

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

SEPTEMBER 11, 2012

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

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

5:30 P.M. CALL TO ORDER:

ROLL CALL: Jordan, Bowlby, Evans, Luttrupp, Messina, Soumas, Haneline

APPROVAL OF MINUTES:

July 10, 2012

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

PUBLIC HEARINGS:

1. Applicant: City of Coeur d'Alene
Request: Amendment to Shoreline Regulations
LEGISLATIVE, (0-2-12)

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 10, 2012
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Brad Jordan, Chairman
Heather Bowlby, Vice-Chair
Amy Evans
Peter Luttropp
Tom Messina
Jake Garringer, Student Rep.

STAFF MEMBERS PRESENT:

Sean Holm, Planner
Shana Stuhmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney

COMMISSIONERS ABSENT:

Rob Haneline
Lou Soumas

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Luttropp, seconded by Bowlby, to approve the minutes of the Planning Commission meeting on June 12, 2012.

COMMISSION COMMENTS:

None

STAFF COMMENTS:

Planner Holm announced that there will not be a Planning Commission meeting next month because no items were submitted. He stated that two items are scheduled for Council: A-2-12 on July 17th and A-4-12 on August 7th.

PUBLIC COMMENTS:

None

ADMINISTRATIVE ITEMS:

1, Approval of findings for A-4-12

Motion by Messina, seconded by Evans, to approve the findings for A-4-12. Motion approved.

PUBLIC HEARINGS:

- 1. Applicant: Verdis, Sandy Young
Location: 219 Coeur d'Alene Lk Dr
Request: A proposed Wireless Communication special use permit in the C-17 (Commercial at 17 units/acre) zoning district QUASI-JUDICIAL (SP-9-12)

Planner Holm presented the staff report and answered questions from the Commission.

Public testimony open:

Sandy Young, applicant representative, 602 E. Garden Avenue, explained the renderings she provided showing the new design of the cell tower called a "monopine" design. The new tower will be 130 feet instead of 120 feet to allow additional height for the branches. She continued that the site plan is the same that includes low-level sight specific lighting. She then asked if the commission had any questions.

Commissioner Messina inquired if the applicant is committed to this design, if approved.

Ms. Young responded that this site plan presented tonight will be the design selected for the sight.

Commissioner Luttrupp inquired if staff is comfortable with the revised site plan.

Planner Holm commented he is comfortable with the plan submitted.

Commissioner Bowlby stated that she is comfortable with the design and feels that by this looking like a tree; it will not be as noticeable.

Commissioner Luttrupp inquired if the applicant decides to not do this project, what happens with the special use permit if this is approved.

Deputy City Attorney Wilson explained that the special use stays with the land.

Chairman Jordan inquired how tall is a ponderosa pine.

Ms. Young answered that she has seen ponderosa trees as tall as a cell tower and explained when the tower is completed, will be fuller than some of the ponderosa trees in the area.

Dick Edinger, S. 2837 Silver Beach Road, commented that he drives by this area many times a day and the tower currently on-site is ugly. He stated that the new tower the applicant is proposing will be an improvement to this area and should be approved.

Public testimony closed.

Motion by Messina, seconded by Bowlby, to approve Item SP-9-12. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 6:07 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

Date: September 11, 2012
To: Planning Commission
From: Planning Department
Subject: **Amendment to Zoning Regulations – O-2-12** Public access improvements within forty feet of shoreline.

Decision Point

The Planning Commission is asked to provide a recommendation regarding whether certain construction should be allowed on public property within forty feet (40') of the shoreline.

History

The existing shoreline regulations were adopted in 1982 following a citizens' initiative to protect the shoreline in response to proposed development on the downtown waterfront and possible development of other shoreline properties.

The stated purpose of the Shoreline Regulations is:

“...to protect, preserve and enhance visual resources and public access of the Coeur d'Alene shoreline, as defined herein, by establishing certain limitations and restrictions on specifically defined shoreline property located within the City limits. (Ord. 1722 §2(part), 1982)”

These regulations consist of an overlay district that extends along the length and within 150 feet landward of the Coeur d'Alene Lake and Spokane River shorelines. This district has various levels of requirements depending on the location and distance from the shoreline.

The Parks Department has received a number of requests from persons with disabilities requesting access to the water via a ramp and wheelchair at Independence Point and other waterfront areas.

The regulations currently prohibit construction within 40 feet of the shoreline except at the wastewater treatment plant.

The attached proposals provide options to allow improvements within 40 feet of the shoreline. These improvements would only be allowed if they are on City owned property and if the improvements enhance public access to and at the water. Public access can be physical or visual access. This amendment would allow for requested ramps to the water. In addition, these amendments would allow for enhanced public access and amenities to and at the water along the shoreline adjacent to any City owned property.

The regulations that apply to that area and the proposed amendment follow:

17.08.245: PROHIBITED CONSTRUCTION:

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

17.08.250: ALLOWABLE CONSTRUCTION:

The provision of section [17.08.245](#) of this chapter shall not apply as follows:

- A In the underlying DC zoning district.*
- B. For construction which is necessary to replace or maintain existing essential public services such as streets, sidewalks, parking lots, streetlights, fire hydrants and underground utilities.*
- C. For other public or private construction which is necessary to replace or maintain existing shoreline protective structures, fences, hedges and walls in their present location without extension toward the shoreline. (Ord. 3268 §25, 2006; Ord. 1722 §2(part), 1982)*

Construction within forty feet of the shoreline has been allowed for large developments as part of Planned Unit Developments.

Performance Analysis

Numerous Comprehensive Plan reference address the shoreline and this neighborhood including: 11, 1.03, 1.04, 1.05, 27, 70, and 71.

Quality of Life Analysis

The proposed amendment is intended to allow enhanced access to the shoreline to be developed by right.

Decision Point Recommendation

The Planning Commission is asked to recommend approval of an option for allowing construction within forty feet (40') of the shoreline.

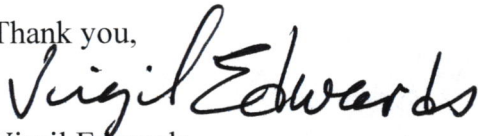
June 11, 2012

Doug Eastwood
Coeur d'Alene Parks Director
710 Mullan Avenue
Coeur d'Alene, ID. 83814

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RECEIVED
JUN 18 2012

Doug, I was recently talking to Tom McTevia and he mentioned that he had spoken to you about the possibility of an accessible ramp on the waterfront, perhaps at Independence Point. I am expressing my support for such an idea and would offer to help wherever I can. Those of us at the Disability Action Center appreciate the support you have given to help facilitate access for those with disabilities. I know you are very busy right so when you get a chance would you give this some thought.

Thank you,



Virgil Edwards
D.A.C

RECEIVED
JUN 27 2012

To the Parks and Recreation Department and Open Space
Committee of Coeur d'Alene,

I, GEORGE CICCONE / CCRC want to let you know that I fully support any initiative, ordinance and/or plan to make all public waterfront areas within Coeur d' Alene accessible to all people regardless of mobility issues.

Access to any public waterfront is essential to the well being, enjoyment and participation of people with disabilities as it is to those who do not yet have a disability.

Understand that accessibility has nothing to do with concrete, asphalt or any other such substance. Accessibility has to do with paths of travel that are level enough, wide enough and sturdy enough to withstand the movement of walkers, wheelchairs and electric wheelchairs, and any other type of reasonable accommodation that might be used by someone to access such an area.

Understand also that the Americans with Disabilities Act and other accepted Accessible Trails already established within our national and state park system have never called for any particular type of substance like asphalt or concrete to make an area accessible.

Therefore, I submit this letter in full support of having any/all public waterfront (and other public spaces) to be accessible to all citizens.

George Ciccone 6/26/12
(signature and date) (208) 964-4545

RECEIVED
JUN 27 2012

**To the Parks and Recreation Department and Open Space
Committee of Coeur d'Alene,**

We, Disability Action Center NW want to let you know that We fully support any initiative, ordinance and/or plan to make all public waterfront areas within Coeur d' Alene accessible to all people regardless of mobility issues.

Access to any public waterfront is essential to the well being, enjoyment and participation of people with disabilities as it is to those who do not yet have a disability.

Understand that accessibility has nothing to do with concrete, asphalt or any other such substance. Accessibility has to do with paths of travel that are level enough, wide enough and sturdy enough to withstand the movement of walkers, wheelchairs and electric wheelchairs, and any other type of reasonable accommodation that might be used by someone to access such an area.

Understand also that the Americans with Disabilities Act and other accepted Accessible Trails already established within our national and state park system have never called for any particular type of substance like asphalt or concrete to make an area accessible.

Therefore, We submit this letter in full support of having any/all public waterfront (and other public spaces) to be accessible to all citizens.

Patrick M. Glan Virgil Edwards Selena Vargas
(signature and date) 6/22/12

June 12, 2012

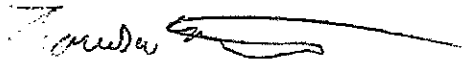
Coeur d'Alene Parks & Recreation Commission
710 Mullan Avenue
Coeur d'Alene, Idaho 83814

Dear Commission Members,

It has been several months since you completed your research on the feasibility of an accessible trail route on Tubbs Hill. I participated in several of your workshop meetings. I want to thank you for all the consideration that was given for addressing this topic and recommending a pilot project on the East side of Tubbs Hill. I am hopeful that the pilot trail project will demonstrate that accessible trails can be built without causing damage to the natural areas.

The purpose of this letter is to not only thank you for all the volunteer hours that you give to the community but I have another request for your consideration. I spoke with Parks Director, Doug Eastwood about this idea and he suggested that I submit a request to the Parks Commission for consideration. My request is this; is it feasible to install a concrete ramp into the water at Independence Point beach, or another beach for those of us in wheelchairs to access the water unimpeded? I have seen this done in other communities and would volunteer my time to help work out a plan for water front accessibility. Mr. Eastwood also suggested that I could perhaps attend one of your monthly workshops to further discuss my request. Thanks again for all you do and for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom McTevia", with a long horizontal flourish extending to the right.

Tom McTevia

C. Doug Eastwood, Parks Director

D R A F T

ORDINANCE NO. _____
COUNCIL BILL NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING _____; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

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

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

SECTION 1. *That Coeur d'Alene Municipal Code Section _____, is hereby amended to read as follows:*

OPTION 1:

17.08.205: TITLE, AND PURPOSE AND APPLICABILITY:

A. The provisions of this article shall be known as SHORELINE REGULATIONS.

B. It is the purpose of these provisions to protect, preserve and enhance visual resources and public access of the Coeur d'Alene shoreline, as defined herein, by establishing certain limitations and restrictions on specifically defined shoreline property located within the city limits.

C. The provisions of this article do not apply to:

1. The Coeur d'Alene municipal wastewater treatment plant; and

2. Other facilities or structures on City owned property intended to provide or secure physical or visual access to the shoreline.

OPTION 2:

17.08.210: DISTRICT BOUNDARY DEFINED:

A. These shoreline regulations shall apply to all property, excluding City owned property, located within one hundred fifty feet (150') of the shoreline of Lake Coeur d'Alene and the Spokane River.

D R A F T

B. In the case of properties crossed by the shoreline district boundary, only those portions which are within the district itself shall be subject to the shoreline regulations.

C. For the purposes of the shoreline regulations, the shoreline is determined by the average summer storage level of Lake Coeur d'Alene at elevation two thousand one hundred twenty eight (2,128) WWP datum (2,125 USGS datum).

17.08.215: OVERLAY DISTRICT ESTABLISHED:

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

17.08.220: BUILDING HEIGHT DETERMINATION:

A. Building height shall be determined in accordance with the provisions of subsection 17.02.065C of this title except that in cases where site work, such as a retaining wall or an earth berm is utilized to create finished grades higher in elevation than preexisting grade, then preexisting grade shall be used in the determination of building or structure height.

B. For the purposes of the shoreline regulations, "preexisting grade" is defined as the ground level elevation which existed prior to any site preparation related to, or to be incorporated into, the proposed new development or alteration.

17.08.225: SIDE YARD DEFINITION:

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

17.08.230: HEIGHT LIMITS AND YARD REQUIREMENTS:

A. For shoreline properties located east of Seventh Street and more than one hundred fifty feet (150') west of First Street and then northeasterly to River Avenue, the following shall apply:

1. New structures may be erected provided that the height is not greater than twenty feet (20').
2. Minimum yards shall be provided as prescribed in the applicable zoning district.
3. Notwithstanding the foregoing for shoreline properties located north of West Lakeshore Drive between Park Drive and Hubbard Avenue, new structures may be erected provided the height is not greater than that provided in the underlying zoning district.

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B. For shoreline properties located between one hundred fifty feet (150') west of First Street easterly to Seventh Street and shoreline properties located northerly from River Avenue, the following shall apply:

1. New structures may be erected provided that the height is not greater than thirty feet (30').
2. There shall be a minimum side yard equal to twenty percent (20%) of the average width of the lot.

~~C. The Coeur d'Alene municipal sewage plant shall be excepted from any application whatsoever of these shoreline protection regulations.~~

17.08.235: PROJECTIONS ABOVE MAXIMUM HEIGHT:

Limitations on projections above maximum height are as follows:

A. Projections above maximum height shall be allowed pursuant to section 17.06.325 of this title, except that solar collector panels, dish antennas and other rooftop structures not normally appurtenant to the building may be allowed by variance as set forth in section 17.08.255 of this chapter.

B. Signs within the shoreline district shall not be allowed to extend beyond the height of any building that is located on the same property as the sign. In no case shall signs exceed the height maximum as prescribed by the shoreline regulations. This provision shall apply to any sign, whether freestanding or attached to a building.

17.08.240: NONCONFORMING FACILITIES:

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

17.08.245: PROHIBITED CONSTRUCTION:

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

17.08.250: ALLOWABLE CONSTRUCTION:

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

A. In the underlying DC zoning district.

D R A F T

B. For construction which is necessary to replace or maintain existing essential public services such as streets, sidewalks, parking lots, streetlights, fire hydrants and underground utilities.

C. For other public or private construction which is necessary to replace or maintain existing shoreline protective structures, fences, hedges and walls in their present location without extension toward the shoreline.

D. Fences may be erected on Sanders Beach (south of East Lakeshore Drive between a line 117.5 feet east of the east line of Eleventh Street extended and the east line of Fifteenth Street extended) perpendicular and extending to the shoreline (2,128 WWP datum) wherever public and private property abut provided that the fences are no more than fifty percent (50%) sight obscuring and are otherwise in conformity with city code requirements. Chainlink, cyclone or other similar industrial fencing is prohibited.

E. Existing foundations built prior to 1982 may be enclosed and occupied in conformity with city code requirements provided that the size of the foundation is not enlarged and the completed structure, at its highest point, is no more than four feet (4') above the preexisting grade measured at the wall closest to the public right of way.

17.08.255: VARIANCES:

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

OR

D R A F T

That a new Section _____, entitled _____, is hereby added to the Coeur d'Alene Municipal Code as follows:

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

SECTION _____ . Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION _____ . The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

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

APPROVED, ADOPTED and SIGNED this _____ day of _____, 20_____ .

Sandi Bloem, Mayor

ATTEST:

D R A F T

Susan K. Weathers, City Clerk

D R A F T

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____

Insert brief description

Insert Title ; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

D R A F T

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Insert Brief Description, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this day of , 20 .

Warren J. Wilson, Chief Deputy City Attorney