE RIGHT-OF-WAY VACATION

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. _____, vacating a portion of 5th Place right-of-way.

Attached Exhibits "A1 & B1", "A2 & B2", "A3 & B3", "A4 & B4", "A5 & B5", and "A6 & B6" are on file in the City Clerk's Office.

The ordinance further provides that the ordinance shall be effective upon publication of this summary. The full text of the summarized Ordinance No. _____ is available at Coeur d'Alene City Hall, 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am Chief Civil Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, V-19-01, 5th Place right-of-way vacation and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 5th day of March, 2019.

Randall R. Adams, Chief Civil Deputy City Attorney

EXHIBIT "A1"

A strip of land being a portion of North 5th Place according the Reid's Acre Tracts, recorded in Book "A" of Plats, at Page 141, as filed in the records of Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 6, Block 1 of Reid's Subdivision of Block 33, of Reid's Addition to Coeur d'Alene according to the plat recorded in Book "A" of Plats, at Page 151, said corner also being the intersection of the northerly right of way of Roosevelt Avenue and the easterly right of way of North 5th Street, being marked by a 1/2" rebar, in concrete, with a yellow plastic cap, marked "Durtschi 3814" thence; along said easterly right of way, North 0° 19' 32" East, a distance of 356.70 feet to the northwest corner of Lot 1, Block 1 of said Reid's Subdivision said corner also being the intersection of the southerly right of way of East Montana Avenue and said easterly right of way of North 5th Street thence; along said southerly right of way, South 88° 55' 02" East a distance of 100.01 feet to the northeast corner of said Lot 1, the **TRUE POINT OF BEGINNING**.

Thence South 88° 55' 02" East, a distance of 12.00 feet;

Thence South 0° 18' 39" West, a distance of 60.05 feet;

Thence North 88° 51' 49" West, a distance of 12.00 feet;

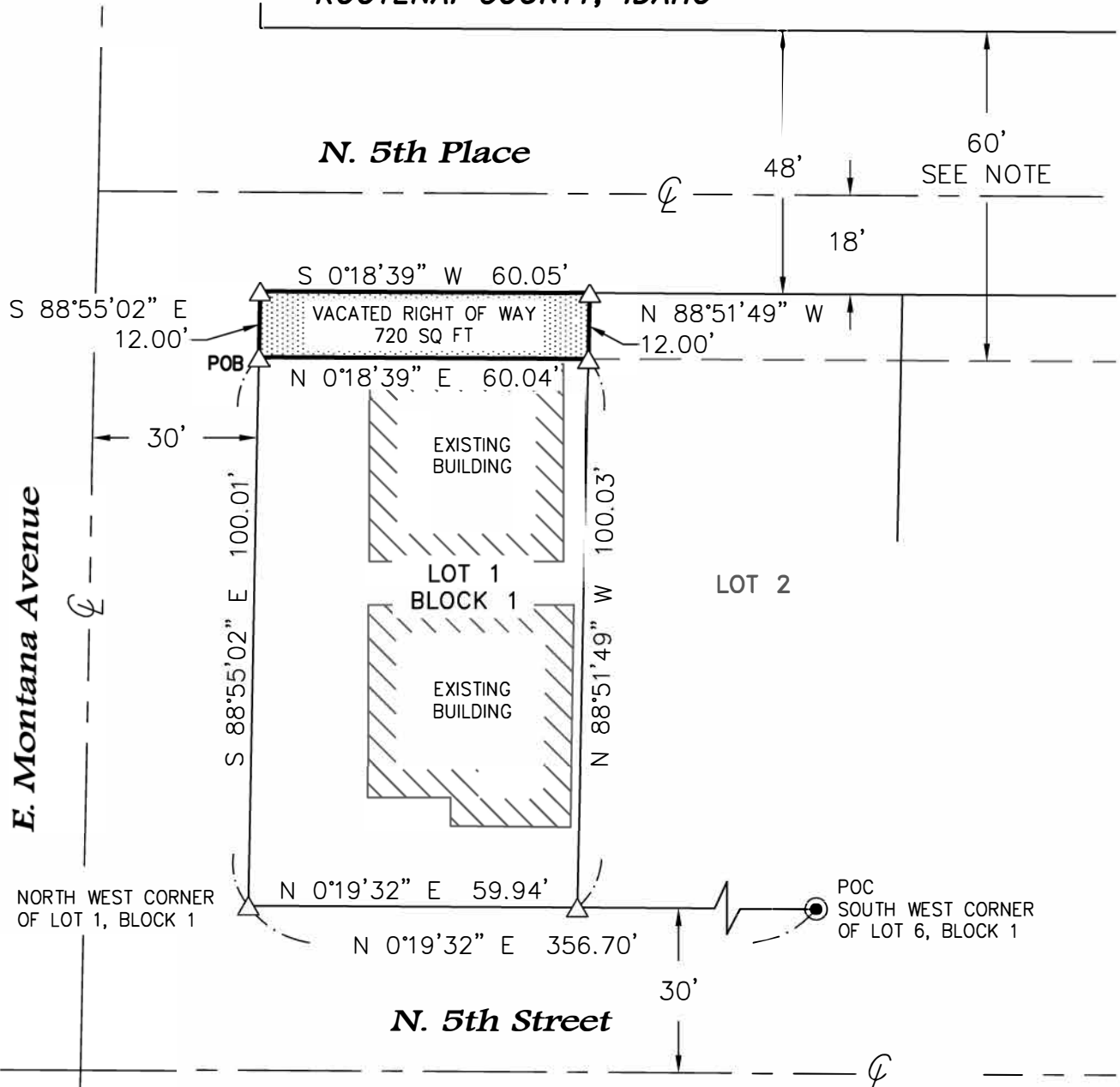
Thence along the easterly line of said Lot 1 North 0° 18' 39" East, a distance of 60.04 feet to the **TRUE POINT OF BEGINNING** and containing 720 square feet, more or less.

Reserving the east 5 feet of said strip for a public utility easement.



RIGHT OF WAY VACATION EXHIBIT "B1"

NORTH 5TH PLACE AS SHOWN ON
REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, PAGE 141,
KOOTENAI COUNTY, IDAHO



NOTE:

RIGHT OF WAY WIDTH OF STREET 5-1/2, LATER RENAMED NORTH 5TH PLACE, IN ACCORDANCE WITH REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, AS FILED IN THE RECORDS OF KOOTENAI COUNTY, IDAHO.

SUBJECT PROPERTY:

LOTS SHOWN ARE A PORTION OF REID'S SUBDIVISION OF BLOCK 33, OF REID'S ADDITION TO COEUR D'ALENE AS RECORDED IN BOOK "A" OF PLATS, AT PAGE 151.

LEGEND:

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- △ CALCULATED POINT, NOTHING SET OR FOUND
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP MARKED, "DURSHI 3814" IN CONCRETE

PROJECT NO: S18016
DRAWN BY: VJK
CHECKED BY: RCH/SK
SCALE: 1" = 30'

3882 North Schreiber Way Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

V-19-01 5TH PLACE R-O-W



EXHIBIT "A2"

A strip of land being a portion of North 5th Place according to Reid's Acre Tracts, recorded in Book "A" of Plats, at Page 141, as filed in the records of Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 6, Block 1 of Reid's Subdivision of Block 33, of Reid's Addition to Coeur d'Alene according to the plat recorded in Book "A" of Plats, at Page 151, said corner also being the intersection of the northerly right of way of Roosevelt Avenue and the easterly right of way of North 5th Street, being marked by a 1/2" rebar, in concrete, with a yellow plastic cap, marked "Durtschi 3814" thence; along said easterly right of way, North 0° 19' 32" East, a distance of 296.76 feet to the northwest corner of Lot 2, Block 1 of said Reid's Subdivision; thence leaving said easterly right of way, along the northerly line of said Lot 2, South 88° 51' 49" East a distance of 100.03 feet to the northeast corner of said Lot 2, the **TRUE POINT OF BEGINNING**.

Thence South 88° 51' 49" East, a distance of 12.00 feet;

Thence South 0° 18' 39" West, a distance of 57.05 feet;

Thence North 88° 50' 13" West, a distance of 12.00 feet;

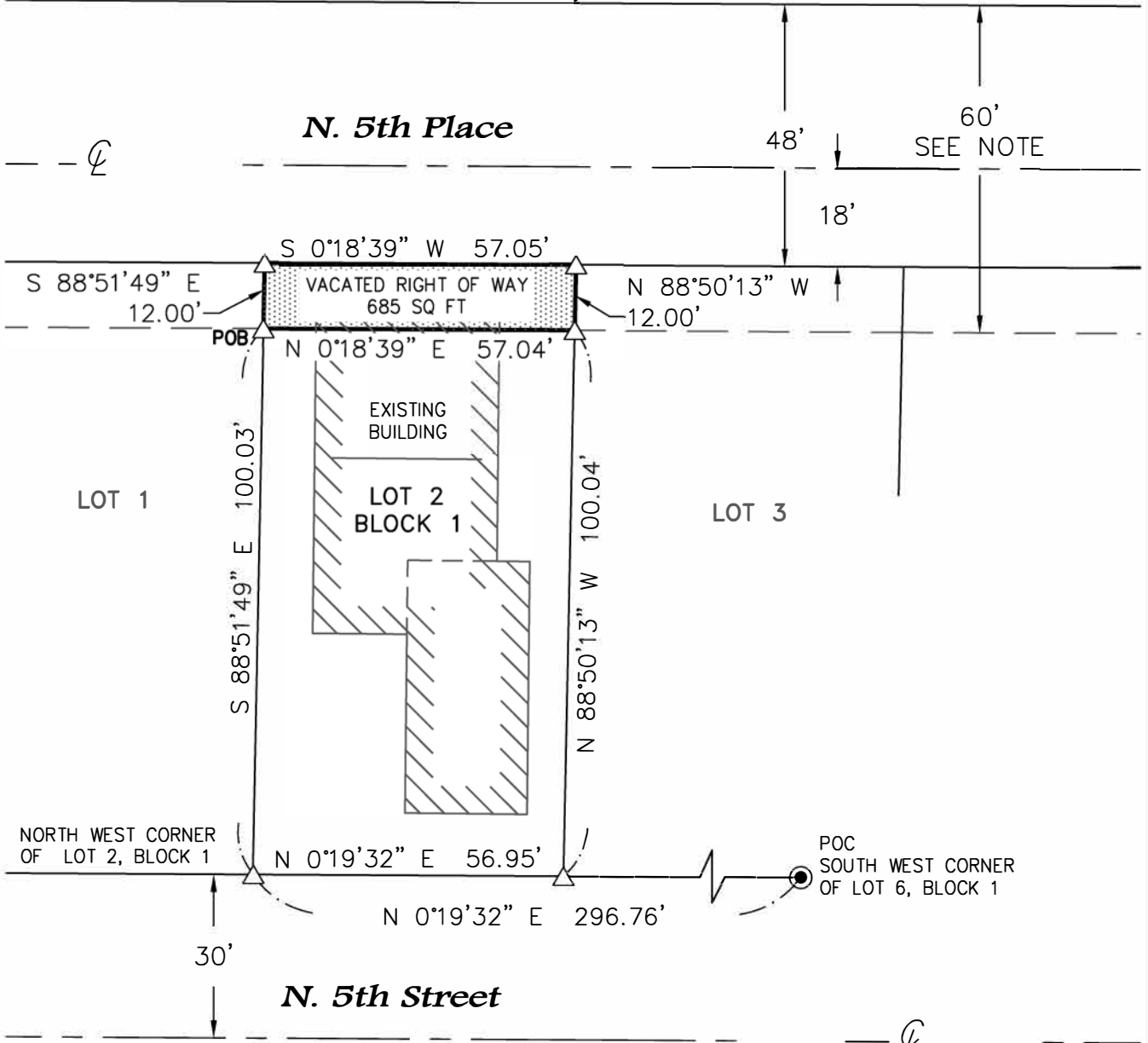
Thence along the easterly line of said Lot 2 North 0° 18' 39" East, a distance of 57.04 feet to the **TRUE POINT OF BEGINNING** and containing 685 square feet, more or less.

Reserving the east 5 feet of said strip for a public utility easement.



RIGHT OF WAY VACATION EXHIBIT "B2"

NORTH 5TH PLACE AS SHOWN ON
REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, PAGE 141,
KOOTENAI COUNTY, IDAHO



NOTE:

RIGHT OF WAY WIDTH OF STREET 5-1/2, LATER RENAMED NORTH 5TH PLACE, IN ACCORDANCE WITH REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, AS FILED IN THE RECORDS OF KOOTENAI COUNTY, IDAHO.

SUBJECT PROPERTY:

LOTS SHOWN ARE A PORTION OF REID'S SUBDIVISION OF BLOCK 33, OF REID'S ADDITION TO COEUR D'ALENE AS RECORDED IN BOOK "A" OF PLATS, AT PAGE 151.

LEGEND:

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- △ CALCULATED POINT, NOTHING SET OR FOUND
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP MARKED, "DURSHI 3814" IN CONCRETE



PROJECT NO: S18016
DRAWN BY: VJK
CHECKED BY: RCH/SK
SCALE: 1" = 30'

3882 North Schreiber Way Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

V-19-01 5TH PLACE R-O-W

EXHIBIT "A3"

A strip of land being a portion of North 5th Place according to Reid's Acre Tracts, recorded in Book "A" of Plats, at Page 141, as filed in the records of Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 6, Block 1 of Reid's Subdivision of Block 33, of Reid's Addition to Coeur d'Alene according to the plat recorded in Book "A" of Plats, at Page 151, said corner also being the intersection of the northerly right of way of Roosevelt Avenue and the easterly right of way of North 5th Street, being marked by a 1/2" rebar, in concrete, with a yellow plastic cap, marked "Durtschi 3814" thence; along said easterly right of way, North 0° 19' 32" East, a distance of 239.81 feet to the northwest corner of Lot 3, Block 1 of said Reid's Subdivision; thence leaving said easterly right of way, along the northerly line of said Lot 3, South 88° 50' 13" East a distance of 100.04 feet to the northeast corner of said Lot 3, the **TRUE POINT OF BEGINNING.**

Thence South 88° 50' 13" East, a distance of 12.00 feet;

Thence South 0° 18' 39" West, a distance of 60.05 feet;

Thence North 88° 45' 32" West, a distance of 12.00 feet;

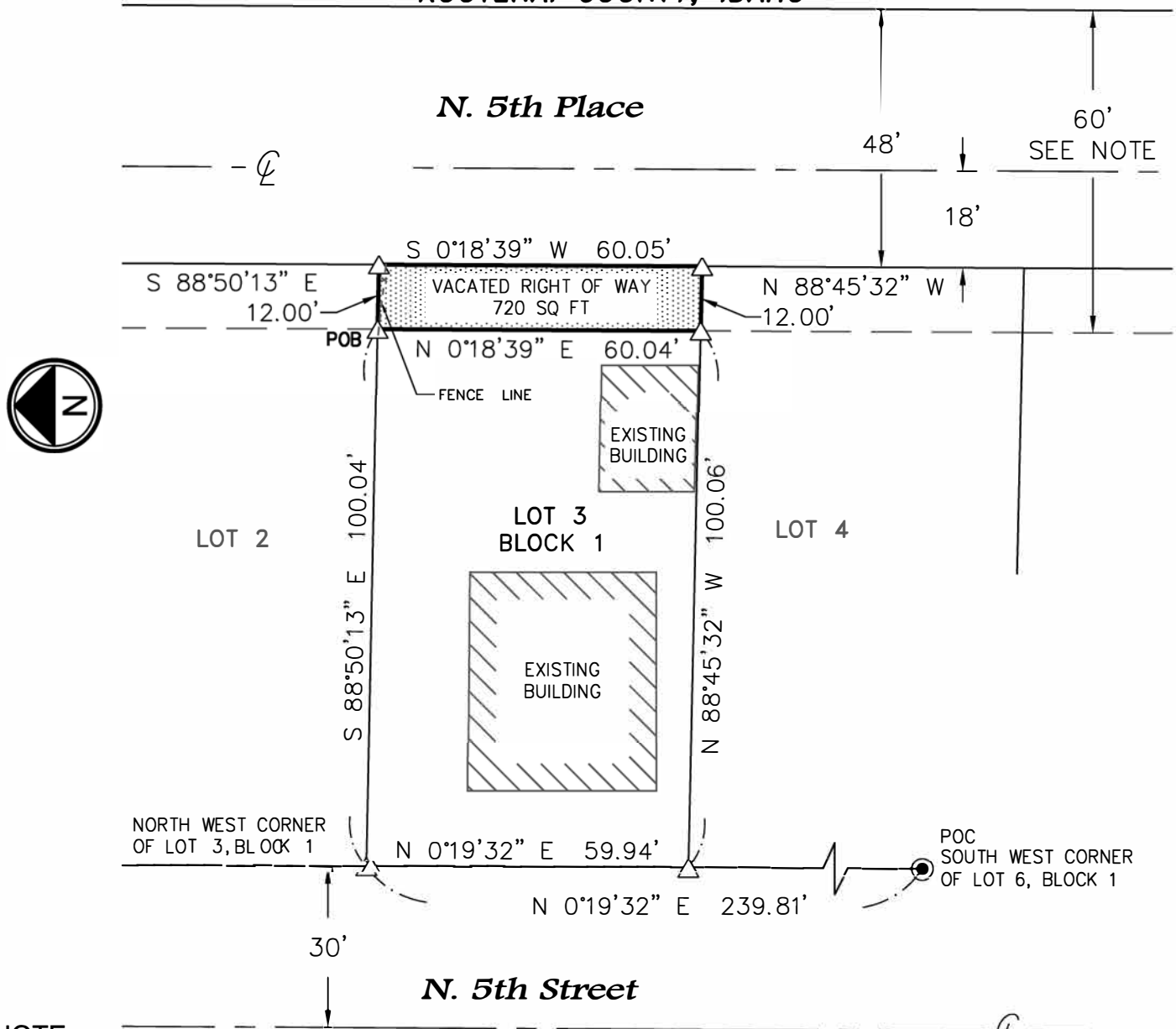
Thence along the easterly line of said Lot 3 North 0° 18' 39" East, a distance of 60.04 feet to the **TRUE POINT OF BEGINNING** and containing 720 square feet, more or less.

Reserving the east 5 feet of said strip for a public utility easement.



RIGHT OF WAY VACATION EXHIBIT "B3"

**NORTH 5TH PLACE AS SHOWN ON
REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, PAGE 141,
KOOTENAI COUNTY, IDAHO**



NOTE:

RIGHT OF WAY WIDTH OF STREET 5-1/2, LATER RENAMED NORTH 5TH PLACE, IN ACCORDANCE WITH REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, AS FILED IN THE RECORDS OF KOOTENAI COUNTY, IDAHO.

SUBJECT PROPERTY:

LOTS SHOWN ARE A PORTION OF REID'S SUBDIVISION OF BLOCK 33, OF REID'S ADDITION TO COEUR D'ALENE AS RECORDED IN BOOK "A" OF PLATS, AT PAGE 151.

LEGEND:

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- △ CALCULATED POINT, NOTHING SET OR FOUND
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP MARKED, "DURSHI 3814" IN CONCRETE

PROJECT NO: S18016
DRAWN BY: VJK
CHECKED BY: RCH/SK
SCALE: 1" = 30'

3882 North Schreiber Way Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825
V-19-01 5TH PLACE R-O-W



EXHIBIT "A4"

A strip of land being a portion of North 5th Place according to Reid's Acre Tracts, recorded in Book "A" of Plats, at Page 141, as filed in the records of Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 6, Block 1 of Reid's Subdivision of Block 33, of Reid's Addition to Coeur d'Alene according to the plat recorded in Book "A" of Plats, at Page 151, said corner also being the intersection of the northerly right of way of Roosevelt Avenue and the easterly right of way of North 5th Street, being marked by a 1/2" rebar, in concrete, with a yellow plastic cap, marked "Durtschi 3814" thence; along said easterly right of way, North 0° 19' 32" East, a distance of 179.87 feet to the northwest corner of Lot 4, Block 1 of said Reid's Subdivision; thence leaving said easterly right of way, along the northerly line of said Lot 4, South 88° 45' 32" East a distance of 100.06 feet to the northeast corner of said Lot 4, the **TRUE POINT OF BEGINNING**.

Thence South 88° 45' 32" East, a distance of 12.00 feet;

Thence South 0° 18' 39" West, a distance of 60.05 feet;

Thence North 88° 42' 12" West, a distance of 12.00 feet;

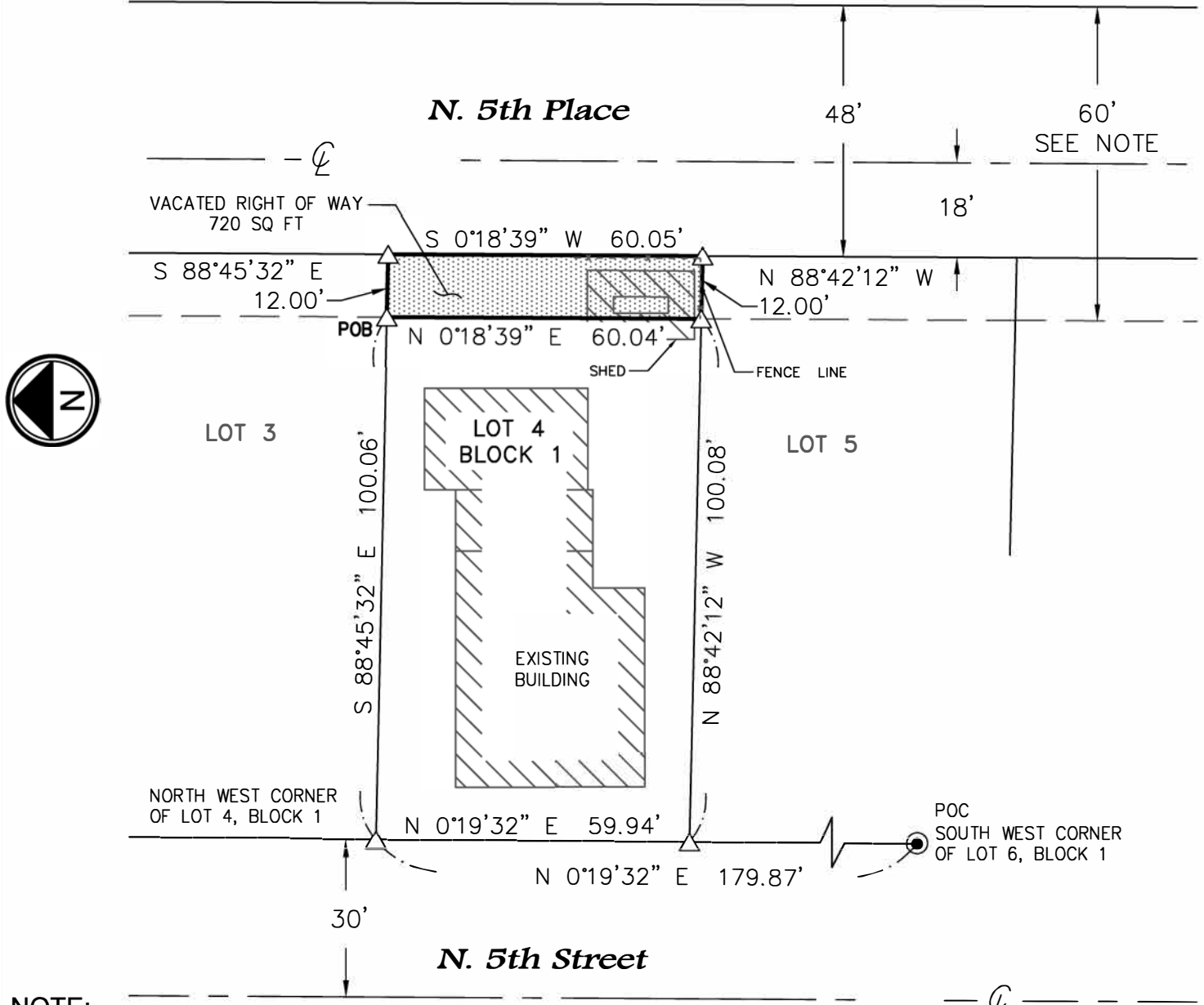
Thence along the easterly line of said Lot 4 North 0° 18' 39" East, a distance of 60.04 feet to the **TRUE POINT OF BEGINNING** and containing 720 square feet, more or less.

Reserving the east 5 feet of said strip for a public utility easement.



RIGHT OF WAY VACATION EXHIBIT "B4"

NORTH 5TH PLACE AS SHOWN ON
REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, PAGE 141,
KOOTENAI COUNTY, IDAHO



NOTE:

RIGHT OF WAY WIDTH OF STREET 5-1/2, LATER RENAMED NORTH 5TH PLACE, IN ACCORDANCE WITH REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, AS FILED IN THE RECORDS OF KOOTENAI COUNTY, IDAHO.

SUBJECT PROPERTY:

LOTS SHOWN ARE A PORTION OF REID'S SUBDIVISION OF BLOCK 33, OF REID'S ADDITION TO COEUR D'ALENE AS RECORDED IN BOOK "A" OF PLATS, AT PAGE 151.

LEGEND:

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- △ CALCULATED POINT, NOTHING SET OR FOUND
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP MARKED, "DURSHI 3814" IN CONCRETE

PROJECT NO: S18016
DRAWN BY: VJK
CHECKED BY: RCH/SK
SCALE: 1"=30'

3882 North Schreiber Way Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825

V-19-01 5TH PLACE R-O-W

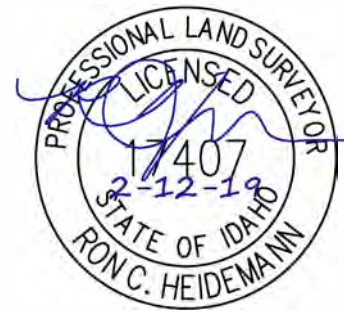


EXHIBIT "A5"

A strip of land being a portion of North 5th Place according to Reid's Acre Tracts, recorded in Book "A" of Plats, at Page 141, as filed in the records of Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 6, Block 1 of Reid's Subdivision of Block 33, of Reid's Addition to Coeur d'Alene according to the plat recorded in Book "A" of Plats, at Page 151, said corner also being the intersection of the northerly right of way of Roosevelt Avenue and the easterly right of way of North 5th Street, being marked by a 1/2" rebar, in concrete, with a yellow plastic cap, marked "Durtschi 3814" thence; along said easterly right of way, North 0° 19' 32" East, a distance of 119.93 feet to the northwest corner of Lot 5, Block 1 of said Reid's Subdivision; thence leaving said easterly right of way, along the northerly line of said Lot 5, South 88° 42' 12" East a distance of 100.08 feet to the northeast corner of said Lot 5, the **TRUE POINT OF BEGINNING.**

Thence South 88° 42' 12" East, a distance of 12.00 feet;

Thence South 0° 18' 39" West, a distance of 60.05 feet;

Thence North 88° 38' 52" West, a distance of 12.00 feet;

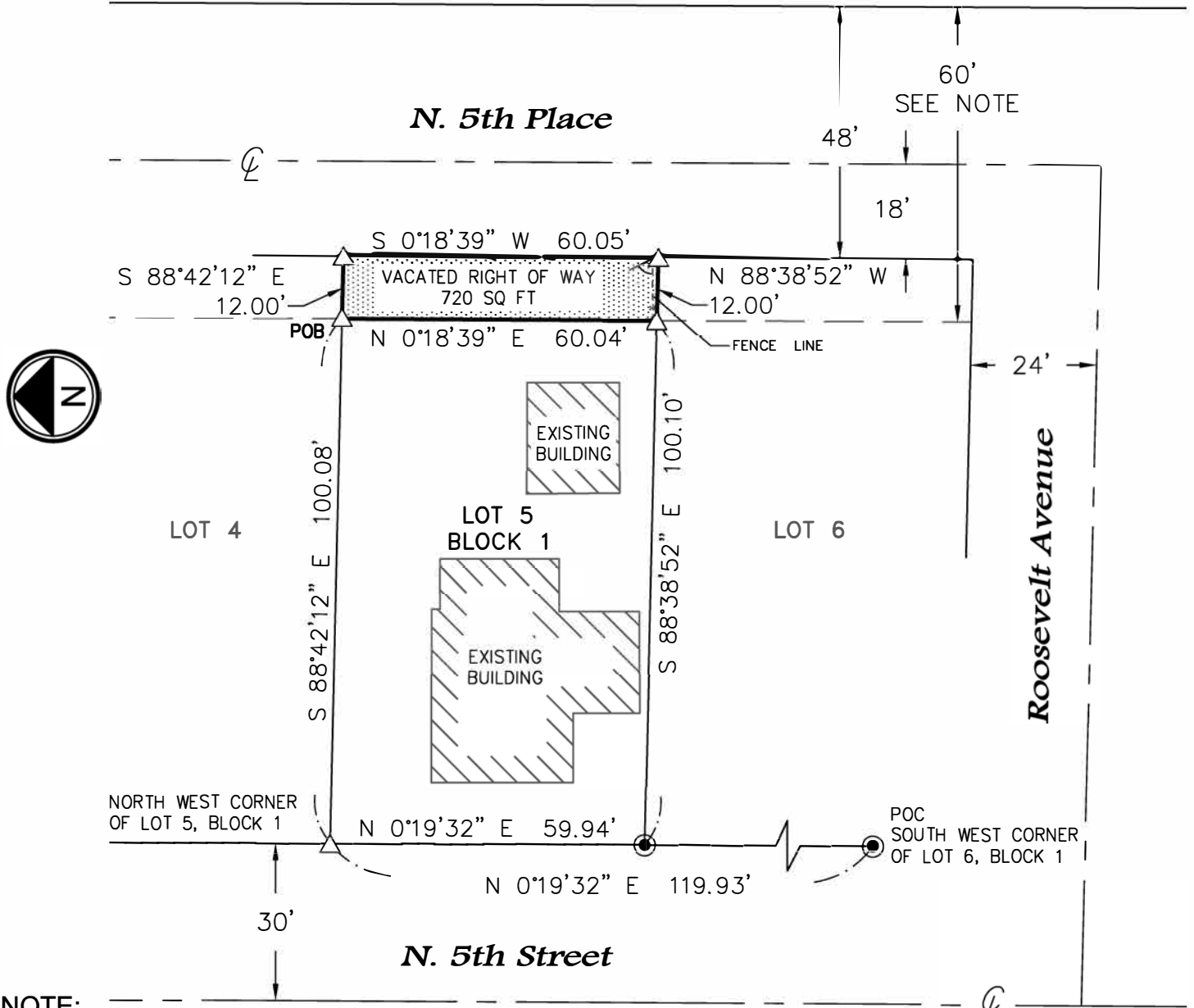
Thence along the easterly line of said Lot 5 North 0° 18' 39" East, a distance of 60.04 feet to the **TRUE POINT OF BEGINNING** and containing 720 square feet, more or less.

Reserving the east 5 feet of said strip for a public utility easement.



RIGHT OF WAY VACATION EXHIBIT "B5"

**NORTH 5TH PLACE AS SHOWN ON
REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, PAGE 141,
KOOTENAI COUNTY, IDAHO**



NOTE:

RIGHT OF WAY WIDTH OF STREET 5-1/2, LATER RENAMED NORTH 5TH PLACE, IN ACCORDANCE WITH REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, AS FILED IN THE RECORDS OF KOOTENAI COUNTY, IDAHO.

SUBJECT PROPERTY:

LOTS SHOWN ARE A PORTION OF REID'S SUBDIVISION OF BLOCK 33, OF REID'S ADDITION TO COEUR D'ALENE AS RECORDED IN BOOK "A" OF PLATS, AT PAGE 151.

LEGEND:

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- △ CALCULATED POINT, NOTHING SET OR FOUND
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP MARKED, "DURSHI 3814" IN CONCRETE

PROJECT NO: S18016
DRAWN BY: VJK
CHECKED BY: RCH/SK
SCALE: 1"=30'



3882 North Schreiber Way Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825
V-19-01 5TH PLACE R-O-W



EXHIBIT "A6"

A strip of land being a portion of North 5th Place according to Reid's Acre Tracts, recorded in Book "A" of Plats, at Page 141, as filed in the records of Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwesterly corner of Lot 6, Block 1 of Reid's Subdivision of Block 33, of Reid's Addition to Coeur d'Alene according to the plat recorded in Book "A" of Plats, at Page 151, said corner also being the intersection of the northerly right of way of Roosevelt Avenue and the easterly right of way of North 5th Street, being marked by a 1/2" rebar, in concrete, with a yellow plastic cap, marked "Durtschi 3814" thence; along said easterly right of way, North 0° 19' 32" East, a distance of 59.99 feet to the northwest corner of Lot 6, Block 1 of said Reid's Subdivision, said corner being marked with a 1/2" rebar, in concrete, with a yellow plastic cap marked "Durtschi 3814"; thence leaving said easterly right of way, along the northerly line of said Lot 6, South 88° 38' 52" East a distance of 100.10 feet to the northeast corner of said Lot 6, the **TRUE POINT OF BEGINNING**.

Thence South 88° 38' 52" East, a distance of 12.00 feet;

Thence South 0° 18' 39" West, a distance of 59.99 feet;

Thence North 88° 38' 52" West, a distance of 12.00 feet;

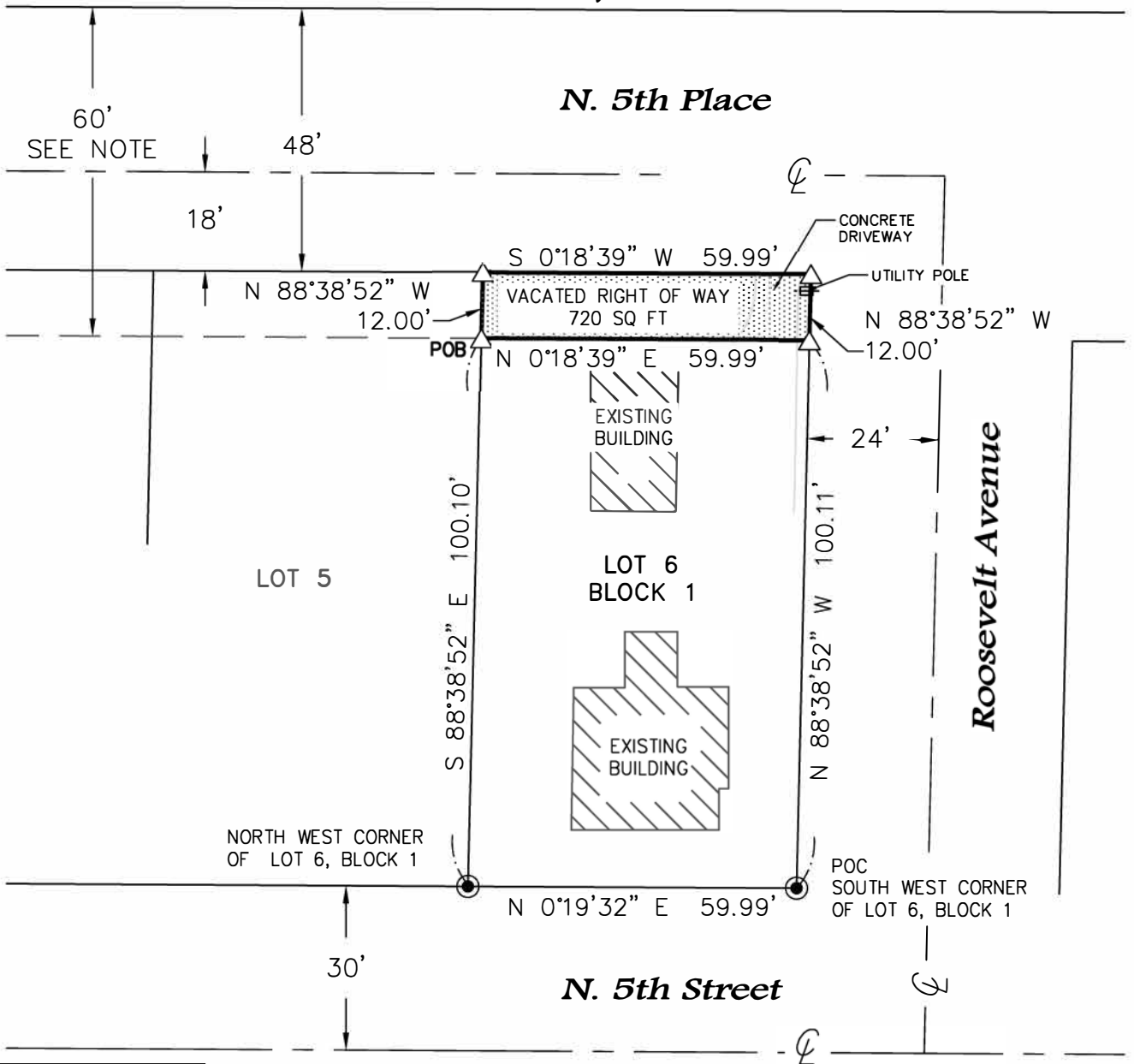
Thence along the easterly line of said Lot 6 North 0° 18' 39" East, a distance of 59.99 feet to the **TRUE POINT OF BEGINNING** and containing 720 square feet, more or less.

Reserving the east 5 feet of said strip for a public utility easement.



RIGHT OF WAY VACATION EXHIBIT "B6"

**NORTH 5TH PLACE AS SHOWN ON
REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, PAGE 141,
KOOTENAI COUNTY, IDAHO**



NOTE:

RIGHT OF WAY WIDTH OF STREET 5-1/2, LATER RENAMED NORTH 5TH PLACE, IN ACCORDANCE WITH REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, AS FILED IN THE RECORDS OF KOOTENAI COUNTY, IDAHO.

SUBJECT PROPERTY:

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PROJECT NO: S18016
DRAWN BY: VJK
CHECKED BY: RCH/SK
SCALE: 1"=30'

3882 North Schreiber Way Suite 104
Coeur d'Alene, ID 83815
(208) 635-5825
V-19-01 5TH PLACE R-O-W



CITY COUNCIL STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: MARCH 5, 2019

SUBJECT: ZC-4-18 ZONE CHANGE FROM R-12 TO C-17

LOCATION: +/- 7.8 ACRE PARCEL LOCATED AT 3528 W. SELTICE WAY

APPLICANT/OWNER:
River's Edge Apartments LLC
1402 Magnesium Road
Spokane, WA 99217

DECISION POINT:

The applicant is requesting approval of a zone change from R-12 to C-17 zoning district.

PLANNING COMMISSION:

At their regular monthly meeting on December 11, 2018, the Planning Commission unanimously recommended approval for the zone change request.

BACKGROUND INFORMATION:

The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site. The subject property is currently vacant. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The saw mill has since closed and all the buildings have been removed from this site. The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning.

The applicant owns a triangle parcel ("RE Exchange Property") that is surrounded by the City owned Atlas Mill site. The City also owns the old abandoned BNSF Railroad right-of-way ("City Exchange Property") that bisects the applicant's overall proposed project area. The applicant and the City have executed a Memorandum of Understanding (MOU) that expresses the applicant's and City's desire to complete a land exchange of the two mentioned properties. See the map on page 5 that illustrates the proposed land swap between the City and the applicant. The MOU between the applicant and the City is located at the end of this report in (Attachment 1).

The applicant's overall proposed project has split zoning with R-12 Zoning District on the southern portion of the property along the river and C-17 zoning district on the northern portion of his overall site. The majority of the applicant's proposed project is zoned C-17 and the smaller portion is zoned R-12. The applicant has indicated they would like to correct the split zoning issue with his proposed project and to have one uniform zoning district over the whole project.

The applicant has stated that he intends to develop the property with a residential use only. If the zone change request is approved and the land exchange between the applicant and the City is completed then the applicant intends to build a multi-family apartment complex on the overall 25 acre site. The applicant has submitted a site plan showing how the proposed project will be developed. *See Site Plan on Page 5*

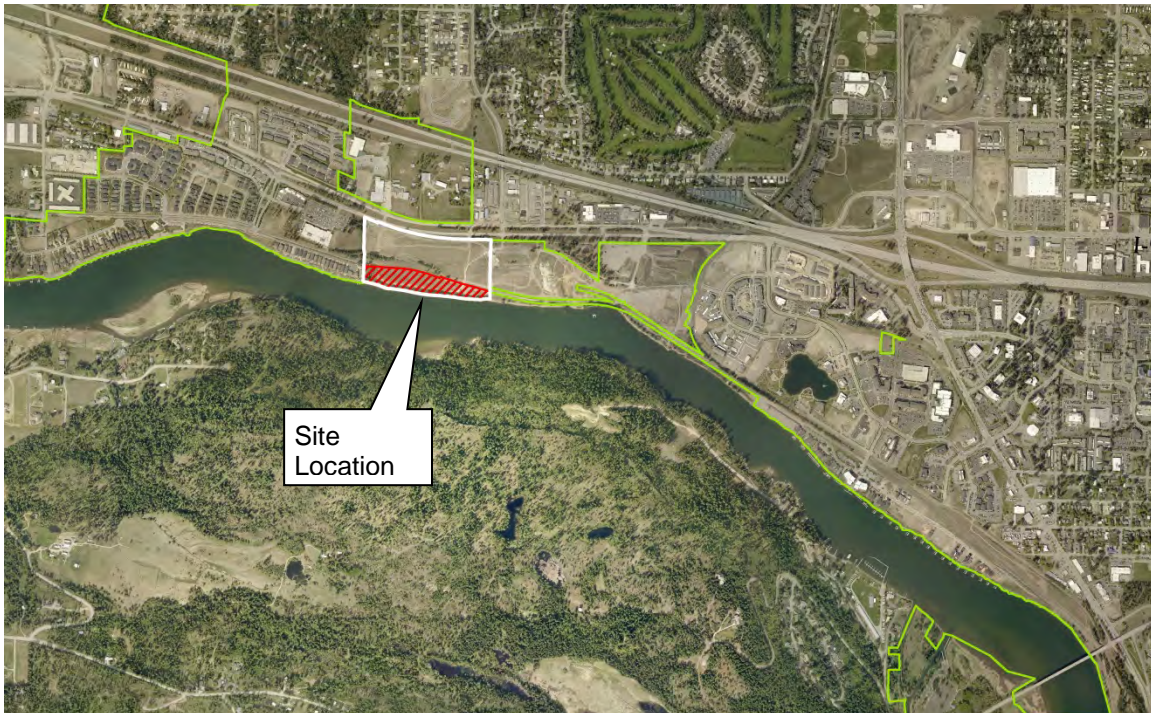
The applicant has made application for a density increase in item SP-11-18. The density increase request is from 17 units to 34 units per acre. The applicant has also made application for a Limited Design PUD in item LDPUD-1-18. Both of those applications were recommended for denial without prejudice by the Planning Commission on December 11, 2018. The applicant has appealed the Planning Commission recommendation. The three requests are tied together. However, they will be conducted as separate public hearings with three separate findings.

The applicant has indicated that a commercial use on this site would generate more traffic than a multi-family residential use. As part of this application, the applicant has submitted a Trip Generation and Distribution Letter (TGDL). The TGDL was prepared by the applicant's Engineer and it discusses in depth the potential traffic that could be generated by commercial and multi-family residential uses. The TGDL dated December 6, 2018 is located at the end of this report in (Attachment 2).

It should be noted that the applicant's proposed multi-family development of the property is not tied to the requested zone change. If the subject site is approved to be changed to the C-17, then all permitted uses in the C-17 Commercial District would be allowed on this site, subject to the terms of the Annexation Agreement regarding the property

See full list of uses allowed in the C-17 on pages 20 and 21.

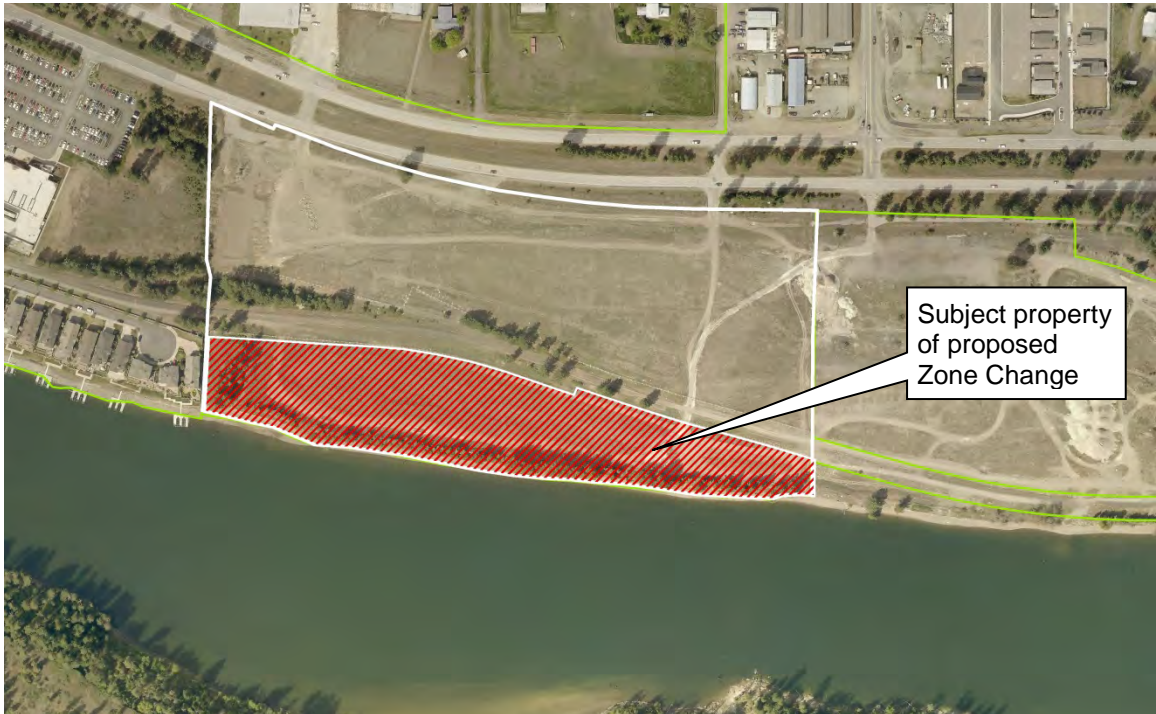
LOCATION MAP:



AERIAL PHOTO: OVERALL PROPERTY



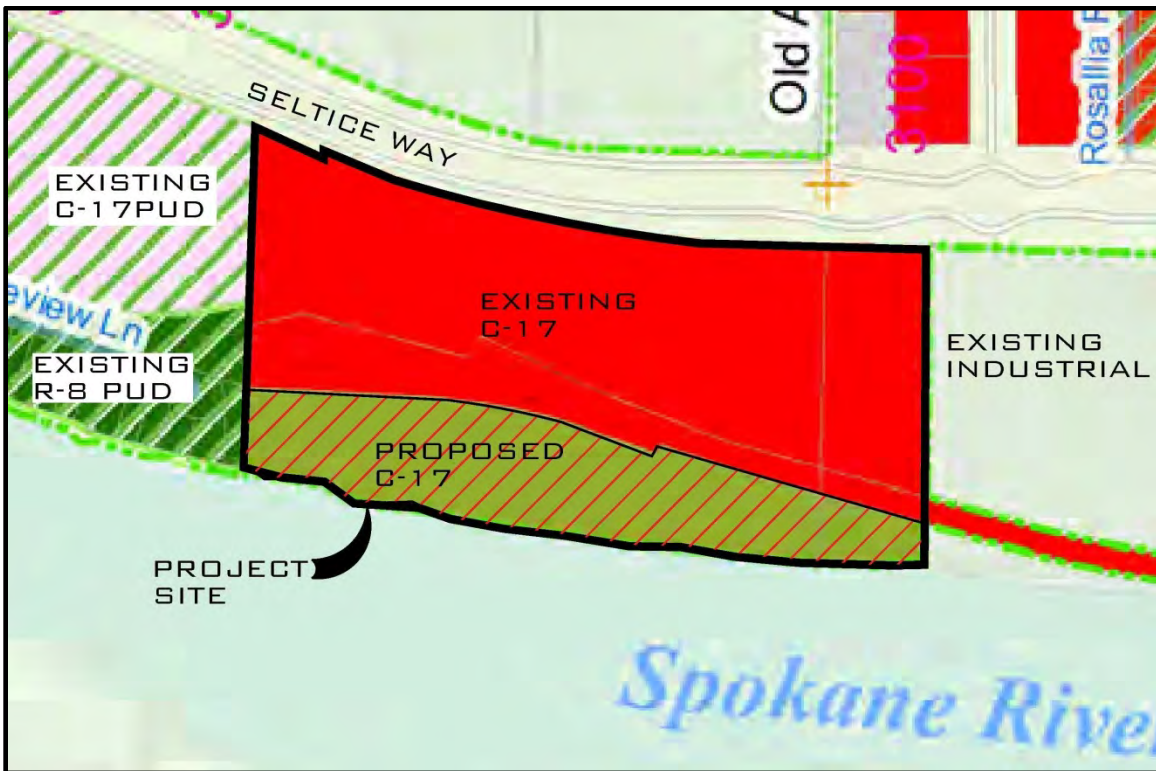
AERIAL PHOTO: PROPOSED ZONE CHANGE



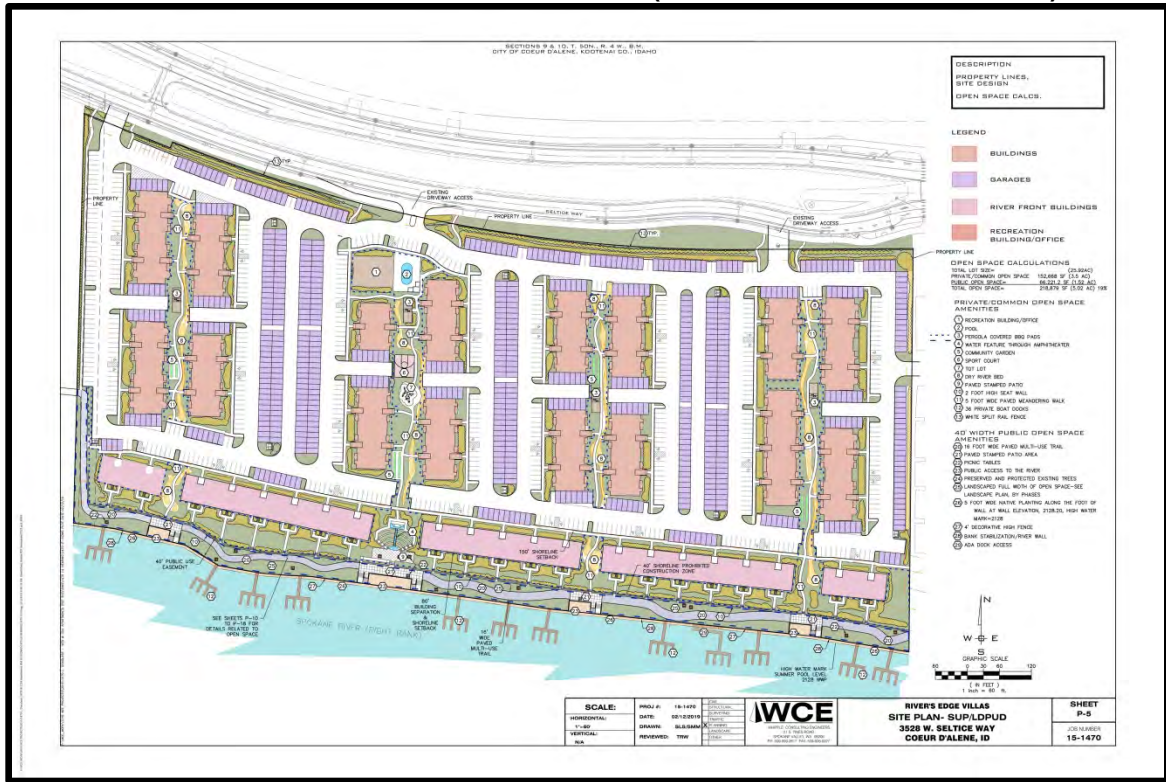
BIRDS EYE AERIAL PHOTO:



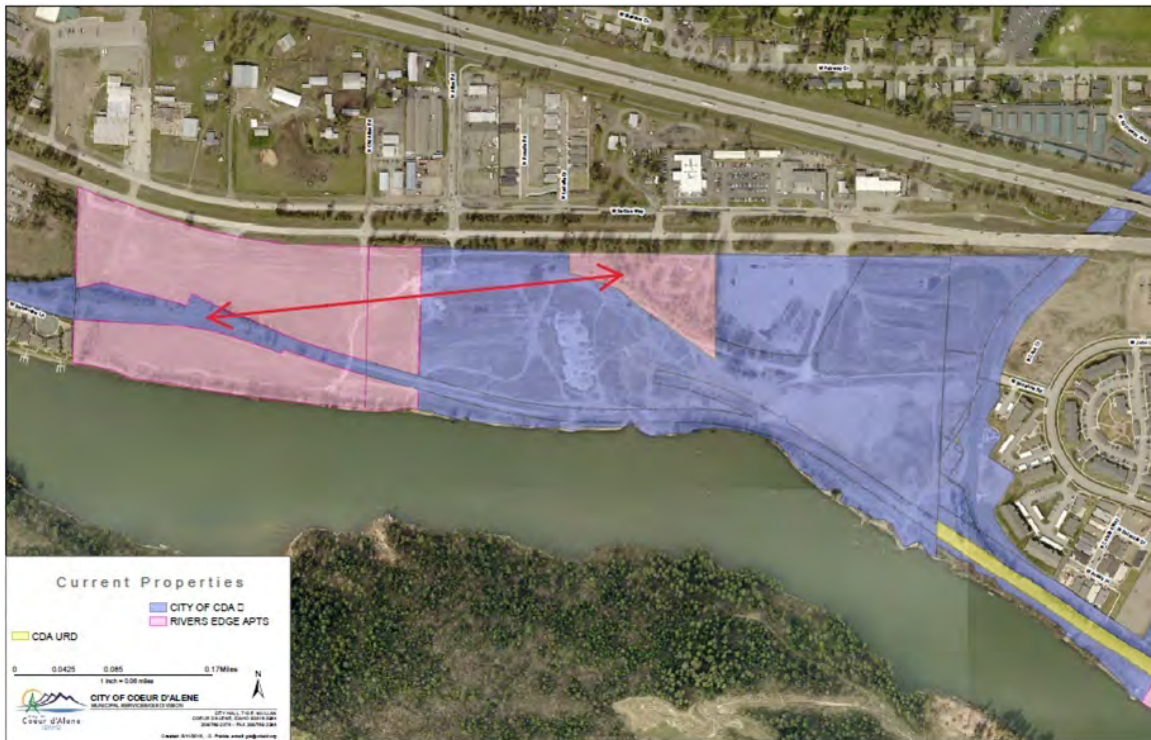
APPLICANT'S EXHIBIT OF PROPOSED ZONE CHANGE:



APPLICANT'S EXHIBIT OF PROPOSED SITE PLAN (SEE SP-11-18 and LDPUD-1-18):



LAND SWAP MAP:



PRIOR ZONE CHANGE ACTIONS:

Planning Commission and City Council approved multiple zone change requests in item ZC-4-04 west of the subject property from R-3, R-8, R-17, and C-17 to R-3, R-8, R-17, C-17L, and C-17 in 2004. To the north of the subject site a zone change was approved by the Planning Commission and City Council in 1987 to change the zoning classification from C-17 to LM in item ZC-11-87. To the east is the Atlas Mill site that is zoned C-17 and was approved as part of the Annexation process in 2018. As seen in the map provided below, the area is relatively established with approved zone changes to C-17 in the vicinity of the subject property.

See Prior Zone Change Actions Map below.

PRIOR ZONE CHANGE ACTIONS MAP:



Past Zone Changes:

ZC-4-04	<u>Existing zoning</u>	<u>Proposed zoning</u>	Approved
	R-3 26.1 acres	25.9 acres	
	R-8 37.3 acres	31.6 acres	
	R-17 22.4 acres	13.1 acres	
	C-17 14.1 acres	19.7 acres	
	C-17L None	10.1	
ZC-11-87	C-17 to LM		Approved

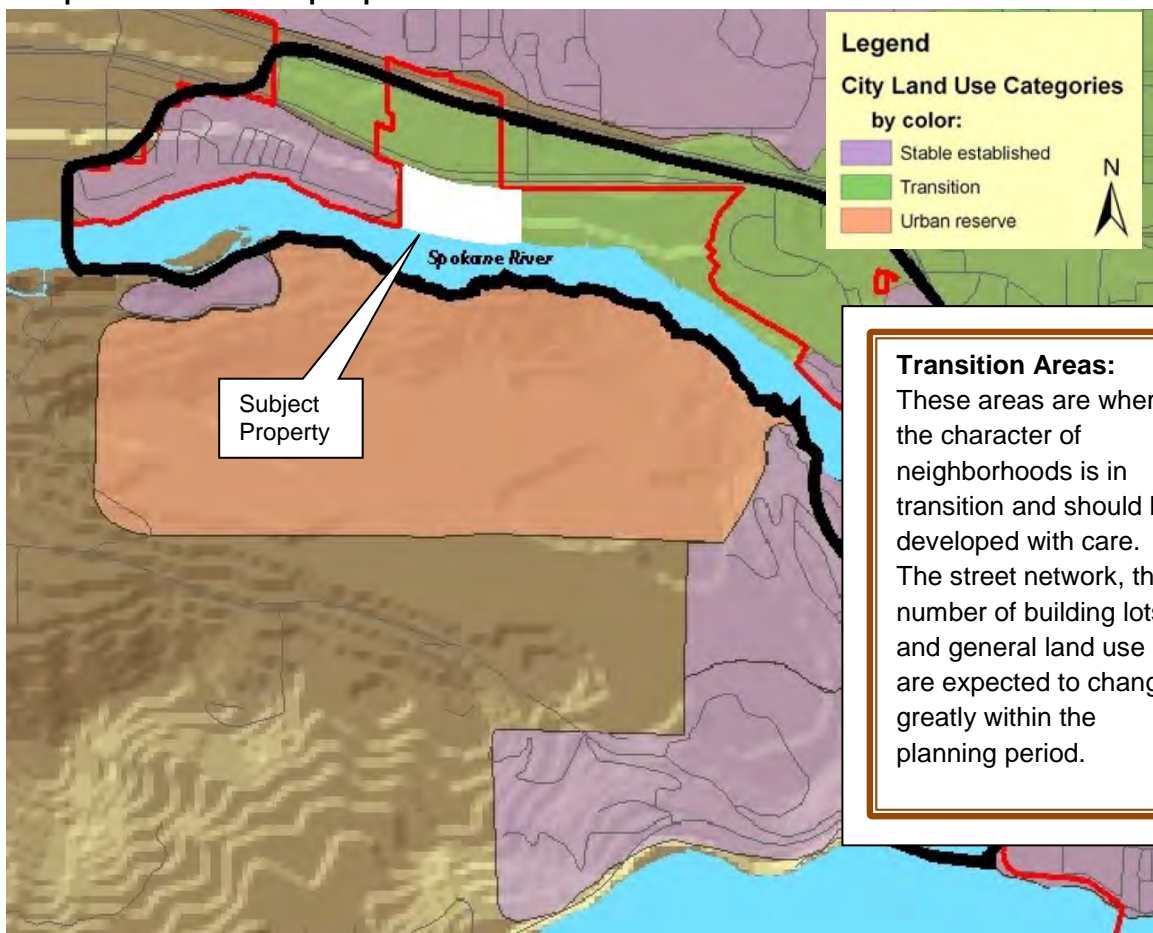
REQUIRED FINDINGS:

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

2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan designates the subject site to be in the Spokane River District.
- The subject property is located in the City's Area of Impact

Comprehensive Plan Map: Spokane River District



Spokane River District Tomorrow:

This area is going through a multitude of changes and this trend will continue for many years. Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the river shoreline is sure to change dramatically.

The characteristics of 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.

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.

COMPREHENSIVE PLAN GOALS & OBJECTIVES THAT APPLY:

Goal #1: Natural Environment

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

Objective 1.01 Environmental Quality:

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

Objective 1.02 Water Quality:

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

Objective 1.03 Waterfront Development:

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

Objective 1.04 Waterfront Development:

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

Objective 1.05 Vistas:

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

Objective 1.09 Parks:

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

Objective 1.11 Community Design:

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

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl

Objective 1.13 Open Space:

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

Objective 1.14 Efficiency:

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

Objective 1.15 Natural Terrain:

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

Objective 1.16 Connectivity:

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

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.

Goal #2: Economic Environment

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

Objective 2.01 Business Image & Diversity:

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

Objective 2.02 Economic & Workforce Development:

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

Objective 2.05 Pedestrian & Bicycle Environment:

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

Objective 2.06 Cooperative Partnerships:

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

Goal #3: Home Environment

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

Objective 3.01 Managed Growth:

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

Objective 3.02 Managed Growth:

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

Objective 3.05 Neighborhoods:

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

Objective 3.06 Neighborhoods:

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

Objective 3.08 Housing:

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

Objective 3.13 Parks:

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

Objective 3.14 Recreation:

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

Objective 3.16 Capital Improvements:

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

Objective 3.18 Transportation:

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

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.01 City Services:

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

Objective 4.06 - Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

2007 COMPREHENSIVE PLAN – SPECIAL AREAS - SHORELINES:

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

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

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

Comprehensive Plan Shoreline Policy:

Make public access to river and lake shorelines a priority.

Evaluation: *The City Council 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.*

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

STORMWATER:

Stormwater issues are not a component of the proposed zone change. Any stormwater issues will be addressed at the time of development on the subject property. City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

- Submitted by Chris Bosley, City Engineering

STREETS:

The subject property is bordered by Seltice Way (formerly Highway 10) to the north, which is a principal arterial connecting the cities of Coeur d’Alene and Post Falls. This existing roadway is a newly constructed street section and will not require street improvements. When Seltice Way was designed and constructed, development on the subject property was anticipated. The applicant’s engineer provided trip generation data to the design team to ensure that the roadway was designed to handle the development potential of the site and surrounding properties. Additionally the Seltice Way roadway design included three access points to the subject property and a right-turn lane. The Streets and Engineering Department has no objection to the zone change as proposed.

- Submitted by Chris Bosley, City Engineer

WATER:

The newly reconstructed Seltice Way includes a 12" water main at the property frontage, which was a requested upgrade that was paid for by the applicant in anticipation of future development of the property. The applicant will be required to provide a looped system within the property. There is adequate capacity in the public water system as a whole to support domestic, irrigation and fire flow for the proposed zone change. However due to the proposed increased density, we will need a hydraulic study by a third party to determine if the local existing infrastructure can handle the increase in use. The Water Department has no objections to the zone change as proposed.

-Submitted by Kyle Marine, Assistant Water Superintendent

PARKS:

The 2018 Trails and Bikeways Master Plan requires a twelve foot wide shared use path located along the north side of the Spokane River. The Parks Department has no objection to the zone change as proposed.

-Submitted by Monte McCully, Trails Coordinator

WASTEWATER:

Based on the 2013 Sewer Master Plan (SMP) Appendix J, this subject property falls under the Mill River Sewer Lift Station Basin which was modeled for 17 units per acre. Public sewer is available to this project at the east end of Shoreview Lane as a 10" line within the adjacent Mill River 1st Addition Development to the west. The Wastewater Department has no objection to the zone change as proposed.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department works with the Engineering and Water 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 building permit or during site development, and building permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire

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

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

PHYSICAL CHARACTERISTICS:

The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately thirty foot elevation drop on the applicants overall property and a fifteen foot elevation drop on the subject property. There are no topographical or other physical constraints that would make the subject property unsuitable for the zone change request.

See topographic map below and site photos that are provided on the next few pages.

TOPOGRAPHIC MAP:



SITE PHOTO - 1: North central part of property looking west.



SITE PHOTO - 2: North central part of property looking south.



SITE PHOTO - 3: Northeast part of property looking west.



SITE PHOTO - 4: Northeast part of property looking south.



SITE PHOTO - 5: Southwest part of property looking east.



Evaluation: *The City Council 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.*

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

TRAFFIC:

As noted above, the subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. When Seltice Way was designed, the applicant's engineer provided trip generation data to the design team to ensure that the roadway was designed to handle the development potential of the site and surrounding properties. The proposed zone change will allow the developer to construct commercial, multi-family or residential uses on the property, or a mix of uses permitted under C-17. The anticipated traffic under the proposed rezoning is not easily definable because no proposed developments have been identified for this property under C-17 zoning. However, if multifamily units are developed on the 7.8 acres to maximum allowable density, approximately 399 trips per day could be expected. If a department store comparable to Kohl's (which has a similar property size) was developed, approximately 1933 trips per day could be expected. Traffic volumes are estimated from the ITD Trip Generation Manual, 9th Addition. This, as with any development, is expected to have some traffic impact on Seltice Way and Northwest Boulevard. However, under the proposal, zoning would be changed to R-34 through an SUP/LPUD and a commercial property would not be developed. Traffic studies performed

by the applicant's engineer, Whipple Consulting Engineers, and by Welch Comer Engineers demonstrate expected impacts from the proposed development. The zone change by itself would not increase traffic. How the site is developed and the mix of uses will potentially affect traffic. The Streets & Engineering Department has no objection to the zone change as proposed. Any development will have to comply with City policies and ordinances under the conditions existing at the time of construction and, therefore, the Streets & Engineering Department will review the final plans at that time.

-Submitted by Chris Bosley, City Engineering

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 waterfront sawmills and other industrial uses. In place of sawmills, recently subdivided property in this area along portions of the shoreline is developing into commercial, luxury residential units, and mixes use structures. Recent subdivisions aside, large ownership patterns ranging from approximately 23 acres to 160+ acres provide opportunities for large scale master planning.

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

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

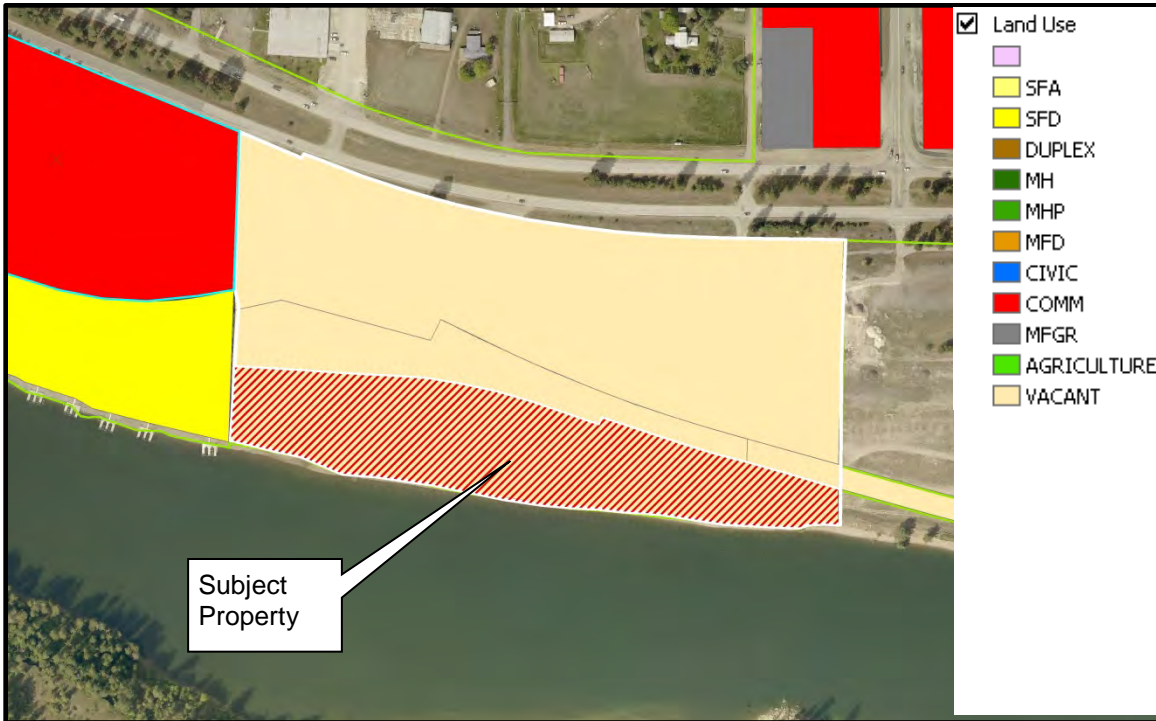
SURROUNDING LAND USES AND ZONING:

The property to the north of the subject site is vacant and is zoned C-17. The properties along the north side of Seltice Way have residential and commercial uses on them with commercial zoning that is in the County. The properties to the west have single family dwellings on them and are zoned R-8PUD. The approximately 45-acre property to the east is currently vacant and undeveloped and is the Atlas Mill site that has recently been annexed into the city with a C-17 zoning designation.

Seltice Way runs along the applicant overall property along the northern boundary. Seltice Way is close to being finished with its overall upgrade. The revitalized Seltice Way includes a new roundabout at the Atlas intersection and the applicant has three access points at which will provide access to the northwestern portion of the property.

The Spokane River runs along the southern edge of the property. The river is primarily used for recreational activities and has the Navigable Water Zoning District designation. *See Generalized Land Use map and Zoning Map on the next page.*

GENERALIZED LAND USE PATTERN:



ZONING MAP:



Approval of the zone change request would allow the uses by right to change from R-12 uses to C-17 uses (as listed below).

EXISTING ZONING: R-12 RESIDENTIAL ZONING DISTRICT

The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of twelve (12) units per gross acre.

17.05.180: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-12 district shall be as follows:

- Administrative Office
- Duplex housing
- Essential service
- Home occupation
- Neighborhood recreation
- Public recreation
- Single-family detached housing

17.05.190: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-12 district shall be as follows:

- Accessory dwelling unit.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed).

17.05.200: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-12 district shall be as follows:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation
- Community assembly
- Community education
- Community organization
- Convenience sales
- Essential service
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Noncommercial kennel
- Religious assembly
- Restriction to single-family only
- Two (2) unit per gross acre density increase

17.05.240: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for residential activities in an R-12 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 five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
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

17.05.245: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for nonresidential activities in an R-12 district shall be as follows:

- A. Front: The front yard requirement shall be twenty feet (20').
- B. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
- C. Side, Street: The street side yard requirement shall be twenty five feet (25').
- D. 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.

PROPOSED C-17 ZONING DISTRICT:

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

17.05.500: PERMITTED USES; PRINCIPAL:

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

- Administrative offices.
- Agricultural supplies and commodity sales.
- Automobile and accessory sales.
- Automobile parking when serving an adjacent business or apartment.
- Automobile renting.
- Automobile repair and cleaning.
- Automotive fleet storage.
- Automotive parking.
- Banks and financial institutions.
- Boarding house.
- Building maintenance service.
- Business supply retail sales.
- Business support service.
- Childcare facility.
- Commercial film production.
- Commercial kennel.
- Commercial recreation.
- Communication service.
- Community assembly.
- Community education.
- Community organization.
- Construction retail sales.
- Consumer repair service.
- Convenience sales.
- Convenience service.
- Department stores.
- Duplex housing (as specified by the R-12 district).
- Essential service.
- Farm equipment sales.
- Finished goods wholesale.
- Food and beverage stores
- Funeral service.
- General construction service.
- Group assembly.
- Group dwelling - detached housing.
- Handicapped or minimal care facility.
- Home furnishing retail sales.
- Home occupations.
- Hospitals/healthcare.
- Hotel/motel.
- Juvenile offenders facility.
- Laundry service.
- Ministorage facilities.
- Multiple-family housing (as specified by the R-17 district).
- Neighborhood recreation.
- Noncommercial kennel.
- Nursing/convalescent/rest homes for the aged.
- Personal service establishments.
- Professional offices.
- Public recreation.
- Rehabilitative facility.
- Religious assembly.
- Retail gasoline sales.
- Single-family detached housing (as specified by the R-8 district).
- Specialty retail sales.
- Veterinary office

17.05.510: PERMITTED USES; ACCESSORY:

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

- Accessory dwelling units.
- Apartment for resident caretaker watchman.
- Outdoor storage or building when incidental to the principal use
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district

17.05.520: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in a C-17 district 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
- Underground bulk liquid fuel storage
- Veterinary hospital.
- Warehouse/storage.
- Wireless communication facility

17.05.320: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for multi-family housing in the C-17 zoning district defers the R-17 district standards, which are 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 feet (20'). However, the rear yard will be reduced by one-half (1/2) when adjacent to public open space

Evaluation: *The City Council 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.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

- All proposed utilities within the project shall be installed underground.
- 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.
- All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

STREETS:

- Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
- All required street improvements shall be constructed prior to issuance of, or, in conjunction with, building permits.

- An encroachment permit is required to be obtained prior to any work being performed in the existing right-of-way.

STORMWATER:

- 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.

PLANNING:

- All improvements and construction must adhere to the Shoreline Ordinance.

PROPOSED CONDITIONS:

1. The annexation agreement for the subject property will need to be amended if the applicant's request is approved. The annexation fees would need to be adjusted for the increased density and all other fees and applicable conditions would be addressed in the amended annexation agreement, as well as any conditions that have already been satisfied.
2. The applicant will be required to pay all impact and capitalization fees at the time of building permits. If the City's impact fees haven't been updated at the time of permits, the applicant would also be subject to paying an additional proportionate traffic mitigation fee to cover traffic mitigation measures recommended in the Atlas/Riverstone Traffic Impact Study.
3. An extension of a City approved public sanitary sewer "to and through" the subject property and conforming to City Standards and Policies shall be required prior to building permits.
4. Wastewater will require the property to pay for their equitable upsizing of the sewer main in Shoreview Lane or equivalent.
5. The applicant will be required to provide a looped water system with the property at the time of development.
6. A hydraulic study must be completed by the applicant prior to development.

Additional Proposed Conditions (based on conditions in SP-11-18 and LDPUD-1-18):

7. A utility easement or R/W for the public sewer shall be dedicated to the City prior to issuance of building permits.
8. An unobstructed City approved "all-weather" access shall be required over all public sewers.
9. Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
10. This project shall be required to comply with the City's One Lot-One Lateral Rule.
11. All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the Owner at no cost to the City.
12. All public sewer plans require IDEQ or QLPE Approval prior to construction.

13. The first phase of the project must include the installation of Public Open Space and a sixteen foot wide trail.
14. The applicant will be required to pay all impact and capitalization fees at the time of application for building permits. If the City's impact fees haven't been updated at the time of permits, the applicant would also be subject to paying an additional proportionate traffic mitigation fee to cover traffic mitigation measures recommended in the Atlas/Riverstone Traffic Impact Study.
15. In compliance with Sewer Policy #710 (RES 15-007) and the 2013 Sewer Master Plan, Phase 1 of this development will be required to extend public sewer "to and through" the entire subject property within a City approved utility easement dedicated to the City so as not to deny public sewer access to the adjacent property to the east.
16. A trail connection to Seltice Way along the western boundary of the property within the HARBS easement shall be provided with the first phase.
17. The project shall be required to go through the City's Design Review Commission for review and approval of the design.
18. The project shall also be required to be reviewed by the City's Police Department for consistency with CPTED (Crime Prevention through Environmental Design) principles.

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:

The City Council will need to consider this request and make findings to approve, deny, or deny without prejudice. The findings worksheet is attached.

Attachments:

Attachment 1 – Memorandum of Understanding - MOU
Attachment 2 – Applicant's Trip Generation and Distribution Letter - TGDL

ATTACHMENTS

**(See attachments following
SP-11-18 and LDPUD-1-18 staff report)**

- Memorandum of Understanding
- Trip Generation and Distribution Letter

City Council Meeting



March 5, 2019

ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

APPLICANT:

Rivers Edge Apartments, LLC
1402 Magnesium Road
Spokane, WA 99217

REQUEST:

Zone change from R-12 to C-17 zoning district.



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

LOCATION:

Property located at 3528 W. Seltice Way.

LEGAL NOTICE:

Published in the CDA Press on February 16, 2019



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Location Map



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Aerial Photo



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Aerial Photo



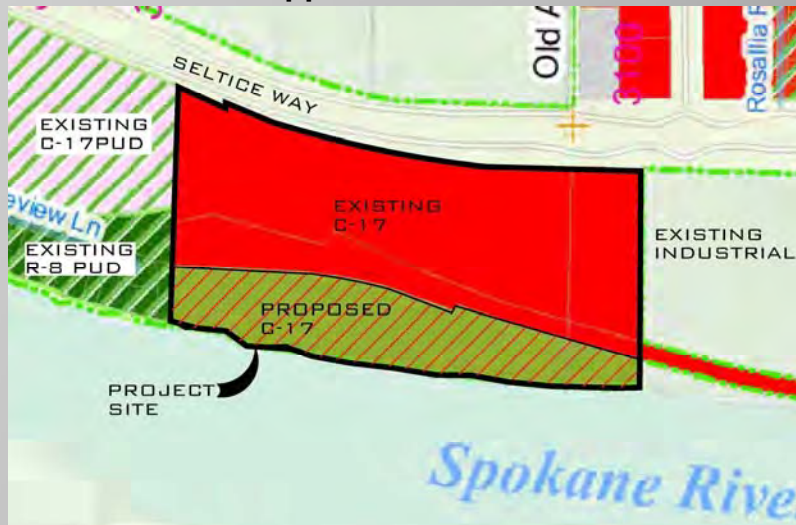
ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Birds Eye View – looking North



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Applicant's Exhibit



ZC-4-18 Zone change from R-12 to C-17
 +/- 7.8 Acres

Applicant's Exhibit



ZC-4-18 Zone change from R-12 to C-17
 +/- 7.8 Acres

Finding #B8:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.

Finding #B9:

That public facilities and utilities (are) (are not) available and adequate for the proposed use.

Finding #B10:

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

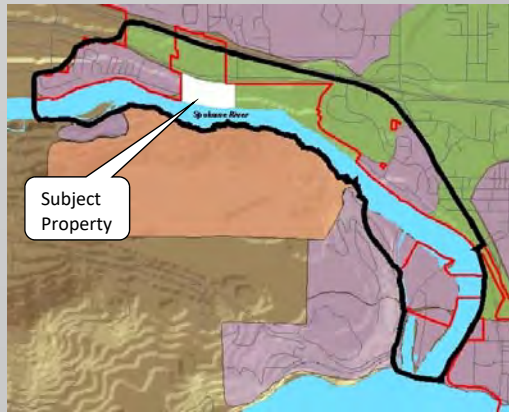
Finding #B11:

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

ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Finding #B8:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.



2007 Comprehensive Plan:
Spokane River District

Legend
City Land Use Categories
by color:

- Stable established
- Transition
- Urban reserve

N



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

COMPREHENSIVE PLAN OBJECTIVES:

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 3.05 Neighborhoods:

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

ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

COMPREHENSIVE PLAN – Shorelines:

Public access to and enhancement of our shorelines is a priority. Shorelines are a positive feature for the community and they must be protected.

Comprehensive Plan Shoreline Policy:

Make public access to river and lake shorelines a priority.

ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Finding #B9:

That public facilities and utilities (are) (are not) available and adequate for the proposed use.

- City staff from Engineering, Streets, Water, Fire, Parks, and Wastewater Departments have reviewed the application request in regards to public utilities and public facilities.
- Each department has indicated that there are adequate public facilities and public utilities available to serve the proposed request.
- No objection to this zone change request as proposed.



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Finding #B10:

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

PHYSICAL CHARACTERISTICS:

The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately thirty foot elevation drop on the applicants overall property and a fifteen foot elevation drop on the subject property. There are no topographical or other physical constraints that would make the subject property unsuitable for the zone change request.

ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Topographic Map



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Site Photo - 1



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Site Photo - 2



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Site Photo - 3



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Site Photo - 4



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Site Photo - 5



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

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:

- Seltice Way is a Principal Arterial Road
- Seltice Way was designed handle the development potential of the site and the surrounding properties.



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Traffic:

- Traffic studies performed by the applicant's engineer, Whipple Consulting Engineers, and by Welch Comer Engineers demonstrate expected impacts from the proposed development
- The Streets & Engineering Department has no objection to the zone change as proposed
- Any development will have to comply with City policies and ordinances under the conditions existing at the time of construction and, therefore, the Streets & Engineering Department will review the final plans at that time.

-Submitted by Chris Bosley, City Engineering



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Zoning Map



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Proposed C-17 Zoning District:

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



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

The following is a list of some of the Principal Uses that are permitted in the C-17 zoning district:

- Administrative offices
- Banks and financial institutions
- Automobile sales
- Ministorage facilities.
- Food and beverage stores
- Hospitals/healthcare
- Department stores
- Retail gasoline sales.
- Multiple-family housing (as specified by the R-17 district)



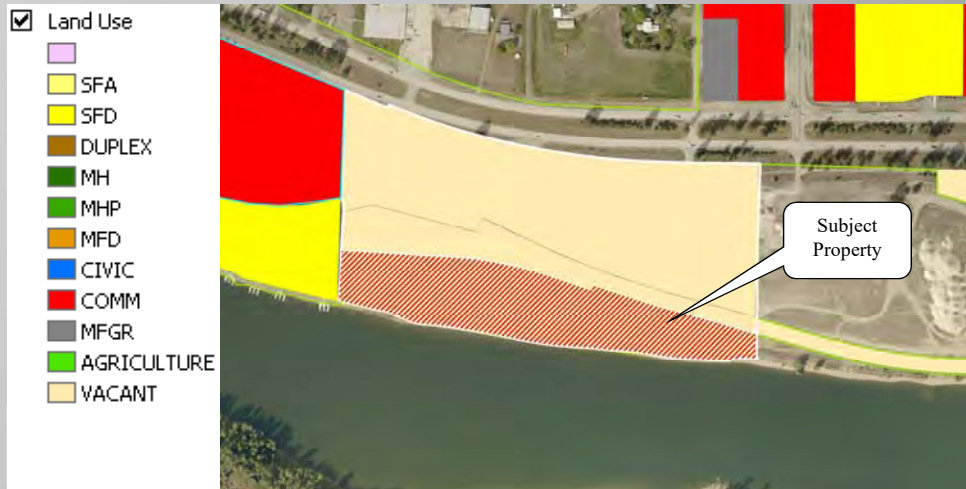
ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Zone Changes - Map



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

Land Use Map



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

RECOMMENDED CONDITIONS:

1. The annexation agreement for the subject property will need to be amended if the applicant's request is approved. The annexation fees would need to be adjusted for the increased density and all other fees and applicable conditions would be addressed in the amended annexation agreement, as well as any conditions that have already been satisfied.
2. The applicant will be required to pay all impact and capitalization fees at the time of building permits. If the City's impact fees haven't been updated at the time of permits, the applicant would also be subject to paying an additional proportionate traffic mitigation fee to cover traffic mitigation measures recommended in the Atlas/Riverstone Traffic Impact Study.

ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

RECOMMENDED CONDITIONS: Continued.....

3. An extension of a City approved public sanitary sewer "to and through" the subject property and conforming to City Standards and Policies shall be required prior to building permits.
4. Wastewater will require the property to pay for their equitable upsizing of the sewer main in Shoreview Lane or equivalent.
5. The applicant will be required to provide a looped water system with the property at the time of development.
6. A hydraulic study must be completed by the applicant prior to development.

**Additional Proposed Conditions
(based on conditions in SP-11-18 and LDPUD-1-18):**

7. A utility easement or R/W for the public sewer shall be dedicated to the City prior to issuance of building permits.
8. An unobstructed City approved “all-weather” access shall be required over all public sewers.
9. Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
10. This project shall be required to comply with the City’s One Lot-One Lateral Rule.

11. All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the Owner at no cost to the City.

12. All public sewer plans require IDEQ or QLPE Approval prior to construction.

13. The first phase of the project must include the installation of Public Open Space and a sixteen foot wide trail.

14. The applicant will be required to pay all impact and capitalization fees at the time of application for building permits. If the City’s impact fees haven’t been updated at the time of permits, the applicant would also be subject to paying an additional proportionate traffic mitigation fee to cover traffic mitigation measures recommended in the Atlas/Riverstone Traffic Impact Study.

15. In compliance with Sewer Policy #710 (RES 15-007) and the 2013 Sewer Master Plan, Phase 1 of this development will be required to extend public sewer “to and through” the entire subject property within a City approved utility easement dedicated to the City so as not to deny public sewer access to the adjacent property to the east.

16. A trail connection to Seltice Way along the western boundary of the property within the HARBS easement shall be provided with the first phase.

17. The project shall be required to go through the City’s Design Review Commission for review and approval of the design.

18. The project shall also be required to be reviewed by the City’s Police Department for consistency with CPTED (Crime Prevention through Environmental Design) principles.

ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

DECISION POINT: Zone Change

Provide a decision regarding the proposed zone change from R-12 to C-17 on approximately 7.8 acres.



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres

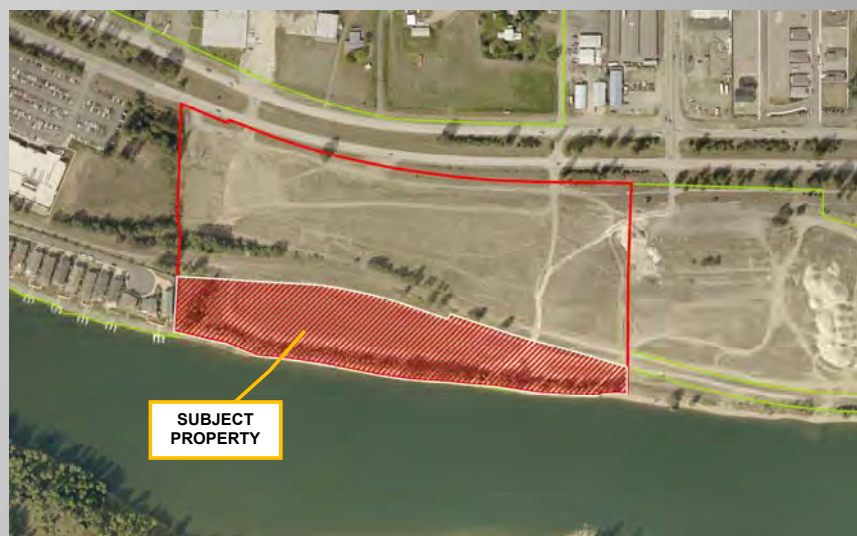
ACTION ALTERNATIVES:

The City Council will need to consider this request and make appropriate findings to:

- Approve
- Deny
- Deny without prejudice.



ZC-4-18 Zone change from R-12 to C-17
+/- 7.8 Acres



CITY COUNCIL STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: MARCH 5, 2019

SUBJECT: SP-11-18: A SPECIAL USE PERMIT FOR A DENSITY INCREASE FROM R-17 TO AN R-34 DENSITY.

LDPUD-1-18: A LIMITED DESIGN PLANNED UNIT DEVELOPMENT THAT WILL ALLOW THE CONSTRUCTION OF A 680 UNIT RESIDENTIAL MULTI-FAMILY APARTMENT FACILITY.

LOCATION: +/- 25.92 ACRE PARCEL LOCATED AT 3528 W. SELTICE WAY

APPLICANT/OWNER:
River's Edge Apartments LLC
1402 Magnesium Road
Spokane, WA 99217

CO-APPLICANT/OWNER:
City of Coeur d'Alene
710 E Mullan Avenue
Coeur d'Alene, ID 83814

PLANNING COMMISSION MEETING:

This hearing is on the appeal, by letter, made by Lawson Laski Clark & Pogue, PLLC, on behalf of River's Edge Apartments, LLC, dated January 10, 2019, appealing the decision made by the Planning Commission to deny without prejudice applications for a special use permit and a limited design PUD, made on December 11, 2018. The appeal letter, along with the Planning Commission's meeting minutes and findings from the hearing, are attached for review.

City Council can make the following decisions with respect to an appeal of this nature: Affirm the decision made by the Planning Commission, overturn the denial and approve the project as now proposed, approve the project with conditions imposed by the Council, or remand back to the Planning Commission for further findings if deemed necessary. These options will be reiterated at the end of the staff report.

TWO DECISION POINTS:

The applicant, River's Edge Apartments, LLC (hereinafter "REA LLC"), is requesting approval of a Special Use Permit for a density increase to an R-34 density that will allow the construction of a 680-unit residential apartment complex on approximately 25 acres.

AND;

REA LLC is requesting approval for a Limited Design Planned Unit Development (hereinafter "LDPUD") that will allow the construction of a 680-unit residential apartment complex on approximately 25 acres, with the following modifications from the required code:

1. Maximum Building Height of 55 feet within the 150 foot shoreline setback rather than 32 feet as required for structures within the 150 foot shoreline setback.
2. Side Yard Setback of 40 feet within the 150 foot shoreline setback rather than 20% of the average width of the lot as required for structures within the 150 foot shoreline setback. (1,600 x .20 = 320 feet)
3. To allow construction of the public open space adjacent to the shoreline within the 40' shoreline prohibited construction zone.
4. To allow construction of boat docks and the ramp connection from the water area to the 40' shoreline prohibited construction zone.
5. To allow this project to be exempt from the City's Hillside Ordinance requirements.
6. To allow parking spaces to be located outside of the 200' feet from a living unit requirement.

This staff report includes an analysis and findings for both requests. The Special Use Permit discussion starts on page 18 and the Limited Design Planned Unit Development discussion starts on page 31.

PRIMARY CHANGES TO PROPOSAL MADE BY APPLICANT FOR THIS APPEAL:

Units:	From 850 to 680
Number of Apt. Buildings:	From 19 to 21
3-Story Parking Structure:	From 1 to 0
Open Space:	From 27% to 19%
Parking Spaces:	From 1,747 spaces to 1,200
Trail width:	From 11' to 16'
Stick-Built Garages:	From 238 to 680

Height of Buildings within 150 feet of Shoreline:	From 75' to 55'
Height of Buildings outside the 150 feet of Shoreline:	From 85' to 63'

BACKGROUND INFORMATION:

The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site. The approximately 25-acre subject site is currently vacant and undeveloped. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The saw mill has since closed and all the buildings have been removed from this site. The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning.

The applicant owns a triangle parcel (hereinafter "RE Exchange Property") that is surrounded by the City-owned Atlas Mill site. The City also owns the old abandoned BNSF Railroad right-of-way (hereinafter "City Exchange Property") that bisects the applicant's overall proposed project area.

The applicant and the City have executed a Memorandum of Understanding (MOU) that expresses the applicant and City's desire to complete a land exchange of the two mentioned properties. See the map on page 5 that illustrates the proposed land swap between the City and the applicant. The MOU between the applicant and the City is located at the end of this report as Attachment 1.

The applicant's overall property currently has split zoning with an R-12 Zoning District on the southern portion of the property along the river and a C-17 zoning district on the northern portion of its overall site. The majority of the applicant's proposed project is zoned C-17 and the smaller portion is zoned R-12. There are approximately 7.8 acres that are zoned R-12 and the remainder of the property is zoned C-17. The applicant has indicated that it would like to correct the split zoning issue with the proposed project and to have one uniform zoning district over the whole project. The applicant has applied for a zone change (item ZC-4-18) for C-17 zoning over the southern portion of his property. The proposed special use (item SP-11-18) and the Limited Design PUD (item LDPUD-1-18) are contingent on the zone change in item ZC-4-18 being approved by the City Council.

At its December 11, 2018, meeting, the Planning Commission voted unanimously to recommend approval of the Zone Change to the City Council, but voted unanimously to deny without prejudice the Special Use Permit and Limited Design PUD requests.

The applicant has stated that it intends to develop the property as a residential use only and not a mixed use development. The applicant intends to build a multi-family apartment complex on the overall 25 acre site if the land trade moves forward. See Attachment 2, Narrative/Justification and updated narrative by the Applicant for a complete overview of the request and compliance with the required findings. (

The applicant's proposed development, as amended for purposes of the appeal, will have 21 apartment buildings that will contain up to a total of 680 dwelling units. The applicant is proposing a maximum building height of 63 feet outside of the 150 foot shoreline area and a maximum building height of 55 within the 150 foot shoreline area. The applicant is proposing to position the apartment buildings on his property such that there will be four view corridors that allow views of the river looking south from Seltice Way. The applicant has submitted a View Corridor Map as part of this application. See *View Corridor Map on Page 7*

There will be an overall total of 1,200 parking spaces on the proposed development. Of the 1,200 parking spaces provided, 680 will be attached individual stick-built garage units, one for each unit. There will also be a clubhouse with a swimming pool. Other amenities included within this development are a sports court, community gardens, a tot lot, picnic areas, a fire pit area, three access areas to the river, and 36 boat docks. The applicant has stated that the development is proposed to be phased over many years. The applicant has submitted a site plan that depicts how the proposed project will be developed. See *Site Plan on Page 6*

The applicant is proposing both public and private open space areas as part of this project. The open space requirement for a Limited Design PUD is no less than 10% of the gross land area and the applicant's proposed project will have a total of 19% of open space. The applicant is proposing a total of 5.02 acres of open space that will consist of 1.52 acres of public open space and 3.52 acres of private open space. There will be a two-foot sitting wall that will separate the public open space are from the private open space areas.

The public open space is located adjacent to the river and is 40 feet wide by approximately 1,600 feet long. A twelve-foot wide multipurpose trail is shown in the public open space area that will traverse the property and will have trail connections to the adjacent properties to the east and the west of the subject site. There are three public access areas to the river that are located in the 40-foot public open space area. *See Public Open Space Plan on Pages 10 & 11*

The applicant is also proposing a 40-foot wide private open space that is located adjacent to the public open space area. This private open space area will have connections to the public trail in addition to other amenities for the residents of the proposed project. The combination of the public and private open space will consist of an open space area that will be 80 feet in width and will stretch from the river's edge to the closest structure.

The applicant has stated that a large commercial use on this site would generate more traffic than the proposed residential use. As part of its application, the applicant submitted a Trip Generation and Distribution Letter (hereinafter "TGDL"). The TGDL was prepared by the applicant's Engineer and discusses in depth the potential traffic that could be generated by commercial and residential uses. The TGDL, dated December 6, 2018, is Attachment 3 found at the end of this report. It should be noted that the TGDL analyzes 850 units. So the impact from 680 units would be less than stated in the report.

The applicant's property is currently encumbered by the terms of an existing Annexation Agreement. The MOU between the applicant and the City states that, if the Special Use Permit and Limited Design PUD are approved, the parties will amend the current Annexation Agreement to incorporate changes and additions necessary or advisable to complete the proposed land exchange between the parties and to allow for the development of the property.

LOCATION MAP:



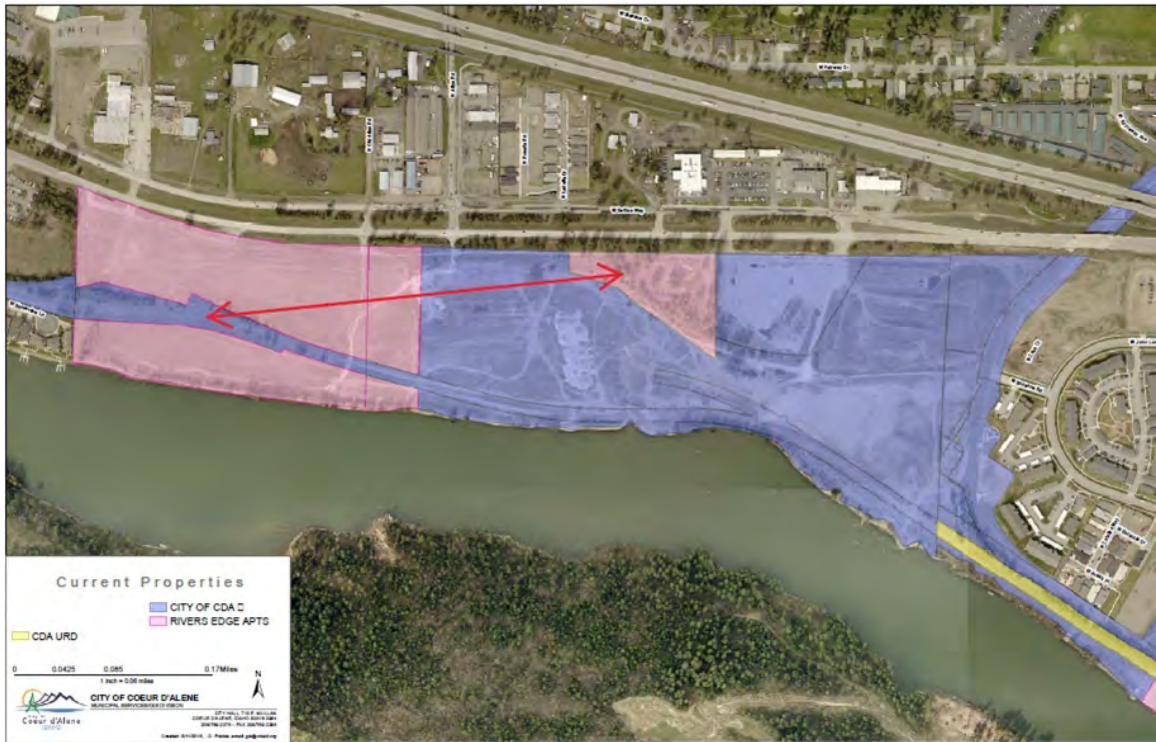
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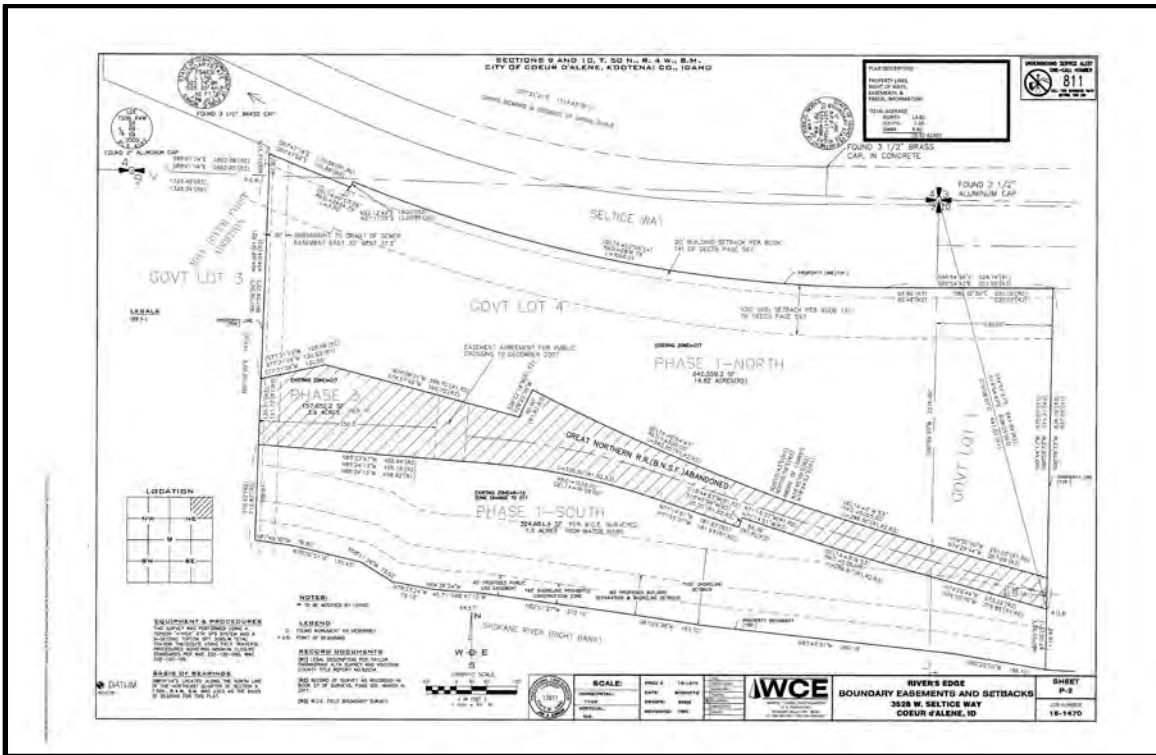
BIRDS EYE AERIAL PHOTO:



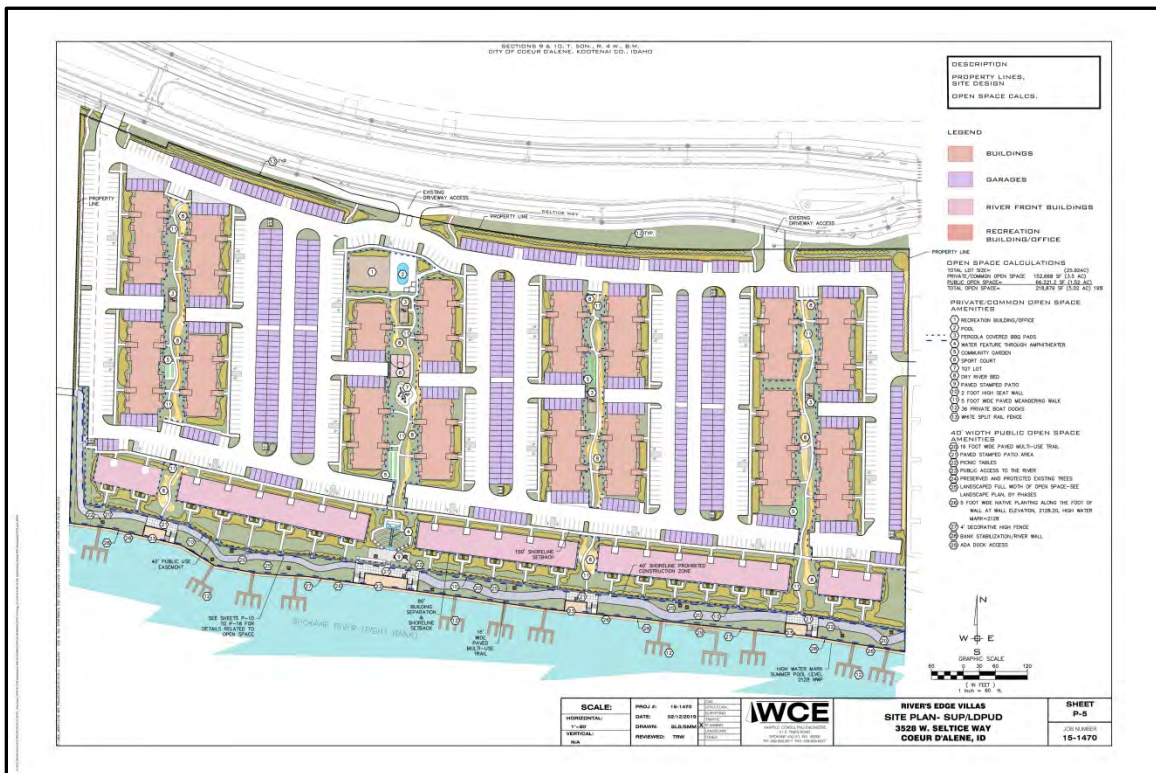
PROPOSED LAND EXCHANGE MAP:



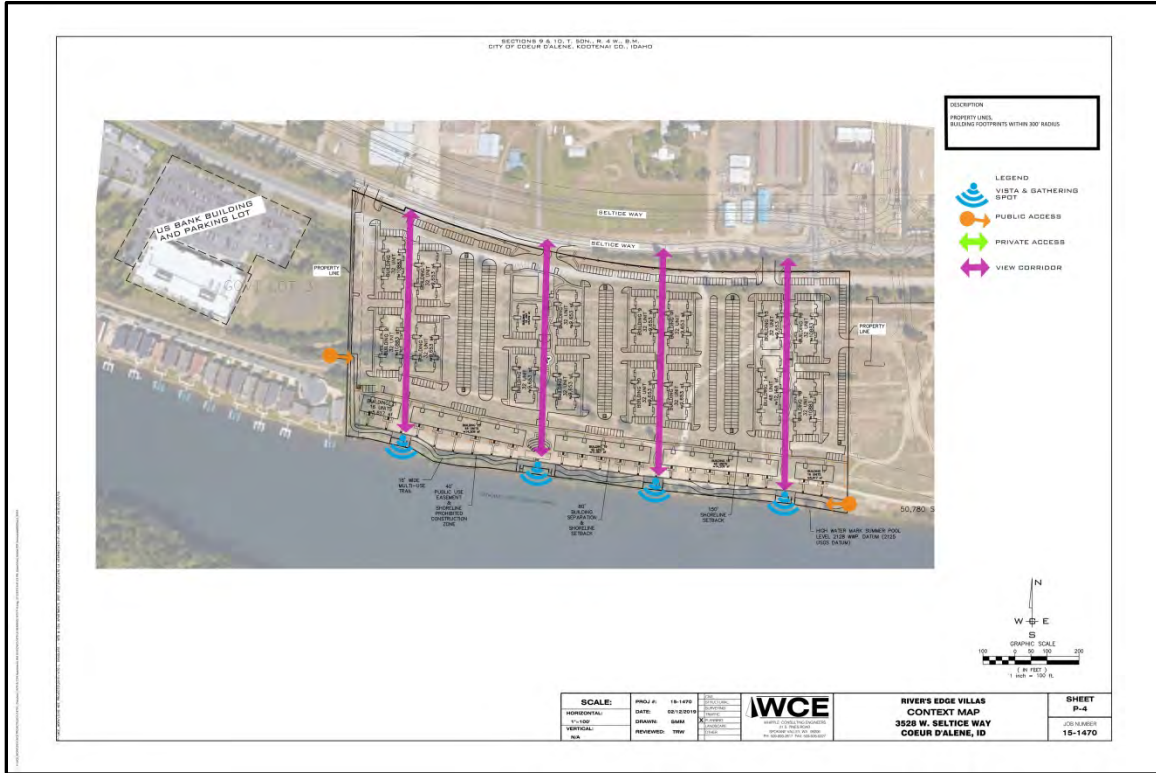
APPLICANT'S SURVEY OF SITE:



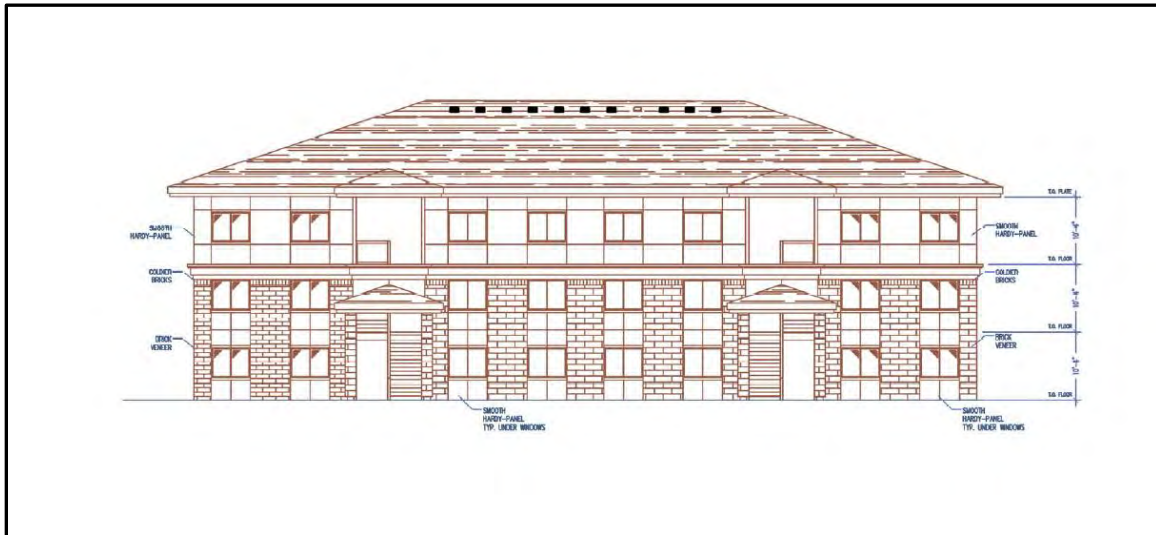
APPLICANT'S EXHIBIT OF PROPOSED SITE PLAN:



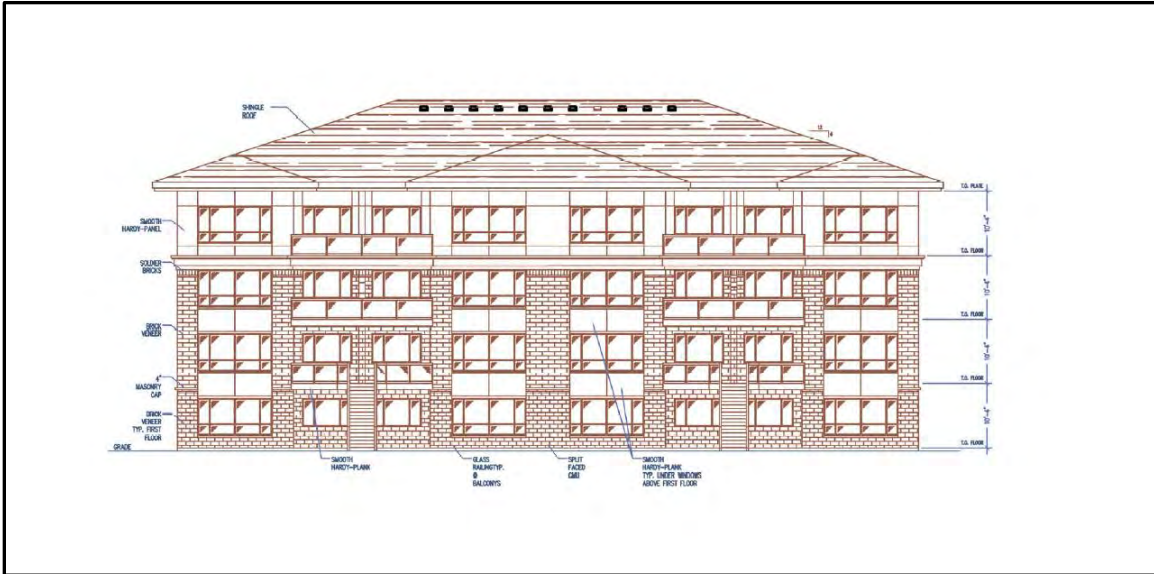
APPLICANT'S VIEW CORRIDOR MAP:



APPLICANT'S BUILDING ELEVATION – 1:



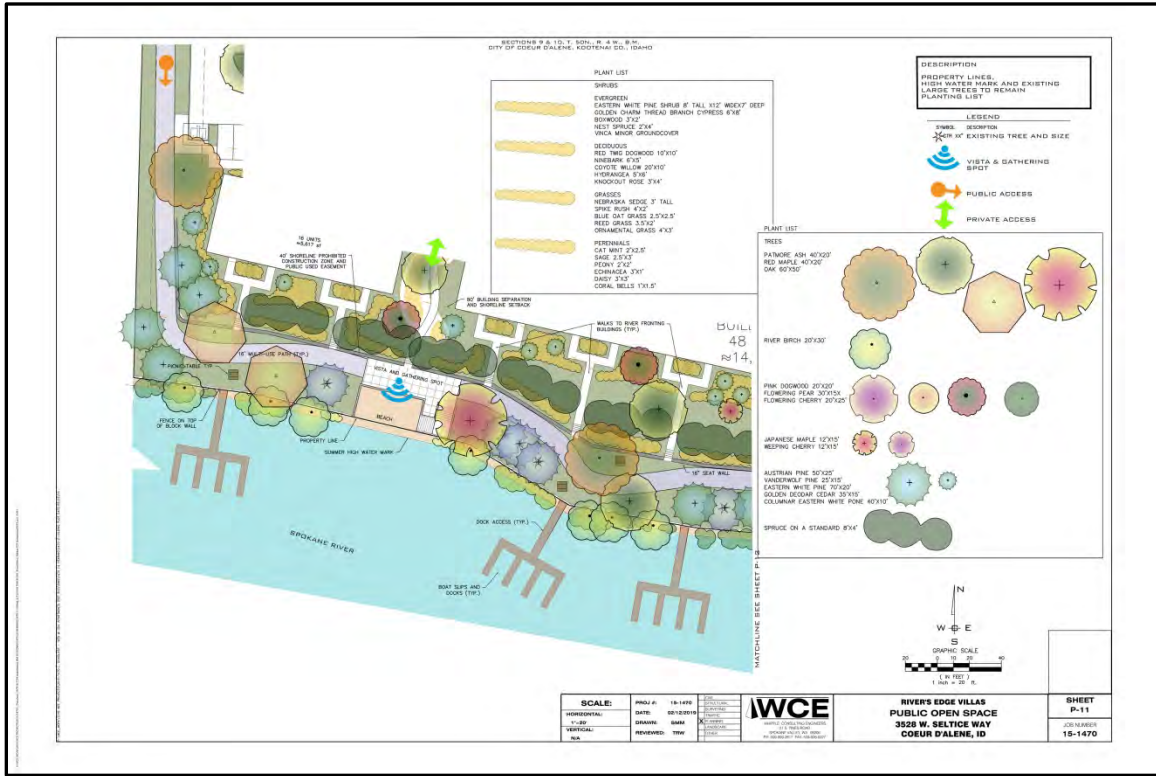
APPLICANT'S BUILDING ELEVATION – 2:



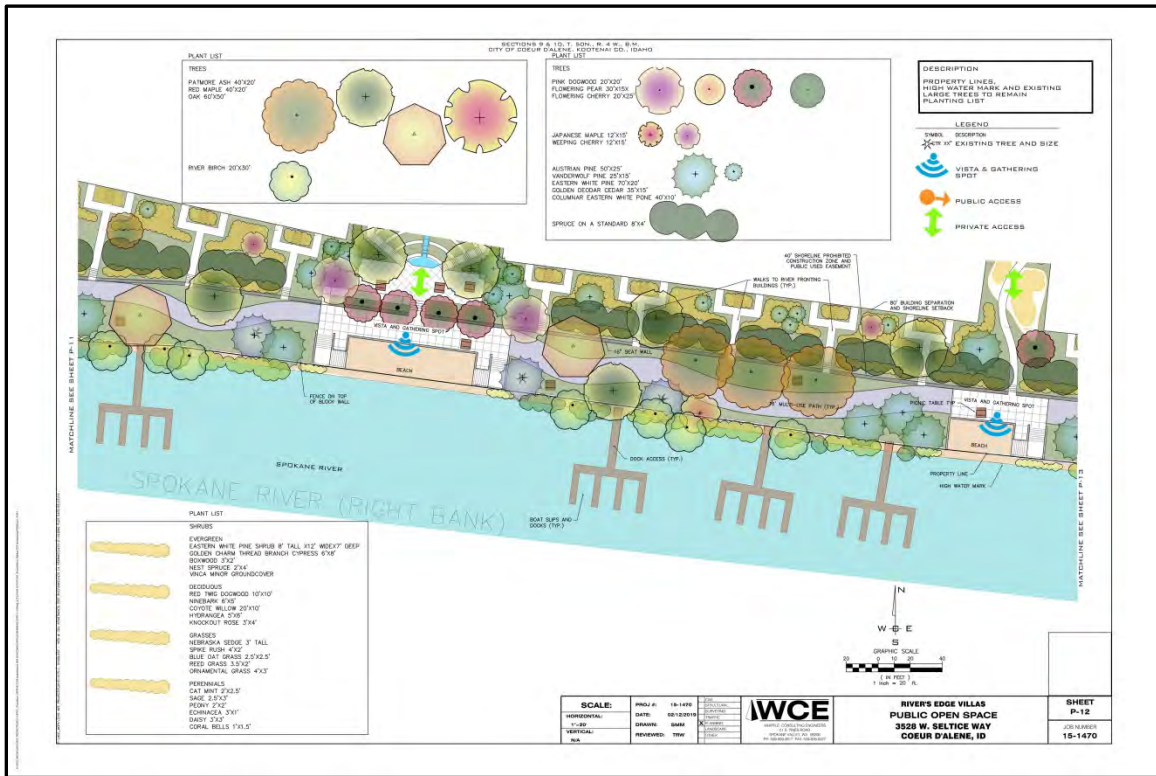
APPLICANT'S BUILDING ELEVATION – 3:



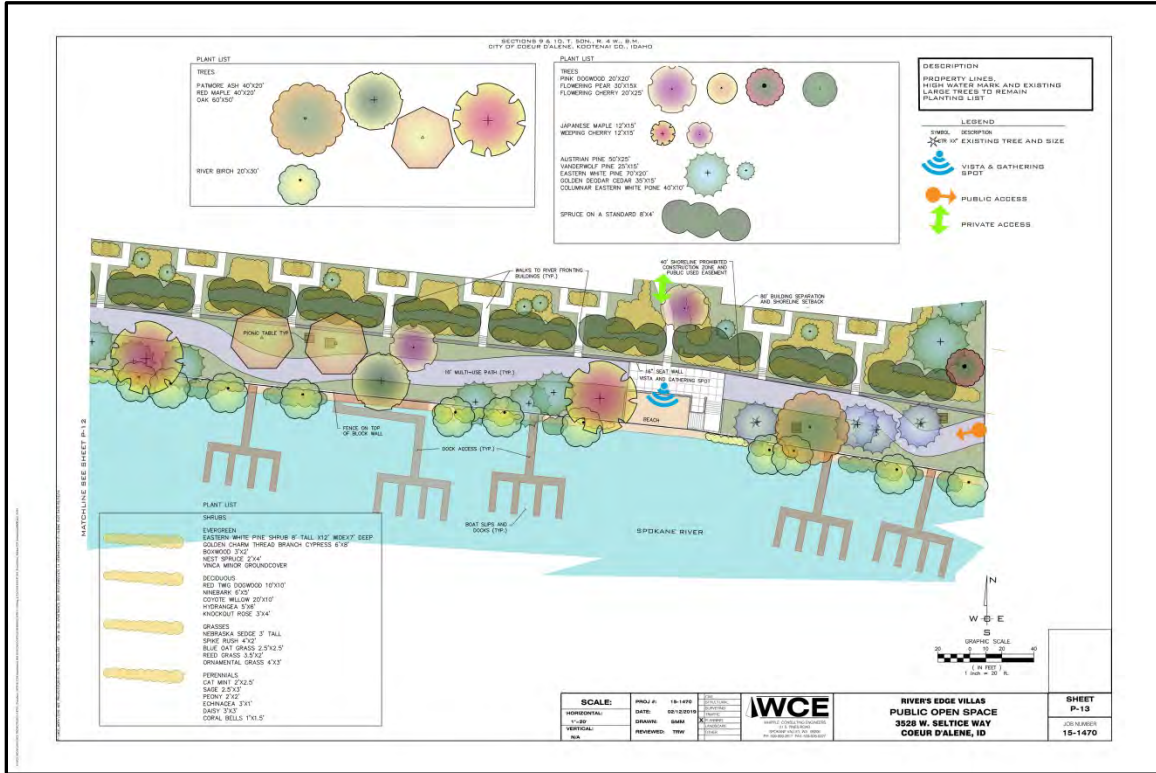
PUBLIC OPEN SPACE – 1:



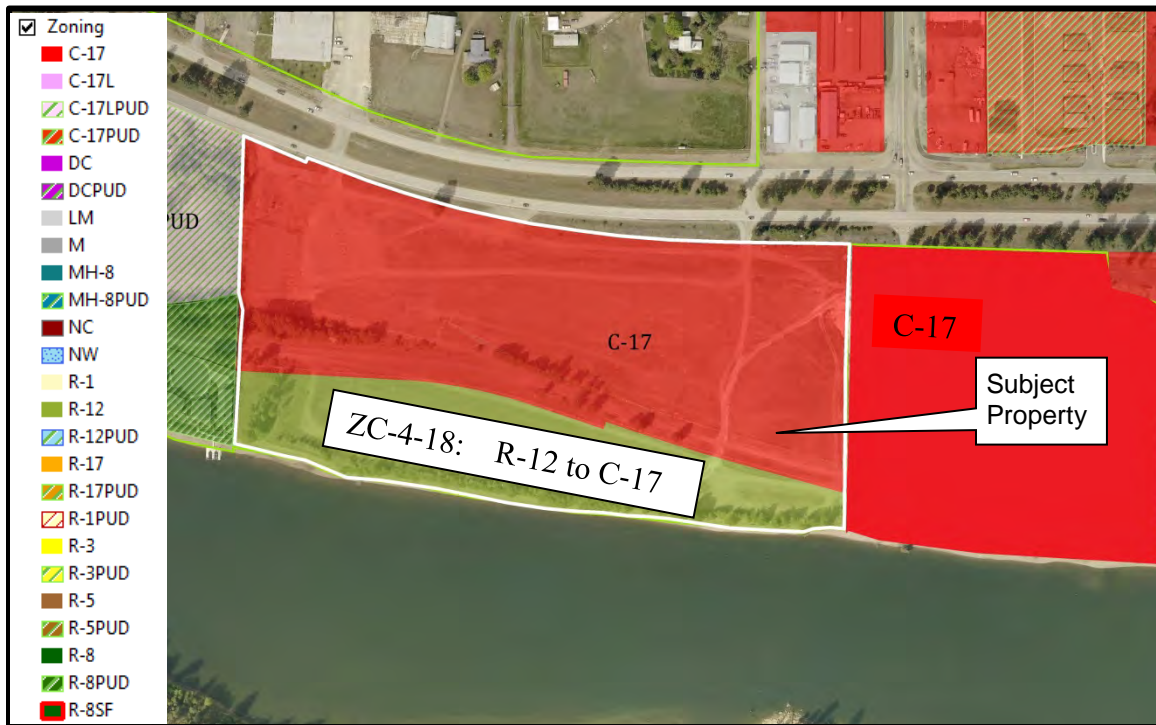
PUBLIC OPEN SPACE – 2:



PUBLIC OPEN SPACE – 3:



ZONING MAP:



C-17 ZONING DISTRICT:

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

17.05.500: PERMITTED USES; PRINCIPAL:

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

- Administrative offices.
- Agricultural supplies and commodity sales.
- Automobile and accessory sales.
- Automobile parking when serving an adjacent business or apartment.
- Automobile renting.
- Automobile repair and cleaning.
- Automotive fleet storage.
- Automotive parking.
- Banks and financial institutions.
- Boarding house.
- Building maintenance service.
- Business supply retail sales.
- Business support service.
- Childcare facility.
- Commercial film production.
- Commercial kennel.
- Commercial recreation.
- Communication service.
- Community assembly.
- Community education.
- Community organization.
- Construction retail sales.
- Consumer repair service.
- Convenience sales.
- Convenience service.
- Department stores.
- Duplex housing (as specified by the R-12 district).
- Essential service.
- Farm equipment sales.
- Finished goods wholesale.
- Food and beverage stores
- Funeral service.
- General construction service.
- Group assembly.
- Group dwelling - detached housing.
- Handicapped or minimal care facility.
- Home furnishing retail sales.
- Home occupations.
- Hospitals/healthcare.
- Hotel/motel.
- Juvenile offenders facility.
- Laundry service.
- Ministorage facilities.
- Multiple-family housing (as specified by the R-17 district).
- Neighborhood recreation.
- Noncommercial kennel.
- Nursing/convalescent/rest homes for the aged.
- Personal service establishments.
- Pocket residential development (as specified by the R-17 district).
- Professional offices.
- Public recreation.
- Rehabilitative facility.
- Religious assembly.
- Retail gasoline sales.
- Single-family detached housing (as specified by the R-8 district).
- Specialty retail sales.
- Veterinary office

17.05.510: PERMITTED USES; ACCESSORY:

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

- Accessory dwelling units.
- Apartment for resident caretaker watchman.
- Outdoor storage or building when incidental to the principal use
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district

17.05.520: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in a C-17 district 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
- Underground bulk liquid fuel storage
- Veterinary hospital.
- Warehouse/storage.
- Wireless communication facility

R-34 RESIDENTIAL ZONING DISTRICT:

The R-34 district is intended as a high density residential district, permitting thirty four (34) units per gross acre that the city has the option of granting, through the special use permit procedure, to any property zoned R-17, C-17, C-17L or LM. To warrant consideration, the property must in addition to having the R-17, C-17, C-17L or LM designation meet the following requirements:

1. Be in close proximity to an arterial, as defined in the Coeur d'Alene transportation plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.
2. Be in close proximity to shopping, schools and park areas (if it is an adult only apartment complex, proximity to schools and parks is not required).

This district is appropriate as a transition between R-17 and commercial/industrial. Single-family detached and duplex housing are not permitted in this district. Project review (chapter 17.07, article IV of this title) is required for all subdivisions and for all residential, civic, commercial, service and industry uses except residential uses for four (4) or fewer dwellings

17.05.340: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-34 district shall be as follows:

- Essential service.
- Multiple-family housing.
- Neighborhood recreation.
- Public recreation.

17.05.350: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-34 district shall be as follows:

- Accessory dwelling units.
- Garage or carport (attached or detached).
- Mailroom or common use room for pocket residential or multiple-family development.
- Outside area or building for storage when incidental to the principal use.
- Private recreation facility

17.05.360: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-34 district shall be as follows:

- Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used for the parking of commercial vehicles.
- Commercial recreation.
- Community assembly.
- Community education.
- Convenience sales.
- Four (4) unit per gross acre density increase.
- Group dwelling - detached housing.
- Hotel/motel.
- Noncommercial kennel.
- Religious assembly.

17.05.370: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in an R-34 district shall be as follows:

- 63 feet for multiple-family and nonresidential structures.

17.05.320: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for multi-family housing in the C-17 zoning district defers the R-17 district standards, which are 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 feet (20'). However, the rear yard will be reduced by one-half (1/2) when adjacent to public open space.

17.44.030: OFF STREET PARKING - RESIDENTIAL USES:

D.	Multiple-family housing:	
	1. Studio units	1 space per unit
	2. 1 bedroom units	1.5 spaces per unit
	3. 2 bedroom units	2 spaces per unit
	4. 3 bedroom units	2 spaces per unit
	5. More than 3 bedrooms	2 spaces per unit

SHORELINE REGULATIONS:

17.08.205: TITLE, PURPOSE AND APPLICABILITY:

- A. The provisions of this article shall be known as *SHORELINE REGULATIONS*.
- B. It is the purpose of these provisions to protect, preserve and enhance visual resources and public access of the Coeur d'Alene shoreline, as defined herein, by establishing certain limitations and restrictions on specifically defined shoreline property located within the city limits.
- C. The provisions of this article do not apply to:
 - 1. The Coeur d'Alene municipal wastewater treatment plant; and
 - 2. Other facilities or structures on city owned property intended to provide or secure physical or visual access to the shoreline. (Ord. 3452, 2012)

17.08.210: DISTRICT BOUNDARY DEFINED:

- A. These shoreline regulations shall apply to all property located within one hundred fifty feet (150') of the shoreline of Lake Coeur d'Alene and the Spokane River.
- B. In the case of properties crossed by the shoreline district boundary, only those portions which are within the district itself shall be subject to the shoreline regulations.
- C. For the purposes of the shoreline regulations, the shoreline is determined by the average summer storage level of Lake Coeur d'Alene at elevation two thousand one hundred twenty eight (2,128) WWP datum (2,125 USGS datum).

17.08.215: OVERLAY DISTRICT ESTABLISHED:

The shoreline district shall overlay the underlying zoning district. The shoreline regulations shall apply in addition to the underlying zoning district regulations. In case of conflict between regulations, the more restrictive shall apply.

17.08.220: BUILDING HEIGHT DETERMINATION:

- A. Building height shall be determined in accordance with the provisions of subsection 17.02.065C of this title except that in cases where site work, such as a retaining wall or an earth berm is utilized to create finished grades higher in elevation than preexisting grade, then preexisting grade shall be used in the determination of building or structure height.
- B. For the purposes of the shoreline regulations, "preexisting grade" is defined as the ground level elevation which existed prior to any site preparation related to, or to be incorporated into, the proposed new development or alteration.

17.08.225: SIDE YARD DEFINITION:

A yard measured into a lot perpendicularly from one or more of its side lot lines is known as a "side yard". For the purpose of the shoreline regulations, a required side yard shall extend between the front property line and the rear property and shall remain open, unobstructed and devoid of structures.

17.08.230: HEIGHT LIMITS AND YARD REQUIREMENTS:

- A. For shoreline properties located east of Seventh Street and more than one hundred fifty feet (150') west of First Street and then northeasterly to River Avenue, the following shall apply:
 - 1. New structures may be erected provided that the height is not greater than twenty feet (20').
 - 2. Minimum yards shall be provided as prescribed in the applicable zoning district.
 - 3. Notwithstanding the foregoing for shoreline properties located north of West Lakeshore Drive between Park Drive and Hubbard Avenue, new structures may be erected provided the height is not greater than that provided in the underlying zoning district.
- B. For shoreline properties located between one hundred fifty feet (150') west of First Street easterly to Seventh Street and shoreline properties located northerly from River Avenue, the following shall apply:
 - 1. New structures may be erected provided that the height is not greater than thirty feet (30').
 - 2. There shall be a minimum side yard equal to twenty percent (20%) of the average width of the lot.

17.08.235: PROJECTIONS ABOVE MAXIMUM HEIGHT:

Limitations on projections above maximum height are as follows:

- A. Projections above maximum height shall not be allowed, except that solar collector panels and dish antennas are allowed.
- B. Signs within the Shoreline District shall not be allowed to extend beyond the height of any building that is located on the same property as the sign. In no case shall signs exceed the height maximum as prescribed by the shoreline regulations. This provision shall apply to any sign, whether freestanding or attached to a building.

17.08.240: NONCONFORMING FACILITIES:

Structures, which are in existence on the effective date of the shoreline regulations and are not in conformance with said regulations, shall be subject to the provisions of chapter 17.06, article X, "Nonconforming Use Regulations", of this title.

17.08.245: PROHIBITED CONSTRUCTION:

Construction within forty feet (40') of the shoreline shall be prohibited except as provided for in section 17.08.250 of this chapter.

17.08.250: ALLOWABLE CONSTRUCTION:

The provision of section 17.08.245 of this chapter shall not apply as follows:

- A. In the underlying DC Zoning District.
- B. For construction which is necessary to replace or maintain existing essential public services such as streets, sidewalks, parking lots, streetlights, fire hydrants and underground utilities.
- C. For other public or private construction which is necessary to replace or maintain existing shoreline protective structures, fences, hedges and walls in their present location without extension toward the shoreline.
- D. Fences may be erected on Sanders Beach (south of East Lakeshore Drive between a line 117.5 feet east of the east line of Eleventh Street extended and the east line of Fifteenth Street extended) perpendicular and extending to the shoreline (2,128 WWP datum) wherever public and private property abut provided that the fences are no more than fifty percent (50%) sight obscuring and are otherwise in conformity with City Code requirements. Chainlink, cyclone or other similar industrial fencing is prohibited.
- E. Existing foundations built prior to 1982 may be enclosed and occupied in conformity with City Code requirements provided that the size of the foundation is not enlarged and the completed structure, at its highest point, is no more than four feet (4') above the preexisting grade measured at the wall closest to the public right-of-way.

17.08.255: VARIANCES:

A variance may be granted from any provision of the shoreline regulations, pursuant to chapter 17.09, article VII of this title, and provided that the variance conforms to the stated purpose of the shoreline regulations, except for projections above maximum height.

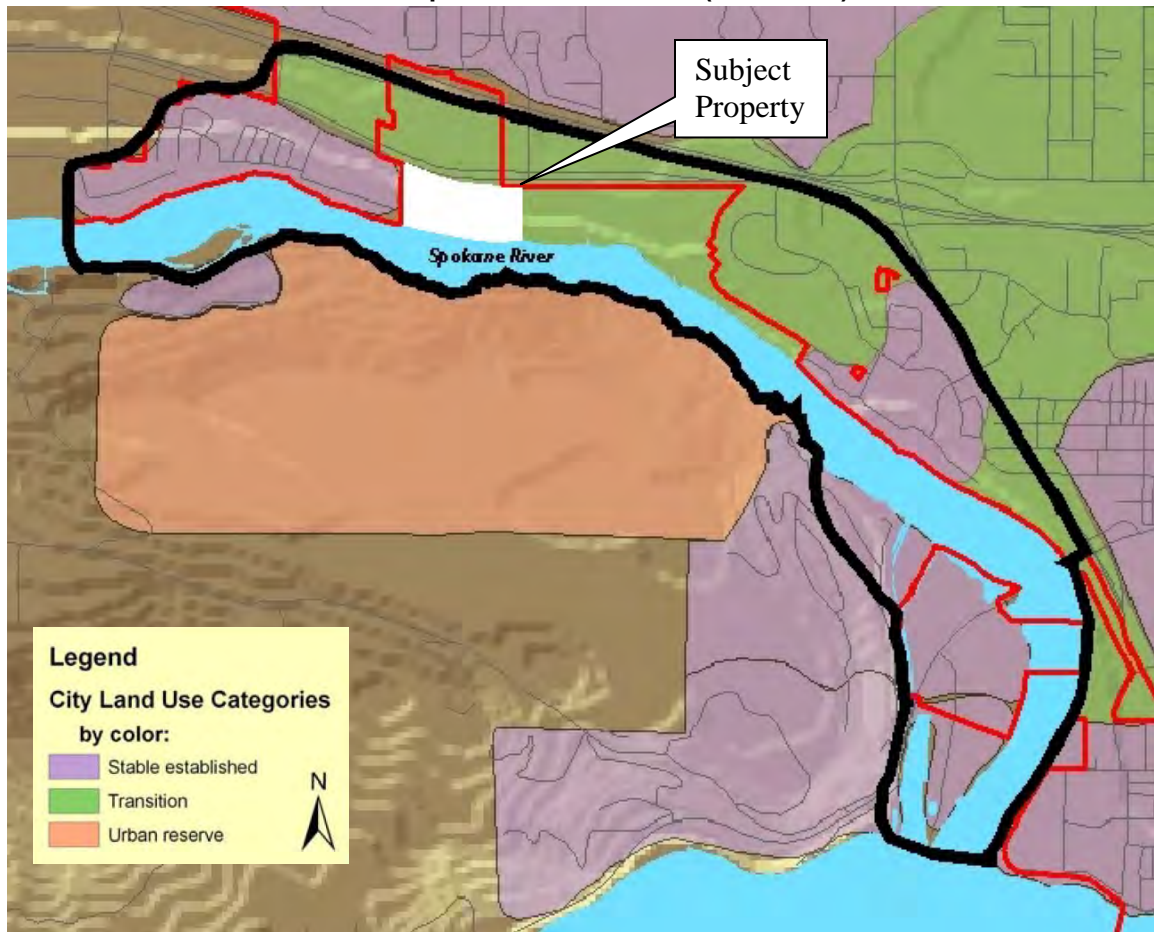
SPECIAL USE FINDINGS:

REQUIRED FINDINGS FOR SPECIAL USE PERMITS:

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:

- A. **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 designates the subject site to be in the Spokane River District.

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 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 waterfront sawmills and other industrial uses. In place of sawmills, recently subdivided property in this area along portions of the shoreline is developing into commercial, luxury residential units, and mixed use structures. Recent subdivisions aside, large ownership patterns ranging from approximately 23 acres to 160+ acres provide opportunities for large scale master planning.

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

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

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 1.01 Environmental Quality:

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

Objective 1.02 Water Quality:

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

Objective 1.03 Waterfront Development:

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

Objective 1.04 Waterfront Development:

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

Objective 1.05 Vistas:

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

Objective 1.09 Parks:

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

Objective 1.11 Community Design:

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

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl

Objective 1.13 Open Space:

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

Objective 1.14 Efficiency:

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

Objective 1.15 Natural Terrain:

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

Objective 1.16 Connectivity:

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

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.

Goal #2: Economic Environment

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

Objective 2.01 Business Image & Diversity:

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

Objective 2.02 Economic & Workforce Development:

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

Objective 2.05 Pedestrian & Bicycle Environment:

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

Objective 2.06 Cooperative Partnerships:

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

Goal #3: Home Environment

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

Objective 3.01 Managed Growth:

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

Objective 3.02 Managed Growth:

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

Objective 3.05 Neighborhoods:

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

Objective 3.06 Neighborhoods:

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

Objective 3.08 Housing:

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

Objective 3.13 Parks:

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

Objective 3.14 Recreation:

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

Objective 3.16 Capital Improvements:

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

Objective 3.18 Transportation:

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

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.01 City Services:

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

Objective 4.06 - Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

2007 COMPREHENSIVE PLAN – SPECIAL AREAS - SHORELINES:

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

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

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

Comprehensive Plan Shoreline Policy:

Make public access to river and lake shorelines a priority.

Additional Background Information and Analysis Related to the Comprehensive Plan

In 2013, the City Council formed the Spokane River Corridor Advisory Committee, an ad hoc committee, tasked with studying potential development on the north shore of the Spokane River West of Riverstone considering other developments along the river, the 2007 Comprehensive Plan and Zoning Code related to the shoreline, the 2008 Parks Master Plan, and public input from the CDA 2030 visioning process. The committee presented its findings to the City Council after its 6-month effort was completed. In 2014, the City Council adopted **Resolution 14-049** further supporting public acquisition of the waterfront for public use, protection of the riverfront and directing staff to conduct comprehensive planning for the Spokane River corridor from Riverstone to Huetter Road. See Attachment 4.

Additionally, there are at least six related action items in the CDA 2030 Implementation Plan that support providing more public access to the waterfront, recreation opportunities, and preservation of view corridors. There are additional action items supporting job creation as well. See Attachment 5.

Evaluation: *The City Council 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.*

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

To the South:

The subject site is adjacent to the Spokane River on its southern boundary. The Spokane River is primarily used for recreational activities and has the Navigable Water Zoning District designation.

To the North:

The subject site is adjacent to Seltice Way on its northern boundary. Seltice Way is an arterial road and the site plan indicates that there will be three access points onto Seltice Way. The

properties along the north side of Seltice Way have residential and commercial uses on them with commercial zoning that is in the County.

To the East:

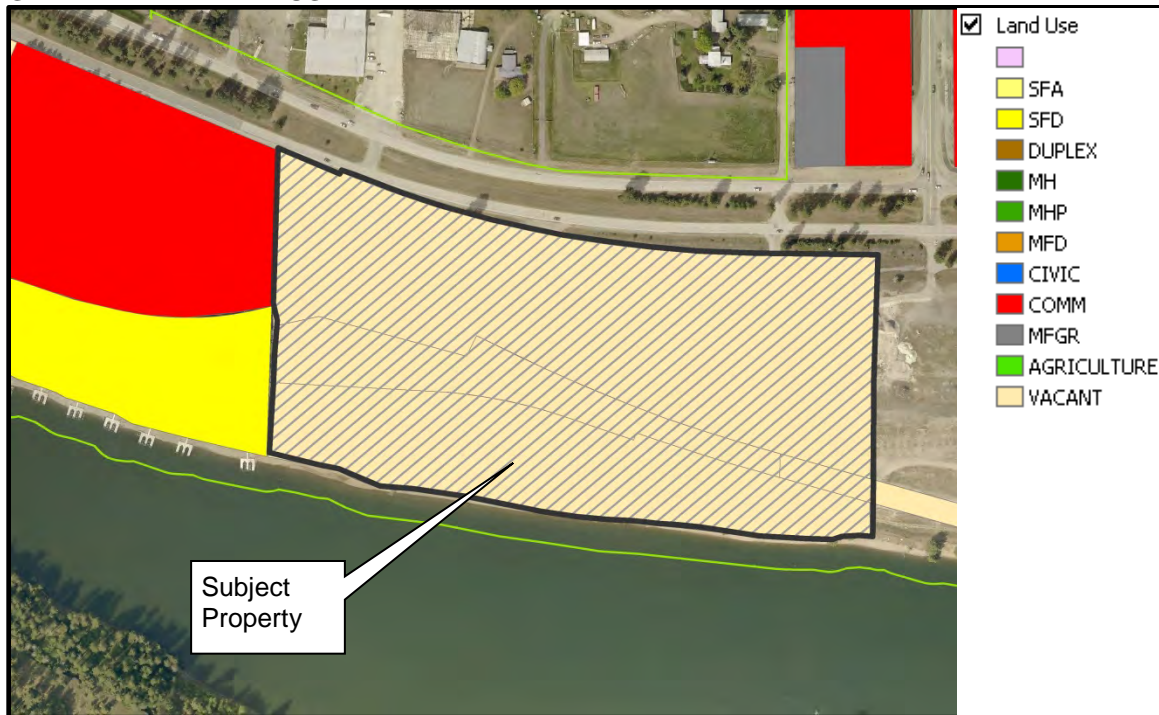
To the east of the subject site is the approximately 47-acre property that is currently vacant and undeveloped owned by the city. The Atlas Mill Site has been vacant for the past 12 years since the Atlas Mill closed in 2005. Eastward beyond the Atlas Mill Site are the Riverstone and the Bellerive subdivisions, as well as the Centennial Trail and a dog park. Uses within Riverstone include multi-family apartments, a retirement community, single family dwellings, restaurants, a mixed use village with retail uses, and other commercial uses. The Atlas Mill site has recently been annexed into the city with a C-17 zoning designation. The City is working with ignite cda and their consultant team to master plan the site and create design and development standards for the mixed-use project, and working on the design and shoreline stabilization of the public open space area along the Spokane River.

To the West:

To the west of the subject site are single family dwellings and a commercial office space that is used as a call center. There is also a vacant undeveloped property that is owned by the city that will be developed with a 12-foot wide multi-use trail. The trail will connect to the proposed site on the west part of the applicant's property. The properties to the west that have single family dwellings on them are zoned R-8PUD. The commercial call center property is zoned C-17LPUD

See Generalized Land Use Map on Page 24

GENERALIZED LAND USE PATTERN:



PRIOR SPECIAL USE PLAN ACTIONS:

The Planning Commission approved multiple special uses in the vicinity of the subject site. Two special use permits for a mini-storage facility were approved in items SP-12-84 in 1984 and SP-26-84 in 1985. The Planning Commission also approved a special use permit for a warehouse storage facility in item SP-2-11 in 2011.

There have been two density increases special use request that have been approved in the vicinity of the subject property. The Planning Commission approved those special use requests for a density increase in items SP-1-14 SP-21-17 as shown in the map provided below.

See Prior Special Use Actions Map on Page 25.

PRIOR SPECIAL USE ACTIONS MAP:



Past Special Use Permits:

SP-12-84	Mini Storage Facility	6-12-1984	Approved
SP-26-84	Mini Storage Facility	1-29-1985	Approved
SP-2-11	Warehouse Storage Facility	4-12-2011	Approved
SP-1-14	Density increase in the R-34	4-08-2014	Approved
SP-1-17	Density increase in the R-34	1-10-2017	Approved

SITE PHOTO - 1: Central part of property looking south



SITE PHOTO - 2: Central part of property looking west.



SITE PHOTO - 3: Central part of property looking east.



SITE PHOTO - 4: Southeast part of property looking west.



SITE PHOTO - 5: North part of property looking south.



SITE PHOTO - 6: North part of property looking southeast.



Evaluation: *Based on the information presented, the City Council must determine if the request is or is not compatible with surrounding uses and is designed appropriately to blend in with the area.*

- C. 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.**

STORMWATER:

Stormwater issues are not a component of the proposed special use and limited design planned unit development. Any stormwater issues will be addressed at the time of development on the subject property. City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

- Submitted by Chris Bosley, City Engineering

STREETS:

The subject property is bordered by Seltice Way (formerly Highway 10) to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. This existing roadway is a newly constructed street section and will not require street improvements. When Seltice Way was designed and constructed, development on the subject property was anticipated. The applicant's engineer provided trip generation data to the design team to ensure that the roadway was designed to handle the development

potential of the site and surrounding properties. Additionally the Seltice Way roadway design included three access points to the subject property and a right-turn lane. The Streets and Engineering Department has no objection to the special use and limited design planned unit development as proposed.

- Submitted by Chris Bosley, City Engineer

TRAFFIC:

As noted above, the subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. When Seltice Way was designed, the applicant's engineer provided trip generation data to the design team to ensure that the roadway was designed to handle the development potential of the site and surrounding properties. The proposed special use and limited design planned unit development will allow the developer to construct high density residential apartments, whereas the current zoning would allow commercial facilities, residential uses (single-family and multi-family), and/or a mix of uses permitted under C-17 on the majority of the property. The anticipated traffic under the proposed rezoning is expected to be approximately half of the traffic volumes that could be expected from a commercial development on the property. According to the December 6, 2018 traffic generation letter by Whipple Consulting Engineers, when the proposed development consisted of 850 apartment units, approximately 6,386 trips per day could be generated by the development at full build-out, compared to 11,421 trips per day generated from a mix of commercial and residential as allowed under current zoning. The revised proposal of 680 apartment units is expected to have some traffic impacts on Seltice Way and Northwest Boulevard, but less than what could be generated from a development allowed under the current zoning. A Traffic Impact Study has also been conducted by Welch-Comer Engineers to quantify the impacts of all proposed developments in the area. The findings and recommendations of the report have been considered in this analysis for the applicant's requests. The Streets & Engineering Department has no objection to the special use and limited design planned unit development as proposed. Any development will have to comply with City policies and ordinances under the conditions existing at the time of construction and, therefore, the Streets & Engineering Department will review the final plans at that time.

-Submitted by Chris Bosley, City Engineer

WATER:

The newly reconstructed Seltice Way includes a 12" water main at the property frontage, which was a requested upgrade that was paid for by the applicant in anticipation of future development of the property. The applicant will be required to provide a looped system within the property. There is adequate capacity in the public water system as a whole to support domestic, irrigation and fire flow for the proposed zone change. However due to the proposed increased density, we will need a hydraulic study by a third party to determine if the local existing infrastructure can handle the increase in use. The Water Department has no objections to the special use and limited design planned unit development as proposed.

-Submitted by Kyle Marine, Assistant Water Superintendent

PARKS:

The 2018 Trails and Bikeways Master Plan requires a twelve foot wide shared use path located along the north side of the Spokane River and the Site Plan indicated a sixteen foot trail along the north side of the river. The Parks Department has no objection to the LDPUD and the special use as proposed.

-Submitted by Monte McCully, Trails Coordinator

WASTEWATER:

Based on the 2013 Sewer Master Plan (SMP) Appendix J, this subject property falls under the Mill River Sewer Lift Station Basin which was modeled for 17 units per acre. There is currently a ten inch (10") sewer line in Shoreview Lane. The SMP requires this property to connect to the public sewer at the east end of Shoreview Lane and extend said public sewer "to and through" the subject property to their easterly property line. Since sewer capacity falls under a "1st come 1st served basis", and while the City presently has the capacity to serve this Special Use's proposed density increase to R-34, depending on this Special Use's development and the adjacent Atlas Mill Project's Development schedule and sewer flows, the City will monitor sewer flows to evaluate available capacity in the public sewer and each development will be subject to paying for their respective equitable share of increasing the capacity of the Sewer Collection System within Shoreview Lane to the Mill River Sewer Lift Station or equivalent.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department works with the Streets & 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-2015) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire

Evaluation: *City Council 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.*

LIMITED DESIGN PLANNED UNIT DEVELOPMENT FINDINGS:

REQUIRED FINDINGS FOR LIMITED DESIGN PLANNED UNIT DEVELOPMENT:

Pursuant to Section 17.07.275, Limited Design Planned Unit Development Review Criteria, a limited design planned unit development may be approved only if the proposal conforms to all of the following criteria:

A. Finding A: The proposal produces a functional, enduring, and desirable environment.

The applicant has submitted a site plan, site renderings, and building elevations that indicate how the project is to be developed. See the applicant's site plan on page 6 and the building elevations and renderings on pages 7 through 9 of this report.

The applicant has indicated how it proposes to meet this finding in the below response.

Applicant's Response:

The purpose of this proposal is to provide for a unique apartment living community. Approval of this limited design PUD will allow for construction of Coeur d'Alene's only true waterfront apartment community, complete with approximately 1,600 feet of riverfront and those associated amenities. This project proposes to work on harmony with the City and extend public water front access along the entire waterfront. The pedestal style interior corridor apartments, complete with below grade parking garages, will provide a type of living opportunity in Coeur d'Alene currently only found in condominiums or the Lake Tower Apartments. As such, this PUD will become a functional, enduring, and desirable community for Coeur d'Alene's residents. Additionally, this development fills a visible hole in the City's and Ignites River District Plan and compliments the city's own development proposal adjacent to and directly to the east, known as the City's Atlas Waterfront Project. This project would then provide the larger apartment community to supplement the proposed 'Neighborhood Retail' area on the Atlas sites westerly side.

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal would produce a functional, enduring and desirable environment.*

B. Finding B: The proposal is consistent with the city comprehensive plan.

Please see staff's comments on pages 18 thru 22 of this report in regards to the City's Comprehensive Plan. A map of the 2018 Trails and Bikeways Master Plan showing the location of a 12-foot shared-use path transecting the subject site is located below, on page 35 of this report. The applicant has increased the trail width to sixteen feet.

The applicant has indicated how it proposes to meet this finding in the below response.

Applicant's Response:

The City's 2007 Comprehensive Plan places the subject property within the Spokane River District with a land use designation of Transition. This District is envisioned to consist of mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. Within this district, the comprehensive plan states that pockets of denser housing are appropriate and encouraged, and that the scale of the development will be urban in nature, promoting multi-modal connectivity to downtown and the adjoining Atlas site. In order to achieve the desired development patterns within each district, the Comprehensive Plan utilizes a collection of goals, policies, and objectives. Please see attached documents for reference.

The development of the site will re-develop and enhance a blighted part of our community; provide high quality infill residential housing; and provide opportunity for many Coeur d'Alene residents to enjoy the unique qualities of living in a waterfront apartment community. Infrastructure to support this development is already in place, and will be enhanced as development progresses.

This unique proposal for waterfront apartment development will provide housing within comfortable walking/biking distances to commercial and recreational nodes such as Riverstone, the Kroc Center, the Centennial Trail and the proposed Atlas site. Any commercial development of C-17 zoned property adjacent to Seltice Way will provide live/work employment opportunities for the adjoining properties.

The proposed PUD will provide for continuity and support existing riverfront development, thus meeting the goals for maintaining compatible land uses adjacent to existing neighborhoods. The riverfront housing will add a quality riverfront neighborhood to the city's rental landscape. The extension of water and sewer through the property will also make service available to properties not currently serviced and facilitate development of the Atlas Mill site., an adjacent undeveloped waterfront site.

The comprehensive plan makes public access to the river and lake shorelines a priority. In order to accomplish that goal, we have provided for creation of an 80-foot-wide open space along the entire 1,600+/- feet of river frontage. The first 40' of open space from the river is public which include a 16'-wide multi-use paved trail connectivity and will be graded, landscaped with access to the river. The remaining 40' is private open space within the 80'-wide open space which provides for a maximized view corridor as required in the annexation agreement. There are a number of boat docks provided to the public.

The property south of the rail corridor lies within the Shoreline Overlay and within a flood hazard area. Historical heavy industrial activities along the shoreline associated with the mill operations have left much of the property within the shoreline overlay in poor condition. Shoreline erosion due to boat caused wave action and dilapidated bulkheads is problematic, and needs to be remedied. To that end, the owner is proposing to engage in grading operations along the shoreline so as to reshape and stabilize the area adjacent to the river. The result will be building envelopes located above base flood elevations and gentle slopes from the building envelopes to the river's edge. The slopes and shoreline will be stabilized and landscaped in such a way as to ensure future stabilized shoreline.

2018 TRAILS AND BIKEWAYS MASTER PLAN:



Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal is or is not consistent with the city comprehensive plan. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

C. Finding C: The building envelope(s) is compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off street parking, open space, privacy and landscaping.

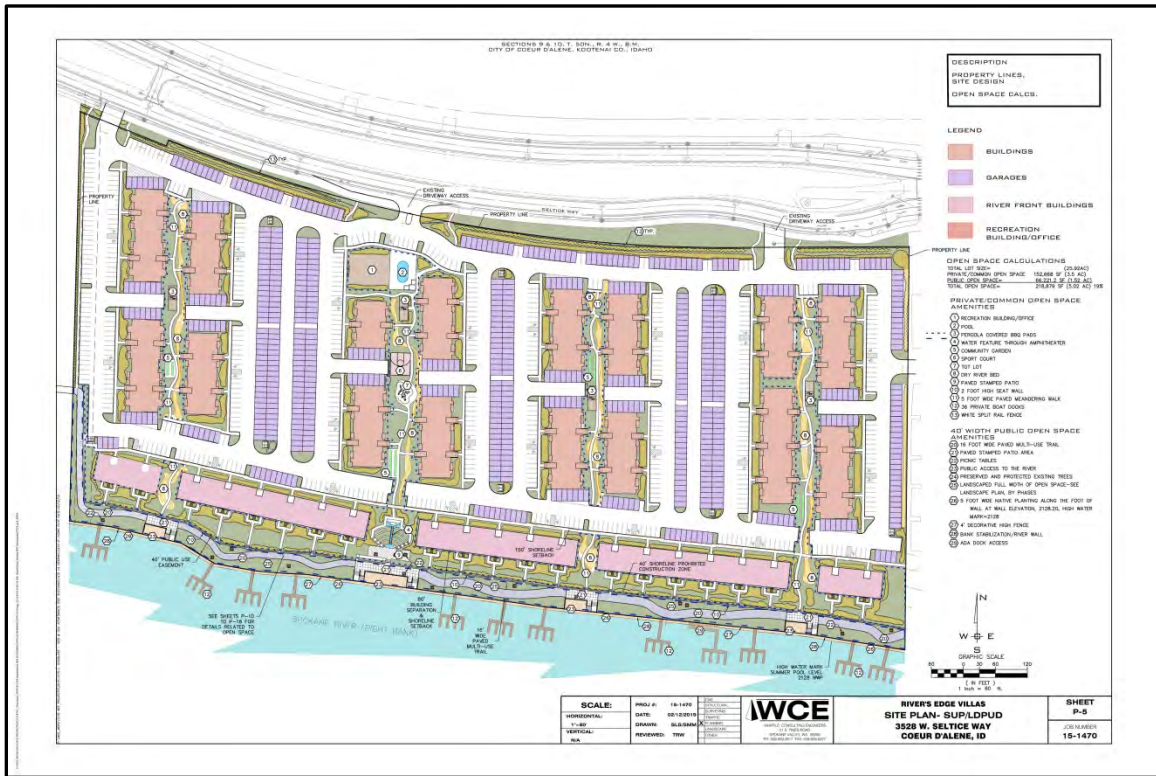
The applicant has submitted a site plan, off street parking plan, and a plan showing the building envelopes. See applicant's site plan and off-street parking plan is on page 38 and the building envelope plan is on page 37 of this report.

The applicant has indicated how it proposes to meet this finding in the below response.

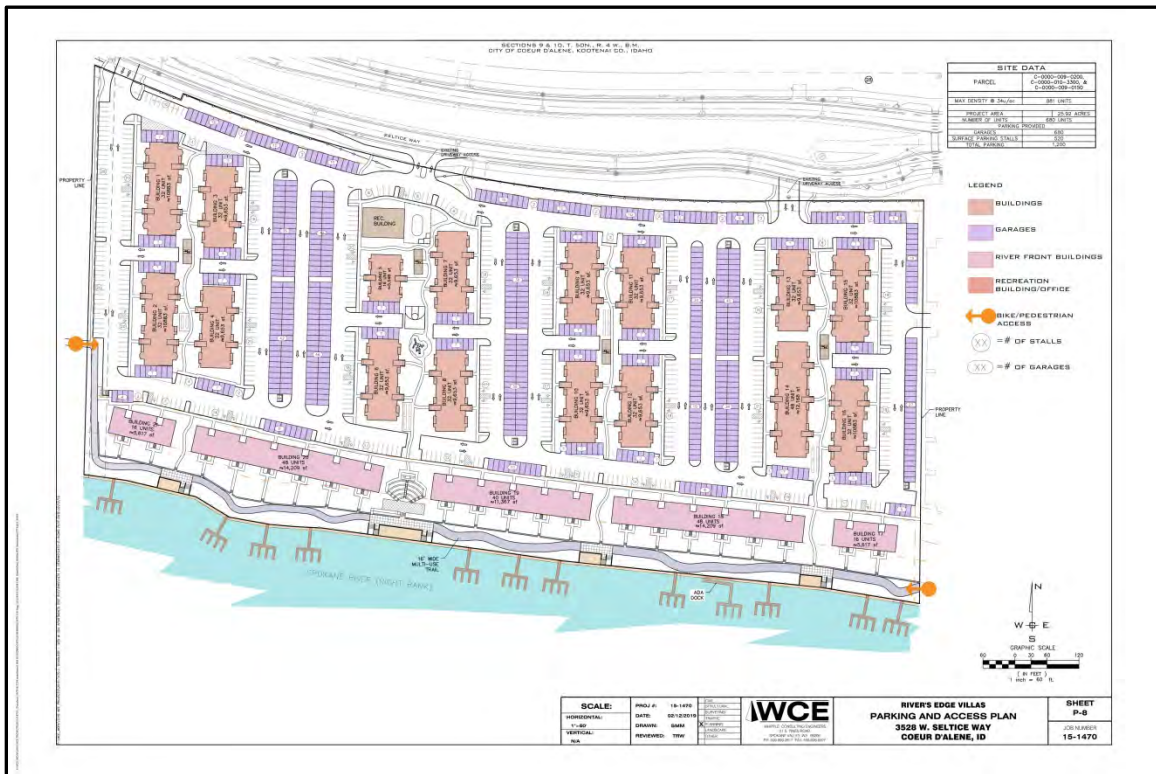
Applicant's Response:

The commercial properties located to the north of this PUD are buffered from any impact by the 140-180' wide Seltice Way right of way. The property to the west consists of the US bank call center and riverfront single family housing in the Mill River subdivision. The building envelopes are set back approximately 80 feet from the call center property, and the adjacent riverfront single family houses are located adjacent to the 80' wide riverside greenbelt. There is no anticipated impact to the vacant property to the east which is now the subject of the City's Atlas Mill Redevelopment project and for which we are or will be compatible use. Additionally, the design and planning of the site mimics that of the Mill River project located adjacent to the western boundary of the subject property in-so-much that residential uses span from the waterfront to Seltice Way. Properties across Seltice Way are commercial in nature, which is compatible and fitting with the proposed PUD. The influx of residents to this area will bring within it the financial surety to promote redevelopment of these properties.

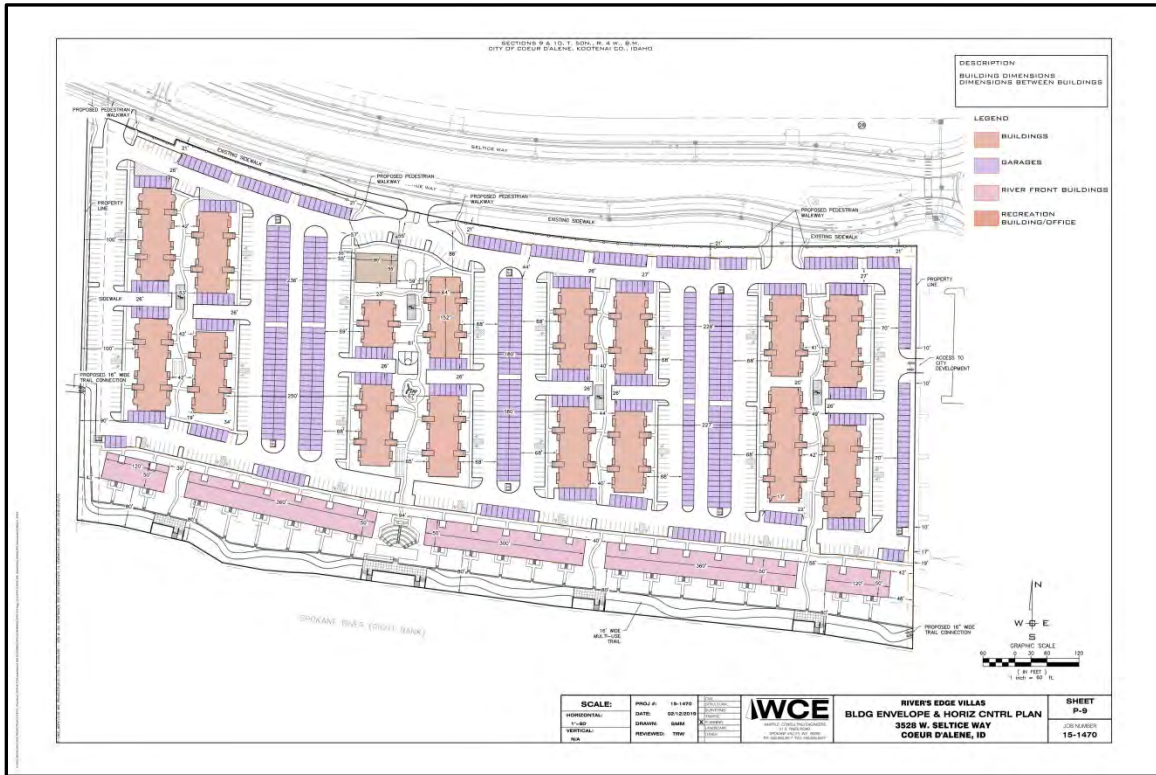
SITE PLAN:



OFF STREET PARKING PLAN:



BUILDING ENVELOPE PLAN:



Evaluation: *The City Council must determine, based on the information before them, whether or not the building envelope(s) is compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off-street parking, open space, privacy, and landscaping.*

D. Finding D: **The proposal is compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habitats and watercourses.**

The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately thirty-foot elevation drop on the applicant's overall property and a fifteen-foot elevation drop on the subject property. There are no topographical or other physical constraints that would make the subject property unsuitable for the request.

TOPOGRAPHIC MAP:



The applicant has indicated how it proposes to meet this finding in the below response.

Applicant's Response:

The proposed PUD will utilize the natural features of the site, providing for an 80' building setback from the water. Generally speaking, the site slopes gently from the Seltice Way towards the river and the only grading proposed will be that associated with creating building pads, associated parking and access.

Additionally, the riverside greenbelt will be graded in such a manner so as to make it better accessible and useable for open space and recreation. As that area exists today, it still bears the scars left from nearly 100 years as an active mill site, thus the need for grading and other improvement. As mentioned above, the character of the development mimics the adjoining properties, and the development of the proposed PUD will result in the rejuvenation of an industrial site into a vibrant and unique waterfront neighborhood.

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal is compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habitats and watercourses.*

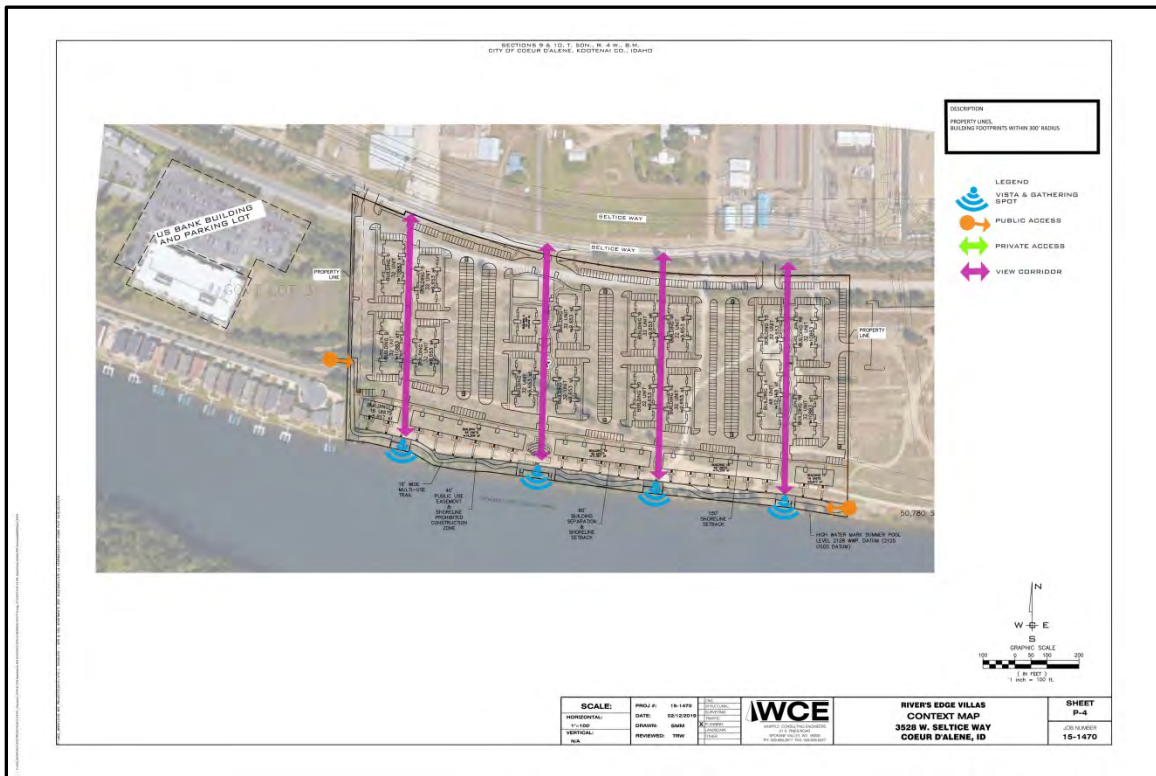
E. Finding E: The proposal provides adequate common open space area, as determined by the City Council, no less than ten percent (10%) of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

The applicant is proposing both public and private open space areas as part of this project. The open space requirement for a Limited Design PUD is no less than 10% of the gross land area and the applicant's proposed project will have a total of 19% open space. The applicant is proposing a total of 5.02 acres of open space that will consist of 1.52 acres of public open space and 3.52 acres of private open space. There will be a two-foot sitting wall that will separate the public open space area from the private open space areas.

The public open space is located adjacent to the river and is 40 feet wide by approximately 1,600 feet long. A twelve-foot wide multipurpose trail is shown in the public open space area that will traverse the property and will have trail connections to the adjacent properties to the east and the west of the subject site. There are three public access areas to the river that is located in the 40-foot public open space area. See *Public Open Space Plan on Pages 11 & 12*

The applicant has also submitted a plan that shows where the public and residents of the development will be able to access the open space. Please see map of open space access points on the map below on page 43 of this report.

MAP OF PUBLIC AND PRIVATE ACCESS POINTS TO OPEN SPACE:



The applicant has indicated how it proposes to meet this finding in the below response.

Applicant's Response:

As proposed, we've provided nearly seven acres (approximately 27%) of recreational open space available and accessible to all users of the development. That open space consists of an 80' wide riverside greenbelt reminiscent of the one adjacent to the Dike Road at the NIC campus. Connecting greenspace corridors and landscape areas connect each one of the buildings to the riverside greenbelt, thus providing pedestrian accessibility to approximately 1600 feet of waterfront.

There are two types of open space provided with this development private and public open space. The common/private open space consists of approximately 3.52 acres of beautifully landscaped slopes with a number of amenities for the apartment dwellers. A 5,500-sf recreation building which houses a lounge and workout room opens to a fenced in pool with pergola covered BBQ pads and a large lounge area centralized for all residence in the complex. This main common/private open space corridor will vary in width from 115-feet to 150 feet with community gardens, a sport court, a 5' wide paved meandering path, picnic, BBQ and gathering areas with tables, the BBQ areas will be identified with pergolas for sense of space. There is a large fire pit proposed which extends into a large patio with tables at the same elevation as the River front buildings. Additional private open space has more gathering spaces, a tot lot, and community gardens throughout the property connected by the paved paths. Theses paths run throughout the site connecting residence to all amenities on site as well as the river and the east/west multi-use path for additional offsite connectivity. The open space corridors have dry stream beds incorporated within their landscape environments which run down each corridor leading the eye downstream toward the river. To add some additional northwest beauty and screening between buildings will be implemented with the use of evergreen and deciduous trees, shrubs and grasses for a unique outdoor experience.

The public open space is located in the first 40-feet north from the Spokane River, this public open space will cover nearly 1.5 acres across the full length of property. The public has access using the east and west entrances to the proposed 16' wide paved multi use trail from the City's proposed mixed-use property and the Mill River trail connections. The 16' wide paved multi-use

trail meanders across this swath of land joining in four places to paved patios with tables and chairs providing access to the vista viewpoints. These public patios will have access the Spokane River by stairs off of each patio. The bottom of the stairs is proposed to be constructed at summer pool level of the Spokane River so as to put visitors right at the summer river level

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal provides adequate common open space area, as determined by the City Council, no less than ten percent (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.*

F. Finding F: **The location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.**

As part of this application, the applicant has submitted a Trip Generation and Distribution Letter (hereinafter "TGDL"). The TGDL was prepared by the applicant's Engineer and discusses in depth the potential traffic that could be generated by commercial and residential uses. The TGDL, dated December 6, 2018, is Attachment 3 at the end of this report.

The applicant has indicated how it proposes to meet this finding in the below response.

Applicant's Response:

The design of the proposed PUD is such that it can be adequately served by Seltice Way, which is considered an Arterial under the City's transportation master plan. There will be three access points to Seltice Way, the primary of which consist of a proposed roundabout similar to the one at the intersection of Grand Mill Blvd and Seltice Way.

The other two accesses will be right in/right out and are secondary in nature. They will be stop controlled like any other "commercial" approach to a public street. Alternatively, this project can be served by three stop controlled right in/right out accesses. The 16' multi-use trail system will be designed with for east west travel between the Atlas Mill redevelopment and Mill River. Lastly vehicular access between this site and the Atlas Mill site can be accommodated along this project's easterly boundary to accommodate this connection which ultimately will provide access to the Seltice and Atlas roundabout.

STREETS:

The subject property is bordered by Seltice Way (formerly Highway 10) to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. This existing roadway is a newly constructed street section and will not require street improvements. When Seltice Way was designed and constructed, development on the subject property was anticipated. The applicant's engineer provided trip generation data to the design team to ensure that the roadway was designed to handle the development potential of the site and surrounding properties. Additionally the Seltice Way roadway design included three access points to the subject property and a right-turn lane. The Streets and Engineering Department has no objection to the special use and limited design planned unit development as proposed.

- Submitted by Chris Bosley, City Engineer

TRAFFIC:

As noted above, the subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. When Seltice Way was designed, the applicant's engineer provided trip generation data to the design team to ensure that the roadway was designed to handle the development potential of the site and surrounding properties. The proposed special use and limited design planned unit development will allow the developer to construct high density residential apartments, whereas the current zoning would allow commercial facilities, residential uses (single-family and multi-family), and/or a mix of uses permitted under C-17 on the majority of the property. The anticipated traffic under the proposed rezoning is expected to be approximately half of the traffic volumes that could be expected from a commercial development on the property. According to the December 6, 2018 traffic generation letter by Whipple Consulting Engineers, when the proposed development consisted of 850 apartment units, approximately 6,386 trips per day could be generated by the development at full build-out, compared to 11,421 trips per day generated from a mix of commercial and residential as allowed under current zoning. The revised proposal of 680 apartment units is expected to have some traffic impacts on Seltice Way and Northwest Boulevard, but less than what could be generated from a development allowed under the current zoning. A Traffic Impact Study has also been conducted by Welch-Comer Engineers to quantify the impacts of all proposed developments in the area. The findings and recommendations of the report have been considered in this analysis for the applicant's requests. The Streets & Engineering Department has no objection to the special use and limited design planned unit development as proposed. Any development will have to comply with City policies and ordinances under the conditions existing at the time of construction and, therefore, the Streets & Engineering Department will review the final plans at that time.

-Submitted by Chris Bosley, City Engineer

Evaluation: *The City Council must determine, based on the information before them, whether or not the location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.*

G. Finding G: The proposed setbacks provide:

- 1) Sufficient emergency vehicle access;**
- 2) That neighborhood character will be protected by adequate buffering;**
and
- 3) For maintenance of any wall exterior from the development's property.**

The applicant is proposing the following modification in regards to setbacks:

1. Side Yard Setback of 40 feet within the 150-foot shoreline setback rather than 20% of the average width of the lot as required for structures within the 150 shoreline setback. ($1,600 \times .20 = 320$ feet)
2. To allow construction of the public open space adjacent to the shoreline within the 40' shoreline prohibited construction zone.

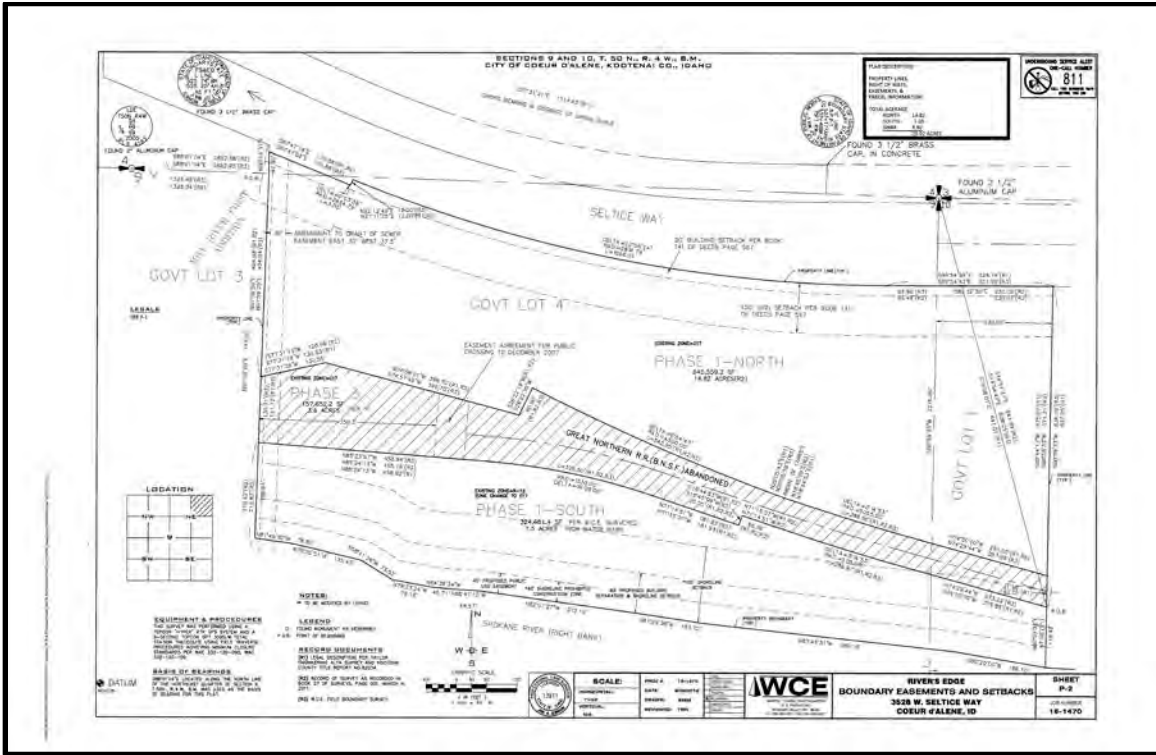
FIRE:

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

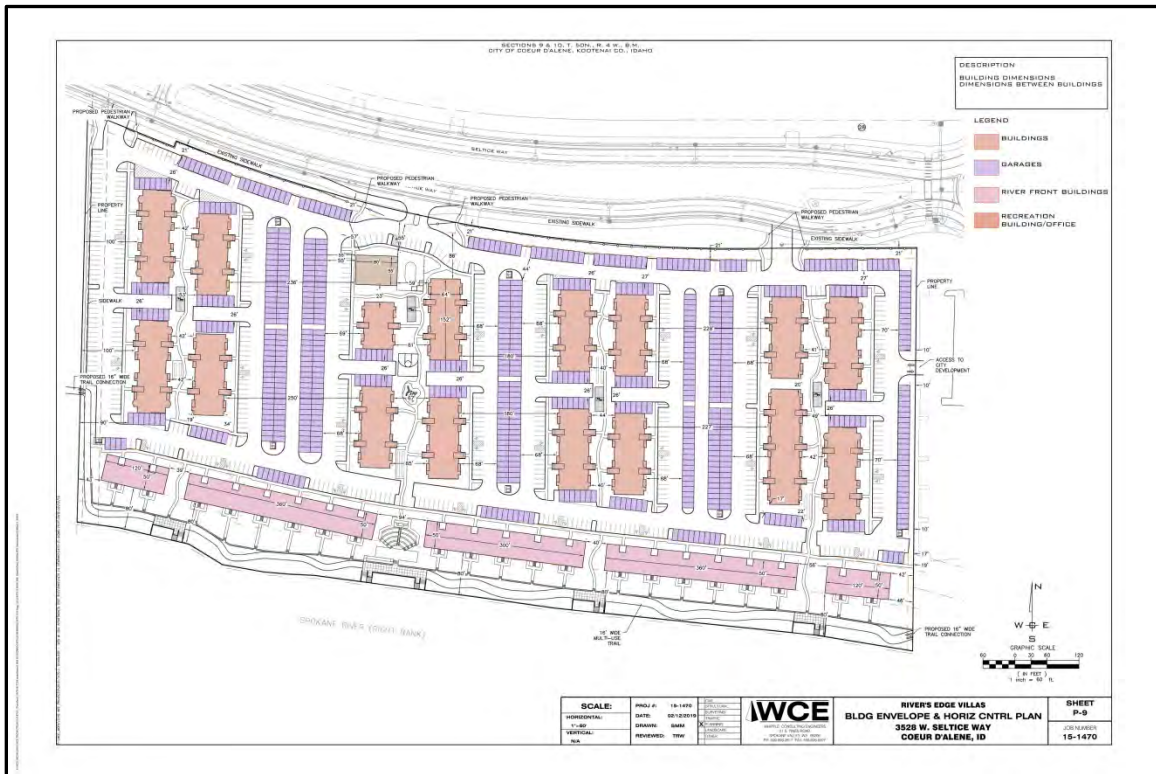
Fire department access to the site (road widths, surfacing, maximum grade, and turning radiuses), in addition to, fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation OR during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC-2015) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire

BOUNDARY EASEMENTS AND SETBACKS MAP:



BUILDING ENVELOPMENT MAP:



The applicant has indicated how it proposes to meet this finding in the below response.

Applicant's Response:

The site building envelopes are situated such that there is adequate access per fire code having drive aisles within 40 feet of all buildings. As described above, the setbacks are such that all adjacent uses are sufficiently buffered with setbacks well above those required by code. As such, all exterior wall maintenance can be adequately accomplished from within the boundaries of the site.

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposals setbacks provide, for sufficient emergency vehicle access, that neighborhood character will be protected by adequate buffering, and for the maintenance of any wall exterior from the development's property.*

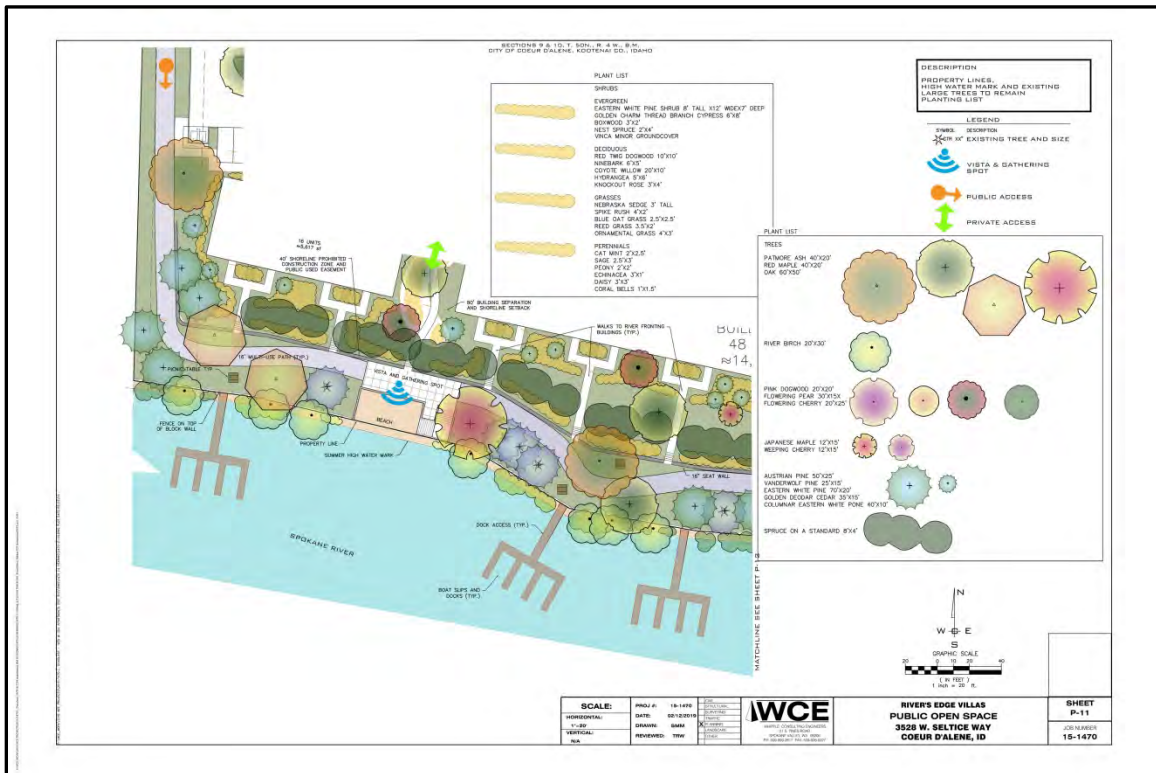
H. Finding H: The proposed building envelope(s) will provide for adequate sunlight, fresh air and usable open space.

In addition to the building envelop plan on page 44 of this report the applicant has also submitted a landscaping plan and open space plan as part of this application. See applicant's landscaping plan and open space plan below on pages 46 through 47 of this report.

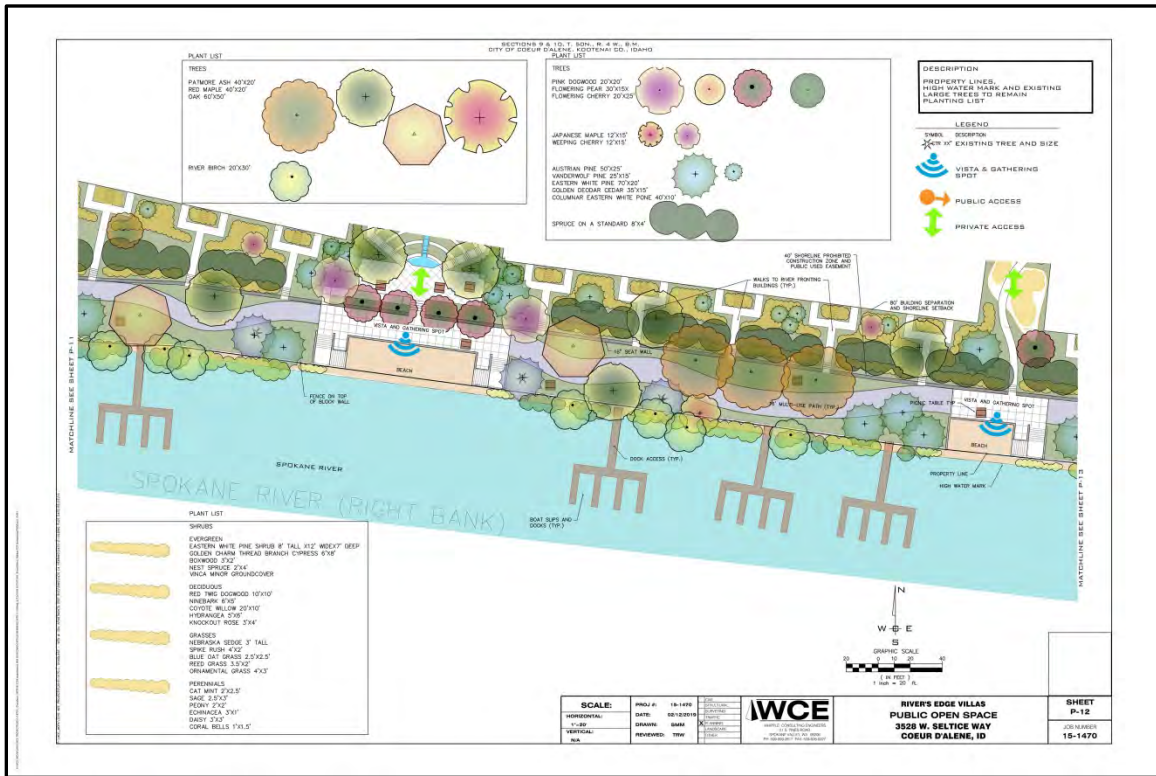
LANDSCAPING PLAN:



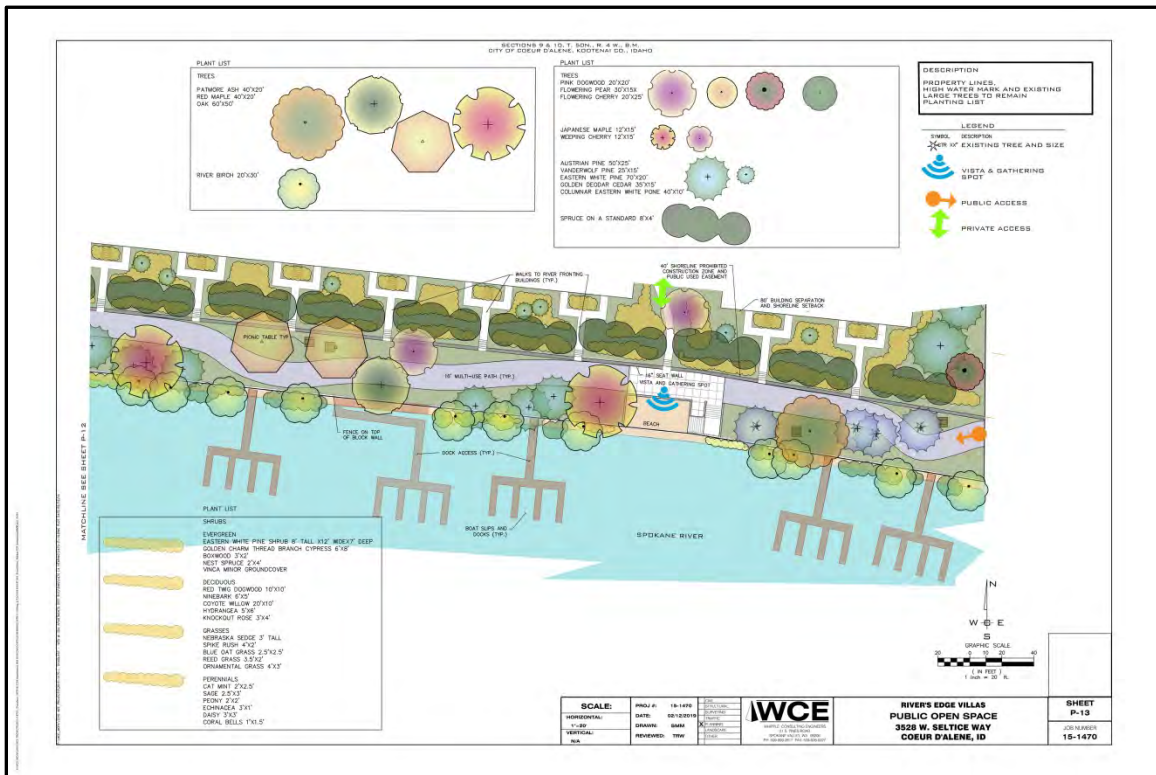
PUBLIC OPEN SPACE – 1:



PUBLIC OPEN SPACE – 2:



PUBLIC OPEN SPACE – 3:



The applicant has indicated how it proposes to meet this finding in the below response.

Applicant's Response:

The site building envelopes have one full side which provides for unique private open space experience with beautifully landscaped corridors running north and south through the site down accessing the public open space adjacent to the River. These corridors are each unique with a variety of amenities of BBQ pads, community gardens, a sport court, tot lot and dry steam bed landscaped to enhance view to and from buildings. Meandering paths take one to any of the apartments, recreation building, lounge area and pool. Open space abounds this site allowing for needed sunlight in the open spaces. In addition to the nearly 5 acres of recreational open space described above, there is an additional 3+ acres of landscape area associated with this development. The result is over 27% of the site consists of open space and landscape corridors, providing more than adequate sunlight, fresh air, and usable recreational open space.

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposed building envelope(s) will provide for adequate sunlight, fresh air and usable open space.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

- All proposed utilities within the project shall be installed underground.
- 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.
- All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

STREETS:

- Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
- All required street improvements shall be constructed prior to issuance of, or, in conjunction with, building permits.
- An encroachment permit is required to be obtained prior to any work being performed in the existing right-of-way.

STORMWATER:

- 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.

PROPOSED CONDITIONS:

- 1) The Special Use Permit and Limited Design Planned Unit Development approvals would only go into effect if the Zone change is approved by City Council in item ZC-4-18
- 2) The Annexation Agreement must be revised if the requests are approved. The Annexation Fee will need to be adjusted to reflect the 34 units per acre calculation. All other fees and applicable conditions would be addressed in the amended annexation agreement, as well as any conditions that have already been satisfied. The Annexation Agreement should also include a Phasing Plan of the development.
- 3) Any additional water main extensions, fire hydrants, services, and related appurtenances will be the responsibility of the developer at its expense.
- 4) Any additional water service will have cap fees due at the time of application for building permits.
- 5) There will need to be a hydraulic study done by a third party to determine if the local existing infrastructure can handle the proposed increase in use.
- 6) The applicant will be required to provide a looped water system with the property at the time of development.
- 7) Wastewater will require this Special Use Development to pay for its equitable share for upsizing of the sewer main in Shoreview Lane or equivalent.
- 8) An extension of a City approved public sanitary sewer “to and through” the subject property and conforming to City Standards and Policies shall be required prior to issuance of building permits.
- 9) A utility easement or R/W for the public sewer shall be dedicated to the City prior to issuance of building permits.
- 10) An unobstructed City approved “all-weather” access shall be required over all public sewers.
- 11) Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
- 12) This LDPUD shall be required to comply with the City’s One Lot-One Lateral Rule.
- 13) All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the LDPUD’s Owner at no cost to the City.
- 14) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 15) The first phase of the project must include the installation of Public Open Space and a sixteen foot wide trail along the river.
- 16) An Open Space and Public Access easement in favor of the City of Coeur d’Alene must be recorded prior to construction.
- 17) The applicant will be required to pay all impact and capitalization fees at the time of application for building permits. If the City’s impact fees haven’t been updated at the time of permits, the applicant would also be subject to paying an additional proportionate traffic mitigation fee to cover traffic mitigation measures recommended in the Atlas/Riverstone Traffic Impact Study.

- 18) In compliance with Sewer Policy #710 (RES 15-007) and the 2013 Sewer Master Plan, Phase 1 of this development will be required to extend public sewer “to and through” the entire subject property within a City approved utility easement dedicated to the City so as not to deny public sewer access to the adjacent property to the east.

Additional Proposed Conditions:

- 19) A trail connection to Seltice Way along the western boundary of the property within the HARBS easement shall be provided with the first phase.
- 20) The project shall be required to go through the City’s Design Review Commission for review and approval of the design.
- 21) The project shall also be required to be reviewed by the City’s Police Department for consistency with CPTED (Crime Prevention through Environmental Design) principles.

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:

The City Council will need to consider this appeal and make appropriate findings for both the Special Use Permit and Limited Design Planned Unit Development requests. Council may: (1) affirm the decision made by Planning Commission; (2) overturn the denial and approve the project as now proposed; (3) approve the project with conditions imposed by Council; or (4) remand back to the Planning Commission for further findings if deemed necessary.

Please note that the findings worksheets from the December 11, 2018 Planning Commission meeting for the two items are attached for reference.

Attachments:

- Attachment 1 – Memorandum of Understanding between the Applicant and the City - MOU
Attachment 2 – Applicant’s Narrative and Updated Narrative
Attachment 3 – Trip Generation and Distribution Letter TGD
Attachment 4 – Resolution 14-049 supporting public waterfront for public use
Attachment 5 – CDA 2030 Implementation Plan- Public access to waterfront
Attachment 6 – Appeal Letter dated January 10th, 2019
Attachment 7 – Planning Commission’s meeting minutes from December 11th, 2018.
Attachment 8 – Planning Commission Findings from December 11th, 2018.

City Council Meeting



March 5, 2019

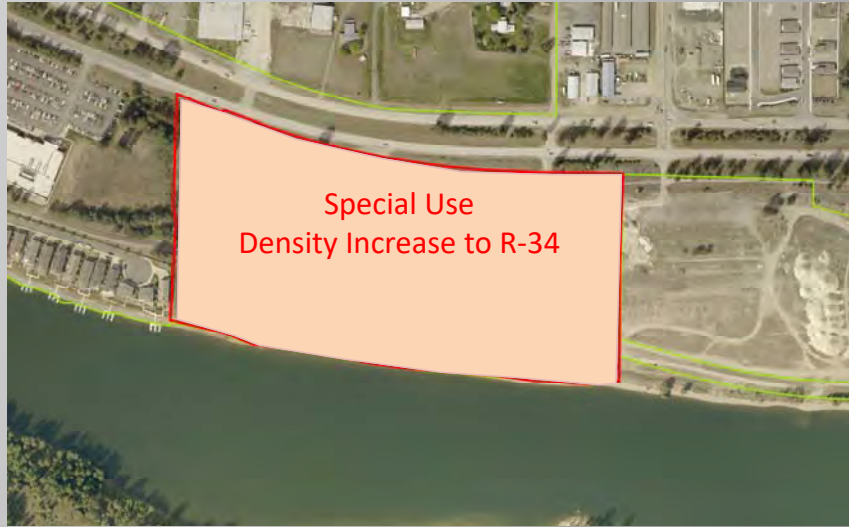
City Council Meeting

Tonight's Public Hearings



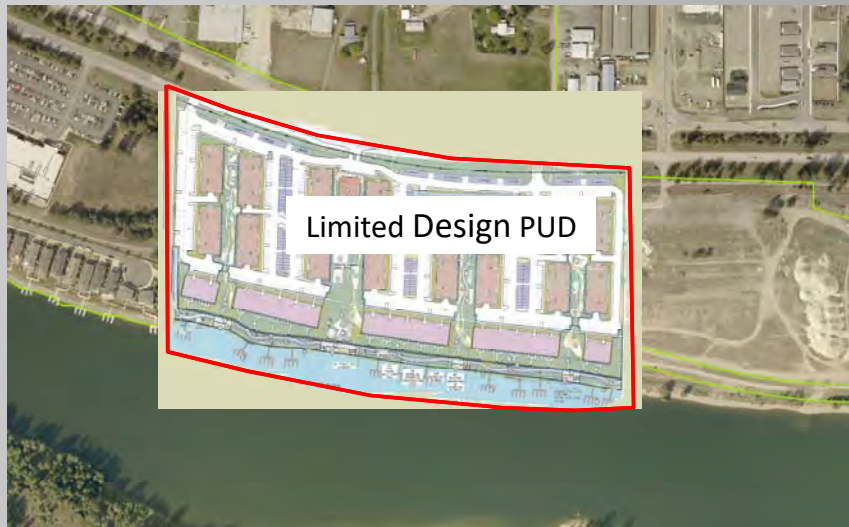
City Council Meeting

Tonight's Public Hearings



City Council Meeting

Tonight's Public Hearings



City Council Meeting

PUBLIC HEARING PROCESS:

- Open Hearing
- Staff Report
- Co-applicant Presentation – *City of Coeur d’Alene*
- Appellant Presentation – *River’s Edge*
- Public Comment
- Appellant Response
- Close Public Hearing
- Deliberation
- Findings



City Council Meeting



APPEAL HEARING SP-11-18 and LDPUD-1-18

March 5, 2019

Special Use – Density increase to R-34
Limited Design PUD – Apartment Development



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

APPLICANT/OWNER:

River's Edge Apartments LLC
1402 Magnesium Road
Spokane, WA 99217

CO-APPLICANT/OWNER:

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



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

LOCATION:

Property located at 3528 W. Seltice Way

LEGAL NOTICE:

Published in the CDA Press on February 16, 2019.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

Aerial Photo



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

Aerial – Birds Eye View



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

Aerial – Birds Eye View



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

REQUESTS:

- A Special Use Permit for a density increase to an R-34 density that will allow the construction of a 680 unit residential apartment complex on approximately 25 acres.

AND;

- A Limited Design Planned Unit Development that will allow the construction of a 680 unit residential apartment complex on approximately 25 acres, with the following modifications from the required code.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

PRIMARY CHANGES TO PROPOSAL MADE BY APPLICANT FOR THIS APPEAL:

Units:	From 850 to 680
Number of Apt. Buildings:	From 19 to 21
3-Story Parking Structure:	From 1 to 0
Open Space:	From 27% to 19%
Parking Spaces:	From 1,747 spaces to 1,200
Trail width:	From 11' to 16'
Stick-Built Garages:	From 238 to 680

Height of Buildings within 150 feet of Shoreline:	From 75' to 55'
Height of Buildings outside the 150 feet of Shoreline:	From 85' to 63'



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

REQUESTED MODIFICATIONS:

1. Maximum Building Height of 55 feet within the 150 foot shoreline setback rather than 32 feet as required for structures within the 150 foot shoreline setback.
2. Side Yard Setback of 40 feet within the 150 foot shoreline setback rather than 20% of the average width of the lot as required for structures within the 150 foot shoreline setback. (1,600 x .20 = 320 feet)
3. To allow construction of the public open space adjacent to the shoreline within the 40' shoreline prohibited construction zone.



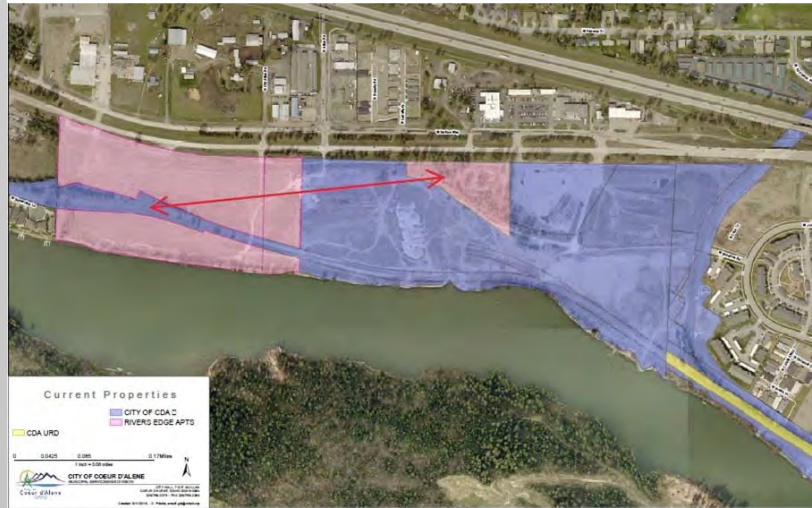
SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

4. To allow construction of boat docks and the ramp connection from the water area to the 40' shoreline prohibited construction zone.
5. To allow this project to be exempt from the City's Hillside Ordinance requirements.
6. To allow parking spaces to be located outside of the 200 feet from a living unit requirement.



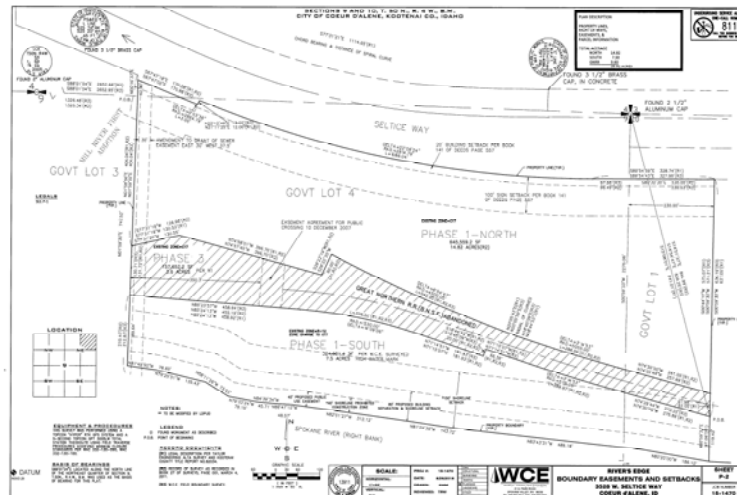
SP-11-18 Special Use - density increase to R-34
LDPUD-1-18 - 680 Unit Apartment Development

MOU - Proposed Land Exchange Map



SP-11-18 Special Use - density increase to R-34
LDPUD-1-18 - 680 Unit Apartment Development

Survey



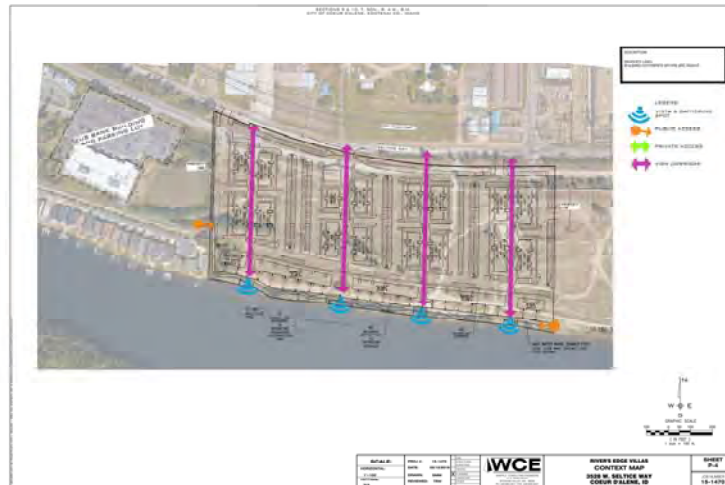
SP-11-18 Special Use - density increase to R-34
LDPUD-1-18 - 680 Unit Apartment Development

Site Plan



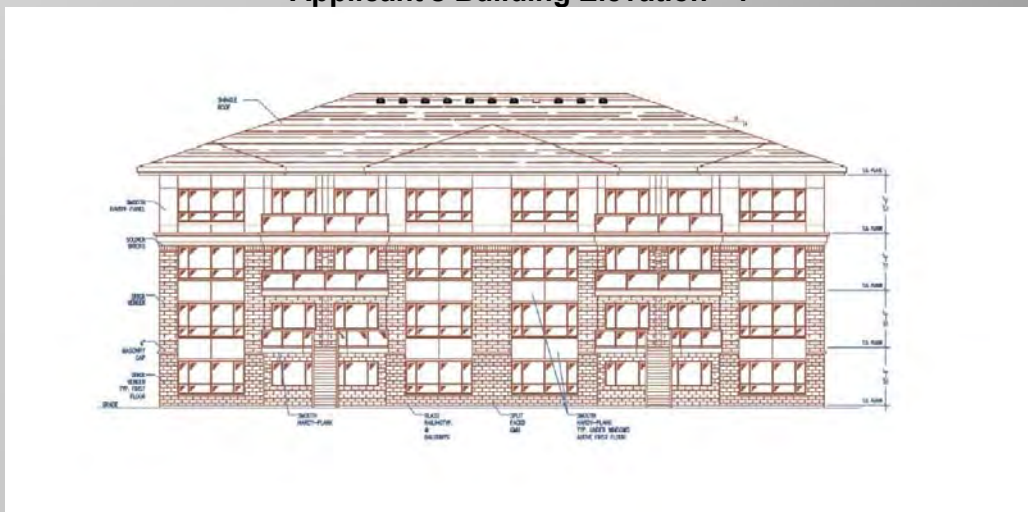
SP-11-18 Special Use - density increase to R-34
LDPUD-1-18 - 680 Unit Apartment Development

View Corridor Plan



SP-11-18 Special Use – density increase to R-34
 LDPUD-1-18 – 680 Unit Apartment Development

Applicant’s Building Elevation - 1



SP-11-18 Special Use – density increase to R-34
 LDPUD-1-18 – 680 Unit Apartment Development

Applicant’s Building Elevation - 2



SP-11-18 Special Use - density increase to R-34
LDPUD-1-18 - 680 Unit Apartment Development

Applicant's Building Elevation - 3



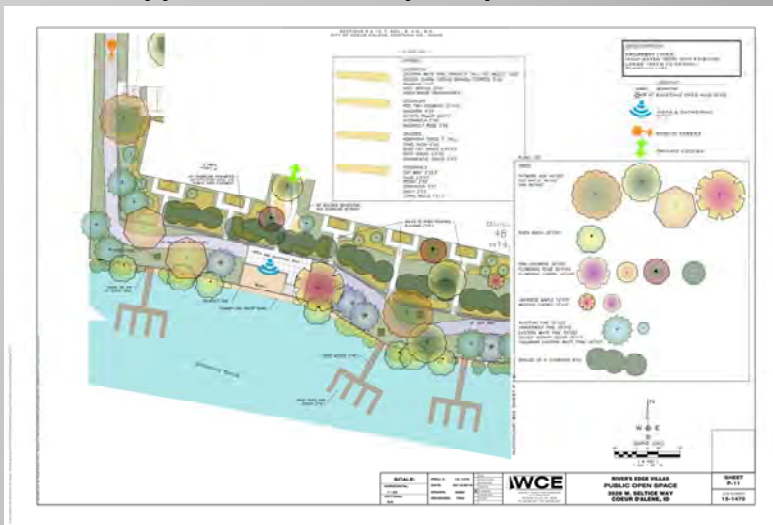
SP-11-18 Special Use - density increase to R-34
LDPUD-1-18 - 680 Unit Apartment Development

Applicant's Landscaping Plan



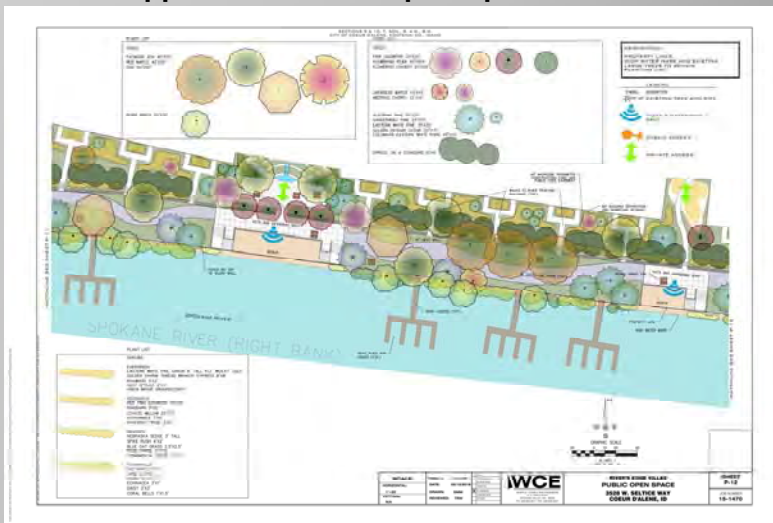
SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

Applicant's Public Open Space Plan - 1



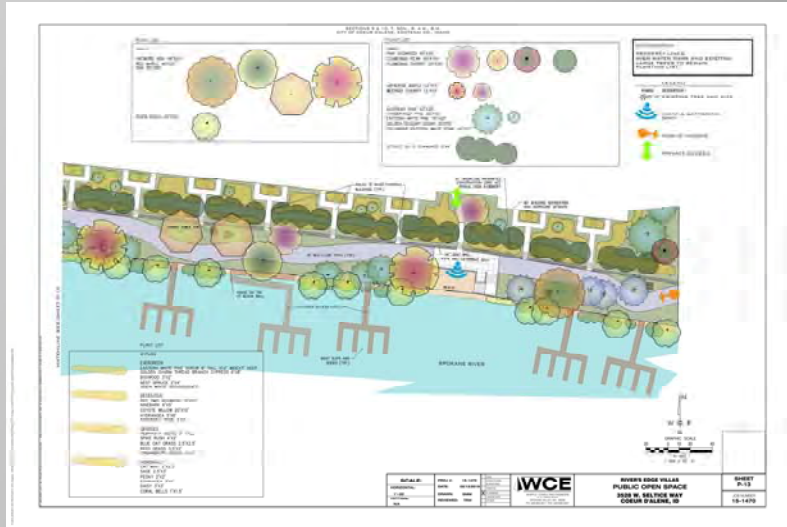
SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

Applicant's Public Open Space Plan - 2



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

Applicant's Public Open Space Plan - 3



City Council Meeting



Findings
Special Use Permit

SP-11-18 Special Use – density increase to R-34

Special Use Findings

Finding #B8A:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.

Finding #B8B:

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

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.

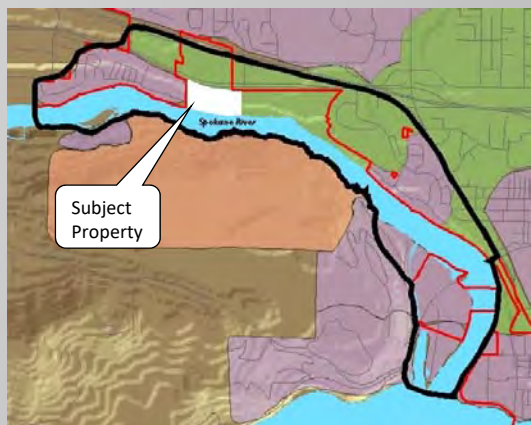


SP-11-18 Special Use – density increase to R-34

Special Use Findings

Finding #B8A:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.



**2007 Comprehensive Plan:
Spokane River District
(Transition)**

Legend

City Land Use Categories
by color:

- Stable established
- Transition
- Urban reserve

N

SP-11-18 Special Use – density increase to R-34

COMPREHENSIVE PLAN OBJECTIVES:

Objective 1.04 Waterfront Development:

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

Objective 1.05 Vistas:

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

Objective 1.09 Parks:

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



SP-11-18 Special Use – density increase to R-34

Site Photo - 1



SP-11-18 Special Use – density increase to R-34

Site Photo - 2



SP-11-18 Special Use – density increase to R-34

Site Photo - 3



SP-11-18 Special Use – density increase to R-34

Site Photo - 4



SP-11-18 Special Use – density increase to R-34

Site Photo - 5



SP-11-18 Special Use – density increase to R-34

COMPREHENSIVE PLAN OBJECTIVES:

Objective 1.13 Open Space:

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

Objective 1.16 Connectivity:

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

Objective 2.05 Pedestrian & Bicycle Environment:

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



SP-11-18 Special Use – density increase to R-34

Additional Information relating to the COMPREHENSIVE PLAN:

- In 2013, the City Council formed the Spokane River Corridor Advisory Committee, an ad hoc committee, tasked with studying potential development on the north shore of the Spokane River West of Riverstone in consideration of other developments along the river
- In 2014, the City Council adopted **Resolution 14-049** further supporting public acquisition of the waterfront for public use, protection of the riverfront and directing staff to conduct comprehensive planning for the Spokane River corridor from Riverstone to Huetter Road



SP-11-18 Special Use – density increase to R-34

Additional Information relating to the COMPREHENSIVE PLAN:

- There are at least six related action items CDA 2030 Implementation Plan that are in support of providing more public access to the waterfront, recreation opportunities, and preservation of view corridors.



SP-11-18 Special Use – density increase to R-34

Special Use Findings

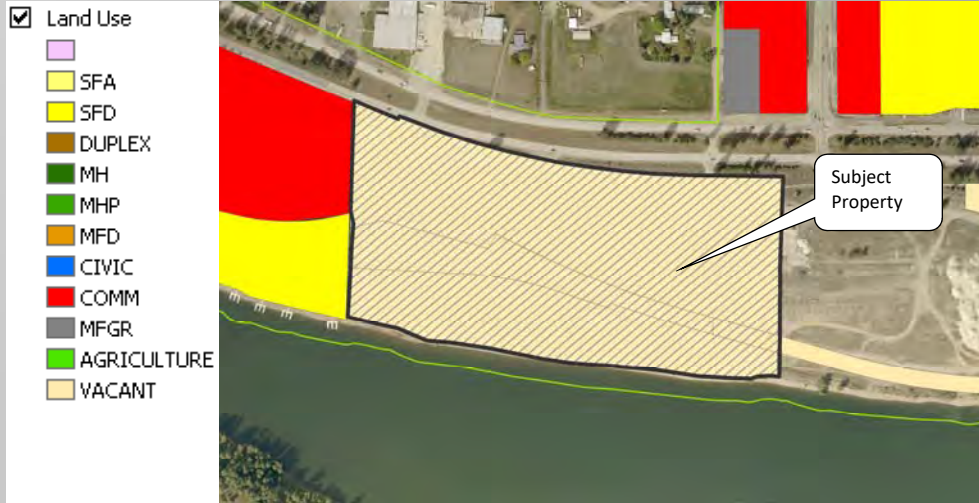
Finding #B8B:

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



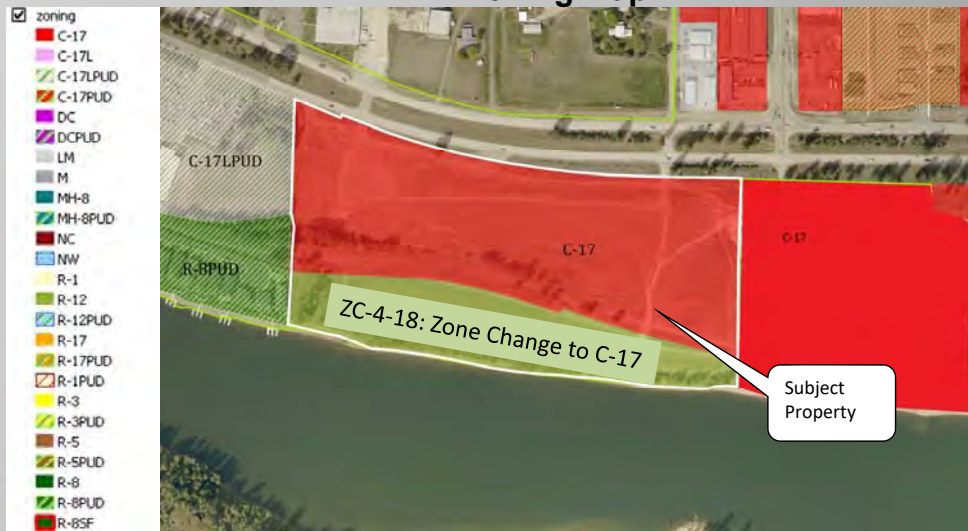
SP-11-18 Special Use - density increase to R-34

Land Use Map



SP-11-18 Special Use - density increase to R-34

Zoning Map



SP-11-18 Special Use – density increase to R-34

Special Use Permits - Map



SP-11-18 Special Use – density increase to R-34

Special Use Findings

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.

STREETS:

- The subject property is bordered by Seltice Way (formerly Highway 10) to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls.
- This existing roadway is a newly constructed street section and will not require street improvements.
- When Seltice Way was designed and constructed, development on the subject property was anticipated.

SP-11-18 Special Use – density increase to R-34

Special Use Findings

TRAFFIC:

- According to the December 6, 2018 traffic generation letter by Whipple Consulting Engineers, approximately 6,386 trips per day could be generated by the development at full build-out, compared to 11,421 trips per day generated from a mix of commercial and residential as allowed under current zoning.
- This is expected to have some traffic impacts on Seltice Way and Northwest Boulevard, but less than what could be generated from a development allowed under the current zoning

- Submitted by Chris Bosley, City Engineer

SP-11-18 Special Use – density increase to R-34

Special Use Findings

WATER:

- The newly reconstructed Seltice Way includes a 12” water main at the property frontage, which was a requested upgrade that was paid for by the applicant in anticipation of future development of the property.
- The applicant will be required to provide a looped system within the property.
- The proposed increased density, we will need a hydraulic study by a third party to determine if the local existing infrastructure can handle the increase in use.

-Submitted by Kyle Marine, Assistant Water Superintendent

SP-11-18 Special Use – density increase to R-34

Special Use Findings

PARKS:

The 2018 Trails and Bikeways Master Plan requires a twelve foot wide shared use path located along the north side of the Spokane River and the Site Plan indicated a sixteen foot trail along the north side of the river. The Parks Department has no objection to the LDPUD and the special use as proposed.

-Submitted by Monte McCully, Trails Coordinator

SP-11-18 Special Use – density increase to R-34

Special Use Findings

WASTEWATER:

- There is currently a ten inch (10”) sewer line in Shoreview Lane.
- The SMP requires this property to connect to the public sewer at the east end of Shoreview Lane and extend said public sewer “to and through” the subject property to their easterly property line.
- The development will be subject to paying for their respective equitable share of increasing the capacity of the Sewer Collection System within Shoreview Lane to the Mill River Sewer Lift Station or equivalent.

-Submitted by Mike Becker, Utility Project Manager

SP-11-18 Special Use – density increase to R-34

Special Use Findings

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.
- The City of Coeur d’Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire

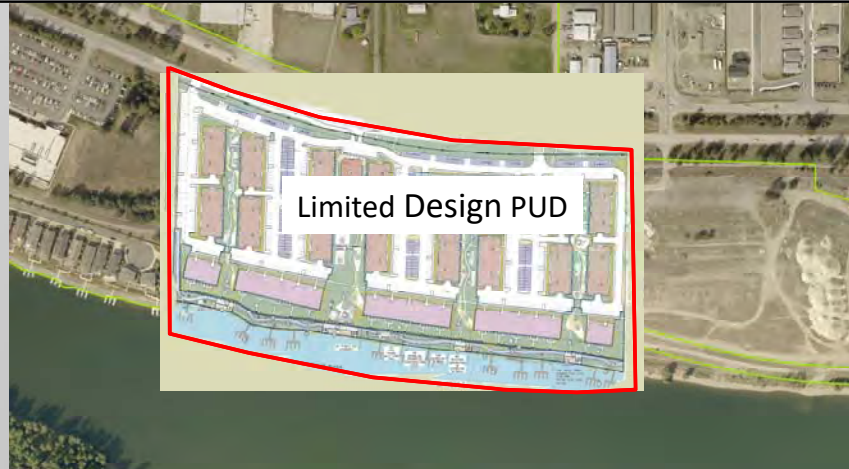
City Council Meeting



Findings

Limited Design Planned Unit Development

LDPUD-1-18 – 680 Unit Apartment Development



LDPUD-1-18 – 680 Unit Apartment Development

Limited Design Planned Unit Development Findings

Finding A:

The proposal produces a functional, enduring, and desirable environment.

Finding B:

The proposal is consistent with the city comprehensive plan.

Finding C:

The building envelope(s) is compatible with or sufficiently buffered from uses on adjacent properties. Design elements that may be considered include: building heights and bulk, off street parking, open space, privacy and landscaping.



LDPUD-1-18 – 680 Unit Apartment Development

Limited Design Planned Unit Development Findings

Finding D:

The proposal is compatible with natural features of the site and adjoining properties. Natural features to be considered include: topography, native vegetation, wildlife habitats and watercourses.

Finding E:

The proposal provides adequate private common open space area, as determined by the planning commission, no less than ten percent (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.



LDPUD-1-18 – 680 Unit Apartment Development

Limited Design Planned Unit Development Findings

Finding F:

The location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.

Finding G:

The proposed setbacks provide:

1. Sufficient emergency vehicle access.
2. That neighborhood character will be protected by adequate buffering.
3. For maintenance of any wall exterior from the development's property.



LDPUD-1-18 – 680 Unit Apartment Development

Limited Design Planned Unit Development Findings

Finding H:

The proposed building envelope(s) will provide for adequate sunlight, fresh air and usable open space.



City Council Meeting



**Recommended
Conditions**

SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

RECOMMENDED CONDITIONS:

1. The Special Use Permit and Limited Design Planned Unit Development approvals would only go into effect if the Zone change is approved by City Council in item ZC-4-18
2. The Annexation Agreement must be revised if the requests are approved. The Annexation Fee will need to be adjusted to reflect the 34 units per acre calculation. All other fees and applicable conditions would be addressed in the amended annexation agreement, as well as any conditions that have already been satisfied. The Annexation Agreement should also include a Phasing Plan of the development.
3. Any additional water main extensions, fire hydrants, services, and related appurtenances will be the responsibility of the developer at its expense.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

RECOMMENDED CONDITIONS: Continued.....

4. Any additional water service will have cap fees due at the time of application for building permits.
5. There will need to be a hydraulic study done by a third party to determine if the local existing infrastructure can handle the proposed increase in use.
6. The applicant will be required to provide a looped water system with the property at the time of development.
7. Wastewater will require this Special Use Development to pay for its equitable share upsizing of the sewer main in Shoreview Lane or equivalent.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

RECOMMENDED CONDITIONS: Continued.....

8. An extension of a City approved public sanitary sewer “to and through” the subject property and conforming to City Standards and Policies shall be required prior to issuance of building permits.
9. A utility easement or R/W for the public sewer shall be dedicated to the City prior to issuance of building permits.
10. An unobstructed City approved “all-weather” access shall be required over all public sewers.
11. Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

RECOMMENDED CONDITIONS: Continued.....

12. This LDPUD shall be required to comply with the City’s One Lot-One Lateral Rule.
13. All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the LDPUD’s Owner at no cost to the City.
14. All public sewer plans require IDEQ or QLPE Approval prior to construction.
15. The first phase of the project must include the installation of Public Open Space and a twelve foot wide trail along the river.
16. An Open Space and Public Access easement in favor of the City of Coeur d’Alene must be recorded prior to construction.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

RECOMMENDED CONDITIONS: Continued.....

17. The applicant will be required to pay all impact and capitalization fees at the time of application for building permits. If the City's impact fees haven't been updated at the time of permits, the applicant would also be subject to paying an additional proportionate traffic mitigation fee to cover traffic mitigation measures recommended in the Atlas/Riverstone Traffic Impact Study.
18. In compliance with Sewer Policy #710 (RES 15-007) and the 2013 Sewer Master Plan, Phase 1 of this development will be required to extend public sewer "to and through" the entire subject property within a City approved utility easement dedicated to the City so as not to deny public sewer access to the adjacent property to the east.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

Additional Proposed Conditions:

19. A trail connection to Seltice Way along the western boundary of the property within the HARSB easement shall be provided with the first phase.
20. The project shall be required to go through the City's Design Review Commission for review and approval of the design.
21. The project shall also be required to be reviewed by the City's Police Department for consistency with CPTED (Crime Prevention through Environmental Design) principles.





Decision Points & Action Alternatives

SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

TWO REQUESTS:

Appeal

1. SP-11-18: Density Increase to 34 units/acre
2. LDPUD-1-18: 850 Unit Apartment Development



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

TWO DECISION POINTS:

1) The applicant River's Edge Apartments, LLC (REA LLC) is requesting approval of a Special Use Permit for a density increase to an R-34 density that will allow the construction of an 680 unit residential apartment complex on approximately 25 acres.

AND;

2) The applicant REA LLC is requesting approval for a Limited Design Planned Unit Development that will allow the construction of an 680 unit residential apartment complex on approximately 25 acres, with the following modifications from the required code.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

REQUESTED MODIFICATIONS:

1. Maximum Building Height of 55 feet within the 150 foot shoreline setback rather than 32 feet as required for structures within the 150 foot shoreline setback.
2. Side Yard Setback of 40 feet within the 150 foot shoreline setback rather than 20% of the average width of the lot as required for structures within the 150 foot shoreline setback. (1,600 x .20 = 320 feet)
3. To allow construction of the public open space adjacent to the shoreline within the 40' shoreline prohibited construction zone.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

4. To allow construction of boat docks and the ramp connection from the water area to the 40' shoreline prohibited construction zone.
5. To allow this project to be exempt from the City's Hillside Ordinance requirements.
6. To allow parking spaces to be located outside of the 200' feet from a living unit requirement.



SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development

ACTION ALTERNATIVES:

The City Council will need to consider this appeal and make appropriate findings for both the Special Use Permit and Limited Design Planned Unit Development. Council may:

- Affirm the decision made by the Planning Commission
- Overturn the denial and approve the project as now proposed
- Approve the project with conditions imposed by the Council
- Remand back to the Planning Commission for further findings if deemed necessary

SP-11-18 Special Use – density increase to R-34
LDPUD-1-18 – 680 Unit Apartment Development





RESOLUTION NO. 14-049

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

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

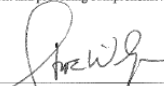
WHEREAS the public has expressed in numerous studies the desire for more "waterfront access"; and

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

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

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

DATED this 18th day of November 2014.


Steve Widmyer, Mayor

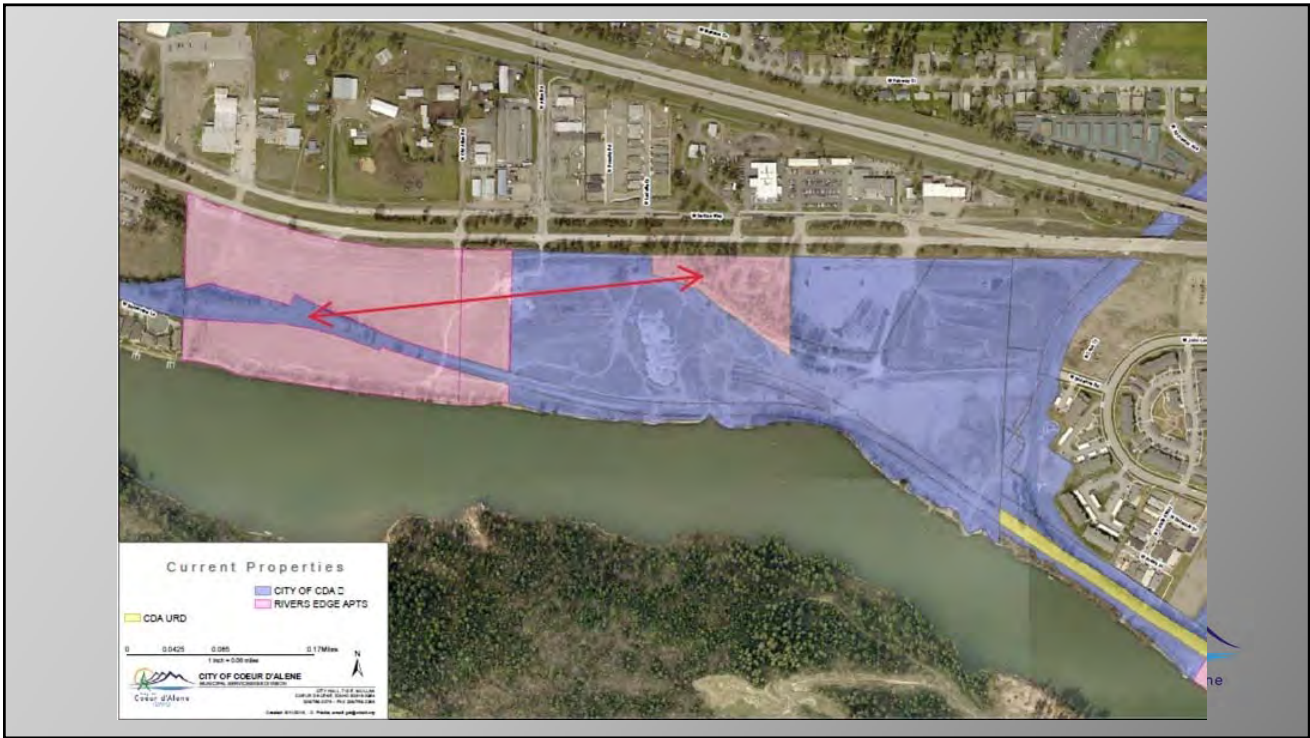
ATTEST:

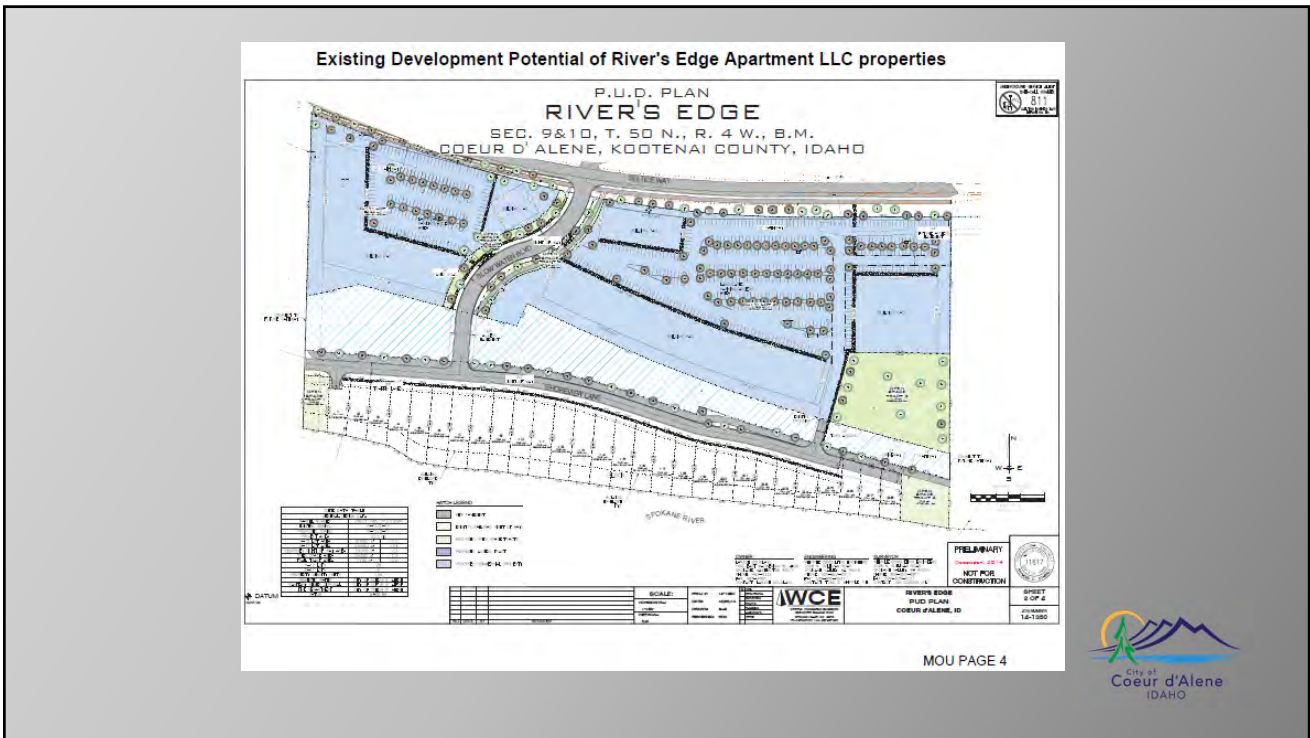
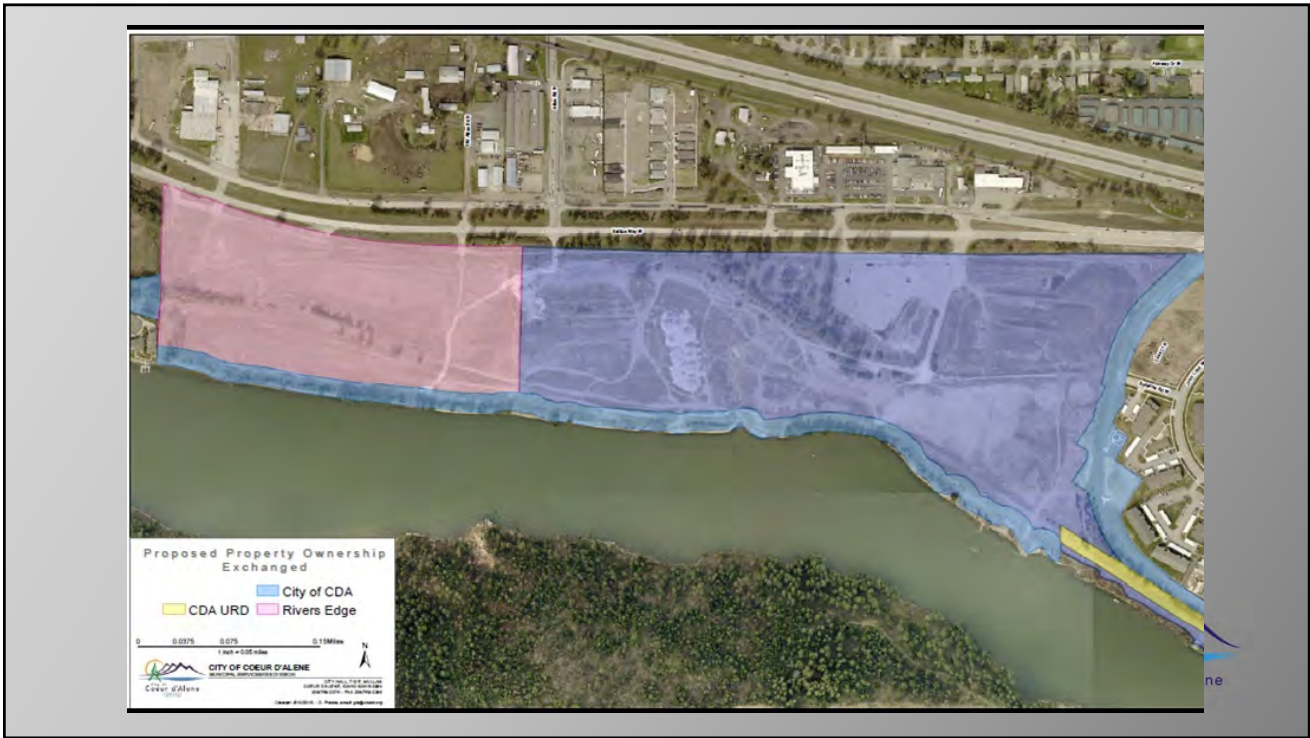

Renata McLeod, City Clerk













CITY COUNCIL STAFF REPORT

DATE: March 5, 2019
FROM: Mike Gridley – City Attorney
SUBJECT: Appeal of River’s Edge Apartment project

DECISION POINT:

Should the City Council approve the appeal by River’s Edge Apartments, LLC (RE) for a Special Use Permit and a Limited Design PUD?

HISTORY:

The City is a co-applicant on this application with RE because the City owns land within the property involving RE’s project. Previously, RE and the City have entered into an MOU (attached) and tentatively approved a land exchange involving the City owned former BNSF Railway right of way and the RE owned former Stimson Office site on Seltice. The land exchange would result in the City acquiring RE’s Stimson Office site that adjoins the City’s Atlas Waterfront property and a 40 foot wide permanent easement approximately 1,600 feet long for a public trail, greenspace and waterfront access along RE’s property on the Spokane River. For its portion of the exchange the City would give RE the City owned right of way that bisects RE’s property. The City and RE properties are approximately the same size.

FINANCIAL ANALYSIS:

If the RE project is approved and the land exchange completed, RE would grant to the City a 40 foot wide permanent easement approximately 1,600 feet long for a public trail, greenspace and waterfront access along RE’s property on the Spokane River. RE would also build the trail and waterfront improvements. It is impossible to put a value to the community of the permanent waterfront public trail and greenspace. However, assuming that a 40 feet by 1,600 feet piece of waterfront property on the Spokane River was for sale, at current real estate values it would likely cost in excess of \$4,000,000 if the City tried to buy it. In addition to the waterfront trail easement, the City would acquire title to RE’s property on Seltice that has an estimated value of \$1.5 to \$2 million dollars.

PERFORMANCE ANALYSIS:

If approved, the proposed project and land exchange would accomplish several goals:

1. Development of a public waterfront trail and greenspace vs. no waterfront trail and no public greenspace;
2. Continuation of the proposed Atlas Waterfront Trail along the river vs. the trail being built on the City’s right of way away from the river and between buildings. The combined length of the Atlas and RE public waterfront would be approximately one mile;
3. Creation of a public swimming area and public access to the Spokane River vs. private beach and no public access to the river;

4. City acquisition of the Stimson Office site that is worth \$1.5 to \$2 million dollars and is “critical” to the efficient planning, design and use of the City’s Atlas property;
5. Construction of the RE project will provide property tax dollars to pay for public improvements on the City’s Atlas property.

Essentially the City is being asked to allow RE increased density of approximately 170 more units than it is currently entitled to build and to exchange City owned property worth less \$500,000 for a 1,600 foot waterfront trail, greenspace and river access constructed by RE and RE property on Seltice worth \$1.5 to \$2 million dollars. If approved by the City, this project the City will provide a public waterfront trail and permanent water access to the public along the Spokane River.

DECISION POINT/RECOMMENDATION:

City Council may choose to approve the appeal by River’s Edge Apartments, LLC.

ATTACHMENTS

RESOLUTION NO. 18-030

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH RIVER'S EDGE APARTMENTS, LLC, SETTING OUT OVERARCHING AND GENERAL PRINCIPLES IN CONTEMPLATION OF A FUTURE TRANSACTION AND AGREEMENT INVOLVING THE EXCHANGE AND DEVELOPMENT OF CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF COEUR D'ALENE.

WHEREAS, it is recommended that the City of Coeur d'Alene enter into a Memorandum of Understanding with River's Edge Apartments, LLC, setting out overarching and general principles in contemplation of a future transaction and agreement involving the exchange and development of certain parcels of real property in the City of Coeur d'Alene, pursuant to terms and conditions set forth in the Memorandum of Understanding, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

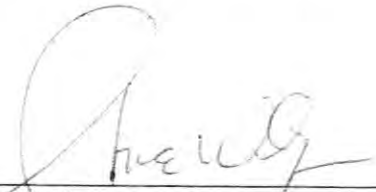
WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter such agreement;

NOW, THEREFORE,


BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a Memorandum of Understanding with River's Edge Apartments, LLC in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said Memorandum of Understanding to the extent the substantive provisions of the Memorandum of Understanding remain intact.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute such Memorandum of Understanding on behalf of the City.

DATED this 15th day of May, 2018.


Steve Widmyer, Mayor

ATTEST:


Renata McLeod, City Clerk

Motion by McEvers, Seconded by English, to adopt the foregoing resolution.

ROLL CALL:

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

Motion Carried.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF COEUR D'ALENE AND RIVER'S EDGE
APARTMENTS, LLC**

I. Introduction.

This memorandum sets forth proposed general and overarching principles, assumptions, statements of intention, and possible future terms: is solely for discussion; is intended to foster development and coordination of similar expectations between and amongst the parties in the hopes of developing a binding contract; is subject to the execution of specific, definitive, binding documents relating to an arrangement; and, imposes no obligation or liability on any Party, unless expressly stated elsewhere herein. In addition, no Party is under any obligation to enter any arrangement with any other Party. Where this Memorandum contemplates a future agreement on any term or terms, any such agreement shall be in writing.

II. General Principles.

A. The Parties confirm that the following overarching and general principles, assumptions, statements of intention, and possible future terms (collectively referred to as "**Terms**") reflect the Parties' mutual understanding of a possible transaction or transactions by which they plan to exchange and develop parcels of real property, and cooperate to create a strategy or plan to advance their individual private interests and the public welfare.

B. Whether or not the Parties enter any other, or further, agreement, partnership, joint venture or arrangement of any type, scope or purpose, they currently anticipate the following terms will become part of such future Arrangements.

III. Recitals.

The parties to this Memorandum of Understanding ("**Parties**") are the city of Coeur d'Alene ("**City**") and River's Edge Apartments, LLC, a/k/a Atlas Mill Development Corp ("**RE**").

Whereas the City desires to develop a pedestrian and bicycle path and public green space and water access along the Spokane River as well as beneficially develop the former Atlas Mill site; and,

Whereas the City Comprehensive plan calls out as a goal the protection and development of public access to the Spokane River; and,

Whereas the City has acquired the BNSF railroad right of way that bisects the approximately 23acre property owned by River's Edge ("**RE 23 Acre Parcel**"), approximately 3 acres of which railroad right-of-way is bounded by the RE 23 Acre Parcel ("**City Exchange Property**"); and,

Whereas the City has contracted to acquire the 47 acre former Atlas Mill site property owned by Bad Axe, LLC that includes waterfront property on the Spokane River; and,

Whereas the RE 23 Acre Parcel is waterfront property along the Spokane River adjacent to the former BNSF railroad right of way and west of the Bad Axe LLC property; and,

Whereas RE owns a 3+/- acre triangle piece of property along Seltice Road that is adjacent to the Bad Axe, LLC property (“**RE Exchange Property**”); and,

Whereas RE desires to combine the RE 23 Acre Parcel with the City Exchange Property and develop and construct residential housing on the combined property if a mutually agreeable land exchange with the City can be accomplished;

Whereas the Parties have had preliminary discussions about exchanging property to achieve each party’s goals and for their mutual benefit:

Whereas the Parties acknowledge that for a land exchange to occur (“**Transaction**”) it must go through a public hearing process and be approved by City Council;

Whereas the Parties acknowledge that for RE to develop its project as it desires it will need to participate in public hearings and obtain approval from the Coeur d’Alene Planning Commission and/or Coeur d’Alene City Council.

IV. Terms and Conditions.

Now therefore the Parties mutually agree as follows:

1. The City will accept and diligently and in good faith process RE’s updated Subdivision/PUD applications for RE’s 23 Acre Parcel;
2. The City will accept and support, and diligently and in good faith process a one-year extension of the Special Use Permit for the RE Exchange Property to allow for further negotiations between the Parties regarding the Transaction;
3. The City will start and diligently and in good faith pursue the Transaction for an exchange of the City Exchange Property for the RE Exchange Property and a permanent trail/greenbelt/public open space easement approximately 40’ wide from the summer pool along the Spokane River on the RE 23 Acre Parcel the exact location of which shall be determined during the entitlement process;
4. RE will file, and the City will accept and diligently and in good faith process, an application for a special use permit/PUD to request increased density on the RE 23 Acre Parcel and the City Exchange Property going from C17 to R34;

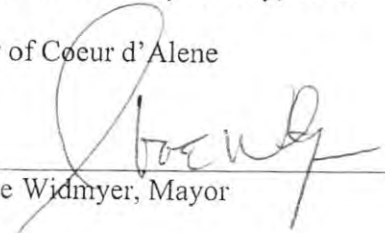
5. The City will cooperate with and support RE's application for a special use permit/PUD to allow for increased density and a 75' height limit on building structures which are stepped back from the public space;
6. The City will join with RE in amending the Annexation Agreement encumbering the RE 23 Acre Parcel to incorporate changes and additions necessary or advisable in connection with the Transaction. The Parties agree to and hereby do toll the application of all statutes of limitation to all claims, if any, based upon the said Annexation Agreement
7. The Parties agree that the consummation of any exchange of property and granting of easement is contingent upon RE obtaining the increased density it seeks;
8. The City will purchase the Bad Axe LLC property by or before May 16, 2018;
9. The City and RE will negotiate in good faith to design and build a waterfront trail/greenbelt within the 40' from the summer pool along the Spokane River. RE will set back its buildings 80' from said summer pool; RE shall pay the cost of the actual trail and the City shall bear the cost of all other improvements to the trail/greenbelt. RE intends to landscape the north edge of the 40' behind the trail at its expense.
10. City and RE will negotiate in good faith to consummate the Transaction and achieve a mutually beneficial land exchange using all resources and available third-parties to create benefits for both Parties;
11. City and RE will cooperate in working with ignite CDA, the Idaho Department of Lands, the Idaho Department of Environmental Quality and any other affected public or private entities to help the Parties achieve their mutual goals;
12. After all necessary steps have been successfully taken, including all approvals following public input and hearings, the City will transfer and convey to RE the City Exchange Parcel in exchange for the RE Exchange Parcel and a permanent trail/greenbelt easement along the Spokane River on the RE 23 Acre Parcel. City and RE acknowledge and agree that RE intends to maintain ownership of the waterfront along the Spokane River and to build and maintain private docks. The City and RE further acknowledge and agree that any development by RE along the Spokane River will allow for a public swim area and public access to the river.

This memorandum is intended as an expression of the Parties' goals and mutual understanding regarding the development of land the City is acquiring adjacent to land owned by RE.

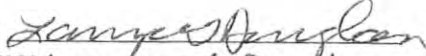
This memorandum can be terminated by either Party for any reason by giving thirty (30) day written notice to the other Party.

Signed the 15th day of May, 2018.

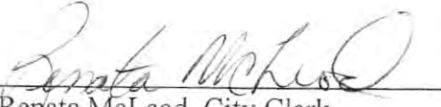
City of Coeur d'Alene

By: 
Steve Widmyer, Mayor

River's Edge Apartments, LLC

By: 
Name: Lance A. Douglass
Title: member

ATTEST:


Renata McLeod, City Clerk

ATTEST:

Name:
Title:



Whipple Consulting Engineers, Inc.

February 12, 2019
W.O. No. 2014-1470
(PUD Narrative REV 2-11-19)

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

RE: **River's Edge Villa's - Limited Design Planned Unit Development (PUD)**
Updated Narrative and Exhibits for Revised Proposal

Dear City Council:

The purpose of this Letter and Revised Exhibits is to offer to City Council during the Appeal process a revised project proposal. The proposed project has been revised and changed in scope based upon comments received from the Planning Commission, the Coeur d'Alene Community and in meetings with City Staff.

We will reiterate that all aspects of the previous project are valid as it relates to application materials, submittals, etc... with the following exceptions.

1. Total size of the project has been reduced from the proposed 850-units to 680-units, a reduction in the original proposal of 170-units. This reduction represents a change from the originally proposed density of 32.79 units per acre to a proposed density of 26.23 units per acre.
 - a. The original proposal had 14 ea. 50-unit buildings with a 3-story 711 stall parking structure, the current proposal in the main apartment area has fourteen (14) 32-unit buildings and one (1) 48-unit building, one (1) 16-unit building, recreation and office building and associated single story parking garages. In both scenarios the proposed five (5) buildings along the water will remain now with a unit count of 168-units.
2. The height variance request for buildings outside the 150-foot shoreline buffer is being eliminated as the R-34 zone allowed height of 63-feet is appropriate for the proposed use.
3. As originally proposed a height variance for the 5 buildings within the 150-foot shoreline buffer area was requested at 75-feet. We would modify this variance request to now request a height variance of 55-feet within this shoreline area. This modified request is 8-foot lower than allowed in the R-34 and 20-feet lower than that originally requested.
4. The reduction in units and other site modifications to the overall site plan has reduced the private open space from the originally proposed 5.49 acres to 3.52 acres. The public open space remains the same as was originally proposed at 1.52 acres as we are proposing no changes to the 40-foot public open space and trail area along the river, with the exception of the trail width. The overall open space from the original proposal will be reduced from 7.02 acres or 27% of originally proposed open space to a total of 5.02

- acres or 19.37% of the total project, still nearly double the requirement.
5. At the request of the Centennial Trail group, we have increased the size of the trail to 16-foot from the previously proposed 12-foot wide trail. This was also agreed to and made a condition of the rezone from R-12 to C-17.
 6. The original proposal had proposed a single 711-stall, 3-story parking structure plus 238 single story stick built garages for a total of 949 garages and structure spaces. The large structure has been deleted and 442 additional stick-built garages will be added to the originally proposed 238 garages for a total 680 attached individual stick-built garage units, one for each proposed unit. The 200-foot variance request would still be valid.
 7. A phasing plan, showing 4 phases, which would equate to a duration of 8 to 10 years has been included. This phasing plan is being provided so that the City Council, Staff and the Public can better understand the orderly development of the area over a reasonable time frame. During this time frame, phases would be constructed, landscaped, and occupied. It should be expected that the subsequent phase would start after the previous phase reaches 90-percent occupancy, for example, Phase 2 would start after Phase 1 was 90-percent occupied or complete. While we expect the construction to take 8 to 10 years, we do not expect nor do we anticipate a complete cessation of construction for the duration. This would be true for most elements, except for the trail and the river-wall stabilization-wall which will occur along the property length with the first phase. Trail amenities would be constructed by phases, as shown on the phasing plan.

We hope that the City Council and affected individuals within the City of Coeur d' Alene, can appreciate that we listened to what Planning Commission said, what testimony was given at Planning Commission by the Public and how Staff has helped guide us toward a revised application that better meets the goals of the larger Coeur d' Alene community. We hope that Council values the development of this property and the opportunity to share one of the most valuable City assets, the Spokane River in a cooperative effort to bring the River to the public by approving this revised proposal. Should you have any questions, please feel free to contact us at (509) 893-2617.

Sincerely,
Whipple Consulting Engineers, Inc.



Todd R. Whipple, P.E.
President

Enclosures: as Noted
Cc: Owner, Lanzce Douglass
File



December 6, 2018
W.O. No. 2015-1470

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

Re: **River's Edge Apartment Development**
3550 W. Seltice Way
Revised Trip Generation & Distribution Letter, December 6, 2018

To Whom It May Concern;

This Trip Generation and Distribution Letter (TGDL) is for the proposed WTB & CDA Apartment Development. This letter will review the allowed and proposed uses and establish the anticipated trip generation and distribution for the development as shown on Figure 2A Allowed uses Preliminary Site Plan, and Figure 2B proposed uses Preliminary Site Plans. This report will follow the standards for traffic letters as required by City of Coeur d' Alene.

PROJECT DESCRIPTION

The subject property currently has a commercial zone and can therefore be developed under building permits with a 127,000-sf retail box store, a three (3) building type strip shopping center with a total of 62,000 sf. The shopping center also includes a pad site for a 5,000-sf fast food or coffee shop. The total alternative includes 194,000-sf (194.0 ksf). The shopping center also includes a 12-position convenience store fuel station. Along the river are 24 proposed single-family residential lots. The property is currently undeveloped with a field grass and sparse trees. The project proposes to Access Seltice Way via driveways. The project is anticipated to have internal drive aisles a parking field, truck delivery ramps and landscaping. Please see Figure 2A Allowed Uses Preliminary Site Plan.

There is currently an application for a zone change from Commercial to Residential, limited design planned unit development and a special use permit. Under these applications the same subject property would be developed as an 850-unit apartment facility with access to public streets. The proposal proposes to access Seltice Way via three (3) driveways that extend south into the property. The properties internal circulation proposes eight (8) north/south drive aisles, and two (2) east/west drive aisles with the apartment buildings located as shown on Figure 2B Proposed Uses Preliminary Site Plan.

VICINITY / SITE PLAN

The subject property consists of three parcels referred to as the North (14.82 ac +/-), the GNRR (3.06 ac +/-) and the South (7.5 ac +/-) for a total area of 25.92 ac +/- and is currently zoned as C-17 Commercial/Residential. The subject property is located on a portion of the NE ¼ of Section 9, T 50 N., R 4 W., B.M. The parcel numbers for the subject property are C-0000-009-0200, C-0000-010-3300, and C-0000-009-0150. The surrounding area has generally

commercial/retail developed land uses mixed in amongst undeveloped tracks of land and single-family housing uses with apartment facilities.

TRIP GENERATION AND DISTRIBUTION

Trip Types

The proposed use is maybe a commercial or a residential development; ITE has developed data regarding various trip types that all developments experience. These are found in several places, however, for this analysis the *Trip Generation Manual 9th Edition* as well as the *Trip Generation Handbook* were used to develop the criteria for this analysis.

Generally, all existing and proposed developments will be made up of one or more of the following four trip types: new (destination) trips, pass-by trips, diverted trips, and shared (internal trips). In order to better understand the trip types available for land access a description of each specific trip type follows.

New (Destination) Trips - These types of trips occur only to access a specific land use such as a new retail development or a new residential subdivision. These types of trips will travel to and from the new site and a single other destination such as home or work. This is the only trip type that will result in a net increase in the total amount of traffic within the study area. The reason primarily is that these trips represent planned trips to a specific destination that never took trips to that part of the City prior to the development being constructed and occupied. This project will develop new trips.

Pass-by Trips - These trips represent vehicles which currently use adjacent roadways providing primary access to new land uses or projects and are trips of convenience. These trips, however, have an ultimate destination other than the project in question. They should be viewed as customers who stop in on their way home from work. An example would be on payday, where an individual generally drives by their bank every day without stopping, except on payday. On that day, this driver would drive into the bank, perform the prerequisite banking and then continue on home. In this example, the trip started from work with a destination of home, however on the way, the driver stopped at the grocery store/latte stand and/or bank directly adjacent to their path. Pass-by trips are most always associated with commercial/retail types of development along major roadways. Therefore, for this project pass-by trips maybe considered.

Diverted (Linked) Trips - These trips occur when a vehicle takes a different route than normal to access a specific facility. Diverted trips are similar to pass-by trips, but diverted trips occur from roadways which do not provide direct access to the site. Instead, one or more streets must be utilized to get to and from the site. For this project, no diverted trips are anticipated.

Shared Trips - These are trips which occur on the site where a vehicle/consumer will stop at more than one place on the site. For example, someone destined for a certain shop at a commercial site may stop at a bank just before or after they visit the shop that they went to the site to visit. This trip type reduces the number of new trips generated on the public road system

and is most commonly used for commercial developments. Since the project has only one land use and no cross-access driveways with other land uses, no shared trips were considered.

Trip Generation Characteristics for the Allowed and Proposed Uses

As noted earlier, trip generation rates for the AM and PM peak hours are determined by the use of the *Trip Generation Manual, 10th Edition* published by the Institute of Transportation Engineers (ITE). The purpose of the *Trip Generation Manual* is to compile and quantify empirical data into trip generation rates for specific land uses within the US, UK and Canada.

Current Zoning Development- Allowed Uses

For the allowed 194,000 sf (194.0 ksf) shopping Center Land Use Code (LUC) 820 Shopping Center was used to establish the number of potential trips generated by the allowed land use. The trip generation rates and the anticipated number of AM & PM peak hour trips for the allowed land use are shown on Table 1.

Table 1-Trip Generation Rates for LUC # 820 – Shopping Center

Thousand Square Feet (KSF)	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. @ 0.94 trips/KSF	Directional Distribution		Vol. @ 3.81 trips/KSF	Directional Distribution	
		62% In	38% Out		48% In	52% Out
194.0	183	113	70	740	355	385
Average Daily Trip Ends (ADT)						
KSF	Rate	ADT				
194.0	37.75	7,324				

For the allowed 12 position fuel station Land Use Code (LUC) 853 Convenience Market with Gasoline Pumps was used to establish the number of potential trips generated by the allowed land use. The trip generation rates and the anticipated number of AM & PM peak hour trips for the allowed land use are shown on Table 2.

Table 2-Trip Generation Rates for LUC # 853 – Convenience Market with Gasoline Pumps

Vehicle Fuel Positions (VFP)	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. @ 20.76 Trips/ VFP	Directional Distribution		Vol. @ 23.04 Trips/ VFP	Directional Distribution	
		50% In	50% Out		50% In	50% Out
12	250	125	125	277	138	139
Average Daily Trip Ends (ADT)						
VFP	Rate	ADT				
12	322.5	3,870				

For the allowed 24 Residential lots Land Use Code (LUC) 210 Single Family Detached Housing was used to establish the number of potential trips generated by the allowed land use. The trip generation rates and the anticipated number of AM & PM peak hour trips for the allowed land use are shown on Table 3.

Table 3-Trip Generation Rates for LUC # 210 – Single Family Detached Housing

Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. @ 0.74 Trips/ Unit	Directional Distribution		Vol. @ 0.99 Trips/ Unit	Directional Distribution	
		25% In	75% Out		63% In	37% Out
24	18	5	13	24	15	9
Average Daily Trip Ends (ADT)						
Units	Rate	ADT				
24	9.44	227				

For the allowed uses evaluation, a development total is provided on Table 4.

Table 4-Trip Generation Summary (Current Zoning)

Land Use Code (LUC)	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. / LUC	Directional Distribution		Vol. / LUC	Directional Distribution	
		In	Out		In	Out
LUC #820 Shopping Center	183	113	70	740	355	385
LUC #853 Conv. Mkt w/ Gasoline Pumps	250	125	125	277	138	139
LUC #210 Single Family Detached Housing	18	5	13	24	15	9
Total	451	243	208	1,041	508	533
Average Daily Trip Ends (ADT)						
Land Use Code (LUC)	Rate	ADT				
LUC 820 Shopping Center	-	7,324				
LUC #853 Conv. Mkt w/ Gasoline Pumps	-	3,870				
LUC 210 Single Family Detached Housing	-	227				
Total	-	11,421				

As shown in Table 4, the allowed land uses under the current zoning are anticipated to generate 451 trips in the AM peak hour with 243 trips entering the site and 208 trips exiting the site. In the PM, peak hour, the allowed land uses under the current zoning are anticipated to generate 1,041 trips with 508 trips entering the site and 533 trips exiting the site. The allowed land use is anticipated to generate 11,421 average daily trips to/from the subject property.

Proposed Rezone Commercial to Residential Development, LDPUD and SUP

For the proposed 850-unit apartment facility, Land Use Code (LUC) 220 Multifamily Housing (Low-Rise) was used to establish the number of potential trips generated by the proposed land use. The trip generation rates and the anticipated number of AM & PM peak hour trips for the proposed land use are shown on Table 5.

Table 5-Trip Generation Rates for LUC # 220 – Multifamily Housing (Low-Rise)

Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
	Fitted Curve	Directional Distribution		Fitted Curve	Directional Distribution	
		23% In	77% Out		63% In	37% Out
850	365	84	281	397	250	147
Average Daily Trip Ends (ADT)				AM: $\ln(T) = 0.95 \ln(X) - 0.51$		
Units	Fitted Curve	ADT		PM: $\ln(T) = 0.89 \ln(X) - 0.02$		
850	-	6,386		ADT: $T = 7.56(X) - 40.86$		

As shown in Table 5, Under the current proposed land use is anticipated to generate 365 trips in the AM peak hour with 84 trips entering the site and 281 trips exiting the site. In the PM, peak hour, under the rezone the proposed land use is anticipated to generate 397 trips with 250 trips entering the site and 147 trips exiting the site. The proposed land use is anticipated to generate 6,386 average daily trips to/from the project.

Development Comparison Under Current and Proposed Zoning

Provided in Table 6 is a trip generation comparison between the landuses that are currently allowed under the c-17 commercial zone and the currently proposed residential rezone and LDPUD and SUP.

Table 6- Trip Generation Comparison

Land Use Code (LUC)	AM Peak Hour Trips			PM Peak Hour Trips		
	Vol. per LUC	Directional Distribution		Vol. per LUC	Directional Distribution	
		In	Out		In	Out
Proposed Land Uses - Trips	365	84	281	397	250	147
Allowed Land Uses - Trips	451	243	208	1,041	508	533
Difference in Trips	(86)	(159)	73	(644)	(258)	(386)
Average Daily Trip Ends (ADT)				() indicate a reduction in trips		
Land Use Code (LUC)	Rate	ADT				
Proposed Land Uses - Trips	-	6,386				
Allowed Land Uses - Trips	-	11,421				
Difference New Trips	-	(5,035)				

As shown in Table 6 the development of the subject property under the proposed rezone with LUPUD and SUP is anticipated to generate 86 less trips in the AM peak hour and 644 less trips in the PM peak hour, with 5,035 less Average Daily Trips to/from the subject property. Therefore, the change in zoning and land use is an advantage to the City and the existing transportation system, with 5,035 less daily trips on the system.

TRIP DISTRIBUTION

As shown on the preliminary site plans, the subject property will be accessed by Right-in Right-out driveways on the Eastbound lane of Seltice Way.

W. Seltice Way within the study area is generally an east-west, two-way, 2-lane median separated principal arterial with a landscape median between the east and westbound lanes. Seltice Way extends from the City of Post Falls as a principal arterial through Highway 41 and then enters the City of Coeur d'Alene, and continues as a principal arterial until the intersection of Riverstone Dr. where Seltice Way transitions to a principal arterial with no median separation. Seltice Way continues east till the intersection of Northwest Blvd. where Seltice Way transitions into Ironwood Dr. Seltice Way serves generally a mix of commercial and residential land uses. The Speed limit within the study area is posted at 35 MPH

Considering many factors such as the surrounding transportation facilities, typical commuting patterns, and existing development in the area, traffic for the proposed development is anticipated as follows. 60% of the trips are anticipated to go to/from the East via Seltice Way 40% of trips are anticipated to go to/from the west via Seltice way.

The configuration of Seltice Way requires all exiting vehicles to turn right toward the east and all entering vehicles to come from the west and turn right into the project. The roundabouts at the intersections of Seltice Way at Grand Mill and Atlas Roads, will facilitate this change of direction. Please see Figure 3 for the existing zone land use distribution and Figure 4 for the proposed zoning and land use distribution for a graphical representation of these movements

Additional Analysis

The intersections that would be most affected by the development of the property would be the new right-in right-out driveway access on Seltice Way and the intersection of Seltice Way & Atlas Road. For this analysis there are three (3) access driveways on Seltice Way for both the current and proposed zoning scenarios. Each access is anticipated to have a channelized right-in movement given the speed of Seltice Way. All anticipated trips of each scenario are distributed through the 3 access driveways with 20% to the west access, 50% to the center access, and 30% to the east access.

A Level of Service analysis has been completed using the methods from the 2010 Highway Capacity Manual (6th Edition) as implemented in Sidra 7

Table 7 - Existing Intersections Levels of Service

INTERSECTION (R)oundabout	PM Peak Hour	
	Delay (sec)	LOS
Seltice Way & Atlas Road	R	9.0 A

For the Buildout year a 1.1% background growth rate was applied to the existing traffic volumes and no background projects were included.

Table 8 – Year 2019 Intersection Levels of Service (Current Zoning)

INTERSECTION (U)nsignalized (R)oundabout	PM Peak Hour	
	Delay (sec)	LOS
Seltice Way & West Access	U	129.1 F
Seltice Way & Center Access	U	465.5 F
Seltice Way & East Access	U	250.9 F
Seltice Way & Atlas Road	R	19.5 C

As shown in Table 8 with the current zoning the anticipated trips would lower the access Intersections below an acceptable level of service and lower the intersection of Seltice Way & Atlas Road to LOS C. Please see Figure 5 for the traffic volumes used for this analysis.

Table 9 – Year 2019 Intersection Levels of Service (Proposed Zoning)

INTERSECTION (U)nsignalized (R)oundabout	PM Peak Hour	
	Delay (sec)	LOS
Seltice Way & West Access	U	34.9 D
Seltice Way & Center Access	U	41.4 E
Seltice Way & East Access	U	31.4 D
Seltice Way & Atlas Road	R	12.4 B

As shown in Table 9 with the proposed zoning the anticipated trips would maintain an acceptable level of service at the project access driveways and lower the intersection of Seltice Way & Atlas Road to LOS B. Please see Figure 6 for the traffic volumes used for this analysis.

CONCLUSIONS AND RECOMMENDATIONS

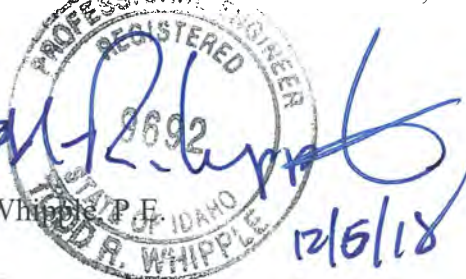
This trip generation and distribution letter has been prepared for the potential development of the subject property under the current zoning condition or as allowed and the proposed rezone conditions LDPUD and SUP. Under the current zoning the allowed development only needs to make application and agree to pay the City of Coeur d' Alene impact fees, as the impact of the commercial land use is allowed under the comprehensive plan and zoning code. While the proposed residential land use development requires the subject property to apply for a rezone and other applicable applications and both alternatives will pay the City of Coeur d' Alene impact fees.

- The allowed development under the current zone is primarily commercial and is anticipated to generate 451 AM peak hour trips and 1,041 PM peak hour trips and 11,421 ADT.
- Development under the proposed rezone LDPUD and SUP is primarily residential and is anticipated to generate 365 AM peak hour trips and 397 PM peak hour trips and 6,386 ADT.
- The comparison of the requested land uses vs the allowed show that the requested land uses currently allowed land uses would generate 86 less trips in the AM peak hour and 644 less trips in the PM peak hour, with 5,035 less Average Daily Trips to/from the subject property.

As shown above the allowed development under the current zoning is anticipated to generate two (2) times the amount of Peak Hour Trips and ADT as the proposed development under the rezone. The impact of which has already been covered as a part of the comprehensive plan. Therefore, as the current proposal is anticipated to have significantly less trips than currently allowed. we believe that the proposed project will ultimately have a significantly less impact on the transportation system especially at the access driveways. Therefore, we recommend that the project participate in impact fees and be allowed to move forward without further traffic analysis.

Should you have any questions related to this document please do not hesitate to call at (509) 893-2617.

Sincerely,
WHIPPLE CONSULTING ENGINEERS, INC.


Todd R. Whipple, P.E.

TRW/bng

encl. Appendix (Vicinity Map, Preliminary Site Plan, Trip Dist. %.)

cc: Sponsor, File

RESOLUTION NO. 14-049

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

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

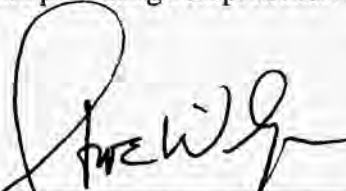
WHEREAS the public has expressed in numerous studies the desire for more "waterfront access"; and

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

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

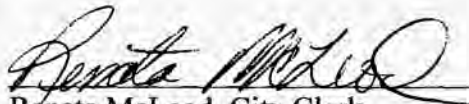
BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that all city staff and staff actions regarding the Spokane River Corridor should consider maximizing the public acquisition of riverfront property, protecting the riverfront and providing comprehensive planning for this corridor.

DATED this 18th day of November 2014.



Steve Widmyer, Mayor

ATTEST:


Renata McLeod, City Clerk

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

ROLL CALL:

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

Motion Carried.

THE CDA 2030 VISION AND IMPLEMENTATION PLAN ACTION ITEMS AS THEY PERTAIN TO ITEM LDPUD-1-18:

Environment & Recreation - 2.1

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

Environment & Recreation - 2.2

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

Environment & Recreation – 6.1

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

Environment & Recreation – 6.2

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

Growth & Development – 3.7

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

Growth & Development – 6.4

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

LAWSON LASKI CLARK & POGUE, PLLC
ATTORNEYS AT LAW

Edward A. Lawson
eal@lawsonlaski.com

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TELEPHONE: 208-725-0055
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WWW.LAWSONLASKI.COM

January 10, 2019

Certified Mail, Return Receipt Requested

Steve Widmyer, Mayor
City Council
c/o Planning Director
City of Coeur d'Alene
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

Re: NOTICE OF APPEAL

Subject: December 11, 2018 Decisions of the Planning & Zoning Commission regarding SP-11-18 A Special Use Permit for a Density Increase From R-17 to an R-34 Density and LDPUD-1-18: A Limited Design Planned Unit Development

Applicant: River's Edge Apartments, LLC

Our File No. 11708-001

Dear Mr. Mayor and Councilpersons:

Pursuant to City Code §17.09.125 B and §17.09.225, River's Edge Apartments, LLC hereby gives notice of its appeal of the December 11, 2018 decisions by the Planning and Zoning Commission denying its applications for a Special Use Permit for a density Increase from R-17 to R-34 (SP-11-18) and for approval of a Limited Design Planned Unit Development.

If for any reason you require additional information, please notify the undersigned immediately. Thank you.

Sincerely,

City of Coeur d'Alene
January 10, 2019
Page 2

LAWSON LASKI CLARK & POGUE, PLLC

A handwritten signature in blue ink, appearing to read "E. Lawson". The signature is stylized and cursive.

Edward A. Lawson

Pdf: Client
M. Gridley
T. Whipple

Planning Commission

Meeting Minutes

December 11, 2018

2. Applicant: Rivers Edge Apartments, LLC
Location: 3528 W. Seltice Way
Request: A proposed zone change from R-12 to C-17
QUASI-JUDICIAL (ZC-4-18)
- A. A proposed 25.92 acre Limited Design PUD "Rivers Edge"
QUASI-JUDICIAL (LDPUD-1-18)
- B. A proposed R-34 Density Increase special use permit
QUASI-JUDICIAL (SP-11-18)

ZC-4-18

Chairman Messina opened the public hearing for item ZC-4-18.

Mike Behary, Associate Planner, stated that the applicant is requesting approval of a zone change from R-12 to C-17 zoning district.

Mr. Behary provided the following statements:

- The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site.
- The subject property is currently vacant. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The saw mill has since closed and all the buildings have been removed from the site.
- The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning.
- The applicant owns a triangle parcel that is surrounded by the Atlas Mill site and the City owns the old abandoned railroad right-of-way (ROW) that bisects the applicant's overall proposed project area.
- The applicant and the City are discussing the possibility of a land trade of the two mentioned properties.
- The applicant's overall proposed project has split zoning with R-12 Zoning District on the southern portion of the property along the river and C-17 zoning district on the northern portion of his overall site.
- The majority of the applicant's proposed project is zoned C-17 and the smaller portion is zoned R-12. There is approximately 7.8 acres that is zoned R-12 and the remainder is zoned C-17.
- The applicant has indicated he would like to correct the split zoning issue with his proposed project and to have one uniform zoning district over the whole project.
- The applicant has indicated that he intends to develop the property with a residential use only. If the zone change request is approved, the applicant intends to build a multi-family apartment complex on the overall 25 acre site.
- The applicant has made application for a density increase in item SP-7-18. The density increase request is from an R-17 to an R-34 density.
- The applicant has indicated that a commercial use on this site would generate more traffic than a residential use.
- As part of this application, the applicant has submitted a Trip Generation and Distribution Letter (TGDL). The TGDL was prepared by the applicant's engineer and goes in depth about the potential traffic that could be generated by commercial and residential uses.
- The applicant's proposed multi-family development of the property is not tied to the requested zone change. If the subject site is approved to be changed to the C-17, then all permitted uses in the C-17 Commercial District would be allowed on this site.

- Mr. Behary presented a map showing the location and aerial photos of the property.
- He presented a proposed site plan.
- He provided a map showing previous land use actions.
- He stated that the Comprehensive Plan identifies this area as Stable Established – Spokane River District.
- He noted the various staff comments in the packet.
- He presented various site photos of the property.
- He stated that no conditions are proposed for the zone change from R-12 to C-17. Conditions will be addressed during the Special Use and Limited Design Planned Unit Development process, in items SP-7-18 and LDPUD-1-18.

LDPUD-1-18 & SP-11-18

Chairman Messina opened the public hearings for items LDPUD-1-18 and SP-11-18.

Mike Behary, Associate Planner stated that the applicant is requesting approval for a density increase to an R-34 density that will allow the construction of an 850 unit residential apartment complex on approximately 25 acres and approval for a Limited Design Planned Unit Development that will allow the construction of an 850 unit residential apartment complex on approximately 25 acres.

Mr. Behary provided the following statements:

- The subject site is located south of Seltice Way, north of the Spokane River, and is west of and adjacent to the Atlas Mill site.
- The approximately 25-acre subject site is currently vacant and undeveloped. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The saw mill has since closed and all the buildings have been removed from the site.
- The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning.
- The applicant owns a triangle parcel that is surrounded by the Atlas Mill site and the City owns the old abandoned right-of-way (ROW) that bisects the applicant's proposed project.
- The applicant and the City are discussing the possibility of a land trade of the two above-mentioned properties.
- The applicant has signed a Memorandum of Understanding (MOU) with the City of Coeur d'Alene in regard to a land exchange of the two above-mentioned properties.
- The applicant's overall proposed project has split zoning with R-12 Zoning District on the southern portion of the property along the river and C-17 zoning district on the northern portion of his overall site.
- The majority of the applicant's proposed project is zoned C-17 and the smaller portion is zoned R-12. There is approximately 7.8 acres that is zoned R-12 and the remainder is zoned C-17.
- The applicant has indicated that he would like to correct the split zoning issue with his proposed project and to have one uniform zoning district over the whole project.
- The applicant has applied for a zone change in item ZC-4-18 for C-17 zoning over the southern portion of his property. This proposed special use in item SP-11-18 and the Limited Design PUD in item LDPUD-1-18 are contingent on the zone change in item ZC-4-18 being approved by City Council.
- The applicant has indicated that he intends to develop the property with a residential use only and it will not be a mixed use development. The applicant intends to build a multi-family apartment complex on the overall 25 acre site.
- The applicant's proposed development will have 19 apartment buildings that will be comprised of

a total of 850 dwelling units.

- The applicant is proposing a maximum building height of 85 feet outside of the 150 foot shoreline area and a maximum building height of 75 feet within the 150 foot shoreline area.
- The applicant has sited the apartment buildings on his property such that there will be four view corridors that allow views of the river looking south from Seltice Way.
- The applicant is proposing both public and private open space areas as part of this project. The open space requirement for a Limited Design PUD is no less than 10% of the gross land area and the applicant's proposed project will have a total of 27% of open space.
- The applicant is proposing a total of 7.01 acres of open space that will consist of 1.52 acres of public open space and 5.49 acres of private open space. There will be a two foot sitting wall that will separate the public open space area from the private open space areas.
- The public open space is located adjacent to the river and is 40 feet wide by approximately 1,600 feet long.
- A twelve foot wide multipurpose trail is shown in the public open space area that will traverse the property and will have trail connections to the adjacent properties to the east and the west of the subject site.
- There are three public access areas to the river that are located in the 40 foot public open space area.
- The applicant is also proposing a 40 foot wide private open space that is located adjacent to the public open space area. This public open space area will have connections to the public trail in addition to other amenities for the residents of the proposed project.
- The combination of the public and private open space will consist of an open space area that will be 80 feet in width and will stretch from the river's edge to the closest structure.
- The applicant has indicated that a large commercial use on this site would generate more traffic than a residential use.
- As part of this application, the applicant has submitted a Trip Generation and Distribution Letter (TGDL). The TGDL was prepared by the applicant's engineer and discusses in depth the potential traffic that could be generated by commercial and residential uses.
- The applicant is currently bound to the existing Annexation Agreement that was entered into by the prior owner of the subject site. The current annexation requires a complete Master Plan Planned Unit Development (PUD) in order to build any type of commercial or residential use on the site.
- The current annexation also requires that a pedestrian/bicycle trail not less than sixteen (16') feet in width be built and installed across the southerly parcel.
- The current annexation agreement requires a public hearing and Planning Commission approval on any type of future development.
- The current Annexation Agreement must be amended in order for the applicant to proceed with this project if the special use and Limited Design PUD is approved.
- Mr. Behary provided a map showing the location, various aerial photos, proposed Land Exchange Map, Survey of Site map, proposed site plan, view corridor map, and various renderings of the proposed apartments.
- He provided a copy of the zoning map.
- He stated that the Comprehensive Plan identifies this property as Spokane River District Today.
- He provided a map showing the prior land uses approved.
- He provided various photos of the property.
- He noted the various staff comments and location in the packet.
- He provided a copy of the Trails and Bikeways Master Plan.
- He provided a copy of the building envelope plan.
- He stated that there are 17 proposed conditions.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked what is the difference between a Limited Design PUD (LDPUD) and a Planned Unit Development (PUD). Mr. Behary explained that the LDPUD requirements are a minimum of 15 acres, and if you meet that requirement, you can ask for limited modifications to the code such as setbacks and building height. A regular PUD requires a minimum of 1.5 acres and will ask for more modifications to the code.

Commissioner Luttrupp questioned if the LDPUD stays with the property if they approve the R-34 density increase and the property is sold. Mr. Behary explained that the Special Use Permit will expire in one year if it is not acted on, so if this request is approved and the property is sold, it will remain with the property. He noted that for the application to remain active, the applicant would have to apply for a site development permit.

Mike Gridley, City Attorney, stated there is an Annexation Agreement signed by the applicant which is binding unless they amend it, so the proposed project including the zone change can't be done without the Annexation Agreement. He explained that if everything is approved, the City would have to amend the Annexation Agreement.

Commissioner Luttrupp inquired if the Annexation Agreement has been approved. Mr. Gridley stated that the original Annexation Agreement has been approved, and would limit what can be done on the property.

Commissioner Rumpler asked staff to explain the Hydraulic Study requested from the Water Department. Terry Pickel, Water Superintendent explained that they have capacity in the system to serve a development of this size and the issue is that they have limited infrastructure with a single water main that provides water to Mill River that would be able to accommodate this property. He stated that the tenant would have to provide a study showing additional infrastructure. Commissioner Rumpler inquired who would be responsible for generating this report. Mr. Pickel stated that it would be the responsibility of the developer to provide the report.

Applicant Testimony:

Mike Gridley, representing Co-Applicant City of Coeur d'Alene, provided the following statements:

- He stated that this is an unusual situation in that the City is the Co-Applicant for this property. The reason the City is the Co-Applicant is that their property runs through the middle of the rectangle that the Applicant would like to develop.
- Mr. Gridley said that for a number of years many of the project opponents have been on the same page as the City to preserve waterfront access for the public.
- He stated that a big question is why the City is considering this project. He explained that the City is trying to address what the community has asked them to do, (i.e. provide more public access to the river).
- He explained that in 2014, a Resolution was passed by the City Council, brought forward from the Friends of the Spokane River, to preserve and maximize public access to the river.
- He stated that in May of 2018, the City entered into a Memorandum of Understanding (MOU) with Mr. Douglass and in the agreement it stated that the City Council recognized that public access to the water is a priority and recognized that they don't own the waterfront along the Applicant's property and questioned what type of deal they could make that allows the public access. He stated that out of that discussion they came up with a MOU which is a non-binding agreement to get a greenbelt trail with public access along the river.

- Mr. Gridley said there is “no free lunch” and they were asked to support Mr. Douglass’ proposal including the density increase in exchange for a waterfront trail and river access.
- He explained what the City will get through the proposed exchange, which would be the waterfront trail within a 40 foot wide open space area with public access to the river, and the triangle piece, which is the location of the former Stimson office in the Atlas Mill site. He stated that the property has been appraised at approximately 1.5 million dollars, so the idea would be to develop that piece with the Atlas Mill site that the City bought, to be sold, and the money could be used for public development along the river.
- He stated that if they could accomplish an exchange with Mr. Douglass to include the density increase with the intent, over time, to build the 850 apartments as proposed, Mr. Douglass would be able to do his project. The City would get the piece that runs through the applicant’s property and get an easement for a trail on the water.
- The goal of staff is to try and achieve the goal that the City feels is important, which is to obtain more waterfront access for the public.
- With the property the Applicant owns, and the current zoning, he can do 469 units right now, and if he does proceed with existing zoning, it would probably be waterfront homes along the river.
- Mr. Gridley stated that the bad news is none of us will live forever, but the decisions we make to preserve public access will live on forever.
- He stated that this is a tough decision and agrees with folks that say this property is a “once in forever” opportunity and this is the City’s best shot at trying to preserve it. .

Mr. Gridley concluded his presentation.

Commission Comments:

There were no questions for Mr. Gridley.

Todd Whipple, Applicant representative provided the following statements:

- He stated that the property is not a “spot” rezone and encompasses 15,000 apartment units and 15,000 residential units.
- The Atlas Mill came down in 2005 and he showed different before/after photos of the property.
- He commented that he wants the commission to remember that for 100 years this was a mill site from Riverstone to North Idaho College.
- He stated that they are down to the last parcels left which are the City property and Mr. Douglass’ parcel.
- He showed a rendering of the proposed 850 apartments.
- He stated that the last two properties combined are the only properties left that will provide waterfront access to the public.
- He stated that through the MOU, they will not only provide 40-feet of easement to the City for the continuation of their trail system, but also provide additional 40-feet of setback for the buildings along the river.
- Mr. Whipple said that he isn’t saying his project isn’t an important project as a standalone project, but in 2001 both these sites were an active mill site and removed in 2005.
- He showed a site plan with the proposed zoning.
- He explained that with the rezone they would have five, four story buildings and a 75 foot buffer area. They would have 76 units that would be 80 feet off the water.
- He stated that the water supply is adequate.
- He stated that they met the condition of the Parks Department by providing 40 feet of public open

space.

- He stated that the wastewater treatment lines are adequate and the Fire Department conditions are also adequate.
- He commented that to the west are Mill River and some single family residences along the river in a cul-de-sac and the project will not have an impact to those homes.
- They feel they have met the findings of B-8, 9 and 11.

SP-11-18

Mr. Whipple provided the following statements:

- He stated if approved, this will allow a zone change from C-17 to R-34, which will allow them to build a 34 density on the property.
- He noted that on the site plan, they have 14, five-story buildings with underground parking, with five, four-story buildings with above ground parking.
- He stated that this project will provide 27% open space versus the 10% requirement, and one advantage to help get to that open space is to provide a parking garage, which is a very efficient use of space.
- Our vision is to have not only the tenants from the apartment buildings, but the public, use the 40-foot public open space. He stated that they are happy with the apartment layout that eliminates a lot of asphalt to increase and maximize the greenspace to get to the 27% requirement.
- He provided a rendering showing the elevations of the five-story apartments with underground parking, and said that they will be able to maximize the building footprint.
- He stated that they are proposing a compact development and the reason for that is to minimize the overall footprint and development within the Coeur d'Alene area.
- He stated that this project is intended to be a rental community with secure buildings with inside corridors and elevators. He also explained that access to the inside corridors and elevators leading to the parking garages will allow them to provide a taller living environment, and a more dense development, which is great.
- He stated that there will be a view looking to the east and a view looking to the north from the river with the ability to see the public and private open space.
- He stated that that this project meets the required findings.

LDPUD-1-18

- Mr. Whipple explained that they are requesting a LDPUD and that a "true" PUD is technically a rezone that will allow setting of lot width, land coverage and density.
- He stated that the city doesn't have a high-rise apartment project on the river and that the closest apartment project is Riverstone and after that you're probably north of the highway.
- These units will be designed as five-story buildings with underground parking, and interior corridor apartment buildings with elevators.
- He explained the "whole picture" going from Mill River to Riverstone to be a unified development.
- The goal is to get preservation of the 40-feet for the public open space
- The project would provide a functional and desired environment.
- He stated that the project meets the Comprehensive Plan goals and is in the River District which is considered a transition area and they strived to meet all requirements associated with the Comprehensive Plan.
- He stated that they will provide public/private open space to help preserve the open space along the river for development.

- He described the building envelopes around the project.
- He stated that, in reference to the old mill site, from looking at a picture of the site taken in 1995 there were no trees and in 1999 the mill planted some smaller trees along the river, and looking at an aerial photo of the property there are now trees 20-30 feet tall that were planted by the mill.
- He stated that they will try and keep some of the trees and that the topography works well with the design since the property slopes away from Seltice, allowing the buildings to be set back, which is pleasing to the eye.
- He stated that the common open space area will be 27%, which is a combination of private/public open space.
- He commented that on Seltice there are roundabouts that are not signalized and that through their study they have provided the numbers for traffic counts.
- The building envelopes are minimum and maximum that they have used on the buildings. Mr. Whipple showed various renderings showing the color of the buildings. The colors of the buildings will be brown to match the landscape of the surrounding properties.
- He noted that they will have plenty of greenspace between buildings and explained that since these buildings are taller than a "Garden" style apartment, it will provide the right amount of light and open air to the buildings. He stated that there have been a lot of comments such as: traffic counts will be anywhere from 11,500 +/- with the C-17 property counts being 6,400 for ADT, peak hours down from 1041 to 397. He commented that these traffic counts will be an improvement over what they could do with C-17 and R-12 zoning. He added that the intersections will not be signalized intersections. In regard to public infrastructure, Mr. Whipple stated that they have addressed the total number of units that Mr. Gridley explained well. He stated that another question asked is if the project is the best use of the site, and they feel that, when completed, it will be an asset to the city.

Mr. Whipple concluded his presentation.

Commission Comments:

Commissioner Fleming asked why they were compelled to increase the number of parking spaces. Mr. Whipple explained that he has worked on many apartment units and with every project that they didn't get to 1.8 or more parking spaces, they have had parking problems. He stated the reason is that apartments are a community of roommates, couples and singles who don't have one car per unit. He explained that in the west, they have further to walk to a grocery store etc. They have found if they get above 1.85 or 2.1, it doesn't affect anyone other than inside the development community.

Commissioner Mandel asked the applicant to explain the rationale for increasing the building height by 20%.

Mr. Whipple explained the rationale for increasing the building height was to provide a lot of amenities such as interior corridor buildings versus outside stairway buildings. To provide this look, they had to go up to five-stories. They could do four-stories without an elevator, but to include an elevator they had to have that additional story, plus provide the parking garage underneath the building. The request for height was to increase the density to make the project successful.

Commissioner Ingalls commented there are some good positives with the project. To get the triangle piece is huge for the City and the waterfront piece is good for the community. He commented that he went to Boise this year and rode the Greenbelt on a bike and it was cool and he could envision a bike ride to Post Falls with the extended trail. He noted that on the rendering of the apartments the buildings jump up, and stated that he is struggling with this project when it comes to a couple of the findings that talk about compatibility with the building envelope and with the surrounding neighborhoods in regard to bulk and size. He commented they are "huge" apartments, and requested that the applicant help him understand that the Comprehensive Plan states "Within the corridor its expected to have some areas that would be higher than 10 to 16 dwellings per acre density some pockets of that but it also says the "scale of

the development could be urban but less than the Downtown Core" (DC). He stated that the majority of the downtown buildings are two and three stories.

If you think about development, it's either on the flat ground and so you drive by it and you get a corridor view. Whatever you build is what you get. If you're building up hill, if you were to go up hill from the road, and you build two stories, but you're back 50 or 100 feet, but you might be five or six stories in the air. On this property, where we have 30 feet of fall to the river, we wanted to maximize the development of the site, but we also thought that we were less intrusive to the view from Seltice because, while we were asking for one more story, which is really about all it adds, as we fall away from Seltice, we could increase the density and open space. He explained that if they built only a three-story building they would have struggled with the 10% open space and would not have been able to build the parking structure. He stated they decided to include underground parking to decrease the asphalt footprint for outside parking, and they needed an elevator, and with the elevator they can go to five stories.

Commissioner Rumpler stated that there was previous testimony spot zoning and asked Mr. Whipple for his point of view of how he does not see this project as a "spot zone". Commissioner Rumpler explained that if they approve an R-34 zone, there is no R-34 property near the property, and if they approve R-34 on the site and someone buys the property to the north and there is an economic justification, how could they not allow them to build to the same density and bulk.

Mr. Whipple stated that as a community, we have to decide what the limits of sprawl are. He stated that in an earlier discussion talking about levels of service, it was noted that all urban communities go to service level "F" and the City of Spokane's downtown corridor is service level "F". He explained that in that area they want people to use public transit, bikes and walking. Level service "C" is "free flow." It costs a lot of money to achieve a service level "C" and build a lot of lanes, and if you build lots of lanes people will drive farther, so as a city we have to decide do we go to the Prairie or do we densify. Mr. Whipple said that in his opinion all cities have to make that decision -- do we densify our urban core or do we go up or out? He answered the question about the guy across the street and if he is going to be across the street we will have the City's project, mixed use community, Riverstone, and the bike path put on Seltice that goes downtown questioned about why they are not zoned R-34 and that the City should support densification on everything south of the highway.

Commissioner Rumpler said that he understands the justification and maximizing the opportunity, which makes sense. He questioned the transportation impact when it was stated earlier that there would be "no impact" on Seltice. He corrected that statement and said that yes there would be impacts. He commented that he lived in Mill River for many years and is familiar with the Seltice commute to downtown and to other areas, and commented that the recent addition of the roundabouts is a dramatic improvement for that corridor from Northwest Boulevard all the way to Highway 41. He noted that during Welch Comer's presentation on the traffic study that the addition of any significant number of new car trips into an already stressed corridor from Atlas to Northwest Boulevard. Commissioner Rumpler further commented that there might not be any signal optimization and adding the Atlas property the City owns and the density they are proposing could be catastrophic to the transportation system. He stated that he wants to make the right decision so that the outcome of "quality of life" is not diminished.

Mr. Whipple stated that previous testimony regarding the traffic study, Mr. Boyd commented, "If you build it they will come". Mr. Whipple explained that they are time-based on what is the quickest way or least amount of delay, but at the same time transportation is expensive. He stated that he has seen stuff that he designed in his early career that was torn down. He also commented that if background traffic grows from 1-2 ½ or 3% a year, that means every 10 years traffic has grown 25% without getting any impact fees. He asked, does the City come up with \$80 million dollars for the Huetter bypass and then don't allow any more growth until that comes in and then fill it up? He stated that this has to be a public/private process, which allows development to proceed in conformance with the Comprehensive Plan.

Public testimony open.

Dr. Steve Cook, Superintendent of Coeur d'Alene School District 271, stated that he is "enheartened" by the fact they have talked this long about traffic and hopes, in the future, to have a similar discussion on how a development will impact our schools and children. He stated that the school district is aware of "win/win" agreements between developers and municipalities and supports the forward planning position of the City to incorporate public access for the River's Edge development. He commented that it appears the River's Edge apartments in the City have been working to protect and provide public access to the riverfront with existing zoning. River's Edge apartments are entitled to roughly 450 units, which would equate to approximately 140 new students. However, if this agreement is approved, the additional 400 units could potentially produce an additional 180 students over time that the school district would be expected to accommodate. Dr. Cook added that in their current design and zones, the additional students would likely attend Winton Elementary School, Lakes Middle School and Lake City High School. He noted that all of our schools are at, or over, capacity, and that last Wednesday, he subbed for one of the 5th grade teachers, Amanda Briggs at Winton Elementary School, and the class had 34 students. The district is highly supportive of positive growth and responsible development decisions by the Planning Commission and City Council, and those decisions should not continue to be made without consideration of the overall impact of the school district. Dr. Cook mentioned the circumstances regarding the elementary school the district is trying to build either on the Prairie Avenue site or the Nexus site that are a good example of how this plays out when considerations are overlooked and partnerships do not exist.

Dr. Cook further commented that school districts are not set up to enter the open market as a private developer to compete for the right locations for schools. He asked the commission to imagine if other public entities such as Fire Departments or the Parks Department were expected to compete on the open market to locate, and place future fire stations, or community parks. He commented that they strongly urge the City to fairly assess the impact for all projects on schools by amending current policy or City Code to establish and act upon the authority to access either impact fees, funding or land acquisitions for the impacts of development on the school district. He stated that, just as the city has created a collaborative partnership with River's Edge apartments in order to achieve its goal of increased open space, they ask the City to partner with the Coeur d'Alene School District to ensure that the increase zoning will not overly burden our local schools. He commented that it is time we build a collaborative approach between the City and school district to insure that future growth and development in our community can be done in a thorough and thoughtful manner.

Josh Suhr stated that he grew up here, is a member of the Board of Realtors, and is asking that the commission to consider what they are giving up, for what they are getting in this deal. It is one thing to have a land swap and zone change with density increases and height increases in exchange for 40 feet of waterfront but they need to factor in what the value will be. He questioned if we are trying to create a district affectively inquired what is the overall effect of an apartment project, and what will be the benefit to the city.

Ray Lozeau asked where people are going to park. He stated that the density is bad and people living here don't make a lot of money, so how many people are going to be living in those units. He commented that people are leaving Spokane because of the drugs and asked if we want to be like Spokane. He commented that this project is not good for the City.

Kevin Shultz stated that he is a doctor and works at the Chinook building. He commented that he has to use the exit off of Ironwood many times a day for deliveries or surgeries, and noted that a lot of times there is a wait to get to the hospital and that the increase density in traffic will not help in emergency situations.

Chet Gaede stated that there are three decisions to be made for the project. The first one is a decision on the zone change. Mr. Gaede commented that the R-12 zoning that is there now is terrible because it will allow houses to be built along the river with no river access. He applauded the City's effort to get access for the public area. Mr. Gaede said that the second decision is the Special Use Permit for the R-34 density increase which will be a tough decision with a lot of people saying that traffic is bad and bad for the environment. But if you're really an environmentalist, you should cheer for density. We should be saving land some place, and be more dense other places. The third decision is the approval of the LDPUD that is tied to the MOU and under negotiation. Mr. Gaede commented that he fears that if the commission

does approve the LDPUD, it will be a signal to the developer that this project is approved. He suggested putting off approving the LDPUD and that approving the other things would be ok. Mr. Gaede said that what he is adamantly against is the docks. He explained that when the Atlas project went through with all of the public hearings, the public was adamant that they didn't want marinas or docks. He commented that the docks should be negotiated in the MOU, and suggested approving the zone change and putting off approval of the LDPUD and pushing that decision to the elected officials who take into account all the likes and dislikes of the people instead of the rules and regulations that the commission is presented with.

Roger Smith said that he was part of the advisory committee in 2013, which led to the resolution to allow public access to Riverfront. He commented that the developer is asking for the "sky" and in this package it is a lot of stuff that is not in the best interest of the city. He commented that the Annexation Agreement that was approved in 2014 was done to take in account that this is a special piece of land and that the Annexation Agreement required a Planned Unit Development (PUD) to be used as a tool when the parcel is developed. He stated that he is against the docks, parking garage and no view corridors, that the MOU is not a good deal, and also stated that the City is not getting what they should out of it. He said to the commission, "Please don't approve R-34."

Tim Keary stated he was speaking for the North Idaho Centennial Trail System and proposed that the Centennial Trail remain 16 feet wide going through the River's Edge and Atlas Mill site area. He stated that the Centennial Trail is a great "jewel" in our community's crown. He explained that the requested density for this plan will create more trail traffic. He further said that he is neutral on the development, but is advocating for a proposed 16-foot wide trail.

Ruth Pratt stated that she recognizes the value of high density zoning and is opposed to it because of the location along the river. She noted that the property is in an environmentally sensitive area, and there is only a finite amount of waterfront property left in this community that needs to be thoughtfully protected for future generations. She commented that if the zone change is approved and they are allowed to build 850 units, the buildings that would be built down by the water would be 75 feet tall and she asked the commission to imagine the wall of buildings that will be presented from Seltice Way and questioned if this is what we want for our riverfront. She further commented that to approve an R-34 zone would create over 6,000 vehicle trips a day, in an already congested area.

Terry Godbout stated that there are seven, five-story buildings in the city and if this project is approved, it will add 19 more with a 300% increase. His personal feeling is that the traffic study is not complete and questioned how a decision can be made until the final traffic study is available. He commented that he recently did a survey after reviewing the letters submitted to the Planning Commission and explained that those 39 letters all of them denied this request. He noted that there was a small poll done on Facebook with 43 opposed and one in favor. The other poll was done on Sunday morning at 11:30 a.m. when he put a petition on Change.org with attached pictures from the developer and asked, "If you are opposed, please sign the petition." He commented that during the first 24 hours they had 124 signatures that went viral, and the total number of people who signed the petition was 4,400 people.

Carrie Morrison commented that one of the things that was not mentioned is how much open space will be available for the public. She noted that in previous testimony, Mr. Whipple mentioned two parking spaces per apartment, and if there are 850 units, that would mean there would be 700 parking spaces. She referenced the 40 foot waterfront piece that is designated for the public and questioned where is the public is supposed to park to get to the little strip of land intended for the public to use. She also questioned what is wanted for this space -- small businesses or people to have access to the waterfront to use.

Shelley Pordue stated that a long time ago, you used to be able to live here without making a lot of money and now you can't get an apartment for less than \$1,200 a month. She commented that it's not fair because if you don't have money you won't be able to enjoy the river.

Andy Singh stated that he owns a lot on the corner of Atlas and Seltice and commented that they have been waiting for development to happen in this area for a long time and applauded the City for doing a great job on the road. He stated that he approves of the project and questioned how many years we can

look at cows on Seltice. He further commented that we succeed when the City pushes development, eliminating the “crummy” corners. He said that we want to be stewards of the community and when we see development like this, we want to invest in the city.

Dan Panther commented he lives in Mill River and has enjoyed walks along the river to Riverstone for years. He commented that C-17 feels like a threat and explained that he can put in all the “big box” stores and there is no problem with traffic. He commented that he is concerned about the added traffic on the trail and people who enjoy looking at the river will now be looking at a wall of buildings. He stated this request is about financial gain.

Susan Knutson said there are 198 rentals available in Coeur d’Alene today with 2,700 jobs available. She further commented that in 2017 the population of Coeur d’Alene was over 50,000 and those people are living on over 10,000 acres in Coeur d’Alene. She explained that if 850 units go into that 25 acre area, it could potentially be a 6% increase in population on 2% of the land in Coeur d’Alene, and that concentrated amount of people would be living in rental apartments, and without ownership there will be no pride of ownership, which is something to be considered.

Tom Morgan stated that no one has mentioned the Fire Department and what happens when a fire happens in this area. Commissioner Fleming answered that a new fire station just opened on Atlas Road.

Rebuttal:

Mr. Whipple provided the following statements:

- He stated that they just received the comment letter from the Centennial Trail Foundation today and they will not have a problem with the trail being 16 feet wide.
- He addressed access and parking and have been working with the City noting that there will be public parking available on the Mill River side of the trail and on the City-owned Atlas portion of the trail. He explained that public parking will not be allowed in the apartment complex which is considered a private development, with the intent to have a parking area over the sewer easement and a parking area on the Atlas Mill site.
- He stated that they are asking for a higher building height on the shoreline area and explained that the building height, when done, will be 55 feet tall. In perspective, in an R-12 zoning district, they can build a 32 foot high building, 40 feet from the river. They are proposing a 55 foot tall building, 80 feet from the river, so the size and bulk will be different but their proposal will be different from a bunch of houses lined up on the shoreline.
- He referenced a previous photo showing the Atlas Mill site and commented that, unfortunately, they don’t have the ability or luck that Riverstone had when they went from closing the Central Pre-Mix pit to filling in the pond and putting a restaurant in and people thought that was great. He stated that if the mill was still working with logging trucks going in/out and if they weren’t here, people would say, “Thank God that mill is going!” He asked the commission to please put that in perspective.
- He stated for the last 15 years they have been looking at this open area and don’t think this it is fair because if they were going straight from the Mill site to this development they feel the project would be embraced by the City with the intent to fix a blighted community, which is the removal of an industrial site for a residential community.
- He asked the commission to please consider these elements and not penalize them for the 12 or 13 years in between.

Mr. Whipple concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked if the applicant could explain how the docks will work with this project. Mr. Whipple stated that they will be private docks for the rental community with a public dock option. He explained that the public dock option will be ADA accessible, and they will provide direct river access for the public to use.

Commissioner Luttrupp asked if approval is needed from the Idaho Department of Lands for the private docks. He asked if, since the City doesn't own the 40 foot piece of property, would having docks inhibit the use of the river. Mr. Whipple stated that he understood the question and explained that they will not have as many docks as Bellerive, but will cut down the number of docks per the amount of people. He explained that they tried to place the docks so that they wouldn't be intrusive into the public open space and viewing area. He noted that they tried to place the docks so that they aren't intrusive into the swimming area and tried to keep the docks as far away as possible. He further explained that there will be stairs to get down to the beach area.

Commissioner Luttrupp asked if the streets within the development will be public streets. Mr. Whipple explained that they will be private drive isles for access to the apartments.

Commissioner Luttrupp questioned if the only tenant parking will be in the garage. Mr. Whipple explained that there will be surface parking. Commissioner Luttrupp inquired how many parking spaces will be available. Mr. Whipple explained that there would be two parking spaces available for each of the 850 apartments, so that would be 1,700 parking spaces. He explained that there will be 700 spaces available in the garage and the rest is surface parking.

Commissioner Luttrupp stated that McEuen Field has 440 parking spaces and downtown on-street parking is 699 spaces, and the new parking garage at 4th and Lakeside has 600 parking spaces. He stated those three parking areas are smaller than what this project intends to have. He further commented that he is having some discomfort with this project and noted that, if approved, it will go against the Comprehensive Plan. He explained that the project is too massive, the density is too great, and he does not support changing the shoreline. He stated that he will not support the project.

Mr. Whipple responded that he feels this is a great project and in the narrative they tried to meet all of the Comprehensive Plan polices pertaining to the LDPUD and Special Use Permit.

Commissioner Luttrupp stated he would like to have a crime report presented comparing similar housing units versus this project.

Lancze Douglas applicant provided the following statements:

- He commented this is a large project which will be done in over 10 years, which would be 85 units per year and would be considered a medium size project.
- He stated that this type of growth has happened in this area for the last 10 years, with the addition of the Riverstone apartments, Mill River apartments, and the apartments across the street.
- He explained that since they are coming in with a large project, instead of with a bunch of small projects that don't tie together, it enables them to plan for the waterfront all at once.

Mr. Douglas concluded his presentation.

Chairman Messina commented that he heard that there will not be any public parking on the property and questioned how they intend to stop the public from parking on the property, and if they intend to have any gates on the property to prevent this. Mr. Douglas answered that they do not intend to have any gates.

Public testimony closed.

Commissioner Rumpler asked if staff could explain the choices for this project.

Mr. Behary explained the choices: To approve, approve with conditions, deny, deny without prejudice, which is not an option for the special use permit, but would be an option for the zone change and the LDPUD. He further noted that the commission could continue one or more of the public hearings or table a decision. He stated that the commission can make the findings on the zone change request and table the decisions on the special use permit and LDPUD pending a final decision by City Council if an appeal is brought forward.

Commissioner Luttrupp stated that the zone change needs to be approved and then he recommended deferring the other two to City Council.

Mr. Gridley clarified that the fundamental thing is the zone change and explained that if the commission denies the zone change, then the other two items don't happen.

Ms. Anderson explained that the commission can approve the zone change and the other two could be tabled or denied and those items would get appealed to council for their decision. She added that if the commission decides to deny all three, then the applicant could appeal all three items to council.

Commissioner Rumpler said that he concurred with Commissioner Luttrupp's comments and stated that the challenge is there are some things that aren't related to the technical elements of development, which are more political in orientation; for example, the land exchange, MOU, and amendment to the Annexation Agreement. He commented that these are things that they can't make a decision on so he is sympathetic to Commissioner Luttrupp's comments.

Commissioner Ingalls stated that R-12 zoning is terrible and he is not in favor of seeing "Bellerive boxes" next to the water, and that C-17 is the right zone for this property.

Discussion:

The commissioners then made separate findings for each of the three requests starting with the zone change. A motion and findings were made by Commissioner Fleming for the zone change request.

Motion by Fleming, seconded by Ingalls, to approve Item ZC-4-18. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

Discussion for Item's LDPUD-1-18 & SP-11-18

Commissioner Fleming stated that she has done this type of work in the Middle East and can't believe how dense this project will be in this location and has a difficult time "wrapping her head around" the impacts to the river and views as you look down the proposed view corridors. She feels there are no view corridors, especially from the water, and described it looking like from "Brooklyn from New York Harbor". She is concerned about the school impact in this area. She stated that this is not our downtown core and that this project feels like a downtown core project. She stated that she is concerned about the amount of impervious surfaces with too many buildings that would provide only 28% of greenspace diminishing the lack of sun and humanity. She added that they are committed to a city that has small town feel to "live, work and play." She suggested that they do need to have bus pickups and get more cars off the road, and commented that with this much compression they will have a lot of crime.

Commissioner Ingalls stated the positives and explained that this is a huge opportunity to obtain 1,700 feet of waterfront and one thing they can agree on is they would love to keep the parcel vacant. He commented that struggles with the mass and scale, which goes against the Comprehensive Plan. The Centennial Trail should be 16 feet rather than 12 feet. He stated that it would be hard to make the finding that this project would be compatible with Riverstone and the Atlas Mill site. He commented that if there is ever an opportunity for some middle ground 469 apartments versus 850, or how about 650 apartments.

Commissioner Ward stated he is aware of the petition online, which will not sway his decision, and out of the fairness to the developer their presentation, that those 5,500 people weren't here tonight to give their comments. He stated that they need to send this to the City Council so the people who couldn't attend tonight will have a chance to voice their opinion at another hearing.

Commissioner Luttrupp said they had a previous city attorney who gave them lectures on a regular basis, saying, "You can get all the testimony, but pay attention to the facts." He commented that he is confident that they heard a lot of the people's response.

Commissioner Mandel commented that the land swap being tied to some of this was in the back of her mind, and not having enough information to make an informed judgement on that decision, or the risks, assets or liabilities that would come with the land swap. She feels that she doesn't have enough information at this time to say how much this zone change and special use is worth. She further commented that she is not afraid to make the hard decisions. On the face value of the R-34, I was struggling to make the findings that this was compatible with the River District and relative to what the Downtown Core looks like. She further commented that she believes in density and that development is good and that they need to think about density which can "look different" and "look smarter". She commented that she would like to push the commission and the City to incorporate the school district into some of these big projects and decisions proactively. She commented that she applauds the developer's efforts for coming up with creative solutions on open space and accommodating public access on the waterfront. The scale and the intensity of this development are not compatible with the surrounding area.

Commissioner Ingalls made the motion to table SP-11-18 and LDPUD-1-18.

Chairman Messina inquired if they can make the motion to include both of them.

Ms. Anderson stated that the commission should do one item at a time but if they do that (i.e., table the decision) then this would be different than the other scenarios they talked about earlier. She explained that the zone change will go forward and the council will make their decision, and during that time the commission can't have any discussion between now and then, and there won't be any more public testimony at that meeting if they decide to table the decision on the special use permit and Limited Design PUD. There will need to be no ex-parte communication.

Mr. Gridley suggested that if the commission wants this to go forward to the City Council, one option is they could deny both the SP-11-18 and LDPUD-1-18 tonight and the applicant could appeal the decision. If the commission chooses to table the decision, it would not move forward to the council.

Commissioner Ingalls stated that he would like to withdraw his motion. A new motion and findings were made by Commissioner Mandel on the Special Use Permit.

Motion by Mandel, seconded by Fleming, to deny without prejudice Item SP-11-18. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

A motion and findings were made by Commissioner Fleming on the Limited Design PUD.

Motion by Fleming, seconded by Rumpler, to deny without prejudice Item LDPUD-1-18. Motion approved.

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

Planning Commission

Findings

December 11, 2018

COEUR D'ALENE PLANNING COMMISSION

FINDINGS AND ORDER

ZC-4-18

A. INTRODUCTION

This matter having come before the Planning Commission on, December 11, 2018, and there being present a person requesting approval of ZC-4-18, a request for a zone change from R-12 to C-17 zoning district.

APPLICANT: RIVER'S EDGE APARTMENTS, LLC

LOCATION: +/- 7.8 ACRE PARCEL LOCATED AT 3528 W. SELTICE WAY

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

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

- B1. That the existing land uses are residential and mixed uses.
- B2. That the Comprehensive Plan Map designation is Transition-Spokane River District.
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on, November 24, 2018, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, December 3, 2018, which fulfills the proper legal requirement.
- B6. The potential mailing exceeded 200, and as a result was not required pursuant to state code.
- B7. That public testimony was heard on December 11, 2018.

B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

Objective 1.01 Environmental Quality:

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

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 1.15 Natural Terrain:

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

B9. That public facilities and utilities are available and adequate for the proposed use.

B10. That the physical characteristics of the site do make it suitable for the request at this time.

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

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of RIVER'S EDGE, LLC, for a zone change, as described in the application, should be approved.

Special conditions applied are as follows:


1. The annexation agreement for the subject property will need to be amended if the applicant's request is approved. The annexation fees would need to be adjusted for the increased density and all other fees and applicable conditions would be addressed in the amended annexation agreement, as well as any conditions that have already been satisfied.
2. The applicant will be required to pay all impact and capitalization fees at the time of building permits. If the City's impact fees haven't been updated at the time of permits, the applicant would also be subject to paying an additional proportionate traffic mitigation fee to cover traffic mitigation measures recommended in the Atlas/Riverstone Traffic Impact Study.
3. An extension of a City approved public sanitary sewer "to and through" the subject property and conforming to City Standards and Policies shall be required prior to building permits.
4. Wastewater will require the property to pay for their equitable upsizing of the sewer main in Shoreview Lane or equivalent.
5. The applicant will be required to provide a looped water system with the property at the time of development.
6. A hydraulic study must be completed by the applicant prior to development.

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

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.


CHAIRMAN TOM MESSINA

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

SP-11-18

A. INTRODUCTION

This matter having come before the Planning Commission on December 11, 2018, and there being present a person requesting approval of ITEM: SP-11-18 a Density Increase Special Use Permit.

APPLICANT: RIVER'S EDGE APARTMENTS, LLC

LOCATION: +/- 25.92 ACRE PARCEL LOCATED AT 3528 W. SELTICE WAY

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

(The Planning Commission may adopt Items B1 to B7.)

- B1. That the existing land uses are commercial and residential.
- B2. That the Comprehensive Plan Map designation is Transition-Spokane River District.
- B3. That the zoning is R-12; However applicant is requesting C-17 zoning with ZC-4-18.
- B4. That the notice of public hearing was published on, November 24, 2018, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, November 29, 2018, which fulfills the proper legal requirement.
- B6. The potential mailing exceeded 200, and as a result was not required pursuant to state code.
- B7. That public testimony was heard on December 11, 2018.

B8. 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:

B8A. The proposal is not in conformance with the comprehensive plan based on the following Comprehensive Plan objectives:

Objective 1.05 Vistas:

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

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 1.14 Efficiency:

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

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 3.01 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 4.01 City Services:

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

B8B. The design and planning of the site is not compatible with the location, setting, and existing uses on adjacent properties. This is based on the density and the surrounding areas that are predominately C-17 and not R-34. We do believe we need a mixed use area within the river project. The design and appearance of the project is not compatible with the surrounding neighborhood in terms of architectural style, added buildings, building height, bulk, and landscaping.

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

C. ORDER: CONCLUSION AND DECISION


The Planning Commission, pursuant to the aforementioned, finds that RIVER'S EDGE, LLC, for a special use permit, as described in the application, should be denied without prejudice.

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

ROLL CALL:

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

Motion to Deny without Prejudice by a 6 to 0 vote.


CHAIRMAN TOM MESSINA

COEUR D'ALENE PLANNING COMMISSION

FINDINGS AND ORDER

LDPUD-1-18

A. INTRODUCTION

This matter having come before the Planning Commission on December 11, 2018, and there being present a person requesting approval of ITEM LDPUD-1-18 a request for a Limited Design Planned Unit Development known as River's Edge.

APPLICANT: RIVER'S EDGE APARTMENTS, LLC

LOCATION: +/- 25.92 ACRE PARCEL LOCATED AT 3528 W. SELTICE WAY

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

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

- B1. That the existing land uses are commercial and residential.
- B2. That the Comprehensive Plan Map designation is Transition-Spokane River District.
- B3. That the zoning is R-12; However applicant is requesting C-17 zoning with ZC-4-18.
- B4. That the notice of public hearing was published on, November 24, 2018, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, November 29, 2018, which fulfills the proper legal requirement.
- B6. The potential mailing exceeded 200, and as a result was not required pursuant to state code.
- B7. That public testimony was heard on December 11, 2018.

B8. Pursuant to Section 17.07.275, Limited Design 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 Planning Commission:

B8A. The proposal does not produce a functional, enduring and desirable environment. This is based on the density of the development and the blocking of views from and to the river, with general environmental concerns with river access allowing docks which may, or may not conform to careful water management.

B8B. The proposal is not consistent with the City Comprehensive Plan based on the following Comprehensive Plan objectives:

Objective 3.01 Managed Growth:

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

Objective 3.02 Managed Growth:

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

Objective 1.05 Vistas:

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

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl

Objective 3.05 Neighborhoods:

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

Objective 4.01 City Services:

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

B8C. The building envelope(s) are not compatible with or sufficiently buffered from uses on adjacent properties and water features. Design elements that may be considered include: building heights and bulk. These buildings would be taller than most of the buildings in Coeur d'Alene.

B8D. The proposal is not compatible with natural features of the site which is our river that we are here to save and protect.

B8E. The proposal does provide adequate private common open space area, as determined by the Planning Commission, no less than ten percent 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.

B8F. The location, design and size of the proposed building envelope is such that the traffic generated by the development can be accommodated safely on minor arterials and collector streets, and without requiring unnecessary utilization of other residential streets.

- B8G. The proposed setbacks do provide:
1. Sufficient emergency vehicle access.
 2. That neighborhood character will be protected by adequate buffering.
 3. For maintenance of any wall exterior from the development's property.
- B8H The proposed building envelope(s) will not provide for adequate sunlight, fresh air and usable open space because there are alley ways between the buildings and a lot of on-ground parking and garages.
- B8I. The proposal ensures that adequate provisions have been made in respect to flood and landslide hazards. This will be an engineering issue that would be addressed if the project were to move forward.

C. ORDER: CONCLUSION AND DECISION


The Planning Commission, pursuant to the aforementioned, finds that the request of RIVER'S EDGE, LLC for approval of the Limited Design Planned Unit Development, as described in the application, should be denied without prejudice.

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

ROLL CALL:

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

Motion to Deny without Prejudice carried by a 6 to 0 vote.


 CHAIRMAN TOM MESSINA

Comment Letters

STUHMILLER, SHANA

From: Angie Conrow <angie_conrow@yahoo.com>
Sent: Wednesday, February 13, 2019 11:14 AM
To: PlanningDiv
Subject: Atlas proposal

Dear commissioners,

Please stand your ground against the proposed highrise apartment complexes at Atlas near Riverstone. I live within two miles of this site and believe this project is not what we need here. Traffic is already congested in the area and cramming the population of St Maries into one little spot would be, in my opinion, absurd. Not to mention the environmental effects that kind of development would have on the river and our beautiful lake. Additionally it would block the beautiful views that locals here have enjoyed for generations. Please deny any high rises in that area. I had hoped when the city bought the property there would be access and public spaces for us to enjoy.

Thank you,

Angie and Jason Conrow

[Sent from Yahoo Mail on Android](#)

STUHMILLER, SHANA

From: Deborah Mitchell <dmitche2@yahoo.com>
Sent: Wednesday, February 13, 2019 11:15 AM
To: PlanningDiv
Subject: Riversedge

Any apartment complex of high-density will essentially turn the Atlas public park into a "private park" for the 2,000 residents who live next to it. Please do not allow this.

Deborah Mitchell
Coeur d'Alene

STUHMILLER, SHANA

From: Matthew Benjamin <benjimathew6072@gmail.com>
Sent: Wednesday, February 13, 2019 11:13 AM
To: PlanningDiv
Subject: 870 Apartments

Please do not let this pass, nobody wants these river side turned into a apartment trash heap just to help line some ones pockets.

It's a bad idea
A horrible idea
Please do not do it

Sincerely,

Matthew Benjamin

Idaho Borne and raised.

Memo

To: City of Coeur d'Alene

From: Chet Gaede

CC: City Council

Date: 2/27/2019

Subj: Public Comments regarding River's Edge Apartments hearing on 3/5/2019

On March 5th City Council will hear an appeal of the Planning Commission's denial of a request for increased density and building heights for the River's Edge Apartments along the Spokane River just east of the U.S. Bank Call Center. City Council should grant this appeal because it will allow the City to continue negotiating without giving final approval for the project to be built.

In 2014 the City acquired railroad property that bisects River's Edge with the intent of leveraging that property for public access to the river. Toward that end the City entered an agreement (Memorandum of Understanding, MOU) with River's Edge Apartments to trade the RR property for a much more marketable property in the Atlas Waterfront Project and other "to be negotiated" items. Either party can withdraw from the MOU with 30 days' notice.

To date the City has negotiated for a 40' public access easement along the river that would be an extension of the Atlas Waterfront Greenbelt. They have also gotten River's Edge to reduce its original requested density and building height. Given more time, and with the leverage of the land swap, City Council may be able to ask for a wider easement and some other "quality control" over the River's Edge development. These additional negotiations would be based on the contractual agreement of the land swap and are not available to the City via the normal land use regulations.

If Council denies this request it is quite possible that River's Edge will withdraw from the negotiation and develop the property under the current land use code. This would most likely mean houses along the river and apartments along Seltice and no public access to the river. The beautiful waterfront trail on the Atlas Project would then be routed between the waterfront houses and the apartments (Go see the trail between the bank call center and the Mill River waterfront homes.) Yuk!

If Council grants the appeal, then negotiations for the terms of the land swap will continue. The City is required to have a public hearing on the land swap. As part of the public process the City could hold an open house to explain the benefits of the proposed land swap versus the likely development of the property without the land swap. Then, after informed public input regarding the final negotiated terms, Council could decide whether to go ahead with the land swap. If the negotiations do not live

up to Council's expectations the City can withdraw from the land swap deal and the River's Edge current design of high density and tall buildings will have to start the application process all over.

Council has been negotiating river development since they acquired the RR property over four years ago. These negotiations have given us the Atlas Waterfront Project and hope for public access and rivercentric design along this entire section of the Spokane River. City Council should approve the requested variances so that these negotiations can continue.

We The People of CDA

wtpcda@gmail.com

February 27, 2019

TO: Coeur d'Alene City Council

SUBJECT: River's Edge Apartments Appeal Hearing – Public Comment

Attached is our '**Position Statement**' on the proposed Rivers Edge Apartments on the Spokane River.

Per our stated positions, we request that the City Council take the following actions:

1. uphold the intent and vision of the City's Comprehensive Plan for this River District
2. deny the request for a **zoning change to higher density** (from C-17 to R-??)
3. deny requested variances for allowing excessive **building heights** (55' is proposed, instead of the 32' max. permitted in shoreline zone)
4. deny the request for **12 boat docks** (60 boat slips!)
5. propose a **revised MOU** - still involving a 'land swap' of the City's RR ROW for a riverfront trail area, but without granting any zoning increase from the current C-17
5. withhold **any final approvals** for development of the River's Edge property until any revised MOU and Annexation Agreement are prepared and are subject to a public review period.

Thank you for your serious consideration of this request.

Sincerely,

Roger Smith, for
We The People of CDA

attachment

cc: City Attorney, City Administrator, City Planner, City Planning Commission

We The People of CDA

wtpcda@gmail.com

- POSITION STATEMENT -

Issue: River's Edge Apartments Development

Introduction

Thoughtful development of the two old mill sites on the Spokane River near Riverstone is a major community concern. With respect to the proposed the River's Edge Apartments (REA) Project, a recent petition on *change.org* attracted over 8400 signers opposing the project - 90% of which are in the local CDA metropolitan area. There is overwhelming public opposition to this project.

The originally proposed 26-acre REA development would have involved the construction of 19 high-rise buildings – some right on the river – with a total of 850 new apartment units. Although a newer, revised proposal would lower the number of apartments to 680 (15 high-rise buildings) this project is still a 'bad fit' for this unique riverfront site, and we oppose the plan.

Our Positions

Our '*We The People of CDA*' organization has developed the following primary positions regarding the proposed REA development.

GENERAL

We oppose the REA development as a highly impactful, ill-planned and uncreative use of this very special riverfront property. City officials have a 'once-in-forever' opportunity – and a public obligation - to demand a better development of this parcel. Our specific concerns include the following:

- **MOU and 'LAND SWAP'**

The proposed Memorandum of Understanding (MOU) involving a 'land swap' is a bad deal for the City. The City is giving up too much to the developer, by giving the developer the City-owned railroad right-of-way (RR ROW) and also permitting a zoning change to higher density (now C-26) in return for only a 40' riverfront trail easement and a triangle of land on Seltice Way. Since there will be an extensive waterfront trail through the adjacent City-owned Atlas site, a narrow riverfront trail through River's Edge is not essential. The trail corridor could simply follow the City-owned former railroad right-of-way (RR ROW) and then continue behind the Mill River riverfront homes. The City should make the RR ROW a public greenbelt trail corridor.

Position: The current MOU should be rejected, and the City should retain ownership of the RR ROW for a public trail system from the Atlas site into Mill River. The City should NOT permit a re-zone to higher density, but should simply stay with the C-17 zoning like

the adjoining property. As an alternate plan, the MOU could be modified to reject only the zoning change to anything greater than C-17, and retain the 'land swap' provision and a waterfront trail easement. (Worth noting is that the City Planning Commission has already approved a lucrative re-zoning to C-17 (from R-12) for the waterfront portion of the REA property.)

The City should use its approval authority for Planned Unit Development's (PUD) to ensure a 'good fit' development with exceptional public value for this unique site, in keeping with it's plans for the adjacent Atlas site. The City must honor the spirit and vision of its three important policy documents:

1. the City **Comprehensive Plan** for The River District and Special Shoreline areas
2. the original **Annexation Agreement** for this property, and
3. the City Council's **Resolution 14-049**.

• **TRAFFIC**

Traffic impacts from the REA development – which proposes 680 (instead of 850) apartments will have major negative effects on already congested roadways such as Northwest Blvd., as concluded in the recent Traffic Study.

Position: No Approval of a rezone to greater than the current C-17 should be considered for this massive development should be considered until realistic traffic mitigation measures are assured.

• **SCHOOL CAPACITY**

The schools Superintendent has already expressed major concern about the REA project at the Planning Commission hearing. He stated that CDA schools are already at capacity and that new developments' impacts on schools must be part of the City's review/approval process.

Position: The school enrollment impact of major high density development like REA must be analyzed and accepted by the school District as a condition for any approval.

• **AESTHETICS**

The construction of multiple high-rise buildings would be undesirable from a visual standpoint. The sheer mass of this development would not be compatible with the surroundings. The requested variance for greater heights of buildings (55') should not be permitted. The project would also create light, noise and air pollution impacts. The proposed numerous private boat docks /slips (60+) are also not acceptable form an aesthetic standpoint. Docks should be limited and subject to Design Review.

Position: The proposed REA project should be rejected based on its poor aesthetics, and required to comply with the conditions and intent of the City's Comprehensive Plan and the Annexation Agreement for this special River District. The requested variance to allow greater heights of buildings should be denied. The City should use its authority for approving PUD's to demand a 'better fit' project for this unique site.

February 14, 2019

City of Couer d'Alene
Planning department
710 E. Mullan Avenue
Couer d'Alene

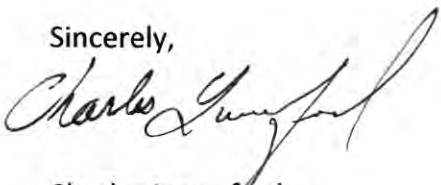
RE: River's Edge Villas

Dear City Council,

My name is Charles Lunceford and I am the owner of property directly across Seltice Way from the River's Edge property. The parcel number of my property is 0-5700-004-010-C. I am writing to you today to voice my support for the River's Edge project. I owned my site when the proposed project's site was an active saw mill and think that the proposed project will not only improve the immediate area but will be an asset to all of the Coeur d'Alene area. I feel this to be the case because with River's Edge proposing to install a trail along the river, versus the alternative of having it several hundred feet away from the water, and grant public access to the water, this will allow the public access to the river which it has never had on this site. The current proposal has reduced the number of units from 850 down to nearly 680 and eliminated the additional height request on most of the site.. It is my understanding that the Developer is already allowed to develop 510 units on the site so we are really only discussing the additional 170 units. Those additional units on a site that size will hardly be noticed, but the trail and public access to the river will be forever enjoyed by all residents and visitors of our area. Again, I would like to voice my support for the project and request that you vote to approve it as submitted.

Thank You for your time

Sincerely,

A handwritten signature in cursive script that reads "Charles Lunceford". The signature is written in black ink and is positioned above the printed name.

Charles Lunceford