

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

**MAY 10, 2016**

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

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

**5:30 P.M. CALL TO ORDER:**

**ROLL CALL:** Jordan, Fleming, Ingalls, Luttrupp, Messina, Rumpler, Ward

**APPROVAL OF MINUTES:**

April 12, 2016

**PUBLIC COMMENTS:**

**STAFF COMMENTS:**

**PUBLIC HEARINGS:**

1. Applicant: Bellerive, HOA  
Location: Bellerive Lane  
Request: A proposed modification to "Bellerive PUD"  
QUASI-JUDICIAL, (PUD-1-04m.5)
  
2. Applicant: Riverwalk Townhomes, LLC  
Location: Bellerive Lane  
Request: A proposed 2-lot, 4-tract preliminary plat "Bellerive 6<sup>th</sup> Addition"  
QUASI-JUDICIAL, (S-2-16)

**ADJOURNMENT/CONTINUATION:**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
to continue meeting to \_\_\_\_\_, \_\_, at \_\_ p.m.; motion carried unanimously.  
Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adjourn meeting; motion carried unanimously.

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



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**PLANNING COMMISSION  
MINUTES  
APRIL 12, 2016  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

None

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Luttrupp, seconded by Fleming, to approve the minutes of the Planning Commission meetings on February 9, 2016, and March 8, 2016. Motion approved.

**COMMISSION COMMENTS:**

None

**STAFF COMMENTS:**

Hilary Anderson, Community Planning Director announced that there are three items scheduled for the May 10<sup>th</sup> Planning Commission meeting, but these items could be canceled if is not received by the established deadline. She commented that if the information is not received in time, a vacation rental workshop could be alternatively scheduled during that time.

**PUBLIC COMMENTS:**

None

**ELECTIONS:**

Chair and Vice-Chair

Motion by Ingalls, seconded by Luttrupp, to reappoint Brad Jordan to Chair and Tom Messina to Vice Chair. Motion approved.

**PUBLIC HEARINGS:**

1. Applicant: GT, LLC  
Location: 3045 N. Fruitland Lane  
Request: A proposed zone change from MH-8 to R-12  
QUASI-JUDICIAL (ZC-1-16)

Mike Behary, Planner, presented the staff report and answered questions from the Commission.

Commissioner Luttrupp inquired if new sidewalks will be added to the property if this is approved.

Mr. Behary stated that the applicant will be required to provide new sidewalks on the portion to be developed.

**Public Testimony open.**

Drew Dittman, applicant representative, explained that the applicant intends to do a pocket-house project on the property; which is currently not allowed in the existing MH8 zone, but is allowed in the R-12 zone. He commented that when the project is completed, it will blend nicely with the surrounding area.

R.C. Walker stated that he lives on Fruitland Lane and would like to know if any new sidewalk will be added. He explained that Fruitland Lane does not have sidewalks on both sides of the street, which pushes people out in the street and is dangerous. He stated that he has addressed this issue with the City Engineer, Gordon Dobler, and didn't get any response to this problem and feels it should be addressed now.

Cleo Stach stated that she has lived on the corner of Fruitland and Cherry Lane for 20 years and is happy that the zone will be changed so the trailers will go away. She explained that apartments on the lot will help clean up the area and will be a big improvement.

**Rebuttal:**

Mr. Dittman discussed traffic and the frontage improvements that will be made to provide connectivity.

R.C. Walker stated there is sidewalk on Fruitland Lane, but it is not connected, and would like to see that problem resolved. He also added it would be nice to have some traffic calming devices in this area, since the traffic is bad.

**Public Testimony closed.**

**Discussion:**

Commissioner Ingalls stated that he appreciates all the comments regarding the sidewalks and explained that the commission must make their decision based on how this zone change will affect the property and that issues with sidewalks are looked at through the building permit process. He stated that the R-12 zone selected by the applicant will be a nice fit with the neighborhood.

**Motion by Ingalls, seconded by Ward, to approve Item ZC-1-16. Motion approved.**

**ROLL CALL:**

|                       |       |     |
|-----------------------|-------|-----|
| Commissioner Fleming  | Voted | Aye |
| Commissioner Ingalls  | Voted | Aye |
| Commissioner Messina  | Voted | Aye |
| Commissioner Luttrupp | Voted | Aye |
| Commissioner Rumpler  | Votes | Aye |
| Commissioner Ward     | Voted | Aye |

Motion to approve carried by a 6 to 0 vote.

- 2. Applicant: City of Coeur d'Alene
- Request: Proposed Porta-Potty Ordinance
- QUASI-JUDICIAL (0-1-16)

Hilary Anderson, Community Planning Director, delivered a PowerPoint presentation and answered questions from the Commission.

Commissioner Ingalls commented that this is a start at something that did not exist and it will be interesting to see how it works the first year. He clarified that this draft ordinance did come forward because of Crafted, who has submitted an application to the Design Review Commission for the approval for a proposed beer garden requiring the use of Porta-Potties.

Commissioner Luttrupp congratulated staff on their efforts putting this ordinance together.

Chairman Jordan stated that after reading the ordinance, he did not see anything regarding Porta-Potties that are used during the construction phase.

Commissioner Ward commented that construction use was discussed under item number four (4.), Section (E.) of the staff report.

Chairman Jordan referenced the staff report under item (4.)(G.) regarding special or private events requiring a permit if the event lasts more than three days. He commented this might be too restrictive as sometimes these types events could last longer, and would like to see the timeframe extended beyond three days.

Commissioner Ward stated that he disagrees and that if a special or private event is longer than three days, a permit should be required.

Chairman Jordan stated that he feels he is looking out for the average citizen who needs more time because their family reunion or other event might last longer than three days. He commented if the other commissioners don't agree with his opinion, at least it was stated.

Commissioner Rumpler inquired how staff determined the number of days allowed before a permit is required.

Randy Adams, Deputy City Attorney, explained that the number for allowable days might have come up in

a joint workshop with council, or it might have been mentioned when doing research on what other cities have required.

Commissioner Luttrupp feels that three days should remain, and if any problems occur, it could be reviewed in one year.

Chairman Jordan inquired under "Seasonal Use" if 180 days should be reduced to 90 days for the months of June through August.

Ms. Anderson explained that staff felt 180 days is consistent with what is allowed with food trucks and restaurants that allow outdoor seating.

The discussion ensued with the consensus by the Commission to keep 180 days as the time limit under "Seasonal" use.

Eva Carlton stated that she owns a vacation rental in town and concurs with Chairman Jordan that three days is not enough time and explained if you have guests staying at your home, and a sewer line breaks, you might need a Porta-Potty longer than three days for a plumber to come and fix the problem. Staff clarified that this scenario would be permissible under "emergency" in the draft ordinance.

**Motion by Ward, seconded by Fleming, to approve Item 0-1-16. Motion approved.**

**OTHER:**

1. Vacation Rental – Update on survey and public input

Sean Holm, Planner, provided a PowerPoint with the results from a public survey on the city website. He commented that he has already started drafting a Vacation Rental Ordinance, and is seeking input from the Planning Commission and public for the items that they might want included in the ordinance.

Commissioner Ingalls questioned what the driving-force is behind vacation rentals, and stated that if he owned a house in Fort Grounds as a vacation rental, he feels that those parking passes would be used by the people renting the home. He questioned the need for new regulations when we have a lot of strong homeowner associations within the city.

Mr. Holm stated that staff has had complaints in the past from people living in a neighborhood that has a neighbor or knows of someone who is renting their home in this manner and is disruptive. He stated as an example, in Hawaii they do restrict how many vacation rentals a person can own, but they do regulate vacation rentals and because there are so many, a lot of the locals can't afford to live in town because the homes are prohibitively expensive.

Commissioner Ingalls inquired if he decided to rent his house out two times a year, for a week each, would he be breaking the law.

Mr. Holm answered no, and explained that within this ordinance, there are exceptions that a person is allowed to rent their home for a grand total of fourteen (14) days per calendar year, and that those days can be broken into no more than two (2) stays. He stated the homeowner would not be required to apply for a short-term rental permit in that situation.

Commissioner Luttrupp stated he would like to have a police report submitted indicating the number of complaints they have received.

Commissioner Rumpler inquired about any safety features, such as smoke detectors or fire extinguishers that would need to be provided by the homeowner ensuring the renter that the home is safe.

Mr. Holm concurred and stated he has previously discussed this with the Fire Department, who perform inspections on homes, and stated that they are surprised how often homes do not have any functioning smoke alarms or fire extinguishers.

Commissioner Rumpler feels that safety should be considered and hopes that this ordinance will be able to address those issues.

Commissioner Ingalls inquired if other jurisdictions are required to perform inspections.

Mr. Holm stated that some cities do and some don't, and it's based on having adequate staffing available to do those inspections.

Commissioner Ward stated that this is great, but how is staff going to get people who have a vacation rental to obtain a permit.

Mr. Holm stated enforcement is done through complaints and stated there is an old saying "Don't irritate the neighbor and they won't complain".

Commissioner Messina recommended that a list be required for the tenant showing proof for safety items in the house.

Mr. Holm stated that the Fire Department already has a pamphlet that they give to people after they do a home inspection that could be used for this purpose.

Commissioner Green inquired if staff knew how much these permits will cost.

Mr. Holm stated that staff has not determined that yet.

Commissioner Rumpler feels this is a new form of commerce and it should be regulated like other businesses in the city.

Commissioner Fleming stated this is the future. She feels the city shouldn't be responsible and cited that she had a friend who has a vacation rental in the city and the person who was renting the property had an accident involving a barbeque, and thankfully the homeowner had adequate insurance. She agrees that this should be run as a business and that owners need to pay taxes to run this business.

#### **PUBLIC COMMENTS:**

Larry Chmura stated that he would like to know how many complaints the city gets on vacation rentals and thinks this is going to get expensive for the vacation rental owner and commented that "If it's not broken don't fix it".

Cheryl Lantz stated that they own a vacation rental business in town and would like to answer a question that came up earlier on a formula to decide occupancy. She explained that when they meet with a client and do a home inspection, they base the occupancy on the square footage of the home. She stated that the properties they manage are family oriented that have additional rooms with doors and extra-large bedrooms to sleep more than one person.

Commissioner Ingalls questioned if she feels the city needs a vacation rental ordinance.

Ms. Lantz stated, as a business owner, we don't need any more regulations, but would recommend that if there is an ordinance, to have a "light touch" and commented that if someone has a vacation rental they should be required to pay the required taxes that having a business generate to be fair.

Commissioner Luttrupp inquired if there are any criteria to be considered if an owner contacts your agency.

Ms. Lantz explained that there are federal guidelines that need to be followed which is discussed with the client and that the property owners do set their preference for the type of people they are looking for as a tenant, but caution them that discrimination is not allowed.

Debi Melkonian stated that they manage three vacation rentals and have enjoyed the numerous people who rent their properties. She commented that the insurance is more expensive, but agrees that this is a business and insurance is necessary to protect the owner and the client. She also agrees with the "light touch" approach to these regulations, and feels it is time that long-term vacation rentals should be regulated. She stated that she is impressed how immaculate the homes are left after her client's leave the property.

Commissioner Ward commented that once the city has the process in place, it would be nice to have the available rentals online with a 1-10 scale rating system. He inquired if renters are required to have their own renter's insurance.

Ms. Melkonian stated that they don't require proof of renters insurance from their clients, but they use a great security company that screens their applicants.

Dan Geiger stated that he has owned a vacation rental for 10 years in the Fort Grounds. He explained that a few years ago, he and his wife decided that they wanted to share their home and offered it to a group of people who were curious about the neighborhood. He stated since then, he has had the same people rent his property every year, because they love the area. He explained that he has great neighbors who report to him if there are any parties or disturbances in the neighborhood. He feels that these homes are self-regulating. He added that the people who rent his home have been quality people who leave the home spotless after it is used. He concurs with other testimony that a "light touch" ordinance would be best.

Matt Clapper stated he manages vacation rentals for Vacasa and oversee thirty homes and that they determine the occupancy after they inspect the home on how many bedrooms the home has available. He stated that with every client, they make sure the home is equipped for safety and if the home is lacking they will provide those items to insure the occupant's safety.

Terry Nash stated that he works for a vacation rental company (Vacasa) and concurs that a "light touch" is best for regulating vacation rentals. He feels that if they are required to have occupancy regulations, then hotels should be required to do the same. He commented that if he lives in a neighborhood and had a choice between a vacation rental and a regular rental, he would choose a vacation rental. He explained that most vacation rentals are family owned and well-maintained. He would agree to set the minimum stay for a vacation rental at two nights. He stated they do require the owners to provide proof of insurance and they screen their renters.

Commissioner Luttrupp asked if he could explain his screening process.

Mr. Nash stated, as an example, if you are contacted by one party and then they state they are going to split the rental, then that is a "red flag" that they are looking for a place to have a party.

Eva Carleton stated that she disagrees and stated the city doesn't need to have regulations on vacation rentals. She explained that she has had a vacation rental for a number of years, and doesn't feel there needs to be anymore fees. She stated that she has never had a problem getting quality people to rent her homes and that in the many years she has had a rental, nothing has been damaged. She commented that she is an attorney and carries liability insurance to cover anything that should happen on the property. She feels that vacation rentals are important and often accommodate the overflow of what the hotels can't handle.



Commissioner Fleming commented that the city is trying to make this a legal process since vacation rentals have become so popular. She stated this is a business and the owners should have to pay their share of taxes.

Holly Hansen explained that she had the good fortune to buy the house next to hers and turn it into a vacation rental. She stated that since then people who live on her street have asked her advice how they can turn their long term rentals into vacation rentals. She stated that she likes the idea of an ordinance and likes all the previous testimony; having a "lighter touch" ordinance. She recommended to staff when permits are issued to have a link on the city website for available vacation rentals, so that someone looking for one can have a useful tool. She added it would be a great tool for other vacation rental owners to use also. She also said she would like thereto be a contact person 24/7.

Kathrine Boss stated that she lives in the Fort Grounds neighborhood and is concerned about density. She feels allowing vacation rentals with high turnover changes the feel of the neighborhood and you then don't get to know your neighbors.

**ADJOURNMENT:**

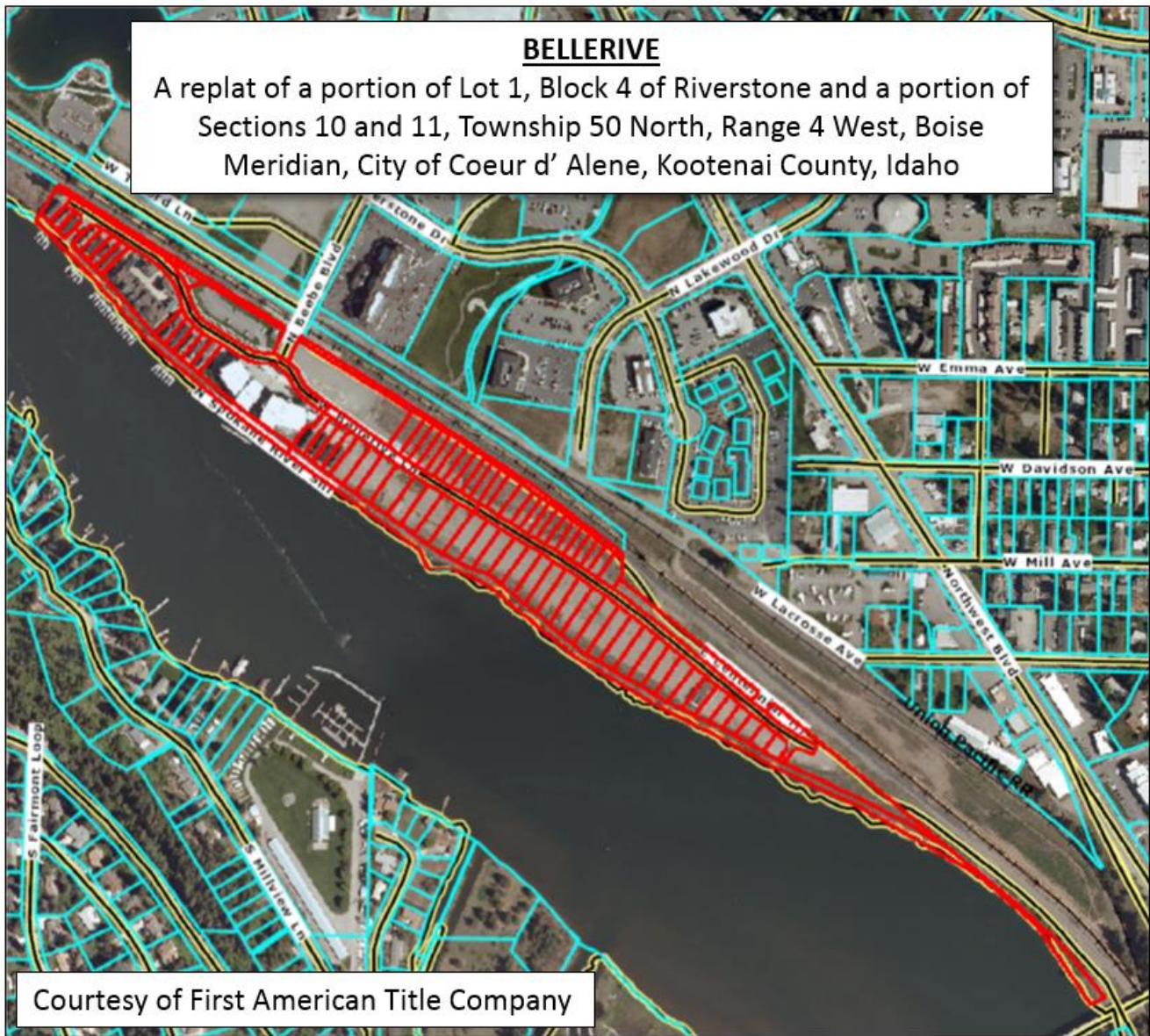
Motion by Luttrupp, seconded by Fleming, to adjourn the meeting. Motion approved.

The meeting was adjourned at 8:40 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



**APPLICANT'S  
NARRATIVE**



The Bellerive PUD encompasses all property within the following Plats recorded in Kootenai County, Idaho: Bellerive, Bellerive 1<sup>st</sup> Addition, Bellerive 2<sup>nd</sup> Addition, Bellerive 3<sup>rd</sup> Addition, Bellerive 4<sup>th</sup> Addition, Bellerive 5<sup>th</sup> Addition, Belle Starr Addition, and Whitehawk Addition.

Requested Amendments

The Bellerive Home Owners Association (HOA) requests the Bellerive PUD open space requirement be reduced for the entire PUD from 18% to the 10% minimum as specified by City ordinance #17.07.230 E.

Condition #9 "The open space area contained in the future phase 4 must be platted and constructed within two years after final plat approval of phase 3" that was part of the I-3-08 - INTERPRETATION OF PHASING PLAN FOR "BELLERIVE PUD" AND PRELIMINARY PLAT dated May 13, 2008 be removed.

## Bellerive PUD Open Space Amendment

### Justification

The 2005 PUD Final Plan identified 4.42 acres of open space. Included in the calculation was approximately 3 acres of open space directly adjacent to the Spokane River. This 3 acre “riparian strip” was approved and accepted as Bellerive open space and served as a basis for 12 previous PUD decisions. In 2015, a change in interpretation caused the City to reject this platted open space and declared the Bellerive PUD “non-compliant.” Exhibit A is a response from the HOA outlining reasons the riparian strip should be included. Without inclusion, it is mathematically impossible for the HOA to comply with the 2005 plan.

If the Bellerive PUD open space requirement is modified, the PUD can be in compliance with the City’s new open space interpretation / requirements that were introduced on February 9, 2016.

Condition #9 should be removed because the PUD encountered severe economic challenges shortly following the approved May 2008 re-phasing request and the then proposed Phases 2, 3 and 4 did not occur. Approval of this amendment will enable additional Bellerive open space to be platted and improved in an effort to bring the PUD into compliance with the new open space requirements.

### 1b. Overall Description

Not applicable – no modifications to the overall description of the community are requested.

### 1c. Physical Description of Proposed Facilities

Not applicable – no modifications to the existing Bellerive facilities are requested.

### 1d. General Designation of Utilities

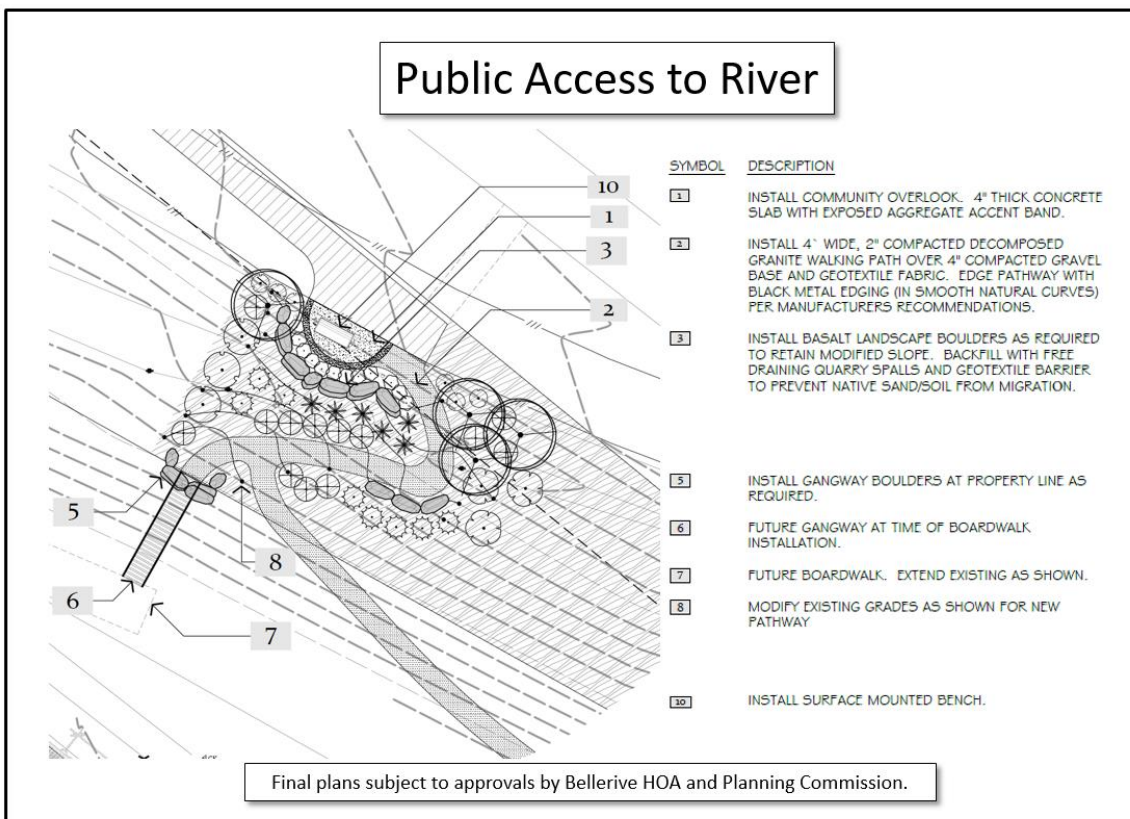
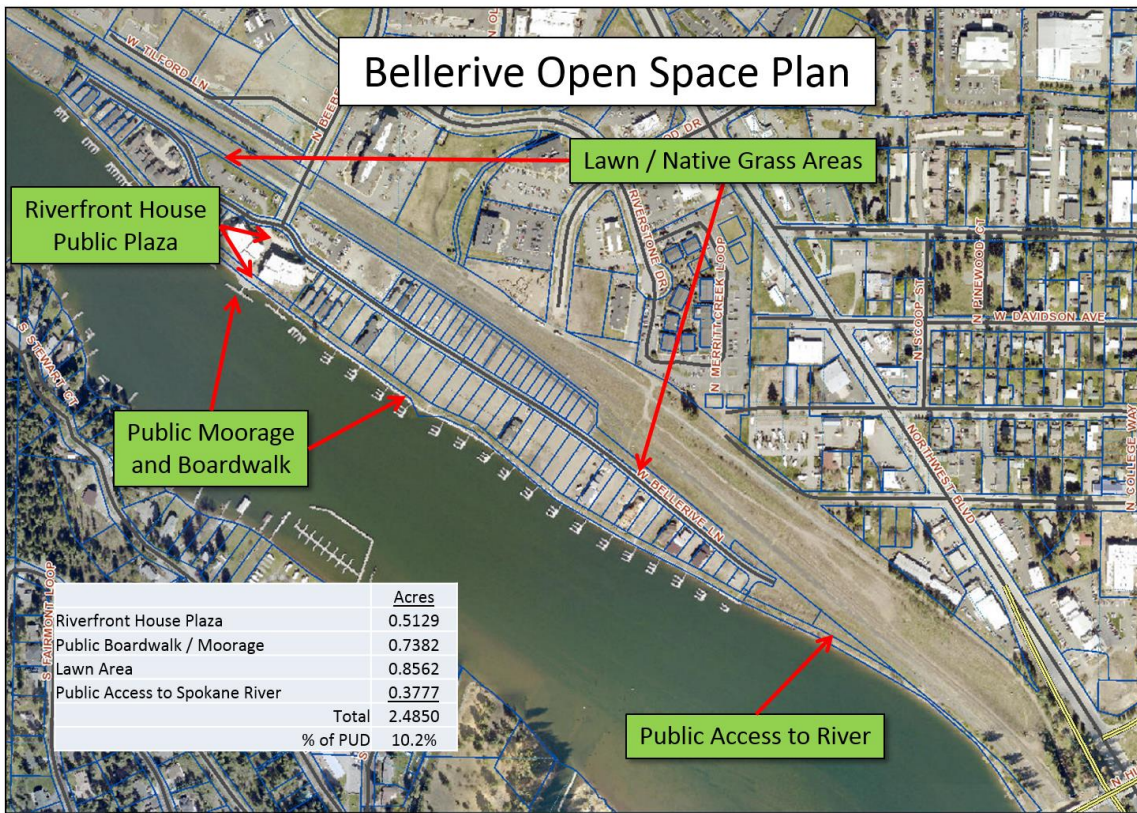
The Bellerive PUD is existing and ~95% completed. All major utilities including water, sanitary sewer, natural gas, and electricity are currently on site and available.

### 1e. General Statement on the Form of Management of Common Areas

A Home Owners Association (HOA) is in place at Bellerive. All open space will be maintained by the HOA in accordance with the existing governance documents, a copy of which is available upon request.

### 1f. Statement Detailing the Relationship to Other Major Development Programs

The PUD is adjacent to US BLM property which is publically accessible for recreation. The City is currently pursuing a lease with the BLM to create a ~29 acre public park. The proposed plan can be viewed here: [https://www.cdaid.org/files/Council/FourCorners/Hwy\\_95\\_to\\_BLM\\_Boundary-sm.pdf](https://www.cdaid.org/files/Council/FourCorners/Hwy_95_to_BLM_Boundary-sm.pdf).



## Bellerive PUD Open Space Amendment

Additional details are included in attached exhibits. Tract A of the proposed Bellerive 6<sup>th</sup> addition is not included in the Bellerive open space calculation. This area is designated as private property and will be improved and maintained by the future owner of Lot 1, Bellerive 6<sup>th</sup> Addition.

Two areas (Tract B, Bellerive and Tract A, Bellerive 5<sup>th</sup> Addition) have been designated for lawn / native grass. The currently unimproved portions of these areas will be seeded with a drought tolerant grass mix such as Scottish Links from Jacklin Seed Company or equivalent.



Quaking Aspens will be planted in the Public Access to River area.



## Bellerive PUD Open Space Amendment

### 2.0 Set of Drawings of the Entire Development

Not applicable – the entire development is existing and no modifications are requested.

### 3a. Anticipated Timing

Bellerive PUD open space improvement schedule:

- The Riverfront House public plaza, the public boardwalk and moorage and the Centennial Trail are complete.
- The unimproved portions of the two lawn / grass areas will be improved within 12 months of recordation of Bellerive 6<sup>th</sup> Addition, a proposed re-plat of Lot 1, Block 2 Bellerive 2<sup>nd</sup> Addition. This will allow adequate time to plan, budget, schedule and complete the improvements in a suitable season for these type of outdoor improvements.
- The Public Access to River will be completed within 12 months of recordation of Bellerive 6<sup>th</sup> Addition allowing adequate time to plan, budget, schedule and complete the improvements.

The Bellerive 6<sup>th</sup> Addition plat will provide a 10' non-exclusive temporary public access easement along the north border of the property.

The proposed boardwalk extension depicted in the plan is at the sole discretion of the Bellerive HOA and is dependent on obtaining an encroachment permit from the Idaho Department of Lands. The proposed boardwalk extension is not included in the open space calculation and is not a required or committed element of this amendment. If and when the boardwalk is extended, the temporary access easement will not be necessary because the boardwalk will provide public access to the Bellerive HOA owned property known as Tract A, Bellerive 1<sup>st</sup> Addition. As a result, the 10' temporary public access easement would be redundant and vacated after the Bellerive boardwalk is completed.

3b. Total Number of Acres by Phase - Not applicable.

3c. Percentage of Acreage Devoted to Particular Uses

- Open Space = 10.2%

3d. Proposed Number and Type of Dwelling Units - Not applicable.

# Bellerive Platted Open Spaces

(accepted by City in all previous PUD decisions)

AIN 301751  
.0837 Acres

AIN 301802  
.3149 Acres

AIN 301803  
.4662 Acres

AIN 301801  
.8552 Acres

AIN 330669  
.5413 Acres

AIN 315611  
.0092 Acres

**NEW**  
TRACT A  
.1202 Acres

**NEW**  
TRACT B  
.1654 Acres

AIN 314919  
2.3268 Acres

| Legal Description        | Acres         | AIN    |
|--------------------------|---------------|--------|
| Tract A, Bellerive       | 0.8552        | 301801 |
| Tract B, Bellerive       | 0.3149        | 301802 |
| Tract C, Bellerive       | 0.4662        | 301803 |
| Lot 2, Block 1 Bellerive | 0.0837        | 301751 |
| Tract A, Bellerive 1st   | 2.3268        | 314919 |
| Tract B, Bellerive 2nd   | 0.0092        | 315611 |
| Tract A, Bellerive 5th   | 0.5413        | 330669 |
| Today:                   | <b>4.5973</b> |        |
| Tract A - NEW            | 0.1202        | tbd    |
| Tract B - NEW            | 0.1654        | tbd    |
| <b>NEW TOTAL</b>         | <b>4.8829</b> |        |
| % of PUD                 | 20.0%         |        |

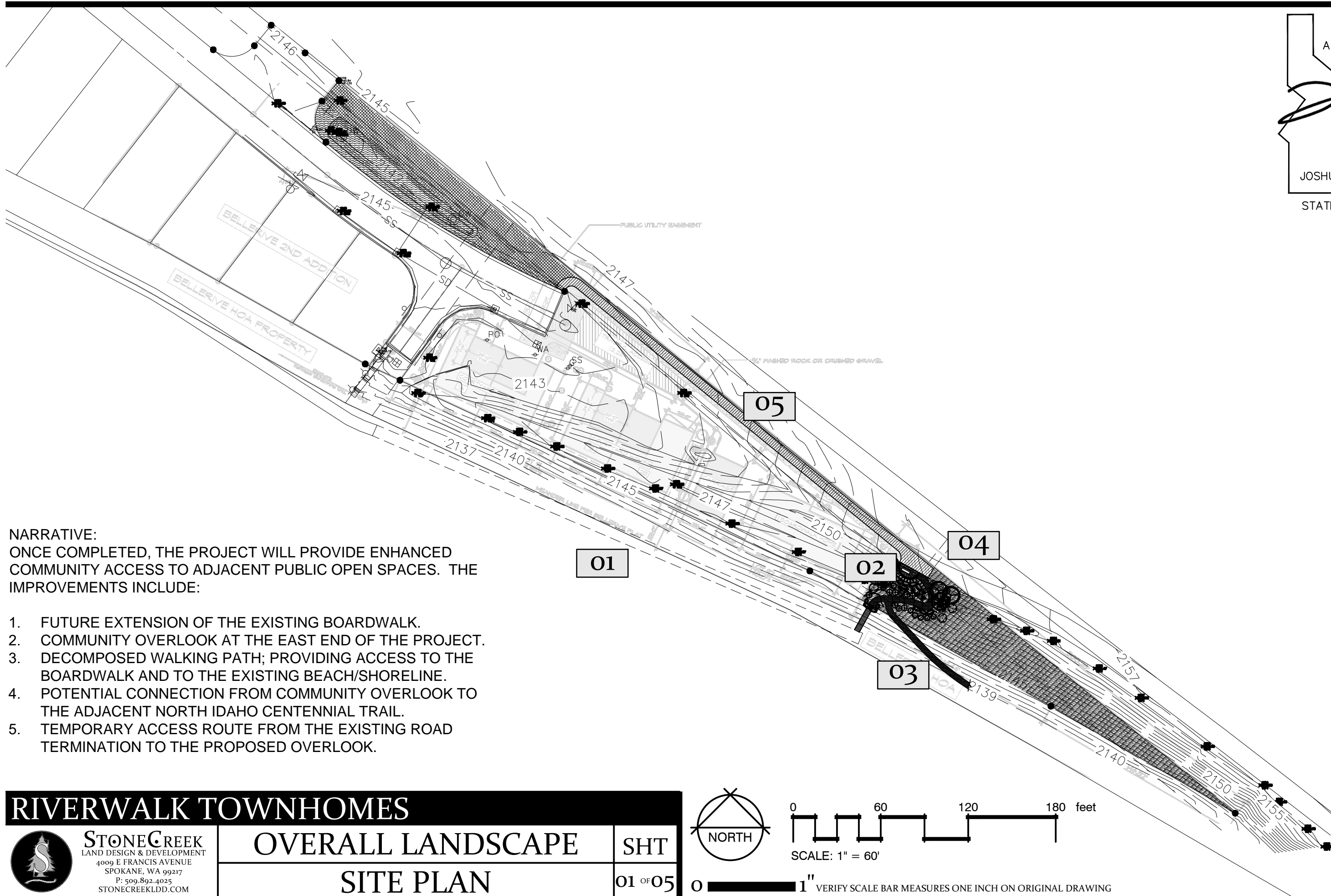


REGISTERED  
LANDSCAPE  
ARCHITECT NO.  
LA-16665



JOSHUA K. TRIPP

STATE OF IDAHO



**NARRATIVE:**  
ONCE COMPLETED, THE PROJECT WILL PROVIDE ENHANCED COMMUNITY ACCESS TO ADJACENT PUBLIC OPEN SPACES. THE IMPROVEMENTS INCLUDE:

1. FUTURE EXTENSION OF THE EXISTING BOARDWALK.
2. COMMUNITY OVERLOOK AT THE EAST END OF THE PROJECT.
3. DECOMPOSED WALKING PATH; PROVIDING ACCESS TO THE BOARDWALK AND TO THE EXISTING BEACH/SHORELINE.
4. POTENTIAL CONNECTION FROM COMMUNITY OVERLOOK TO THE ADJACENT NORTH IDAHO CENTENNIAL TRAIL.
5. TEMPORARY ACCESS ROUTE FROM THE EXISTING ROAD TERMINATION TO THE PROPOSED OVERLOOK.

# RIVERWALK TOWNHOMES

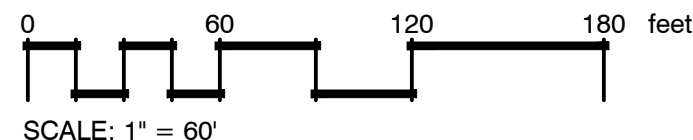
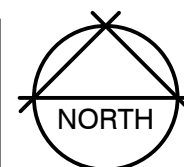


OVERALL LANDSCAPE

SITE PLAN

SHT

01 OF 05



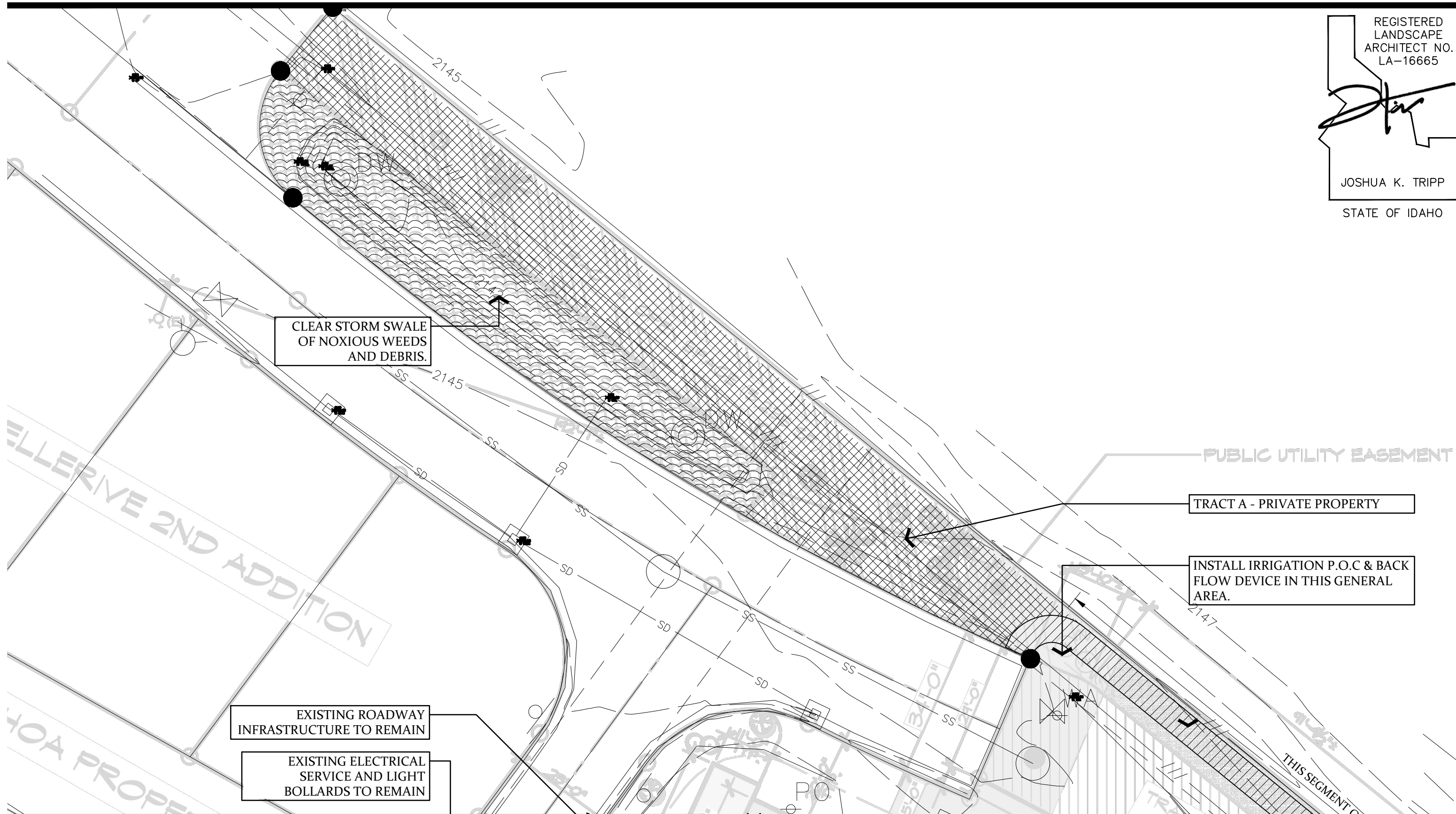
0 1" VERIFY SCALE BAR MEASURES ONE INCH ON ORIGINAL DRAWING

MARCH 28, 2016

REGISTERED  
LANDSCAPE  
ARCHITECT NO.  
LA-16665

JOSHUA K. TRIPP

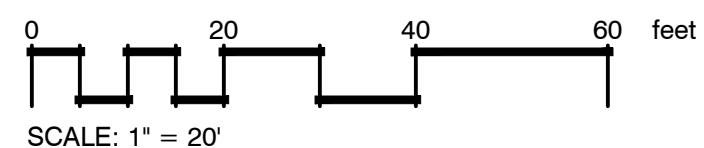
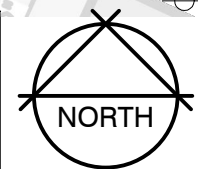
STATE OF IDAHO



|                            |  |                 |
|----------------------------|--|-----------------|
| <b>RIVERWALK TOWNHOMES</b> |  | SHT<br>02 OF 05 |
| <b>ENLARGED SITE PLAN</b>  |  |                 |
| <b>TRACTS A &amp; D</b>    |  |                 |



**STONECREEK**  
LAND DESIGN & DEVELOPMENT  
4009 E FRANCIS AVENUE  
SPOKANE, WA 99217  
P: 509.892.4025  
STONECREEKLDD.COM



0 1" VERIFY SCALE BAR MEASURES ONE INCH ON ORIGINAL DRAWING

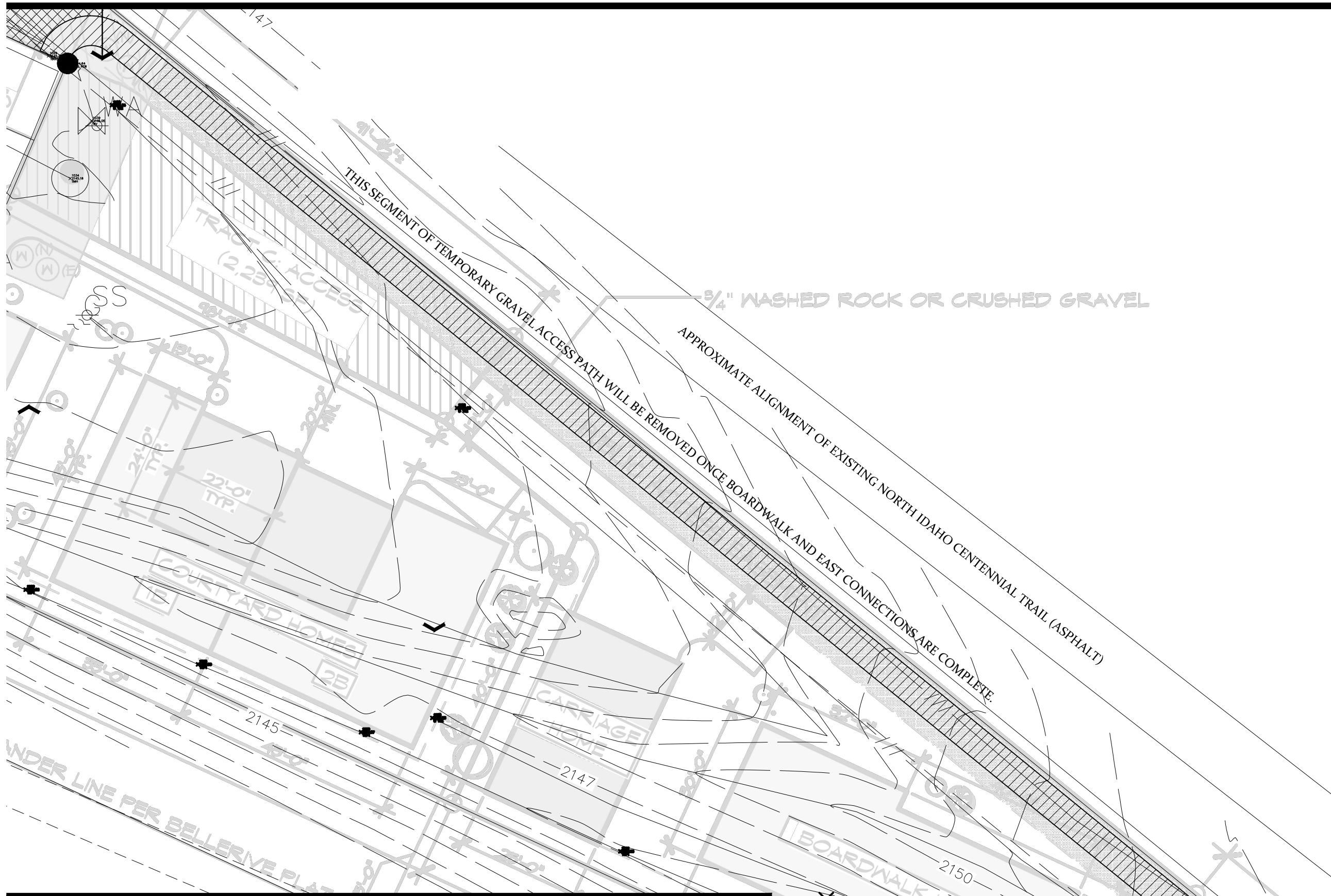
MARCH 28, 2016

REGISTERED  
LANDSCAPE  
ARCHITECT NO.  
LA-16665



JOSHUA K. TRIPP

STATE OF IDAHO



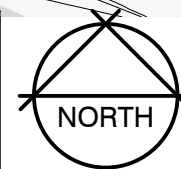
**RIVERWALK TOWNHOMES**  
**ENLARGED SITE PLAN**  
**TEMPORARY PUBLIC PATH** 03 OF 05



**STONECREEK**  
LAND DESIGN & DEVELOPMENT  
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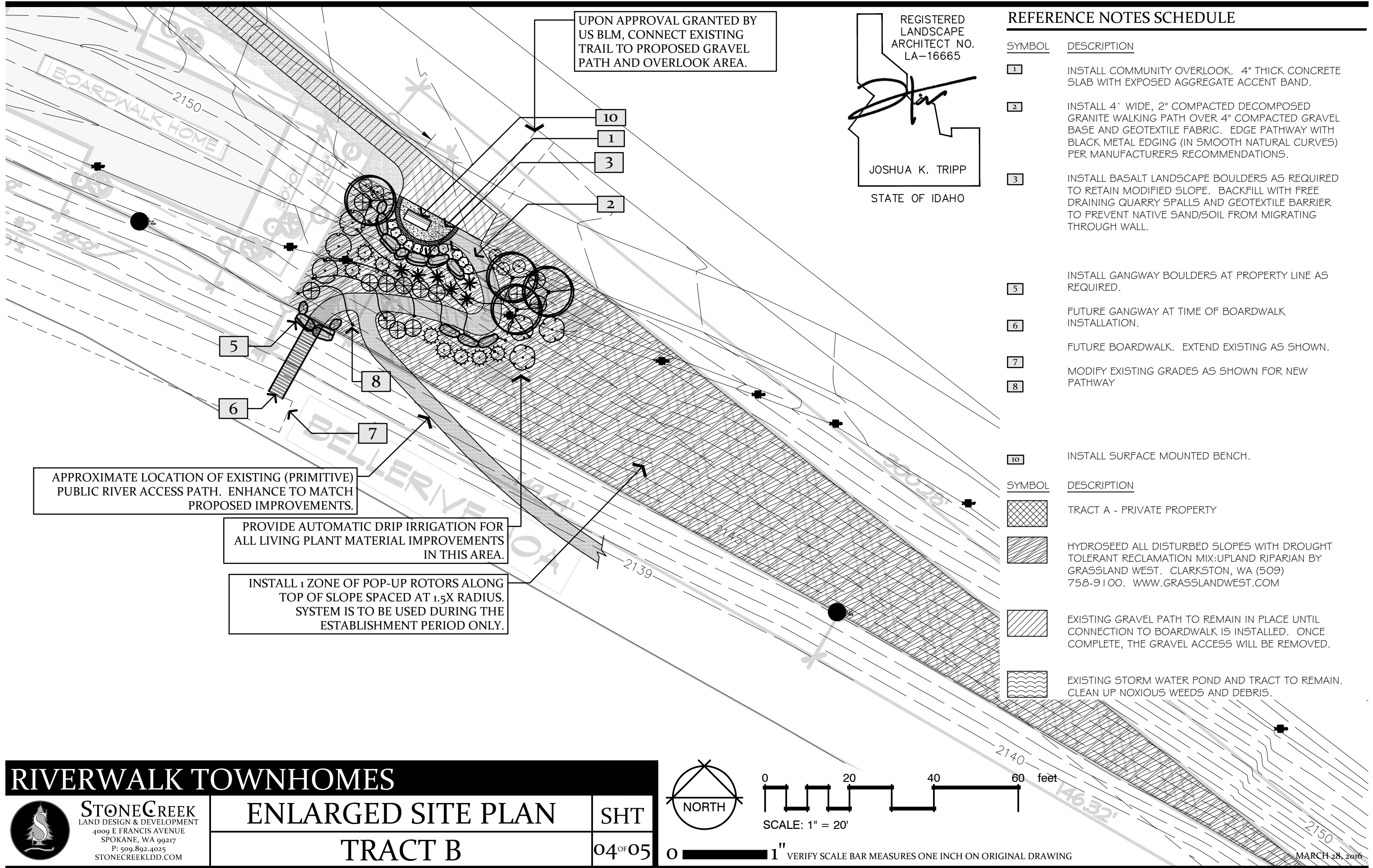
03 OF 05



SCALE: 1" = 20'

0 1" VERIFY SCALE BAR MEASURES ONE INCH ON ORIGINAL DRAWING

MARCH 28, 2016



UPON APPROVAL GRANTED BY US BLM, CONNECT EXISTING TRAIL TO PROPOSED GRAVEL PATH AND OVERLOOK AREA.

REGISTERED LANDSCAPE ARCHITECT NO. LA-16665  
  
 JOSHUA K. TRIPP  
 STATE OF IDAHO

**REFERENCE NOTES SCHEDULE**

| SYMBOL | DESCRIPTION   |
|--------|---|
| 1      | INSTALL COMMUNITY OVERLOOK. 4" THICK CONCRETE SLAB WITH EXPOSED AGGREGATE ACCENT BAND.  |
| 2      | INSTALL 4' WIDE, 2" COMPACTED DECOMPOSED GRANITE WALKING PATH OVER 4" COMPACTED GRAVEL BASE AND GEOTEXTILE FABRIC. EDGE PATHWAY WITH BLACK METAL EDGING (IN SMOOTH NATURAL CURVES) PER MANUFACTURERS RECOMMENDATIONS. |
| 3      | INSTALL BASALT LANDSCAPE BOULDERS AS REQUIRED TO RETAIN MODIFIED SLOPE. BACKFILL WITH FREE DRAINING QUARRY SPALLS AND GEOTEXTILE BARRIER TO PREVENT NATIVE SAND/SOIL FROM MIGRATING THROUGH WALL.                     |
| 5      | INSTALL GANGWAY BOULDERS AT PROPERTY LINE AS REQUIRED.  |
| 6      | FUTURE GANGWAY AT TIME OF BOARDWALK INSTALLATION.   |
| 7      | FUTURE BOARDWALK. EXTEND EXISTING AS SHOWN.   |
| 8      | MODIFY EXISTING GRADES AS SHOWN FOR NEW PATHWAY   |
| 10     | INSTALL SURFACE MOUNTED BENCH.  |
| SYMBOL | DESCRIPTION   |
|        | TRACT A - PRIVATE PROPERTY  |
|        | HYDROSEED ALL DISTURBED SLOPES WITH DROUGHT TOLERANT RECLAMATION MIX: UPLAND RIPARIAN BY GRASSLAND WEST. CLARKSTON, WA (509) 758-9100. WWW.GRASSLANDWEST.COM  |
|        | EXISTING GRAVEL PATH TO REMAIN IN PLACE UNTIL CONNECTION TO BOARDWALK IS INSTALLED. ONCE COMPLETE, THE GRAVEL ACCESS WILL BE REMOVED.   |
|        | EXISTING STORM WATER POND AND TRACT TO REMAIN. CLEAN UP NOXIOUS WEEDS AND DEBRIS.   |

APPROXIMATE LOCATION OF EXISTING (PRIMITIVE) PUBLIC RIVER ACCESS PATH. ENHANCE TO MATCH PROPOSED IMPROVEMENTS.

PROVIDE AUTOMATIC DRIP IRRIGATION FOR ALL LIVING PLANT MATERIAL IMPROVEMENTS IN THIS AREA.

INSTALL 1 ZONE OF POP-UP ROTORS ALONG TOP OF SLOPE SPACED AT 1.5X RADIUS. SYSTEM IS TO BE USED DURING THE ESTABLISHMENT PERIOD ONLY.

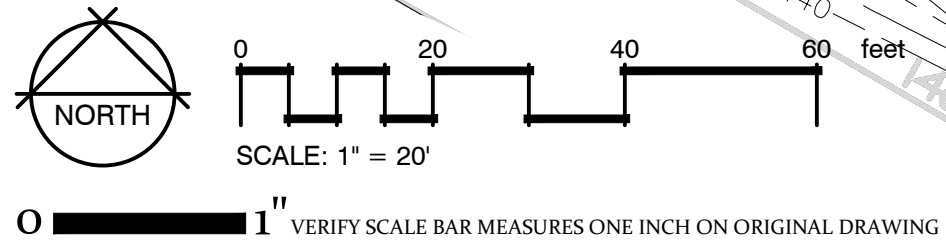
**RIVERWALK TOWNHOMES**

**STONECREEK**  
 LAND DESIGN & DEVELOPMENT  
 4009 E FRANCIS AVENUE  
 SPOKANE, WA 99217  
 P: 509.892.4025  
 STONECREEKLDD.COM

**ENLARGED SITE PLAN**

**TRACT B**

SHT 04 OF 05



MARCH 28, 2016

# PLANT SCHEDULE

| TREES | QTY | COMMON NAME   | CONT  | CAL    |
|-------|-----|---------------|-------|--------|
| PO TR | 4   | QUAKING ASPEN | B & B | 2" CAL |


| SHRUBS | QTY | COMMON NAME           | SIZE  |
|--------|-----|-----------------------|-------|
| PA     | 6   | ABBOTSWOOD POTENTILLA | 3 GAL |
| SB     | 13  | BIRCH LEAF SPIREA     | 3 GAL |
| MC     | 8   | COMPACT OREGON GRAPE  | 5 GAL |
| LH     | 12  | HIDCOTE BLUE LAVENDER | 3 GAL |
| CC     | 3   | RED TWIG DOGWOOD      | 5 GAL |
| CF     | 3   | YELLOW TWIG DOGWOOD   | 5 GAL |

| GRASSES | QTY | COMMON NAME        | SIZE  |
|---------|-----|--------------------|-------|
| CK      | 6   | FEATHER REED GRASS | 3 GAL |

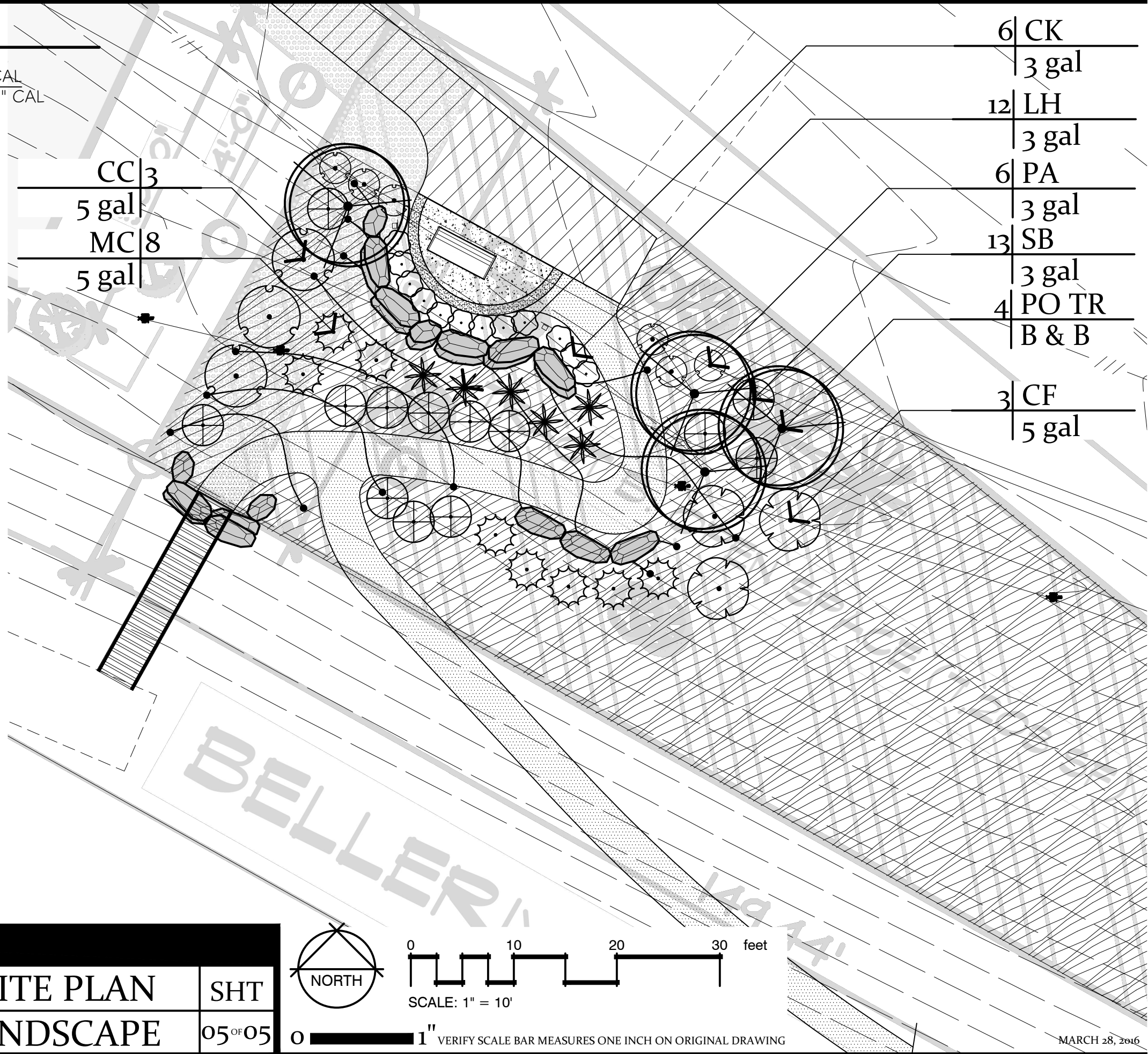
|       |   |
|-------|---|
| CC    | 3 |
| 5 gal |   |
| MC    | 8 |
| 5 gal |   |

|    |       |
|----|-------|
| 6  | CK    |
|    | 3 gal |
| 12 | LH    |
|    | 3 gal |
| 6  | PA    |
|    | 3 gal |
| 13 | SB    |
|    | 3 gal |
| 4  | PO TR |
|    | B & B |
| 3  | CF    |
|    | 5 gal |

REGISTERED  
LANDSCAPE  
ARCHITECT NO.  
LA-16665



JOSHUA K. TRIPP  
STATE OF IDAHO



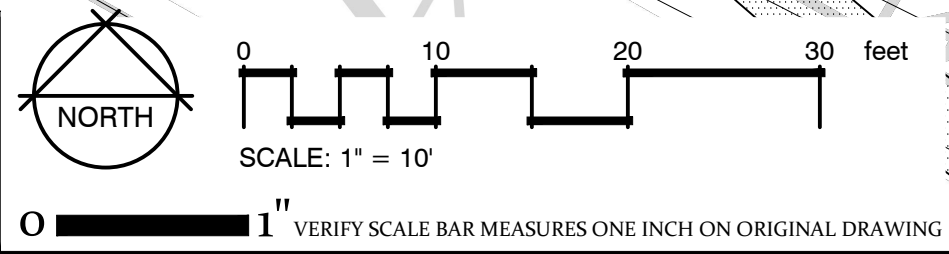
**RIVERWALK TOWNHOMES**

**STONECREEK**  
LAND DESIGN & DEVELOPMENT  
4009 E FRANCIS AVENUE  
SPOKANE, WA 99217  
P: 509.892.4025  
STONECREEKLDD.COM

**ENLARGED SITE PLAN**

**TRACT B - LANDSCAPE**

SHT  
05 OF 05



NORTH

0 10 20 30 feet

SCALE: 1" = 10'

0 1" VERIFY SCALE BAR MEASURES ONE INCH ON ORIGINAL DRAWING

JOHN F. MAGNUSON  
ATTORNEY AT LAW

## EXHIBIT A

ADMITTED IN IDAHO AND WASHINGTON

TELEPHONE  
208•667•0100

FAX  
208•667•0500

P.O. Box 2350  
1250 NORTHWOOD CENTER COURT  
SUITE A  
COEUR D'ALENE  
IDAHO 83816

January 21, 2016

City of Coeur d'Alene  
Attn: Hilary Anderson  
Planning Director  
City Hall  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

Re: Bellerive PUD

Dear Hilary:

This letter follows my December 23 meeting with you and other representatives of the City of Coeur d'Alene. I have since had an opportunity to meet with the Bellerive Homeowners Association Board ("the HOA"). I now write to respond.

As I understand it, the City's primary contention is that the Bellerive PUD is allegedly non-compliant with a provision of the original PUD approval which required that eighteen percent (18%) of the PUD property be maintained as "open space." The eighteen percent (18%) condition would require 4.42 acres of open space within the PUD. The City's position is of serious concern to the HOA.

I hope you can appreciate that time has changed many of the players involved with the PUD. The original developer is gone. So too are many of the parties who negotiated the approvals and what the approvals meant. We do not believe, having reviewed the information available to us, including the information provided by the City, that the PUD is currently non-compliant. We believe that any non-compliance is a result of a change in staff's interpretation of the necessary requirements.

I enclose for your reference a map depicting some of the parcels we discussed. Particular reference is made to AIN Nos. 301801 and 314919. These two contiguous parcels total 3.182 acres. Further, adjacent to these parcels is the Bellerive Boardwalk (open for public use) which constitutes an additional .65 acres. In total, the HOA owned riparian strip, together with the associated docks, constitutes 3.832 acres.

January 21, 2016

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In our meeting, it was suggested that parcels AIN Nos. 301801 and 314919 (totaling 3.12 acres) were not open space. We respectfully disagree.

This project was conceived to facilitate and promote previously unavailable public riparian access to the Spokane River. The original approvals called for utilization of much of the riparian strip as the actual physical location of the Boardwalk, as opposed to the Spokane River. However, for topographical reasons, the Boardwalk was ultimately located waterward of the ordinary high water mark (OHWM) of the Spokane River at this location.

Having inherited the Boardwalk in its present configuration, the HOA was the recipient of a Notice of Violation from the Idaho Department of Lands, claiming that the Boardwalk was not constructed entirely within the strip as was originally anticipated. This required a collaborative effort on the part of the HOA, the City, and IDL to make alternative arrangements.

With the assistance of City Attorney Mike Gridley and City Finance Director Troy Tymeson, the HOA was able to make application to IDL for approval of the Boardwalk as a non-navigational encroachment in its current location. This required the use of all riparian frontage associated with both components of the riparian strip (AIN Nos. 301801 and 314919). In other words, in the absence of this riparian strip, the Boardwalk, over the navigable waters of the State of Idaho, could not have been approved. With the City's participation, a new permit application was filed and the necessary approvals obtained.

The fact that the riparian strip is necessary for the utilization of the public Boardwalk is evident. Without the strip, there can be no Boardwalk. The City's position is somewhat analogous to suggesting that the riparian strip be the location of the Boardwalk itself. We think this is form over substance. We believe the previous City interpretation of the open space requirement accepted the use of the open space as the riparian nexus for the permit for the Boardwalk. In other words, one can't just measure the public space included in the Boardwalk without including the riparian strip that is necessary in order to obtain IDL approval for the Boardwalk.

This appears to be more of a change in staff interpretation than a change in the PUD conditions. Please consider that the City approved perhaps five (5) subsequent Plats in the PUD based upon an interpretation that the open space requirement was satisfied. By necessity, this interpretation must have been based on the combination of the riparian strip and the .65 acres of Boardwalk. Nothing has changed. If this interpretation was not in fact made by the City, then how could the City have approved multiple subsequent Plats within the PUD without addressing the open space requirement? It couldn't. The reason the open space requirement wasn't imposed as to those Plats, in a manner consistent with that now urged by the City, is because the riparian strip and the Boardwalk were considered to be open space in total.

There was also a change in circumstances with respect to the bike trail as it constitutes a portion of Bellerive Fifth. Specifically, when the PUD was approved, both the then-project developer and the City staff believed that the abandonment of the adjacent railroad would cause an

January 21, 2016

Page 3

addition to the Fifth Addition property, by reversion, allowing for the relocation of the bike trail and the addition of significant adjacent holdings that would "fill" any remaining open space requirement. As you know, this belief in a pending reversion, a belief shared by both the developer and the City, was legally incorrect. Hence, the additional area of "fill-in" open space was not obtained and in fact now rests with LCDC.

It also appears that AIN No. 315611 has been improved as open space, facilitating public access to the Boardwalk. As for AIN No. 301751, this area of .0837 acres is not currently owned by the HOA. If ownership issues can be resolved, then as a show of good faith, the HOA could landscape the same with lawn.

That leaves things as follows. Based upon prior interpretation, AIN Nos. 301801 and 314919 consist of 3.12 acres of open space. Add to this the .65 acres of Boardwalk, and there currently is 3.832 acres of open space.

As indicated, the HOA has no objection to improving AIN No. 301751 through landscaping (provided title can be obtained) and AIN No. 315611 has already been improved. These two parcels of open space add .0879 acres. Including this amount of open space (AIN Nos. 301751 and 315611) with the riparian strip and Boardwalk totals 3.9199 acres of open space.

That leaves AIN No. 301803 (the bike trail) and Tracts A and B (to be included as part of Mr. Williams' proposed development). Including these three parcels with the foregoing amount of open space, based upon prior interpretation of the PUD, results in open space in excess of that required under the eighteen percent (18%) standard.

The HOA believes there is no issue. The HOA did not create any issue. Moreover, the HOA does not believe that Mr. Williams created the issue. Having more fully researched the matter, and having discussed the same with the Board and Mr. Williams, it now appears that the issue has arisen because staff has determined not to consider the riparian strip to consist of open space. For the reasons stated, we disagree. Moreover, if our interpretation is incorrect, the City could not have approved multiple subsequent Plats within the PUD without readdressing the open space issue.

The HOA wants to be a good neighbor. The HOA has no per se objection with the Williams' application, insofar as it involves open space, based upon Mr. Williams' proposal to create open space in the form of Tracts A and B.

The HOA has previously worked collaboratively with the City to rectify issues associated with the Boardwalk in a manner that met with the approval of both the City and IDL. Because that Boardwalk can't exist without the riparian strip, the two areas need to be viewed in conjunction as open space. If the Boardwalk consisted of an eight-foot wide Boardwalk traversing the upland riparian strip, would the entire riparian strip be considered open space or only the eight foot Boardwalk itself? Do areas required to be left vacant by setbacks occasioned by a boardwalk constitute open space or not? If you can't have an open space Boardwalk without a riparian strip to



January 21, 2016

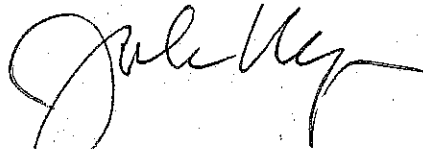
Page 4

which it is appurtenant, aren't they both open space? These questions appear to have been answered in favor of our interpretation through multiple prior City action that was relied upon both by multiple project proponents and prior variants of the HOA, as well as the City itself.

The Board would welcome the opportunity to discuss these issues with you and City staff further, should you so desire.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Magnuson". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

John F. Magnuson

JFM/js

Encl.

cc: Bellerive HOA  
CITYCDA-ANDERSON-BELLERIVE.wpd

## PLANNING COMMISSION STAFF REPORT

**FROM:** TAMI STROUD, PLANNER

**DATE:** MAY 10, 2016

**SUBJECT:** **PUD-1-04.5** – MODIFICATION OF THE BELLERIVE PLANNED UNIT DEVELOPMENT OPEN SPACE

**LOCATION:** +/- 24 ACRES BETWEEN THE FORMER BURLINGTON NORTHERN RAILROAD AND THE SPOKANE RIVER IN THE BELLERIVE PLANNED UNIT DEVELOPMENT

**APPLICANT:** BELLERIVE HOMEOWNER'S ASSOCIATION (HOA)  
1250 IRONWOOD DRIVE, SUITE 226  
COEUR D'ALENE, ID 83814

### **DECISION POINT:**

The Bellerive Homeowner's Association (HOA) is requesting a modification to the existing Planned Unit Development known as "Bellerive" in the C-17 PUD (Commercial at 17 units/acre Planned Unit Development) zoning district to reduce the minimum required open space from 18% to 10%. This request would also allow natural rock retaining walls within the 35-foot setback if they are located on private property, not within Tract "A", ("Bellerive 1<sup>st</sup> Addition", Common Area) and a minimum of 30-feet from the plat meander line. Structural walls and other features would still be subject to the 35-foot setback requirement. The request, if approved, would bring the PUD into compliance with regard to open space.

### **GENERAL INFORMATON:**

The Bellerive PUD project is largely built out. Land uses in the area include single-family and multi-family residential, commercial, and vacant land. There are some remaining open space areas that have not been completed to date.

### **History:**

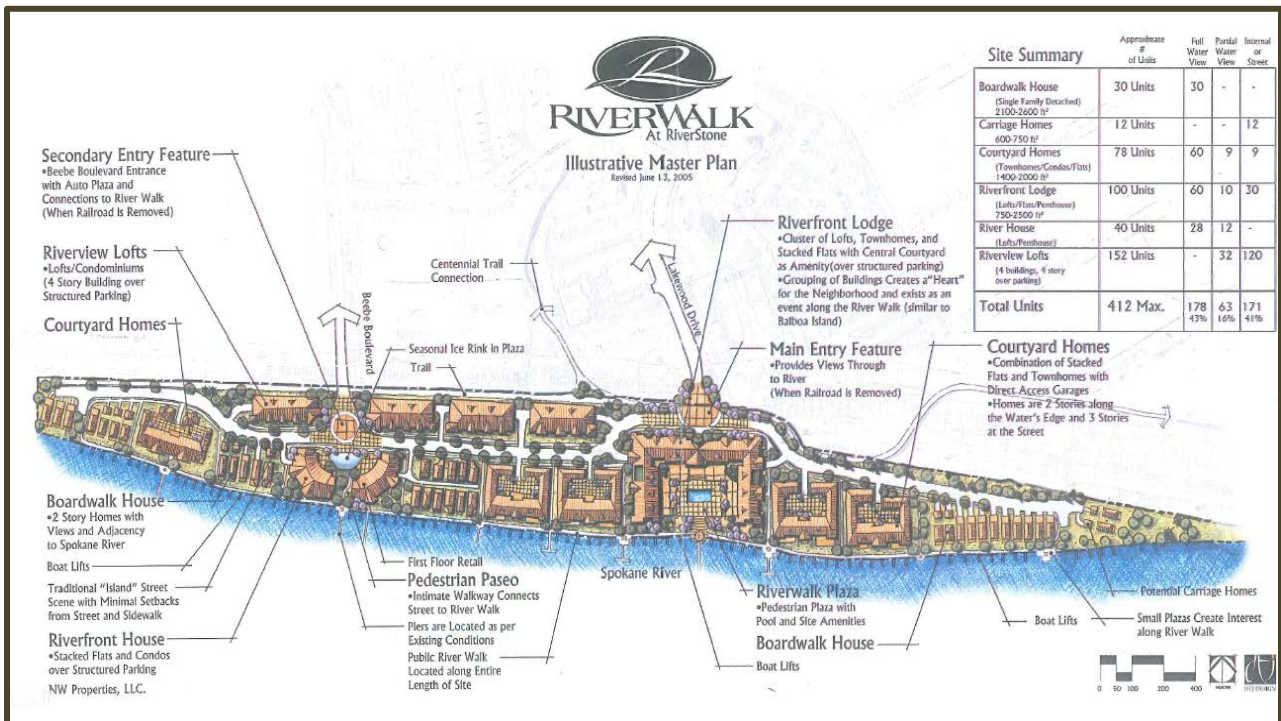
The original PUD was approved in 2005 with 18% open space. The project has been called Riverstone Phase II, Riverwalk, and most recently Bellerive. As the project evolved and as changes in the economy and property ownership occurred, amendments to the PUD were made to modify phasing, change housing types, and replat a number of lots along the river primarily for Boardwalk Homes. The most recent modification request came before the commission in December 2015.

On December 8, 2015, the Coeur d'Alene Planning Commission held a public hearing on a proposed PUD Amendment and Subdivision in Bellerive for the Riverwalk Townhomes LLC. The request was denied without prejudice due to incomplete open space within the Bellerive PUD, and staff was directed to work with the Bellerive Homeowner's Association to work out a solution to complete the required open space.

Riverwalk Townhomes LLC. appealed the Planning Commission's decision. The appeal hearing with the City Council was held on February 2, 2016. The requests were also denied without prejudice by the City Council, and their motion directed the Planning Commission to provide clarification on the definition of open space.

These two decisions precipitated the need for further input from the Planning Commission for the intent, functionality, and use of open space, required improvement and maintenance, and timing of open space completion. The Planning Commission provided input on staffs' request for an interpretation of open space at their meeting in February 2016.

**APPROVED JUNE 2005 "RIVERWALK" AT RIVERSTONE PUD MASTER PLAN:**



**Previous actions:**

- On March 8, 2005, the Planning Commission approved the "Riverwalk PUD" and "Riverwalk" Preliminary Plat, which included two phases. The total number of dwelling units approved in the proposed project was 412.
- On May 13, 2008, The Planning Commission approved a request for "Bellerive PUD" formerly known as "Riverwalk PUD" to adjust the phasing boundaries and amend the conditions to address impacts created by the addition of a fourth phase.

The formal platting of the required "open space" will fulfill the below condition.

***"Condition 9. The open space area contained in the future phase 4 must be platted and constructed within two years after final plat approval of Phase 3."***

## Aerial Photo



### REQUIRED FINDINGS (Planned Unit Development):

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as Stable Established-Spokane River District.

#### ***Stable Established:***

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and the general land use are not expected to change greatly within the planning period.

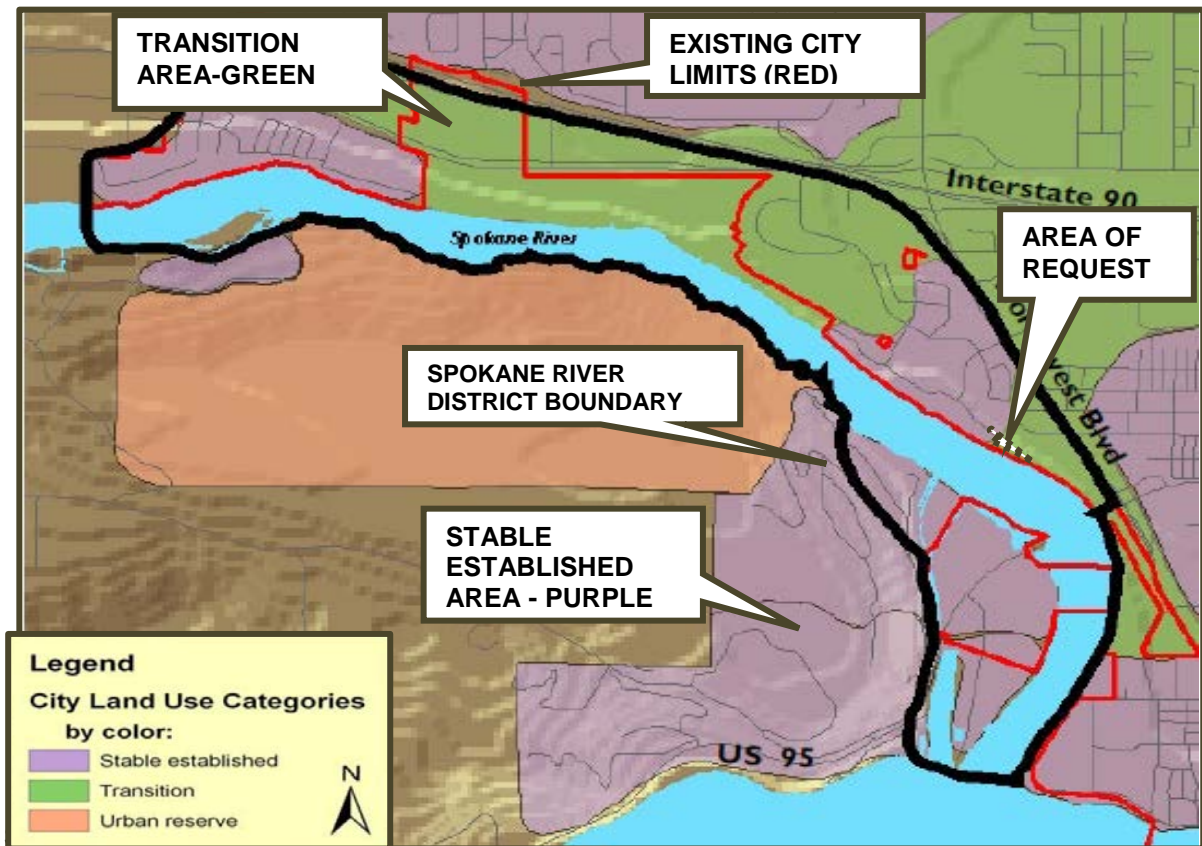
#### **Spokane River District Tomorrow**

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

**The characteristics of the Spokane River District will be:**

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

**2007 COMPREHENSIVE PLAN MAP: SPOKANE RIVER DISTRICT – Stable Established**



- 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 hillsides and waterfronts that make Coeur d'Alene unique.
- Objective 1.09 – Parks:  
Provide an ample supply of urbanized open space in the form of beaches, squares, greens and parks whose frequent use is encouraged by placement, design, and access.
- Objective 1.11 – Community Design:  
Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the City.
- Objective 1.13 – Open Space:  
Encourage all participants to make open space a priority with every development and annexation.
- Objective 3.05 – Neighborhoods:  
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- 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.

**Special Areas: Areas of Coeur d'Alene Requiring Unique Planning:**

**Shorelines:**

- Policy: Make public access to river and lake shorelines a priority.
- Methods:
  - Ensure scale, use, and intensity are suitable with location.
  - Promote protection and connectivity along shorelines.

**Resolution 14-049 – Maximizing Public Riverfront Property, Protection of Riverfront and Comprehensive Planning of the Spokane River Corridor:**

The City Council adopted **Resolution 14-049** on November 18, 2014 directing staff members to consider maximizing public riverfront property, protection of the riverfront and providing comprehensive planning of the Spokane River Corridor from Riverstone to Huetter Road.

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

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

The project was approved as a mixed use development offering a mix of residential housing types. Below are the previously approved deviations to the performance standards within the "Bellerive" PUD.

The PUD modified the height limit for Courtyard Homes and Boardwalk Homes as follows:

- Courtyard Homes: Maximum height fifty-five feet (55').
- Boardwalk Homes: Maximum Height thirty-five (35').

A reduced setback for Courtyard Homes and Boardwalk Homes is as follows:

- Boardwalk Homes: five-foot side yards on both sides (5'/5').
- Courtyard Homes: ten-foot side yards on both sides (10'/10').
- Reduced setback along the Spokane River frontage from forty feet (40') to thirty-five (35') minimum.

The "Bellerive" Final Development Plan noted that Boardwalk Homes and Courtyard Homes were interchangeable.

Because the open space will be modified and improved, and the condition to plat the required "open space" will be complete, the PUD will become compliant and will allow for future development on the final portion of undeveloped land within the PUD.

**Evaluation:** *The Planning Commission must determine, based on the information before them, that the request is compatible with uses on adjacent properties in terms of density, design, parking, open space and landscaping. (See Finding B8E with regards to open space.)*

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

A large portion of the "Bellerive" development has been built out. The topography is relatively flat allowing for building pad sites, but slopes toward the Spokane River. This PUD amendment would allow natural rock retaining walls to be within the 35-foot setback line if on private property, not Tract "A" Bellerive 1<sup>st</sup> Addition, (Common Area) and a minimum of 30 feet from the plat meander line. Structural walls and other features would still be subject to the 35-foot setback requirement. There are some existing natural rock retaining walls that exist within 30 feet of the plat meander line currently and there have been recent requests for retaining walls within this setback. This modification would bring those walls into compliance with the PUD.

**Evaluation:** *The Planning Commission must determine, based on the information before them, that the request is compatible with natural features of the site and adjoining properties.*

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

The necessary findings were made with the original PUD approval with regard to the location, design and size of the proposal and the city's ability to provide service. The requested change in open space does not change the ability of city departments to provide services to Bellerive.

Therefore, no comments were provided by Water, Wastewater, Fire or Engineering under this finding.

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

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

The Bellerive PUD is a total of 24.3 acres in size. The approved open space for the project was 4.42 acres, which equates to 18%. Zoning Code Section 17.07.230E requires a minimum of 10% usable open space for a PUD project. In an effort to bring Bellerive into compliance with the open space requirement, the Bellerive Homeowners Association is bringing forward this request to reduce the open space to 10% and has provided details on how the remaining open space areas would be improved and completed. The Planning Commission directed staff to work with the Bellerive HOA on the open space issue at the December 2015 meeting. Staff suggested a possible reduction in open space as a way to bring the project into compliance and come to resolution on this issue.

Within the PUD request, the applicant has requested the following modifications with regard to the required open space:

- Reduce the required open space from 18% to 10%, which would bring the PUD into compliance, upon improvement of the specified areas. The applicant has proposed the required improvements to the open space to be completed within twelve-months (12) of the recordation of the “Bellerive 6<sup>th</sup> Addition” preliminary plat (Filed in conjunction with the PUD).

In addition, the applicant has also requested the following considerations:

- “Tract A” (Private Community Garden) of the proposed “Bellerive 6<sup>th</sup> Addition” is designated as private property and will be improved and maintained by the future owner of Bellerive 6<sup>th</sup> Addition, Lot 1. The applicant has requested it remain private property for a future community garden.

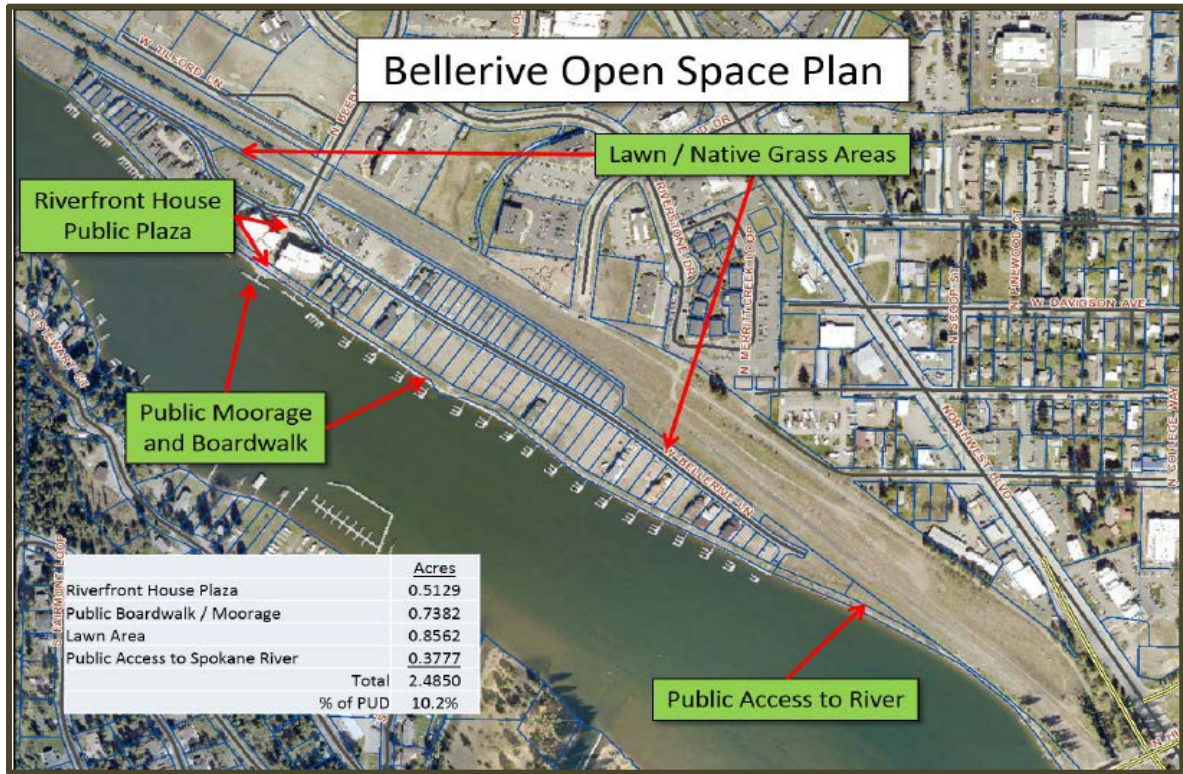
*NOTE: This area is not included in the 10.2% open space calculation.*

The applicant has also proposed that when the eight-foot (8') wide boardwalk is extended on the Spokane River, the temporary public access easement along the north border of Bellerive 6<sup>th</sup> Addition would be eliminated and permanently vacated. Staff believes that this access should remain in perpetuity to provide a connection from Bellerive Lane to the public open space and the path to the river and boardwalk.

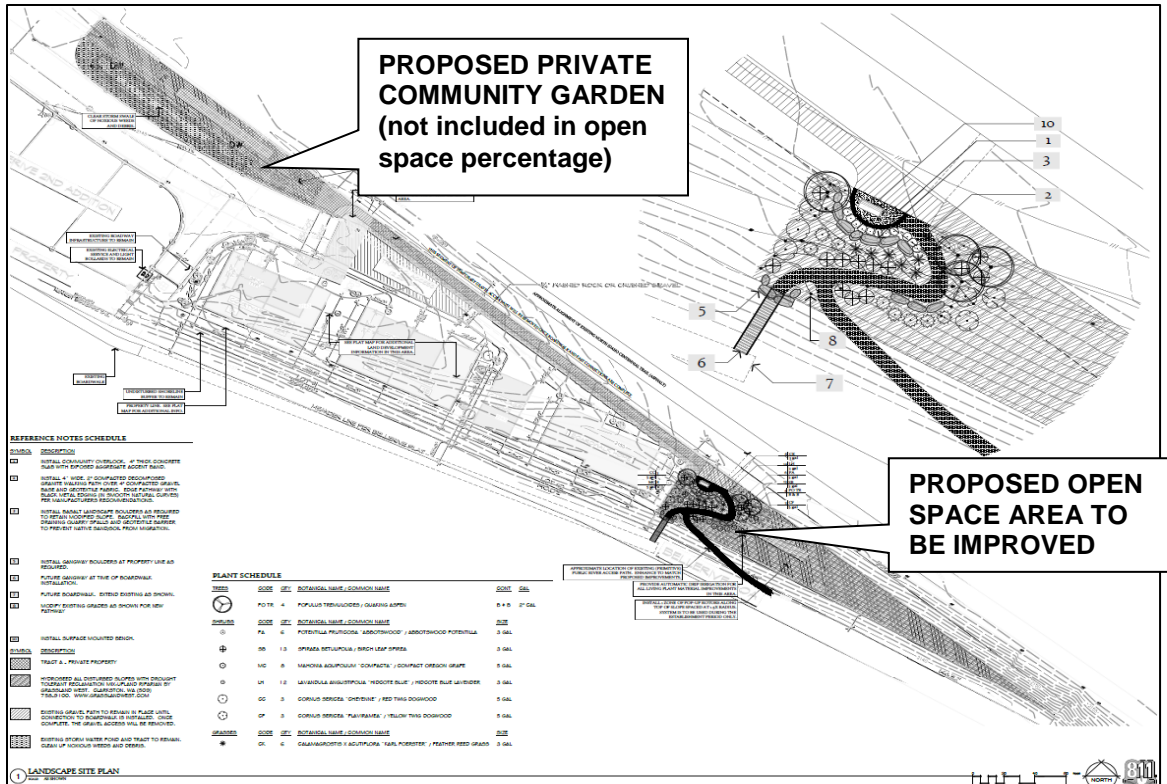




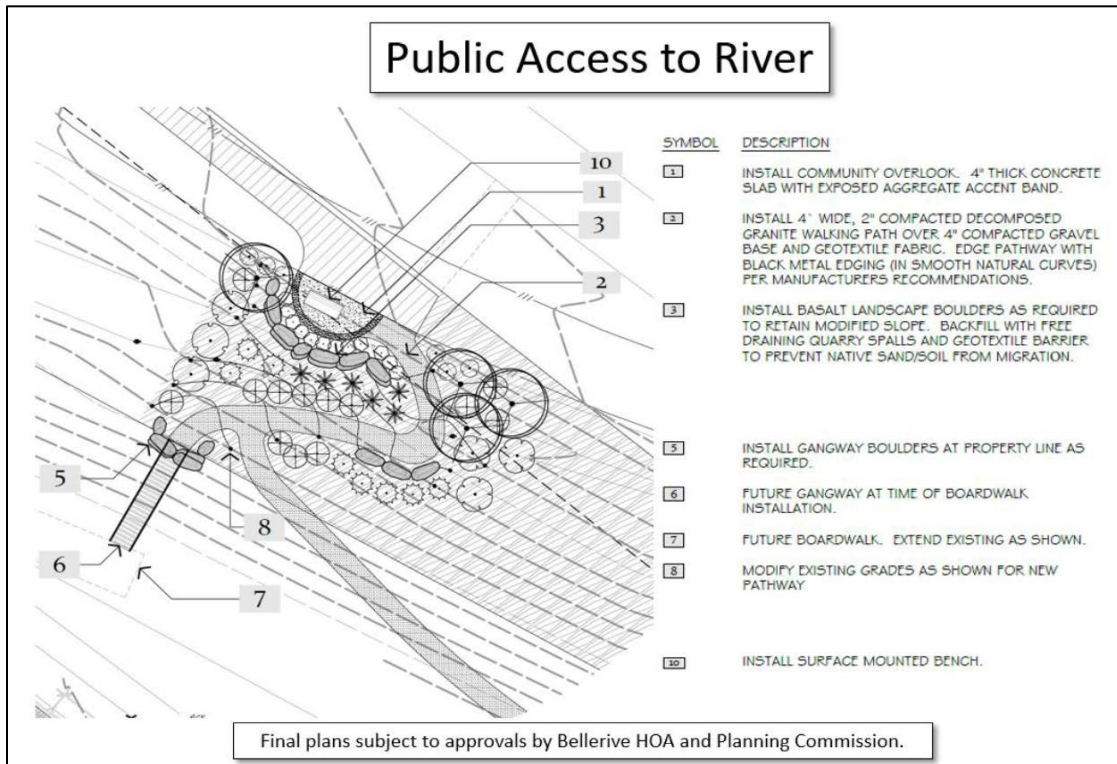
**PROPOSED OPEN SPACE:**



**PROPOSED OPEN SPACE AREAS IN WITHIN BELLERIVE 6<sup>TH</sup> ADDITION TO BE IMPROVED**



**OPEN SPACE WITHIN THE PROPOSED TRACT B OF BELLERIVE 6<sup>TH</sup> ADDITION AND PUBLIC ACCESS TO THE SPOKANE RIVER TO BE IMPROVED**



The PUD section of the Zoning Code requires open space to be usable with amenities and public access. The open space must be free of buildings, streets, driveways and parking areas, accessible to all users of the development, and usable for open space and recreational purposes.

The applicant is proposing a public access area on "Tract B" proposed "Bellerive 6<sup>th</sup> Addition" will be landscaped and provide a walking path to access the Spokane River as a component of the public open space. Quaking Aspens, and drought tolerant grass mix will be planted in the "Public Access to the River" area as well as the installation of an community overlook area, a walking path with compact gravel, meandering to the river, and a bench are also included in the open space improvements.

Also noted in the narrative, the applicant stated that the boardwalk extension depicted in the plan is at the sole discretion of the Bellerive HOA, and is dependent on obtaining an encroachment permit from the Idaho Department of Lands. The proposed boardwalk extension is not included in the open space calculation.

In response to the Notice of Hearing, Jim Brady with the Idaho Department of Lands has noted that should this request be approved, and the new owners want to have an aid to navigation (a dock), they will need to procure an encroachment permit from IDL.

**Evaluation:** *The Planning Commission must determine based upon the information before them; whether or not the proposal provides adequate private common open space area, no less than 10% of gross land area, free of buildings, streets, driveways, or parking areas. In addition, the Planning Commission must determine whether the requested modification and reduction in open space would satisfy the open space requirement of the Bellerive PUD, and if the*

*proposed open space meets the intent of the Code and previous project approvals. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.*

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

Standard parking requirements for the proposed use in Bellerive/Riverwalk PUD were approved as follows:

- Single-family dwellings: 2 spaces per unit.
- Courtyard Homes: 1.5 spaces per unit.

The requested reduction to open space would not impact previously approved parking requirements for the project.

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

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

The Bellerive Homeowner's Association was a part of the original approval and Final Development Plan. The applicant has noted in the narrative that all open space areas will be maintained by the HOA in accordance with the existing governance documents.

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

**PLANNED UNIT DEVELOPMENT CONDITIONS:**

The following conditions apply to this PUD amendment and do not negate or replace any of the previously approved conditions for Bellerive unless specifically noted.

**ENGINEERING:**

None.

**PLANNING:**

1. Prior to final plat recordation, the landscaping, irrigation and other improvements for all required "Open Space" areas throughout Bellerive shall be completed or bonded for at 110% of the estimated present cost of such improvements. The estimate must be approved by the Community Planning Director.
2. If improvements are bonded for, a cash security bond for the required improvement costs shall be paid prior to recordation of the final plat and the bond shall be in effect for six years after recordation of the Final Plat.

3. A minimum five-foot (5') wide Public Access Trail using surface material acceptable to the City shall be provided from the terminus of Bellerive Lane and connecting to Tract A Bellerive 1<sup>st</sup> Addition, and Tract B of the future Bellerive 6<sup>th</sup> Addition prior to recordation of the final plat or bonded for. Landscaping shall also be provided along the Public Access Trail and the trail shall be located within a ten-foot (10') wide Public Access Easement that shall be granted through the platting process. The Public Access Trail shall be maintained in perpetuity.
4. Install a four-foot (4') wide walking path or stairs within Tract B of the proposed Bellerive 6<sup>th</sup> Addition to provide public access to the riverfront within Tract A, Bellerive 1<sup>st</sup> Addition and provide a connection to the future boardwalk extension using a gangway.
5. The eight-foot (8') wide boardwalk shall be extended along the Spokane River to the southeastern extent of Lot 2 of Bellerive 6<sup>th</sup> Addition and connected to the open space tract (referred to as Tract A, Bellerive 1<sup>st</sup> Addition) within the subject property. The boardwalk shall be installed no more than twelve (12) months after recordation of the final plat of Bellerive 6<sup>th</sup> Addition
6. Natural rock retaining walls would be permitted within the 35-foot setback if they are located on private property, not within Tract "A", and a minimum of 30-feet from the plat meander line. Structural walls and other features would still be subject to the 35-foot setback requirement.
7. Prior to final plat recordation, the HOA shall work with the city to create and post signage indicating "Public Open Space" in all areas of Bellerive designated for public use.
8. All required improvements pertain to the owner, owner's heirs, assigns, and successors in interest, and must comply with all conditions of the Planned Unit Development.
9. Prior to recordation of the final plat for Bellerive 6<sup>th</sup> Addition, the applicant/owner shall provide the City with documentation of any newly formed homeowners association. A copy of the CC&R's that include detailed maintenance responsibilities of all private infrastructure (roads, drainage structures, street lighting, and all open space areas etc.) must be included.
10. The notes on the signature page of the preliminary plat shall be modified to assure the language pertaining to the common areas meets the City's requirements.
11. All conditions shall be recorded on the "Notice to Title."

WATER:

None.

WASTEWATER:

None.

FIRE:

None.

**ORDINANCES AND STANDARDS USED IN EVALUATION:**

Comprehensive Plan - Amended 1995  
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  
Coeur d'Alene Bikeways Plan  
Resolution 14-049

**ACTION ALTERNATIVES:**

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

**PLANNING COMMISSION  
STAFF REPORT**

**FROM:** TAMI STROUD, PLANNER

**DATE:** MAY 10, 2016

**SUBJECT** **S-2-16** – 2-LOT, 4 TRACT PRELIMINARY PLAT SUBDIVISION KNOWN AS “BELLERIVE 6<sup>TH</sup> ADDITION”

**LOCATION:** +/- .945 ACRE PARCEL LOCATED EAST OF THE TERMINUS OF BELLERIVE LANE AND ON THE SOUTH SIDE OF THE EXISTING CENTENNIAL TRAL

**APPLICANT/OWNER:** RIVERWALK TOWNHOMES, LLC  
7353 N. AARON STREET  
COEUR D’ALENE, ID 83815

**DECISION POINT:**

Riverwalk Townhomes, LLC is requesting a preliminary plat approval of a 2-lot, 4-tract subdivision known as “Bellerive 6<sup>th</sup> Addition”.

**GENERAL INFORMATION:**

Land uses in the area include single-family and multi-family residential, commercial, and vacant land. The subject property is currently vacant.

**History:**

The project has been called Riverstone Phase II, Riverwalk, and most recently Bellerive. As the project evolved and as changes in the economy and property ownership occurred, amendments to the PUD were made to modify phasing, change housing types, and replat a number of lots along the river primarily for Boardwalk Homes.

- On March 8, 2005, the Planning Commission approved the "Riverwalk PUD" and "Riverwalk" Preliminary Plat, which included two phases. The total number of dwelling units approved in the proposed project was 412.
- On May 13, 2008, The Planning Commission approved a request for “Bellerive PUD” formerly known as “Riverwalk PUD” to adjust the phasing boundaries and amend the conditions to address impacts created by the addition of a fourth phase.

The platting of the required opens space will fulfill the below condition because it was never formally platted as required.

***“Condition 9. The open space area contained in the future Phase 4 must be platted, and constructed within two years after final plat approval of Phase 3.”***

- On December 8, 2015, the Coeur d'Alene Planning Commission held a public hearing on a proposed PUD Amendment and Subdivision in Bellerive for the Riverwalk Townhomes LLC. The request was denied without prejudice due to incomplete open space within the Bellerive PUD, and staff was directed to work with the Bellerive Homeowner's Association to work out a solution to complete the required open space.
- Riverwalk Townhomes LLC. appealed the Planning Commission's decision. The appeal hearing with the City Council was held on February 2, 2016. The requests were also denied without prejudice by the City Council, and their motion directed the Planning Commission to provide clarification on the definition of open space.
- Riverwalk Townhomes LLC met with staff and worked with the Bellerive Homeowners Association (HOA) to come up with a solution for the open space.
- In April 2016, the HOA submitted a request to reduce the open space to bring the PUD project into compliance, which will allow this subdivision request for Bellerive 6<sup>th</sup> Addition to be made.

**AERIAL SITE PHOTO:**





**SITE PHOTO OF SUBJECT PROPERTY:**

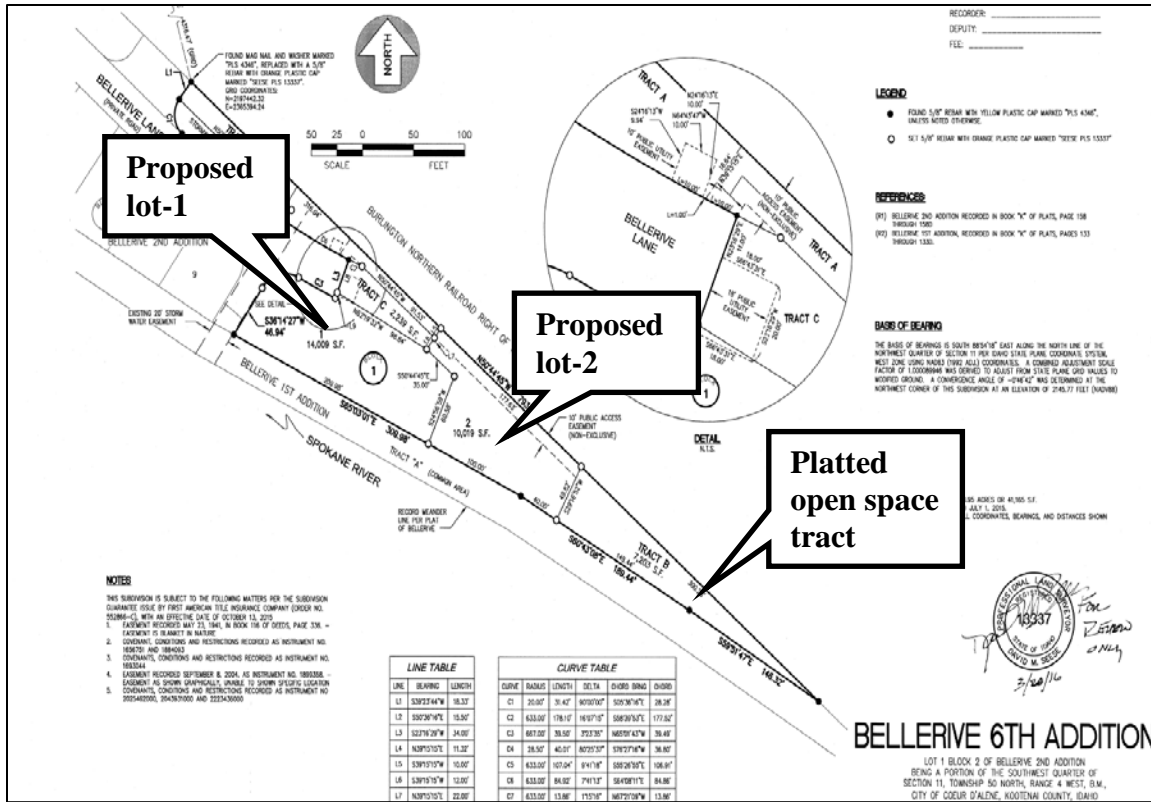


**REQUIRED FINDINGS (Subdivision):**

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

The preliminary plat includes 2 lots and four tracts. Tract A would provide a private open space area, Tract B would be a public open space area, and Tract C would be a driveway. Per Gordon Dobler, City Engineer, the preliminary plat submitted contains all of the general preliminary plat elements required by Municipal Code. The preliminary plat is provided on the next page.

**PRELIMINARY PLAT OF "RIVERWALK TOWNHOMES" – PROPOSED 2-LOT 4-TRACT SUBDIVISION (S-2-16)**



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

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

**UTILITIES SUMMARY:**

**Sewer**

1. This subdivision is required to extend public sanitary sewer infrastructure conforming to all current City Standards and Sewer Policies. Sewer laterals shall be installed from said public sewer extension to each newly created lot. All sewer laterals will be owned and maintained by the property owner(s).
2. Per City Code 13.12, sewer laterals shall be owned and maintained by the property owner(s). Any future subdivisions resulting with separate or different owners will be required to comply with the same Sewer Policies and requirements assigned to S-2-16.
3. The 20' wide sewer easement centered over the public sewer main (30' wide when combined with public water mains), and beyond the public right-of-way must be dedicated and accepted by the City.

4. The nearest public sanitary sewer is located at the end of Bellerive Lane, which borders this subdivision request.
5. The City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this project.

*Submitted by Mike Becker, Utility Project Manager*

### **Water**

The public water system has adequate capacity to effectively serve the proposed plat for domestic, irrigation and fire flow. Additional services will be required, and a fire hydrant may be required to be provided prior to plat approval.

*Submitted by Terry Pickel, Water Superintendent*

## **ENGINEERING:**

### **Stormwater**

City Code requires a Stormwater Management Plan to be submitted, and approved prior to any construction activity on the site.

#### Evaluation:

Storm water containment in the area of the proposed development along the existing Bellerive Lane is managed by an existing infiltration swale adjoining the roadway. The newly created lots will be required to construct a drainage facility, to contain runoff from the impervious surface that will serve as the roadway/driveway that accesses the newly created lots. Calculations will be required for submittal with any improvement plan, or site development plan submittal for the subject property. On-site development will be required to contain all runoff in bio-filtration swales on the subject property, with separate facilities for each of the lots.

### **Traffic**

The ITE Trip Generation Manual estimates the project may generate an average of 3.5 trips per day during peak hours.

#### Evaluation:

The adjoining street, Bellerive Lane, intersects with Beebe Boulevard; which provides numerous outlets for vehicles entering/exiting the subject property. The roadway and the adjoining streets will accommodate the additional traffic volume.

### **Streets**

The proposed subdivision is bordered by Bellerive Lane, which is a private roadway managed by the Bellerive Homeowner's Association. The current right-of-way width is forty-two feet (42') feet, and is a fully developed thirty-two foot (32') pavement section.

#### Evaluation:

The roadway and all associated aspects of it are managed and maintained by the Bellerive Homeowner's Association. The City has no control over the roadway.

### ***Subdivision Improvements***

Lot frontage for Lot 2, Block 1 on Bellerive Lane is 12' in width, which is less than the minimum required. A deviation will need to be approved.

#### **FIRE:**

The Fire Department (FD) works with the Engineering, and the 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 processes - utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at the site, and during the building permit submittals.

*-Submitted by Bobby Gonder, Fire Inspector*

**Evaluation:** *The Planning Commission must determine, based on the information before them, whether or not the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities adequate where applicable.*

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

#### **SUBDIVISION IMPROVEMENTS:**

All subdivision infrastructure that is required to be installed for purpose of obtaining building permits for the subject lots can be installed through the site development permit process. Per Gordon Dobler, City Engineer, the subdivision design and improvement standards have been met

**Evaluation:** *The Planning Commission must determine, based on the information before them, whether or not the proposal complies with all of the subdivision design standards and all of the subdivision improvement standards requirements.*

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

Residential uses are allowed in the C-17 zoning district and include single-family, duplex, pocket development and multi-family uses up to 17 units/acre. The original "Riverwalk" now known as "Bellerive" Planned Unit Development allowed for a mixture of housing types as noted in the Final Development Plan.

The PUD modified the height limit for Courtyard Homes and Boardwalk Homes as follows:

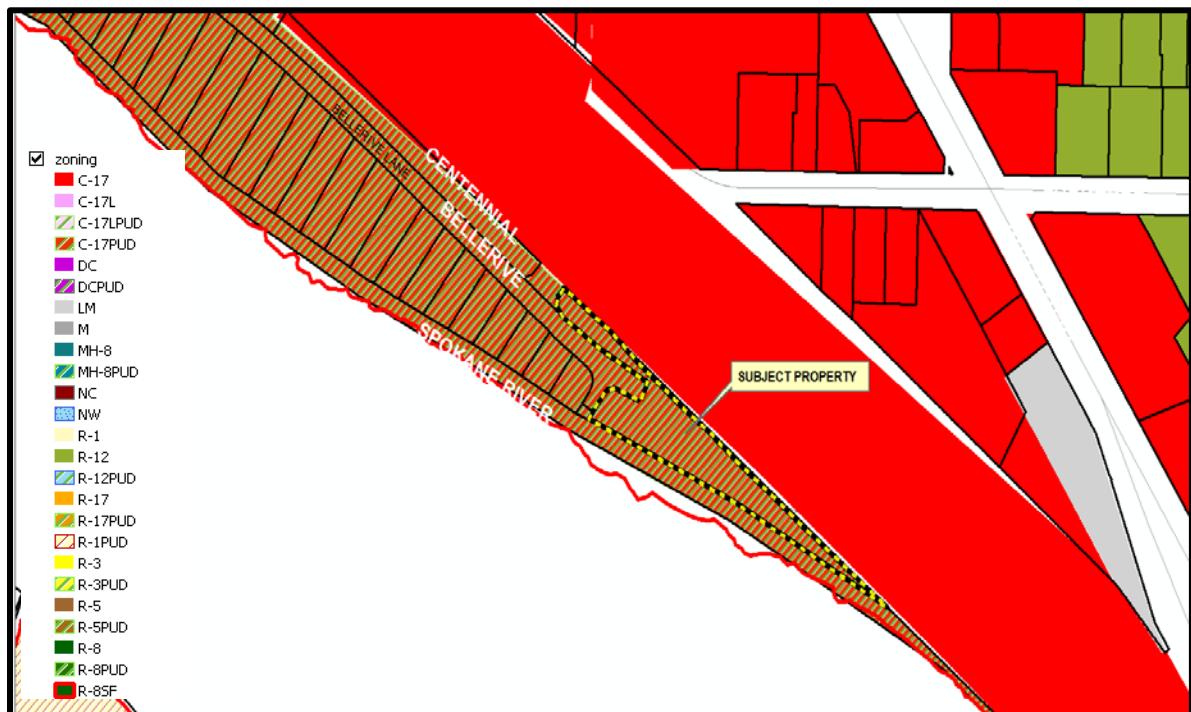
- Courtyard Homes: Maximum height fifty-five feet (55')
- Boardwalk Homes: Maximum Height thirty-five (35')

A reduced setback for Courtyard Homes and Boardwalk Homes is as follows:

- Boardwalk Homes: five-foot side yards on both sides (5'/5')
- Courtyard Homes: ten-foot side yards on both sides (10'/10')
- Reduced setback along the Spokane River frontage from forty feet (40') to thirty-five (35') minimum.

The zoning pattern in the area shows C-17 zoning in the majority of the “Riverstone” development. The zoning in the Bellerive PUD is C-17 with R-17 Planned Unit Development (residential at 17 units/acre) on the west side of Beebe Boulevard.

## ZONING:



## APPLICABLE CODES AND POLICIES:

### *Utilities*

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

**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.

**Fire Protection**

Fire hydrant(s) shall be installed at any/all locations deemed necessary by the City Fire Inspector.

**General**

The final plat shall conform to the requirements of the City.

**SUBDIVISION CONDITIONS:**

ENGINEERING:

None.

PLANNING:

1. Prior to final plat recordation, all required subdivision improvements, such as the landscaping, irrigation and other improvements for all required "Open Space" areas throughout Bellerive, shall be completed or bonded for at 110% of the estimated present cost of such improvements. The estimate must be approved by the Community Planning Director.
2. If improvements are bonded for, a cash security bond for the required improvement costs shall be paid prior to recordation of the final plat and the bond shall be in effect for six years after recordation of the Final Plat.
3. A minimum five-foot (5') wide Public Access Trail using surface material acceptable to the City shall be provided from the terminus of Bellerive Lane and connecting to Tract A (Private Community Garden and Public Access Trail) and Tract B (Improved "Open Space") of the future Bellerive 6<sup>th</sup> Addition prior to recordation of the final plat or bonded for. Landscaping shall also be provided along the Public Access Trail and the trail shall be located within a ten-foot (10') wide Public Access Easement that shall be granted through the platting process. The Public Access Trail shall be maintained in perpetuity.
4. A four-foot (4') wide walking path or stairs shall be installed within Tract B (Improved "Open Space") of the proposed Bellerive 6<sup>th</sup> Addition to provide public access to the riverfront within Tract A, Bellerive 1<sup>st</sup> Addition and also provide a connection to the future boardwalk extension using a gangway or similar.
5. The eight-foot (8') wide boardwalk shall be extended along the Spokane River to the southeastern extent of Lot 2 of Bellerive 6<sup>th</sup> Addition and connected to the open space tract (referred to as Tract A, Bellerive 1<sup>st</sup> Addition) within the subject property. The boardwalk shall be installed no more than twelve (12) months after recordation of the final plat of Bellerive 6<sup>th</sup> Addition.

6. Prior to recordation of the final plat, the applicant/owner shall provide the City with documentation that "Bellerive 6<sup>th</sup> Addition" has been included in the Bellerive HOA, and also provide documentation of any additional homeowner's association(s) that have been formed. A copy of the CC&R's that include detailed maintenance responsibilities of all private infrastructure (roads, drainage structures, street lighting, and all open space areas etc.) must be included.
7. There shall be no more than six (6) total residences on the subject property and the maximum number of units for the "Courtyard Homes shall be limited to four (4).
8. The private driveway at the terminus of Bellerive Lane shall not be designed to overlap the public access trail and the trail shall not be used as a driveway.
9. Prior to final plat recordation, the HOA shall work with the city to create and post signage indicating "Public Open Space" in all areas of Bellerive designated for public use (Per the RiverWalk Final Development Plan, 2005).
10. All required improvements pertain to the owner, owner's heirs, assigns, and successors in interest, and must comply with all conditions of the Planned Unit Development.
11. The notes on the signature page of the preliminary plat shall be modified, to assure the language pertaining to the common areas meets the City's requirements.
12. All conditions shall be recorded on the "Notice to Title."

**WATER:**

13. A domestic service will be required for each individual lot prior to plat approval. An irrigation service(s) and an additional fire hydrant may be required, as part of the plat approval process as well. Since no water main extension is anticipated, utility easements will be required for service access to the second lot and any irrigated tracts. All costs will be borne by the Developer.

**WASTEWATER:**

14. Extension of public sanitary sewer infrastructure and installation of sewer laterals to each newly created lot will be required prior to final plat approval.
15. The utility easement for the public sewer infrastructure must be dedicated to the City prior to final plat approval.

**FIRE:**

16. If the pier is to be continued through this development or docks constructed that are capable of mooring five (5) or more vessels; then fire protection - including extension of the standpipe system, and access to the pier/docks will be required per IFC 2012 Edition Chapter 36, Section 3604 and NFPA 303. CDA FD will work with Idaho Department of Lands (IDL) on any permits for docks and or marinas applied for.
17. Surfaces for drivable FD access shall be constructed to meet the minimum imposed load of 75,000 lbs.

**ORDINANCES AND STANDARDS USED IN EVALUATION:**

Comprehensive Plan - Amended 1995  
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  
Coeur d'Alene Bikeways Plan  
Resolution 14-049

**ACTION ALTERNATIVES:**

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



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

**A. INTRODUCTION**

This matter having come before the Planning Commission on May 10, 2016, and there being present a person requesting approval of: PUD-1-04.5 a modification of the "Bellerive" Planned Unit Development "Open Space".

APPLICANT: BELLERIVE HOMEOWNERS ASSOCIATION (HOA)

LOCATION: +/- 24 ACRES BETWEEN THE FORMER BURLINGTON NORTHERN RAILROAD AND THE SPOKANE RIVER IN THE "BELLERIVE" PLANNED UNIT DEVELOPMENT

**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-single-family, multi-family, commercial, and vacant land. The subject property is vacant.
- B2. That the Comprehensive Plan Map designation is Stable Established-Spokane River District.
- B3. That the zoning is C-17.
- B4. That the notice of public hearing was published on, April 23, 2016, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, May 2, 2016, which fulfills the proper legal requirement.
- B6. That 42 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on April 22, 2016.
- B7. That public testimony was heard on May 10, 2016.

B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the Comprehensive Plan. This is based upon the following policies:

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

**Criteria to consider for B8B:**

- |                            |                |
|----------------------------|----------------|
| 1. Density                 | 6. Open space  |
| 2. Architectural style     | 7. Landscaping |
| 3. Layout of buildings     |                |
| 4. Building heights & bulk |                |
| 5. Off-street parking      |                |

B8C. The proposal **(is) (is not)** compatible with natural features of the site and adjoining properties. In the case of property located within the hillside overlay zone, does not create soil erosion, sedimentation of lower slopes, slide damage, or flooding problems; prevents surface water degradation, or severe cutting or scarring; reduces the risk of catastrophic wildfire in the wildland urban interface; and complements the visual character and nature of the city. This is based on

**Criteria to consider for B8C:**

- |                      |                                |
|----------------------|--------------------------------|
| 1. Topography        | 3. Native vegetation           |
| 2. Wildlife habitats | 4. Streams & other water areas |

B8D 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. This is based on

**Criteria to consider for B8D:**

1. **Is there water available to meet the minimum requirements for domestic consumption & fire flow?**
2. **Can sewer service be provided to meet minimum requirements?**
3. **Can the existing street system accommodate the anticipated traffic to be generated by this development?**
4. **Can police and fire provide reasonable service to the property?**

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

B8F Off-street parking **(does)****(does not)** provide parking sufficient for users of the development. This is based on

B8G That the proposal **(does)** **(does not)** provide for an acceptable method for the perpetual maintenance of all common property. This is based on

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of for BELLERIVE HOMEOWNERS ASSOCIATION for approval of the planned unit development, as described in the application should be **(approved)** **(denied)** **(denied without prejudice)**.

Special conditions applied are:

**\*SEE STAFF REPORT FOR CONDITIONS\***

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to adopt the foregoing Findings and Order.

ROLL CALL:

|                       |             |
|-----------------------|-------------|
| Commissioner Fleming  | Voted _____ |
| Commissioner Ingalls  | Voted _____ |
| Commissioner Luttrupp | Voted _____ |
| Commissioner Messina  | Voted _____ |
| Commissioner Rumpler  | Voted _____ |
| Commissioner Ward     | Voted _____ |

Chairman Jordan Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN BRAD JORDAN

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on May 10, 2016 and there being present a person requesting approval of ITEM: S-2-16 a request for preliminary plat approval of a 2-lot, 4-tract subdivision known as "Bellerive 6<sup>th</sup> Addition".

APPLICANT: RIVERWALK TOWNHOMES, LLC

LOCATION : +/- .945 ACRE PARCEL LOCATED EAST OF THE TERMINUS OF BELLERIVE LANE AND ON THE SOUTH SIDE OF THE EXISTING CENTENNIAL TRAIL

**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: single-family and multi-family residential, commercial, and vacant land. The subject property is currently vacant.

B2. That the zoning is C-17.

B3. That the notice of public hearing was published on April 23, 2016, which fulfills the proper legal requirement.

B4. That the notice was not required to be posted on the property.

B5. That 42 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.

B6. That public testimony was heard on May 10, 2016.

B7. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

B7A. That all of the general preliminary plat requirements **(have) (have not)** been met as determined by the City Engineer. This is based on

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on May 10, 2016 and there being present a person requesting approval of ITEM: S-2-16 a request for preliminary plat approval of a 2-lot, 4-tract subdivision known as "Bellerive 6<sup>th</sup> Addition".

APPLICANT: RIVERWALK TOWNHOMES, LLC

LOCATION : +/- .945 ACRE PARCEL LOCATED EAST OF THE TERMINUS OF BELLERIVE LANE AND ON THE SOUTH SIDE OF THE EXISTING CENTENNIAL TRAIL

**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: single-family and multi-family residential, commercial, and vacant land. The subject property is currently vacant.

B2. That the zoning is C-17.

B3. That the notice of public hearing was published on April 23, 2016, which fulfills the proper legal requirement.

B4. That the notice was not required to be posted on the property.

B5. That 42 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.

B6. That public testimony was heard on May 10, 2016.

B7. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

B7A. That all of the general preliminary plat requirements **(have) (have not)** been met as determined by the City Engineer. This is based on

B7B. That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities **(are) (are not)** adequate. This is based on

B7C. That the proposed preliminary plat **(do) (do not)** comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. This is based on

B7D. The lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district. This is based on

**Criteria to consider for B7D:**

1. Do all lots meet the required minimum lot size?
2. Do all lots meet the required minimum street frontage?
3. Is the gross density within the maximum allowed for the applicable zone?

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of RIVERWALK TOWNHOMES, LLC, for preliminary plat of approval as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied to the motion are:

**\*SEE STAFF REPORT FOR CONDITIONS\***



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

ROLL CALL:

|                       |             |
|-----------------------|-------------|
| Commissioner Fleming  | Voted _____ |
| Commissioner Ingalls  | Voted _____ |
| Commissioner Luttrupp | Voted _____ |
| Commissioner Messina  | Voted _____ |
| Commissioner Rumpler  | Voted _____ |
| Commissioner Ward     | Voted _____ |

Chairman Jordan Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

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CHAIRMAN BRAD JORDAN