

**PLANNING COMMISSION AGENDA**  
**CITY COUNCIL CHAMBERS**

**AUGUST 8, 2006**

**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:** Bruning, Bowlby, George, Jordan, Rasor, Messina, Souza

**APPROVAL OF MINUTES:**

July 11, 2006

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

**ADMINISTRATIVE ITEMS:**

1. Applicant: Kris Pereira  
Location: 3819 Schreiber Way  
Request: Proposed 2-lot preliminary plat "Pereira Subdivision"  
SHORT PLAT, (SS-18-06)
  
2. Applicant: Johnny Clark  
Location: Tract 55 Fruitlands Addition  
Request: Proposed 7-unit Condominium Plat  
"Aspen Creek Village Condominiums"  
SHORT PLAT, (SS-19-06)
  
3. Applicant: Linden Project, LLC  
Location: 1351 Linden Street  
Request: Proposed 24-unit Condominium Plat  
"Linden Court Condominiums"  
SHORT PLAT, (SS-20-06)
  
4. Applicant: City of Coeur d'Alene, Parks Department  
Request: Establish parking requirements for  
Riverstone West Park

**PUBLIC HEARINGS:**

1. Applicant: Active West Development  
Location: Howard Street and Bosanko Avenue  
Request:
  - A. A proposed zone change from M (Manufacturing) to R-17 (Residential at 17 units/acre) and C-17 (Commercial at 17 units/acre)  
QUASI-JUDICIAL, (ZC-6-06)
  - B. A proposed PUD "Meadow Ranch"  
QUASI-JUDICIAL, (PUD-3-06)
  - C. A proposed 55-lot preliminary plat "Meadow Ranch"  
QUASI-JUDICIAL, (S-9-06)
  - D. A proposed special use permit to allow a 3 unit per gross acre density increase for cluster housing  
QUASI-JUDICIAL, (SP-11-06)
  
2. Applicant: Bonnie J. Ford/Murray Elliott  
Location: 2802 & 2802 ½ N. 4<sup>th</sup> Street  
Request: Proposed zone change from R-12 (Residential at 12 units/acre) to R-17 (Residential at 17 units/acre)  
QUASI-JUDICIAL, (ZC-7-06)
  
3. Applicant: Lela Wilson  
Location: 3615 N. Fruitland  
Request: Proposed zone change from MH-8 (Manufactured Home) to R-12 (Residential at 12 units/acre)  
QUASI-JUDICIAL, (ZC-8-06)
  
4. Applicant: Thomas Walsh  
Location: 1027 Sherman Avenue  
Request: A proposed 9-foot variance to increase the building height from 38 to 47 feet.  
QUASI-JUDICIAL, (V-2-06)

**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 Stuhmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



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**PLANNING COMMISSION  
MINUTES  
JULY 11, 2006  
CITY COUNCIL CHAMBERS**

**COMMISSIONERS PRESENT**

John Bruning, Chairman  
Melinda George  
Brad Jordan  
Tom Messina  
Scott Rasor  
Mary Souza

**STAFF MEMBERS PRESENT**

John Stamsos, Associate Planner  
Shana Stuhlmiller, Public Hearing Assistant  
Jennifer Tinkey, Deputy City Attorney  
Gordon Dobler, Engineering Services Director

**COMMISSIONERS ABSENT**

Heather Bowlby

**CALL TO ORDER**

Chairman Bruning called the meeting to order at 5:30 p.m.

**APPROVAL OF MINUTES:**

Motion by Rasor, seconded by Jordan, to approve the minutes of the Planning Commission meeting on June 13, 2006. Motion approved.

**COMMISSION COMMENTS:**

Commissioner Souza inquired when the screening would be placed hiding the HVAC system that sits on top of the Riverstone Theater. She commented that numerous people have mentioned this and she remembered at a previous Planning Commission meeting Riverstone doing a presentation regarding the screening and questioned if staff is aware of a time frame as to when this will happen.

Associate Planner Stamsos commented that Mike Tilford from Riverstone is here tonight and would be able to address that question.

Commissioner Souza inquired if a date has been scheduled to continue work on the new commercial zoning classification. She commented that she feels that this is an important issue since a promise was made to an applicant whose item was denied based on the new classification and that she would resubmit her application when this new zoning classification was done.

Associate Planner Stamsos suggested that a motion be made to set a time when the Commission would like to begin work on this new zoning classification.

**Motion by Souza, seconded by Jordan, to start work on the new commercial designation and that the first meeting would be in September. Motion approved.**

topic was the up-coming budget for the year. He added that Mayor Bloem suggested a letter be submitted by the Planning Commission to list the top 5 priorities from the Planning Commission. He added that he is working on that draft, and will have a copy for the Commission to review at the Comprehensive Plan workshop scheduled on Tuesday, July 18<sup>th</sup>.

Commissioner Razor inquired if the cluster house regulations will be coming forward in the future.

Associate Planner Stamsos announced that staff is bringing that item forward for a public hearing on August 22<sup>nd</sup>.

**STAFF COMMENTS:**

Associate Planner Stamsos announced the up-coming meetings and reminded the Commission to submit nominees for the Building Heart awards to be selected this year.

**PUBLIC COMMENTS:**

There were none.

**ADMINISTRATIVE ITEMS:**

1. Applicant: Joe Lamphiear  
Location: 1021 Crestline  
Request: Proposed 3-lot preliminary plat "Rock Haven Estates"  
SHORT PLAT (SS-15-06)

Engineering Services Director Dobler presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff.

**Motion by Razor, seconded by Messina, to approve Item SS-15-06. Motion approved**

2. Applicant: D.A.C. Inc.  
Location: 3107 N. 2<sup>nd</sup> Street  
Request: Proposed 17-unit Condominium plat  
"Autumn Crest Condominiums"  
SHORT PLAT (SS-16-06)

Commissioner Razor declared a conflict of interest and was excused from the hearing.

Engineering Services Director Dobler presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff.

**Motion by Souza, seconded by Jordan, to approve Item SS-16-06. Motion approved.**

3. Applicant: George Ciccone  
Location: 830 N. 23<sup>rd</sup>  
Request: Proposed 2-lot preliminary plat "Creekside Meadows"  
SHORT PLAT (SS-17-06)

Engineering Services Director Dobler presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff.

**Motion by Razor, seconded by Souza, to approve Item SS-17-06. Motion approved.**

### **PUBLIC HEARINGS**

1. Applicant: Brian and Brenda Goetz  
Location: 3932 N. Schreiber Way  
Request: A proposed Professional Office special use permit  
in the LM (light manufacturing) zone  
QUASI-JUDICIAL (SP-9-06)

Associate Planner Stamsos presented the staff report, and gave the mailing tally as 2 in favor, 0 opposed, and 2 neutral, and answered questions from the Commission.

Commissioner Souza inquired if this property had a previous special use permit that was approved a few years ago.

Associate Planner Stamsos answered that the property was approved for a special use permit to build a bank but the project did not happen and the special use permit expired.

### **Public testimony open.**

Tim Wilson, applicant representative, 3712 N. 22<sup>nd</sup> Street, Coeur d'Alene, commented that he wanted to thank the Commission for their consideration to approve this request and explained an overview of the project. He continued that the building is located in a great central location, surrounded by similar businesses, with easy access to the property. He explained that two 5,000 square foot buildings will be constructed that will be identical in design and that one will be for the insurance company, and the other one used for future tenants. He commented that recently he attended a project review with staff that was very successful and looks forward to moving ahead with the project.

Chairman Bruning inquired if the applicant has been in contact with Yellowstone pipeline that submitted a letter addressing concerns with the project.

Mr. Wilson commented that they received that letter and contacted Yellowstone Pipeline regarding those concerns.

**Motion by Razor, seconded by Souza, to approve Item SP-9-06. Motion approved.**

ROLL CALL:

Commissioner George	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rasor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

2. Applicant: Shefoot Investments, LLC  
Location: In the vicinity of 19<sup>th</sup> Street and Nettleton Gulch Road adjacent to Greystone Subdivision

Request:

- A. A proposed annexation for a 3.5 acre parcel from County Agricultural Suburban to City R-3 (Residential at 3 units/acre) QUASI-JUDICIAL (A-4-06)
- B. A proposed 5-lot preliminary plat "Shefoot" QUASI-JUDICIAL (S-8-06)

Associate Planner Stamos presented the staff report, gave the mailing tally as 3 in favor, 1 opposed, and 1 neutral, and answered questions from the Commission.

Commissioner Rasor questioned if the road going to the property has been an existing road.

Associate Planner Stamos answered that the road going to the property an existing private driveway.

**Public testimony open:**

Steve Cordis, applicant representative, 3517 Wildflower Lane, Hayden, explained an overview of the project and commented that the information in the staff report was accurate regarding this property. He added that City surrounds this parcel on three sides making it a logical choice to be annexed into the City. He added that water and sewer is available, and that all the lots will be ½ acre or larger. He added that these homes would all be single-family homes that will be an asset to the City and the Community.

Chairman Bruning inquired if the applicant is aware of the Hillside Ordinance regulations.

Mr. Cordis commented he is aware since lots four and five on the plat map will be the only two affected.

Ed Price, 1905 E. Nettleton Gulch Road, Coeur d'Alene, commented that as a neighbor to this property when the property was sold, he was concerned about what was going to happen on the property. He added that he chose to purchase the property to maintain the integrity of the neighborhood and when designing the project decided to only have five single-family homes on the property. He added that the neighbors are supportive of this project and then asked the Commission to support the request.

Commissioner Souza commented that the City's requirement for additional right-of-way seems excessive and questioned if the applicant feels the same way about this requirement.

Mr. Price commented that the neighborhood has been using this road for many years and when meeting

with the City was told by staff that they would rather have this road changed to a public road rather than private so that in the future if the property is sold the road is not an issue.

Commissioner Jordan commented that he is aware of narrow width streets in Best Hill Meadow and that those roads have not been a problem and questioned if this requirement is best for the project.

Engineering Services Director Dobler commented that he would be fine to discuss the use of smaller street widths, but when people want to park on both sides of the street that is a problem.

Public testimony is closed.

**Motion by Jordan, seconded by Razor, to approve Item A-4-06. Motion approved.**

ROLL CALL:

Commissioner George	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

**Motion by Jordan, seconded by Razor, to approve Item S-8-06. Motion approved.**

ROLL CALL:

Commissioner George	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

3      Applicant:      Charles Morgan and Associates  
         Location:      S.W. corner of Marie Avenue and Julia Street  
         Request:      A proposed R-34 Residential Density special use permit  
                                 in the C-17(Commercial at 17 units/acre) zoning district  
                                 QUASI-JUDICIAL, (SP-10-06)

Associate Planner Stamosos presented the staff report, gave the mailing tally as 0 in favor, 0 opposed, and 1 neutral, and answered questions from the Commission.

Commissioner Souza inquired if this project is approved, would this limit the number of units built to 170 units or will they be allowed to build 273 units.

Associate Planner Stamosos answered that if the project is approved, they could build up to the maximum density of 273 units.

**Public testimony open:**



Barbara Morgan, applicant representative, 7301 Beverly Lane, Everett, commented that they have done close to 20 projects in various Cities and that the maximum units they intend to build is 170 units. She explained that with the density increase, this would allow the greatest number of units built, to provide low-income families the opportunity to find affordable housing. She added that the units would be designed for one or two bedroom apartments that will include carports and garages.

Commissioner Souza inquired how this project would be funded.

Ms. Morgan explained that the funding is through Idaho Housing Agency with the rates based on the income for this community. She added that this would be a much-needed project to provide affordable housing in this area.

Commissioner Souza inquired if the applicant was aware of the kind of rents that will be charged for the units.

Ms. Morgan commented that she could not give an exact dollar amount for rents but explained that these apartments will be more for single parents or families working at places like K-mart, Target or Wal-Mart.

Public testimony closed.

**Motion by Razor, seconded by Jordan, to approve Item SP-10-06. Motion approved.**

Chairman Bruning commented that he feels that this is a good project and something that this community needs.

ROLL CALL:

Commissioner George	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

4. Applicant: Riverstone West, LLC  
Location: 2800 Seltice Way  
Request: A proposed 26-lot preliminary plat  
"Riverstone West Phase II"  
QUASI-JUDICIAL (S-1-05.m)

Associate Planner Stamsos presented the staff report, gave the mailing tally as 4 in favor, 0 opposed, and 1 neutral.

The Commission did not have questions for staff.

**Public testimony open:**

Mike Tilford, applicant representative, 1859 Lakewood, Coeur d'Alene, commented that this is a request for approval of this amended preliminary plat. He explained the phasing and which phases were recently recorded. He added that phase three was originally designed with smaller lots and that some of these lots were eliminated to provide larger lots to accommodate the changing market. He noted that in the copy of the preliminary plat submitted for review, two items were eliminated and should have been added. He

continued that Suzanne Road is still part of the plan and that the Centennial Trail will be installed and located in the same area as shown on the previous plat maps. He added that this is an attempt to show what has been done.

Commissioner Razor questioned if the applicant is aware of the conditions listed in the staff report for this project.

Associate Planner Stamos explained that those conditions were brought forward from the original approval including changes made in a recent interpretation.

Commissioner Souza inquired how wide the trail is going to be for this project.

Mr. Tilford commented that the trail would be 12 feet wide.

Commissioner Razor inquired if the applicant could give an update on the park status.

Mr. Tilford commented that recently, he met with the Parks Foundation regarding this park and was told that it would not be in the best interest of the City to own the lake or land. He explained that the City felt that the long-term care of the pond can be expensive, and there is concern for people who use the pond, as drowning can occur. He added that staff suggested an association be formed that would maintain this park from dues provided by the association.

Commissioner Souza commented that she recently attended the ceremony for the pond and had heard various rumors that there will be no public access allowed to the pond.

Mr. Tilford answered that it has always been the intent for the public to have 100% access to the pond and the park. He added that his is for everyone to enjoy and not just the people who live in the area.

Commissioner Souza commented that she is working with the Parks Foundation as the liaison to promote public relations for the community and feels that this is important that this issue is clarified so that the community knows the correct answer.

She continued that at a previous Planning Commission meeting, a presentation was done regarding the screening of the mechanical feature on top of the movie theater, and questioned when that project will be completed.

Mr. Tilford commented that there have been numerous hurdles with this project but assured the Commission that they are making good progress and that the project should be completed soon.

Public testimony closed.

**Motion by Souza, seconded by Razor, to approve Item S-1-05.m. Motion approved.**

ROLL CALL:

Commissioner George	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

5. Applicant: City of Coeur d'Alene  
Request: Updating the 2003 Bikeways Plan  
LEGISLATIVE (0-2-06)

Hugo Lecomte, applicant representative, City of Coeur d'Alene Parks Department, commented that the City has had a bikeways plan since 1980, which was last revised in 2003, and that recently staff and the Pedestrian and Bicycle Committee review the 2003 plan. He continued describing those changes proposed by the committee to the Commission and why a trail system is important to the City of Coeur d'Alene.

Mac Cavasar, representative of the Bike and Pedestrian Committee explained the connectivity of the trail system in the City and commented how important it is for communities to connect. He added that this document is a living plan and should be reviewed every two years to keep current on any updates needed. He explained the upcoming projects that will be done in the City and how parking will be vacated on 15<sup>th</sup> Street to allow bike lanes to be constructed on that busy street.

Commissioner Souza inquired what type of bike paths are planned for the new Government Way Bridge.

Mr. Cavasar answered that bike lanes on the new Government Way bridge will not be included because of width restrictions on the bridge.

Commissioner Souza inquired when in the process is the Bike/Pedestrian involved to review future projects coming to the City.

Mr. Cavasar answered that with the addition of Mr. Lecomte as the staff liaison for the Bike/Ped Committee, communication has been better for knowledge of future projects coming to the City.

Commissioner Souza inquired how soon in the process is the Bike/Ped Committee involved to review upcoming projects in the City.

Mr. Lecomte explained that once a week he attends a meeting made up of various representatives from every department to go over all projects within the City.

Associate Planner Stamos commented that a new process has been implemented this year involving new subdivisions. He explained that these pre-subdivision meetings are scheduled six weeks prior to an applicant submitting an application so staff has time to review the project and give the applicant input before a formal submittal is made.

Chairman Bruning commented that he is aware that the City of Fernan is looking to rebuild the Fernan Lake Road and inquired if there will be any plans for a bike lane.

Mr. Cavasar commented that he is not aware of any plans for a bike path because of the width of the road.

Commissioner Souza questioned if this guide is approved, will it be used as a guide for developers when designing their project, or just a recommendation.

Mr. Cavasar explained that the Bikeways Plan is intended to be a recommendation for developers wanting to include bike paths in their design. He added developers see bike lanes as assets to their projects and are not hesitant when the Committee makes recommendations.

**Public testimony closed.**

Commissioner Souza commented that this is a great plan but is hesitant to approve this based on what is happening with Blackwell Island and the discrepancy of the widths to the bike path and questioned if the approval of the bike plan should be tabled until the City Council makes a decision on this issue.

Mike Gridley, City Attorney, commented that discussions regarding the bike path came up later when negotiating the annexation agreement. He continued that the width of the bike path was not addressed when the annexation was approved by the Planning Commission and that the applicant has reasons why he will not go beyond eight feet for the bike path. He added that the Bike Plan has standards for widths of trails and feels that ten feet is the standard. He explained that the Bike/Pedestrian Committee had never reviewed the request when the project was presented a year ago.

Commissioner Souza inquired why the Bike/Pedestrian Committee was not included when reviewing this project.

Mr. Gridley explained that Blackwell Island was approved by the Planning Commission last year and since then things have changed in procedure when reviewing projects with staff. He continued that the new procedure is that the applicant is required to have a meeting with staff six weeks prior to submitting a formal application and by doing that, items such as this would be fleshed out by various departments before a formal application is submitted. He explained that with this annexation, nothing was defined such as bike paths, which is late in the game and now needs to be addressed.

Commissioner Souza questioned if this would be inappropriate to approve and does not want this to be miscommunicated to the City Council, if approved.

Mr. Gridley commented that he appreciates the sensitivity from the Commission and that by recommending that this Bikeways Plan goes forward to Council, it will have no teeth in the way Council will address the annexation agreement for Blackwell Island. He explained that the Bikeways Plan is a document that lists standards such as bike paths that will be used as a guide for future developments.

Commissioner Jordan commented that he concurs that the Bikeway Plan is only a standard and feels that this should go forward to Council and is a separate issue from Blackwell Island.

Motion by Rasor, seconded by George, to approve Item 0-2-06. Motion approved.

**ROLL CALL:**

Commissioner George	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rasor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

Commissioner Souza inquired about the letter of Eminent Domain and commented that when looking on the website for the minutes of the meeting when this was discussed and did not find that discussion. She added that staff did e-mail her a copy of the response from the City Council, but would like to see the discussion for this subject.

Associate Planner Stamos commented that staff would do the research and e-mail the response.


Commissioner Souza commented that she feels that this is an issue that should be discussed in public.

**ADJOURNMENT:**

Motion by Jordan, seconded by Razor, to adjourn the meeting. Motion approved.

Respectfully submitted by John Stamos, Associate Planner

Prepared by Shana Stuhlmiller, Public Hearing Assistant



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**TO:** Planning Commission  
**FROM:** Christopher H. Bates, Project Manager  
**DATE:** August 8, 2006  
**SUBJECT:** **SS-18-06, Pereira Subdivision**

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### **DECISION POINT**

Approve or deny the applicant's request for a two (2) lot commercial subdivision.

### **GENERAL INFORMATION**

1. Applicant: Kris Pereira  
106 E. Poplar Avenue  
Coeur d'Alene, ID 83814
2. Request: Approval of a two (2) lot commercial development.  
  
Lot 1: 33,059 square feet  
Lot 2: 47,298 square feet
3. Location: Schreiber Way, south of Kathleen Avenue.

### **PERFORMANCE ANALYSIS**

1. Zoning: Existing zoning for the subject property is M which is intended to include manufacturing, warehousing, and industry that is primarily indoors with an on-site operation that has minimal impact on the environment. Residential uses are not permitted in the M zone.
2. Land Use: There is a commercial building under construction on Lot 1, and, Lot 2 is vacant.

Infrastructure: Utilities, Streets, & Storm Water Facilities

**Utilities:** Sewer & Water

Sewer and water service is available to both lots.

**Streets:** The public streets adjoining the subject property are fully developed. Final street section requirements (sidewalk) were addressed on the building permit for the subject property.

**Fire:** There is an existing fire hydrant adjacent to the subject property that meets the criteria of the City Fire Department.

**Storm Water:** Street drainage is managed by the existing stormwater facilities in the adjoining streets and the existing residences drain into the on-site landscaping.

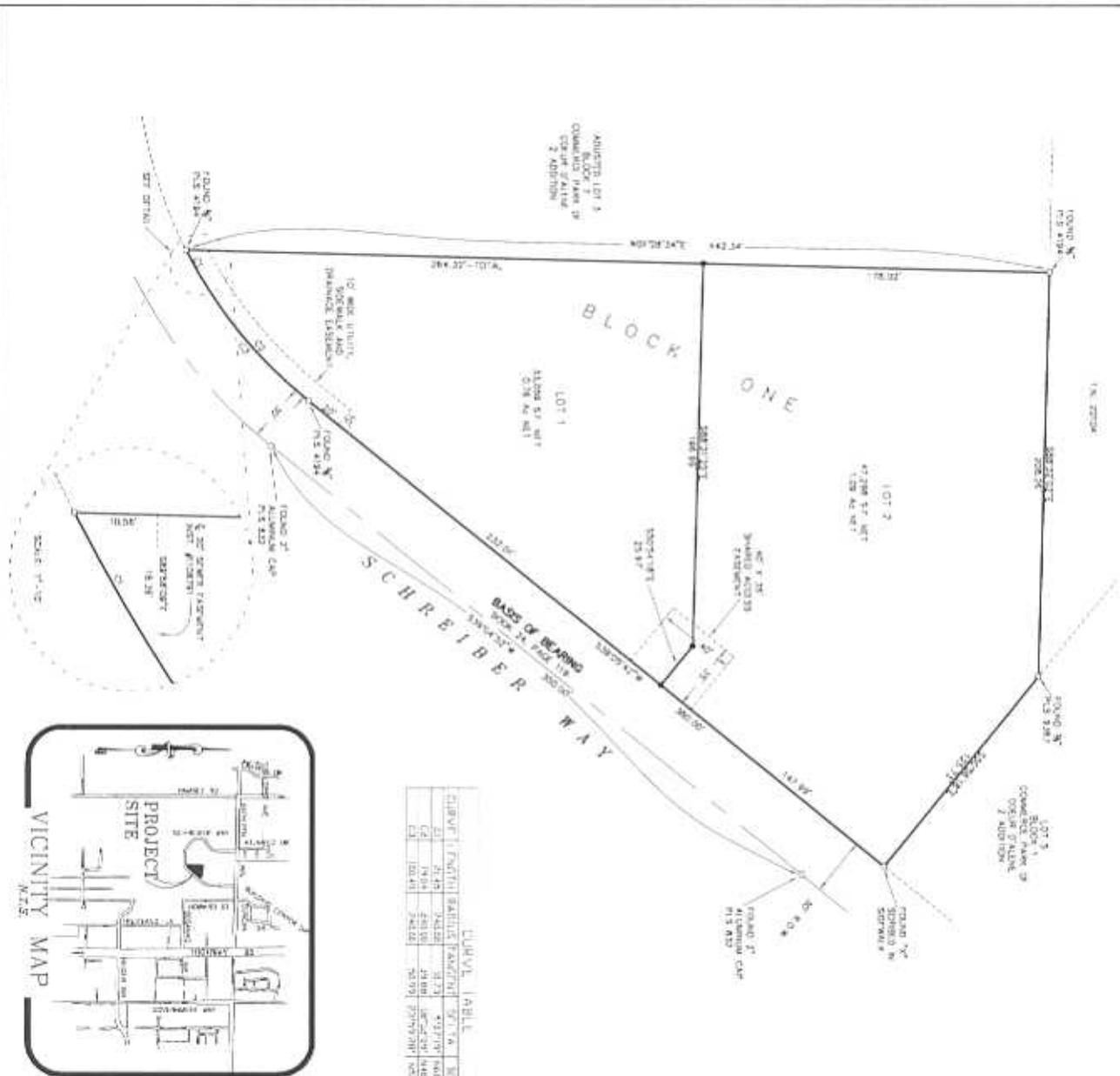
### **Proposed Conditions:**

None

### **DECISION POINT RECOMMENDATION**

Approve the proposed subdivision plat in its submitted configuration.

**PEREIRA SUBDIVISION**  
ADJUSTED LOT 4, IN A PORTION OF BLOCK 7  
COMMERCE PARK OF COEUR D'ALENE 2ND ADD.,  
IN THE NW¼ OF SEC. 2, T.50N., R.4W., B.M.,  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



**CURVE TABLE**

CURVE	ANGLE	RADIUS	CHORD	AREA	PERCENT	CHORD
C1	27.45	74.82	37.74	1,047.0	1.047	74.82
C2	14.54	148.0	74.82	1,047.0	1.047	74.82
C3	10.41	242.0	121.0	1,047.0	1.047	121.0



**LEGEND**  
○ FOUND SURVEYING MARK AS SHOWN  
● SET SURVEYING MARK WITH THE SAME

**REFERENCES**  
RECORD OF SURVEY BOOK 24, PAGE 118  
PLAN OF COMMERCE PARK OF COEUR D'ALENE 2ND ADDITION - BOOK 2, PAGE 281



PEREIRA SUBDIVISION  
SCALE: 1" = 40'  
DATE: 8/23/08  
2-50N-4W  
C334  
DRAWN BY: JAN  
DATE: 12/14/11  
DATE: 12/14/11  
**FRANK & SUTTANA, PA**  
Consulting Engineers  
511 W. 4th Street, Coeur D'Alene, ID 83814  
PH: 208-664-0100 FAX: 208-664-0101  
1 of 2

55-18-06



**TO:** Planning Commission  
**FROM:** Christopher H. Bates, Project Manager  
**DATE:** August 8, 2006  
**SUBJECT:** **SS-19-06, Aspen Creek Village Condominiums**

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### **DECISION POINT**

Approve or deny the applicant's request for a seven (7) building, twenty (20) unit condominium subdivision.

### **GENERAL INFORMATION**

1. Applicant: Johnny B. Clark  
Benchmark Construction & Development, Inc.  
3949 Trevino Drive  
Coeur d'Alene, ID 83815
2. Request: Approval of a seven (7) building, twenty (20) unit condominium subdivision.
3. Location: West side of Fruitland Lane, between Neider & Bosanko Avenues.

### **PERFORMANCE ANALYSIS**

1. Zoning: Existing zoning for the subject property is R-12 which is intended to be a residential area that permits a mix of housing types at a density not to exceed 12 units/acre.
2. Land Use: The condominium structures are under construction on the subject property.

Infrastructure: Utilities, Streets, & Storm Water Facilities

**Utilities:** Sewer & Water

Sewer and water utilities are located in Fruitland Lane and lateral services have been extended to serve the subject property.

**Streets:** The public street improvements adjoining the subject property are a condition of the building permit for the site and will be installed as part of the project.

**Fire:** Fire protection was addressed at the time of building permit review by the City Fire Department.

**Storm Water:** Street and site drainage were addressed with the underlying development and are components of the building permit.

### **Proposed Conditions:**

None

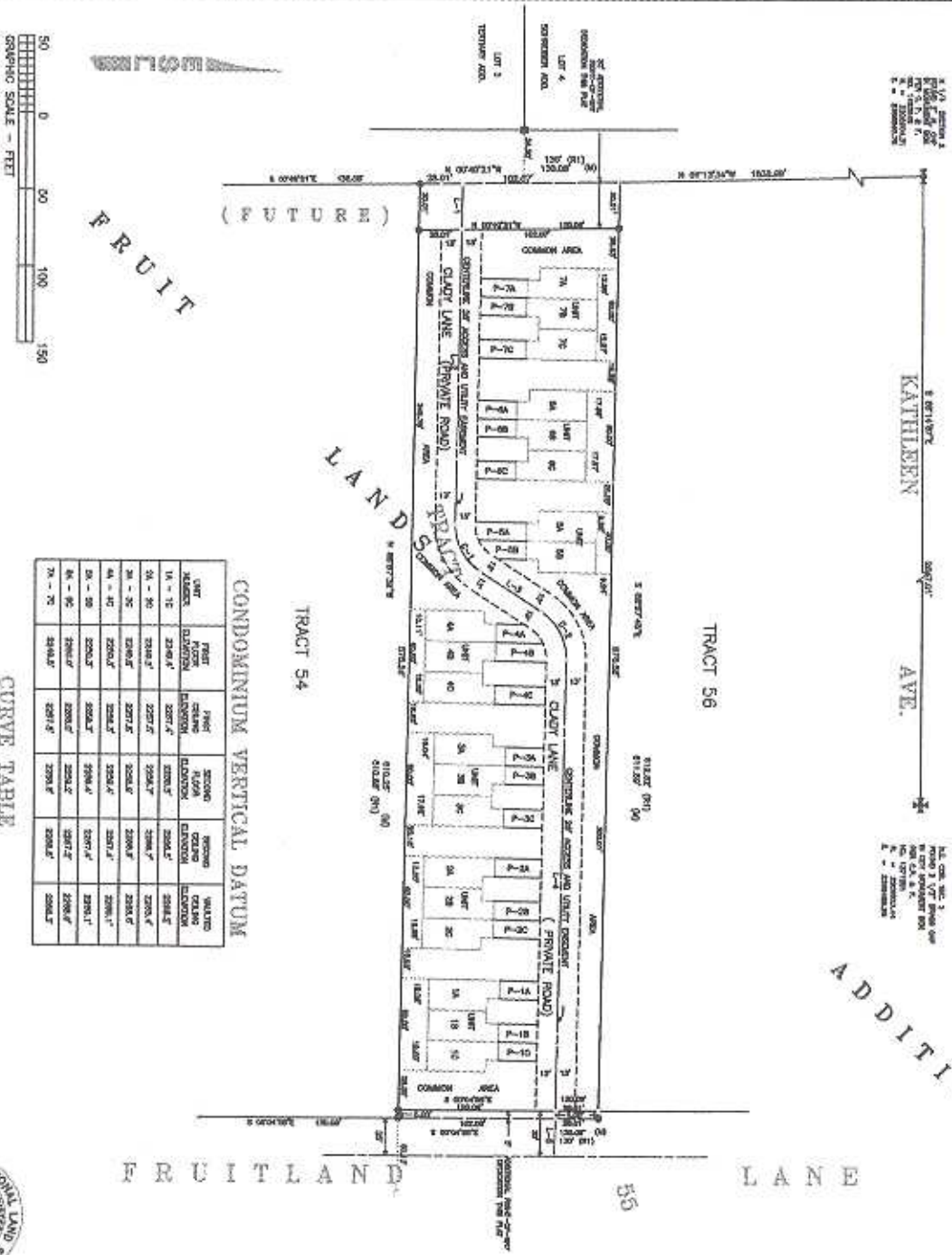
### **DECISION POINT RECOMMENDATION**

Approve the proposed subdivision plat in its submitted configuration.

# ASPEN CREEK VILLAGE CONDOMINIUMS

## TRACT 55, FRUIT LANDS ADDITION IN THE NE 1/4 SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI CO., ID.

SHEET 1 OF 5



**CONDOMINIUM VERTICAL DATUM**

UNIT	FIRST FLOOR ELEVATION	SECOND FLOOR ELEVATION	VALUED CEILING ELEVATION	VALUED FLOOR ELEVATION
1A - 1E	2289.4'	2297.4'	2294.4'	2284.4'
1A - 20	2284.2'	2292.2'	2289.2'	2279.2'
2A - 2C	2281.2'	2289.2'	2286.2'	2276.2'
4A - 4E	2280.2'	2288.2'	2285.2'	2275.2'
5A - 5D	2283.2'	2291.2'	2288.2'	2278.2'
6A - 6C	2282.2'	2290.2'	2287.2'	2277.2'
7A - 7C	2284.2'	2292.2'	2289.2'	2279.2'

**CURVE TABLE**

CURVE	BEARING	LENGTH	DELTA	CHORD	CHORD BEARING
C-1	28.00°	18.87'	32.44°	19.00'	34.81°
C-2	33.00°	18.87'	32.44°	19.00'	34.81°

**CALL TABLE**

OWNER	OWNER ADDRESS	OWNER PHONE
1	2887 W. 1st St.	204.17
2	2887 W. 1st St.	194.17
3	2887 W. 1st St.	184.17
4	2887 W. 1st St.	174.17
5	2887 W. 1st St.	164.17



### LEGEND

- ◆ POINTS SET 1/4" MIN DIA AND PLS. 1/16" DIA
- ◆ POINTS PLAIN 3/4" DIA PLS
- ◆ POINTS PLAIN 1/2" DIA PLS
- ◆ POINTS PLAIN 5/8" DIA PLS AND LINED 1/2" DIA PLS
- ◆ POINTS PLAIN 1/2" DIA PLS AND PLS 1/4" DIA
- ◆ POINTS UNLINED PLS

### NOTES

1. SEE SHEETS 2, 3 & 4 FOR MONUMENT UNIT DIMENSIONS.
2. SEE CONDOMINIUM DECLARATION FOR SECOND FLOOR DETAILS.
3. COMMON AREAS TO THE NORTH ARE EXCLUDED FROM THIS CONDOMINIUM UNIT PROJECT.
4. PROPERTY DIMENSIONS TO THE NORTH ARE LIMITED TO COMMON AREAS EXCEPT WHERE SHOWN OTHERWISE.
5. EXISTING USE CITY OF COEUR D'ALENE (MAY 1980 AD)

### REFERENCES

- 1) PLAN OF FRUIT LANDS ADDITION IN BOOK C OF PLATS AT PAGE 13.
- 2) UNRECORDED SURVEY BY FRANK MERRILL, OF THE NORTH 1/4 OF T. 50 N., R. 4 W. OF TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M. OF PLATS AT PAGE 13.
- 3) PLAN OF TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M. OF PLATS AT PAGE 13.
- 4) PLAN OF COEUR D'ALENE IN BOOK F OF PLATS AT PAGE 18.

### BASIS OF BEARING

BEARINGS AND DISTANCES SHOWN HAVE CONFORMED TO THE BEST PRACTICES AND TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE NOT BEEN ADVISED OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD CAUSE ME TO BELIEVE THAT THE BEARINGS OR DISTANCES SHOWN ARE INCORRECT. I AM NOT PROVIDING ANY WARRANTY OR GUARANTEE OF ANY KIND FOR THE ACCURACY OF THE BEARINGS OR DISTANCES SHOWN.

**EMPIRE SURVEYING & CONSULTING, INC.**

P.O. BOX 12  
 HAYDEN LAKE, ID. 83855  
 (208) 772-8581  
 (208) 772-8588 FAX  
 EMAIL: EBSURV@OTL.NET

55-19-06

**TO:** Planning Commission  
**FROM:** Christopher H. Bates, Project Manager  
**DATE:** August 8, 2006  
**SUBJECT:** **SS-20-06, Linden Court Condominiums**

---

### **DECISION POINT**

Approve or deny the applicant's request for a two (2) building, twenty-four (24) unit condominium subdivision.

### **GENERAL INFORMATION**

1. Applicant: Marc-Eric DiBiase  
Linden Project, LLC  
742 E. Southwood Court  
Hayden, ID 83835
2. Request: Approval of a two (2) building, twenty-four (24) unit condominium subdivision.
3. Location: End of Linden Avenue, east of 7<sup>th</sup> Street.

### **PERFORMANCE ANALYSIS**

1. Zoning: Existing zoning for the subject property is R-12 which is intended to be a residential area that permits a mix of housing types at a density not to exceed 12 units/acre.
2. Land Use: The structures on the subject property are existing residences and are being utilized as apartments.

Infrastructure: Utilities, Streets, & Storm Water Facilities

**Utilities:** Sewer & Water

The existing structures are connected to City sewer and water utilities.

**Streets:** The public street adjoining the subject property is fully developed, and, the on-site travel way is fully developed and private.

**Fire:** Fire protection was adequately addressed at the time of building construction on the subject property.

**Storm Water:** Street and site drainage were addressed with the underlying development and meet City requirements.

### **Proposed Conditions:**

None

### **DECISION POINT RECOMMENDATION**

Approve the proposed subdivision plat in its submitted configuration.

# LINDEN COURT CONDOMINIUMS

LOCATED IN THE SE 1/4 OF SECTION 12, T50N, R4W, BOISE MERIDIAN,  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

- REFERENCES**
- P-1) SNAKE RIVER, BOOK 0 OF PLATS, PAGE 371, 1995
  - P-2) KLUWIKUL, BOOK 5 OF PLATS, PAGE 110, 1970
  - P-3) RECORD OF SURVEY, BOOK 1 OF SURVEYS, PAGE 156, 1979
  - P-4) RECORD OF SURVEY, BOOK 1 OF SURVEYS, PAGE 142, 1979
  - P-5) RECORD OF SURVEY, BOOK 2 OF SURVEYS, PAGE 72, 1980
  - P-6) SNAKE RIVER, BOOK 5 OF PLATS, PAGE 11, 1970
  - P-7) WINDMILL ADDITION, BOOK 0 OF PLATS, PAGE 226, 1995
  - P-8) RECORD OF SURVEY, BOOK 20 OF SURVEYS, PAGE 275, 2000
  - P-9) JETS FUND, BOOK 1 OF PLATS, PAGE 254, 2000

**LEGEND**

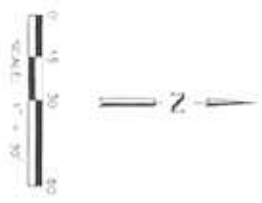
- 3/4" x 3/4" x 30" FRAME WITH YELLOW PLASTIC CAP MARKED JAMER 8798
- FOUND REBAR, EXPOSED AS NOTED
- △ CALCULATED POINT
- (u) MEASUREMENT
- (B-#) PER SURVEY REFERENCE MARKS

**BASIS OF BEARING**

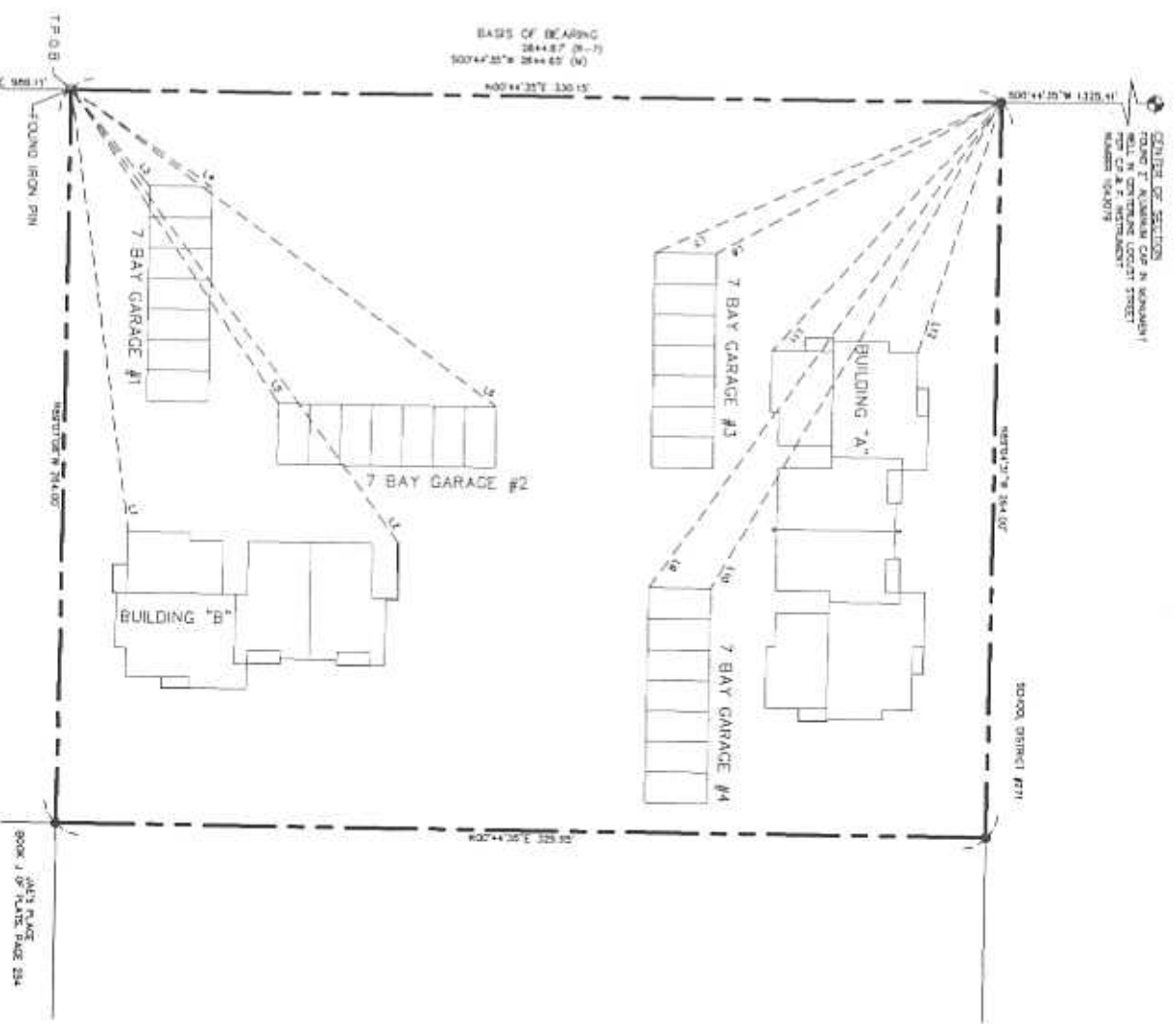
BASES OF BEARING IS A CORRECTION TO DECTER'S FOUND CONDUIT, AS SHOWN, REF. P-2, P-3, P-4, P-5, P-6, P-8.

**NOTES**

1. NO ATTENTION WAS PAID TO ALL SNAKE RIVER, (EXCEPT) BY THE PROPERTY OWNERS, AND RECONSTRUCTION SHOW ALL RECONSTRUCTION EXCEPT
2. ELEVATIONS OBTAINED ON CITY OF COEUR D'ALENE, (SNAKE RIVER CITY) MAP H-10, ELEVATION = 2224.00



**BASIS OF BEARING**  
 28448.7' (B-7)  
 30074.2' (B-7)



**JOB TABLE**

NO.	DESCRIPTION	DATE
1	PLAN SET	10/25/06
2	CONTRACT	11/15/06
3	PERMITS	12/15/06
4	CONSTRUCTION	01/15/07
5	FINAL	02/15/07
6	AS-BUILT	03/15/07
7	FINAL	04/15/07
8	CONTRACT	05/15/07
9	PERMITS	06/15/07
10	CONSTRUCTION	07/15/07
11	FINAL	08/15/07
12	AS-BUILT	09/15/07
13	FINAL	10/15/07
14	CONTRACT	11/15/07
15	PERMITS	12/15/07
16	CONSTRUCTION	01/15/08
17	FINAL	02/15/08
18	AS-BUILT	03/15/08
19	FINAL	04/15/08
20	CONTRACT	05/15/08
21	PERMITS	06/15/08
22	CONSTRUCTION	07/15/08
23	FINAL	08/15/08
24	AS-BUILT	09/15/08
25	FINAL	10/15/08



JAMES STEPHENS, P.E. DATE:

QUARTER CORNER  
 CORNER 1/4" x 3/4" x 30" FRAME  
 WITH CAP & S. REFERENCE  
 NUMBER 12-15-98

CONTROL OF SECTION  
 FOUND T. KLUWIKUL CAP IN UNUSUAL  
 PLACE AS REFERRED LOCAL STREET  
 NUMBER 15-0075

SEC. 12	SCALE: 1"=30'	DIAMOND
DATE: 06/20/06	PROJECT: JLNH - URBAN	CHIC. JLNH
NO. 100	PROJECT: JLNH - URBAN	CHIC. JLNH
NO. 100	PROJECT: JLNH - URBAN	CHIC. JLNH
NO. 100	PROJECT: JLNH - URBAN	CHIC. JLNH

**Jamar**  
 ASSOCIATES, INC.  
 ENGINEERING • SURVEYING • PLANNING

1 OF 3

55-20-06

# LINDEN COURT CONDOMINIUMS

LOCATED IN THE SE 1/4 OF SECTION 12, 150N, R4W, BOISE MERIDIAN,  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

0 10 20 40  
SCALE 1" = 20'

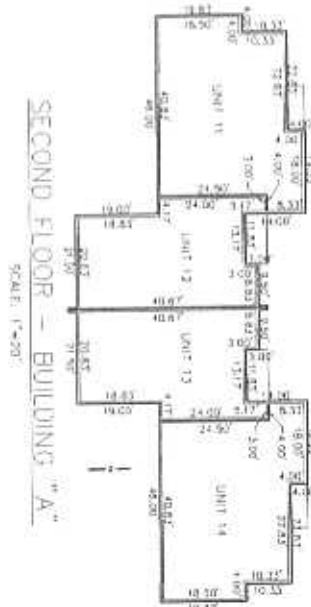
BOOK PAGE  
NO. \_\_\_\_\_

SECOND FLOOR ELEVATION UNIT 12 (STAIRS - 807)  
SCALE 1" = 20'

UNIT	1ST FLOOR	2ND FLOOR	3RD FLOOR
1	545	545	
2	545	545	
3	545	545	
4	545	545	
5	545	545	
6	545	545	
7	545	545	
8	545	545	
9	545	545	
10	545	545	
11	545	545	
12	545	545	
13	545	545	
14	545	545	

SECOND FLOOR ELEVATION UNIT 13 (STAIRS - 807)  
SCALE 1" = 20'

UNIT	1ST FLOOR	2ND FLOOR	3RD FLOOR
1	545	545	
2	545	545	
3	545	545	
4	545	545	
5	545	545	
6	545	545	
7	545	545	
8	545	545	
9	545	545	
10	545	545	
11	545	545	
12	545	545	
13	545	545	
14	545	545	

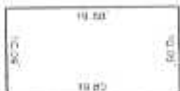
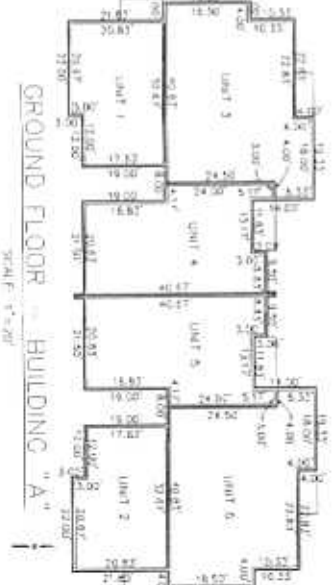
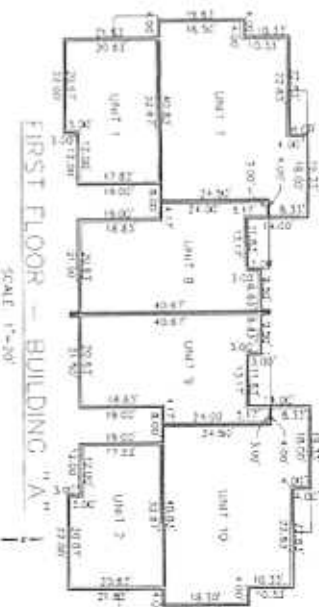


FIRST FLOOR ELEVATION UNIT 12 (STAIRS - 807)  
SCALE 1" = 20'

UNIT	1ST FLOOR	2ND FLOOR	3RD FLOOR
1	2177.01	2177.01	
2	2177.01	2177.01	
3	2177.01	2177.01	
4	2177.01	2177.01	
5	2177.01	2177.01	
6	2177.01	2177.01	
7	2177.01	2177.01	
8	2177.01	2177.01	
9	2177.01	2177.01	
10	2177.01	2177.01	
11	2177.01	2177.01	
12	2177.01	2177.01	
13	2177.01	2177.01	
14	2177.01	2177.01	

FIRST FLOOR ELEVATION UNIT 13 (STAIRS - 807)  
SCALE 1" = 20'

UNIT	1ST FLOOR	2ND FLOOR	3RD FLOOR
1	2177.01	2177.01	
2	2177.01	2177.01	
3	2177.01	2177.01	
4	2177.01	2177.01	
5	2177.01	2177.01	
6	2177.01	2177.01	
7	2177.01	2177.01	
8	2177.01	2177.01	
9	2177.01	2177.01	
10	2177.01	2177.01	
11	2177.01	2177.01	
12	2177.01	2177.01	
13	2177.01	2177.01	
14	2177.01	2177.01	



JOHN STEARNS, PLS

DATE



SCALE 1" = 20' DRAWN BY  
DATE 08/28/08 CHECKED BY  
PROJECT 1301 - GREASE  
211 W. STATE ST. BOISE, IDAHO 83725  
Jamar Associates, Inc.  
ENGINEERING • SURVEYING • PLANNING

## MEMORANDUM

TO: PLANNING COMMISSION  
FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER  
DATE: AUGUST 8, 2006  
RE: +/- 11 ACRE RIVERSTONE WEST PARK

### DECISION POINT:

Pursuant to Section 17.44.050.L of the Municipal Code, determine the parking requirement for Riverstone West Park.

### HISTORY

Riverstone West Park, which is part of the Riverstone development has been under development for over a year starting with the filling of the former Central Pre-mix pit to create a 6-acre 25 foot deep lake and a 5 acre passive use park with a 51 stall parking lot.

### PERFORMANCE ANALYSIS:

- The park is located in a C-17 zoning district, which allows Public Recreation activities by right.
- Section 17.44.050.L requires the Planning Commission to determine the parking requirement for Public Recreation activities.

Riverstone Park is a 'passive use' park which means that there will not be any organized recreational activities scheduled. The Parks Department will accept reservations for group and family picnics at the gazebo as well as for an occasional event at the amphitheater.

It will also include the following facilities:

- Drinking fountains and benches throughout park
- Lighted pathways throughout park
- ADA compliant restrooms
- Covered picnic shelter (Gazebo)
- Children's playground
- Small amphitheatre
- Observation/meditation area on south side of lake
- Possible trailhead for Centennial trail passing through park
- Parking lot with 51 stalls

Evaluation: Based on the facilities proposed and the passive use nature of the park, 51 parking spaces would appear to be adequate for this park.

### DECISION POINT RECOMMENDATION:

Determine the parking requirement for Riverstone West Park.

[F:\staff\pts\riverstonewestpkreqmt]



## CITY OF COEUR D'ALENE

### PARKS DEPARTMENT

CITY HALL, 710 E Mullan Avenue  
Coeur d'Alene, Idaho 83814  
208-769-2252 FAX: 208-769-2383

**DATE:** August 8, 2006  
**TO:** Planning and Zoning Commission  
**FROM:** Doug Eastwood, Parks Director  
**SUBJECT:** RIVERSTONE PARK & POND

---

SRM Development will be creating a 6-acre man-made pond/lake and a 5-acre passive use park within the Riverstone West complex, Phase II. The pond will be maintained by the Riverstone Homeowners Association. It will be approximately 25 feet deep with a plastic liner, several water features and a stream that will flow under a pedestrian bridge. The water features and stream will aerate the pond water and prevent build up of unwanted aquatic life such as algae blooms. Run-off water from roads, parking lots and the landscaped areas will not be able to enter and contaminate the pond. The pond will be filled from the Spokane River and the water will be used for irrigation of the parkland and the landscaped areas of the subdivision.

The Centennial Trail will pass through the park and the site can serve as a trailhead. ADA compliant restrooms will be provided with sewer and water hook-up and an attached maintenance storage room. There will also be a covered picnic shelter and a children's playground. An observation/meditation area will be located on the south side of the pond. A small amphitheatre is located on the west side of the pond. There will be many areas within the park with plantings of shrubs and trees. There will be a larger number of shrub plantings than in most of the other city parks. Lighted pathways will meander through the park and around the pond. The lights will be on bollards that will be approximately three feet in height. There will be 'down-type' lighting in the parking lot and the entry driveway. Similar lighting will also be used near the playground and will be on a timer.

Riverstone Park is a 'passive use' park which means that there will not be any organized recreational activities scheduled. The Parks Department will accept reservations for group and family picnics at the gazebo as well as for an occasional event at the amphitheater. Drinking fountains and benches will be placed in the park and around the pond area. Vehicles will enter the park from Beebe Boulevard along a tree lined access road which meanders to the east side of the park to a 51 stall parking lot. Handicap stalls will be included in the parking lot. The pathways and points of interest will be ADA compliant.

SRM is making a charitable contribution of the land to the CDA Parks Foundation. Lake City Development Company is financing the development of the park and pond. SRM will also be paying an annual fee to the Coeur d'Alene Parks Department to cover operating expenses for the first three years of the park's operation. After the three year period the City will assume all operating costs of the park. The Riverstone Homeowners Association will continue to maintain the pond and all mechanical equipment related to the pond.



**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMOS, ASSOCIATE PLANNER  
DATE: AUGUST 8, 2006  
SUBJECT: ZC-6-06 - ZONE CHANGE FROM M TO R-17 AND C-17  
PUD-3-06 – “MEADOW RANCH PUD” PLANNED UNIT DEVELOPMENT  
S-9-06 – “MEADOW RANCH” A 55-LOT PRELIMINARY PLAT SUBDIVISION  
SP-11-06 - 3 UNIT PER GROSS ACRE DENSITY INCREASE FOR CLUSTER  
HOUSING IN AN R-17 ZONE  
LOCATION – +/- 11.7-ACRE PARCEL ADJACENT TO HOWARD STREET AND  
BOSANKO AVENUE.

**SITE PHOTO:**



**DECISION POINT:**

Active West Development is requesting the following:

- A. Approval of a Zone Change from M (Manufacturing) to R-17 (Residential at 17 units/acre) and C-17 (Commercial at 17 units/acre).
- B. Preliminary Plat approval of “Meadow Ranch” a 55-lot subdivision in the R-17 and C-17 zoning districts, as follows:
  1. Phase 1:
    - 51 residential lots ranging in size from 1,431 sq. ft. to 6,221 sq. ft.



- 1 commercial lot - 19,499 sq. ft.

2. Phase 2:

- 4 residential lots ranging in size from 12,667 sq. ft. to 36,486 sq. ft.

C. Approval of a Special Use Permit for A three unit per gross acre density increase for cluster housing in the R-17 zoning district.

Section 17.05.250.E of the Municipal Code states:

In this district, a special use permit may be requested by the developer for a three (3) unit per gross acre density increase for each gross acre included in a cluster housing development. This density increase provision is established to reflect the growing concern for energy and environment conservation.

- By right, 204 units are allowed at 17 units per gross acre.
- With approval of the Special Use Permit, 33 additional units would be allowed for using cluster housing in the project.
- The applicant is proposing 223 units using a combination of single-family, cluster and multi-family housing.

D. Planned Unit Development approval of "Meadow Ranch", as follows:

1. A gated community of single-family cottage homes, cottage town homes (cluster housing), cottage condominiums (multi-family) with a common recreational/activity area and one commercial lot, as follows:

Phase 1

- 50 residential units including single-family cottage homes and 3 and 4 unit cottage town homes.
- Development of the commercial lot with relocated existing barn.

Phase 2

- 173 units including single-family cottage homes, 3 and 4 unit cottage town homes and cottage condominiums.

2. Streets:

A. Meadow Ranch Avenue - Gated main entry.

50 feet of right-of-way, 24-foot private street with standard curb & gutter, 5 foot sidewalks and 4 foot swale & planting areas on both sides.

B. Dale View Way.

40 feet of right-of-way, 28 foot private street with standard curb & gutter (Two 10 foot travel lanes and one 8 foot parking lane), 5 foot sidewalk one

side, 4 foot swale & planting area both sides and setback/utility easements both sides (10 feet one side and 15 feet the other)

C. Knoll Loop - along south property line.

36 feet of right-of-way, 20 foot street with standard curb on south side (Two 10 foot travel lanes), 6 foot planting & swale area, 5 foot sidewalk and 5 foot planting, area all on the south side of the street.

D. Knoll Loop - along Howard Street.

36 feet of right-of-way, 20 foot street with standard curb on one side (Two 10 foot travel lanes), and between the proposed street and Howard street a 6 foot planting & swale area, 5 foot sidewalk and 5 foot planting area.

3. A +/- 3.25 acre open space area (28% of gross land area) with a pedestrian pathway through the hillside open space area connecting at both ends to the sidewalks along Dale View Way. Also proposed for use by the residents of the development are a community building, pool and spa.

E. Deviations to the zoning and subdivision ordinances requested by the applicant:

Zoning Ordinance:

R-17 zone performance standards.

Setbacks:

- Reduce front yard setback from 20 feet to 10 feet for town homes and 15 feet for single family residents.
- Reduce rear yard setbacks from 20 feet for multi-family and 25 feet for single-family and cluster housing to 10 feet for all lots.
- Reduce interior side yards from 10 to zero feet for single family homes and common wall town homes.
- Reduce street side yards for cluster and multi-family housing from 20 feet to 10 feet.

Lot size:

- Reduce single family minimum lot size from 5,500 to 3300. The majority of the single family lots will be 4,000 sq. ft, however the site geography will result in several lots being less than 3,300 sq. ft. Town home lots will be 1,400 to 2,100 sq. ft.

Lot frontage:

- Reduce the minimum lot frontage requirement for residential lots from 50-feet of frontage to 0- feet on a private street.

Building height:

- Increase single-family height from 31 1/4 feet to 36 feet and multi-family height from 43 3/4 feet to 60 feet.

Subdivision Ordinance:

Design standards:

Streets

- Meadow Ranch Avenue - Gated main entry.

50 feet of right-of-way, 24-foot private street with standard curb & gutter, 5 foot sidewalks and 4 foot swale & planting areas on both sides.

- Dale View Way.

40 feet of right-of-way, 28 foot private street with standard curb & gutter (Two 10 foot travel lanes and one 8 foot parking lane), 5 foot sidewalk one side, 4 foot swale & planting area both sides and setback/utility easements both sides (10 feet one side and 15 feet the other)

- Knoll Loop - along south property line.

36 feet of right-of-way, 20 foot street with standard curb on south side (Two 10 foot travel lanes), 6 foot planting & swale area, 5 foot sidewalk and 5 foot planting, area all on the south side of the street.

- Knoll Loop - along Howard Street.

36 feet of right-of-way, 20 foot street with standard curb on one side (Two 10 foot travel lanes), and between the proposed street and Howard street a 6 foot planting & swale area, 5 foot sidewalk and 5 foot planting area.

NOTE: The above deviations are the only ones requested. All other zoning and subdivision ordinance requirements apply.

- F. Evaluation: The Commission should bear in mind that a PUD is intended to provide for flexibility and diversity of use by removing the limitations in the typical lot-by-lot approach to development. It is not intended to be a means to waive certain development regulations. The Commission must, therefore, determine if the concept of the proposal is unique enough that it merits the flexibility afforded by the PUD regulations.

In making this determination, the Planning Commission should decide if the deviations requested represent a substantial change over what would be allowed if the regulations were applied on a lot-by-lot basis.

The chief benefits of this PUD for the applicant are:

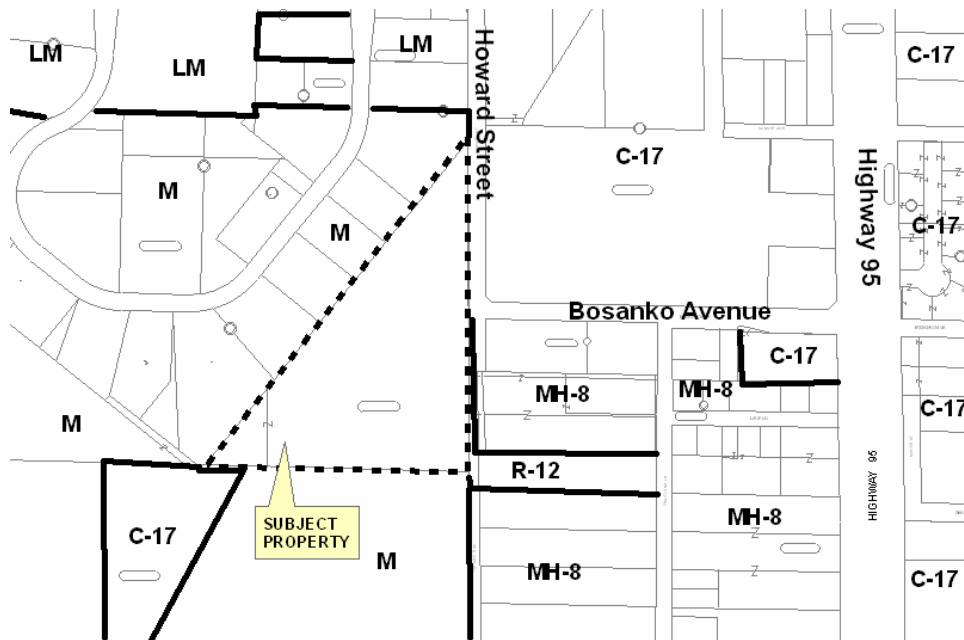
- A mixed use residential and commercial development on private streets with reduced street standards.
- A residential development of single-family, cluster and multi-family housing built on lots as small as 1,431 sq. ft.
- A three unit per acre density increase for using cluster housing.

The Commission must decide if this request meets the intent of the PUD regulations and in so doing may wish to consider that certain benefits accrue to the city and the public by virtue of a planned unit development:

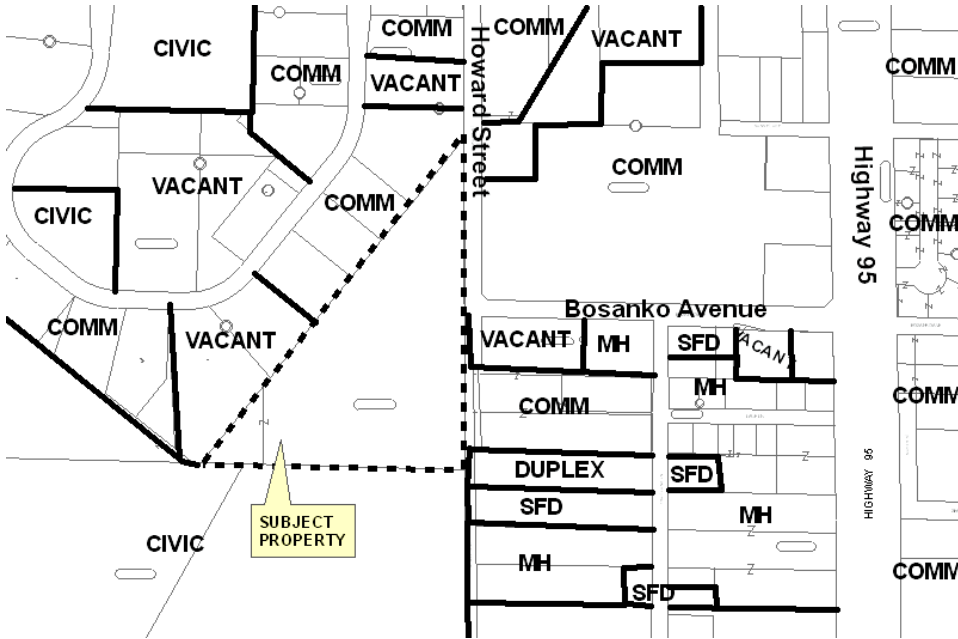
- Ability to add conditions to an approval.
- Ability to lock in development plans for the future to the approved PUD Final Development Plan.
- Ability to negotiate solutions that benefit all.

**GENERAL INFORMATION:**

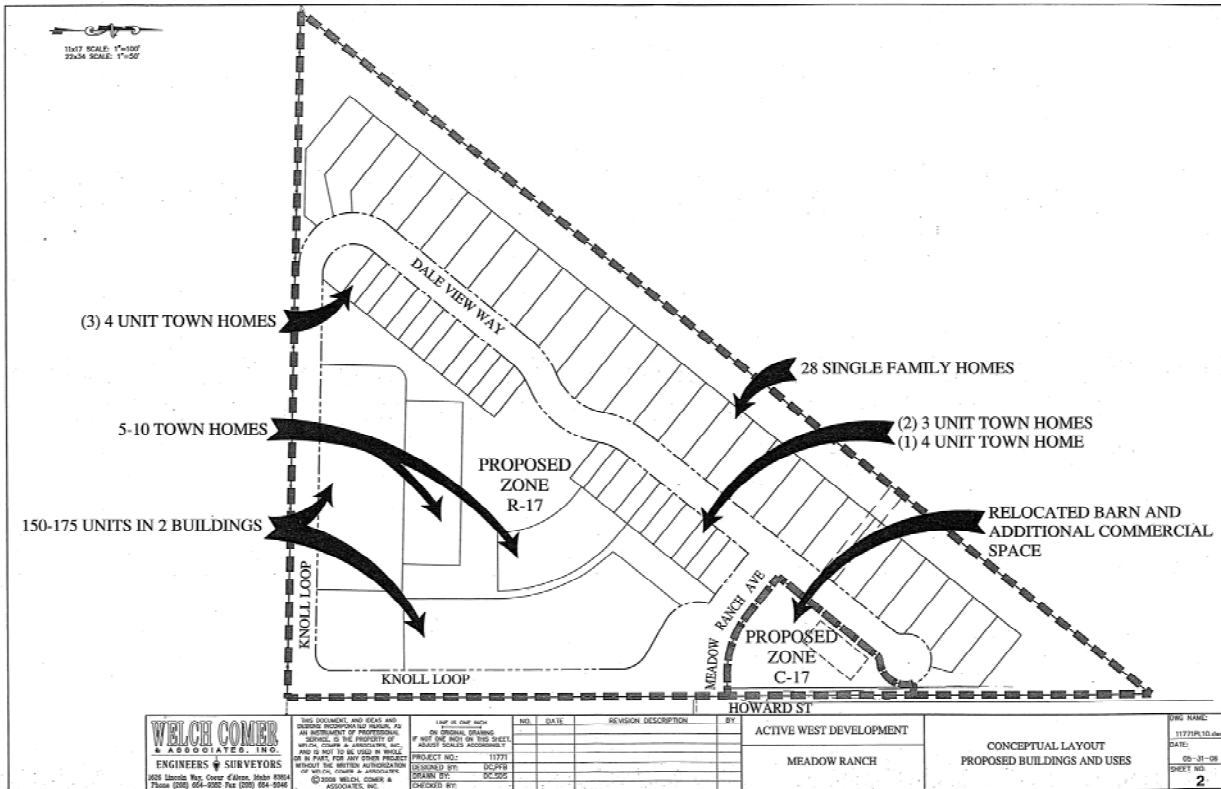
- A. Applicant: Active West Development  
P. O. Box 3398  
Coeur d'Alene, ID 83816
- B. Property Owner: David and Susan Schreiber  
P. O. Box 1087  
Coeur d'Alene, ID 83814
- C. The property owner has consented to the filing of the applications.
- D. Land uses in the area include residential - single-family, mobile homes and duplex, commercial - sales and service, civic and vacant property.
- E. The subject property is vacant with a vacant barn. It also has an extensive tree cover of native conifers along the sloping portion of the property along the west property line.
- F. Zoning:



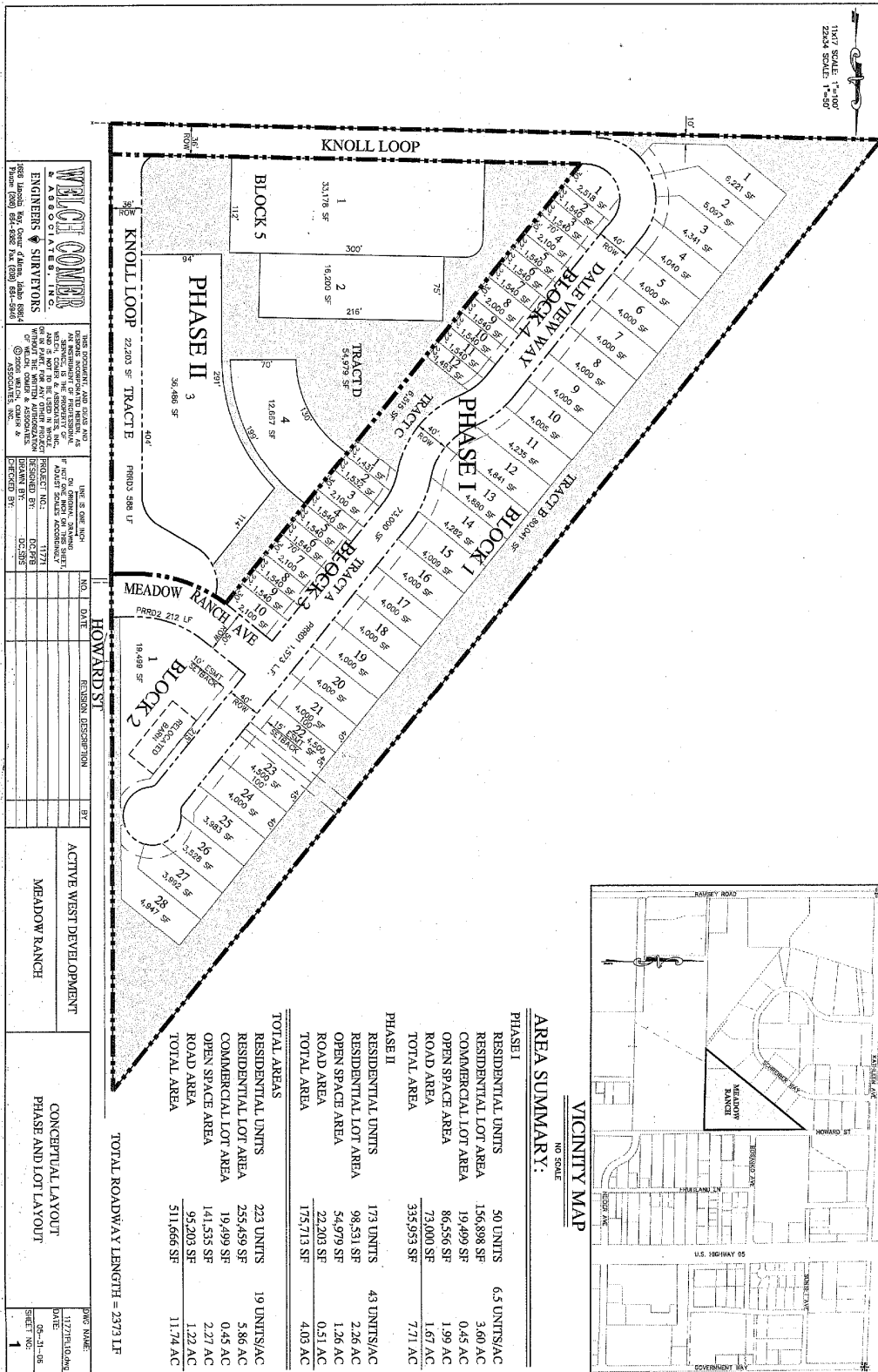
G. Generalized land use pattern:



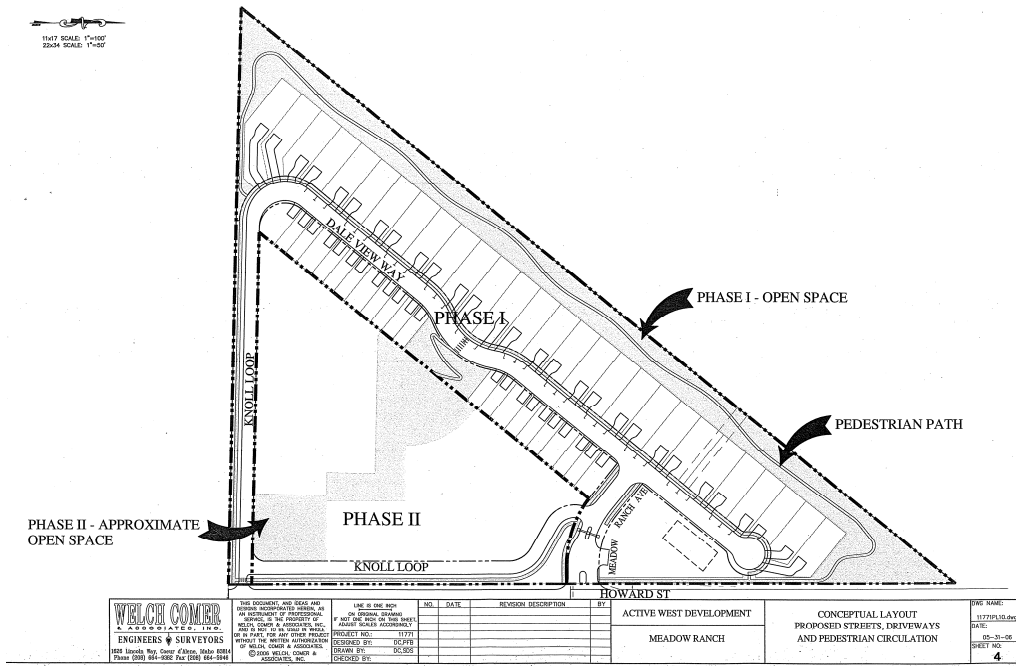
H. Conceptual layout of various housing types



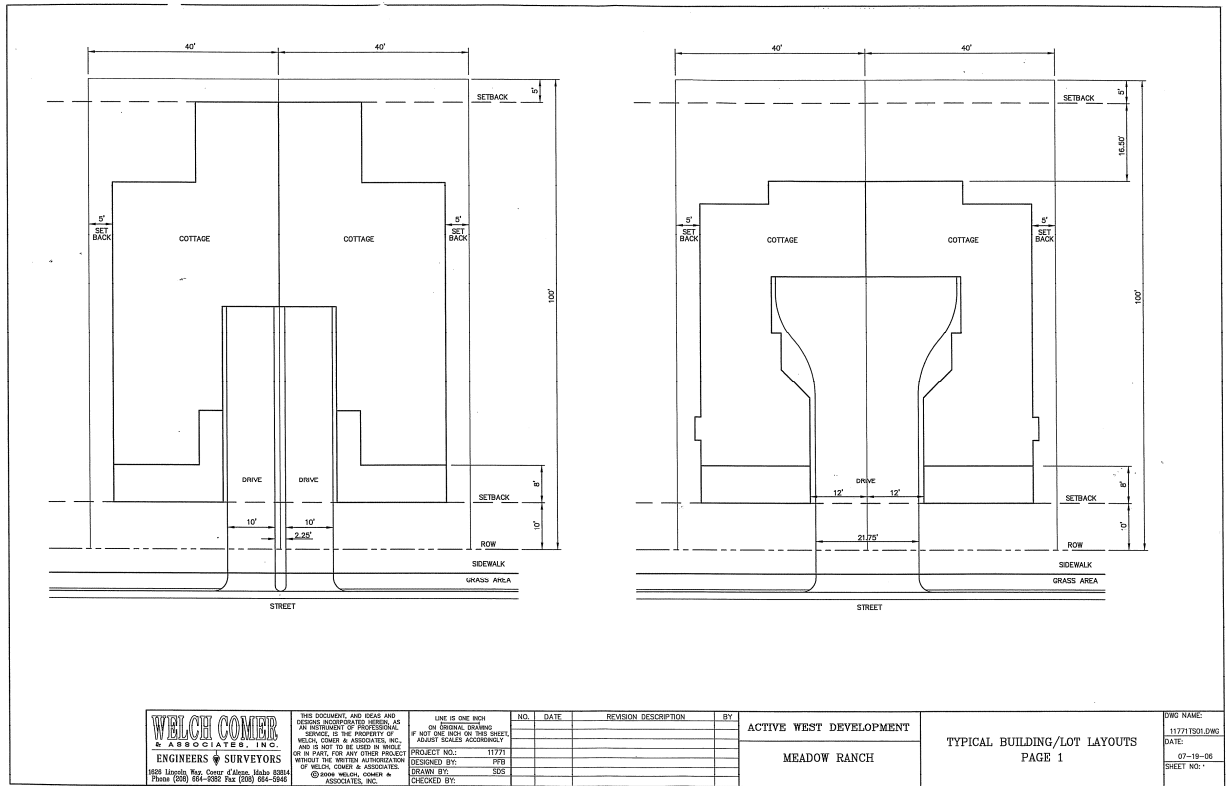
I. "Meadow Ranch" subdivision and phasing plan



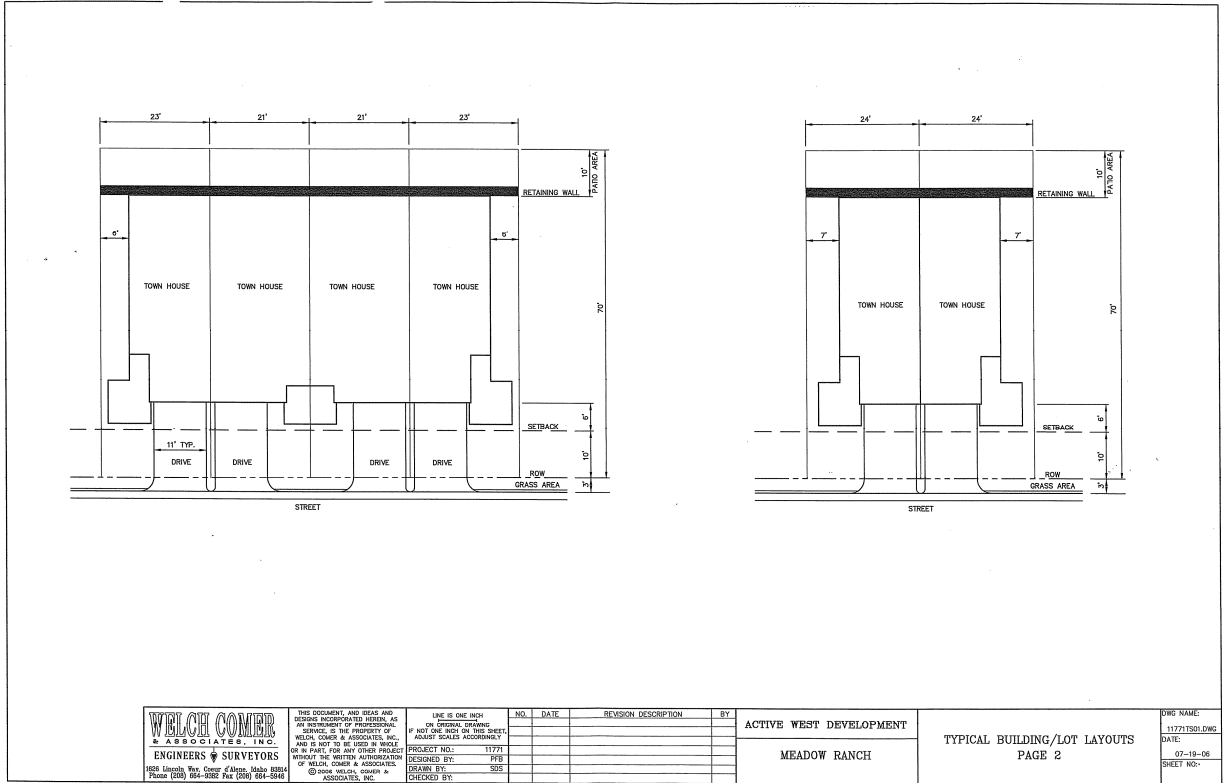
J. Proposed open space and circulation plan.



K. Typical single-family house layout



L. Typical town house layout



<b>WELCH COMER</b> ASSOCIATES, INC. ENGINEERS & SURVEYORS 1625 Lincoln Hwy. Corner of Adams, Meigs 8320 Phone (304) 694-0202 Fax (304) 694-0940	THIS DOCUMENT AND REAR AND DESIGN ACCOMPANIED HEREIN AS AN INSTRUMENT OF PROFESSIONAL SERVICE IS THE PROPERTY OF WELCH COMER & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF WELCH COMER & ASSOCIATES. © JOHN WELCH, OWNER & ASSOCIATES, INC.	ONE IS ONE WITH OR GRAPHIC DRAWING IF NOT ONE SIDE ON THIS SHEET, ADJUST SCALES ACCORDINGLY. PROJECT NO.: 11771 DESIGNED BY: FFE DRAWN BY: SUS CHECKED BY:	NO. DATE REVISION DESCRIPTION BY	ACTIVE WEST DEVELOPMENT	TYPICAL BUILDING/LOT LAYOUTS PAGE 2	DWG NAME: 11771TSH.DWG
				MEADOW RANCH		DATE: 07-19-06
						SHEET NO.:

**PERFORMANCE ANALYSIS:**

**A. Zone Change findings:**

**1. Zoning:**

The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre.

This district is for establishment in those areas that are not suitable for lower density residential due to proximity to more intense types of land use.

This district is appropriate as a transition between low density residential and commercial districts, or as a buffer between arterial streets and low density residential districts.

The C-17 District is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre.



This District should be located adjacent to arterials; however, joint access developments are encouraged.

The zoning pattern (see zoning map on page 5) in the surrounding area shows Manufacturing to the west and south and C-17, MH-8 and R-12 to the east of the subject property.

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

See Preliminary Plat finding # B8C on pages 16 & 17.

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

See preliminary plat findings B8B on pages 8 to 11.

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

See Planned Unit Development finding #B8C on page 11.

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

See PUD findings # B8H on page 11.

**B. Planned Unit Development Findings:**

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

See Preliminary Plat finding # B8C on pages 14 & 15.

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

The proposed development is a predominately residential development of 223 units of single-family, townhouse and condominium units with open space and walking trails in an area of adjoining residential, commercial (Mini-storage, Fred Meyer store & professional uses) and civic (City composting facility) type uses.

Evaluation: The Planning Commission must determine, based on the record before them, that the request is compatible with uses on adjacent properties.

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

The subject property is relatively flat with the exception of the hillside on the western portion of the property.

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

See Preliminary plat finding #B8B on pages.

5. **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.**

As shown on the preliminary plat, there are 3.25-acres of open space area (28% of the gross land area). Recreational facilities include a community building, pool and spa and a system of walking trails.

Evaluation: The Planning Commission must determine that the open space is accessible to all users of the development and usable for open space and recreational purposes.

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

Compliance with the parking requirements in the City's parking code will be accomplished through the development review process. On-site paved parking that meets the requirements of the parking code must be provided before a certificate of occupancy is issued for each use.

Evaluation: Compliance with the parking requirement is accomplished at the time of building permit issuance through the development review process.

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

The applicant indicates that a homeowner's association will be formed to maintain all open space areas.

Pursuant to Section 17.07.235 of the Planned Unit Development Regulations, "the Planning Commission can require the formation of a homeowners association to perpetually maintain all open space areas. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain the open space. The association shall perpetually exist and can only be terminated by a majority vote of the members and consent of the City Council shall terminate it".

Evaluation: As a condition of approval of the PUD, the Planning Commission should require the formation of a property owners association to ensure the maintenance of all common open space areas.

8. **Finding #B8H: That the proposal (would) (would not) adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character (and) (or) existing land uses.**

The proposed development is adjacent to Howard Street, which provides access to both Kathleen Avenue to the north and Highway 95 to the east. The proposed residential and commercial development is adjacent to retail sales, professional office, civic and residential uses.

Evaluation: The Planning Commission based on the evidence in the record must determine what affect the request will have on the surrounding area.

C. **Preliminary plat Findings:**

1. Zoning:

The subject property is zoned M (Manufacturing) but will change to R-17 (Residential at 17 units/acre) and C-17 (Commercial at 17 units/acre), if the zone change request is approved.

Both zones allow single-family, multi-family and cluster housing at 17 units per acre and a 3 unit per gross acre density increase for the use of cluster housing in the R-17 zone. If the applicant were to maximize the allowable density of 20 units per acre (17 units/acre & the 3 units/acre for using cluster housing) he could build a maximum of 240 units.

The applicant is proposing the following:

- A single-family, multi-family and cluster housing development with a total of 223 units at a density of 19 units per acre.
- One commercial lot utilizing the existing barn on the property for commercial purposes.
- A 55 lot subdivision with lots ranging in size from 1,431 sq. ft. to 36,486 sq. ft.

2. **Finding #B8A: That all of the general preliminary plat requirements (have) (have not) been met, as attested to by the City Engineer.**

Per Gordon Dobler, City Engineer, the preliminary plat submitted contains all of the general information required by Section 16.12.020 of the Municipal Code, General Requirements.

3. **Finding #B8B: That the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities (are) (are not) adequate where applicable.**

WATER:

City water is available to the proposed subdivision.

Evaluation: There is an existing twelve inch (12") line located in Howard Street that will provide service for the proposed subdivision. The developer will be required to extend the 12" water main in

Howard Street to the southerly boundary of the subject property, and, to provide eight inch (8") looping through the development. All installations will be completed by the developer at no cost to the City.

Comments submitted by Jim Markley Water Superintendent.

**SEWER:**

Sanitary sewer is available to the proposed subdivision.

**Evaluation:** There is an existing eighteen inch (18") sanitary main located to the west of the subject property. The sanitary sewer will be required to be extended from this location to service the development. All installations will be completed by the developer at no cost to the City.

The sanitary line situated in the proposed southerly street, "Knoll Loop", will be required to be extended into Howard Street to allow for future extension to the south.

Comments submitted by Don Keil, Assistant Wastewater Superintendent.

**STORMWATER:**

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. All drainage swales will be the responsibility of the homeowners associate to maintain.

**TRAFFIC:**

The ITE Trip Generation Manual estimates the project at build out may generate approximately 141 average peak hour trips per day. This is the combined residential and commercial development. The average peak hour trips generated by the residential would be 111, with the commercial generating the additional 30 trips. These are the peak hour periods of 7-9 A.M. and 4-6 P.M.

**Evaluation:** The adjacent and/or connecting streets will accommodate the additional traffic volume. The signalized intersection of Bosanko and US Hwy 95 will manage the traffic utilizing that intersection, however, the unsignalized intersection of Howard Street and Kathleen Avenue will experience backups with the westbound left turn movement onto Kathleen Avenue. This would not be alleviated until the signalization of the intersection occurs. Traffic will utilize Fruitland Lane to access other intersections that connect to US Hwy 95 and Appleway to the south, however, that will increase the traffic through the residential neighborhood. The eventual construction of Howard Street to the south with its intersection to Appleway would help alleviate some of the congestion that may take place.

The developer will be required to submit a completed traffic study that details the intersections of Howard Street/Kathleen Avenue and the Bosanko Avenue/US Hwy 95. Recommendations for traffic remediation will need to be addressed and implemented based upon volumes and conditions noted by the study.

#### STREETS:

The proposed subdivision is bordered by Howard Street. The current right-of-way width adjoining the subject property is approximately thirty feet (30'), which does not meet City standards.

Evaluation: Additional right-of-way for the Howard Street extension must be granted on the final plat to provide for the City standard sixty foot (60') section.

Howard Street presently terminates at the intersection with Bosanko Avenue.

Evaluation: The developer will be required to construct the full Howard Street section to the southerly boundary of the subject property with the initiation of the Phase I improvements. Construction of the roadway will provide two points of access to the development which is a requirement for any development with 30 or more units.

The internal streets in the subdivision are proposed to be private and less than the standard width that the City allows for private roadways. The proposed interior streets meet City standards.

Evaluation: The minimum street width that the City will allow is thirty two feet (32'), which allows for two way travel with an eight foot (8') parking lane. This also allows for the minimum twenty six (26') foot width required by the City Fire Department for access in hydrant zones. Sidewalk will be required throughout the development and will be required to connect to Howard Street.

#### SUBDIVISION IMPROVEMENTS:

Lot frontages for all of the residential units are less than the minimum required and will be approved as a modification through the PUD.

Due to the sloping nature of the westerly side of the proposed development, which in most cases is in excess of 20% (per submitted topography), a Geotechnical analysis will be required to determine the stability of the soils. This report shall be compiled by a licensed Geotechnical Engineer with recommendations for footing and foundation plans for any construction on the subject property. All recommendations in the submitted report will be made requirements of all construction activity on the subject property.

#### APPLICABLE CODES AND POLICIES

## UTILITIES

All proposed utilities within the project shall be installed underground.

All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.

All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

Any/all required utility easements shall be dedicated on the final plat.

## STREETS

All new streets shall be dedicated and constructed to City of Coeur d'Alene standards.

Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.

All required street improvements shall be constructed prior to issuance of building permits.

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

## STORMWATER

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

## FIRE PROTECTION

Fire hydrant(s) shall be installed at locations determined by the City Fire Inspector.

## GENERAL

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

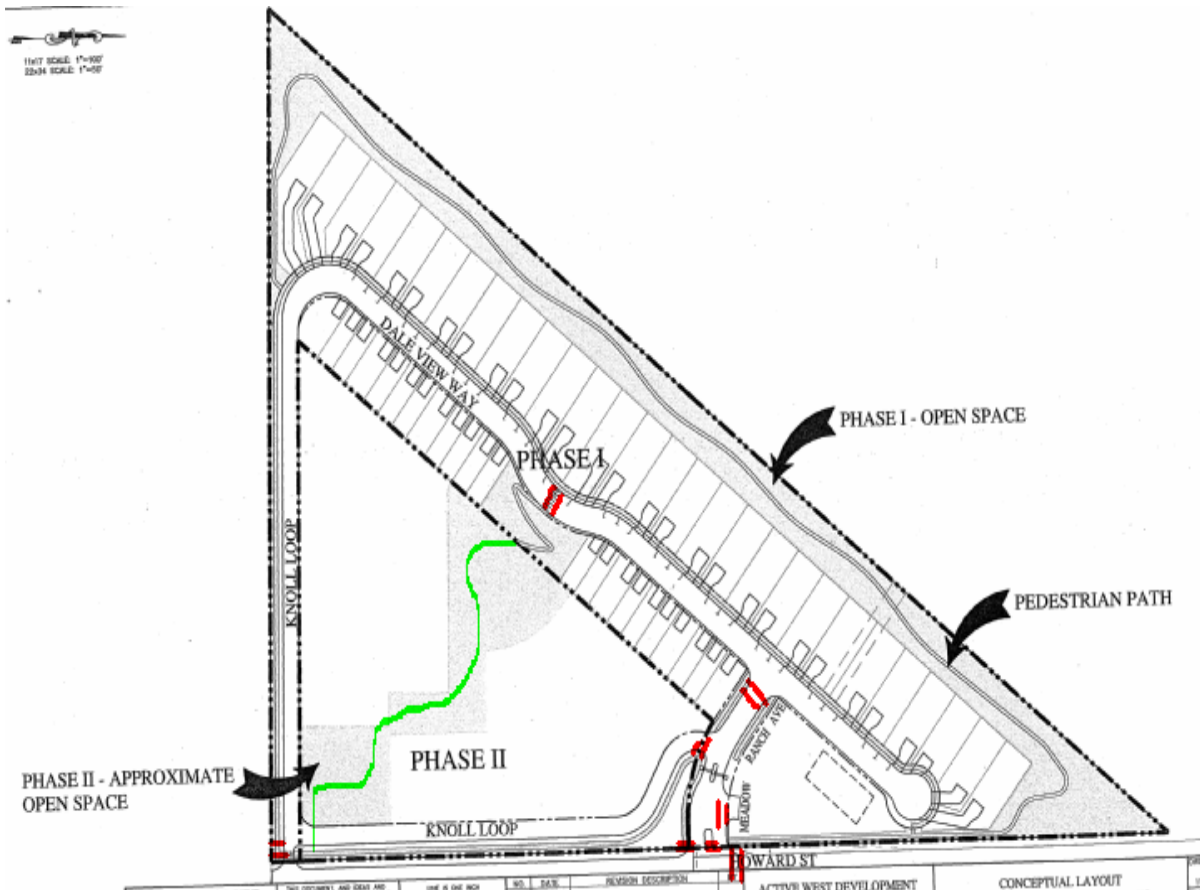
Comments submitted by Chris Bates Engineering Project Manager

## PARKS:

These are the recommendations made by the Pedestrian and bicycle committee in collaboration with the Coeur d'Alene trail coordinator, Hugo Lecomte.

- It is recommended that the path on the west side of block 1 (phase 1) be a multi-use path as it is not an access to lots. Expand the width to 10 feet, from the sidewalk connection along lot 1 to the sidewalk connection along lot 28.

- Recommended curb cuts and crosswalks at areas in red
- Recommended extension of sidewalk along south side of block 2 (phase 1) to connect with sidewalk along east side of same block (Howard St)
- Recommended extension of pedestrian path in the open space area between lots 1-2 and 3-4 (phase 2) to connect with sidewalk on Howard St.



Comments submitted by Hugo Lecomte, Trails Coordinator

**FIRE:**

The standard Fire Dept. issues of access, water supplies, etc. will be addressed at the plan review phase. However, the bigger issue is the ability of the Fire Dept. (and other city services) to meet the increased demands on services such developments bring to the table, without increasing personnel and equipment.

Comments submitted by Dan Cochran, Deputy Fire Chief.

**POLICE:**

I have no comments at this time.

Comments submitted by Captain Steve Childers, Police Department.

4. **Finding #B8C: That the preliminary plat (is) (is not) in conformance with the Comprehensive Plan as follows:**

- A. The subject property is within the existing city limits.
- B. The City Comprehensive Plan Map designates this area as a Transition Area and in close proximity to Kathleen Avenue, which is designated as a Medium Intensity Corridor, as follows:

**Transition Areas:**

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

- Protect and/or enhance the integrity of existing residential areas.
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Encourage commercial clusters that will serve adjacent neighborhoods vs. city as a whole.
- Pedestrian/bicycle connections.
- Encourage cluster housing developments to maintain open space and forestlands.
- Overall build-out density approximately 3 dwelling units per acre. Individual lot size will typically not be smaller than 8,000 sq. ft. (5 du's/acre). Higher densities and mixed uses encouraged close or abutting transportation corridors.
- Neighborhood development should consist of:
  - Size of 25 to 65 acres
  - Urban services
  - Sidewalks/bike paths
  - Street trees
  - Neighborhood parks
  - Interconnecting street network

**Medium Intensity Corridors:**

“These areas primarily consist of areas where commercial and residential uses may be encouraged.”

- Residential/commercial mix.
- Possible residential density = 17/34 du/acre
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Discourage uses that are detrimental to neighboring stable established neighborhoods.



- Arterial/collector corridors defined by landscaping/street trees.

**Page 28** – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

1. The individual characteristics of the site;
2. The existing conditions within the area, and
3. The goals of the community.

**Significant policies to be considered:**

- 4C: “New growth should enhance the quality and character of existing areas and the general community.”
- 4C1: “Development that proposes to increase the density of a given area may be allowed, provided that the increase maintains the character of the community.”
- 4C3: Population growth should be compatible with preserving Coeur d’Alene’s character and quality of life.”
- 4C4: “Residential and mixed use development should be encouraged.”
- 4C5: “New development should provide for bike paths and pedestrian walkways in accordance with the transportation plan and bike plan.”
- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 6A2: “Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise.
- 6A3: “Commercial development should be limited to collector and arterial streets.”
- 14A3: “All new developments must provide for immediate hook up to the sanitary sewer system.”
- 14A5: “Assess and design the future needs of City services for those areas outside of the present city limits, but within the planning area.
- 23B1: “New developments should be required to be within an existing sewage service area or provide a system that does not pollute the aquifer.”
- 24C: “Natural vegetative cover should remain as a dominant characteristic of Coeur d’ Alene.”
- 42A2: “Property rights of citizens should be protected in land use decisions.”
- 42B2: “Expansion of the City should be based on conformance to the urban service area.”

- 46A: "Provide for the safe and efficient circulation of vehicular traffic."
- 51A: "Protect and preserve neighborhoods both old and new."
- 51A4: "Trees should be preserved and protected by support of the Urban Forestry Program and indiscriminate removal discouraged."
- 51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."
- 62A: "Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects."

**Transportation Plan policies:**

The Transportation Plan is an addendum to the Comprehensive Plan and is a policy document that is intended to guide decisions that affect transportation issues. Its goal is to correct existing deficiencies and to anticipate, plan and provide for future transportation needs.

- 33A: "Safe vehicular and pedestrian circulation should be enhanced through careful design and active enforcement."
- 34A: "Use existing street systems better."
- 34B: "Reduce automobile dependency by providing bike paths and sidewalks."

- C. Evaluation: The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan, Transportation Plan and Bikeways 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.

**5. Finding #B8D: That the public interest (will) (will not) be served.**

The subject property is within the corporate limits and would create a 55-lot gated subdivision on private streets with a density of 19 units per gross acre that is within the 20 units per acre density allowed by the combined R-17 density and the 3 unit per gross acre density increase for using cluster housing.

It is located near shopping, main arterial streets and the Kootenai Medical Center reflecting the concern for energy and environment conservation.

- Evaluation: The Planning Commission must determine, based on the information before them, whether the request will or will not serve the public interest. Specific ways in which this request does or does not should be stated in the finding.

**6. Finding #B8E: That all of the required engineering elements of the preliminary plat (have) (have not) been met, as attested to by the City Engineer.**

A preliminary utility design was submitted indicating that all proposed lots could be served.

7. **Finding #B8F: That the lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.**

If the requested PUD is approved, a new set of development standards would be created that apply to the proposed development, as follows:

**Zoning Ordinance:**

R-17 zone performance standards.

**Setbacks:**

- Reduce front yard setback from 20 feet to 10 feet for town homes and 15 feet for single family residents.
- Reduce rear yard setbacks from 20 feet for multi-family and 25 feet for single-family and cluster housing to 10 feet for all lots.
- Reduce interior side yards from 10 to five feet for single family homes and zero, common wall, lot line for town homes.
- Reduce street side yards for cluster and multi-family housing from 20 feet to 10 feet.

**Lot size:**

- Reduce single family minimum lot size from 5,500 to 3300. The majority of the single family lots will be 4,000 sq. ft, however the site geography will result in several lots being less than 3,300 sq. ft. Town home lots will be 1,400 to 2,100 sq. ft.

**Lot frontage:**

- Reduce the minimum lot frontage requirement for residential lots from 50-feet of frontage to 0- feet on a private street.

**Building height:**

- Increase single-family height from 31 1/4 feet to 36 feet and multi-family height from 43 3/4 feet to 60 feet.

**Subdivision Ordinance:**

**Design standards:**

**Streets:**

- Meadow Ranch Avenue - Gated main entry.  
50 feet of right-of-way, 24-foot private street with standard curb & gutter, 5 foot sidewalks and 4 foot swale & planting areas on both sides.
- Dale View Way.

40 feet of right-of-way, 28 foot private street with standard curb & gutter (Two 10 foot travel lanes and one 8 foot parking lane), 5 foot sidewalk one side, 4 foot swale & planting area both sides and setback/utility easements both sides (10 feet one side and 15 feet the other)

- Knoll Loop - along south property line.

36 feet of right-of-way, 20 foot street with standard curb on south side (Two 10 foot travel lanes), 6 foot planting & swale area, 5 foot sidewalk and 5foot planting, area all on the south side of the street.

- Knoll Loop - along Howard Street.

36 feet of right-of-way, 20 foot street with standard curb on one side (Two 10 foot travel lanes), and between the proposed street and Howard street a 6 foot planting & swale area, 5 foot sidewalk and 5 foot planting area.

NOTE: The above deviations are the only ones requested. All other zoning and subdivision ordinance requirements apply...

Evaluation: All lots in the proposed plat meet the minimum requirements of the R-17 and C-17 zones or the new standards requested through the PUD.

8. **Finding #B9: That the proposal (would) (would not) adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses.**

See PUD finding B8H.

D. **Special Use Permit findings:**

1. **Finding #B8A: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**

See Preliminary Plat finding # B8C pages 15 -18.

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

The proposed development is a predominately residential development of 223 units of single-family, townhouse and condominium units with open space and walking trails in an area of adjoining residential, commercial (Mini-storage, Fred Meyer store & professional uses) and civic (City composting facility) type uses.

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

See Preliminary Plat finding # B8B pages 12-15.

E. Proposed conditions:

## Planned Unit Development

1. Creation of a homeowners association to ensure the perpetual maintenance of all common open space areas.

## Preliminary Plat:

1. The sanitary sewer serving the proposed development will be required to be extended from the existing development (Commerce Park) to the west. The developer will also be required to extend the sanitary main to the southerly boundary of the subject property at Howard Street. All installations will be the responsibility of the developer and completed at no cost to the City.
2. The developer will be required to extend the 12" water main in Howard Street to the southerly boundary of the subject property, and, to provide eight inch (8") looping through the development. All installations will be completed by the developer at no cost to the City.
3. Maintenance of all stormwater swales will be the responsibility of the homeowners association for the subject property.
4. A traffic study will be required to be completed with a detailed analysis of the Howard Street/Kathleen Avenue intersection. Recommendations for traffic remediation will need to be addressed and implemented based upon volumes and conditions noted by the study.
5. Additional right-of-way will be required to be dedicated to bring the Howard Street road section to a full sixty foot (60') width along the entire easterly frontage of the subject property.
6. The developer will be required to construct the full Howard Avenue section to the southerly boundary of the subject property with the initiation of the Phase I improvements.
7. The minimum allowable street width will be thirty two feet (32'), which allows for two way travel with an eight foot (8') parking lane.
8. A geotechnical analysis will be required to determine the stability of the soils. This report shall be compiled by a licensed Geotechnical Engineer with recommendations for footing and foundation plans for any construction on the subject property. All recommendations in the submitted report will be made requirements of all construction activity on the subject property.

## F. 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

**ACTION ALTERNATIVES:**

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

[F:\pcstaff\reports\ZC606&PUD306&S906&SP1106]

## **Meadow Ranch Planned Unit Development Narrative**

### **Legal Description**

Those portions of Lots 3 and 4 of SCHREIBER ADDITION, according to the plat on file in Book F of Plats at Page 185 in the office of the Recorder of Kootenai County, Idaho, situated in the Northwest Quarter Section 2, Township 50 North, Range 4 West, Boise Meridian, lying Southeast of the Southeasterly line of Lots 7, 8 and 9, Block 6 of COMMERCE PARK OF COEUR D'ALENE 2<sup>ND</sup> ADDITION, per plat in Book G of Plats at page 291, and the Southeasterly line of Lots 5, 6, and 7, Block 2 of COMMERCE PARK OF COEUR D'ALENE, per plat recorded in Book F of Plats at page 372, records of Kootenai County, Idaho.

### **Overall Project Description**

The residential portion of the project is proposed as a mix of uses: for example, small single-family cottage homes, cottage town homes, and cottage condominiums with a common recreational / activity area. Active West Developers is requesting a Planned Unit Development (PUD) in order provide a mix of small residential lot sizes, varied private road/row widths, and reduced and zero lot line setbacks.

Phase I will have 50 single family residential units and one commercial lot on 7.71 acres for a residential density of 6.9 units per acre.

Phase II will have approximately 173 residential units in two large multifamily condominiums and five to ten single family homes on 4.03 acres for a density of 43 units per acre.

The final project density is 19 units per gross acre and 20 units per residential (R-17) gross acre. City Code 17.05.250.E allows for a 3 unit per gross acre increase for each gross acre included in cluster housing.

The C-17 Meadow Ranch parcel will be a single 20,000 square foot parcel that fronts Howard Street and will be the site of the relocated barn. The Barn, being a regional icon, will be preserved and possibly converted to an office, Meadow Ranch community space, or storage.

Meadow Ranch will be a private gated community with private streets and 3.25 acres of private open space (28% of the gross parcel area).

## Requested Deviations

In order to create the above described community, Meadow Ranch requests the following deviations from the City zoning standards:

Element	Request/Justification
Private Streets	In order to create a more desirable neighborhood, streets will be narrower (20 feet no parking, 28 feet with parking) and private in order to limit traffic to primarily residents and guests.
Front Yard Set Back	Reduce front yard setback from 20 feet to 10 feet for townhomes and 15 feet for single family residents in order to maximize community open space, create cluster housing and minimize private yard space.
Rear Yard Set Back	Rear yard setbacks for all the buildings will open onto Meadow Ranch open space and the desired setback is 10 feet, reduced from 25 feet
Interior Side yard Set Back	Reduce from 10 to five feet for single family homes and zero, common wall, lot line for townhomes. In order to create the desired cluster housing community, with significant common space, the reduced side yard setbacks are necessary.
Street Side Yard Set Back	Reduce Street yard set backs from 20 feet to 10 feet. Generally, only one occurrence of this reduction is required in Meadow Ranch.
Minimum Lot Sizes	Reduce single family minimum lot size from 5,500 to 3300. The majority of the single family lots will be 4,000 sqft, however the site geography will result in several lots being less than 3,300 sqft. Townhome lots will be 1,400 to 2,100 sqft. Smaller lot sizes are necessary to create the desired cluster housing community, with significant common space,
Single-family buildings maximum height	Single family buildings on the hillside may exceed the maximum 31-1/4 ft height depending on roof slope, therefore an increase to 36 foot maximum height is requested.
Multifamily Buildings maximum height	Future four story, with partially subterranean garage, multifamily condominium units may exceed the maximum 43-3/4 feet height at the peak, depending on the roof slope therefore a increase to a 60 foot maximum height is requested.

## Buildings

Meadow Ranch will be a highly designed planned community with extensive landscaping and community facilities. The architectural home style is pre-defined and tightly controlled in order to create a unified gated community. The building styles (front porches), density



and small streets will promote a neighborhood. The walking circuit and community building, spa and pool area will provide a the residents with desirable amenities

## Utilities

Water and sewer utilities will be provided by extensions of the City's current systems. Existing water, sewer, and dry utilities surround Meadow Ranch allowing easy access to the public facilities. All other dry utilities will be provided via local providers.

## Landscaping

Meadow Ranch landscape theme will include items such as plants, ranch theme materials, and is compatible with the existing barn on-site. The first impression of the project will be at the entry way. In the background you will see the existing barn, but in the foreground will be a native and non-native grassland appearance. We will incorporate a natural stone, wood fence entry theme look, which will be complimented by the accent trees and large canopy trees.

The gated entry area will offer views to the west, as the entry road will slope down to the lower cottage homes. This street will be lined with flowering trees along with evergreen plant material to provide a year around interest. The lower terrace road will include the same type of appearance with flowering trees and canopy trees along with evergreens to provide seasonal interest. The homes along this road will also have front porches and each unit will have a small front yard garden/yard area.

The upper terrace will include a pool/cabana area. The plant material in the upper terrace will give a feeling of an open prairie and allowing the maximum view corridors. Large specimen trees will be strategically located to enhance views and provide screening within the courtyard area. The trails meander thru this area and will allow access to the garden area, pool and spa area. Ranch and farm elements could be located in accent areas as well as potentially even larger elements i.e.: windmill.

With the trail meandering throughout the site – it will provide an adequate exercise loop and offer several view opportunities. The lower trail to the west will meander through an evergreen tree planting that should allow privacy and screening from the office uses to the west. There will be places along the trail to sit for relaxing. The trail also will incorporate a loops system that will have actual mileage for the more avid walker.

The fence and wall elements will be controlled by a plan that will be provide the type and style of fence around the perimeter of the property as well as on the internal areas. This again will compliment the Ranch/Farm design an elements throughout the site.

The overall feel of Meadow Ranch will be of a lush, but well thought-out placement of plant material and architecture farm elements so views, screening and aesthetics will be of a high priority. The overall layout of the pool/spa area with the circuit walking trail and the garden areas will provide a variety of open space opportunities for the resident.

# Meadow Ranch Subdivision Narrative

## Legal Description

Those portions of Lots 3 and 4 of SCHREIBER ADDITION, according to the plat on file in Book F of Plats at Page 185 in the office of the Recorder of Kootenai County, Idaho, situated in the Northwest Quarter Section 2, Township 50 North, Range 4 West, Boise Meridian, lying Southeast of the Southeasterly line of Lots 7, 8 and 9, Block 6 of COMMERCE PARK OF COEUR D'ALENE 2<sup>ND</sup> ADDITION, per plat in Book G of Plats at page 291, and the Southeasterly line of Lots 5, 6, and 7, Block 2 of COMMERCE PARK OF COEUR D'ALENE, per plat recorded in Book F of Plats at page 372, records of Kootenai County, Idaho.

## Overall Project Description

The residential portion of the project is proposed as a mix of uses: for example, small single-family cottage homes, cottage town homes, and cottage condominiums with a common recreational / activity area. Active West Developers is requesting a Planned Unit Development (PUD) in order provide a mix of small residential lot sizes, varied private road/row widths, and reduced and zero lot line setbacks.

Phase I will have 50 single family residential units and one commercial lot on 7.71 acres for a residential density of 6.9 units per acre.

Phase II will have approximately 173 residential units in two large multifamily condominiums and five to ten single family homes on 4.03 acres for a density of 43 units per acre.

The final project density is 19 units per gross acre and 20 units per residential (R-17) gross acre. City Code 17.05.250.E allows for a 3 unit per gross acre increase for each gross acre included in cluster housing.

The C-17 Meadow Ranch parcel will be a single 20,000 square foot parcel that fronts Howard Street and will be the site of the relocated barn. The Barn, being a regional icon, will be preserved and possibly converted to an office, Meadow Ranch community space, or storage.

Meadow Ranch will be a private gated community with private streets and 3.25 acres of private open space (28% of the gross parcel area).

## **Common Area Ownership**

A homeowners association will be created to own and operate the common areas.

### ***Relationship to Public Developed Areas***

Meadow Ranch is ideal located to transportation corridors that will accommodate the proposed density. Bosanko Avenue extends directly east from Meadow Ranch to a signalized intersection at US-95. Howard Street extends north to Kathleen Avenue.

Additionally, the proximity of Meadow Ranch to the Fred Meyer shopping area will place residents within walking distance of a grocery, pharmacy, clothing, hardware store, a bank, video store, dining (Chili's) and beauty salon. The Centennial Bike trail and US-95 bike path are a short bike ride away. Meadow Ranch is also in easy driving distance to the future Kroc Center, Coeur d'Alene public golf course, fair grounds, Silver Lake Mall, downtown and the lake.

## **Development Schedule**

### **Phase I Fall 2006 to Fall 2007**

- 50 Residential Units on 3.6 acres
- 1 Commercial parcel on 0.45 acres
- 1.99 acres of open space (26%)
- 1.67 acres of roadway
- Phase I Total 7.71 acres

### **Phase II Summer 2007 to Fall 2008**

- 163 Multifamily condominium units and 10 Residential Units on 2.26 acres
- 1.26 acres of open space (31%)
- 0.51 acres of roadway
- Phase I Total 4.03 acres

## STAMSOS, JOHN

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**From:** decc2@adelphia.net  
**Sent:** Thursday, August 03, 2006 8:37 AM  
**To:** STAMSOS, JOHN  
**Subject:** Meadow Ranch

John,

As it relates to the requested revisions to the setbacks for single family homes, we would request that the single family cottage homes have the opportunity to have a Zero lot line on one side in certian instances. We are still wanting to keep the integrity of a single family home, but may have the garage on the lot line in some instances.

Therefore request the change from a 10' side yard to a 0' side yard in some instances.

Thank you,  
Dennis Cunningham  
Active West Developers

## JUSTIFICATION:

Proposed Activity Group: Residential and one commercial lot

Prior to approving a special use permit, the Planning Commission is required to making Findings of Fact. Findings of Fact represent the official determination of the Planning Commission and specify why the special use permit is granted. The **BURDEN OF PROOF** for why the special use permit is necessary rests on the applicant. Your narrative should address the following points:

A. A description of your request:

Increase the density from 17 units per acre to 20 units per acre as allowed by City Code 17.05.250.E for cluster housing. The proposed Meadow Ranch project includes 28 single family units on small lots, 22 multifamily town homes clustered in groups of two and three on zero lot line small lots with a common lot line and wall, five to ten cottages homes clustered in groups of single family, and two or three unit multifamily around the pool recreation area and two large 75 unit multifamily condominium buildings. All the units will have access to open space with a walking circuit, common area with salt water pool, spa area, common area building with fitness facility and saunas. The open space will be designed to be a highly used neighborhood space promoting outdoor living. The development cluster housing layout, location in the City and development amenities lend itself to a higher density.

B. Show the design and planning of the site and if it is compatible with the location, setting and existing uses on adjacent properties:

Meadow Ranch is located in the Comprehensive Plan Map transition zone. Meadow Ranch will provide an ideal transition zone between the multi-family/single family area to the southeast on Fruitland Lane, and the commercial/light manufacturing area located to the south, northwest (Schreiber Commercial Park) and north east (Fred Meyer, Parker Toyota). The proximity of Meadow Ranch to the Fred Meyer shopping area will place residents within walking distance of a grocery, clothing, hardware store, a bank, video store, dining (Chili's) and beauty salon.

C. Show the location, design and size of the proposal, and will it be adequately served by existing streets, public facilities and services:

Meadow Ranch will be served by Howard and Bosanko Streets, which feed to Kathleen Avenue and US-95 respectively. The City's existing street infrastructure will easily accommodate the proposed density and safely serve traffic from Meadow Ranch. Meadow Ranch internal road circulation will provide emergency vehicle access and have two access points. The City has water and sewer service immediately available in adjoining public rights of way and no off site utilities improvements should be necessary to serve the proposed density.

D. Any other justifications that you feel are important and should be considered by the Planning Commission:

Meadow Ranch will be a highly designed, age 55 and better, planned community with extensive landscaping and community facilities. The architectural home style is pre-defined and tightly controlled in order to create a unified gated community. The building styles (front porches), density and small streets will promote a neighborhood. The significant investment in Meadow Ranch will create an incentive for the Fruitland Lane corridor to continue to transition from part storage facilities, part single/multi family to more multifamily, which is a higher and better use for the Fruitland corridor and in greater conformance with the comprehensive plan. As noted above, the high density/multifamily nature of meadow ranch immediately adjacent to major transportation corridors will provide safe and efficient vehicular access. Meadow Ranch will provide a type of housing not currently well served in Coeur d'Alene. The 20 units per acre is a key element in realizing this community.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 8, 2006, and there being present a person requesting approval of ITEM PUD-3-06, a request for a planned unit development known as "Meadow Ranch"

LOCATION: +/- 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue.

APPLICANT: Active West 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, mobile homes and duplex, commercial - sales and service, civic and vacant property.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is M (Manufacturing)
- B4. That the notice of public hearing was published on July 22, 2006, and August 1, 2006, which fulfills the proper legal requirement
- B5. That the notice of public hearing was posted on the property on July 29, 2006, which fulfills the proper legal requirement.
- B6. That 33 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 21, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_\_ in favor, \_\_\_\_\_ opposed, and \_\_\_\_\_ neutral.
- B7. That public testimony was heard on August 8, 2006.
- 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 site planning **(is) (is not)** compatible with existing uses on adjacent properties. This is based on

- |                                      |                |
|--------------------------------------|----------------|
| <b>Criteria to consider for B8B:</b> |                |
| 1. Density                           | 6. Open space  |
| 2. Architectural style               | 7. Landscaping |
| 3. Layout of buildings               |                |
| 4. Building heights & bulk           |                |
| 5. Off-street parking                |                |

B8C. 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. This is based on

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| <b>Criteria to consider for B8C:</b>   |
| 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?   |



B8D 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

B8E Off-street parking **(does)(does not)** provide parking sufficient for users of the development. This is based on

B8F That the proposal **(does) (does not)** provide for an acceptable method for the perpetual maintenance of all common property. This is based on

B8G That the proposal **(would) (would not)** adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character **(and) (or)** existing land uses because

**Criteria to consider for B8G:**

1. **Will the change in traffic flow adversely affect the livability of the surrounding neighborhood?**
2. **Does the proposed development "fit" with the surrounding area in terms of density, layout & appearance?**
3. **Is the proposed development compatible with the existing land use pattern? i.e. residential, commercial, residential w churches & schools**

**C. ORDER: CONCLUSION AND DECISION**

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

Special conditions applied are:

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

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

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

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

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

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CHAIRMAN JOHN BRUNING

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 8, 2006, and there being present a person requesting approval of ITEM S-9-06: a request for preliminary plat approval of "Meadow Ranch" a 55-lot subdivision in the R-17 and C-17 zoning districts.

LOCATION: +/- 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue.

APPLICANT: Active West 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, mobile homes and duplex, commercial - sales and service, civic and vacant property.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is M (Manufacturing)
- B4. That the notice of public hearing was published on July 22, 2006, and August 1, 2006, which fulfills the proper legal requirement
- B5. That the notice was not required to be posted on the property.
- B6. That 33 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 21, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on August 8, 2006
- B8. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

B8A. That all of the general preliminary plat requirements **(have) (have not)** been met as attested to by the City Engineer. This is based on

B8B. That the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities **(are) (are not)** adequate where applicable. This is based on

B8C. That the preliminary plat **(is) (is not)** in conformance with the Comprehensive Plan as follows:

B8D. That the public interest **(will) (will not)** be served based on

**Criteria to consider for B8D:**

1. Does this request achieve the goals and policies of the comp plan?
2. Does it provide for orderly growth and development that is compatible with uses in the surrounding area?
3. Does it protect the public safety by providing adequate public utilities and facilities to mitigate any development impacts?
4. Does it protect and preserve the natural beauty of Coeur d'Alene?
5. Does this have a positive impact on Coeur d'Alene's economy?
6. Does it protect property rights and enhance property values?

B8E. That all of the required engineering elements of the preliminary plat **(have) (have not)** been met, as attested to by the City Engineer. This is based on

B8F. That the lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district for the following reasons:

**Criteria to consider for B8F:**

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?

- B9. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses because

**Criteria to consider for B9:**

1. Can the existing street system support traffic generated by this request?
2. Does the density or intensity of the project "fit " the surrounding area?
3. Is the proposed development compatible with the existing land use pattern? i.e. residential, commercial, residential w churches & schools etc.
4. Is the design and appearance of the project compatible with the surrounding neighborhood?

- B10. Deviations from Provisions Criteria, Section 16.32.010, Standards for Granting. In specific cases, the Commission may authorize deviations from the provisions or requirements of this title that will not be contrary to public interest; but only where, owing to special conditions pertaining to a specific subdivision, the literal interpretation and strict application of the provisions or requirements of this title would cause undue and unnecessary hardship. No such deviation from the provisions or requirements of this title shall be authorized by the Commission unless they find that all of the following facts and conditions exist:

- A. Exceptional or extraordinary circumstances or conditions applying to the subject subdivision or to the intended use of any portion thereof that does not apply generally to other properties in similar subdivisions or in the vicinity of the subject subdivision. This is based on

- B. Such deviation is necessary for the preservation and enjoyment of a substantial property right of the subdivider or is necessary for the reasonable and acceptable development of the property. This is based on
  
- C. The authorization of such deviation **(will) (will not)** be materially detrimental to the public welfare or injurious to property in the vicinity in which the subdivision is located. This is based on
  
- D. The authorization of such deviation will not adversely affect the Comprehensive Plan.
  
- E. Deviations with respect to those matters originally requiring the approval of the City Engineer may be granted by the Commission only with the written approval of the City Engineer.

**C. ORDER: CONCLUSION AND DECISION**

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

Special conditions applied to the motion are:

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

ROLL CALL:

Commissioner Bowlby Voted \_\_\_\_\_  
Commissioner George Voted \_\_\_\_\_  
Commissioner Jordan Voted \_\_\_\_\_  
Commissioner Messina Voted \_\_\_\_\_  
Commissioner Rasor Voted \_\_\_\_\_  
Commissioner Souza Voted \_\_\_\_\_

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

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

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

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CHAIRMAN JOHN BRUNING



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

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 8, 2006, and there being present a person requesting approval of ITEM ZC-6-06, a request for a zone change from M (Manufacturing) to R-17 (Residential at 17 units/acre) and C-17 (Commercial at 17 units/acre).

LOCATION: +/- 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue.

APPLICANT: Active West 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, mobile homes and duplex, commercial - sales and service, civic and vacant property.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is M (Manufacturing)
- B4. That the notice of public hearing was published on July 22, 2006, and August 1, 2006, which fulfills the proper legal requirement
- B5. That the notice of public hearing was posted on the property on, July 29, 2006, which fulfills the proper legal requirement.
- B6. That 33 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 21, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on August 8, 2006.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

**Criteria to consider for B9:**

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

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

**Criteria to consider for B10:**

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

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

**Criteria to consider for B11:**

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

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **ACTIVE WEST DEVELOPMENT** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

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

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

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

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CHAIRMAN JOHN BRUNING

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 8, 2006, and there being present a person requesting approval of ITEM SP-11-06, a request for a three unit per gross acre density increase for cluster housing special use permit in the R-17 (Residential at 17units/acre) zoning district.

LOCATION: +/- 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue.

APPLICANT: Active West Development

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

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are residential - single-family, mobile homes and duplex, commercial - sales and service, civic and vacant property.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is M (Manufacturing)
- B4. That the notice of public hearing was published on July 22, 2006, and August 1, 2006, which fulfills the proper legal requirement
- B5. That the notice of public hearing was posted on the property on, July 29, 2006, which fulfills the proper legal requirement.
- B6. That 33 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 21, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_\_ in favor, \_\_\_\_\_ opposed, and \_\_\_\_\_ neutral.
- B7. That public testimony was heard on August 8, 2006.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

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. Does the density or intensity of the project "fit " the surrounding area?
  2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
  3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

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

- Criteria to consider B8C:**
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 police and fire provide reasonable service to the property?

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **ACTIVE WEST DEVELOPMENT** for a three unit per gross acre density increase for cluster housing special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

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

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

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

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CHAIRMAN JOHN BRUNING



**PLANNING COMMISSION  
STAFF REPORT**

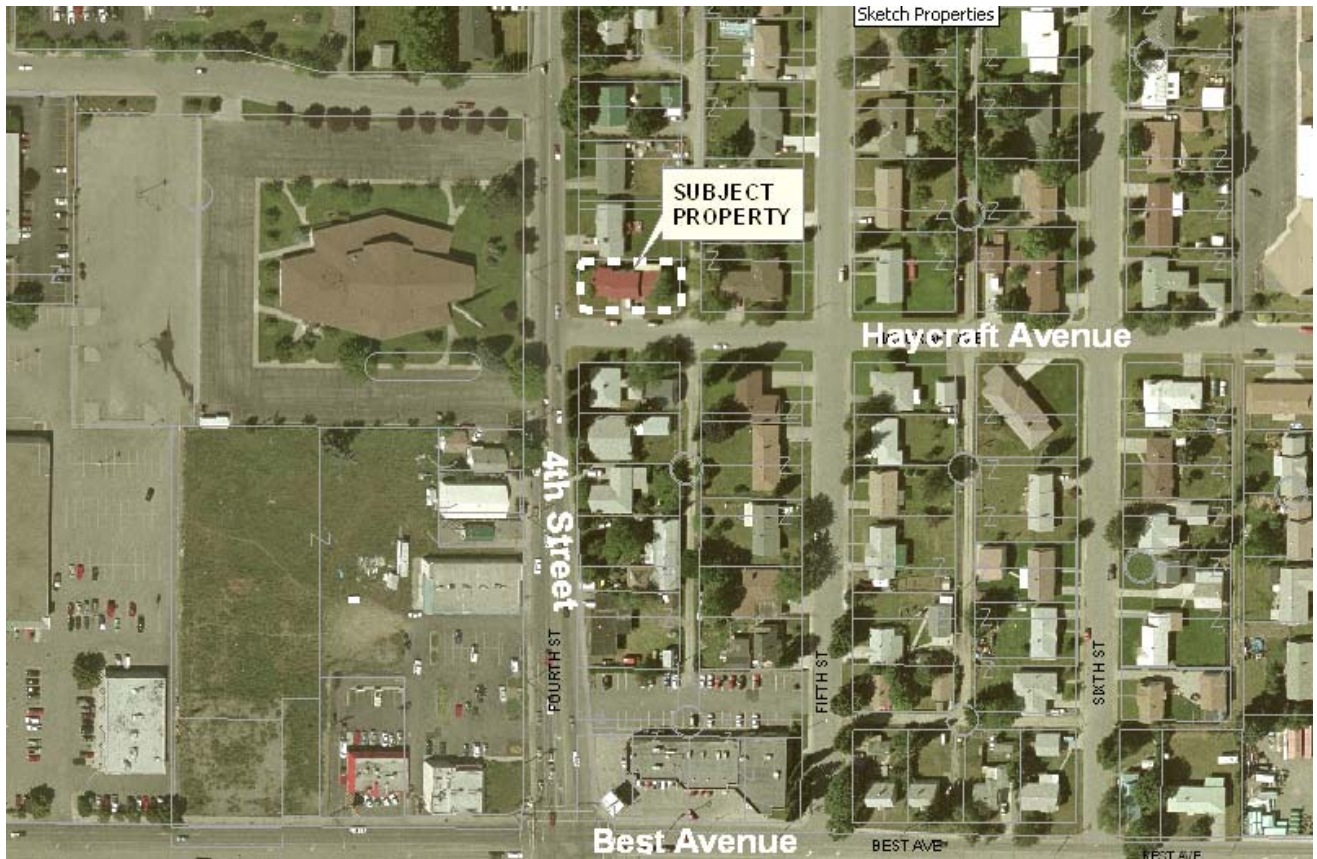
FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER  
DATE: AUGUST 8, 2006  
SUBJECT: ZC-7-06 – ZONE CHANGE FROM R-12 TO R-17  
LOCATION: +/- 7,200 SQ. FT. PARCEL AT 2802 and 2802 1/2 4TH STREET

**DECISION POINT:**

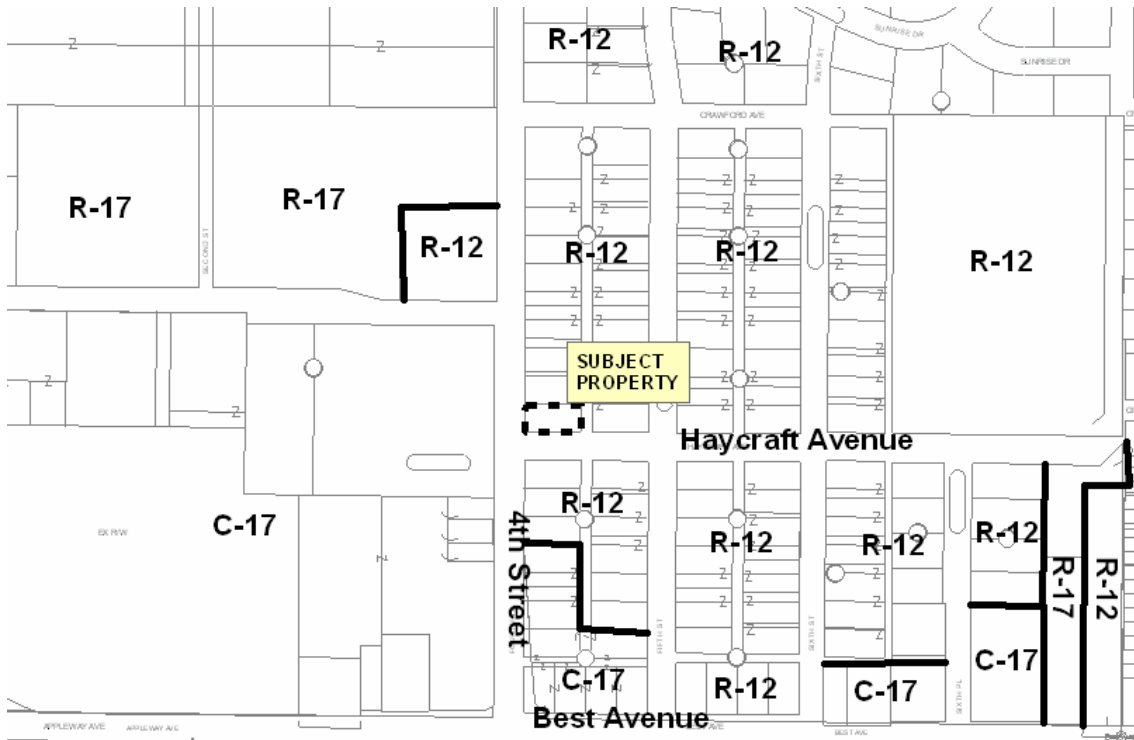
Bonnie J. Ford and Murray Elliott are requesting a zone change from R-12 (residential at 12 units per gross acre) to R-17 (Residential at 17 units/acre).

**GENERAL INFORMATION:**

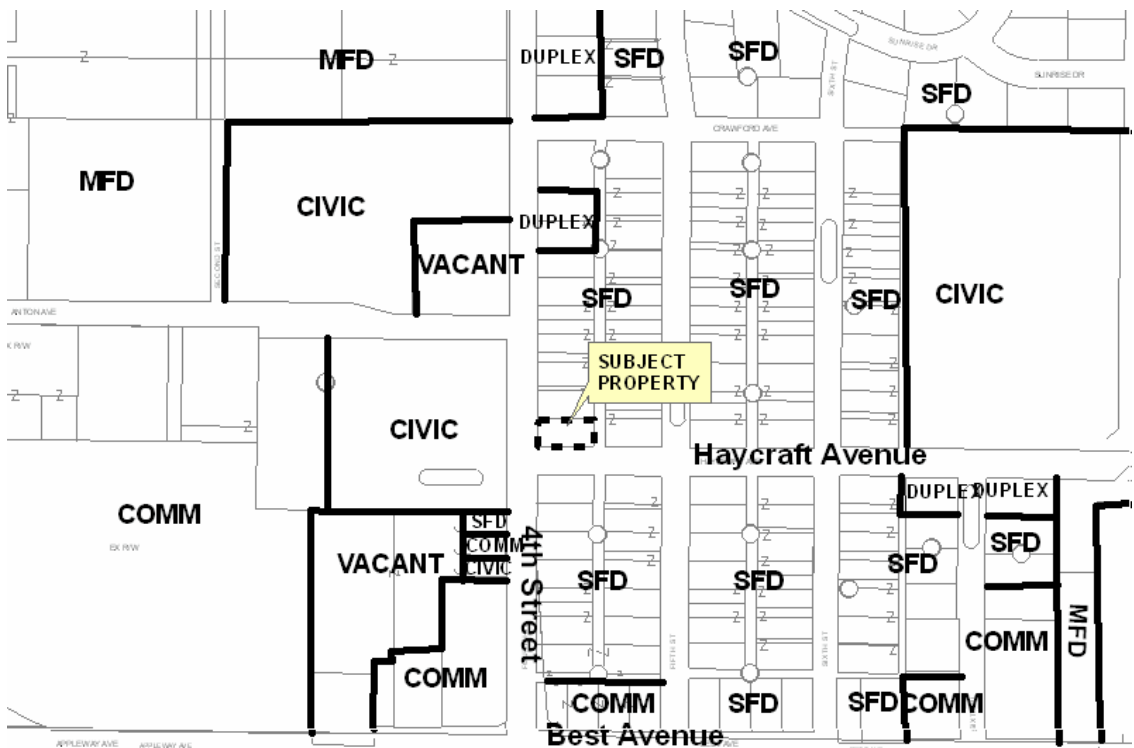
A. Site photo



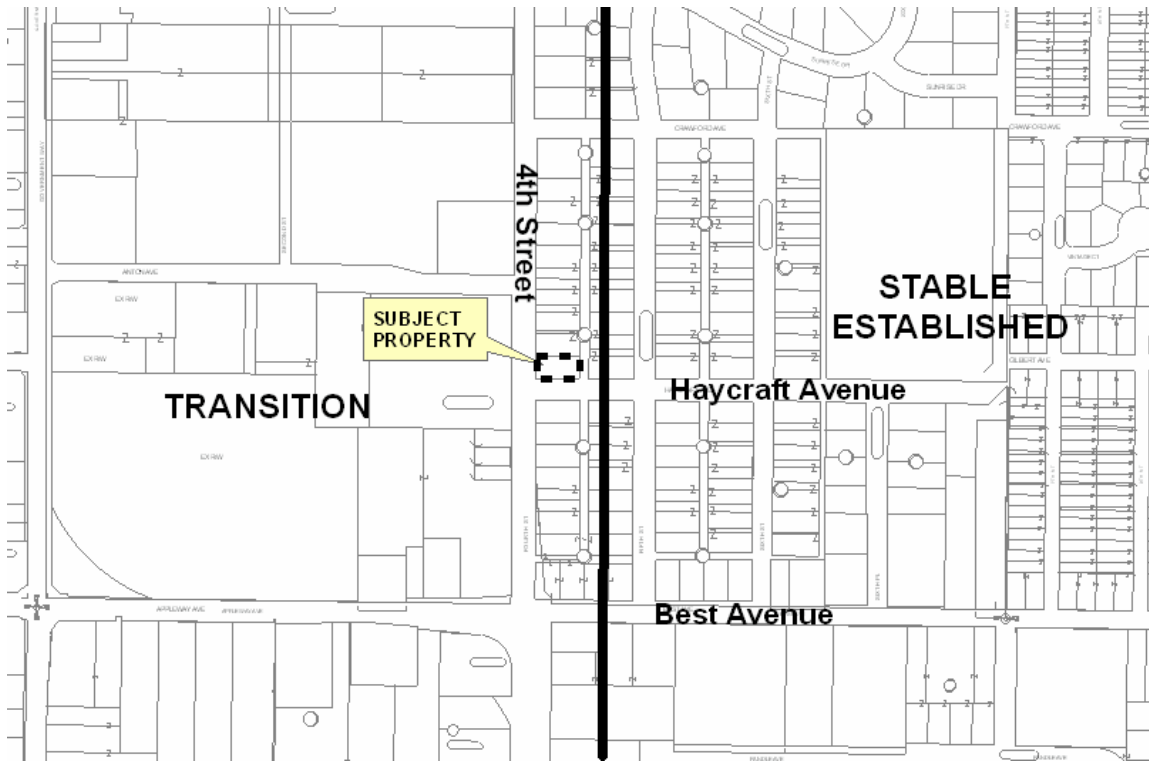
B. Zoning:



C. Generalized land use pattern:



D. Comprehensive Plan



E. Applicant: Bonnie J. Ford and Murray Elliott  
9450 Butler Creek Road  
Missoula, MT 59808

F. Owners: Bonnie J. Ford  
9450 Butler Creek Road  
Missoula, MT 59808

G. Land uses in the area include residential - single-family, duplex and multi-family, commercial – retail sales and service, civic and vacant land.

H. The subject property contains a duplex.

I. The basement of the duplex in recent years has been used illegally as a third dwelling unit. The only way the property can comply with the zoning ordinance for a triplex would be with an R-17 zone, which is the basis for this request.

**PERFORMANCE ANALYSIS:**

A. Zoning:

The basement of the duplex in recent years has been used illegally as a third dwelling unit. The only way the property can comply with the zoning ordinance for a triplex would be with an R-17

zone, which is the basis for this request.

Approval of the zone change request would increase the number of units allowed on the subject property, as follows:

- In the current R-12 zone, a duplex would be the highest density allowed (7,200 sq. ft. divided by 3,500 = 2.1 units)
- In an R-17 zone, a triplex would be the highest density allowed (7,200 sq. ft. divided by 2,500 = 2.88 units)
- A past Planning Commission determination allows staff to round a density up to the next highest number if it is above .5. i.e. 2.4 units you would round down to 2 and 2.6 units you would round up to 3.

The zoning and land use patterns (See page 2) show that the subject parcel is located between 4th Street, which is a major collector street for the surrounding area and the R-12 zoned single-family neighborhood to the east.

The zoning pattern for this area indicates C-17 along Best Avenue, R-17 along the West side of 4th Street between Best Avenue and Anton Avenue and R-12 along the east side of 4th Street between Best Avenue and Anton Avenue.

The land use pattern is generally consistent with the zoning in that you have commercial along Best Avenue, multi-family and a minimal care facility on the west side of 4th Street and single-family and duplexes on the east side of 4th Street.

#### **R-17 Zone, Purpose and Intent:**

The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre.

This district permits single-family detached housing as specified by the R-8 district and duplex housing as specified by the R-12 district.

This district is for establishment in those areas that are not suitable for lower density residential due to proximity to more intense types of land use.

This district is appropriate as a transition between low density residential and commercial districts, or as a buffer between arterial streets and low density residential districts.

#### **R-17 Zone, Principal permitted uses:**

Single-family detached housing as specified by the R-8 district.

Duplex housing as specified by the R-12 district.

Cluster housing.

Multiple-family.

Community education.

Essential service.

Home occupations as defined in this title.

Childcare facility.

IAdministrative.

**R-17 Zone, Uses permitted by Special Use Permit:**

Community assembly.

Religious assembly.

Public recreation.

Neighborhood recreation.

Convenience sales.

Commercial recreation.

Automobile parking when the lot is adjoining, at least one point, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used for the parking of commercial vehicles.

Three (3) unit per gross acre density increase (see district column).

IMobile home manufactured in accordance with section [17.02.085](#) of this title.

Residential density of the R-34 district as specified.

Group dwelling-detached housing.

Mini-storage facilities.

Community organization.

Nursing/convalescent/rest homes for the aged.

Handicapped or minimal care facility.

Boarding house.

Rehabilitative facility.

Juvenile offenders facility.

Noncommercial kennel.

Commercial film production.

Evaluation: The Planning Commission, based on the information before them, must determine if the R-17 zone is appropriate for this location and setting.

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

The subject property is within the existing city limits.

The Comprehensive Plan Map designates this area as "T" (Transition), as follows:

**Transition Areas:**

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

- Protect and/or enhance the integrity of existing residential areas.
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Encourage commercial clusters that will serve adjacent neighborhoods vs. city as a whole.

**In reviewing all projects, the following should be considered:**

Page 28 – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

1. The individual characteristics of the site;
2. The existing conditions within the area, and
3. The goals of the community.

**Significant policies for consideration:**

- 4C1: “Development that proposes to increase the density of a given area may be allowed, provided that the increase maintains the character of the community.”
- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 15G: “City government should be responsive to the needs and desires of the citizenry.”
- 42A: “The physical development of Coeur d’Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, affects and goals of citizens
- 42A2: “Property rights of citizens should be protected in land use decisions.”
- 46A: “Provide for the safe and efficient circulation of vehicular traffic.”
- 51A: “Protect and preserve neighborhoods both old and new.”
- 51A5: “Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects.”
- 51A5b: “As a general rule, commercial to residential zoning boundaries should be at mid-block. The importance of both commercial use and residential use must be weighed in the decision-making. Boundaries that do go beyond mid-block must complement the residential uses with characteristics such as increased setbacks, street trees, landscaped buffers, etc.”
- 62A: “Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects.”

Evaluation: The Planning Commission must determine, based on the information before

them, whether the Comprehensive Plan policies do or do not support the request.

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

**WATER:**

Water is available to the subject property.

Evaluation: There is a 10 inch main on 4<sup>th</sup> Street which is sufficient to supply the property. Separate services to the property do exist but may require replacement dependent on the expected use.

Submitted by Terry Pickel, Assistant Water Superintendent

**SEWER:**

Public sewer is available and of adequate capacity to support this zone change.

Evaluation: Public sewer is available within Fourth Street. Issues of lateral sizing will be dictated by plumbing code at the time of a city permit.

Submitted by Don Keil, Assistant Wastewater Superintendent

**STORMWATER:**

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

**TRAFFIC:**

The ITE Trip Generation Manual estimates the project may generate approximately 1.5 trips during the peak hour periods. This is based upon the 0.49 average rate/unit for A.M./P.M. peak hour periods for residential condo/townhouse which is the type that most closely compares to a residential tri-plex use.

Evaluation: The adjacent and/or connecting streets will accommodate the additional traffic volume; however, in order to facilitate access to the subject property, all ingress & egress will be required to be from Haycraft Avenue. Direct access from 4<sup>th</sup> Street will not be allowed.

**STREETS:**

The proposed subdivision is bordered by Haycraft Avenue and 4<sup>th</sup> Street. The current right-of-way widths meet City standards and the roads are fully developed.

Evaluation: No street alterations would be required.

**APPLICABLE CODES AND POLICIES:**

**UTILITIES:**

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

**STREETS:**

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

**STORMWATER:**

4. 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.

Submitted by CHRIS BATES, ENGINEERING PROJECT MANAGER

The standard Fire Department issues of access, water supplies, etc. will be addressed at the plan review phase. However, the bigger issue is the ability of the Fire Department (and other city services) to meet the increased demands on services such developments bring to the table, without increasing personnel and equipment.

Submitted by Dan Cochran, Deputy Fire Chief

**POLICE:**

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is flat with no physical constraints.

Evaluation: There are no physical limitations to future development.

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

The traffic impact would be minimal (1.5 trips during peak AM & PM periods) and the affect on neighborhood character and surrounding land uses would be insignificant because this is an existing duplex that looks similar to other dwelling units in the area with the third unit located in the basement.

Evaluation: The Planning Commission must determine what affect this request will have on the surrounding neighborhood in terms of traffic, neighborhood character and existing land uses.

- F. Proposed conditions:

1. All access to the subject property will be restricted to the Haycraft Avenue frontage.

- G. Ordinances and Standards Used In Evaluation:  
Comprehensive Plan - Amended 1995.  
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.

**ACTION ALTERNATIVES:**

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

[F:staffrptsZC706]

**PROPERTY INFORMATION**

- 1. Gross area: (all land involved): \_\_\_\_\_ acres, and/or 7,200 sq.ft.
- 2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): \_\_\_\_\_ acres, and/or 7,200 sq. ft.
- 3. Total length of streets included: \_\_\_\_\_ ft., and/or \_\_\_\_\_ miles.
- 4. Total number of lots included: 1
- 5. Average lot size included: 60 FEET X 120 FEET
- 6. Existing land use: RESIDENTIAL DUPLEX
- 7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
C-17 C-17L C-34 LM M
- 8. Proposed Zoning (circle all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
C-17 C-17L C-34 LM M

**JUSTIFICATION**

Proposed Activity Group; MULTI-FAMILY HOUSING (TRIPLEX)

Please use this space to state the reason(s) for the requested zone change.

Appropriate Comprehensive Plan goals and policies should be included in your reasons.

In reading the Comprehensive Plan goals and policies, our understanding is that goals indicate a general aim or purpose to be achieved and a direction in which to travel. The policies are guidelines and not inflexible rules. It is stated that Coeur d'Alene must accommodate growth, and that development that proposes to increase the density of a given area may be allowed and that residential and mixed use development should be encouraged. We are at the very edge of a residential area on a high intensity corridor (4th Street) and one block north of Best Street. One of the goals of the Comprehensive Plan is to encourage higher residential intensities when close to jobs and other services. We are across from a church, half a block away from commercial developments; one, two and three blocks away (across the street) from many multiple-family dwellings. Page 42 of the Comprehensive Plan, C2, states development guidelines should be flexible and open to review; C3, states the redevelopment of substandard subdivisions should be encouraged. Page 53, C1, states multi-family residential development should be either adjacent to or immediately accessible to major streets, and should be permitted in close proximity to major retail, employment and cultural centers, including the Central Business District. Page 53, C3, states support the application of a multi-family/light commercial district as a transition between low-intensity residential and high-intensity commercial districts. Page 53, D, states discourage sprawl. Page 63, D1, states encourage rehabilitation of existing structures. This duplex has 1,824 sq. ft. of floor space and four different levels per unit (a total of 3,648 sq. ft.). Each unit has four bedrooms, 2 bathrooms, a living room, kitchen, dining room, recreation room, laundry room and a basement common room, along with attendant stairways, hallways and closets. This duplex has a long history of being used as a multi-family dwelling rather than a two family dwelling (or duplex) probably simply because of its size and the amount of rooms. When we bought it, there were two families with five adults and two children living in one side whom we evicted because of that. Later we had to again evict our own renters who moved in four other people (two adults and two children) in addition to their own family, in violation of the terms of their lease. Our goal when we bought the duplex was to rehabilitate this structure, which had many problems and had not been maintained in a very long time (every water-plumbed appliance leaked and had caused extensive damage), and to improve the quality of our renters and lower the number of individuals living there. We have spent many thousands of dollars and have achieved what we feel is a vast improvement to our property and to the neighborhood. The appearance of our property now blends in with the neighborhood and no longer has the "slum look" that it used to have, which did not attract quality renters. It has gone from neighbors having to frequently call the police on renters to compatibility with our neighbors. We live in the west side of this duplex; it is our home. We wish to fix up the bottom two floors of our unit to accommodate our elder relative(s) who will be needing to be closer to us for help and comfort, but wish to maintain their independence and privacy along with our own.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 8, 2006, and there being present a person requesting approval of ITEM ZC-7-06, a request for a zone change from R-12 (residential at 12 units per gross acre) to R-17 (Residential at 17 units/acre).

LOCATION +/- 7,200 sq. ft. parcel at 2802 and 2802 1/2 4th Street

APPLICANT: Bonnie J. Ford and Murray Elliott

**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, duplex and multi-family, commercial – retail sales and service, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is “T” (Transition)
- B3. That the zoning is R-12 (residential at 12 units per gross acre)
- B4. That the notice of public hearing was published on July 22, 2006, and August 1, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on July 29, 2006, which fulfills the proper legal requirement.
- B6. That 37 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 21, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on August 8, 2006.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

**Criteria to consider for B9:**

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

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

**Criteria to consider for B10:**

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

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

**Criteria to consider for B11:**

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

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **BONNIE J. FORD AND MURRAY ELLIOTT** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____
Chairman Bruning	Voted _____ (tie breaker)

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

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

\_\_\_\_\_  
CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION  
STAFF REPORT**

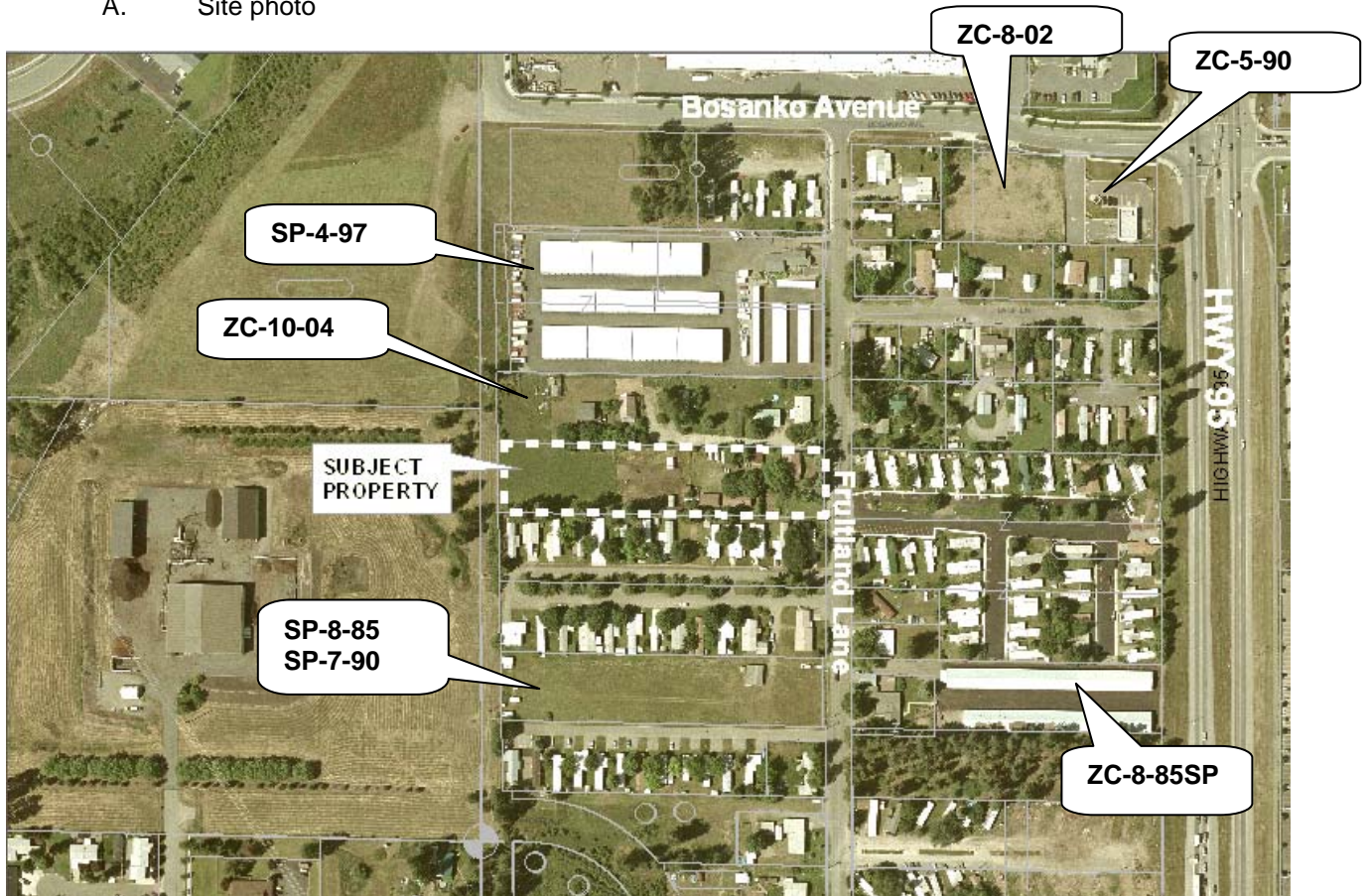
FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER  
DATE: AUGUST 8, 2006  
SUBJECT: ZC-8-06 – ZONE CHANGE FROM MH-8 TO R-12  
LOCATION: +/- 1.82-ACRE PARCEL AT 3615 N. FRUITLAND LANE

**DECISION POINT:**

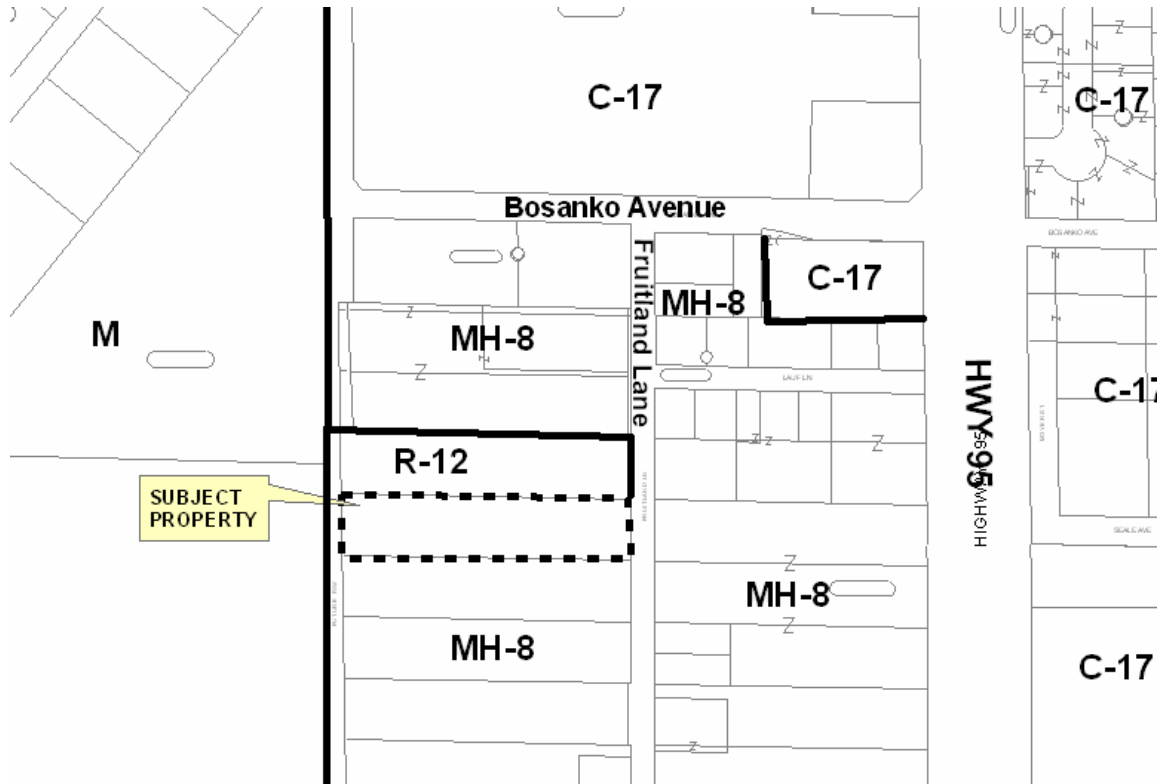
Lela Wilson is requesting a zone change from MH-8 (Mobile Home at 8 units per gross acre) to R-12 (Residential at 12 units/acre) at 3615 N. Fruitland Lane.

**GENERAL INFORMATION:**

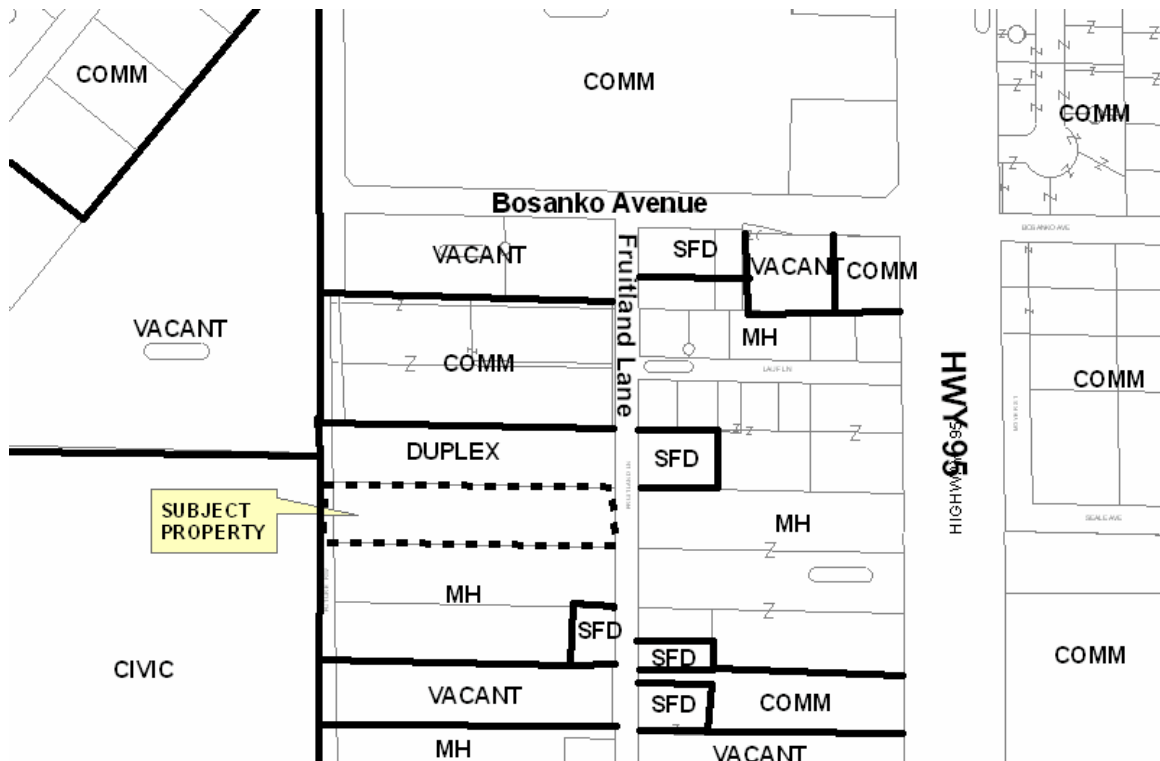
A. Site photo



B. Zoning:



C. Generalized land use pattern:





- D. Applicant: Lela Wilson  
6135 Courcelles Parkway  
Coeur d'Alene, ID 83815
- E. Owner: Dennis and Donna Euler  
3615 N. Fruitland Lane  
Coeur d'Alene, Idaho
- F. Land uses in the area include residential - single-family, duplex, mobile homes, mobile home parks, commercial – retail sales and service and vacant land.
- G. The subject property contains two duplexes and two mobile homes.
- H. Previous actions in the area:
1. SP-8-85 - Approved June 11, 1985 - mobile home park at 11 units/acre.
  2. SP-7-90 - Approved June 11, 1990 - mini-storage.
  3. ZC-8-85SP – Approved July 16, 1985 – R-12 to MH-8 & mini-storage.
  4. ZC-5-90 – Approved July 10, 1990 – MH-8 to C-17.
  5. SP-4-97 – Approved July 8, 1997 – Mini-storage.
  6. ZC-8-02 – Approved August 13, 2002 – MH-8 to C-17.
  7. ZC-10-04 - Approved January 25, 2005 - MH-8 to R-12.

**PERFORMANCE ANALYSIS:**

- A. Zoning

**R-12 Zone, Purpose and Intent:**

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

In this district a special use permit, as prescribed in article III, chapter 17.09 of this title, may be requested by neighborhood sponsor to restrict development for a specific area in single-family, detached housing. To constitute neighborhood sponsor, sixty five percent (65%) of the people who own at least seventy five percent (75%) of the property involved must be party to the request. The area of the request must be at least one and one-half (1 1/2) gross acres bounded by street, alleys, rear lot lines or other recognized boundary. Side lot lines may be used for the boundary only if it is also the rear lot line of the adjacent property.

In this district, a special use permit may be requested by the developer for a two (2) unit per gross acre density increase for each gross acre included in a cluster housing development. This density increase provision is established to reflect the growing concern for energy and environment conservation.

**R-12 Zone, Principal permitted uses:**

Single-family detached housing.

Duplex housing.

Cluster housing.

Essential service (underground).

"Home occupations" as defined in this title.

Administrative.

**R-12 Zone, Uses allowed by special use permit:**

Public recreation, whether or not buildings are involved.

Neighborhood recreation.

Community education.

Religious assembly.

Convenience sales.

Essential service (aboveground).

Restriction to single-family only (see district column).

Community assembly.

Commercial recreation.

Two (2) unit per gross acre density increase (see district column).

Group dwelling-detached housing.

Community organization.

Childcare facility.

Juvenile offenders facility.

Boarding house.

Handicapped or minimal care facility.

Noncommercial kennel.

Commercial film production.

Evaluation: The Planning Commission, based on the information before them, must determine if the R-12 zone is appropriate for this location and setting.

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as a Transition Area. It is also influenced by the Highway 95 corridor, which is designated as a High Intensity Corridor, as follows:

**Transition Areas:**

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

- Protect and/or enhance the integrity of existing residential areas.
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Encourage commercial clusters that will serve adjacent neighborhoods vs. city as a whole.
- Pedestrian/bicycle connections.
- Encourage cluster developments to maintain open space and forest lands.
- Overall buildout density approximately = 3 units/acre. Individual lot size will typically not be smaller than 8,000 sq. ft. (5 units/acre). Higher densities and mixed uses encouraged close to abutting transportation corridors.

### **High Intensity Corridors:**

These are established as the primary areas where significant auto oriented community sales/service and wholesale activities should be concentrated.

- Encourage auto oriented commercial uses abutting major traffic corridors.
- The development should be accessible by pedestrian, bicycle, and auto.
- Residential uses may be allowed but not encouraged. Low intensity residential uses are discouraged.
- Encourage manufacturing/warehousing uses to cluster into districts served by major transportation corridors.
- Arterial /collector corridors defined by landscaping/street trees.
- Development may be encouraged to utilize large areas adjacent to these transportation corridors.

**Page 28** – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

1. The individual characteristics of the site;
2. The existing conditions within the area, and
3. The goals of the community.

### **Significant policies for consideration:**

- 4C: “New growth should enhance the quality and character of existing areas and the general community.”
- 4C3: Population growth should be compatible with preserving Coeur d’Alene’s character and quality of life.”
- 4C4: “Residential and mixed use development should be encouraged.”
- 4C5: “New development should provide for bike paths and pedestrian walkways in accordance with the transportation plan and bike plan.”
- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 14A3: “All new developments must provide for immediate hook up to the sanitary sewer

system.”

- 42A: “The physical development of Coeur d’Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, affects and goals of citizens
- 46A: “Provide for the safe and efficient circulation of vehicular traffic.”
- 47C1: “Locate major arterials and provide adequate screening so as to minimize levels of noise pollution in or near residential areas.”
- 51A: “Protect and preserve neighborhoods both old and new.”
- 51A4: “Trees should be preserved and protected by support of the Urban Forestry Program and indiscriminate removal discouraged.”
- 51A5: “Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects.”
- 52B: “Promote a high standard of landscaping, building design and community development.”
- 52B5: “Provide a transition between different land uses by using intermediate land uses as buffers.”
- 53C: “New multiple-family residential areas should be compatible with the existing character of Coeur d’Alene and the immediate neighborhood.”
- 62A: “Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects.”

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.

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

WATER:

Water is available to the subject property.

Evaluation: May require upgrades to water service(s). 12 inch main in Fruitland Lane.

Comments submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer is available and of adequate capacity to support this zone change

Evaluation: Public sewer is available within Fruitland Lane. Issues of lateral sizing will be dictated by building code at the time applicant applies for a city permit.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

#### STORMWATER:

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

#### TRAFFIC:

The ITE Trip Generation Manual estimates the project may generate approximately 0.90 peak hour trips for single family dwelling units or, 0.48 peak hour trips for multi family units.

Evaluation: Based upon the proposed R-12 request with 1.8 acres of area, the applicant could possibly install 14 single-family dwellings or 22 multi-family units on the subject property. Utilizing the noted peak hour factors, this would result in 12.6 peak hour trips for the sfd's, or, 10.6 peak hour trips for multi-family units. The peak hour trips for mobile home parks are comparable to the rates for multi-family units. The adjoining street (Fruitland Lane) connects on both north and south ends to a cross street that has a signalized intersection (Bosnako & Neider), therefore, it can be determined that the connecting streets will accommodate the additional traffic volume.

#### STREETS:

1. The subject property is bordered by Fruitland Lane on the easterly boundary and the future Howard Street extension on the westerly boundary. The current right-of-way widths do not meet City standards.

Evaluation: An additional five feet (5') of right-of-way on Fruitland Lane, and thirty feet (30') for the Howard Street extension must be granted to the City as a condition of approval of the zone change.

2. Development on Fruitland Lane has been instrumental in the installation of the necessary roadway improvements for the roadway and the obtaining of right-of-way for the future Howard Street corridor to Kathleen Avenue.

Evaluation: Approval of the zone change for the subject property will require the installation of frontage improvements on Fruitland Lane and the signing of a Frontage Improvement Agreement for the improvement for Howard Street. The dedication of the right-of-way will be required as a condition of final approval of the zone change by the City Council, and, the installation of the necessary frontage improvements and signing of the Frontage Improvement Agreement will be required prior to any construction activity on the subject property.

#### 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.

STREETS:

4. All required street improvements shall be constructed prior to issuance of building permits.
5. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

STORMWATER:

6. 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.

Comments submitted by CHRIS BATES, PROJECT MANAGER

FIRE:

The standard Fire Department issues of access, water supplies, etc. will be addressed at the plan review phase. However, the bigger issue is the ability of the Fire Department (and other city services) to meet the increased demands on services such developments bring to the table, without increasing personnel and equipment.

Comments submitted by Dan Cochran, Deputy Fire Chief

POLICE:

I have no comments at this time.

Comments submitted by Steve Childers, Captain, Police Department

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

The subject property is level with no significant topographic features.

Evaluation: There are no physical limitations to future development.

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

The subject property is in a neighborhood that is a mix of single-family dwellings, mobile homes, mobile home parks, commercial and vacant land. This neighborhood recently received sewer service for the first time and Fruitland Lane was also repaved, which creates the potential for further development of vacant and under utilized parcels.

Evaluation: The Planning Commission must determine what affect the proposed use has on traffic, neighborhood character and existing land uses.

- F. Proposed conditions:

1. Dedication of an additional five feet (5') of right-of-way on Fruitland Lane and thirty feet (30') for the Howard Street extension.

2. Installation of the frontage improvements (curb, sidewalk, drainage facilities and pavement widening) along the Fruitland Lane frontage prior to any construction activity on the subject property. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. Signing of a Frontage Improvement Agreement for the required improvements along the future Howard Street corridor.

E. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.  
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.

**ACTION ALTERNATIVES:**

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

[D:staffrptsZC806]

**OAKWOOD MANOR  
Zone Change Request  
Addendum to Application**

**This request is to change the existing parcel from MH-8 to R-12. The parcel is located at 3615 North Fruitland Lane in Coeur d'Alene, Idaho 83815. The parcel number is C-4050-000-054-0. It is located in Township 50N, Range 04W, and Section 02. The future plan is to develop multi-family units.**

**Zoning**

This request is to amend the zoning district from MH-8 to R12. The existing neighborhood is a mixed use of residential and multi family housing and rentals. The proposed rezoning would be adjacent to an existing R-12 parcel and is compatible with the existing neighborhood.

R12 is intended as a residential area that permits a mix of housing types at a density of not greater than 12 dwelling units per gross acre. This district is intended for those areas of the city that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard and landslide hazard.

MH-8 is intended as a moderate density residential district for mobile homes at a density of 8 units per acre.

**COMPREHENSIVE PLAN ANALYSIS**

**Population Goal:**

*To guide future planned growth in order to enhance the quality and character of the community while providing and improving the amenities and services available to Coeur d'Alene residents.*

**Policies:**

*C. New growth should enhance the quality and character of existing areas and the general community*

**Implementation:**

*C-4. Residential and mixed use development should be encouraged.*

**The request for R12 zoning is compatible with the mixed use neighborhood of Fruitland Lane which includes residential and multi residential duplexes and apartments and single family residential dwellings.**



**Transportation Goal:**

*Provide for the safe and efficient circulation of vehicular traffic.*

**Protect existing neighborhoods**

**High volume traffic should be discouraged from using residential streets:**

**Housing Goal:**

*To maintain and promote the residential character of Coeur d'Alene while providing a variety of housing situations.*

**Policies:**

*A. Protect and preserve neighborhoods, both old and new.  
This change of zoning will encourage the rehabilitation and upgrading of existing homes.*

**Implementation:**

*A-1. Encourage the rehabilitation and upgrading of existing homes.*

**New multi family residential uses will be compatible with existing residential uses Rezoning from MH-8 to R12 is compatible with the existing mixed use area, which includes multi family dwellings such as apartment buildings, duplexes and single family dwellings.**

**Community Design Goal:**

*Coeur d'Alene's visual and physical environment should be comfortable, rich in variety, of unique and identifiable character, expressive of the city's functions, history, technology, culture and natural setting, and capable of being shaped by its inhabitants.*

**Policies:**

*D. The uniqueness of the city, and the unique characteristics of special areas and districts should be reinforced.*

**Implementation:**

*D-1. Encourage rehabilitation of existing structures.*

**We believe this new development will not only be compatible with the existing neighborhood but will strengthen it.**

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 8, 2006, and there being present a person requesting approval of ITEM ZC-8-06, a request for a zone change from MH-8 (Mobile Home at 8 units per gross acre) to R-12 (Residential at 12 units/acre) zoning district.

LOCATION +/- 1.82-acre parcel at 3615 N. Fruitland Lane

APPLICANT: Lela Wilson

**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, duplex, mobile homes, mobile home parks, commercial – retail sales and service and vacant land
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is MH-8 (Mobile Home at 8 units per gross acre)
- B4. That the notice of public hearing was published on July 22, 2006, and August 1, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on July 31, 2006, which fulfills the proper legal requirement.
- B6. That 24 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 21, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on August 8, 2006.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

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

**Criteria to consider for B9:**

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

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

**Criteria to consider for B10:**

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

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

**Criteria to consider for B11:**

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

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **LELA WILSON** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

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

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

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

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

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

---

CHAIRMAN JOHN BRUNING

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER  
DATE: AUGUST 8, 2006  
SUBJECT: V-2-06 - 9-FOOT HEIGHT VARIANCE IN THE DOWNTOWN EAST INFILL OVERLAY DISTRICT IN THE C-17L ZONE  
LOCATION – +/- 9,790 SQ. FT. PARCEL AT THE NORTHWEST CORNER OF 11TH STREET AND SHERMAN AVENUE.

**DECISION POINT:**

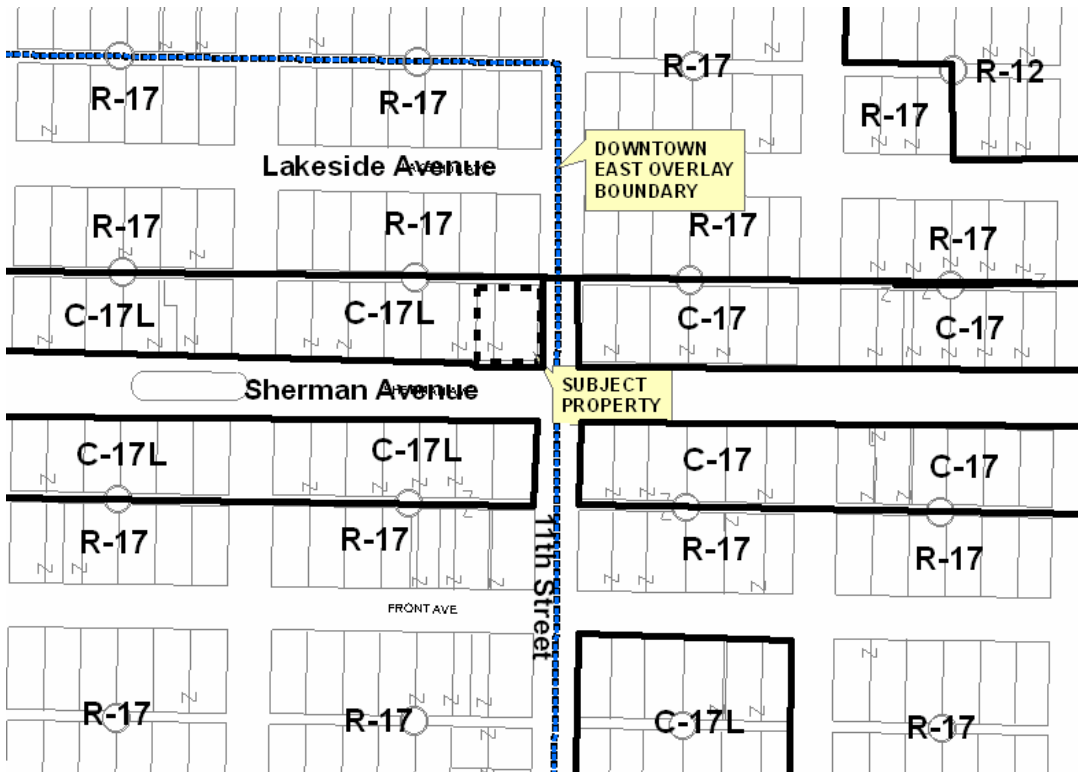
Thomas G. Walsh, is requesting approval of a 9 foot height variance from the allowed height of 38 feet for principal structures in the Downtown East Overlay District in the C-17L (Commercial Limited at 17 units/acre) zoning district to allow construction of a 47 foot tall mixed use building. (Commercial and Residential condominiums)

**GENERAL INFORMATION:**

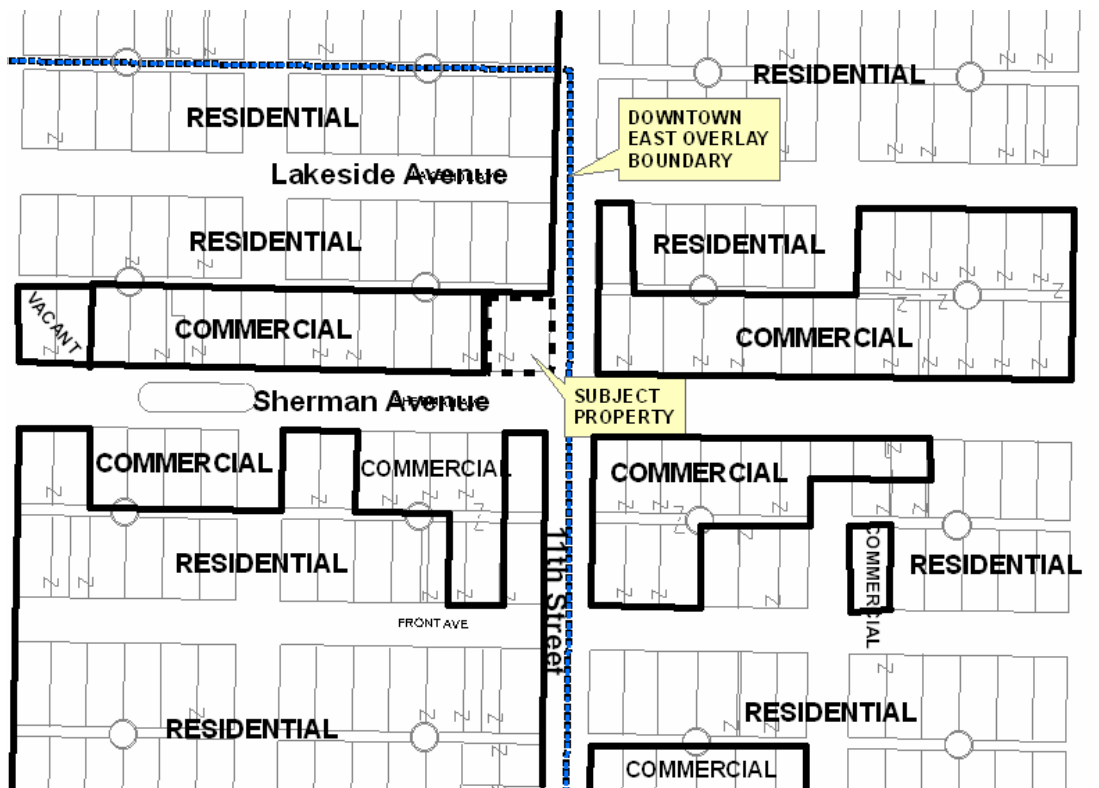
- A. Site photo



B. Zoning:



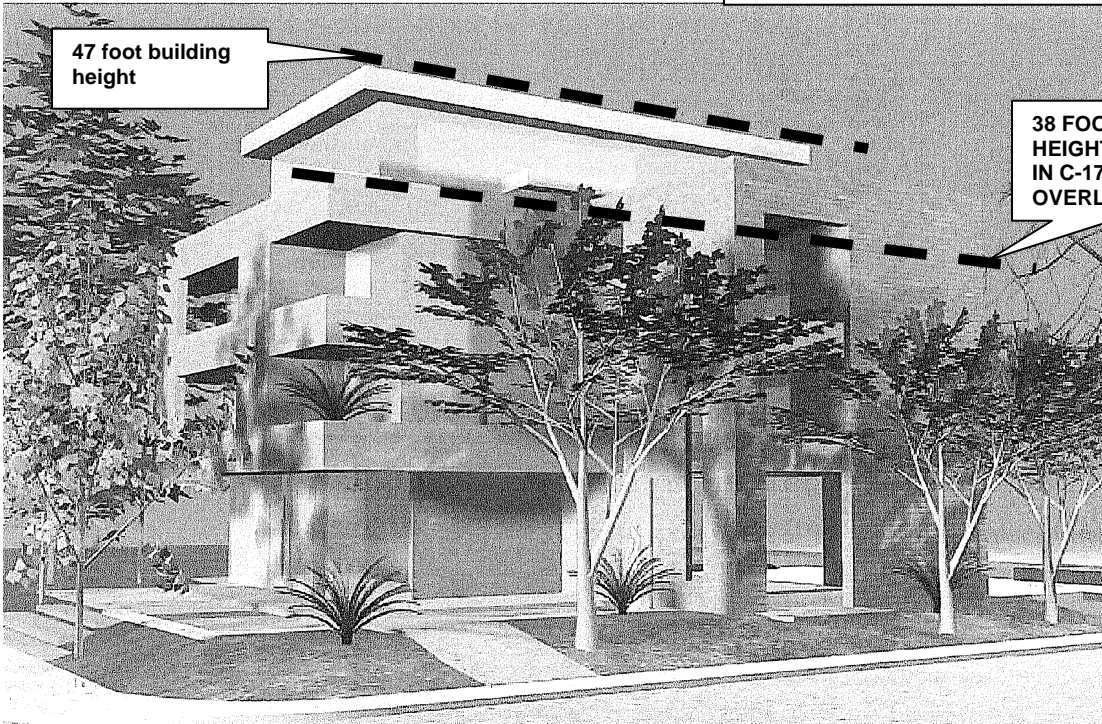
C. Generalized land use pattern:





The visual impact of the 9 feet above the 38 foot allowable height is what you must consider in making your decision on this variance request

D. Building elevation - 11th Street

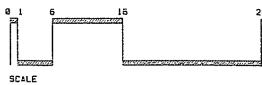
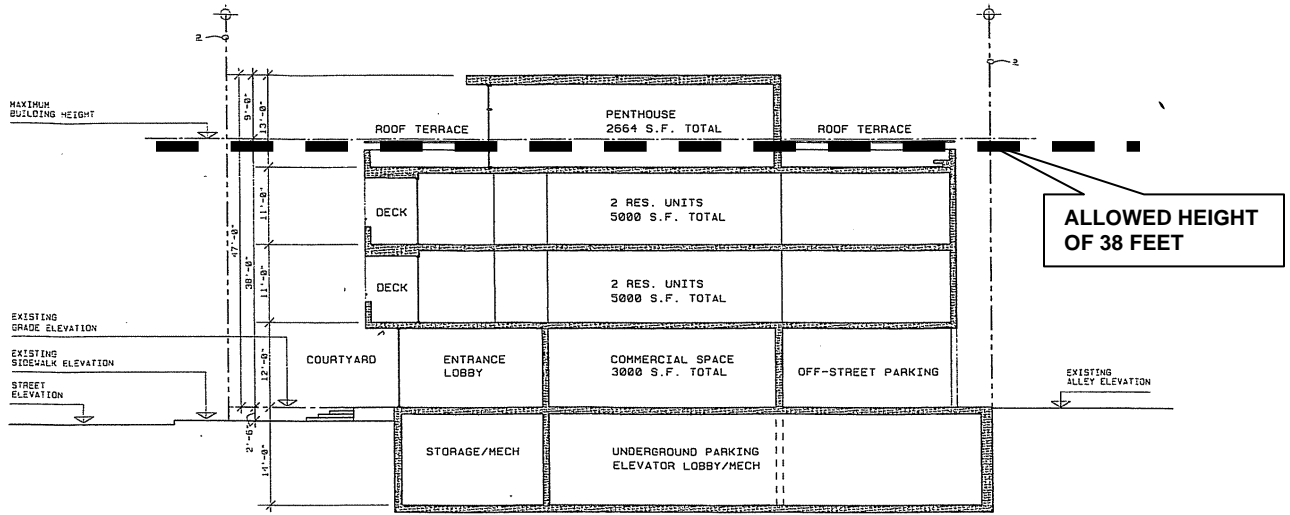


47 foot building height

38 FOOT MAXIMUM HEIGHT ALLOWED IN C-17L DOE OVERLAY ZONE

E. Building elevation:

Building height 47 feet to penthouse

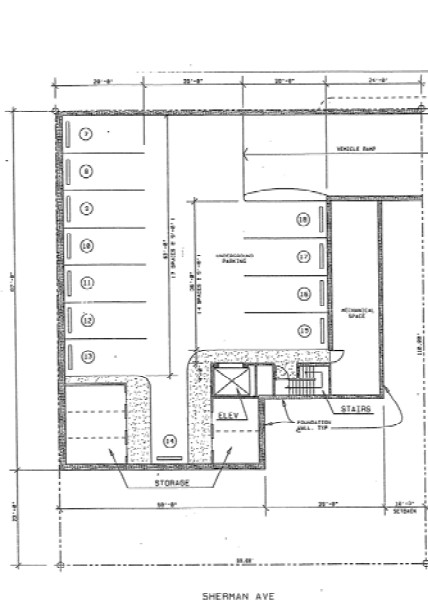


**SCHEMATIC BUILDING SECTION**

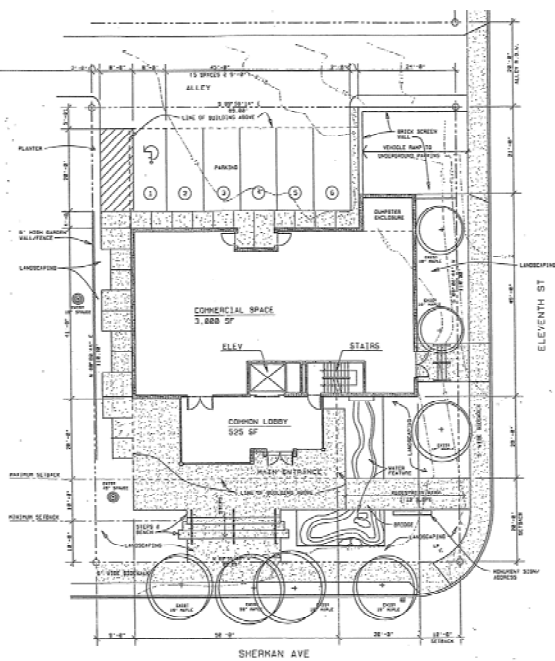
**MAPLEWOOD**

1027 SHERMAN AVENUE, COEUR D'ALENE, IDAHO

F. Site plan for your information



SCHEMATIC LOWER LEVEL PLAN



SCHEMATIC SITE/FLOOR PLAN



**MAPLEWOOD**

1027 SHERMAN AVENUE, COEUR D'ALENE, IDAHO

G. Existing building on subject property



H. East on Sherman Avenue.



I. West on Sherman Avenue - north side.



J. Applicant: Thomas G. Walsh  
Owner 1027 Sherman Avenue  
Coeur d'Alene, ID 83814

K. Land uses in the area include residential - single-family, duplex, Multi-family and commercial sales and service.

M. The subject property contains a dental office.

**PERFORMANCE ANALYSIS:**

A. Zoning:

The purpose and intent of the Infill Regulations adopted by the City Council in 2004, is as follows:

To establish infill overlay districts and to prescribe procedures whereby the development of lands within these infill overlay districts can occur in a manner that will encourage infill development while protecting the surrounding neighborhoods. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the visual character and the nature of the city.

B. Required Findings:

The subject property is zoned C-17L and within the Downtown East Infill Overlay District. Principal structures in the DO-E district can only exceed the maximum allowed height of 38 feet upon findings that:

1. The structure may be safely erected and maintained at such height considering surrounding conditions and circumstances, and

2. The structure will not impose major adverse environmental and specifically adverse visual impacts.

C. **Finding #1: The Structure may be safely erected and maintained at such height considering surrounding conditions and circumstances.**

The structure must be designed by an Idaho licensed architect to the requirements of the International Building Code.

D. **Finding #2: The structure will/will not impose major adverse environmental, and specifically, adverse visual impacts.**

In the area surrounding the subject property, there is a mix of single-family, multi-family and commercial buildings none taller than approximately 35 feet.

The subject property is at the edge of the DO-E Overlay District boundary and adjacent to R-17 and C-17 zoning districts. Here are the allowable heights in zones adjacent to the subject property:

- To the north - R-17DO-E - 38-feet.
- To the east - R-17 - 43 3/4-feet.
- To the east - C-17 - residential - 43 3/4-feet and commercial - none.
- To the south - C-17LDO-E - 38-feet
- To the west - C-17DO-E - 38-feet.

In determining if the proposed 93 foot height of the structure will impose a major adverse environmental/visual impact, the Commission can only consider the impact of that portion of the structure over 38 foot, which is the allowed height in the DO-E overlay district.

Evaluation: The proposed building would be 55 feet or 4 stories taller than the 38 foot maximum allowed in the DO-E Overlay District.

E. **Comprehensive Plan Policies:**

Significant Comprehensive Plan policies for consideration:

- 4C: New growth should enhance the quality and character of existing areas and the general community.
- 4C3: Population growth should be compatible with preserving Coeur d'Alene's character and quality of life.
- 42A: The development of Coeur d'Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, effects and goals of citizens.
- 42A2: Property rights of citizens should be protected in land use decisions.
- 51A: Protect and preserve neighborhoods, both old and new.
- 51A1: Residential areas should be protected and preserved.
- 51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."
- 52B: "Promote a high standard of landscaping, building design and community development."

F. Proposed Conditions:

None.

G. Ordinances and Standards Used in Evaluation:

Comprehensive Plan – Amended 1995.

Municipal Code

Idaho Code

**ACTION ALTERNATIVES:**

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

[F:pcstaffrptsV106]



**JUSTIFICATION:**

Proposed Activity Group; Multiple Family Residential (Condominium) & Administrative & Professional offices

Attach site and/or building plans which illustrate the request.

A variance may be requested from a provision of the zoning ordinance with respect to a modification of the requirements of lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

A variance shall not be considered a right or special privilege, but may be granted only upon a showing of undue hardship because of characteristics of the site and that the granting of a variance rests with the applicant. Prior to approving a variance, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official determination of the Planning Commission and specify why the special use permit is granted. The **BURDEN OF PROOF** for why the variance is necessary rests on the applicant. Your narrative should address the following points:

A. A description of your request; A variance to allow an increase in the maximum allowable building height from 38 feet to 47 feet from finish grade.

B. The undue hardship caused by the physical characteristics of the site;  
The subject property is a 89'x110' (9,790 SF) corner lot located at 11th St. & Sherman Ave. Site constraints require a small building footprint in order to preserve large trees and large corner cut-off area for open space.

C. The compatibility of this request with the public interest;  
An increase in building height will provide more lot area for landscaped open space with public amenities including water feature, preservation of grand scale trees, landscaped court yard, street scape features, alley enhancements and underground parking.

D. Any other justifications that you feel are important and should be considered by the Planning Commission. This project would be a good example of mixed use in fill development that encourages a "live, work,walk" philosophy. The additional 9 foot height increase would occur at a penthouse level that is stepped back from the building perimeter or edge that is less than 38 feet in height. A stepped back penthouse level provides space meeting allowable building floor area while minimizing impact of building height and providing landscaped open space for resident and public benefit.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on, August 8, 2006, and there being present a person requesting approval of a 9 foot height variance from the allowed height of 38 feet for principal structures in the Downtown East Overlay District in the C-17L (Commercial Limited at 17 units/acre) zoning district

LOCATION: +/- 9,790 sq. ft. parcel at the northwest corner of 11th Street and Sherman Avenue.

APPLICANT: Thomas G. Walsh

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

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are residential - single-family, duplex, Multi-family and commercial sales and service.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17L (Commercial Limited at 17 units/acre)
- B4. That the notice of public hearing was published on, July 22, 2006, and, August 1, 2006, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, July 31, 2006, which fulfills the proper legal requirement.
- B6. That 54 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, July 21, 2006, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on August 8, 2006.

B8. Pursuant to Section 17.06.330, Exceptions to height maximums by variance, a variance may be granted when:

B8A. The structure may be safely erected and maintained at such height considering surrounding conditions and circumstances.

B8B. The structure will not impose major adverse environmental and specifically adverse visual impacts.

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **THOMAS G. WALSH** for a variance, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner George	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

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

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

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

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CHAIRMAN JOHN BRUNING

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**CITY OF COEUR D'ALENE**  
PLANNING DEPARTMENT

CITY HALL, 710 E. MULLAN  
COEUR D'ALENE, IDAHO 83816-3964  
208/769-2740 – FAX 208/769-2284

July 28, 2006

Mayor and City Council:

Last year at the Planning Commission's annual retreat we identified several ordinances that needed to be revised. Progress has been made on our list - the Downtown Design regulations have been adopted. Mark Hinshaw is working on modifications to our Cluster Housing and accessory structures Standards. The Commission wishes to thank you for the support we have received - both financial in acquiring Mr. Hinshaw's services and in the overwhelming approval you gave to the Downtown Regulations.

Now we need to continue our work on accomplishing our 2005 goals by revising the Subdivision, Landscape Regulations, Commercial Zoning (C-17 and C17L) regulations and to look at the parking standards. The last complete revision of our zoning ordinance was done in 1982 and we all know much has changed in Coeur d' Alene in the past 24 years.

In particular the very broad range of allowable uses in the two commercial zones has become detrimental to good planning and to citizens who wish to convert their properties to certain commercial uses. For example, the Planning Commission has recently denied two requests for C-17 zoning because the wide range of allowable commercial uses that would be allowed on the property under C-17 had the request been approved would not be compatible with the rest of the neighborhood.

So we are in support one of your highest rated strategic goals for the coming year in terms of hiring an outside consultant to assist us in accomplishing these tasks. We as Planning Commissioners lack the expertise and staff lacks the time to do this kind of work. We know you share with us the concerns of working with outdated ordinances in times when so much change is taking place in our city. Work on the Comprehensive Plan is nearing an end and will be forwarded to the Council. That will afford us an excellent time to begin this project.

Sincerely,

JOHN BRUNING  
Planning Commission Chairman

MEM

# 2005 Planning Commission Retreat Priorities Progress

AUGUST 2006

.A note on the colors from from Tony Berns: "I use the stop light analogy:  
 Red is bad – either that initiative has failed, or our Board goal for the year will not be met.  
 Yellow is caution – could get to "red" if we don't do something pronto.  
 Green is good.  
 The other colors like "pending" are place holders until action on those items can occur."

## **Administration of the Commission's Business**

▪ Follow-up of Commission requests & comments		
▪ Meeting with other boards and committees		Ped/Bike Committee meeting held June 27th
▪ Goal achievement		Checklist of projects
▪ Building Heart Awards		Discussed 7/18 No awards will be given this year.
• Speakers		ULI educational opportunities provided. Council sponsored Idaho Smart Growth presentation held.
• Public Hearings		Aug. 2 mtgs 13 items scheduled

## **Long Range Planning**

▪ <b>Comprehensive Plan Update</b>		Meeting held on July 18. Future meetings to be determined.
▪ Education Corridor		Meeting October completed(Souza) Workshop w/prop river corridor owners took place in January. Master planning interviews 7/27
▪ Neighborhood Parks & Open Space		Coordinate w/ P&R & Open Space Comm. Nothing new Consultant doing masterplan
▪ Neighborhood Planning		Discussed neighborhood designation in Complan.

## **Public Hearing Management**

▪ Continued work on Findings and Motions		Warren and Plg staff to review
▪ Public hearing scheduling		Chrman Bruning consulted on agenda

## **Regulation Development**

<b>Downtown Design Regs Hght</b>		Council Hearing hearing July 5th. Approved. Chrmm Bruning and Commissioner Souza attend
<b>Cluster Housing standards</b>		Public Hearing scheduled: August 22, 2006
<b>Subdivision Standards</b>		Prelim review began. PC road trip 10/05 Tweaks of condo plats and lot frontages being processed
<b>Revise Landscaping Regulations</b>		Future. Hinshaw reviewing budget to determine what services he might be able to provide.
<b>Commercial Zoning</b>		Workshop with Mark Hinshaw scheduled 7/31
<b>Parking Standards</b>		Future
<b>Lighting standards</b>		in process – Hinshaw
Accessory Dwelling Units		See cluster housing. Ph to be scheduled 8/22
District and Corridor Design Review		Future
Home Occupations by SP		Council chose not to pursue
<b>Other Action</b>		
Eminent domain letter		Mayor & Council responded
Commissioner Vacancy		Appointment made 6/6

▼ **Guest opinion**

# Seek more control over development, not less

By **Harold Nevill**

Proposition 2 is absolutely wrong for Canyon County. We do not need less control over development, we need more. I quote Henry M. Robert (of Robert's Rules of Order fame): "Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty."

Robert was talking about debating an issue, but he could have been talking about the public discourse that accompanies land-use decisions. In every decision we must balance the property rights of the individual with the property rights of the other citizens who live in an area.

Idaho's Legislature recognized this need and created Title 67 Chapter 65, the Local Land Use Planning Act, specifically to "protect property rights ..." The document created to facilitate this protection is the comprehensive plan.

Idaho's Legislature also recognized the need to provide additional protections for individual property rights and created Title 67 Chapter 80, the Regulatory Takings Act, which provides for due process protection in any land-use hearing and redress if individuals do

not receive their due process.

Proposition 2 would have government compensate landowners for the "highest and best use" of a property if a proposed land-use is denied. Who determines the highest and best use? I can imagine that if it is the individual developer who gets to decide, then multimillion dollar houses would be "highest and best" no matter where in the county the land lay.

Fortunately, Canyon County citizens have already decided "highest and best" use in the comprehensive plan. Conflicts do arise between individual property developers and the guidance given by county citizens in the plan, which is why the P&Z Commission and/or Board of County Commissioners make land-use decisions in the name of the citizens of the county using the comprehensive plan as a guide.

In the IPT article about Proposition 2 on July 16, the proponent for Proposition 2 stated that "the courts are an appropriate venue for these disputes." I totally disagree. Why should a landowner adjacent to a proposed development have to obtain the services of a lawyer and sue to

have his rights protected? That is the purpose of the Land Use Planning Act, the comprehensive plan and land-use decision process it created: to ensure the rights of all of the citizens of the community, not just the developer.

I think Proposition 2 is the opposite of what is needed in Canyon County. I think what we need is enforcement of the comprehensive plan and the imposition of impact fees that make new growth pay for itself and generate true market prices that take into account the full impact of growth on police, fire, road, school, park and utility services.

Instead of Proposition 2, we need to change Title 67, Chapter 82, Development Impact Fees, so impact fees can be collected to help defray all the costs of growth, including schools.

Do not forsake your rights as a Canyon County citizen to determine the direction of future growth. Work to strengthen the comprehensive plan and the entire land-use planning process within the existing Idaho laws.

■ Harold Nevill is a Canyon County Planning and Zoning commissioner.

## High Country News Article:

The salesmen say 'yes' is a vote to stop government from taking your land, but this stealth campaign would do far more than that BOZEMAN, Montana – The first time I talked to Eric Dondero, I called his cell phone, and caught him on a sidewalk in the small town of Three Forks. He was asking people to sign a petition. He convinced one man to sign while I listened. Then he told me enthusiastically about his political work: "I'm full-time, all the time! I try to do a good 10 hours per day ... I'm a very ideological person. I'm a proud libertarian."

Dondero was operating as a point man for a campaign that stretches from Arizona to Washington state. I hoped he would allow me into the ground-level operations. "All right," he said, "you want a really good story? Come on out. I'm standing in front of the Conoco store, you can't miss me. I'm rockin' here!"

I drove west from Bozeman, through suburban sprawl and 30 miles of farm country, to the confluence of rivers where Three Forks sits. The town only amounts to a few dozen blocks, and it has a random feel, trailer homes mingled with small houses, a looming talc plant, and a fringe of new, pricier subdivisions mysteriously growing on former wheat fields.

Dondero was hanging around a gas-station store on the not-too-busy main street. Stocky but not imposing, he was dressed to blend in with the Three Forks community (trimmed hair and mustache, jeans and work boots, American flag pin) as well as for a long day under the hot May sun (visor, sunglasses, long-sleeved shirt). Petitions were stacked on his clipboard, and even as I approached, he persuaded another passerby to sign. "You're a great American! I appreciate it!" he told the guy.

We shook hands, and Dondero grinned, animated and immediately likable. I stepped back and watched him work. Locals wheeled their pickup trucks into the parking spaces around the Conoco, and as they walked into the store, Dondero asked them politely, "How are you doing (ma'am or sir)? Are you a registered voter?"

He seemed like an ordinary concerned citizen, not a part of an orchestrated, multistate campaign. But the libertarian movement he belongs to – broader and more powerful than the anemic Libertarian Party – has a growing reach in American politics. The movement's mission is to maximize individual freedom by limiting government power in everything from taxes to judges' rulings. One of its national leaders, Grover Norquist, has said that he wants to reduce government "to the size where I can drag it into the bathroom and drown it in the bathtub."

In this campaign, which is playing out in six Western states, the libertarians mostly want to "reform eminent domain" – or at least that's what they say.

Governments at all levels invoke eminent domain on occasion to condemn property and force the owners to accept a buyout to make room for new roads, electricity lines, urban renewal and other projects that benefit the public.

Recently, however, eminent domain has been the target of public outrage, thanks to a 2005 U.S. Supreme Court ruling known as the Kelo

case. The high court held that the city of New London, Conn., could exercise eminent domain to condemn the homes of Susette Kelo and six other holdouts, to make room for a global pharmaceutical company's 100-acre manufacturing complex. Since then, more than 30 legislatures have either passed or considered laws limiting eminent domain, and ballot initiatives have sprung up from Alaska to South Carolina.

Dondero carried a knee-high posterboard that said simply: "Protect Private Property Rights ... Citizens Fighting Eminent Domain Abuse." Each time he made the pitch, he began, "This is a statewide petition to protect our property rights. To keep that new eminent domain law from coming to Montana and taking our homes away. ... I know you saw this on Fox News, or CNN. ..." He often referred to the Kelo case: "New London, Conn., they condemned this little old lady's property to take it away."

But the patriotic sales pitch hides something else entirely. National libertarian groups are not just funneling big bucks into this campaign to protect a few property owners from eminent domain. They have their sights set on something much bigger – laying waste to land-use regulations used by state and local governments to protect the landscape, the environment and neighborhoods. Their goal has received little attention, partly because of its stealth mode. But the fact that the libertarians just might pull it off makes the campaign the hottest political story in the West this year.

I began to see the pattern in April, during a conversation with John Echeverria, head of the Environmental Law and Policy Institute at Georgetown University in Washington, D.C. Echeverria called it "eminent domain hysteria."

"The Kelo case is presented as a caricature in the news," Echeverria said.

"Most people don't understand the valuable development (that eminent domain) can help generate, and how, if it's fairly conducted, it can produce entirely fair, even highly favorable outcomes, for affected property owners – they're paid market value or well above." We talked about some of the horror stories, where governments use eminent domain in questionable ways. But those are few and far between. What's really going on, Echeverria said, is that, "The property-rights advocates have exploited Kelo to advance a broader anti-government agenda."

Libertarians and property-rights activists believe that a huge array of common government regulations on real estate, such as zoning or subdivision limits, "take" away property value. Therefore, they say, the government should compensate the owner, or back off. The extreme view of "regulatory takings" is really at the core of this campaign – not eminent domain.

The campaign to pass regulatory-takings laws began in the 1980s, when libertarians seized on the Fifth Amendment of the U.S. Constitution, which says: "Nor shall private property be taken for public use, without just compensation." They've tried to use Congress, state legislatures and ballot initiatives to pass laws that would treat most regulations as takings. Their first big win came in November 2004, when they persuaded Oregon's voters to pass Measure 37. That initiative blew holes in the strictest land-use system in the country, allowing longtime landowners



to escape many state, county and city regulations (HCN, 11/22/04: In Oregon, a lesson learned the hard way).

The impacts of Measure 37 have been delayed by court battles, and the libertarians are determined to turn the delays to their advantage. Before the fallout in Oregon can be fully understood, they are rushing to pass similar ballot initiatives in Montana, Idaho, Washington, Arizona, Nevada and California. While each initiative has its own sales pitch, they all deliberately tuck the notion inside the unrelated eminent domain controversy. The Los Angeles-based libertarian Reason Foundation mapped the strategy in a 64-page paper published in April, titled *Statewide Regulatory Takings Reform: Exporting Oregon's Measure 37 to Other States*. It recommended pushing "Kelo-plus" initiatives, combining eminent domain reform with regulatory takings, to capitalize "on the tremendous public and political momentum generated in the aftermath of the Kelo ruling ..."

The initiatives have titles like "Protect Our Homes," "The Home Owners Protection Effort" and "People's Initiative to Stop the Taking of Our Land" – as if the government is about to come in with bulldozers to sweep everyone off their property. But here's how the initiatives would work: If you could fit 20 houses on your land, plus a junkyard, a gravel mine, and a lemonade stand, and the government limits you to six houses and lemonade, then the government would have to pay you whatever profit you would have made on the unbuilt 14 houses, junkyard and mine. Generally, if the government can't or won't pay you, then it would have to drop the regulations.

Eventually, I traced the loose-knit libertarian command chain to the top.

Dondero, who lives in Texas, told me he had come to Montana at the suggestion of Paul Jacob, a senior fellow at Americans for Limited Government, a Chicago-area libertarian activist group. Americans for Limited Government has provided loans and expertise to the Montana initiative, plus \$827,000 to the Arizona initiative, \$200,000 to Washington initiative, and \$107,000 to the one in Nevada, according to the Nevada initiative's leader.

Americans for Limited Government has also given \$2.5 million to another libertarian group, America at its Best, based in the Washington, D.C., area, which has in turn funneled \$100,000 to the Idaho initiative.

One key figure is the chairman of the board of Americans for Limited Government, Howie Rich. A real estate mogul based in New York City, Rich is also on the board of the libertarian flagship Cato Institute in D.C., and heads his own Fund for Democracy. He and Jacob are famous in libertarian circles for funding initiatives in the 1990s that imposed term limits on the congressional delegations in 23 states – limits later struck down by the Supreme Court. This year, Rich says he has funneled nearly \$200,000 through a group called Montanans in Action to back the Montana initiative, along with two related initiatives aimed at setting state tax limits and making it easier to recall liberal judges. The head of Montanans in Action, Trevis Butcher, says he doesn't know Rich, but he declines to say whether he is getting money from the Fund for Democracy; he won't reveal any of his backers. Records in other states show that Rich has put \$1.5 million into the California regulatory-takings initiative, \$230,000 into the Idaho one, and \$25,000 into the Arizona version.

Rich was not easy to find. He has an unlisted phone number, and his Fund for Democracy has no Web site and is not listed as a business entity in the New York secretary of state's database. When I found him and explained that I'd tracked all his donations to the campaign, he said, "You've done your homework."

On the phone, Rich was confident of the rightness of his cause. "I believe in the American Dream. ... I believe in free markets. I believe that ... government has been growing at an excessive rate, at the federal level and in many states," he said. "I'm happy to support local activists who are working to protect property rights in a whole bunch of states."

Although the campaign has local allies in each state, the out-of-state money is the driving force: As this story goes to press, it ranges from about 40 percent of the local campaign budget to as high as 99 percent. The exact numbers can be hard to come by, because the libertarians have covered their tracks as much as possible. Montanans in Action has funneled another \$600,000 to the California initiative, for example. Montana's loose campaign finance laws don't require the group to divulge where that money came from, but it's unlikely that it originated in a poor rural state like Montana.

The money has frequently paid professional signature gatherers like Dondero, who has worked for libertarian causes for more than 15 years, from Florida to Alaska. (In the midst of the Montana petition drive, just before I met him, he'd been called to Missouri for eight days to collect signatures for another libertarian initiative, one backed by a \$1.3 million contribution from Rich.) Dondero was paid \$15,428 for his signature gathering and expenses on the Montana initiatives, according to campaign spending reports.

The California campaign reportedly paid its petitioners \$1 per signature; in Nevada the rate was \$1.65; in Idaho \$2; and in Arizona as much as \$3 per signature. The signature gatherers have a strong incentive to be persuasive.

Dondero and I left the Conoco and walked through Three Forks, tall shade trees giving us relief from the sun. Dondero prefers small towns. He'd already worked Anaconda, Dillon, Montana City, Hamilton. "People are much friendlier in small towns," he said. "They have time to listen to what you're saying, and they tend to be more libertarian and anti-government."

Dondero grew up in Delaware with adoptive parents, the Rittbergs. (He used the name Eric Rittberg until recently.) He spent four years in the Navy, then earned a political science degree from Florida State. He claims to speak at least smidgens of 15 to 20 languages, and has self-published several language and travel books. For six months recently he held a "normal job" at a Houston insurance company, just to build up money for his political travels. He flew into Montana in April, set up his base camp in a Butte apartment, and bought a low-key 1984 Nissan for \$700 at a local pawnshop. Then he picked up Montana plates and a bumper sticker: "Proud to be an American."

Dondero is a natural salesman, and he wielded his lines about eminent domain and the Kelo case to great effect. We came to a house where a

woman was mowing her lawn. The machine was roaring and the woman intent on her task; I would not have approached her. But Dondero walked right up and began his rap about eminent domain. She shut off the mower, and shortly, she signed the petition. Walking on, he told me that people mowing lawns are good bets. They want to be interrupted; they're grateful.

We paused in front of a mobile home, and Dondero observed that people in trailers are also good prospects: "They're very congenial, amazed that someone is coming to their door to ask them about a political matter." An elderly woman opened the door, and signed. Across the street, Dondero got a young mother wrestling with a baby in a stroller. Down the block, he got us invited into the porch room of a tidy little house, and it was a three-fer: A gray-haired farmer, just in from the fields, and his son and daughter-in-law all signed.

In fact, most people Dondero approached signed his petition. It only took them a minute or two. Few asked for an explanation; many seemed to sign out of politeness.

In Butte, a Democratic stronghold, and Bozeman, a college town, Dondero ran into liberals who refused to sign and even got in his face. Even in small towns, he sometimes hit fierce opposition.

"I hate liberals," he told me. "They just don't get it. ... When you petition for the libertarian (causes), you get a thick skin. Nothing fazes you. I'm one of the few people who can do this. I have the guts."

In my talk with Howie Rich, I told him that, despite the campaign's sales pitch, I believed these initiatives are about a lot more than eminent domain. Nationwide, eminent domain is invoked on behalf of developers only a few thousand times a year. But the proposed regulatory-takings initiatives are likely to affect millions of property owners, day in and day out, year after year. "I agree with you," Rich said, "the implications ... on the regulatory extent are very far-reaching, very important." In fact, he said, the originator of the regulatory takings idea, University of Chicago economist Richard Epstein, e-mailed him a while ago, saying that "trillions" of regulations can be cast as takings.

To get perspective, I doubled back to the father of these initiatives, Oregon's Measure 37. I learned that despite the delays caused by court fights, Oregon property owners have already filed about 2,700 Measure 37 claims, aiming to develop about 143,000 acres. Most claims are designed to loosen up the zoning of farmland and forest land. Some would break small parcels into a few additional lots. Some are from billboard companies that want to put up bigger ads in Portland. Others are for developments of hundreds of new homes, resort hotels and mines. All told, the claimants demand that governments either waive land-use regulations or pay nearly \$4 billion in compensation. Not surprisingly, in almost every one of the 700 claims settled to date, governments have waived the regulations.

And that's likely just the start of an avalanche. Since the Oregon Supreme Court shot down a legal challenge to Measure 37 in February, there's been a surge in claims. Within a few months, another key court

case will decide whether developers can buy land from longtime owners and then file claims to make regulations disappear.

Oregon property-rights advocates say Measure 37 will work out fine, rolling back a heavy-handed, inflexible land-use system. "We've had a centralized planning system for so long, it created a lot of animosity in people," said Dave Hunnicutt, president of the state's leading property-rights group, Oregonians in Action (HCN, 11/25/02: Planning's poster child grows up). In the TV ads that helped persuade 61 percent of the voters to approve Measure 37, Oregonians in Action highlighted a woman who'd been fined \$15,000 by the city of Portland for cutting weedlike blackberry bushes in her backyard; the city had designated it an "environmental zone" and charged that she'd cut native plants intermingled with the blackberries, Hunnicutt says. Another ad featured a couple who wanted to build a house on rural acreage; they would have been allowed to occupy it only half the year, because it was designated winter habitat for elk, he says.

But now that Measure 37 is taking effect, many Oregonians – including thousands of neighbors who have written official comment letters on the claims – say the new law is a disaster. "It creates indecision and unpredictability for everybody in the state – whether you're a homeowner, a business(person), a farmer, or an urban dweller, you no longer have a clue what's going to happen next door, because now there is a free pass to violate laws," said Elon Hasson, a lobbyist for the state's leading pro-planning group, 1000 Friends of Oregon.

The most poignant stories come from people who voted for Measure 37, and now see negative impacts on their own neighborhoods and property values. "I voted for the measure because I believe in property rights," Rose Straher, who lives in tiny Brookings on the southern Oregon coast, told me. The owner of a nearby 10-acre lily farm filed a Measure 37 claim to turn it into a 40-space mobile-home park, and got the Curry County government to waive its regulations. Straher and 46 other neighbors signed a petition opposing it. Measure 37 "has absolutely no protection for the neighborhood," Straher told me. "You're giving superior rights to one particular owner. That is a big flaw."

The initiatives on state ballots this year vary in their specifics, but like Measure 37, they have no language explaining where governments would get money to pay property owners for the impacts of regulations. They are intended not to make regulations workable, but to prevent them entirely.

They would all be more sweeping than Measure 37 in this sense: The new initiatives would apply to all landowners facing new regulations passed by state and local governments. The one in Washington would be retroactive, covering regulations passed since 1995. They all exempt regulations that directly protect health and safety, such as limits on sewage discharges, but those regulations rarely stand in the way of development. Moreover, compared to Oregon, most of the targeted states have immature land-use regulations. All their land-use planning would essentially be frozen, with no chance of evolving in the future, even as the states are hit with population booms.

Rapidly growing communities from Boise to Tucson, now inching toward meaningful land-use regulations, would be stopped in their tracks.

A look around Gallatin County, home of Three Forks and Bozeman, made it clear how the Montana initiative would derail land-use planning. It's Montana's fastest-growing county, with a population shooting above 75,000.

The county commissioners (one Democrat and two Republicans, including a rancher) have launched an effort to begin countywide zoning to address chaotic sprawl, increased traffic congestion, strain on all government services, worsening air pollution, and disappearing open space. If the takings initiative succeeds, it will kill that effort; the county would not be able to pass or enforce any new regulations. Also, there would be no more grassroots efforts to create small zoning districts, as the residents of Bozeman Pass just did, to hold off coalbed methane drillers – not unless the residents could get every property owner within each district to agree to every regulation.

In four nearby rural counties, longtime ranching families have created regulations that make it difficult to subdivide lots smaller than 160 acres.

Montanans have also passed ballot initiatives banning game farms and cyanide process gold mining. The takings initiative on this year's ballot would derail all future efforts like these.

If you live in any of the six states targeted this year and someday you might want a new regulation to put conditions on a Super Wal-Mart, or to protect streambanks from new construction, or to require developers to do anything for open space and affordable housing, you would be wise to vote "no" in November.

Dondero kept on the move after Three Forks. When I called him a week or two later, he was collecting signatures in Milltown, a working-class settlement almost 200 miles to the west, on the fringe of super-liberal Missoula. A week after that, he was working small towns east of Billings, about 150 miles east of Bozeman. He told me he had personally collected at least 10,000 signatures on Montana's libertarian initiatives. After leaving Montana, he worked on libertarian initiatives in Oregon and Colorado.

From now until November, unless lawsuits jam up the works, libertarians will likely continue to make headway. As in Oregon in 2004, they'll push their message in statewide TV and radio ads that feature victims of regulations – or, even more compelling, victims of eminent domain. Also as in Oregon, some local financial backing will emerge; developers and timber companies provided most of the money for the Measure 37 campaign.

But there's a key difference. In Oregon, a huge coalition opposed Measure 37, including environmentalists, governments, planners, architects, nurses, labor, neighborhood associations, the Oregon PTA and the American Cancer Society. They won endorsements from every daily newspaper in the state. They spent twice as much money as the property-rights side. And they still lost.

Now, in many of the other states, the opposition is disorganized and poorly funded.

Those who understand what is at stake realize that it's an emergency. Rodger Schlickeisen, head of Defenders of Wildlife, a national environmental group, hired a consultant to evaluate what happened in Oregon in '04. He told me that opponents ultimately lost on "the fairness issue." The Measure 37 campaign used a few compelling examples to portray government as an enemy of property owners.

To beat that kind of campaign, opponents have to take a leaf out of its book: They need to find compelling examples of people who've been helped by land-use regulations. "There's no reason that their side should have the fairness frame. There are huge fairness issues with regard to your neighbors and your community," Schlickeisen said. One person's rights can be another person's ruin, and strong regulations often raise property values, rather than lower them.

"We have to learn how to express that in a compelling way," Schlickeisen said. "We have a tendency to talk in policy-wonkish terms. We have to learn how to get to people, so they understand what this is all about."

"It's all sound bites in a statewide ballot initiative (election)," warned Janet Ellis, head of Montana's Audubon Society chapter, which is beginning to organize the opposition here. "That's going to be the challenge, to wrap it up in a few words." She hopes to assemble a coalition that includes senior citizen groups and churches.

It will be difficult to get voters to see all the ramifications, however.

Even Eric Dondero seems oblivious to how the Big Campaign often disguises regulatory takings inside "eminent domain reform." In my last talk with him, I asked him about it, and he didn't seem to understand the issue of regulatory takings.

"I'm not quite sure what you mean," Dondero said. "I guess it means that if a government were to build a big ugly building next to your property, and lowered the value of your property, they'd have to compensate you." When I explained that it means something else altogether, something much bigger, he said, "To me, that's a secondary part of this. To me, the main deal is Kelo. That's what this is all about. Admittedly, I'm not really up on that part of the issue."

It occurred to me that Dondero is just a foot soldier – courageous in his way and sincere in his beliefs, but not fully aware of how he fits into the overall mission, how his idealism is being used by those above him on the command chain. No doubt many of the people who signed his petition, thinking they were standing up for the principle of private property rights, didn't understand the ramifications either.

The question for Westerners is this: How much will we choose to understand, when we go to the voting booths this November?

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