

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

**OCTOBER 13, 2009**

**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, Rasor, Soumas, Neal, (Student Rep)  
Kiesewetter, (Alt. Student Rep)

**APPROVAL OF MINUTES:**

September 8, 2009

**PUBLIC COMMENTS:**

**COMMISSION COMMENTS:**

**STAFF COMMENTS:**

**PUBLIC HEARINGS:**

1. Applicant: Richard Colburn  
Location: 5490 N. 4<sup>th</sup> Street  
  
Request:
  1. A proposed annexation of a .45 acre parcel from County Agricultural to City R-3 (Residential at 3 units/acre)  
QUASI-JUDICIAL, (A-2-09)
  2. A proposed Religious Assembly special use permit in the R-3 (Residential at 3 units/acre) zoning district  
QUASI-JUDICIAL, (SP-5-09)
  
2. Applicant: Riverview Ventures, LLC  
Location: 3901 W. Seltice  
Request: A proposed 6-lot preliminary plat "Riverview Subdivision"  
QUASI-JUDICIAL, (S-1-09)

**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  
SEPTEMBER 8, 2009  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT**

Brad Jordan, Chairman  
Heather Bowlby, Vice-Chair  
Amy Evans  
Tom Messina  
Scott Rasor  
Lou Soumas

**STAFF MEMBERS PRESENT**

John Stamsos, Senior Planner  
Shana Stuhlmiller, Public Hearing Assistant  
Warren Wilson, Deputy City Attorney  
Chris Bates, Engineering Project Manager

**COMMISSIONERS ABSENT**

Peter Luttrupp

**CALL TO ORDER**

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

**APPROVAL OF MINUTES:**

Motion by Rasor, seconded by Bowlby, to approve the minutes of the Planning Commission meeting held on July 14, 2009. Motion approved.

**PUBLIC COMMENTS:**

There were none.

**COMMISSION COMMENTS:**

There were none.

**STAFF COMMENTS:**

Senior Planner Stamsos announced last month that the Mayor appointed two new student representatives: Aubrey Neal and Jennifer Kieseewetter. He added that a banquet will be held on September 17<sup>th</sup> to honor those students participating in the program.

**ADMINISTRATIVE ITEMS:**

1. Applicant: Bellerive Investments, LLC  
Location: Replat of Lot 1, Block 3 of Bellerive Second Addition  
Request: A requested 2-lot preliminary plat Bellerive Third Addition  
SHORT PLAT (SS-8-09)

Project Manager Bates presented the staff report and then asked if the Commission had any questions.

There were no questions for staff.

**Motion by Razor, seconded by Messina, to approve Item SS-8-09. Motion approved.**

2. Applicant: Blackrock  
Request: Interpretation of PUD-1-04  
ADMINISTRATIVE (I-2-09)

Senior Planner Stamsos presented the staff report and answered questions from the Commission.

Commissioner Soumas commented that a similar request came before us last month and questioned if staff had suggestions to prevent this from occurring in the future.

Senior Planner Stamsos explained the history behind this development and how this parking lot was approved as part of the original PUD.

Kyle Capps, applicant representative, explained that this development has gone through many changes in the past and after discovering that this lot did not have similar paper work and felt this should go through the same process as the previous lot, to be consistent.

**Motion by Razor, seconded by, Bowlby, to approve Item I-2-09. Motion approved.**

## **PUBLIC HEARINGS**

1. Applicant: Clay Folda/Wild West Log Furniture  
Location: 400 W. Clayton  
Request: A custom manufacturing special use permit  
In the C-17 zoning district  
QUASI-JUDICIAL (SP-4-09)

Senior Planner Stamsos presented the staff report, gave the mailing tally as 0 in favor, 0 opposed and 3 neutral, and answered questions from the Commission.

There were no questions for staff.

## **Public testimony open.**

Clay Folda, applicant representative, 5050 French Gulch, commented that they have been in business since 1983 and explained that they sell furniture and manufacture on site and assumed that this use was allowed. He added that this request is more for acquiring the necessary zoning to allow manufacturing.

Commissioner Soumas inquired how many employees the applicant will have, and if parking will be adequate.

Mr. Folda commented that there will be one employee on site and explained that they have a large parking lot that will meet any future parking needs.

**Public testimony closed.**

**Motion by Bowlby, seconded by Razor, to approve Item SP-4-09. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Soumas	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

2. Applicant: Brad W. Baldwin  
Location: 521 W. Emma Avenue  
Request: A proposed zone change from R-12 (Residential @ 12 units/acre)  
To C-17L (Commercial Limited)  
QUASI-JUDICIAL (ZC-4-09)

Senior Planner Stamosos presented the staff report, gave the mailing tally as 0 in favor, 0 opposed and 3 neutral, and answered questions from the Commission.

**Public testimony open.**

Brad Baldwin, applicant representative, 1082 Hayden, commented that he feels C-17L is the appropriate zoning and showed a map of the surrounding properties zoned C-17L. He explained from looking at the map and reading the City Comprehensive Plan, that this property fits the zoning.

**Public testimony closed.**

**Motion by Soumas, seconded by Bowlby, to approve Item ZC-4-09. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Soumas	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

**ADJOURNMENT:**

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

The meeting was adjourned at 6:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER  
DATE: OCTOBER 13, 2009  
SUBJECT: A-2-09 – ZONING PRIOR TO ANNEXATION  
SP-2-09 – SPECIAL USE PERMIT  
LOCATION: +/- 19,645 SQ. FT. PARCEL AT 5490 NORTH 4<sup>TH</sup> STREET

**DECISION POINT:**

Richard Colburn, H2A architects, representing the LDS Church is requesting approval of Zoning Prior to Annexation from County Agriculture to City R-3 (Residential at 3 units/acre) and a Religious Assembly Special Use Permit to bring an existing church facility into conformance with the zoning ordinance.

**SITE PHOTOS:**

A. Aerial photo:



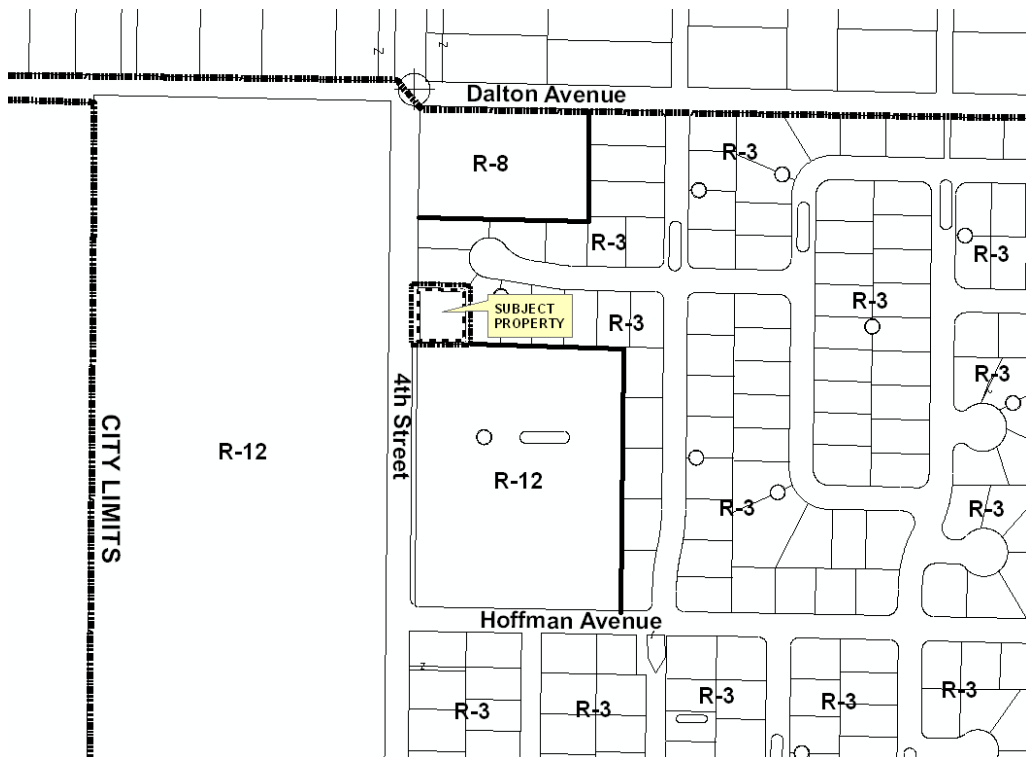


B. Subject property – looking east from 4<sup>th</sup> street

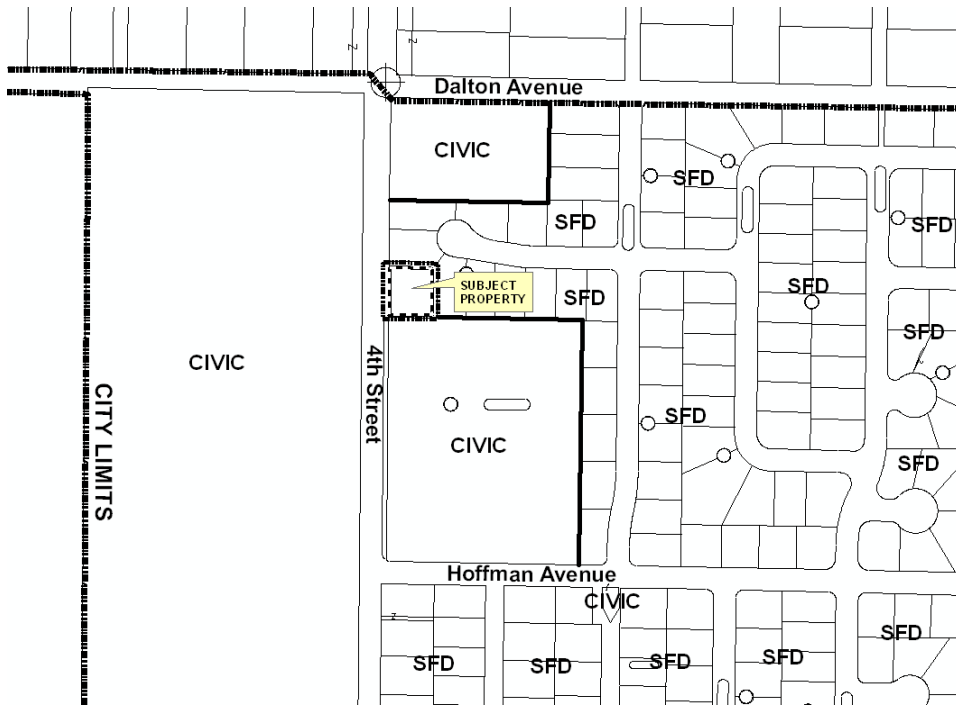


**GENERAL INFORMATION:**

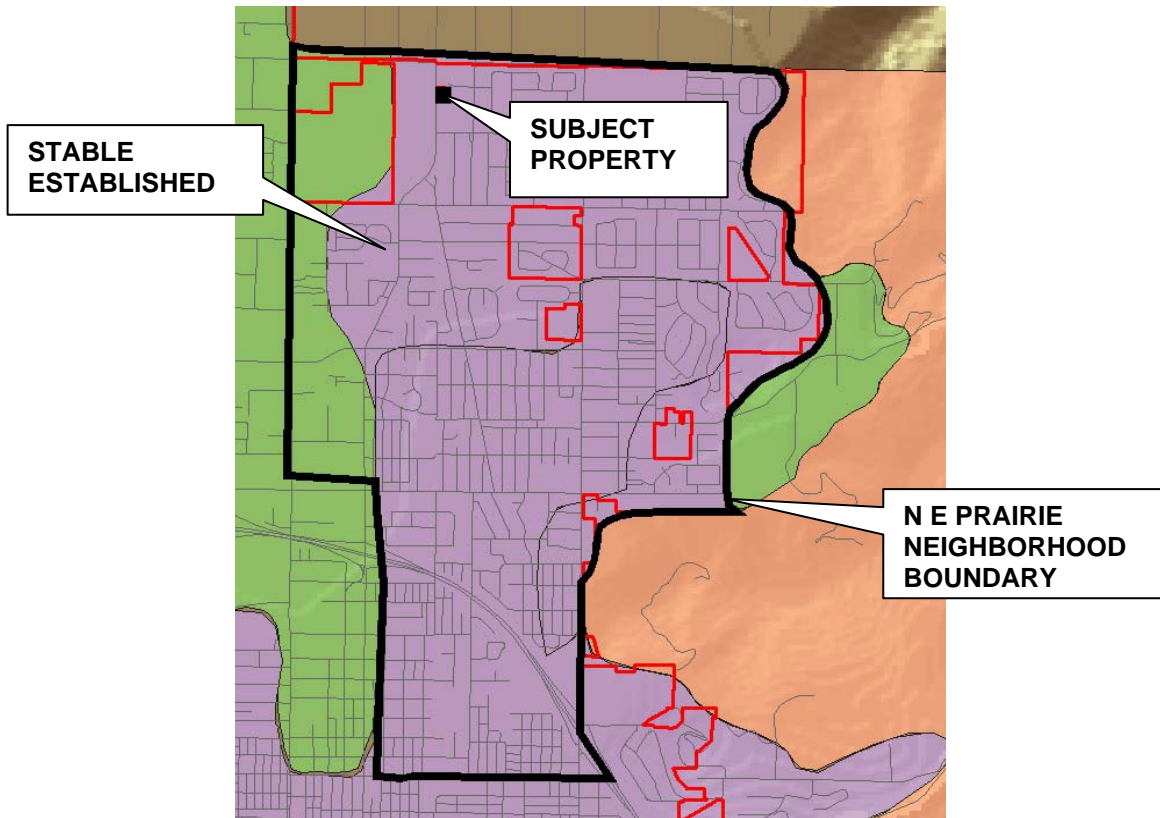
A. Zoning.



B. Generalized land use.



C. 2007 Comprehensive Plan - Stable Established - N E Prairie Area:



D. Applicant: Richard Colburn, H2A architects, representing the LDS Church  
420 Indiana Avenue  
Suite 100  
Coeur d'Alene, ID 83814

Owner: LDS Church  
P. O. Box 2766  
Hayden, ID 83815-2919

E. The subject property is occupied by the LDS seminary in an approximately 1,800 sq. ft. building with a 19 space parking lot that accesses 4<sup>th</sup> Street.

F. Land uses in the area include residential – single-family, civic - Coeur d'Alene Bible Church, Coeur d'Alene High School, assisted living facility.

G. Prior actions on subject property:

1. RCA-3-09 – Request To Consider Annexation – Approved by the City Council on August 18, 2009.

H. Prior actions on surrounding property:

1. A-6-87 – R-3, R-8 & R-12 – approved in 1987.
2. SP-12-87 – Coeur d'Alene Bible Church – Religious Assembly - approved in 1987.

I. Zoning:

The R-3 district is intended as a residential area that permits single-family detached housing at a density of three units per gross acre.

Permitted uses:

1. Administrative.
2. Essential service (underground).
3. "Home occupation" as defined in this title.
4. Single-family, detached housing.

Uses allowed by special use permit:

1. Commercial film production.
2. Community assembly.
3. Community education.
4. Community organization.
5. Convenience sales.
6. Essential service (aboveground).
7. Noncommercial kennel.
8. Religious assembly.

**REQUIRED FINDINGS:**

**A. Annexation findings**

**Finding #B8: THAT THIS PROPOSAL (IS) (IS NOT) IN CONFORMANCE WITH THE COMPREHENSIVE PLAN POLICIES.**

The portion of the subject property to be annexed is within the Area of City Impact Boundary.

The 2007 Comprehensive Plan Map designates the subject property as Stable Established – N E Prairie area, as follows:

**Stable Established Areas:**

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

**N E Prairie:**

It is typically a stable established housing area with a mix of zoning districts. The majority of this area has been developed. Special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillside and wetlands.

**The characteristics of N E Prairie neighborhoods will be:**

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Commercial uses are concentrated in existing commercial areas along arterials with neighborhood service nodes where appropriate.
- Natural vegetation is encouraged and should be protected in these areas.
- Pedestrian connections and street trees are encouraged in both existing neighborhoods and developing areas.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering

**Significant policies:**

- Objective 1.01 - Environmental Quality:  
Minimize potential pollution problems such as air, land, water, or hazardous materials.
- Objective 1.02 - Water Quality:  
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer
- Objective 1.12 - Community Design:  
Support the enhancement of existing urbanized areas and discourage sprawl.

- Objective 1.13 - Open Space:  
Encourage all participants to make open space a priority with every development and annexation.
- Objective 1.14 - Efficiency:  
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- Objective 3.01 - Managed Growth:  
Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population
- Objective 3.02 - Managed Growth:  
Coordinate planning efforts with our neighboring cities and Kootenai County, emphasizing connectivity and open spaces.
- Objective 3.05 - Neighborhoods:  
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- Objective 3.16 - Capital Improvements:  
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- Objective 4.01 - City Services:  
Make decisions based on the needs and desires of the citizenry.
- Objective 4.02 - City Services:  
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).

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

**Finding #B9: THAT PUBLIC FACILITIES AND UTILITIES (ARE) (ARE NOT) AVAILABLE AND ADEQUATE FOR THE PROPOSED USE.**

SEWER:

Public sewer is available and of adequate capacity to accept this property without a public sewer extension, however a lateral for this connection is not currently in place.

Evaluation: Public sewer is located on the west side of Fourth Street or in Trinity Avenue. A lateral sewer was never placed to the subject property so, by city policy, the applicant will need to hook up to city sewer, at the applicant's expense.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

**WATER:**

Domestic water service and adequate fire flow from City owned public facilities are available for this property. The property owner(s) will be required to install all necessary services from the street at their expense per City code.

Comments submitted by Terry Pickel, Assistant Wastewater Superintendent

**STORMWATER, TRAFFIC AND STREETS**

All infrastructure is in and adequate for this use.

Submitted by Chris Bates, Engineering Project Manager

**FIRE:**

The Fire Department will address issues such as water supply, fire hydrants, Fire department access, etc., prior to any site development.

Submitted by Glenn Lauper, Deputy Fire Chief

**POLICE:**

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

**Finding #B10: THAT THE PHYSICAL CHARACTERISTICS OF THE SITE (MAKE) (DO NOT MAKE) IT SUITABLE FOR THE REQUEST AT THIS TIME.**

The subject property is relatively flat with no physical constraints.

Evaluation: The physical characteristics of the site are suitable for the request at this time.

**Finding #B11: THAT THE PROPOSAL (WOULD) (WOULD NOT) ADVERSELY AFFECT THE SURROUNDING NEIGHBORHOOD WITH REGARD TO TRAFFIC, NEIGHBORHOOD CHARACTER, (AND) (OR) EXISTING LAND USES.**

The existing LDS seminary was at this location before the surrounding residential subdivision was developed, has a building design that looks like a residential building and is accessed of 4<sup>th</sup> Street which is a major arterial in the area.

**B. Special Use Permit findings**

**Finding #B8A: THAT THIS PROPOSAL (IS) (IS NOT) IN CONFORMANCE WITH THE COMPREHENSIVE PLAN POLICIES.**

See annexation finding B8 pages 5 & 6.

**Finding #B8B: THE DESIGN AND PLANNING OF THE SITE (IS) (IS NOT) COMPATIBLE WITH THE LOCATION, SETTING, AND EXISTING USES ON ADJACENT PROPERTIES.**

The existing use is adjacent to a single-family neighborhood, church and Coeur d' Alene High School. The seminary building is approximately 1,800 sq. ft. in size and is similar in design to a single-family dwelling. The property contains a 19 space parking lot and is landscaped with access to 4<sup>th</sup> Street.

Evaluation: Based on design and layout, the property does blend into the surrounding residential area.

**Finding #B8C: THE LOCATION, DESIGN, AND SIZE OF THE PROPOSAL ARE SUCH THAT THE DEVELOPMENT (WILL) (WILL NOT) BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.**

See annexation finding B9 on page 7.

**PROPOSED CONDITIONS AND ITEMS FOR AN ANNEXATION AGREEMENT:**

A. Items recommended for an Annexation Agreement.

Consider requiring the property owner to hook up to the city's sewer system.

B. Recommended conditions for Special Use Permit.

None.

**ORDINANCES AND STANDARDS USED IN EVALUATION:**

Comprehensive Plan - Amended 2007.  
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  
Kootenai County Assessor's Department property records  
Resolution No. 09-021, Complete Street Policy

**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.

**JUSTIFICATION**

Please use this space to state the reason(s) for the requested annexation and include comments on the 2007 Comprehensive Plan Category, Neighborhood Area, and applicable Special Areas and appropriate goals and policies and how they support your request.

The Church of Jesus Christ of Latter-Day-Saints is requesting annexation of their Seminary property because they will need to connect the the City water system. They are currently served by the Troy Hoffman Water Corporation, but have been notified that on October 31, 2009 this service will be terminated.

The property is located in the Stable established land use category, and the NE Prairie Neighborhood. It is not located in any of the Comprehensive Plan's special areas.

This annexation would create a uniform incorporated area, being that currently this property is an 'island' of unincorporated land.



**JUSTIFICATION:**

Proposed Activity Group; Religious Education

Prior to approving a special use permit, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official decision 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 (attach additional pages if necessary):

A. A description of your request; A annexation request is being submitted for this property to be annexed as a R3 conforming with the surrounding properties.  
Since this is a existing religious building a special use permit is required.

B. Explain how your request conforms to the 2007 Comprehensive Plan;  
The property is located within the 'Stable Established' land use area. This property is not expected to change greatly. The 'Neighborhood Area' is classified as the NE Prairie, and is not part of the 'Special Areas'.

C. Explain how the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties;  
With the LDS Seminary located directly across the street from the Coeur d'Alene High School, it provides students with religious educational resources. The surrounding neighborhoods can also take advantage of these resources.

D. Explain how the location, design, and size of the proposal will be adequately served by existing streets, public facilities and services;  
The LDS Seminary is located & served from 4th Street, access does not impact the neighborhood streets.

E. Any other information that you feel is important and should be considered by the Planning Commission in making their decision.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on October 13, 2009, and there being present a person requesting approval of ITEM A-2-09, a request for zoning prior to annexation from County Agriculture to City R-3 (Residential at 3 units/acre) zoning district.

APPLICANT: Richard Colburn, H2A architects

LOCATION: +/- 19,645 sq. ft. parcel at 5490 North 4<sup>th</sup> Street

**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, civic - Coeur d’Alene Bible Church, Coeur d’Alene High School, assisted living facility.
- B2. That the Comprehensive Plan Map designation is
- B3. That the zoning is R-3 (Residential at 3 units/acre)
- B4. That the notice of public hearing was published on, September 26, 2009, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 13 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, September 25, 2009, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on October 13, 2009.
- 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 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 RICHARD COLBURN, H2A ARCHITECTS for zoning prior to annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement are as follows:

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

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Soumas	Voted _____

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

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

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

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

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on October 13, 2009, and there being present a person requesting approval of ITEM: SP-5-09, a request for a Religious Assembly Special Use Permit in the R-3 (Residential at 3 units/acre) zoning district.

APPLICANT: Richard Colburn, H2A architects

LOCATION: +/- 19,645 sq. ft. parcel at 5490 North 4<sup>th</sup> Street

**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, civic - Coeur d'Alene Bible Church, Coeur d'Alene High School, assisted living facility.
- B2. That the Comprehensive Plan Map designation is
- B3. That the zoning is R-3 (Residential at 3 units/acre)
- B4. That the notice of public hearing was published on, September 26, 2009, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, September 28, 2009, which fulfills the proper legal requirement.
- B6. That 13 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, September 25, 2009, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on October 13, 2009.
- 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 RICHARD COLBURN, H2A ARCHITECTS for a Religious Assembly 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 Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Soumas	Voted _____

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

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

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

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CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION  
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER  
DATE: OCTOBER 13, 2009  
SUBJECT: S-1-09 – "RIVERVIEW SUBDIVISION" - 6-LOT PRELIMINARY PLAT  
SUBDIVISION  
LOCATION – +/- 17 ACRE PARCEL ADJACENT TO THE INTERSECTION OF  
WEST SELTICE WAY AND NORTH GRAND MILL LANE (3901 WEST SELTICE  
WAY)

**DECISION POINT:**

Riverview Ventures, LLC is requesting the following:

- Approval of "Riverview Subdivision" a 6 lot Preliminary Plat Subdivision in the C-17 (Commercial at 17units/acre) zoning district.
- Approve a deviation from Section 16.20.220: lots; Access to Public Right Of Way of the Subdivision Ordinance in order to create lots 4 and 5 without frontage on a public street, pursuant to Section 16.32.00 Deviations from Provisions.
- Approval of lots 4 and 5 with zero street frontages as part of the subdivision approval, pursuant to Section 17.05.310.B of the Zoning Ordinance.

**SITE PHOTOS:**

- A. Aerial photo

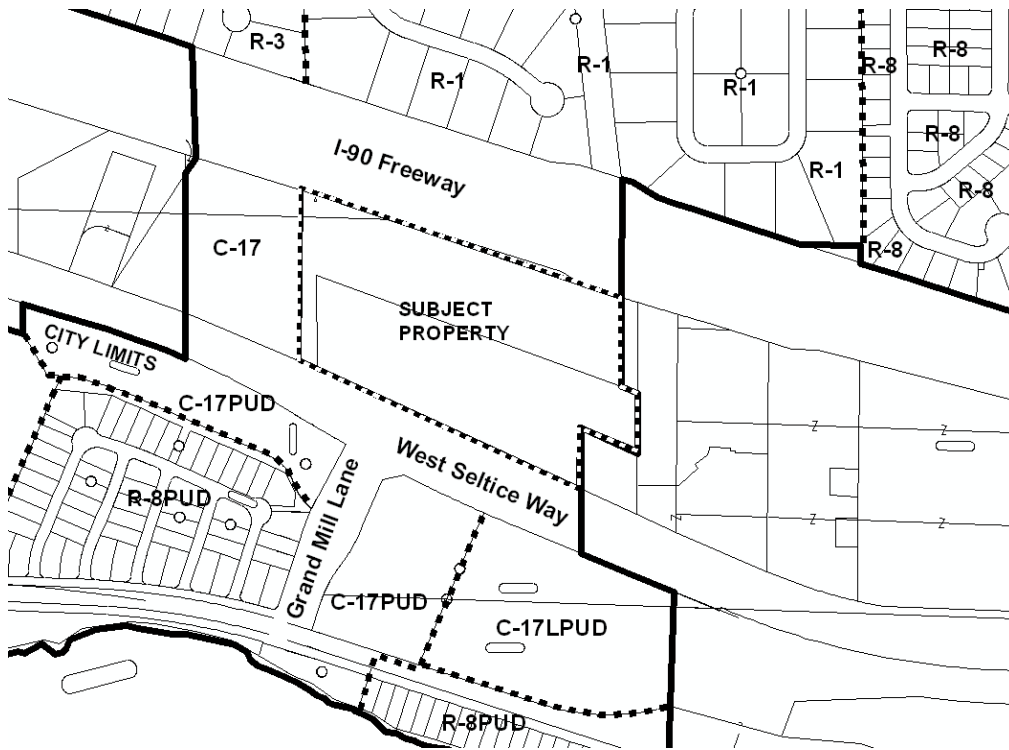


B. Looking northwest at subject property from Seltice Way.

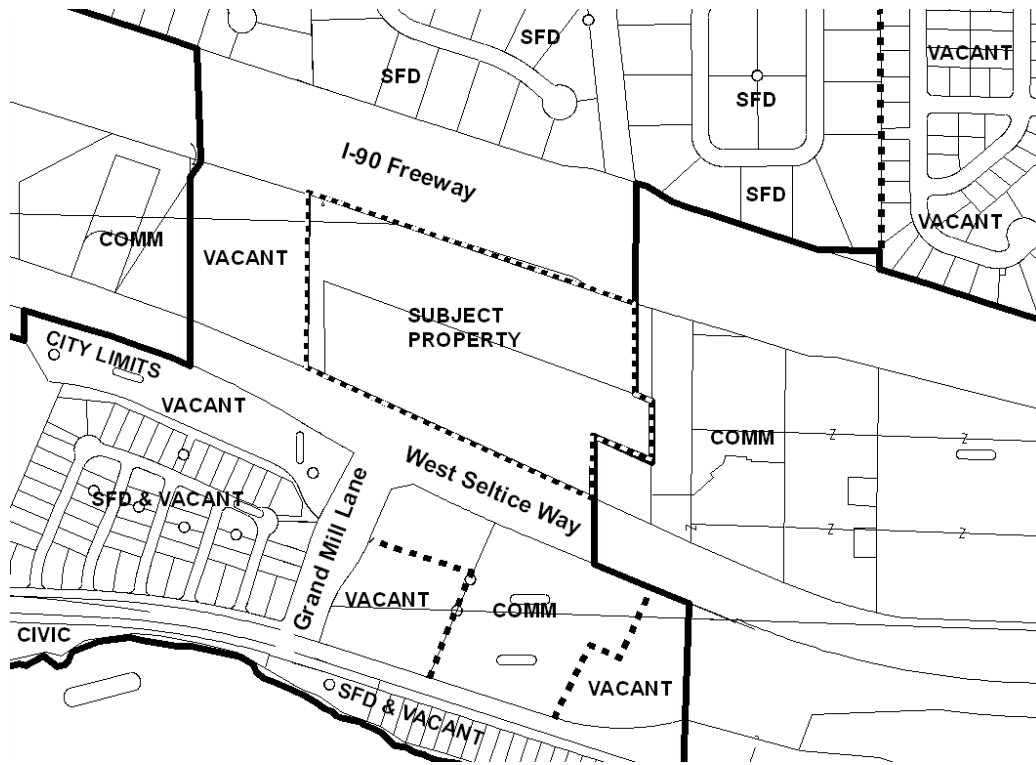


**GENERAL INFORMATION:**

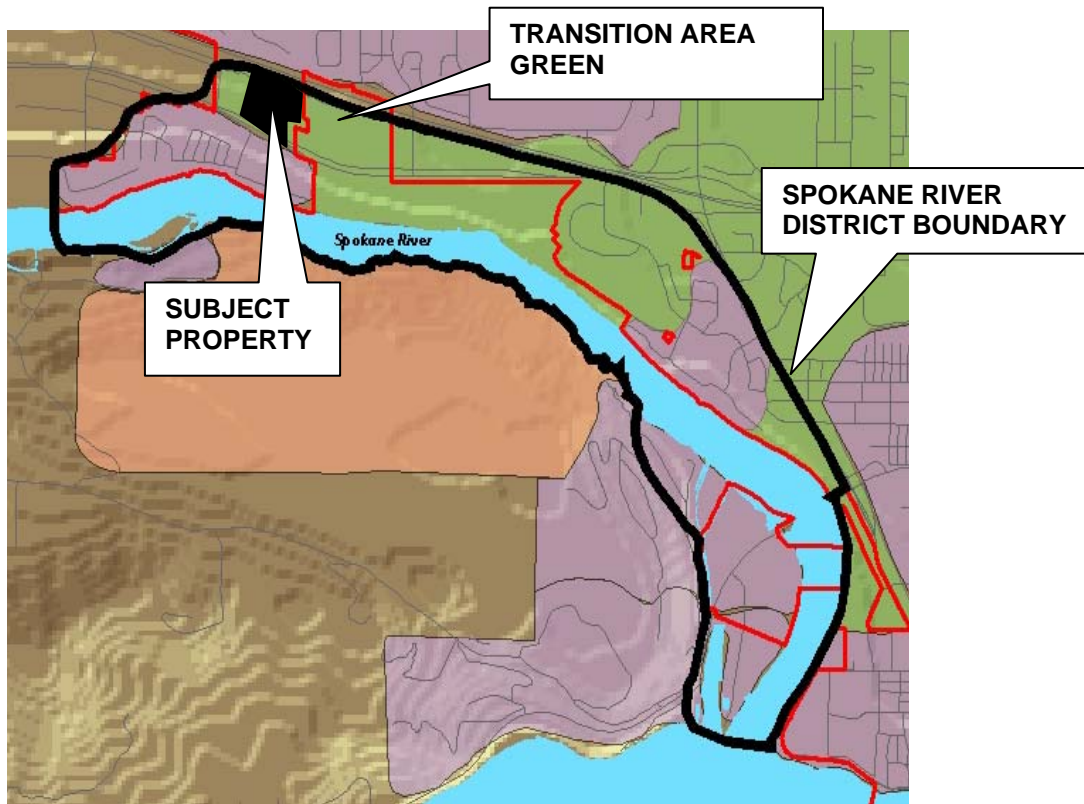
A. Zoning



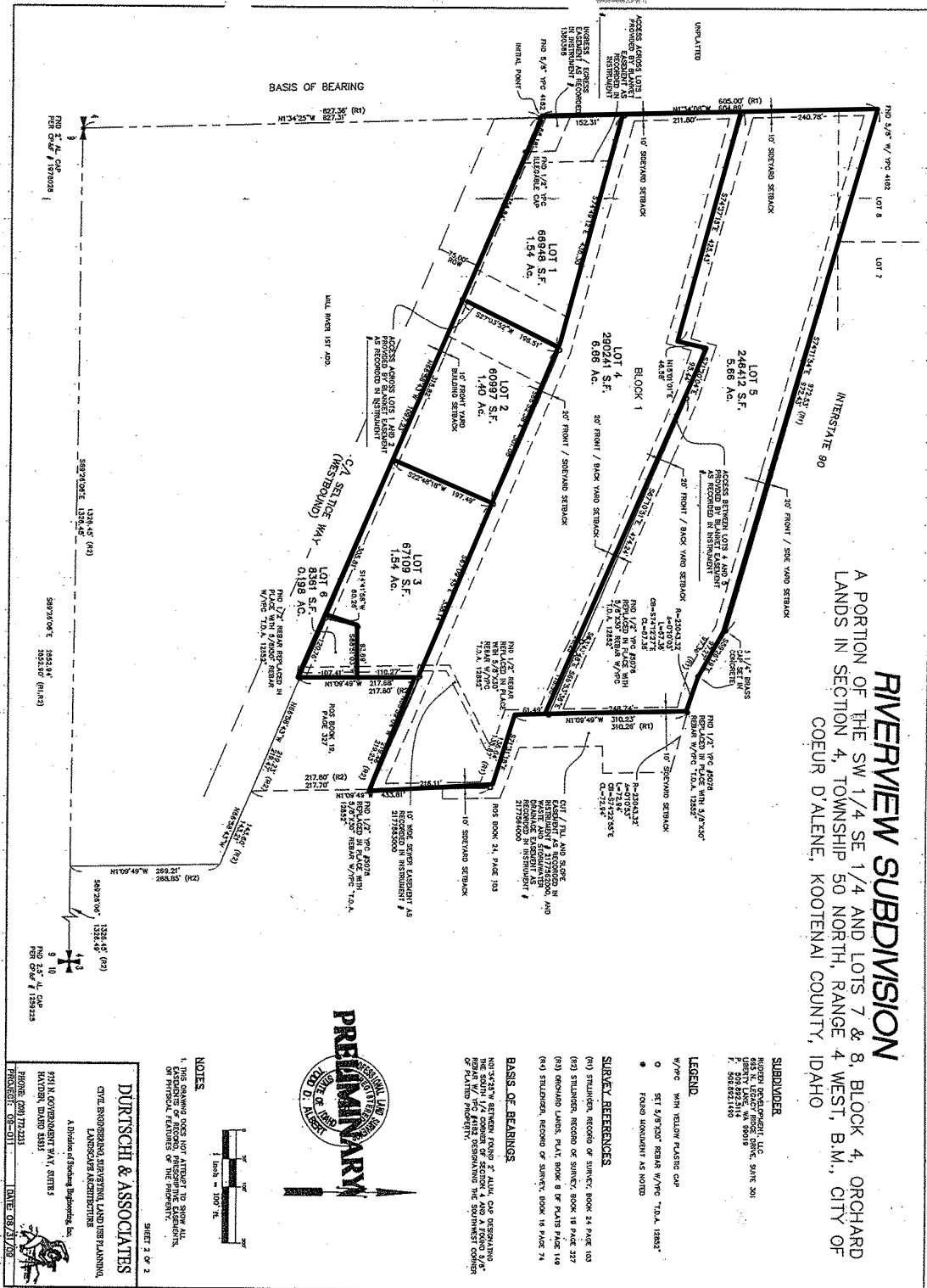
B. Generalized land use pattern:



C. 2007 Comprehensive plan – Transition – Spokane River District



D. Preliminary Plat of "Riverview Subdivision"



**RIVERVIEW SUBDIVISION**  
 A PORTION OF THE SW 1/4 SE 1/4 AND LOTS 7 & 8, BLOCK 4, ORCHARD  
 LANDS IN SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF  
 COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

**LEGEND**

- W/PC WITH YELLOW PLASTIC CAP
- SET 5/8" W/PC REBAR W/PC T.O.A. 12822'
- FOUND UNDEGROUND AS NOTED

**SUBDIVISION**

- RECORD DOCUMENT DATE
- RECORD DOCUMENT PAGE
- UTILITY LINES, W/PC 5800'S
- 5/8" REBAR
- 5/8" REBAR

**SURVEY REFERENCES**

- (01) STRIPPER, RECORD OF SURVEY, BOOK 18 PAGE 103
- (02) STRIPPER, RECORD OF SURVEY, BOOK 18 PAGE 227
- (03) ORCHARD LANDS, PLAT BOOK 8 OF PLATS PAGE 118
- (04) STRIPPER, RECORD OF SURVEY, BOOK 18 PAGE 74

**BASIS OF BEARINGS**

UNDEGROUND PROPERTY RECORDS  
 THE SOUTH 1/4 CORNER SECTION 4 AND  
 REBAR W/PC AT THE SW CORNER  
 OF PLATS ARE USED.

**NOTES**

1. THIS DRAWING DOES NOT ATTEMPT TO SHOW ALL EXISTING RECORDS, PREVIOUS EASEMENTS, OR PROPERTY LINES OF THE PROPERTY.

**DÜRITSCH & ASSOCIATES**  
 CIVIL ENGINEERING, SURVEYING, LAND USE PLANNING  
 LANDSCAPE ARCHITECTURE

A Division of Stoddard Engineering, Inc.  
 921 N. GOVERNMENT WAY, SUITE 3  
 HAVERLY, IDAHO 83433  
 PHONE: (208) 773-2333  
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- E. Owner/ Applicant: Riverview Ventures, LLC  
695 North Legacy Ridge Drive #301  
Liberty Lake, WA 99019
- G. Land uses in the area include residential - single-family and multi-family, civic, commercial and vacant land.
- H. The subject property is vacant undeveloped land.
- I. In addition to approving the preliminary plat, the following must also be done:
1. Section 16.20.220, Subdivision Ordinance, lots; Access to Public Right Of Way:  
  
Each lot shall have frontage on a public right of way sufficient to provide legal access or as prescribed in the zoning ordinance, whichever is greater.  
  
In order to approve lots with legal access, as requested by the applicant, the Planning Commission must approve the request by making the findings required for deviations from provisions.
  2. Section 17.05.310.B, Zoning Ordinance, Site Performance Standards, Minimum Lot  
  
All buildable lots, other than pocket housing developments, must have fifty feet (50') of frontage on a public street unless an alternative is approved by the city through the normal subdivision procedure or unless a lot is nonconforming.  
  
In a C-17 zone, the frontage requirement for residential lots reverts back to the frontage requirements in Section 17.05. 310. B, which is 50 feet of frontage on a public  
  
In order to approve lots with less than 50 feet of frontage on a public street, the request must be approved as part of the approval of the preliminary plat.

**REQUIRED FINDINGS:**

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

**WATER:**

Water service is available to the subject property.

Evaluation: Domestic water service and adequate fire flow from City owned public facilities are available for this property. The property owner(s) and/or developer will be required to install all necessary additional public facilities and individual services to the properties at their expense per City code.

Submitted by Terry Pickel, Assistant Water Superintendent

**SEWER:**

Public sewer is available and of adequate capacity.

Evaluation: Public sewer for this subdivision was created when the original annexation requirements were fulfilled. The addition of new lots above the number of the original lots however, creates the need for private plumbing change, negating any existing private plumbing approvals prior to this subdivision application. Each lot will have to have its own lateral (no shared-private plumbing) and altered lot line configurations may create new private easement needs.

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 stated use for the subject property has been a combination of multi-family on proposed Lots 4 and 5, with some form of commercial activity on Lots 1, 2, & 3 that front directly onto Seltice Way. Per the ITE Trip Generation Manual, the estimates for Low-Rise apartments during the peak hours would be 0.57 trips per day, and Mid-Rise apartments would be 0.40. The maximum number of multifamily units allowed with the C-17 zoning would be 209 units, therefore, the vehicle trips during the A.M. and P.M. peak periods may vary between 84 – 119 trips. The commercial uses are undetermined, therefore, no estimate can be made for the remaining lots.

Evaluation: The Seltice Way roadway section which is a four lane roadway with median has the capacity to accommodate the additional traffic volume.

**STREETS:**

The proposed subdivision is bordered by Seltice Way on the south and US I-90 on the north. The current right-of-way widths meet City standards.

- Evaluation:
1. No access is allowed onto US I-90, therefore, Seltice Way is the sole point of access. Due to the arterial nature of the roadway, access to the development will be restricted to two points. The primary access can be a centrally located entry way that will provide access to all of the lots. Access to the commercial lots will be required to branch off of this central roadway, at the northerly most point of the lots, thus reducing the conflicts between vehicles queuing to leave and others turning to access the commercial lots. A secondary point of access will be allowed on the westerly boundary of the subject development to provide an alternate means of ingress and egress. Design criteria of the access points will be finalized at the time of development plan submittal for the subject property. Access easements for all lots will be required to be recorded prior to final plat approval or shown on the final plat of the subdivision.
  2. No left turn movements will be allowed out of the subject property and no median openings between the east and west bound lanes of Seltice Way will be allowed.

**SUBDIVISION IMPROVEMENTS:**

Sewer and water utility service will need to be extended to all lots prior to final plat approval. The applicant may opt to bond for the improvements in lieu of installation (at 150% of the approved cost) in order to proceed to final plat approval; however, no building permits may be applied for or issued until the installations have been completed.

**APPLICABLE CODES AND POLICIES:**

**UTILITIES:**

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

**STREETS:**

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

**STORMWATER:**

7. 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:**

8. Fire hydrant(s) and fire access shall be placed at the direction of the City Fire Department.

**GENERAL:**

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

Submitted by Chris Bates, Project Manager

**FIRE:**

The fire department will address other issues such as water supply, hydrants and access prior to any site development and upon receipt of additional information of this project.

Submitted by Glenn Lauper, Deputy Fire Chief



POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates the subject property as Transition – Spokane River District, as follows:

**Transition Areas:**

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

**Spokane River District:**

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

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

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

**Significant policies for your consideration:**

- Objective 1.02 - Water Quality:  
  
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.
- Objective 1.11- Community Design:  
  
Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.
- Objective 1.12 - Community Design:  
  
Support the enhancement of existing urbanized areas and discourage sprawl.
- Objective 1.13 - Open Space:  
  
Encourage all participants to make open space a priority with every development and annexation.
- Objective 1.14 - Efficiency:  
  
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- Objective 1.16 - Connectivity:  
  
Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.
- Objective 2.02 - Economic & Workforce Development:  
  
Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.
- Objective 2.05 - Pedestrian & Bicycle Environment:  
  
Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances
- Objective 3.01 - Managed Growth:  
  
Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population
- Objective 3.05 - Neighborhoods:  
  
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- Objective 3.08 - Housing:

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

➤ Objective 3.10 - Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

➤ Objective 3.16 - Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

➤ Objective 3.18 - Transportation:

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

➤ Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).

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."

3. 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.

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

The proposed subdivision is within the corporate limits, is in conformance with the Comprehensive Plan policies and the Spokane River District Plan by providing opportunities for additional residential and commercial development along Seltice Way, a major arterial and developing commercial corridor .

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.

**E. 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 plat and utility design was submitted indicating that all subdivision code design standards and improvement requirements have been met and approved by the City Engineer.

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

The subject property is zoned C-17 and will not change with this request. The lots in the proposed subdivision meet the minimum lot size and frontage requirements with the exception of lots 4 and 5, which are proposed to be multi-family lots with zero street frontages and accessed from Seltice Way over a recorded access easement.

Because these two lots are proposed for multi-family development they are required to have a minimum 50 feet of frontage on a public street (Seltice Way), unless an alternative is approved through the normal subdivision procedure, pursuant to Section 17.05.310, Site Performance Standards, Minimum Lot.

Evaluation: The lots proposed in the preliminary plat meet the minimum lot size requirements and the zero frontage lots can be approved as part of the approval of the subdivision.

G. **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.**

While zoned C-17, this proposed subdivision is planned for multi-family development on lots 4 and 5 and commercial development on lots 1, 2, 3 and 6. This is a developing area that is a mix of residential and commercial development and is adjacent to Seltice Way

H. **Finding # B10: Section 16.32.010 Deviations from Provisions, Standards for Granting**

Section 16.20.220, Lots, Access to Public Right Of Way: Each lot shall have frontage on a public right of way sufficient to provide legal access or as prescribed in the zoning ordinance, whichever is greater.

In order to deviate from Section 16.20.220 and approve lots with access to a public street by legal access, (recorded access easement) the Planning Commission must make the following findings:

**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:**

1. **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.**
2. **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.**

- 3. The authorization of such deviation will not be materially detrimental to the public welfare or injurious to property in the vicinity in which the subdivision is located.**
- 4. The authorization of such deviation will not adversely affect the comprehensive plan.**
- 5. 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.**

Evaluation: The Planning Commission must give adequate reasons to make these findings or they will be granting a right not enjoyed by other subdivisions and therefore detrimental to the public welfare.

#### **PROPOSED CONDITIONS:**

Engineering:

1. Only two points of access will be allowed to the subject development. One centrally located that will provide access to all lots and one at the westerly boundary of the subject property. Access to the commercial lots from the principal entry way will be required to be at the northerly boundary of the lots in order to reduce turning conflicts with vehicles queuing to exit the site.
2. No left turn movements will be allowed out of the subject property.
3. No access will be allowed across the Seltice Way median separating the east and west bound lanes.
4. Sewer and water utility service is required to be installed to all lots prior to final plat approval.

#### **ORDINANCES AND STANDARDS USED IN EVALUATION:**

Comprehensive Plan - Amended 2007.  
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  
Kootenai County Assessor's Department property records  
Resolution No. 09-021 Complete Street Policy

# RUDEEN DEVELOPMENT, LLC

695 N. Legacy Ridge DR • Suite 301 • Liberty Lake, WA 99019 • (509) 892-5114 • (509) 892-1490 Fax

Mr. John Stamsos  
City of Coeur d'Alene  
Senior Planner  
710 E. Mullan Ave  
Coeur d'Alene, ID 83814

September 4, 2009

RE: Riverview Subdivision

Dear Mr. Stamsos,

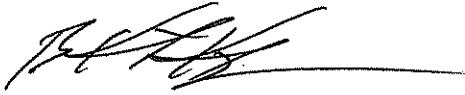
We, Riverview Ventures, LLC as the owner and applicant of record, request a deviation from the Subdivision Design Standard 16.20.220: Lots; Access to Public Right of Way. We have created a reciprocal easement agreement (see attached document) that we are willing to record on this property when we know the City of Coeur d'Alene is ok with this request, which allows for ingress and egress across all parcels included in this subdivision request. Lot 4 and Lot 5 as proposed for this subdivision do not show access touching a public right of way. Thus, with this private reciprocal easement document these parcels will have access to the public right of way thru private drives and the access easement.

We believe this deviation request complies with the Standards for Granting 16.32.010 for the following reasons:

1. Without this deviation approval, this project will suffer unnecessary hardship as we would be required to have multiple access points to the public right of way and therefore no be able to utilize the land as effectively and efficiently as possible. We also are required by our potential lender to complete this project in multiple phases and without the approval of this subdivision request, we will not be able to obtain construction or permanent financing to do this project in multiple phases.
2. There are no adverse impacts to any subdivision in the near vicinity; in fact this will help the area as it will deter any unnecessary access points onto Seltice Way.
3. Such deviation is necessary for our financing requirements so that we may build this project in multiple phases and which would preserve our right to utilize this property to our fullest enjoyment.
4. The granting of this deviation will not be to the detrimental of the public welfare.
5. The granting of this deviation will not adversely affect the comprehensive plan.
6. It is our understanding that the City Engineer is ok with this deviation request and will grant approval when asked by the City Staff.

If you should have any questions or concerns about his deviation request, please give me a call at my office number 509-892-5114 ext. 4 or on my cell at 509-714-4454.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk Kappen', with a long horizontal line extending to the right.

Kirk Kappen  
CFO and Member – Riverview Ventures, LLC

**S  
G  
N  
-  
D  
-  
F**



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

**A. INTRODUCTION**

This matter having come before the Planning Commission on October 13, 2009, and there being present a person requesting approval of ITEM S-1-09: a request for preliminary plat approval of "Riverview Subdivision" a 6 lot Preliminary Plat Subdivision in the C-17 (Commercial at 17units/acre) zoning district.

APPLICANT: Riverview Ventures, LLC

LOCATION – +/- 17 acre parcel adjacent to the intersection of west Seltice Way and North Grand Mill Lane

**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 and multi-family, civic, commercial and vacant land.
- B2. That the Comprehensive Plan Map designation is Transtion.
- B3. That the zoning is C-17 (Commercial at 17units/acre)
- B4. That the notice of public hearing was published on, September 26, 2009, which fulfills the proper legal requirement.
- B5. That the notice was not required to be posted on the property.
- B6. That 7 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on September 25, 2009, and \_\_\_\_\_ responses were received: \_\_\_\_ in favor, \_\_\_\_ opposed, and \_\_\_\_ neutral.
- B7. That public testimony was heard on October 13, 2009.

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 **RIVERVIEW VENTURES, LLC** for preliminary plat 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 Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Soumas	Voted _____

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

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

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

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CHAIRMAN BRAD JORDAN