

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

DECEMBER 10, 2013

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, Luttropp, Messina, Haneline, Conery, (Student Rep.) (Alt. Student Rep. O'Brien)

APPROVAL OF MINUTES:

November 12, 2013

PUBLIC COMMENTS:

STAFF COMMENTS:

OTHER:

Approval of findings for PUD-1-04m.2 and S-4-05.m.

PUBLIC HEARINGS:

1. Applicant: City of Coeur d'Alene
Request: Subdivision Ordinance revision
LEGISLATIVE, (0-3-13)

2. Applicant: JRB Properties, LLC
Location: Coeur d'Alene Resort
Request: Modification of Coeur d'Alene Resort PUD
QUASI-JUDICIAL, (PUD-1-83m.3)

3. Applicant: Mulligan Investments, LLC
Location: Lt 1 Blk 3 of The Landings at Waterford 10th Addition
Request:
 - A. A proposed zone change from R-3 & C-17L to R-8
QUASI-JUDICIAL, (ZC-1-13)

 - B. A proposed 58-lot preliminary plat "The Landings at Waterford 12th Addition
QUASI-JUDICIAL, (S-2.03m.1)

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
NOVEMBER 12, 2013
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Brad Jordan, Chairman
Heather Bowlby, Vice-Chair
Amy Evans
Peter Luttrupp
Tom Messina
Rob Haneline
Grant Conery, Student Rep.
Cole O'Brien, Alt. Student Rep.

STAFF MEMBERS PRESENT:

Tami Stroud, Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney

COMMISSIONERS ABSENT:

None

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Luttrupp, seconded by Haneline, to approve the minutes of the Planning Commission meeting on September 10, 2013. Motion approved.

STAFF COMMENTS:

Planner Stroud announced the up-coming items scheduled on the December 10th Planning Commission meeting.

Chairman Jordan introduced the new alternate student representative, Cole O'Brien, to the Planning Commission.

PUBLIC COMMENTS:

There were none.

PUBLIC HEARINGS

1. Applicant: Riverstone Waterfront, LLC
Location: Bellerive Lane
Request:
 - A. A modification to "Riverwalk PUD"
QUASI-JUDICIAL (PUD-1-04m.2)

B. A proposed 17-lot preliminary plat "Bellerive 4th Addition"
QUASI-JUDICIAL (S-4-05.m)

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

Commissioner Bowlby inquired if the original PUD should be re-evaluated, because of so many modifications brought forward this year.

Deputy City Attorney Wilson explained that this development is unique as it was constructed during hard economic times, and feels going back to evaluate the entire project would not be beneficial since there is not a lot of land left to reevaluate.

Commissioner Messina inquired regarding the number of permits allowed before the secondary access is required on Lakewood Drive.

Deputy City Attorney Wilson stated 30 permits are required before a secondary access is needed.

Commissioner Messina stated that a letter submitted by a citizen questioned if all the roads within the development will be connected in the future.

Deputy City Attorney Wilson responded it is not necessary for this project, but based on previous discussions with staff, Lakewood Drive may be looked at in the future.

Commissioner Bowlby stated a boardwalk was approved with the original PUD and questioned if the developer will be allowed to build along the river, as indicated in a letter submitted by ITD expressing concerns with the placement of the boardwalk.

Deputy City Attorney Wilson stated that both staff and the applicant are aware of this letter, and he is confident they work out the issues when permits are ready to be approved.

Public testimony open:

Cliff Mort, Coeur d'Alene, gave a brief history about this property and stated the design of the original PUD was for a lodge and because of the economy, the project was reevaluated. He added that this property is now better suited for single-family homes, and that the number of homes would be decreased from 100 units with the original PUD, to 17 single-family homes.

He stated that they intend to finish the boardwalk and will work with the Idaho Department of Lands to address concerns they have with the placement of the boardwalk once the construction process begins.

He explained that the connection of Lakewood Drive will not be needed after a meeting with the Fire Department, who stated that they could use a portion of the Centennial Trail to access these properties in case of an emergency.

Commissioner Luttrupp inquired if the boardwalk would be built on land if the permits to build the boardwalk are not approved, as stated in the letter submitted by the Idaho Department of Lands.

Mr. Mort stated that he has had discussions with Idaho Department of Lands in the past regarding their concerns with the placement of the Boardwalk and is confident the issues will be resolved once the project gets closer to building permits being issued.

Commissioner Messina inquired if staff has required these homes to be sprinklered.

Mr. Mort stated that staff has not required that these homes be sprinklered.

Commissioner Messina inquired how the applicant felt about the removal of condition #3, to not construct Lakewood Drive.

Mr. Dittman answered that they agree with staff's decision to omit the completion of Lakewood Drive for now, since the Fire Department has access to the property without having that connection.

Commissioner Luttrupp stated that he agrees with staff's decision to omit the need for Lakewood Drive since the Fire Department has another way to access the property.

Student Representative Conery questioned if the applicant will maintain the section of the Centennial Trail for snow removal.

Mr. Mort stated that is correct.

Scott Cranston, Chairman of the Parks and Recreation committee stated that the committee is nearing the end of the completion of their parks master plan this year. The committee has had a number of meetings with the public to get comments regarding the needs for outdoor recreation within the boundaries for the master plan. He stated that the area that is being addressed tonight is part of the area discussed within the master plan and that the committee feels that it would be essential to require that Lakewood Drive be completed to ensure public access.

Commissioner Luttrupp inquired regarding the concerns the committee has with the fire department using the Centennial Trail for an emergency access.

Mr. Cranston responded that the heavy load from the fire trucks could cause damage to the trail.

Brian Jorgensen, Coeur d'Alene, explained that he is representing the owners of a replat of a one acre parcel into four lots at Riverstone. He stated that he and the other three owners of the parcel met with the city about the placement of the boardwalk. He added that if this request is not approved, they will still build the boardwalk, but hopes the commission approves the request so the boardwalk is completed.

Rebuttal:

Mr. Dittman stated that there are other ways to access the Centennial Trail, such as the city park located next to the trail.

Public Testimony closed.

Discussion:

Commissioner Luttrupp stated he had concerns about the construction of Lakewood Drive and now after hearing testimony, he feels comfortable with the request.

Motion by Bowlby, seconded by Messina, to approve Item PUD-1-04m.2, and to direct staff to draft the findings. Motion approved.

Motion by Bowlby, seconded by Messina, to approve Item S-4-05.m, and to direct staff to draft the findings. Motion approved.

2. Applicant: Ann Melbourn, Fort Grounds Homeowner's Association
Request: Reduction of Single Family special use permit threshold
LEGISLATIVE (0-2-13)

Deputy Warren Wilson presented the staff report and answered questions from the Commission.

Commissioner Evans inquired if staff is aware of any other cities that have had a similar request.

Deputy City Attorney Wilson stated that the city had a similar request approved in 1994 for Pinegrove Park.

Commissioner Luttrupp inquired how the percentage of 66% was chosen for this request.

Deputy City Attorney Wilson stated that the applicant picked the number based on the supra-majority percentages in the City of Coeur d'Alene.

Commissioner Messina inquired if it would be effective city-wide if approved.

Deputy City Attorney stated that is correct.

Public testimony open:

Tom Melbourne, Coeur d'Alene, stated that this reduction will help preserve historical areas in the city and would like the commission to approve the request.

Katherine Mclaudress, Coeur d'Alene, stated the older homes in this neighborhood make this a unique place to live and by approving this request, it will ensure other homes are not eliminated, but restored.

John Bruning, Coeur d'Alene, stated that a few years ago, the area around Sanders Beach requested a zone change to R-3 and by having that approval, the neighborhood has benefitted.

Marlo Faulkner stated that the house she lives in today is where she was born and raised. The property was subdivided in the 20th century. She passed out a map showing all the lots in the Fort Grounds area explaining that recently nine homes were demolished. She added that if you want to tear down your home it's your right, but feels replacing your home to construct a condo is a concern to the people who want to preserve this area for the many existing historic homes. The comprehensive plan supports this area and asked the Planning Commission for their approval.

Ann Melbourne, Coeur d'Alene, commented this is not a unique request and feels the neighborhood is defined because of the college and city parks. She stated that this request should be approved because of the families who live in this area that want it to be restored.

Public testimony closed.

Motion by Messina, seconded by Haneline, to approve 0-2-13. Motion approved.

ADJOURNMENT:

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

The meeting was adjourned at: 7:44 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



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

A. INTRODUCTION

This matter having come before the Planning Commission on November 12, 2013, and there being present a person requesting approval of: PUD-1-04m.2 for a modification to a +/- 6.6 acre portion of the "Riverwalk" Planned Unit Development in the C-17PUD (Commercial at 17 units/acre) zoning district.

APPLICANT: Riverstone Waterfront, LLC

LOCATION: +/- 6.6 - acre parcel between the Burlington Northern Railroad and Spokane River

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential - single-family, multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17PUD.
- B4. That the notice of public hearing was published on, October 26, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on, October 28, 2013, which fulfills the proper legal requirement.
- B6. That 149 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on October 25, 2013.
- B7. That public testimony was heard on November 12, 2013, including but not limited to:

Tami Stroud, City Planner.

Planner Stroud presented the staff report indicating that the developer is requesting preliminary plat approval for a 17 lot single family subdivision within the Bellerive PUD. Additionally, the developer is seeking to modify the PUD to allow the 17 lot subdivision (in place of 100 multi-family units from the formerly proposed Riverfront Lodge lot) and to remove the condition requiring the developer to construct and connect Lakewood Drive. She noted that the Comprehensive Plan designation is stable established within the Spokane River Corridor. She indicated that the proposed amendments

are consistent with the existing mixed use characteristic of the area. She indicated that the developer will be required to complete the river boardwalk to meet the open space requirements. She also stated that the preliminary plat requirements have been met and that utilities in the area are adequate and the proposed lots conform to the requirements of the zoning district. She indicated that with the reduction of density, the requirement for the construction of Lakewood Drive is not necessary at this point and that the secondary emergency access for the fire department will be provided via improvements to the Centennial Trail.

Warren Wilson, Deputy City Attorney.

Mr. Wilson explained that the emergency secondary access point required by the Fire Code is being provided by improvements to the Centennial Trail, subject to approval of the Fire Department. A second road access at Lakewood and/or Lacrosse may get connected at some future point when conditions warrant but that the Engineering Department was comfortable that given the significant drop in density in the development those connections are not necessary at this point. She also explained that the boardwalk access is required to be constructed and if the developer cannot get approval of the Department of Lands to place them on the water then it would need to be constructed within the PUD area.

Cliff Mort, Applicant.

Mr. Mort testified that the design of the original PUD was for a lodge and because of the economy the piece of property was reevaluated. He added that the economy today indicates that instead of a lodge this piece of property is better suited for single family homes and that the number of homes would be decreased from 100 units with the original PUD to 17 single family homes. He stated that they intend to finish the boardwalk and will work with the Idaho Department of Lands to address concerns that have with the placement of the boardwalk once the construction process begins. He explained that the connection of Lakewood Drive will not be needed after a meeting with the Fire Department who stated that they could use a portion of the Centennial Trail to access these properties in case of an emergency. He also explained that the trail is maintained in the winter.

Drew Dittman, Applicant's Engineer.

Mr. Dittman answered that they agree with staffs decision to omit the completion of Lakewood Drive for now since the Fire Department has away to access the property without having that connection. Mr. Dittman stated that there are other ways to access the Centennial Trail such as the city park located next to the trail.

Scott Cranston, City Parks and Recreation Committee Chairman.

Scott Cranston, Chairman of the Parks and Recreation Committee stated that the committee is

nearing the completion of a master plan for the 29 acre BLM property adjacent to the development, which will hopefully allow for the property to be developed by the City (under a lease from the BLM) as a recreation area for the city. In planning for the BLM property it will be necessary for Lakewood Drive to be developed as an access point to the property.

Brian Jorgensen.

Brian Jorgensen testified that he and his partners own 4 lots adjacent to this property that they will be working with the developer to implement the boardwalk.

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** in conformance with the Comprehensive Plan. This is based upon the following policies:

As discussed in the staff report this area is classified in the Comprehensive Plan as a stable established area within the Spokane River District. The plan contemplates that the Spokane River District will be a mixed use area with both commercial and residential uses. Access to the river should also be preserved. The proposed amendment contemplates a 17 lot residential development that is consistent with this goal in both density and preserving access to the river. As such, we find that this requirement is met.

B8B. The design and planning of the site **is** compatible with the location, setting and existing uses on adjacent properties.

The proposed amendment to the PUD would significantly reduce the density of the development. However, this reduction is consistent with the surrounding developed areas within the PUD where the bulk of the development along the Spokane River has been developed with similar types of buildings. The proposal does not make any additional changes to the PUD that would effect its compatibility with surrounding uses, as such; we find that this requirement has been satisfied.

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

The staff report indicates that the topography of the site is relatively flat and has been graded to create building pads. Given the significant reduction in density, we find that the proposal is compatible with the natural features of the site and that any negative impact is lessened by the density decrease.

B8D The location, design, and size of the proposal are such that the development **will be** adequately served by existing streets, public facilities and services.

Based on the staff report, we find that there is adequate infrastructure to serve this area with water, sewer. Additionally, based on the staff report and the testimony of Tami Stroud, Warren Wilson and Drew Dittman, we find that the required emergency secondary access for the fire department can be provided by the existing streets and trail network. Finally, given the reduction in density contemplated by this application, we find that the staff report and the testimony from Cliff Mort and Drew Dittman establishes that the existing street network provides sufficient vehicular access to the property without developing Lakewood Drive.

B8E The proposal **does** provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

The staff report indicates that the PUD provides the required 10% open space. Additionally, the developer testified that they will be completing the boardwalk along the river that will allow for public access. Given that we find that this requirement is met.

B8F Off-street parking **does** provide parking sufficient for users of the development.

The proposed revision to the PUD significantly reduces the density of the development and as such reduces the parking necessary to meet the needs of the development. City code requires that parking be provided with each single family home, as such we find that this requirement has been satisfied.

B8G That the proposal **does** provide for an acceptable method for the perpetual maintenance of all common property.

The proposed amendments to the approved PUD do not change the established requirement for establishing an owner's association to maintain the common property. As such, we find that this

requirement is satisfied.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **RIVERSTONE DEVELOPMENT, LLC** for approval for the planned unit development, as described in the application should be **approved**.

Special conditions applied 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 Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a _____ to _____ vote.

CHAIRMAN BRAD JORDAN

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

A. INTRODUCTION

This matter having come before the Planning Commission on November 12, 2013, and there being present a person requesting approval of ITEM S-4-05.m: a request for preliminary plat approval of "Bellerive Fourth Addition" a 17-lot subdivision in the C-17PUD (Commercial at 17 units/acre Planned Unit Development) zoning district.

APPLICANT: Riverstone Waterfront, LLC

LOCATION: +/- 6.6 - acre parcel between the Burlington Northern Railroad and Spokane River

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential - single-family, multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17PUD.
- B4. That the notice of public hearing was published on, October 26, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on, October 28, 2013, which fulfills the proper legal requirement.
- B6. That 149 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on October 25, 2013.
- B7. That public testimony was heard on November 12, 2013, including but not limited to:

Tami Stroud, City Planner.

Planner Stroud presented the staff report indicating that the developer is requesting preliminary plat approval for a 17 lot single family subdivision within the Bellerive PUD. Additionally, the developer is seeking to modify the PUD to allow the 17 lot subdivision (in place of 100 multi-family units from the formerly proposed Riverfront Lodge lot) and to remove the condition requiring the developer to construct and connect Lakewood Drive. She noted that the Comprehensive Plan designation is stable established within the Spokane River Corridor. She indicated that the

proposed amendments are consistent with the existing mixed use characteristic of the area. She indicated that the developer will be required to complete the river boardwalk to meet the open space requirements. She also stated that the preliminary plat requirements have been met and that utilities in the area are adequate and the proposed lots conform to the requirements of the zoning district. She indicated that with the reduction of density, the requirement for the construction of Lakewood Drive is not necessary at this point and that the secondary emergency access for the fire department will be provided via improvements to the Centennial Trail.

Warren Wilson, Deputy City Attorney.

Mr. Wilson explained that the emergency secondary access point required by the Fire Code is being provided by improvements to the Centennial Trail, subject to approval of the Fire Department. A second road access at Lakewood and/or Lacrosse may get connected at some future point when conditions warrant but that the Engineering Department was comfortable that given the significant drop in density in the development those connections are not necessary at this point. She also explained that the boardwalk access is required to be constructed and if the developer cannot get approval of the Department of Lands to place them on the water then it would need to be constructed within the PUD area.

Cliff Mort, Applicant.

Mr. Mort testified that the design of the original PUD was for a lodge and because of the economy the piece of property was reevaluated. He added that the economy today indicates that instead of a lodge this piece of property is better suited for single family homes and that the number of homes would be decreased from 100 units with the original PUD to 17 single family homes. He stated that they intend to finish the boardwalk and will work with the Idaho Department of Lands to address concerns that have with the placement of the boardwalk once the construction process begins. He explained that the connection of Lakewood Drive will not be needed after a meeting with the Fire Department who stated that they could use a portion of the Centennial Trail to access these properties in case of an emergency. He also explained that the trail is maintained in the winter.

Drew Dittman, Applicant's Engineer.

Mr. Dittman answered that they agree with staffs decision to omit the completion of Lakewood Drive for now since the Fire Department has away to access the property without having that connection. Mr. Dittman stated that there are other ways to access the Centennial Trail such as the city park located next to the trail.

Scott Cranston, City Parks and Recreation Committee Chairman.

Scott Cranston, Chairman of the Parks and Recreation Committee stated that the committee is nearing the completion of a master plan for the 29 acre BLM property adjacent to the development, which will hopefully allow for the property to be developed by the City (under a lease from the BLM) as a recreation area for the city. In planning for the BLM property it will be necessary for Lakewood Drive to be developed as an access point to the property.

Brian Jorgensen.

Brian Jorgensen testified that he and his partners own 4 lots adjacent to this property that they will be working with the developer to implement the boardwalk.

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** been met as attested to by the City Engineer.

Based on the staff report we find that all of the general preliminary plat requirements have been met.

B8B. That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities **are** adequate.

Based on the staff report, we find that there is adequate infrastructure to serve this area. Specifically, based on the staff report and the testimony of Tami Stroud, Warren Wilson and Drew Dittman, we find that the required emergency secondary access for the fire department can be provided by the existing streets and trail network. Finally, given the reduction in density contemplated by this application, we find that the staff report and the testimony from Cliff Mort and Drew Dittman establishes that the existing street network provides sufficient vehicular access to the property without developing Lakewood Drive.

B8C. That the preliminary plat **is** in conformance with the Comprehensive Plan as follows:

As discussed in the staff report this area is classified in the Comprehensive Plan as a stable established area within the Spokane River District. The plan contemplates that the Spokane River District will be a mixed use area with both commercial and residential uses. Access to the river

should also be preserved. The proposed amendment contemplates a 17 lot residential development that is consistent with this goal in both density and preserving access to the river. As such, we find that this requirement is met.

B8D. That the public interest **will** be served based on

As discussed above, the request meets the goals of the Comprehensive Plan for this area and it will provide for increased public access along the Spokane River, as such we find that this requirement is satisfied.

B8E. That all of the required engineering elements of the preliminary plat **have** been met, as attested to by the City Engineer.

Based on the staff report, we find that this requirement has been met.

B8F That the lots proposed in the preliminary plat **do** meet the requirements of the applicable zoning district for the following reasons:

Residential uses are allowed in the PUD and the underlying C-17 zoning district at densities of up to 17 units per acre. The proposed subdivision does not exceed this density. As such, we find that this requirement has been met.

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

The proposed amendment to the PUD would significantly reduce the density of the development. However, this reduction is consistent with the surrounding developed areas within the PUD where the bulk of the development along the Spokane River has been developed with similar types of buildings. The proposal does not make any additional changes to the PUD that would effect its compatibility with surrounding uses, as such; we find that this requirement has been satisfied.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **RIVERSTONE WATERFRONT, LLC** for preliminary plat of approval as described in the application should be **approved**

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Special conditions applied to the motion are:

ENGINEERING:

1. Relocation of the stormwater outfall will require that all agency approvals, permits, permit fees, design, materials and construction of the relocated line will be the responsibility of the developer. No costs for the relocation will be borne by the City.
2. Upon relocation, the developer will be required to dedicate an easement twenty feet (20') in width over the stormwater outfall line. Said easement will be required to allow unlimited access to the line for installation, operation and maintenance. No fencing or other structural improvements not related to the function of the outfall line will be allowed to be constructed within the easement.

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 Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

PLANNING COMMISSION

STAFF REPORT

DATE: December 10, 2013
FROM: Gordon Dobler, Engineering Services Director
SUBJECT: Subdivision Ordinance Revisions

DECISION POINT

Staff is requesting approval of the proposed revisions to the subdivision ordinance

HISTORY

Staff has recently completed a complete review of the existing subdivision ordinance and is recommending many revisions. These changes are intended to reflect inadequacies or provisions that continually receive deviations or variances during the subdivision process. Workshops were held with the commission earlier this year to review the changes. The following is a summary of the more significant changes.

Revisions to Street and Right-of-Way widths. Staff is recommending major revisions to these categories in order to reduce or eliminate requests for variances or deviations through PUD's. The proposed widths reflect what has been approved through PUD's or deviations. Also, these provisions do not allow for private streets, even through PUD's.

Revisions to Landscape Buffer requirements. These revisions are intended to correct some deficiencies in the current ordinance.

Addition of a section for Boundary Line Adjustments. The current ordinance does not specifically address BLA's. This revision provides specific recommendations.

Revisions to the Short Plat Process. Based on comments from the workshop, staff is recommending revisions that would include noticing requirements, approval by a hearing officer, and an appeal process. Short plats would no longer be heard by the Planning Commission, resulting in an expedited process.

Chapter 16.04 GENERAL PROVISIONS

16.04.010: TITLE:

The ordinance codified in this title shall be known and be cited as the ~~PLATS AND SUBDIVISION ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.~~

16.04.015: PURPOSE OF THE SUBDIVISION ORDINANCE:

The purpose of the subdivision ordinance is to prescribe the procedures by which:

A. A plat is required when a parcel of land is divided into two (2) or more lots, tracts, or parcels for the purpose (whether immediate or future) of transfer of ownership ~~or for building development~~ except as noted herein.

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B. Divisions are made for condominium [or townhome](#) ownership purposes as defined herein.

C. Proper provisions for ~~sidewalks, streets and roads~~ [public infrastructure](#), including location, design and construction, are made.

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D. Proper provisions for ~~park land and~~ pedestrian/bike trail layout, location, size and accessibility are made.

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E. These regulations shall not apply to the following divisions of land:

~~1. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots in any block of the recorded plat.~~

~~2. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.~~

~~3. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.~~

~~4. The acquisition of street rights of way by a public agency.~~

~~5. Divisions made for cemeteries or burial plots while used for that purpose.~~

1. The acquisition of street rights of way by a public agency, either by negotiation or as a result of legal condemnation.

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16.04.020: APPLICABILITY OF SUBDIVISION ORDINANCE:

- A. The subdivision ordinance shall apply, in conformance with the Idaho Code, to all divisions of property when said property is located within the city and to all divisions of property when said property is located either within one mile of the boundaries of the city as provided for in Idaho Code section 50-1306, or as authorized by law within any area of city impact adopted pursuant to Idaho Code section 67-6526.
- B. There are three- (3) types of plats provided for within these regulations. They are:
1. Short plats;
 2. Condominium plats; and
 3. Regular plats.

The procedures used in administering these types of plats are contained herein.

16.04.025: ADMINISTRATION:

The subdivision ordinance is administered by the planning department. All plats shall be received and processed by the ~~planning director~~ Planning Director or his designee. All plats shall be reviewed by the appropriate department for compliance with the technical standards set forth herein.

16.04.030: APPLICATION:

- A. All plats must be accompanied by the appropriate application form, number of plats, and the fee.
- B. When a plat is submitted for review only, a minimum of ~~two four (24)~~ prints ~~is~~ are required. Upon completion of corrections or for the purpose of submittal for public hearings, a sufficient number of copies of the plat (but in any case at least 4) shall be submitted to the city.

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16.04.035: FINAL APPROVAL REQUIRED BEFORE RECORDING OF PLAT OR MAP:

No map, plat, replat or plan of a subdivision subject to the provisions of this title shall be

recorded or received for recording in any public office unless or until that map, plat, re-plat or plan has been approved by the ~~city surveyor~~City Engineer and shall bear the certificate of final approval signed by the ~~city engineer~~City Engineer and the ~~city clerk~~City Clerk as required by Idaho Code section 50-1308. (Ord. 2466 §6, 1992: prior code §4-10-6(G))

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16.04.040: APPEAL; PLANNING COMMISSION REVIEW:

Appeal to the planning commission concerning interpretation, administration or the intent of this title may be taken by any person aggrieved. Such appeals shall be submitted in writing to the ~~city engineer~~ Planning Director and the commission, specifying in writing the grounds for the appeal. The commission shall review the appeal at the first available meeting allowing time for staff review and input on the request. The commission shall interpret the provisions of this title in such a way as to carry out their intent and purpose.

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16.04.050: APPEAL; ALTERNATE REVIEW BY CITY COUNCIL:

A planning commission decision shall be final unless the applicant, or any aggrieved person, files written notice of appeal to the city council, together with such fees as are required by this title. Such appeal shall be filed with the ~~city clerk~~City Clerk within ten (10) days of the decision by the planning commission. Upon receiving notice of appeal, the council shall set a date for a public hearing on the subject, and shall inform all parties entitled to notice on the original petition. Thereupon, the secretary of the planning commission shall transmit to the council, all papers constituting the record upon which the original action was taken, and in addition thereto, the council may, at this hearing, receive additional evidence as it deems relevant. Upon due hearing, the council shall have the power to overrule or alter any such ruling of the planning commission, based on written findings of fact and conclusions. The hearing shall be held within thirty (30) days of receipt of the notice of appeal by the ~~city clerk~~City Clerk.

~~16.04.060: MODIFICATION OF APPROVED SUBDIVISION PLATS:~~

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~~Subdivision plats, including condominium plats, shall be amended as required by law, which shall include, but not necessarily be limited to, replatting, lot line adjustments, the vacation procedures of Idaho Code title 50, chapter 13.~~

Chapter 16.08 DEFINITIONS

16.08.010: GENERALLY:

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter, unless their context clearly indicates that they are intended to have some other meaning.

Words used in the present tense include the future; the plural includes the singular; the words "must", "shall" or "will" ~~are~~ is always mandatory; the word "may" denotes a use of discretion in making a decision; and the words "used" or "occupied" shall be considered to be followed by the words "or intended, arranged, or designed to be used or occupied".

16.08.020: ALLEY:

~~"Alley" means a passage or way, open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for the general traffic circulation.~~

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16.08.030: BLOCK:

"Block" means a parcel of land bounded on all sides by street rights of way, railroad rights of way, waterways, parks, unsubdivided acreage, or a combination thereof.

16.08.035: CITY ENGINEER:

~~"City engineer"~~City Engineer shall be the person qualified to practice engineering and registered by the state of Idaho, employed by the city of Coeur d'Alene, for the position of city engineerCity Engineer or his designated representative.

~~"City surveyor" shall be the city engineer or his designated representative.~~

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16.08.040: COMMISSION:

"Commission" means the Coeur d'Alene city planning commission.

16.08.050: COMPREHENSIVE PLAN:

"Comprehensive plan" means that plan adopted by the city council as the comprehensive plan for the city.

16.08.055: CONDOMINIUM:

~~A "condominium" is an estate consisting of: a) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with b) a separate interest in real property, in an interest or interests in real property, or in any combination thereof.~~

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"Condominium" has the same meaning as that provided by Idaho Code Section 55-101B and generally means an estate consisting of individual ownership of units together with common ownership of the underlying land and other common areas.

16.08.060: CUL-DE-SAC:

"Cul-de-sac" means a street opening at one end and having a turnaround at the other end.

16.08.070: DEDICATION:

"Dedication" means the deliberate appropriation of land by its owner for any ~~general~~ private or public use, reserving unto himself no other right than such as are compatible with the full exercise and enjoyment of the ~~public~~ uses to which the property has been appropriated. Dedications shall take effect only upon recordation of the approved plat and acceptance by the city council.

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16.08.080: DEVELOPER:

For the definition of "developer", see section 16.08.230 of this chapter.

16.08.085: DRIVEWAY:

"Driveway" or "Private Driveway" means a vehicular access to a lot or lots, located on privately owned property such as a lot or tract.

16.08.090: EASEMENT:

"Easement" means a grant by a property owner to ~~the public~~ a separate party of the right to use that property for a specific use. Easements ~~in favor of the City created on a plat~~ shall take effect only upon recordation of the approved plat and acceptance by the city council.

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16.08.100: FINAL PLAT:

"Final plat" means the plan of a plat, subdivision or dedication, or any portions thereof,

prepared for filing for record with the county recorder and containing those elements and requirements as set forth for final plats in this title.

16.08.110: LOT:

"Lot" means a portion of a plat or subdivision to be transferred or developed as a single unit. ~~This term shall include tracts or parcels.~~ Each unit created for condominium ownership purposes shall be considered as a lot.

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16.08.120: LOT, DOUBLE FRONTAGE:

"Double frontage lot" means a lot with street frontage along two (2) opposite boundaries.

16.080125: LOT GRADING

"Lot grading" shall mean any change to the existing topography of a lot.

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16.08.130: LOT, REVERSE FRONTAGE:

"Reverse frontage lot" means a double frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line, and over the rear of which is an easement as provided in section 16.20.450 ~~240~~ of this title. The rear lot line of the lot shall be that boundary abutting ~~a traffic artery~~ an arterial or collector street or other disadvantageous use.

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~~**16.08.133: PHASED CONDOMINIUM SUBDIVISIONS:**~~

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~~A "phased condominium subdivision" is a condominium subdivision where the developer wishes to construct individual structures at different times and in the order shown on the plat document.~~

16.08.135: PLANNING DIRECTOR:

(Rep. by Ord. 3025 §5, 2001: Ord. 2934 §46, 1999: Ord. 1669 §1(part), 1981)

16.08.140: PLAT OR SUBDIVISION:

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~~"Plat" or "subdivision" means an area of land which has been divided into two (2) or more lots, tracts, parcels or divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development, including all designations in~~

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~~street line, alley line, public area boundaries, lot lines, easement, rights of way, pavement width, curb lines, location and size of utilities, location and size of land areas to be dedicated. This definition shall include divisions made for condominium purposes.~~

The drawing, map or plan of a subdivision, cemetery, town site or other tract of land, or a replatting of such, including certifications, descriptions and approvals.

16.08.150: PLAT, ~~REGULAR:~~

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"Regular plat" refers to a division of land which produces more than four (4) lots, or which contains a dedication for a new public right of way, or which produces at least two (2) lots neither of which meet the minimum frontage requirements of title 17 of this code.

16.08.155: PLAT, SHORT:

"Short plat" refers to a division of land which produces four (4) or fewer lots, and which contains no dedication of a new public right of way, except that existing right of way may be widened within a short plat.

16.08.157: PLAT, CONDOMINIUM:

"Condominium plat" refers to a division of units in a structure or structures for condominium ownership purposes without a subdivision of the land upon which the structure or structures sit.

16.08.160: PRELIMINARY PLAT:

"Preliminary plat" means a ~~neat and approximate~~ drawing of the proposed layout of streets, blocks, lots and other elements of a plat or subdivision which shall furnish a basis for the commission's approval or disapproval of the general layout of the plat or subdivision.

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16.08.165: RIGHT OF WAY:

"~~Right of way~~Right-of-way" means a portion of property reserved for public use and accepted for such by the city council, to provide circulation and travel to abutting properties, and including, but not limited to, streets, sidewalks, provision for public utilities, and appurtenant cut and fill slopes, ~~and public open space.~~

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16.08.180: STREET OR ROADWAY:

"Street or roadway" means that portion of a ~~right of way~~right-of-way improved and

maintained and intended for use by vehicles to provide traffic circulation, primary access to abutting properties, and parking. This definition includes all of the area typically located between curbs.

~~16.08.190: STREET, LOOP:~~

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~~"Loop street" means a minor street of limited length which generally follows a "U" alignment with both legs intercepting the same street.~~

~~16.08.200: STREET, MAJOR ARTERIAL OR COLLECTOR:~~

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~~"Major street"-"Arterial or Collector Street" means a street primarily for fast through and heavy traffic, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. Major streets Arterial and Collector streets are identified by having either a "federal aid" designation or by being adopted as such by the city council in the approved transportation plan.~~

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~~16.08.210: STREET, MARGINAL ACCESS:~~

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~~"Marginal access street" means a minor street which is generally parallel and adjacent to a limited access or major street or railroad right of way and which provides access to abutting property and protection from through traffic.~~

~~16.08.220: STREET, MINOR LOCAL:~~

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~~"Minor street Local Street" means a street usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only.~~

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16.08.230: SUBDIVIDER OR DEVELOPER:

"Subdivider" or "developer" means any person, firm or corporation undertaking the subdividing or resubdividing of a lot, block or other parcel of land.

16.08.232: SUBDIVISION

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"Subdivision" means an area of land which has been divided into lot(s), or tracts, parcels or divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. This definition shall include divisions made for condominium purpose.

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16.08.234: TOWNHOUSE

Two or more single family residences connected by a common wall, with each unit situated on its own individual lot and there is sole ownership of the lot and the structure.

16.08.236: TRACTS

"Tract" means a non-buildable lot reserved for open space, private driveways, landscaping, common ownership, or other related uses.

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16.08.240: ZONING RESTRICTIONS:

"Zoning restrictions" means the restrictions contained in the zoning ordinances of the city codified in title 17 of this code.

Chapter 16.10 PROCEDURES

16.10.010: TITLE AND PURPOSE:

The provisions of this chapter shall be known as the *PROCEDURES*. The purpose of these provisions is to provide procedures for administering and amending the subdivision ordinance¹.

16.10.015: FEES:

A. Establishment ~~Of~~ Fees: Fees for the consideration of material submitted pursuant to the requirements of this title shall be recommended by the ~~planning director~~ Planning Director and approved by resolution of the city council.

B. Waiver ~~Of~~ Fees: Fees shall be waived as specified below:

1. Public Agency: No fee shall be charged for an application filed by any city, county, district, state, federal or agency thereof.
2. Renewals: No fee shall be charged for an application to extend a termination date prescribed as a condition of an approval which has been granted and

which has not expired; provided, that no substantial change in plans or other condition of approval is proposed.

3. Amendment ~~Of~~ Approved Subdivision: No per lot fee shall be charged for an application to modify or amend an approved subdivision plan so long as the subdivider has previously paid the currently required per lot application fee and the fee has not been expended for its intended purpose. If the amount of the required per lot fee increases in the interim between the date that the developer pays the fee and the date that the developer submits an application to modify or amend the approved subdivision, the developer shall pay the difference between the amount previously paid and the current per lot fee unless the fee has been expended for its intended purpose, in which case the developer will pay the full per lot fee.
4. Reapplication: The ~~planning director~~ Planning Director may, in his or her discretion, waive all or part of an application fee for an application that was submitted and denied without prejudice within the previous year.

C. Refund ~~Of~~ Fee: The ~~planning director~~ Planning Director may refund an application fee in whole upon a determination that the application was erroneously required or filed.

16.10.020: MAPS; ADDITIONAL INFORMATION; FILING DATE:

A. Every subdivider who seeks preliminary approval of a plat, ~~including short plats with improvements,~~ within the city limits or within one mile outside the city limits shall meet with city staff, including, but not limited to, a representative of the planning department, engineering, parks department and the city's utilities, at least six (6) weeks prior to submission of the plat. The purpose of this meeting is to discuss informally the purpose and effect of the subdivision ordinance, and the criteria and standards contained therein, parks and open space development and connectivity to the city's parks and trail system, the provision of city utility services, and to familiarize the subdivider with the comprehensive plan, the parks master plan, the zoning ordinance², and the subdivision ordinance.

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Subdividers of ~~short plats and~~ condominium plats are required only to meet with staff prior to application submission. The ~~planning director~~ Planning Director, after consulting with affected departments, may allow for application submission for other plats prior to the six (6) week deadline in cases where adequate discussion of city criteria and standards have taken place.

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B. Submission of the plat application shall be on a form prescribed by the ~~planning director~~ Planning Director, and the application shall be filed with the ~~planning director~~ Planning Director. The application shall be notarized and accompanied by the following:

1. ~~Five (5)~~ Four (4) copies of the tentative proposed preliminary plat, together with one reduced scale map in an eight and one-half inch by eleven inch (8¹/₂" x 11") format;
2. One vicinity sketch;
3. ~~An ownership list~~ A current title report (within 30 days of the application date);
4. A list of easement holders of record for the subject property, together with a title report showing easements and encumbrances prepared by a title insurance company;
5. The required fee.
- ~~5-6.~~ An ownership list

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The ownership list shall be prepared by a person or entity with appropriate expertise in the preparation of ownership lists, including a title company, or shall be obtained through the county assessor's office, and shall list the boundaries of the property described in the application, using the last known name and address of such owners as shown on the latest adopted tax roll of the county. Such preparer shall append proof of insurance insuring the public and the city against damages from claims that may arise in the event the list is inaccurate, such insurance to be in an amount not less than the amount set forth in Idaho Code section 6-926. The list will identify property owners within the subject property and within a radius of three hundred feet (300') from the external boundaries of the property described in the application.

C. The completed application must be received by the ~~planning director~~ Planning Director not later than the first working day of the month preceding the next regular planning commission meeting at which this item may be heard (approximately 6 weeks prior to the hearing). Acceptance or rejection of the application by the ~~city engineer~~ Planning Director, and notification of the applicant, shall occur within two (2) weeks of submittal.

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D. The completed application shall be accepted for processing as of the date when all maps and information required by this title have been filed, checked and accepted as completed by the ~~city engineer~~ Planning Director and the required fees paid.

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E. Notice of the required public hearing shall contain a description of the property or properties under consideration, a summary of the request, the time and place of the hearing, and any other pertinent information. Such notice need be given by publication in a newspaper of general circulation in the county, and by mailing a notice not less than fifteen (15) days prior to the date of the hearing to the owners of property listed. When notice is required to two hundred (200) or more property owners, notice shall be given by publication only.

16.10.030: PLANNING COMMISSION ACTION:

The commission shall, after notice, hold a public hearing to consider the proposal and render a decision.

A. Findings Required:

1. Preliminary Plats: In order to approve a preliminary plat, the commission must make the following findings:
 - a. All of the general preliminary plat requirements, as set forth in 16.12.020, have been met as attested to by the ~~city engineer~~City Engineer;
 - b. The provisions for sidewalks, streets, alleys, rights of way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities and utilities are adequate;
 - c. The preliminary plat is in conformance with the comprehensive plan;
 - d. The public interest will be served;
 - e. All of the required engineering elements of the preliminary plat have been met as attested to by the ~~city engineer~~City Engineer;
 - f. The lots proposed in the preliminary plat meet the requirements of the applicable zoning district.

B. Decisions: The commission may recommend approval or conditional approval, deny or deny without prejudice, or may defer action until necessary studies and plans have been completed. In case of approval, denial or denial without prejudice, a copy of the commission's decision shall be mailed to the applicant and property owners who received mailed notice of the public hearing; and, notice of the decision shall be published in the official newspaper within ten (10) days of the decision. The approval of the preliminary plat shall not guarantee final approval of the plat or subdivision, and shall not constitute an acceptance of the subdivision, but shall be deemed to authorize the subdivider to proceed with the preparation of the final plat in a manner that incorporates all substantive requirements of the approved preliminary plat.

C. Conditional Approval ~~And Extension Request~~: The planning commission may grant conditional approval of a preliminary plat. ~~Preliminary plat approval, whether conditional or not, shall be effective for twelve (12) months from the date of planning commission approval. An extension of approval beyond this twelve (12) month period may be requested in writing and submitted to the planning director not less than twenty one (21) days prior to the date of the next regular planning commission meeting. The planning commission may extend its approval for two (2) additional six (6) month periods upon the finding that the preliminary plat complies with all of the requirements set forth at the time of approval. The request for each extension shall be accompanied by the required fee.~~ Preliminary plat approval, whether conditional or not, shall be effective for twelve (12) months from the date of planning commission approval. The planning commission, upon written request, may grant up to five (5) extensions of twelve (12) months each upon a finding that the preliminary

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plat complies with current development requirements and all applicable conditions of approval. The planning commission may modify and/or add conditions to the final plat to ensure conformity with adopted policies and/or ordinance changes that have occurred since the initial approval. A request for an extension of a preliminary plat approval must be received by the Planning Director no later than 90 days after the date that the approval lapsed and must be accompanied by the required fee

16.10.040: FINAL PLAT PROCEDURE:

(Rep. by Ord. 2638 §1, 1994: Ord. 2613 §3, 1994: Ord. 2466 §14, 1992)

16.10.041: FILING MULTIPLE FINAL ~~MAPS~~PLATS; PHASED SUBDIVISIONS:

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A. Multiple final ~~maps~~plats may be filed for an approved preliminary plat prior to its expiration, if the proposed phasing plan was shown on the preliminary plat and approved by the Planning Commission. ~~following conditions have been met:~~

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- ~~1. The planning director and the city engineer shall review and approve the proposed phasing.~~
- ~~2. Proposed phasing shall be shown on the approved preliminary plat.~~

B. Preliminary plat approval, whether conditional or not, shall be effective for twelve (12) months from the date of planning commission approval until final plat approval for the first phase. Thereafter, the preliminary plat approval shall continue to be effective for twelve (12) months, beginning with the date of recordation of the final plat for the preceding phase of the development. ~~The planning commission may extend its approval of the preliminary plat for any phase of the development for two (2) additional six (6) month periods upon the finding that the preliminary plat complies with all the requirements set forth at the time of approval. The request for each extension shall be accompanied by the required fee.~~ The planning commission, upon written request, may grant up to five (5) extensions of twelve (12) months each upon a finding that the preliminary plat complies with current development requirements and all applicable conditions of approval. The planning commission may modify and/or add conditions to the final plat to ensure conformity with adopted policies and/or ordinance changes that have occurred since the initial approval. A request for an extension of a preliminary plat approval must be received by the Planning Director no later than 90 days after the date that the approval lapsed and must be accompanied by the required fee

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16.10.045: REVIEW; ~~FIELD INSPECTION~~; APPROVAL OR DENIAL BY CITY ENGINEER:

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A. Upon receipt and acceptance of the final plat the ~~planning director~~ Planning Director, acting for the commission and city council, shall deliver the plat to the ~~city engineer~~ City Engineer for his review.

B. ~~If conditions so warrant, the city engineer may cause a field inspection to be made. The cost of such inspection at prevailing rates shall be charged the applicant in addition to the required fees and shall be paid before final approval of the plat is given by the city council. If the city engineer approves the plat, he shall so state in a report to the city clerk. If he does not approve the plat, he shall state in writing the specific reasons and return the plat to the subdivider for the corrections or changes necessary to comply with the city engineer's objections. Thereafter, the subdivider may resubmit the final plat without paying an additional fee. Upon receipt of a request for final plat approval, the City Engineer shall check the plat for completion, including, but not limited to, the plat map, certificates/dedications, conformity with the approved preliminary plat, installation of all required improvements depicted on the preliminary plat, form of bonding or acceptance of improvements and compliance with conditions required by the Planning Commission.~~

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C. The ~~city engineer~~ City Engineer shall approve ~~and affix his certificate of approval on~~ the plat if he finds:

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1. The plat is accurate and correct in all details;

~~4.2.~~ The proposed final plat is the same as the approved preliminary plat in all substantive respects;

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~~4.3.~~ All certificates, dedications, and deed restrictions required for final plat documents have been provided;

~~2.4.~~ All improvements depicted on the preliminary plat including improvements to streets such as curbing, grading of ~~right of way~~ right-of-way, placing base material, surfacing of either bituminous concrete or Portland cement concrete paving, sanitary facilities, sidewalks, pedestrian and bicycle facilities, stormwater drainage facilities, lot grading, and water system have been made or adequate bonding or other security arrangements have been made ~~to assure that such improvements will be made~~ and the form of security has been approved by the City Attorney;

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~~3.5.~~ The proposed subdivision will not interfere with the future development of any remaining property under the same ownership or of any adjacent property;

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~~4.6.~~ Adequate access, including pedestrian and bicycle access, is available for the proposed subdivision and any possible future development;

~~5.7.~~ The ~~The~~ Planning Director has determined that the lots conform to the requirements of the zoning ordinance in title 17 of this code ~~and any~~

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~~comprehensive plan adopted by the city for the area under consideration, or have plans adopted by the city for the area under consideration, or have~~ met the requirements for granting of deviations as authorized by chapter 16.32 of this title.

16.10.050: FORWARDING OF RECOMMENDATION:

The ~~city engineer~~City Engineer shall forward a recommendation to the city council for ~~appropriate action on~~ approval of the final plat only after he or she determines that all of the requirements of subsection 16.10.045_C of this chapter have been met and all public improvements have been constructed or a public improvement agreement has been approved by the city council and signed by the parties. Conditionally approved final plats shall not be presented to the city council until all conditions placed by the commission have either been met, or appropriately provided for, or successfully appealed to the council.

16.10.060: CITY COUNCIL ACTION:

~~A. Request For Final Plat Approval: Upon receipt of a request for final plat approval, the city engineer shall check the plat for completion, including, but not limited to, the plat map, certificates/dedications, conformity with the approved preliminary plat, installation of all public improvements depicted on the preliminary plat, form of bonding or acceptance of improvements and compliance with conditions required by the planning commission. If the information is complete and accurate and if the proposed final plat is the same as the approved preliminary plat in all substantive respects, the city engineer shall accept the plat and forward it to the city clerk for placement on the next available council agenda.~~

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~~B. Findings Required: In order to approve the final plat, the city council must make the following findings:~~

- ~~1. All of the required information for final plats has been provided as attested to by the city engineer;~~
- ~~2. All of the required data for final plats has been provided as attested to by the city engineer;~~
- ~~3. All certificates, dedications, and deed restrictions required for final plat documents have been provided as required by the city clerk;~~
- ~~4. The city engineer approves of the final plat pursuant to subsection 16.10.045C of this chapter;~~
- ~~5. The proposed final plat is the same as the approved preliminary plat in all substantive respects as attested to by the city engineer;~~
- ~~6. The traffic impact development ordinance or other like ordinances have been appropriately applied; and~~

7. ~~The form of security has been approved by the city attorney.~~

16.10.070: MODIFICATION:

The final plat, subdivision, or dedication shall be approved, disapproved, or returned to the subdivider for modification or correction within sixty (60) days from the date of filing or refiling thereof unless the subdivider in the meantime has filed written consent for a longer period in which the council may act. If the council has not taken any action on the plat within the sixty (60) day period, the plat shall be deemed to be denied.

16.10.080: APPROVAL:

Upon approval by the city council, the city engineer shall sign the plat, provided that the required public improvements or bond therefor have been accepted.

16.10.090: RECORDATION:

After approval by the council, the City Engineer and the City Clerk shall sign the final plat, in accordance with Idaho code 50-1308, shall be filed with The City Engineer shall forward the signed plat to the county recorder for recordation and thereafter shall be known as an authorized plat, subdivision or dedication of land. In addition to filing the original copy with the county recorder, and other copies required by the county, the subdivider shall file with provide the city these copies required by section 16.04.030 of this title with a copy of the plat as recorded with the county recorder. The final plat must be recorded prior to issuance of any building permits in the subdivision

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Chapter 16.12 PRELIMINARY AND FINAL PLATS

16.12.010: TITLE AND PURPOSE:

The provisions of this chapter shall be known as the *STANDARDS FOR PLAT DOCUMENTS*. The purpose of these provisions is to set forth the technical standards for plat documents.

16.12.020: GENERAL REQUIREMENTS FOR PRELIMINARY PLATS:

The preliminary plat shall include the following:

A. The proposed name of the subdivision. Names shall not too closely resemble those of existing subdivisions, nor shall given names or initials be used with surnames in a plat name;

B. The location of boundary lines in relation to section, quarter-section, and quarter-quarter-section lines and any adjacent corporate boundaries of the city which are part of the legal description of the property;

C. The names and addresses of the subdivider, owner and all lienholders, and the engineer, surveyor, ~~landscape architect~~ or other person making the plat;

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D. The scale of the plat, which shall not be less than fifty feet to one inch (50' = 1") nor more than one hundred feet to one inch (100' = 1");

E. The date of submission and the north arrow;

F. The location, width and name, ~~if any~~, of each existing or proposed street rights of way, other rights of way, easements, parks, sidewalks, pedestrian and bicycle facilities, ~~playgrounds~~ and ~~other open spaces~~, ~~schools~~ and existing permanent buildings within the proposed subdivision;

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G. The names of adjacent subdivisions and the location and names of all adjacent streets;

H. The topography at an appropriate contour interval (unless specifically waived by the ~~city engineer~~City Engineer), the location of all natural watercourses, and other physical features pertinent to the subdivision;

I. The layout, numbering and dimensions of lots and the numbering of blocks;

~~J. The indication of any lots on which a use other than residential is proposed by the subdivider;~~

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KJ. The indication of any portion or portions of the plat for which successive or separate final plats are to be filed;

LK. Net acreage of subdivision, computed by calculating the total land area less proposed or existing public streets and other public lands;

ML. The vicinity sketch shall be a legible scale and shall show the relationship of the proposed plat to existing schools, parks, shopping centers, and other like facilities;

~~NM.~~ The ~~city engineer~~City Engineer may require the ~~submission of two (2) copies of the~~ proposed street grades be shown on the plat where, in his opinion, conditions so warrant;

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~~ON.~~ The ~~city engineer~~ may require the ~~submission of two (2) copies of the proposed~~ ~~general~~ The layout and dimensions of existing and proposed water, sanitary sewer, and drainage, ~~lighting and fire protection facilities and easements.~~

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O. A lot grading plan showing the existing and final grades with 2 foot contours.

16.12.030: GENERAL REQUIREMENTS FOR FINAL PLAT:

The plat shall be prepared in black opaque image upon stable base drafting film with a minimum base thickness of three one-thousandths inches (0.003"), by either a photographic process using a silver image emulsion or by use of a black opaque drafting film ink, by mechanical or handwritten means. The drafting film and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink is used on drafting film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The drafting film must be of a type which can be reproduced by either a photographic or diazo process. Plats shall be eighteen inches by twenty seven inches (18" x 27") in size, with a three and one-half inch (~~3 1/2~~) margin at the left end for binding and a one-half inch ($1/2$ ") margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures may be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale of not less than fifty feet to the inch ($50' = 1''$) nor more than one hundred feet to the inch ($100' = 1''$) unless otherwise approved by the City Engineer. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgments and certifications shall appear on one of the serially numbered sheets.

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16.12.040: REQUIRED INFORMATION FOR FINAL PLATS:

The final plat shall contain or be accompanied by the following information:

A. Survey Points: The true point of beginning tied to at least two (2) public land survey corners or, in lieu of public land survey corners, to two (2) monuments recognized by the ~~city surveyor~~City Engineer; and give coordinates based on the Idaho coordinate system west zone if required by the ~~city surveyor~~City Engineer. All horizontal coordinate values shall be grid coordinates based upon the North American datum

of 1983 (NAD 83) as determined from control points established by a global positioning system (GPS) geodetic control survey for the city of Coeur d'Alene in 1989 as published and on file in the official records of the city. Other control points or public land survey corners having coordinate values determined from a traverse or triangulation performed or by GPS survey so as to produce accuracies meeting the specification of second order, class II traverses or triangulation, as published by the National Oceanic and Atmospheric Administration (NOAA), in the classification standards accuracy and general specifications of geodetic control surveys. Any coordinate value must be accepted or published by the city.

B. Set Of Field And Computation Notes: A complete set of field and computation notes may be required showing original or reestablished corners with descriptions of them; actual traverses showing error of closures and method of adjustments; and a sketch showing all distances, angles and calculations required to determine distances and corners of the plat boundary. The error of closure shall be appropriate for urban surveys.

C. Basis ~~Of~~ Bearing: The basis of bearings for all plats shall be the Idaho state plane coordinate system. The plat shall contain a statement of the basis of bearings with a convergence angle computed for a point on the plat for conversion to geodetic bearings.

D. Bearings, Dimensions And Curve Data: All tract boundary lines, street ~~right-of-way~~ right-of-way lines, easements, and other rights of way, and property lines of lot and other sites, with accurate bearings, dimensions, complete curve data for street centerlines and property lines, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curvature of lot lines, except in a platted cemetery where lengths of the boundaries of each burial lot may be shown by appropriate legend.

E. Name ~~And~~ and Width ~~Of~~ of Streets: The name and ~~right-of-way~~ right-of-way width of each street and other rights of way.

F. Easements: The location, dimensions and purposes of each easement.

G. Dedicated ~~Or~~ or Reserved Sites: The stated purpose for dedicated or reserved sites.

H. Lettering ~~Or~~ or Numbering ~~Of Lots And~~ of Lots and Blocks: All lots numbered consecutively in each block and each block consecutively lettered or numbered.

I. Survey Monuments: The location and description of all survey monuments.

- | J. Reference ~~Te to~~ Recorded Plats ~~Or or~~ Surveys ~~Of of~~ Adjoining Land: References to recorded plats or surveys of adjoining land, including record bearings and/or distances of common lines, names, dates, and record numbers.
- | K. Instrument Number ~~And and~~ Filing Forms: The instrument number of the corner perpetuation and filing forms of public land survey corners used in the plat or copies of said form if not previously filed.
- L. Lot Area: The area of each lot in square feet or acres.

16.12.050: ADDITIONAL REQUIREMENTS FOR PHASED CONDOMINIUM SUBDIVISIONS:

(Rep. by Ord. 3281 §9, 2007: Ord. 2466 §26, 1992: Ord. 1897 §5, 1985)

16.12.060: CERTIFICATES, DEDICATIONS AND DEED RESTRICTIONS:

- | The final plat shall contain a land surveyor's certificate approximating the following:
 - A. *I, _____, professional land surveyor hereby certify that the plat of _____ as shown hereon is based upon actual field survey of the land described and that all angles, distances and corners are staked as shown on the plat.*

Signed _____ (Seal)
 - | B. Each final plat shall ~~be accompanied by~~ contain an owner certificate with a description in bearings and distances of the platted area, showing the consent of all persons and parties having an interest in the land platted.
 - C. Each plat shall contain a certificate stating that the city council has approved the plat. The certificate shall bear the signature of ~~the mayor, attested to by the~~ city clerkCity Clerk.
 - | D. Any other certificate required by Idaho Code title 50, chapter 13. The ~~city clerk~~City Clerk may require additional certificates, affidavits, or endorsements as they may become necessary for the reasonable enforcement of these regulations.
 - E. The plat shall contain a statement by the owner of the land dedicating all rights of way and other appropriate sites and easements for the public use.
 - | F. Each plat shall be accompanied by a ~~copy of~~copy of all restrictive covenants and other deed restrictions that are to be placed upon any of the lots in the subdivision.

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Chapter 16.20 DESIGN STANDARDS

16.20.010: STREETS, MULTI USE PATHS; CONFORMITY WITH COMPREHENSIVE PLAN REQUIRED:

The alignment of ~~major~~ arterial and collector streets and multi-use paths shall conform as nearly as possible with that shown on the adopted Transportation and Trails elements of the Comprehensive Plan of the City.

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16.20.020: STREETS; RELATION TO ADJOINING STREET SYSTEMS:

The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivisions or of their proper projection when adjoining property is not subdivided. The layout shall provide for future projection of streets into areas which presently are not subdivided.

16.20.030: STREETS; ACCESS TO BODIES OF WATER:

Unless topography or conditions prevent, subdivisions bordering on a navigable river or public waterfront reservation shall be provided with at least one right-of-way ~~right-of-way~~ not less than sixty feet (60') wide to the low water mark or the reservation boundary at ~~one-half (1/2)~~ one-eighth (1/8) mile intervals as measured along such body of water.

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16.20.040: STREETS; ~~MINOR~~ LOCAL; PURPOSE:

~~Minor~~ Local streets which serve primarily to provide access to abutting property only shall be designed to discourage through traffic.

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16.20.050: STREETS; DEAD-END OR CUL-DE-SACS; AREA TURNAROUND REQUIREMENTS:

Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be no longer than four hundred feet (400') and shall be provided at the closed end with a turnaround having a minimum right-of-way radius of not less than fifty feet (50') or with "Y" or "T" permitting comparable ease of turning. Pedestrian walks as specified in 16.20.210 shall also be installed at the end of cul-de-sacs with reverse frontage lots.

16.20.060: STREETS; LIMITED ACCESS FACILITIES:

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Streets which are designated in the Comprehensive Transportation Plan as "limited access" shall be dedicated in such manner as to qualify them as "limited access facilities." have abutters rights of access waived on the final plat. Nothing shall prohibit the construction, operation and maintenance of the public facilities in the right of way of a limited access facility.

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16.20.070: STREETS; ALIGNMENT:

Connecting street centerlines, deflecting from each other at any one point more than ten degrees (10°), shall be connected by a curve of at least one hundred feet (100') radius for minor local streets and at least three hundred feet (300') radius for major collector and arterial streets. A tangent at least one hundred feet (100') long shall be introduced between curves on arterial streets.

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16.20.080: STREETS; INTERSECTIONS:

Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan entails an intersection angle that deviates Approach angles shall not be more than fifteen degrees (15°) from a right angle, curves of suitable radius and lengths shall be provided.

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16.20.090: STREETS; JOGS INTERSECTIONS; MAXIMUM OFF-SETS:

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Street jogs with intersection centerline off-sets shall not be allowed. Where centerline offsets are unavoidable they shall be offset by a minimum of less than one hundred twenty five feet (125') shall be avoided.

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16.20.100: STREETS; GRADES:

Streets shall conform closely to the natural contour of the land, except where a different grade has been established by the City authorities or the agency furnishing Municipal services to the community. Grades shall be not less than thirty one-hundredths percent (0.30%) on any street and not more than eight percent (8%) for any streets or as directed by City Engineer. Changes in grades greater than 1% shall be connected by easy vertical curves.

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16.20.110: STREETS; WIDTH; DEDICATION OF HALF-STREETS:

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A. Street right-of-way widths shall be as shown in the Transportation element of the Comprehensive Plan of the City, but shall be not less than as follows:

Marginal access	50 feet
Urban principal arterial	Design for capacity
Urban minor arterial	82 100 feet
Urban collector	60 70 feet
Urban local streets	60 55 feet
Rural Streets	50 feet

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B. A street ~~right-of-way~~ right-of-way lying along the boundary of a subdivision may be dedicated one-half (1/2) the required width ~~if it is practical to require the dedication of the other half when the adjoining property is subdivided; and, W,~~ where there exists a dedicated half-street right-of-way of an adjoining plat, the City may require the other half be dedicated on the proposed plat to make the street right-of-way complete. When construction of an adjoining street is required as a condition of plat approval, the developer shall be required to obtain the necessary right-of-way from the adjoining properties, at the developers cost.

~~16.20.120: STREETS; NAMES; CONTINUITY WITH EXISTING STREET NAMES:~~

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~~Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. Other streets shall not bear names that duplicate or phonetically approximate the names of existing streets. Different street names shall be provided for streets that have a major change in direction (e.g., from north to west). Street names shall not be varied by calling them avenues as opposed to drives or any other combination thereof. New streets shall preserve and continue any alphabetical or numerical sequence already established on nearby streets.~~

~~16.20.130: ALLEYS; REQUIREMENT WAIVER:~~

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~~Alleys shall be provided at the rear of all lots intended for business or industrial uses, except that this requirement may be waived by the Commission where other definite and assured provision is made for service access, such as, off-street loading, unloading and parking consistent with and adequate for the uses proposed.~~

~~16.20.140: ALLEYS; WIDTH; INTERSECTIONS; TURNAROUNDS; DEAD-ENDS:~~

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~~Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities at the dead end. Alley intersections and sharp changes in direction, if unavoidable, shall~~

provide corners cut off sufficiently to permit safe vehicular movement. Alley right-of-way width shall not be less than twenty feet (20') except as otherwise provided in this Title.

16.20.150: ALLEYS; SUBSTITUTION OF EASEMENTS; AREA REQUIREMENTS:

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Where alleys are not provided, easements for public utilities shall be provided on each side of all rear lot lines and side lot lines where necessary. Such easements shall not be less than five feet (5') wide on the half-width that is reserved from the rear of each of the adjacent lots. Insofar as possible, the easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions. Easements for existing or future utility lines which do not lie along rear or side lot lines shall be at least ten feet (10') wide.

16.20.160: EASEMENTS; UNUSUAL FACILITIES FRANCHISED UTILITIES:

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Easements for unusual facilities such as high voltage electric lines, drainage structure and pondage areas shall be of such widths as is adequate for the purpose, including any necessary maintenance roads. franchised utilities such as electricity, gas, communication, and fiber shall be located adjacent to the right-of-way and shall be of sufficient width to accommodate the intended use.

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16.20.170: EASEMENTS; WATERCOURSES:

Where a subdivision is traversed by a watercourse, drainageway, wasteway, channel or stream, ~~there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse, drainageway, wasteway, channel or stream, and such further width for construction, or both, as will be adequate for the purpose.~~ provision shall be made by the developer to accommodate the offsite flow. Any alteration to the watercourse shall not result in an increase in either volume or velocity of flow to the downstream property. Drainage easements shall be granted to the upstream properties.

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16.20.180: BLOCKS; LENGTH:

In general, blocks shall be as ~~long~~ short as is reasonably possible, consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic, and type of land use proposed, but, ordinarily, block lengths shall not ~~exceed one thousand feet (1,000')~~ or be less than three hundred feet (300') exceed the following standards as measured from centerline to centerline of through intersecting streets

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- [1. 600 feet block length in all Residential zones;](#)
- [2. 1000 feet block length for Commercial and Manufacturing districts;](#)
- [3. Exceptions. An exception \(deviation?\) may be granted to the maximum block length where the Commission finds that the block length cannot be satisfied due to topography, natural features, existing development or other barriers. When an exception is granted, the land division or site plan shall provide blocks divided by one or more walkways or access ways, in conformance with the provisions of Section 16.20.210.-](#)

~~16.20.190: BLOCKS; WIDTH:~~

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~~Except for reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two (2) tiers of lots of depths consistent with the type of land use proposed, that is normally not less than two hundred feet (200') for the sum of two (2) lot depths.~~

~~16.20.200: BLOCKS; LENGTHS AND WIDTHS IN LARGE PARCELS:~~

~~For large parcels with access provided by a series of cul-de-sac or loop streets entering from the periphery and for large parcels platted into one-half (¹/₂) acre and larger lots, the criteria in this section and section 16.20.180 of this chapter shall be disregarded in favor of considerations on an individual basis. Blocks of acreage type lots, however, shall have block lengths and widths that will lend themselves to later resubdivisions in accordance with the standards prescribed in this title and titles 15 and 17 of this code.~~

16.20.210: BLOCKS; CROSSWALKS:

A pedestrian ~~crosswalk right of way access easement or tract~~ extending through the block not less than eight feet (8') wide with an eight foot (8') wide sidewalk shall be provided ~~at the end of cul-de-sacs or closed-end street and~~ approximately at the ~~approximate~~ midpoint of any block exceeding ~~one thousand feet (1,000')~~ ~~six hundred feet (600')~~ in length, or in any block of lesser length where such a crosswalk is deemed essential, by the ~~city engineer~~ [City Engineer](#) to provide circulation or access to ~~surrounding neighborhoods,~~ schools, playgrounds, shopping centers, transportation lines and other community facilities. ~~Such access easements or tracts shall be a minimum of 15' wide and contain a paved path at least 8' wide.~~

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16.20.220: LOTS; [FRONTAGE AND ACCESS TO PUBLIC RIGHT OF WAY](#):

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Each lot shall have frontage on a public ~~right of way~~ [street](#) sufficient to provide legal access or as prescribed in the zoning ordinance, whichever is greater.

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[A. Lots may front, and access from, private driveways if one of the following conditions are met:](#)

1. Residential lots served by common parking and driveways may front and access from a private driveway situated in a separate tract dedicated on the final plat. Driveways for single family residences may not serve more than 5 lots, except for pocket housing developments.

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2. Commercial lots that are served by common parking and driveways (i.e. shopping centers) may be accessed by easements or separate tracts dedicated on the final plat.

B. Private driveways shall not be through, only looped or dead end.

C. Private driveways shall meet the design requirements of section 17.44.280 and the currently adopted fire code.

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D. Prior to the issuance of building permits a maintenance agreement shall be recorded on each affected lot detailing the expected life cycle and maintenance costs and defining the pro-rata share for each lot.

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16.20.230: LOTS; SIZE TO CONFORM TO ZONING REGULATIONS:

Lot widths and lot areas shall conform with the zoning restrictions applicable to the area within which the property may be located, except that corner lots for which side yards are required shall have extra width to permit appropriate setbacks from and orientation to both streets. Lot depths shall be suitable for the land use proposed.

16.20.240: LOTS; DOUBLE FRONTAGE PROHIBITED; EXCEPTIONS; PLANTING SCREEN EASEMENT:

Residential lots that have street frontage along two (2) opposite boundaries shall be avoided except for reverse frontage lots which are essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation. For such lots, in order to improve the visual quality of the streetscape, and to provide adequate protection from the street, landscaped buffer areas shall be provided along single family residential lots whose property lines are adjacent and parallel to collector and/or arterial streets.

1. Perimeter Landscape Buffer:

a. The buffer shall be located outside of any planned future right-of-way, and should not be used for future roadway improvements.

b. The width of the buffer along arterial streets shall be a minimum of 30 feet. The width of the buffer along collector streets shall be a minimum of 20 feet.

Where a subdivision requiring a buffer is less than five (5) acres in size, and located in a developed area where existing subdivisions without buffers abut the adjacent streets, there shall be a planting strip at least ten (10) feet in width.

c. Buffer zones shall be dedicated on the final plat as tracts

2. The buffer design shall comply with the following standards:

a. Landscaping, as used herein, shall include, as a minimum grass, native and other drought resistant vegetation and street trees as required by the City. Non-vegetative

materials, such as decorative rock, bark, and perma-bark, shall not be used in lieu of landscaping. However, non-vegetative material may only be used to augment the landscape or around the base of shrub groupings or flower beds as long as the coverage does not exceed twenty (20) percent. The use of bark or other loose material shall be designed or located to keep the bark from being blown onto the paved path.

b. The twenty (20) percent limitation on non-vegetative material shall not apply provided the landscape is designed by a licensed landscape architect and further provided that the non-vegetative material is used to complement or visually enhance the vegetative material.

c. Permanent irrigation systems shall be provided to all landscaped areas. The use of hose bibs on the exterior of existing or proposed structures is not an acceptable method of landscape irrigation, unless the landscaped area is adjacent to the existing or proposed structure. All irrigation systems and landscaped areas shall be designed, constructed, operated, and maintained so as to promote water conservation and prevent overflow or seepage into adjacent streets or sidewalks/trails.

3. Maintenance: The developer shall be required to form a property owners' association prior to final plat, with said buffers to be owned and maintained by a perpetual property owners' association. Alternatively, if the subdivision has only one lot fronting on a collector or minor arterial, a homeowners' association will not be required for the maintenance of the greenbelt if a non-revocable covenant, approved by the city, is recorded against the property fronting the greenbelt memorializing the obligation.

4. Completion Time:

a. These required improvements shall be installed prior to final plat approval or occupancy of a building subject to development review.

b. The planning department may authorize a delay in the completion of planting during the months of October through March. Should a delay be granted, a bond or other sufficient security, approved by the City Attorney, equal to one hundred fifty percent (150%) of the costs of landscaping, shall be provided by the owner/developer and held by the City until said landscaping is complete. No final certificate of occupancy shall be issued until the landscaping is complete.

~~there shall be an easement in favor of the city for a planting screen at least ten feet (10') wide along the lot lines abutting such a traffic arterial or other disadvantageous use across which there shall be no right of access. The planting screen must be planted and maintained by the property owner in a manner meeting the requirements of section 17.06.830 of this code.~~

~~**16.20.250: LOTS; WITHOUT SEWERS; SIZE; CONDITIONS; APPROVAL:**~~

~~Lots which need not be connected to an approved sanitary sewer system under the provisions of this title and titles 15 and 17 of this code shall be of sufficient size, considering the type of soil, ground conditions involved and location of the lots in relation to public or private water supplies, to allow complete absorption of such septic~~

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tank effluent as may reasonably be expected from the uses permitted by applicable zoning restrictions and proposed uses, provided that all lots are served by the public water systems. Approval shall be given by the Panhandle health district and the city engineer prior to the filing of an application for final plat approval.

16.20.260: CURBCUTS ON ACCESS STREETS, PARKING LOTS AND DRIVEWAYS:

For parcels of land adjacent to major arterial streets, zoned commercial, the access streets, off street parking lots, and driveways shall be designed where practical and where an undue hardship would not be created so that single or paired curbcuts on major arterial streets are spaced at least three hundred feet (300') apart, and preferably up to six hundred feet (600') apart.

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Chapter 16.24 IMPROVEMENTS

16.24.010: STREET WIDTHS DESIGNATED:

A. All streets, not including alleys, shall be improved by grading the full right-of-way width so as to allow for sidewalks and constructing roadways consisting of an asphaltic cement or Portland cement concrete surface and a base course both approved by the City Engineer over suitable subgrade in accordance with the following schedules of widths, measured from the inside edge of opposite curbs. Minimum street widths are subject to the requirements of the latest adopted version of the Uniform Fire Code:

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Class of street	Width of street
Urban principal arterial	Designed for capacity
Urban minor arterial	64 feet minimum
Urban collector	40 feet minimum
Urban local street	36 feet minimum
<u>Primary frontage</u>	<u>32 feet minimum</u>
<u>Secondary frontage, parking one side</u>	<u>28 feet minimum</u>
<u>Secondary frontage, no parking</u>	<u>24 feet minimum</u>
Short loop or cul-de-sac	36 feet 50 foot radius
<u>Rural minor access</u>	<u>24 feet minimum</u>

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Primary frontage streets are those where primary access or driveways for the adjacent lots would be located and where vehicles would park to access the homes or primary structures. Primary frontage streets shall have parking on both sides. Secondary frontage streets are those where access to the adjacent lots would not typically be located, such as side streets or streets that are located at the back or side of the lot. Secondary frontage streets may have parking restricted in accordance with the requirements of this section. Also, the adopted fire codes may require wider street sections where fire hydrants are present. Rural minor access streets are intended for use in hillside zones or low density development where driveway access is infrequent and parking is prohibited.

B. Existing improved Sstreets lying along the boundary of a subdivision, ~~whether dedicated by the plat or already dedicated,~~ but not improved to City standards, ~~need~~ must be improved by the subdivider only to the center of the street. New unimproved streets adjacent to a subdivision shall be improved by the subdivider to the required full width if the subdivision will directly access the street or use it for ingress or egress.

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C. As an alternative to ~~the installing improvements of paving to the center of the street on existing streets in accordance with section 16.24.010 B;~~ curbing and related right of way improvements, the subdivider shall pay to the City, in lieu of said improvements, money ~~or other real property and related right of way improvements in an amount~~ equal to one hundred ten percent (110%) of the estimated present cost of such improvements. The estimate shall be approved by the City Engineer. This alternative may be utilized if in the opinion of the City Engineer the following conditions are met:

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1. A street lying along the boundary of a subdivision with a grade so that matching existing center line profile to future curb profile may cause drainage problems; and/or

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2. The improvement ~~of paving one-half ($1/2$)~~ of the street only would create a significant traffic hazard; or

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3. Significant excavation of the street is scheduled in the immediate future for purposes of installing utility mains such as sewer or water; ~~or~~

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4. ~~A superior traffic circulation plan can be implemented by use of fees to improve other rights of way serving the subdivision.~~

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16.24.020: CURBS; CITY STANDARDS; TIME OF CONSTRUCTION:

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All streets shall be improved at each edge of the roadway with Portland cement concrete curbs. Such curbs shall be ~~at least equal in design and construction to concrete curbs adopted as standard for the City~~ constructed to City standards.

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16.24.025: SIDEWALKS; CITY STANDARDS; TIME OF CONSTRUCTION:

Notwithstanding all provisions of title 12, except subsection 12.28.210C5 of this code regarding certain hillside subdivisions, all street rights of way shall be improved with sidewalks constructed to city standards. Installation shall be completed prior to the issuance of any building permits or final subdivision plat approval except as may be allowed by sections 16.24.100 to 16.24.130 of this chapter.

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16.24.030: GUTTERS AND STORM SEWERS:

Surface drainage from streets and other areas shall be disposed of through an adequate system of gutters and storm drainage facilities.

16.24.040: SEWER CONNECTIONS:

A. All subdivisions within city limits shall be provided with a complete sanitary sewer system serving each buildable lot connected to the City's sewage collection system. Design of The sewage disposal system sewer mains and laterals shall be designed and constructed in accordance with division of environment, department of health and welfare, state of Idaho requirements the requirements of the Idaho Department of Environmental Quality and the City.

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~~B. For subdivisions located outside city limits, a "dry" sewer, designed for eventual tie in and use shall be provided for each lot.~~

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B. All plans and specifications for sewer facilities shall be completed by a professional engineer, registered in the state of Idaho and submitted to the City Engineer for review and approval prior to issuance of any building permits.

C. Prior to issuance of building permits, all sewer mains, manholes, and laterals shall be installed, tested, and approved by the City

16.24.050: WATER MAIN CONNECTION; FIRE HYDRANTS; DESIGN STANDARDS:

All subdivisions shall be provided with a potable water distribution system serving each lot, ~~designed for human habitation~~ The water distribution system shall be designed and constructed in accordance with the requirements of the Idaho Department of Environmental Quality and shall also conform to the following:

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A. Distribution: Standard hydrant spacing shall be one at each street intersection, with intermediate hydrants shall be placed as directed by the fire department where distances between intersections exceed three hundred feet (300') ~~(500 feet maximum in exclusively single family or duplex residential areas with structures containing less than 3,600 total square footage inclusive of garages and basements)~~. In no case shall the number of hydrants in an area be less than as above, or as that required by the international fire code, appendix B and appendix C. ~~When any portion of a building or a hazard to be protected is in excess of one hundred fifty feet (150') from a public street frontage, there shall be provided, when required by the fire chief, on-site fire hydrants and mains capable of supplying the required fire flow.~~

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B. Prior To Construction: When fire hydrants and mains are to be installed by the developer, such facilities including all surface access roads shall be installed, made serviceable, and maintained unobstructed prior to and during the period of construction.

C. Plans Andand Specifications: All plans and specifications for hydrant, laterals and water main installations shall be submitted to the city fire department and the city water division City Engineer for review and approval prior to issuance of any building permits.

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D. Required Flow: Water mains and hydrant laterals shall be of sufficient size and design to provide the minimum required fire flows as specified by the fire chief using the international fire code appendix B and appendix C. In no case shall any water main or lateral supplying a fire hydrant be of less than six inch (6") inside diameter when part of a looped system and not less than an eight inch (8") diameter main if the system is not looped or the fire hydrant is installed on a dead end main exceeding three hundred feet (300') in length. Dead end mains shall not exceed six hundred feet (600') in length for main sizes under ten eight inches ~~(408")~~ in diameter or less.

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E. ~~Acceptance Tests~~: Prior to the city issuance of a certificate of occupancy, or a temporary certificate, as required by chapter 15.08 of this code building permits, all required mains, services, and fire hydrants including all surface access roads shall be installed, made serviceable, maintained, shall be tested, and approved as to service, location, and available fire flow by the City fire department.

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16.24.060: STREET NAME SIGNS:

Street signs corresponding in design to those adopted as standard for the city shall be installed at each intersection for convenient identification of streets.

16.24.065: PAVEMENT MARKINGS/TRAFFIC CONTROL SIGNS:

Pavement markings and traffic control signs, including, but not limited to, stop signs, yield signs, and speed limit signs designed in accordance with the "Manual ~~On~~ Uniform Traffic Control Devices", latest edition, shall be provided by the subdivider at the direction of the ~~city-engineer~~City Engineer.

16.24.070: CAPACITY AND DIMENSIONS OF UTILITIES TO PROVIDE FOR FUTURE DEVELOPMENT:

The capacities and dimensions of water, sewerage, drainage and street facilities shall be adequate to provide for the future needs ~~of other undeveloped properties in the general vicinity~~as identified in the approved utility master plans, and ~~T~~the City may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the subdivision and the capacities required to serve the vicinity.

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16.24.075: UNDERGROUND CONDUIT:

Underground conduit shall be installed by the developer to each lot for private utilities such as telephone, electricity and cable television when those utilities are required by the City, by ordinance or policy, to be installed under ground.

16.24.080: DEVELOPMENT AND IMPROVEMENTS CONSTRUCTION STANDARDS; SUPERVISION:

~~Physical developments and li~~Improvements required by this Title and Titles 15 and 17 shall be designed and installed in accordance with applicable construction standards of the City. Construction shall be performed under the supervision of ~~a registered~~ the design engineer. ~~In an attempt to insure that a permanent and accurate record of improvements exists, a set of drawings, stamped and signed by a professional engineer registered in the State of Idaho certifying that the improvements are in place and were constructed as shown on the drawings must be submitted to the City Engineer by the subdivider.~~

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16.24.085: RECORD DRAWINGS:

Record drawings, stamped and signed by the design engineer, certifying that the improvements are in place and were constructed as shown on the drawings must be submitted to the City Engineer prior to acceptance of the improvements and issuance of any certificates of occupancy.

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16.24.090: PLAN APPROVAL PRIOR TO ~~CONSTRUCTION~~ FINAL PLAT APPROVAL:

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Plans for each improvement shall be designed by an engineer licensed to practice in the State of Idaho and the plans shall be approved by the City Engineer before final plat approval is granted by the Council.

16.24.100: IMPROVEMENTS INSTALLATION:

All required public improvements must be installed prior to City Council approval of the final plat, unless the subdivider has entered into an agreement to install the improvements as set forth in Section 16.24.102 ~~or Section 16.24.111~~.

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16.24.102: AGREEMENT TO SECURE PUBLIC IMPROVEMENT INSTALLATION:

The agreement shall be in a form acceptable to the City and include a provision that the improvements be installed no later than three (3) years from the City Council approval of the final plat. To secure performance of said agreement and to guarantee installation of improvements, the subdivider shall provide a performance bond or other sufficient security acceptable to the City Attorney. Such bonding or security shall be for one hundred fifty percent (150%) of the estimated construction costs of the improvements, as determined by the City Engineer, and shall have a term acceptable to the City but in no case less than one year beyond the date the installation of improvements is to be complete. If the improvements are completed and accepted by the City Council, the Council may release the bond or security or a portion thereof. The bonding or security agreement shall be executed and shall be recorded with the County at the subdivider's expense prior to the signing of the plat by the City Engineer.

16.24.104: MONUMENTATION SECURITY:

The City Council may approve security agreements for monumentation to the extent and upon the conditions allowed by the laws of Idaho.

16.24.106: REDUCTION OF SECURITY:

The City Engineer may recommend to the City Council a reduction or partial release of improvement securities as follows:

- A. A written request for reduction must be submitted by the developer who posted the security.

B. Only ~~two~~ one (21) requests for reduction may be considered for any agreement.

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C. A detailed estimate of the value of the work remaining to be completed shall be submitted. Upon receipt, the City Engineer or the City Engineer's designee shall inspect the improvements completed and verify the value and percentage of work remaining.

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D. No reduction shall be made when more than fifty percent (50%) of the work remains to be completed.

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E. No reduction shall result in reducing the security to less than ten percent (10%) of the amount of the original security.

F. Reduction of securities shall not apply to warranty or monument security.

G. Reduction of securities shall be construed as formal acceptance of only those improvements completed at the time of reduction.

16.24.108: MAINTENANCE/WARRANTY BOND:

A. In cases where public subdivision improvements have not been bonded for, or as a condition of releasing the performance security and accepting subdivision improvements, the subdivider shall provide a maintenance/warranty bond or other sufficient security acceptable to the City Attorney. The maintenance/warranty bond or other security must be in an amount approved by the City Engineer and represent either ten percent (10%) of the amount of the original performance security, or ten percent (10%) of the estimated cost of the public subdivision improvements, and be provided prior to City Council acceptance of the public subdivision improvements. Thereafter, the City Council may release the performance bond or other posted security at the time the City accepts all required public subdivision improvements. The maintenance/warranty bond or other security shall have a term of at least one year from the date of acceptance by the City of all required public subdivision requirements and shall be:

1. For the purpose of a warranty that the required public subdivision improvements shall properly perform free from defects for at least one year; and
2. For the purpose of guaranteeing that sufficient funds will be available to maintain or correct defects for the one year period.

B. Warranty securities may be released by the City Engineer upon termination of the one year warranty period; provided, that all defects, if any, have been satisfactorily completed. The City Engineer shall provide written notice to the ~~City Clerk~~ City Clerk authorizing release of the maintenance/warranty bond.

C. Monument security shall be released by the City Council in accordance with Idaho Code section 50-1332.

16.24.109: REMEDY:

If improvements have not been installed within the agreed time, the ~~City Clerk~~City Clerk shall notify the City Council and the Council may initiate an action on the bond or other security. If the Council chooses to initiate an action on the bond or other security, the City Engineer shall administer the installation of the improvements with the funds made available.

16.24.110: AGREEMENT EXTENSION:

The City Council may grant an extension to the agreement for a term not to exceed one year upon application by the subdivider. To extend the term of the agreement the City Council must find that the subdivider is actively working on the completion of the improvements, and the City Engineer must find that the improvements are within six (6) months of completion.

16.24.111: DEFERRED IMPROVEMENT AGREEMENT:

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~~A. In a short plat of four (4) or fewer parcels where public improvements are required as a condition of the approval, any improvements so required may be deferred if it is determined by the City Council that their construction would cause a safety hazard, maintenance problem, or drainage hazard in areas where the City does not anticipate further development except by local improvement district, or where physical constraints are present which preclude the construction of the improvements in a reasonable manner. When improvements are deferred, the owner or developer shall enter into an agreement with the City for the installation of such improvements at a future time. Such agreement shall provide for at least the following:~~

- ~~1. Construction of said improvements shall commence within ninety (90) days of receipt of a notice to proceed from the City.~~
- ~~2. That in the event of default by the owner, the City is authorized to cause the improvements to be installed and charge the entire cost and expense to the owner.~~
- ~~3. That the agreement be recorded with the County Recorder at the expense of the owner, and shall bind all successors and assigns and constitute a lien on the property.~~
- ~~4. That the owner, his successors or assigns, agree not to object, by signing a ballot, or not to protest the formation of a local improvement district by resolution method.~~

~~B. The agreement shall not relieve the owner from any other requirements specified in this Chapter. The improvements shall conform to the applicable codes in effect at the time of construction.~~

~~C. Deferred improvement agreements shall be effective for ten (10) years from the date of recordation.~~

~~D. Deferred improvement agreements shall be approved by the City Council at the time of approval of the final plat.~~

16.24.120: COMPLETION REQUIRED FOR BUILDING PERMIT ISSUANCE:

Building permits will not be issued for construction on more than twenty percent (20%) of the lots in the subdivision until all plat sewer and water facilities improvements have been completed and approved in accordance with the requirements of this chapter, and the final plat has been recorded, unless the City Engineer is satisfied that improvements will be completed within a reasonable period of time. In addition, property monuments shall be set on the lot prior to issuance of a building permit. No certificate of occupancy shall be granted prior to the completion and acceptance of all of the public improvements by the City Council.

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16.24.130: IMPROVEMENTS ~~GUARANTEED~~ WARRANTIED:

All improvements required by this Chapter shall be guaranteed warranted by the subdivider for a period of one year from the date of final acceptance by the City Council.

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Chapter 16.28 MONUMENTS

16.28.010: INSTALLATION:

Monuments shall be installed as follows:

A. Boundary Line ~~And~~ Lot Corners: Monuments for boundary line and lot line corners shall conform to the requirements of Idaho Code section 50-1303.

B. Street Center Line: Monuments shall be placed at the center lines of all streets, at intersections, all angle points, all points of curvature, all points of tangent on street center lines, and the radial points of cul-de-sacs. All monuments shall be a minimum

of five-eighths inch by thirty inch ($\frac{5}{8}$ " x 30") iron rod with a durable metal cap. ~~Center line monuments shall be in a standard City of Coeur d'Alene monument box when required by subsection C of this Section.~~ Other methods of monument construction may be used if approved by the City Engineer ~~or the City Surveyor.~~

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~~C. Monument Boxes When Required: Standard City of Coeur d'Alene cast iron monument boxes shall be required at all street intersections, including cul-de-sac radial points, public lands survey corners, boundary corners located within paved streets or sidewalks and at other locations directed by the City Engineer or the City Surveyor.~~

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Chapter 16.32 DEVIATIONS FROM PROVISIONS

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.
- 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.
- C. 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.
- D. The authorization of such deviation will not adversely affect the comprehensive plan.

E. Deviations from sections 16.20, 16.24, and 16.28, and with respect to those matters originally requiring the approval of the ~~city engineer~~City Engineer may be granted by the commission only with the written approval of the ~~city engineer~~City Engineer.

16.32.020: CONDITIONS OF GRANTING:

In authorizing a deviation, the commission may attach thereto such conditions regarding the features of the deviation as it may deem necessary to carry out the spirit and purposes of this title and in the public interest.

16.32.030: CITY ENGINEER AUTHORITY:

(Rep. by Ord. 3281 §10, 2007; Ord. 1695 §2(part), 1982)

Chapter 16.36 SHORT SUBDIVISIONS

APPLICABILITY:

The division of land into four (4) or fewer contiguous lots, parcels, tracts or sites, including divisions made for condominium purposes, must meet the criteria outlined in this section. If any one of the following criteria is not met, the developer must file a subdivision as outlined in this title. A short plat subdivision shall be subject to all development improvement standards established by this title. The proposed short plat must meet the following criteria:

- A. Comply with all minimum standards and requirements of the zoning ordinance.
- B. All lots shall have access onto an existing public or private street. If dedication of additional right of way is required, a subdivision as required by this title must be submitted. The restriction of dedication of rights of way shall not apply to grants which widen existing rights of way only.

APPLICATION:

- A. Prior to submittal of a short plat subdivision application, the developer shall have completed a preapplication conference to review the proposal. A developer seeking a preapplication conference shall submit three (3) copies of a concept plan to the planning department. A preapplication conference will be scheduled at the earliest available date, upon receipt of the required conceptual plans by the city. The

requirement for a predevelopment conference for a short plat subdivision may be waived, at the discretion of the city engineer.

B. An application for a short plat subdivision must be submitted to the city on the form provided by the city and shall be accompanied by all of the information required by this title for preliminary plats (16.10.020).

PROCEDURES:

A. Upon receipt of a completed short plat subdivision application, city staff will review the application to determine if it is complete and if it meets the criteria for a short plat subdivision, shall schedule a review with the developer.

B. The city will provide copies of submitted documents, as necessary, to outside agencies and jurisdictions, which, in the opinion of staff, may be affected by the proposal. In addition, the city will provide written notice to the owners of property adjacent to the property proposed for development. The notice shall provide the adjacent property owners a plan of the short plat subdivision, general information concerning the proposal, and the time frame for submitting written comments. The period of time for comment or response shall not be less than fourteen (14) days from the date of notice.

C. The city engineer will act as hearing officer and shall conduct a short plat subdivision review, along with appropriate staff, to ensure that all applicable ordinance provisions are followed or completed.

PRELIMINARY PLAT APPROVAL:

The city engineer shall, by written decision, approve, approve with conditions, or deny the preliminary plat for the short plat subdivision. Notice of the action taken shall be mailed to the owners of real property adjacent to the short plat subdivision. A decision to deny shall indicate the reasons for denial and indicate what steps are necessary to obtain approval.

APPEAL:

The developer or any affected party may appeal the decision of the city engineer by filing a notice of appeal with the planning director no later than ten (10) days after the date of the city engineer's decision. The appeal shall set forth in clear and concise fashion the basis for appeal. The appeal shall be set for consideration before the city planning and zoning commission at the next regularly scheduled meeting of the commission at which it can be reasonably accommodated. The commission will render a decision either affirming or reversing the planning director.

FINAL PLAT AND CONSTRUCTION OF IMPROVEMENTS:

Upon preliminary plat approval by the city, the developer may proceed with preparing a final plat and constructing required infrastructure as generally required by this title for subdivisions. All of the limitations, requirements and restrictions for final plats, construction of infrastructure, acceptance of infrastructure and warranties applicable to subdivisions are applicable to short plat subdivisions (insert cross reference in final version for adoption).

16.36.010: APPLICATION; SUBMITTAL:

~~A. Applicability: When an owner or subdivider desires to subdivide a parcel of land located either within one mile of the boundaries of the city as provided for in Idaho Code section 50-1306, or as authorized by law within any area of city impact adopted pursuant to Idaho Code section 67-6526 so as to produce not more than a total of four (4) lots, and with no dedication of any part thereof as a new public right of way, the short plat procedure may be used. The restriction of dedication of rights of way shall not apply to grants which widen existing rights of way only.~~

~~B. Application Requirements:~~

- ~~1. The owner or subdivider shall make application on a form prescribed by the planning director. The application shall contain four (4) copies of the proposed plat map and any additional information on such things as preliminary street grades, water, sanitary sewer, and drainage plan as is deemed necessary by the city engineer. At the time of filing a short plat application, the owner or subdivider shall pay to the city such fees as are provided in the fee schedule recommended by the planning director and approved by resolution of the city council.~~
- ~~2. The time of filing a short plat application shall be fixed as the date when all maps and information required by this title have been filed, checked and accepted as completed by the city engineer, and the required fees paid.~~
- ~~3. The completed application must be submitted to the planning director not later than six (6) weeks prior to the date of the next regular planning commission meeting. Acceptance or rejection of the application by the city engineer, and notification of the applicant, shall take place the following business day.~~

16.36.015: PROCEDURE FOR PHASED CONDOMINIUMS:

(Rep. by Ord. 3281 §12, 2007; Ord. 1897 §8, 1985)

16.36.017: REQUIRED IMPROVEMENTS:

Street, curbing, water, sanitary sewer and storm sewer improvements are not required as part of the short plat for a parcel for which a short plat has not previously been filed with the city as long as the lot(s) created is larger than two (2) acres. However, public improvements may be included under any building permit on first time short plats.

When any lot created by a short plat is less than two (2) acres, that lot shall conform with all subdivision requirements for public improvements.

16.36.020: PRINTS OF PLATS; SUBMISSION; REQUIREMENTS:

The number of prints required by section 16.04.030 of this title with information, certificates and statements required by this title shall be submitted to the office of the city engineer. The short subdivision plat shall also conform to the requirements of section 16.12.020 of this title.

16.36.030: INFORMATION REQUIRED:

The short subdivision plat shall contain or be accompanied by the information required in section 16.12.040 of this title.

16.36.040: CERTIFICATES AND DEED RESTRICTIONS REQUIRED:

The short subdivision plat shall contain the same certificates required for a long plat, section 16.12.060 of this title.

16.36.050: APPROVAL OF CITY ENGINEER; STANDARDS:

The city engineer may approve and affix his certificate of approval on the plat only if he finds the plat to conform to the requirements of subsection 16.10.045C of this title.

16.36.060: DISAPPROVAL OR CHANGE REQUIREMENT; FILING WITH PLANNING COMMISSION:

If the city engineer finds that the above criteria required in sections 16.36.020 through 16.36.040 of this chapter have been complied with, he will place the matter on the agenda for the next regularly scheduled planning commission meeting.

16.36.070: TIME FOR DETERMINATION:

(Rep. by Ord. 3281 §15, 2007: Ord. 1669 §1(part), 1981: prior code §4-10-3(G))

16.36.090: MAP; COPY DISTRIBUTION:

One print and the original of the approved map shall be returned to the applicant. The original shall be submitted to the recorder of Kootenai County who may accept it for filing and record only if all requirements stated have been complied with.

Chapter 16.37 CONDOMINIUM PLATS

16.37.010: APPLICATION; SUBMITTAL:

A. Applicability: This procedure applies to any subdivision for condominium ownership purposes if the condominium plat is located on a single lot and consists of a division of units without a division of the land on which the structure or structures are located. If the condominium plat does not meet these criteria, it must be approved ~~either as a regular or short plat depending on the number of lots created.~~

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B. Application Requirements:

1. The subdivider shall make application on a form prescribed by the ~~planning director~~Planning Director. The application shall contain four (4) copies of the proposed plat map. At the time of filing a condominium plat application, the subdivider shall pay to the city such fees as are provided in the fee schedule approved by resolution of the city council.
2. A condominium plat application will not be processed until all maps and information required by this title have been filed, checked and accepted by the ~~city engineer~~City Engineer, and the required fees paid.

16.37.020: PRINTS OF PLATS; SUBMISSION; REQUIREMENTS:

The number of prints required by section 16.04.030 of this title with information, certificates and statements required by this title shall be submitted to the office of the ~~city engineer~~City Engineer.

16.37.030: INFORMATION REQUIRED:

A condominium plat under this chapter shall conform to the requirements of section 16.12.020 of this title and contain or be accompanied by the information required in section 16.12.040 of this title.

16.37.040: CERTIFICATES AND DEED RESTRICTIONS REQUIRED:

A condominium plat under this chapter shall contain the same certificates required for a regular plat, section 16.12.060 of this title.

16.37.050: REQUIRED IMPROVEMENTS:

Street, curbing, water, sanitary sewer and storm sewer improvements are not required as part of a condominium plat. However, required public improvements will be included as part of any building permit issued for a condominium project.

16.37.060: ADDITIONAL REQUIREMENTS FOR PHASED CONDOMINIUMS:

A. If the condominium project will contain more than one phase, the condominium plat for the first phase and each subsequent phase must include the following information in addition to the information required by this chapter and chapter 16.12 of this title:

1. All future buildings planned for the site showing appropriate dimensions and locations;
2. Identification of the order in which subsequent buildings will be constructed;
3. A statement that each phase will be superseded by the subsequent phase.

B. If the initial condominium plat was required to be approved by a regular ~~or short~~ plat, subsequent phases may be approved under this chapter so long as the plat does not further divide land and the ~~city engineer~~City Engineer determines that the condominium plat does not significantly deviate from the plat of the previous phase or any conditions of approval for the initial phase.

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16.37.070: APPROVAL OF CITY ENGINEER:

A. The ~~city engineer~~City Engineer may only approve and affix his certificate of approval on the plat if he or she finds the plat to conform to the requirements of this chapter and subsection 16.10.045C of this title.

B. If the ~~city engineer~~City Engineer finds that the criteria required by this chapter have not been met, he or she may either disapprove the application or require the applicant make the necessary changes to allow approval. If the application is denied by the ~~city engineer~~City Engineer, the applicant may file a plat with the planning commission in accordance with the provisions of chapters 16.10 and 16.12 of this title.

16.37.080: APPROVAL BY CITY COUNCIL:

A. Once the completed application has been checked and approved by the ~~city engineer~~City Engineer, the condominium plat will be placed on the next regularly scheduled city council agenda for approval. The applicant will be notified of the date of the city council hearing once it is scheduled.

B. Following review by the city council, the applicant will be notified in writing of the decision of the city council.

16.37.090: MAP; COPY DISTRIBUTION:

One print and the original of the approved map shall be returned to the applicant. The original shall be submitted to the recorder of Kootenai County who may accept it for filing and record only if all requirements stated have been complied with.

Chapter 16.38

BOUNDARY LINE ADJUSTMENTS

16.38.010 APPLICABILITY:

The provisions of this chapter shall govern the requirements and procedures for adjustment of boundary lines of platted lots or legally created un-platted parcels. Boundary adjustment shall not be approved for illegal lots. An application for boundary line adjustment shall be submitted, pursuant to the provisions of this chapter, to adjust a single common boundary between two adjoining legal lots or parcels, provided the City Engineer determines that the proposed boundary adjustment does not:

A. Create any additional lots;

B. Include any lots or parcels which are not legal lots, as defined by City ordinance;

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- C. Impair existing access or easements, or create the need for new easements or access to any adjacent lots;
- D. A boundary line adjustment has not been completed on the subject lot(s) within the previous 365 calendar days.

16.38.020 APPLICATION:

An application shall be filed with the City Engineer on a designated form along with such other information as may be required. The application shall include a current title report for the affected properties and three (3) copies of a scaled drawing of the proposed adjustment showing the following;

- A. All existing and proposed boundaries of the affected lots with dimensions
- B. All existing structures with dimensions and distances to existing and proposed boundaries,
- C. Existing sewer and water services to the affected lots
- D. Existing street frontages and accesses of each lot,

The City Engineer shall refer copies of the application to the Planning and Building departments for review and comment.

16.38.030 APPROVAL:

Once the application has been accepted and comments forwarded to the applicant, a record of survey shall be submitted for review and approval by the City Engineer. The record of survey shall contain a certificate of approval for the City Engineer. The City Engineer shall approve the boundary line adjustment only after determining that all of the following conditions have been met.

- A. Only one common lot line between two lots or parcels is being adjusted.
- B. Both lots were legally created.
- C. No additional lots have been created.
- D. No more than two deflection points are being set on the adjusted line.
- E. The accompanying warranty deed accurately describes the property to be transferred by a meets and bounds description recorded with the Kootenai County recorder and referenced by instrument number on the record of survey.
- F. All resulting lots adhere to the site performance standards set forth in titles 15 and 17 of the City Code.
- G. No existing easements or access have been impaired or the need for new easements or access to the subject lots or adjacent lots has been created.
- H. The adjusted lots are served by sanitary sewer and water services. Lots shall not be adjusted so that they do not, or cannot, have sewer and water services that conform to applicable city policies and standards.

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- I. The record of survey has been prepared by an Idaho licensed surveyor in conformance to the requirements of Idaho state statutes and this chapter.
- J. All new property corners have been monumented. Monuments shall conform to Idaho code.

Upon determining that all of the above requirements have been met, the City Engineer shall affix his certificate of approval to the record of survey.

16.38.050 ISSUANCE OF BUILDING PERMITS:

No building permits shall be issued on lots or parcels whose boundaries have been adjusted without the approval of the City Engineer, nor shall they be issued on lots or parcels whose boundaries are being adjusted until the all the requirements of this chapter have been met and the record of survey and warranty deeds recorded.

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Chapter 16.40 VIOLATIONS; PENALTIES

16.40.010: SALE OR EXCHANGE OF LOTS OR PARCELS; COMPLIANCE WITH TITLE:

It is unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land in a subdivision unless he has fully complied with this title and titles 15 and 17 of this code.

16.40.020: SALE OR EXCHANGE OF LOTS OR PARCELS; RECORDING OF PLAT OR MAP:

It is unlawful to sell, trade or otherwise convey any lot or parcel of land as part of, or in conformity with, any map, plat, replat or plan of any subdivision unless and until the map, plat, replat or plan has been first recorded in the office of the county recorder under the provisions of this title.

16.40.030: UNLAWFUL REPRESENTATIONS OF PLATS AND SUBDIVISIONS:

It is unlawful for any person, firm or corporation owning a plat or subdivision of land within the city to represent that any improvement upon any of the streets, alleys or other public ways of the plat or subdivision has been constructed according to the plans and

specifications approved by the ~~city engineer~~City Engineer or the commission or has been supervised and inspected by the ~~city engineer~~City Engineer when such improvement has not been so constructed, supervised or inspected.

16.40.040: PENALTY FOR VIOLATIONS; GENERALLY:

Every person convicted of a violation of any provision of this title shall be guilty of a misdemeanor as provided in section 1.28.010 of this code.

16.40.050: VIOLATIONS OF A CONTINUING NATURE:

For any violation of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the penalties provided in section 16.40.040 of this chapter for each offense.

16.40.060: ACTION TO REQUIRE COMPLIANCE:

Notwithstanding the imposition of any penalties hereunder, the city may institute an appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this title or any administrative orders or determinations made pursuant to this title.

**PLANNING COMMISSION
STAFF REPORT**

DATE: DECEMBER 10, 2013
FROM: PLANNING DEPARTMENT
SUBJECT: PUD-1-83m.3 – MODIFICATION OF COEUR D'ALENE RESORT PUD
LOCATION: 6.5 ACRES KNOWN AS THE COEUR D'ALENE RESORT

Applicant:
Hagadone Hospitality Co.
P.O. Box 6200
Coeur d'Alene, ID

DECISION POINT:

JRB Properties LLC on behalf of Hagadone Hospitality is requesting approval of a modification of the Coeur d'Alene Resort Planned Unit Development (PUD).

A. The following summarizes requested modifications to the "Coeur d'Alene Resort PUD":

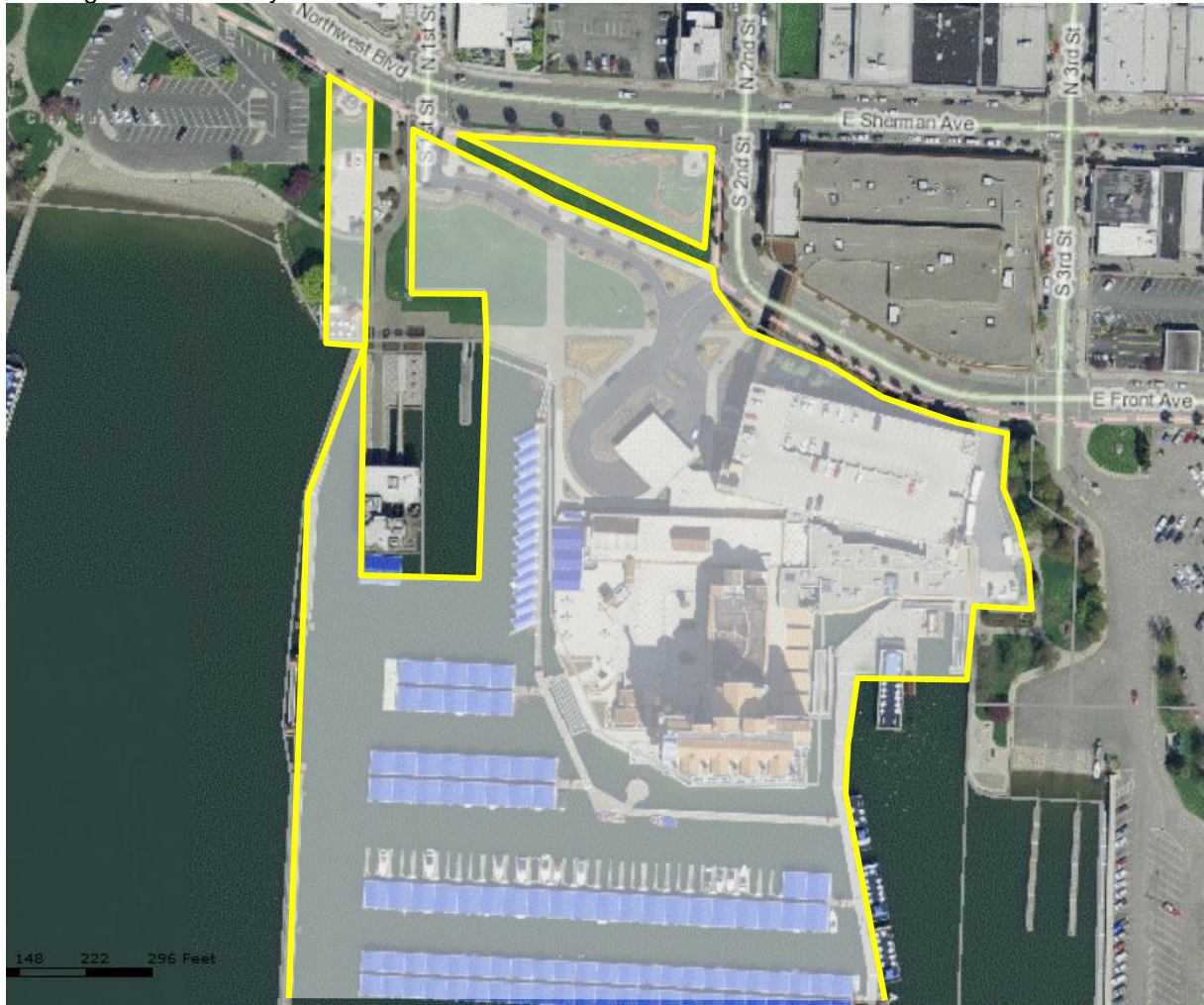
1. Remove the circular parking lot and replace with landscaped open space;
2. Remove certain walkways and add new walkways;
3. Remove the existing 8' wide sidewalk along Sherman Avenue and the 8' wide Centennial Trail and replace both with a single 14' wide sidewalk along Sherman Avenue;
4. Modify vehicular access to the site;
5. Reduce the on-site bus loading area;
6. Changes in landscaping areas;
7. Remove street trees along Sherman Avenue, 2nd Street and Front Avenue; and
8. Add former railroad right-of-way into the PUD.

GENERAL INFORMATION:

The original Coeur d'Alene Resort PUD was approved in 1983 and revised in 1994 and 1996. The 1996 revision approval resulted in the plaza and Front Avenue design that exists today.

The purpose of the current request is to modify the development's street tree, Centennial Trail and walkways for the plaza and Front Street as part of a larger project off the PUD site that reconfigures the design of the resort's access and the change of character for Front Street,

Existing PUD Boundary:

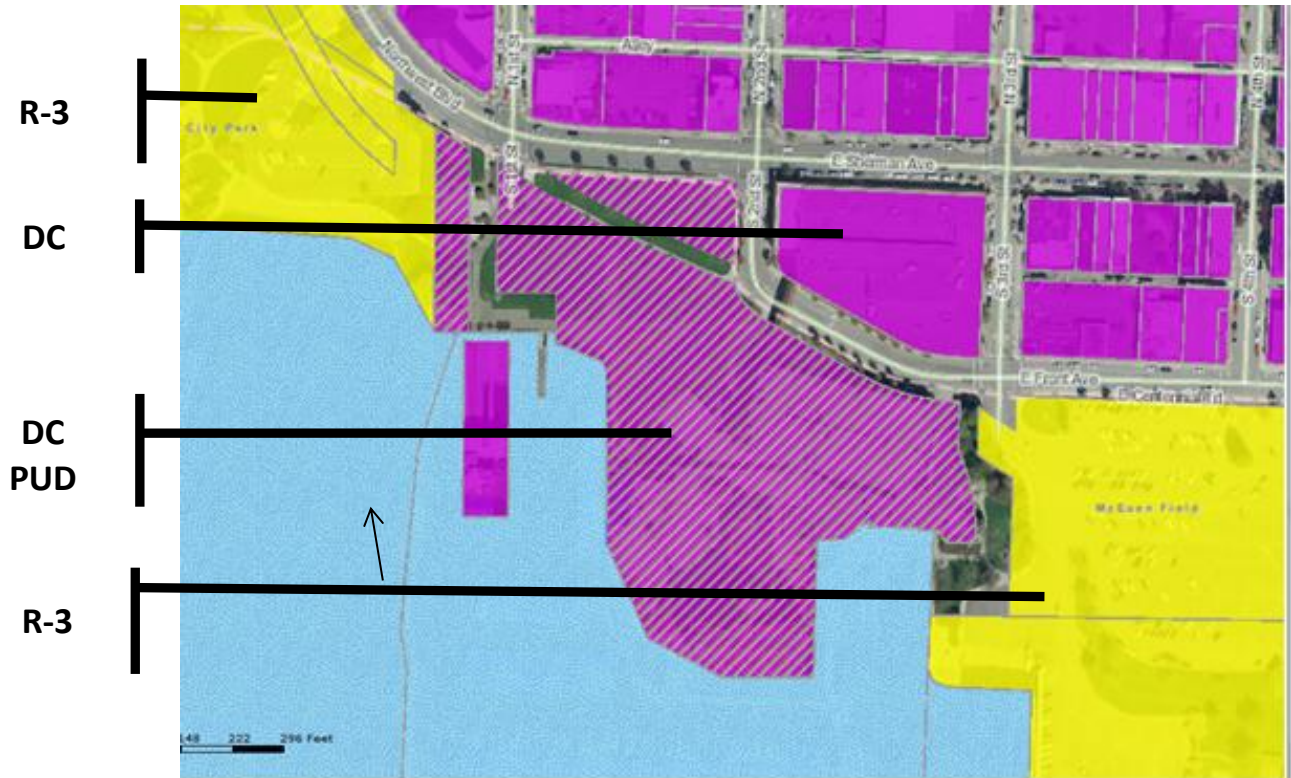


Aerial of Site:

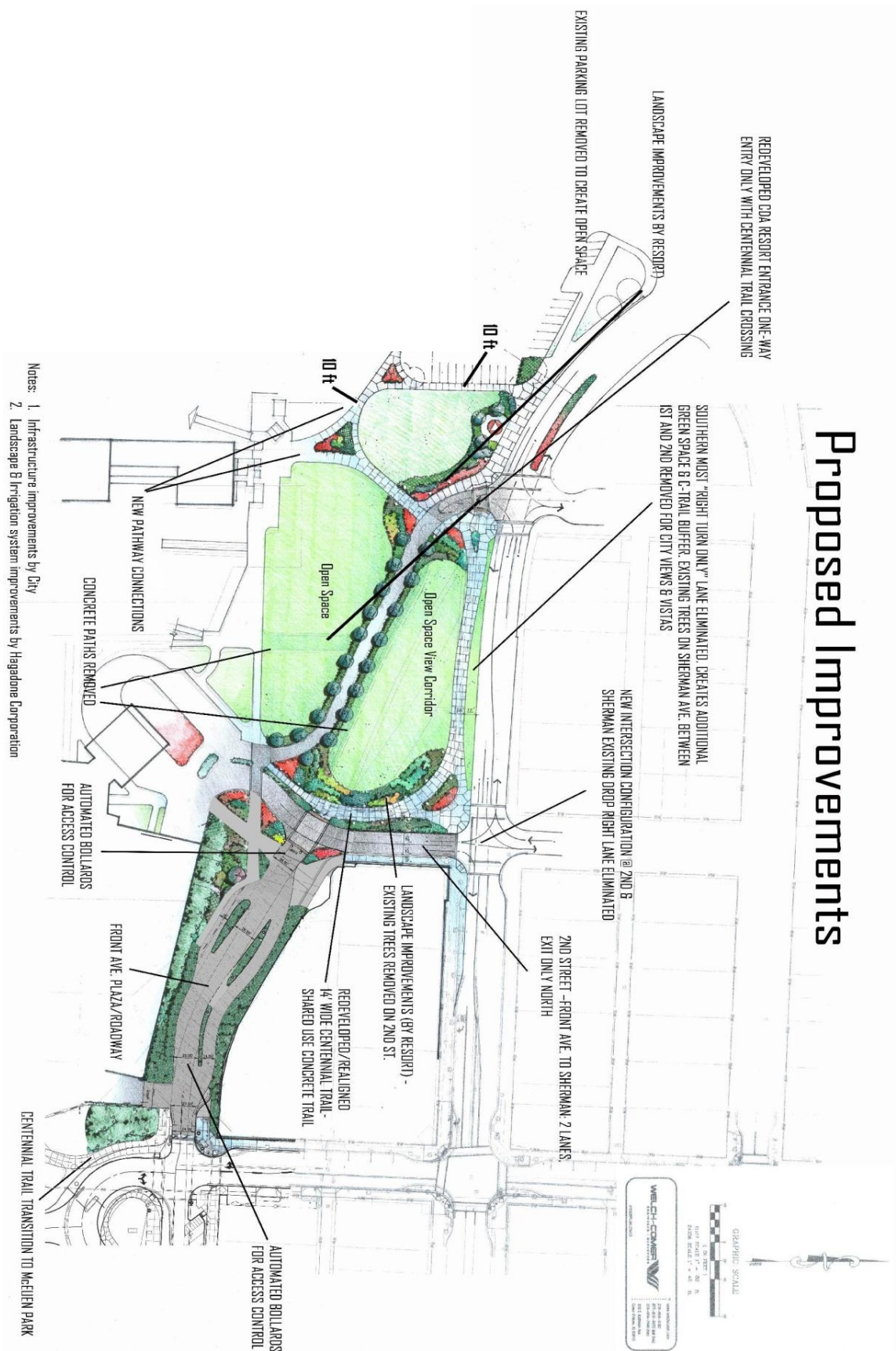


Existing zoning:

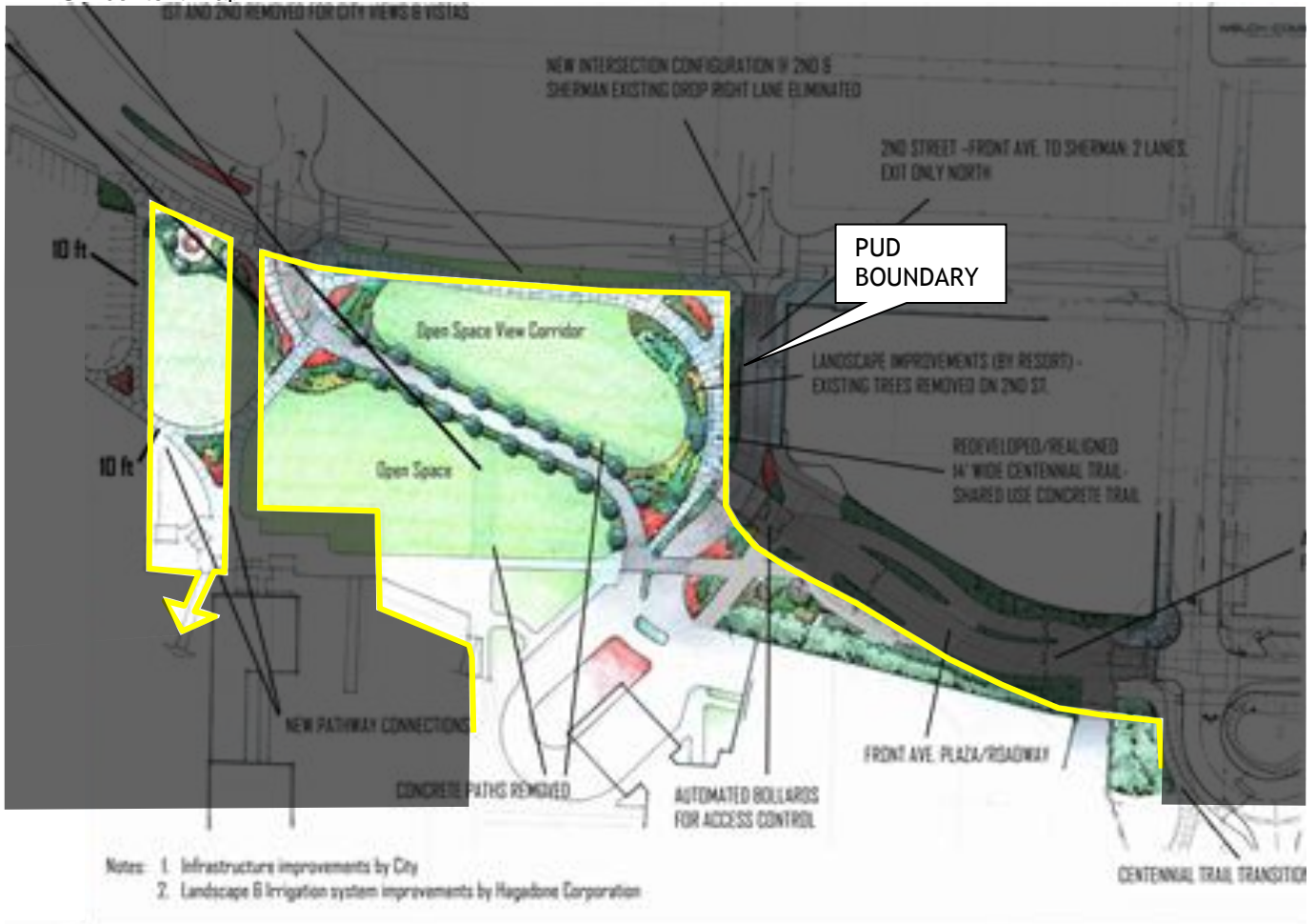
The zoning pattern (see zoning map) in the surrounding area shows R-3, DC, and the Resort's PUD overlay zoning.



Overall context map:



PUD context map:



NOTE: The Planning Commission's review is limited to the design features within the PUD boundaries. The design features outside of the PUD boundary are provided only to give context.

PUD FINDING ANALYSIS:

Finding #B8: The proposal is in conformance with the comprehensive plan.

2007 Comprehensive Plan designation - Stable Established – Downtown

Land Use: Downtown Coeur d'Alene



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.

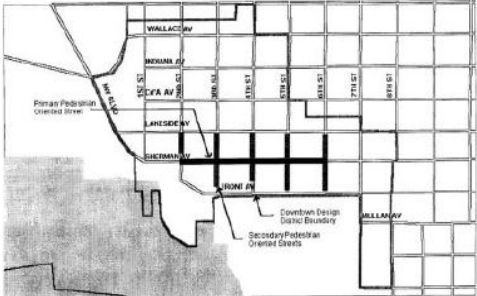

Downtown Coeur d'Alene Tomorrow

Downtown Coeur d'Alene is envisioned to have the highest intensity uses for retail, office, residences, and hotels contained within low-rise, mid-rise and high-rise buildings. The city will continue to encourage urban mixed-use, pedestrian-friendly development using both private and public investment. The city seeks to provide an atmosphere of sustainable quality in growth designed to give locals and tourists alike a multitude of choices for recreation, commerce, and entertainment.

The characteristics of Downtown Coeur d'Alene will include:

- That major public spaces and buildings anchor this district with shops and restaurants located along key streets.
- That parking is increasingly located within structures.
- Partnering with existing groups to coordinate exceptional development.
- Producing a concentration and a mixture of viable commercial, office, retail, residential, and public uses.
- Developing a downtown that supports pedestrian movement and use of public transit.
- Retaining existing civic uses and encourage new government services, and state, county, and federal functions.
- Creating a distinct, strong identity for downtown.

Downtown Core Special Area

Page 30	The City of Coeur d'Alene	
<h3>Special Areas: Areas of Coeur d'Alene Requiring Unique Planning</h3>		
<p>Downtown Core</p> <p>Downtown Coeur d'Alene is the historic center of a growing metropolitan area with much of its original turn-of-the-century masonry architecture intact. The downtown core functions as a multi-use center with people living, walking, shopping, running errands, and enjoying restaurants. It is a social center as well, with people strolling, window shopping, meeting friends, and socializing.</p> <p>Promoting an attractive mixed-use atmosphere, our downtown maintains its unique ambiance while retaining its pedestrian-friendly pathways. Progressive rather than restrictive codes allow flexibility to local and incoming businesses/developers, maintaining and increasing what makes Coeur d'Alene one of the most livable cities in the USA.</p> <p>Downtown Design Standards:</p> <p>Following extensive public comment and participation, Coeur d'Alene has adopted an ordinance that controls the height, bulk, and design of buildings located in the Downtown Core (DC) zone district. The purpose of these development regulations is to create a distinct, strong identity for the downtown core, while preserving a civic heart for Coeur d'Alene.</p>	<p>Design Guidelines:</p> <p>New construction and redevelopment located within this designated area must conform to our Design Guidelines. The purpose of these guidelines is to encourage high intensity, pedestrian-oriented retail, service, and residential use, and to protect public views, while preserving property values and character.</p> <p>Policy:</p> <ul style="list-style-type: none"> • Promote a strong, vibrant downtown through increased housing, shops, restaurants, cultural, and entertainment opportunities. <p>Methods:</p> <ul style="list-style-type: none"> • We will work in conjunction with the Lake City Development Corporation (LCDC) and apply applicable codes to ensure compatible and appropriate growth. • Employ downtown development standards and design guidelines. • Provide structured parking in downtown when opportunity exists. <p>Related Objectives:</p> <ul style="list-style-type: none"> • 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.11, 1.12, 1.13, 1.14, 1.16, 1.18, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 3.08, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.17, 4.06 	 <p><i>Downtown Coeur d'Alene Core (illustrative only)</i></p>  <p><i>Sherman Avenue streetscape</i></p>

Downtown Core Special Area Significant policies:

Objective 1.03

Waterfront Development:

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

Objective 1.04

Waterfront Development:

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

Objective 1.05

Vistas:

Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.

Objective 1.06

Urban Forests:

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

Objective 1.07

Urban Forests:

Restrict tree removal in city rights-of-way and increase tree planting in additional rights-of-way.

Objective 1.09

Parks:

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

Objective 1.11

Community Design:

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

Objective 1.16

Connectivity:

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

Objective 2.01

Business Image & Diversity:

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

Objective 2.04

Downtown & Neighborhood

Service Nodes:

Prioritize a strong, vibrant downtown and compatible neighborhood service

Objective 2.05

Pedestrian & Bicycle

Environment:

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

Objective 2.06

Cooperative Partnerships:

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

Objective 3.14

Recreation:

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

Coeur d'Alene Bikeways Plan:

MISSION:

The essence of the City bicycle plan is to provide bike lanes on arterial and major collector streets to provide direct, continuous, and convenient transportation access to all parts of the community.

GOAL:

The plan should be used to require dedication of right-of-way with land partitions or street construction with all new subdivisions, roadway improvement projects and wherever possible with land use applications.

This practical solution will provide bicycles and pedestrians with access into all residential, commercial and industrial areas of the community thereby encouraging use of bicycles for all type of trips, to decrease reliance on the automobile and to provide low cost transportation options for people without cars – the young, the elderly, the poor and the disabled. To coordinate the City of Coeur d’Alene Bicycle Plan with other cities, districts and state agencies to develop a regional network of bicycle transportation facilities.

The applicant has provided a plan that modifies the pedestrian and bicycle traffic on and through the site.

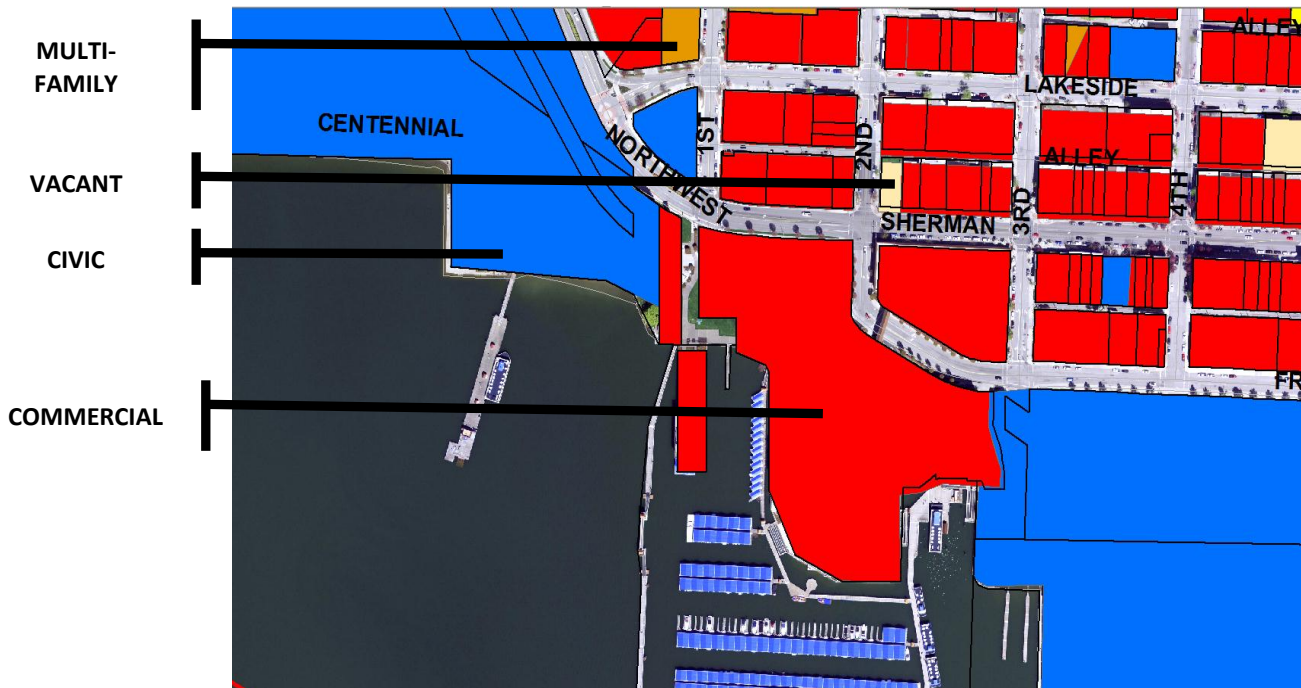
Evaluation: The Planning Commission must determine, based on the evidence before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

Finding #B9: The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.

The Coeur d’Alene Resort development was designed and developed as a destination resort that focuses primarily on waterfront access with secondary access to the Sherman Avenue commercial core.

The applicant’s attached narrative provides further observations about the design and planning.

C. Generalized GIS land use:



Urban Forestry

The Urban Forestry Committee has approved the concept of removing the red maple street trees within the PUD along Sherman Ave. and 2nd Street without replacement trees being planted. For the street trees on the north side of Sherman Ave. that the applicant references in its application, the Urban Forestry Committee has likewise approved the concept of removing the trees but the applicant will need to submit a formal application to the Committee and replacement street trees will most likely be required by the city code. Katie Kosanke, Urban Forestry Coordinator

Evaluation: The Planning Commission must determine, based on the evidence before them whether the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties

Finding #B10: C. The proposal is compatible with natural features of the site and adjoining properties

The subject property is relatively flat developed property and has no physical features that need to be preserved or that would minimize development of the proposed improvements.

Evaluation: The Planning Commission must determine, based on the evidence before them, whether the physical characteristics of the site make it suitable for request at this time.

Finding #B11: D. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.

Wastewater Department:

Public sewer is available and of adequate capacity to support this project. Mike Becker, Utility Project Manager

Water Department:

The property is currently adequately served by a 12" main in Front Avenue and 12" and 6" mains extended within public utility easements in the park area and 1st St ROW to the northwest of the Resort. The proposed changes do not change the adequacy of the water service. The Water Department requires that all mains will be under asphalt or concrete for maintenance access and purposes. Terry W. Pickel, Assistant Water Superintendent

Engineering Department:

Since the proposed action is only impacting the Resort proper (the area between the westerly boundary and the westerly r/w of 2nd St), and not affecting the areas of 2nd Street or Front Avenue, Engineering has no comments or issues to address. Chris Bates, Engineering Project Manager

Trails

The applicant proposes to replace the existing 8' wide Centennial Trail and the existing 8' wide sidewalk along Sherman Avenue with a single 14' wide sidewalk along Sherman Ave and 2nd Street. The Pedestrian/Bicycle Committee considered this proposal on July 17, 2013. Concerning PUD elements, the Committee requested that where the trail enters the Resort PUD from Front Ave (at 2nd Street), the curve to the north along 2nd Street should have a gentler radius. Monte McCully, Trails Coordinator.

Fire

There were no requirements/comments pertaining to the PUD portion of the design

Evaluation: The Planning Commission must determine, based on the evidence before them, that public facilities and utilities are or are not available and adequate for the proposed use.

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

OPEN SPACE:

The existing development provides open space that includes landscaped areas and a number of pedestrian walkways that are accessible to the public, including a 12-foot floating walkway/breakwater. With the addition of the circular parking lot, the open space provided on land is 2.15 acres or 33% of the land area.

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.

Finding #B8F: Off street parking provides parking sufficient for users of the development.

The existing PUD has a 550-space parking garage. The proposed change would replace the ten space circular parking lot with landscaping. Approximately three (3) of those ten (10) spaces are located on the First Street ROW. Removal of these spaces does not affect the Coeur d'Alene Resort's ability to meet parking requirements. The circular parking lot was programmed to be removed if a restaurant approved in the original PUD was ever constructed.

Evaluation: All uses within the development have complied with on-site parking requirements.

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

A development agreement was established with the original PUD to maintain all common property.

PROPOSED CONDITION:

1. Where the new Centennial Trail enters the Resort PUD from Front Ave (at 2nd Street), the curve to the north along 2nd Street should have a gentler radius.

Ordinances and Standards Used In Evaluation:

Comprehensive Plan - 2007.
Coeur d'Alene Trails and Bikeways Master 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.

ACTION ALTERNATIVES:

The Planning Commission must consider these requests and make appropriate findings to approve, deny or deny without prejudice. The findings worksheets are attached.

**NARRATIVE IN SUPPORT OF APPLICATION FOR
AMENDMENT TO DEVELOPMENT PLAN FOR
THE COEUR D'ALENE RESORT PUD**

BACKGROUND

Application is being made by Hagadone Hospitality Co. for amendment to the approved development plans for the Coeur d'Alene Resort Planned Unit Development (the "Resort PUD") to accommodate changes in circulation for motor vehicles, bicycles and pedestrians in conjunction with the re-development of McEuen Park, and the decision by the Coeur d'Alene City Council to limit vehicular access, and enhance pedestrian circulation, along Front Avenue between 2nd and 3rd Streets.

In addition, it should be noted that since the last amendment to the PUD, the applicant has acquired title to the former railroad right of way through the Resort property. The legal description provided as a part of this application no longer excepts that right of way, and therefore it is also requested that the PUD be amended to include that former railroad right of way as within the PUD boundaries.

The Resort PUD was originally approved in 1983, resulting in a Development Agreement between the property owner and the City of Coeur d'Alene which allowed for the construction of an eighteen (18) story tower in exchange for preservation of a significant amount of open space and green space for the benefit of the public. With the enlargement of the open space, views and vistas, primarily of Lake Coeur d'Alene from the adjacent downtown core along Sherman Avenue, were enhanced and preserved. Public enjoyment of the waterfront was further enhanced by the construction of the floating boardwalk.

Subsequent amendments to the development plan included improvements to the grounds and public spaces, following the underlying premise of preserving and enhancing views and vistas. Over the years, the goals of enhancing the public views and vistas, as well as public use of the waterfront via the floating boardwalk, have been largely achieved. Events such as the 4th of July fireworks and Christmas lighting ceremonies often involve crowds from 15,000 to 30,000 people. An electronic counter has recorded in excess of 1,000,000 pedestrians each year walking the boardwalk.

Over the past three (3) years, The City engaged in extensive planning and design work for the redevelopment of McEuen Park. In May of 2011, the City Council approved a master plan that included a strong pedestrian corridor through the Resort grounds, allowing users a real connection between City Beach and the new McEuen Park. While that concept was initially abandoned in favor of retaining the existing vehicular traffic flow, it was resurrected during discussions of the Local Improvement District for Front Street improvements from 2nd Street to 7th Street. In January of this year, the City Council revisited the concept of removing vehicular traffic from Front Avenue between 2nd and 3rd Streets. This was strongly supported by staff, with concerns for safety over conflicts between pedestrian and vehicular use as this portion of

Front Street becomes the focal point for pedestrian flow from the new McEuen Park, through the Resort grounds, to City Beach and beyond. Traffic studies showed that the impacts from the closure of Front Street to general vehicular traffic between 2nd and 3rd Street could be mitigated through relatively simple modifications to 3rd Street, and the Resort committed to paying for the improvements to Front Avenue between 2nd and 3rd Street *over and above* its assessment for the LID.

PROPOSED AMENDMENTS

As noted, the changes within the PUD boundaries which are the subject of this application are intended to accommodate the changes in circulation resulting from the elimination of general vehicular traffic along Front Avenue between 2nd and 3rd Streets, and the enhancement of pedestrian and bicycle circulation through that area. If this amendment to the PUD is approved, completion of the improvements within the PUD will be contingent upon corresponding improvements or modifications by the City to the public rights of way affected by the closure, including Front Avenue between 2nd and 3rd Streets, 2nd Street from Front Avenue to Sherman, along Sherman Avenue fronting the Resort, and in the area of the clock tower. The conceptual improvements outside of the PUD boundaries are shown for illustrative purposes on the attached site plan, although the City is still in the process of finalizing its improvement plans for those areas. The plan for all of the improvements has been developed under the guidance and recommendations of staff and the City's design team. The City Engineer has carefully coordinated the new traffic flows and loads created with the redevelopment of McEuen Park. The City's Parks Director and Planning Director have provided in put in order to coordinate with short term and long term master plans. Staff has met with and consider the input from the Centennial Trail and Urban Forestry committees as well.

The fundamental principles of the original PUD enhancing view and vistas have guided the effort. Open spaces will be enhanced and enlarged. Trees that were originally planted will be removed, opening up even better views of the lake and mountains. Current paved areas will be taken out and replaced with landscaped areas of lawns and planting beds. Other planted areas will be significantly enlarged. The Centennial Trail through the Resort property will be improved from a shared 6' - 8' wide trail to a 14' wide shared trail.

The changes will further accommodate not only the increase in pedestrian traffic with the Resort's planned 200 room addition at the west end of the Resort Shops, as well as developments that have been rumored to be on the drawing board by other property owners in the vicinity. While the exact date of the expansion is unknown at this time, it is estimated the Resort's planned expansion alone would add 300-400 new pedestrians to the area. The new design has been engineered to accommodate this increase in public and pedestrian use between McEuen Park, through the Resort, to City Beach and beyond.

PHYSICAL LAND ALTERATIONS

The physical land alterations are generally depicted on the site plan provided as a part of this application. The actual changes to the lands within the PUD being requested by this application are fairly nominal. No structural or utilities changes are proposed. Grades will be

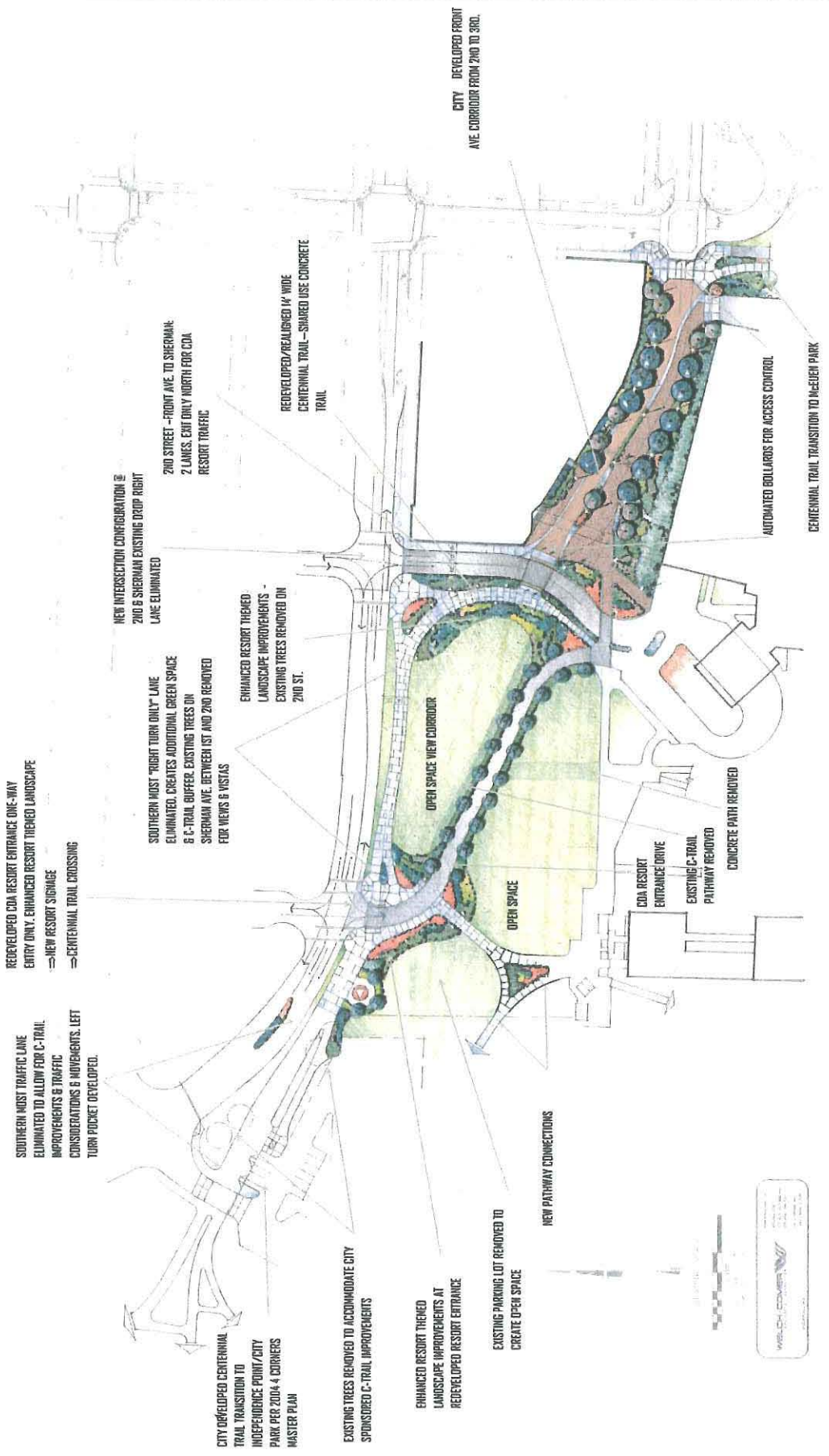
substantially the same, with some slight cuts and fills to accommodate the re-routing of the Centennial Trail. The existing frontage trees along the south side of Sherman Avenue will be removed (and, while not a part of this application, the Urban Forestry committee has also approved the concept of removing the trees along the north side of Sherman Avenue as well). The circular parking area off of the 1st Street right of way will be taken out, and replaced with .2 acres of additional lawn and landscaping. Sections of the city right of way along 2nd Street and Sherman Avenue will become open green space, allowing for the enlargement of the Centennial Trail from a 6'-8' wide trail to a new shared 14' wide trail. The new green space and landscaping to be installed, along with street and path lighting, up-lighting of trees, benches and other features, will fit with the overall quality and character of the Resort property, creating an outstanding community focal point for years to come.

PRELIMINARY DEVELOPMENT SCHEDULE

All work will be completed according to the City's schedule, coinciding with the completion and final opening of McEuen Park in the spring of 2014. As noted previously, this amendment relates to work within the PUD boundaries, completion of which is contingent upon corresponding improvements or modifications to be made by the City in the public rights of way.

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Proposed Improvements



REDEVELOPED CDA RESORT ENTRANCE ONE-WAY ENTRY ONLY. ENHANCED RESORT THEMED LANDSCAPE
 ⇒ NEW RESORT SIGNAGE
 ⇒ CENTENNIAL TRAIL CROSSING

SOUTHERN MOST TRAFFIC LANE ELIMINATED TO ALLOW FOR C-TRAIL IMPROVEMENTS & TRAFFIC CONSIDERATIONS & MOVEMENTS. LEFT TURN POCKET DEVELOPED.

NEW INTERSECTION CONFIGURATION @ 2ND & SHERMAN EXISTING DROP RIGHT LANE ELIMINATED

2ND STREET -- FRONT AVE. TO SHERMAN 2 LANES. EXIT ONLY NORTH FOR CDA RESORT TRAFFIC

SOUTHERN MOST "RIGHT TURN ONLY" LANE ELIMINATED. CREATES ADDITIONAL GREEN SPACE & C-TRAIL BUFFER. EXISTING TREES ON SHERMAN AVE. BETWEEN 1ST AND 2ND REMOVED FOR VIEWS & VISTAS

ENHANCED RESORT THEMED LANDSCAPE IMPROVEMENTS - EXISTING TREES REMOVED ON 2ND ST.

REDEVELOPED/REALIGNED W/ WIDE CENTENNIAL TRAIL - SHARED USE CONCRETE TRAIL

CITY DEVELOPED CENTENNIAL TRAIL TRANSITION TO INDEPENDENCE POINT/CITY PARK PER ZODIA 4 CORNERS MASTER PLAN

EXISTING TREES REMOVED TO ACCOMMODATE CITY SPONSORED C-TRAIL IMPROVEMENTS

ENHANCED RESORT THEMED LANDSCAPE IMPROVEMENTS AT REDEVELOPED RESORT ENTRANCE

EXISTING PARKING LOT REMOVED TO CREATE OPEN SPACE

NEW PATHWAY CONNECTIONS

CITY DEVELOPED FRONT AVE. CORRIDOR FROM 2ND TO 3RD.



AUTOMATED BOLLARDS FOR ACCESS CONTROL

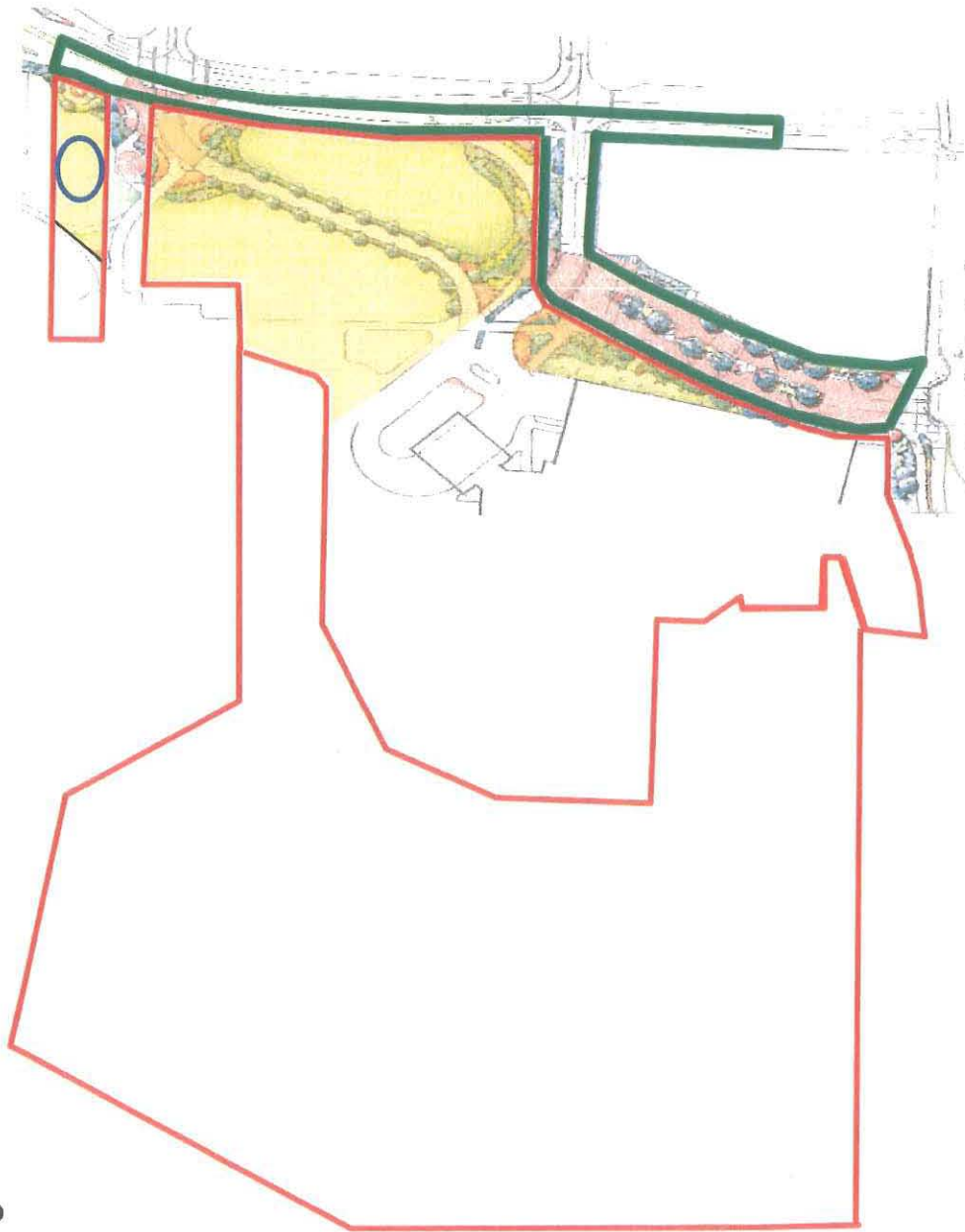
CENTENNIAL TRAIL TRANSITION TO MEEBEN PARK

CDA RESORT ENTRANCE DRIVE

EXISTING C-TRAIL PATHWAY REMOVED

CONCRETE PATH REMOVED

PUD BOUNDARY MAP



LEGEND

- 2a Existing PUD Boundary
- 2b Front Ave, 2nd Street, and Sherman Avenue Improvements
- 2c No change to building locations and dimensions
- 2d No change to building uses
- 2e Additional 0.2 acres of public use open space
- Existing 1.95 ac of public use open space
- 2f Landscaping shown. No change to water and sewer services.



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

A. INTRODUCTION

This matter having come before the Planning Commission on December 10, 2013, and there being present a person requesting approval of Item: PUD-1-83m.3 a request for a modification to a planned unit development known as Coeur d'Alene Resort PUD.

APPLICANT: HAGADONE HOSPITALITY

LOCATION: 6.5 ACRES KNOWN AS THE COEUR D'ALENE RESORT

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 – Off-street parking, hotel, motel, restaurant/lounge, convention center, marina, retail sales and open space.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is R-3 and DC.
- B4. That the notice of public hearing was published on, November 23, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, December 2, 2013, which fulfills the proper legal requirement.
- B6. That 141 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 22, 2013.
- B7. That public testimony was heard on December 10, 2013.
- B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

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

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

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

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

Criteria to consider for B8C:	
1. Topography	3. Native vegetation
2. Wildlife habitats	4. Streams & other water areas

B8D. The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

Criteria to consider for B8D:

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

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

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

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

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied are:

1. Where the trail enters the Resort PUD from 2nd Street, the curve to the north along 2nd Street should have a gentler radius to reduce the grade of the path up to Sherman Ave.

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 Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION
STAFF REPORT**

FROM: TAMI STROUD, PLANNER
DATE: DECEMBER 10, 2013
SUBJECT: ZC-1-13 - ZONE CHANGE FROM R-3 and C-17L TO R-8
LOCATION: +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10TH
ADDITION"

APPLICANT:

Mulligan Investments, LLC
PO Box 2350
Coeur d'Alene, ID 83816

ENGINEER:

Lake City Engineering, Inc.
3909 N. Schreiber Way Suite #4
Coeur d'Alene, ID 83815

DECISION POINT:

Mulligan Investments, LLC, is requesting a zone change for a portion of "The Landings at Waterford 10th Addition" from R-3 (Residential at 3 units/acre) and C-17L (Limited Commercial at 17 units/acre) zoning districts to R-8 (Residential at 8 units/acre) zoning district.

GENERAL INFORMATION:

The subject property is located west of the intersection of Downing Lane and Freeland Drive, and east of Huetter Road. A portion of the +/- 12.66 acres is currently zoned C-17L (2.68 acres) and was intended for neighborhood commercial uses, but due to restricted access to Huetter Road the applicant has requested the R-8 (Residential at 8 units/acre) zoning district to allow for residential development. The other portion of the subject property is currently zoned R-3 (Residential 3 units/acre) and the applicant has requested R-8 (Residential at 8 units/acre) zoning for the remaining 9.98 acres to be developed as single-family lots.

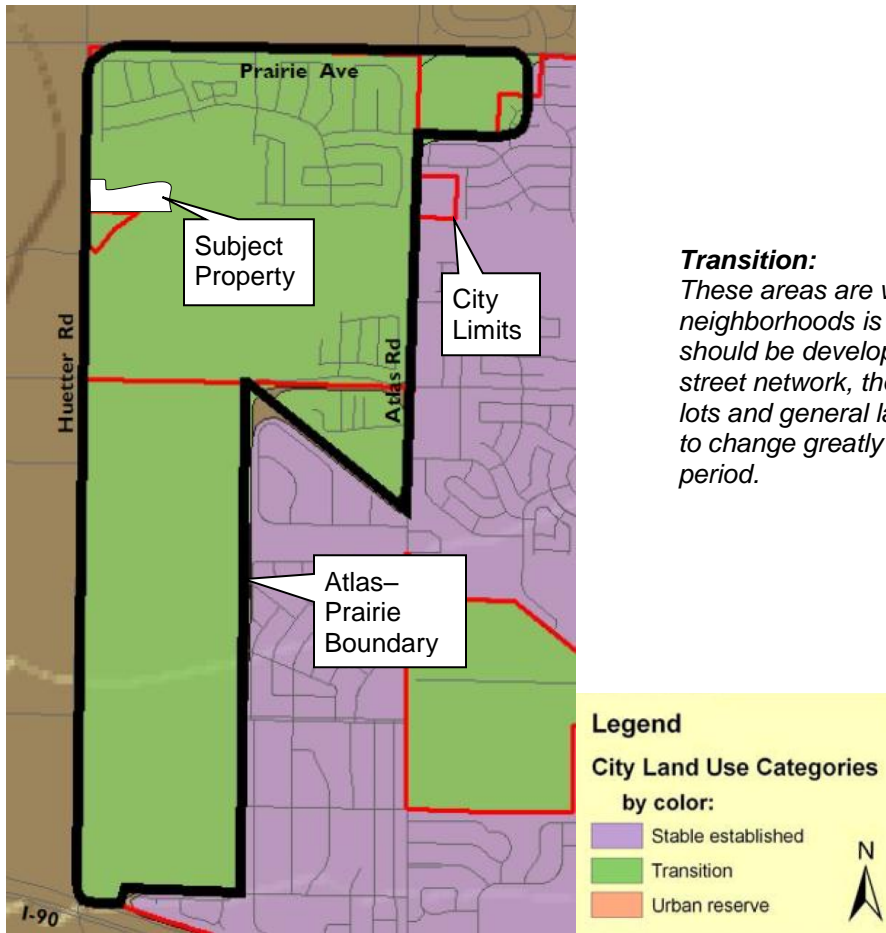
A proposed 58-lot preliminary plat being submitted in conjunction with the requested zone change. The applicant's comments and justification for the zone change request is attached for your review.

REQUIRED FINDINGS:

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

2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Atlas - Prairie – Transition:



Transition:

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.

Atlas-Prairie Tomorrow

Generally, this area is envisioned to be a residential area, lower in density, which develops with interconnected neighborhoods providing a mix of housing choices.

The characteristics of Atlas-Prairie neighborhoods will be:

- That overall density may approach four to five residential units per acre (4-5:1), however, pockets of higher density housing and multi-family units are appropriate incompatible areas.
- Annexing requires careful evaluation of infrastructure needs.
- Open space, parks, and pedestrian and bicycle connections will be provided.
- Developments adjacent to the Area of City Impact (ACI) boundary will provide for a distinctive entrance to the city.
- Neighborhood service nodes where appropriate.
- The street network will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- A bypass study is underway to determine how traffic will be distributed to ease pressure from US 95.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

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

Objective 1.11

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 1.14

Efficiency:

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

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

Objective 2.05

Pedestrian & Bicycle Environment:

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

Goal #3: Home Environment

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

Objective 3.01

Managed Growth:

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

Objective 3.04

Neighborhoods:

Encourage the formation of active neighborhood associations and advocate their participation in the public process.

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.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.06

Public Participation:

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

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.*

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

TRAFFIC/STREETS:

The subject property is proposed to be utilized for 58 single-family lots. The ITE Trip Generation Manual estimates the project may generate approximately 45 and 59 ADT's respectively during the A.M. and P.M. peak hour periods. This is approximately one trip over a 2.5 to 3 minute period. Although this proposed phase is an increase of approximately twenty lots over the original number proposed for this portion of the development, the increase is insignificant to the development as a whole.

Evaluation

These vehicular flows were accounted for in the original approval for the development and were deemed satisfactory. With the extensive development of the surrounding roadway system, there are numerous adjacent and/or connecting streets that will accommodate the additional traffic volume and allow for a multitude of points of ingress/egress to and from the arterial roadways that bracket the subdivision.

-Submitted by Chris Bates, Engineering Project Manager

WATER:

Infrastructure necessary to support the current zoning within this development is currently in place. Should any additional water infrastructure, or changes to the existing water infrastructure be required to support the proposed change in density, it will be the responsibility of the developer to install or alter at their expense. All changes to existing facilities must be approved by the Water Department. .

-Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

Wastewater has no objection to this planning action.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department has reviewed the request and has no comments for the proposed zone change.

-Submitted by Bobby Gonder, Fire Inspector

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

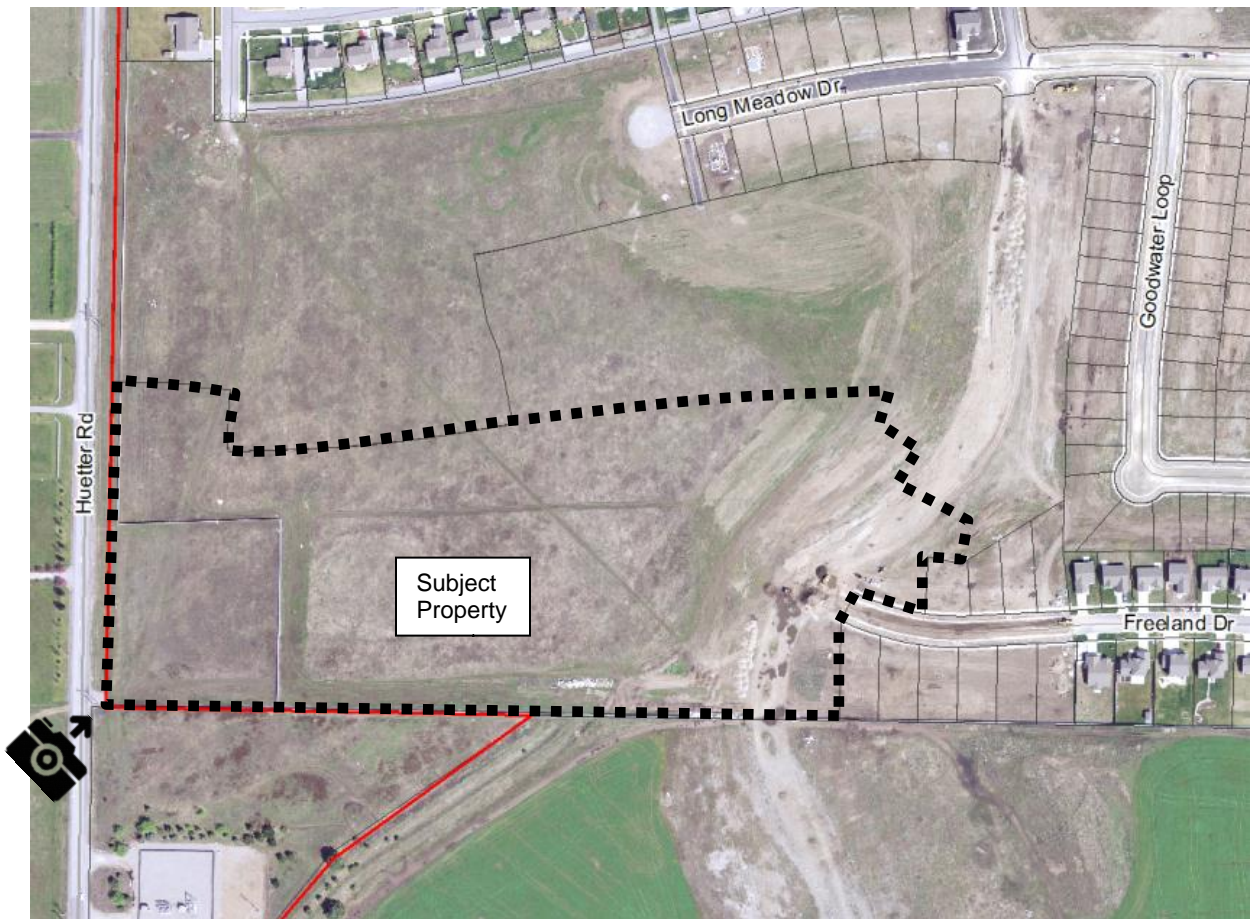
C. **Finding #B10:** That the physical characteristics of the site (make) (do not make) it suitable for the request at this time.

PHYSICAL CHARACTERISTICS:

As shown on the aerial photo on this page, there are no physical constraints that would make the subject property unsuitable for the request. The subject property is relatively flat and currently vacant.

AERIAL/SITE PHOTOS:

Aerial (Showing location of where site photo was taken in Google: Street View):



Site (From Huetter Rd. at SE corner looking NE into The Landings):



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

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

TRAFFIC:

The connecting streets will accommodate the additional traffic, as indicated in the engineering staff report. The neighborhood character in the area is primarily single-family. The R-8 zoning district would be consistent with the surrounding development in the neighborhood.

NEIGHBORHOOD CHARACTER:

The surrounding properties to the north, south and east are currently zoned R-3 (Residential at 3 units/acre) and R-8 (Residential at 8 units/acre). The developer intends to construct single-family homes similar to those within the surrounding neighborhood.

From 2007 Comprehensive Plan:

Land Use- Atlas-Prairie (Atlas-Prairie Today): This area consists largely of prairie farmland and native conifer forest. The northern tier of the district contains a rapidly

developing, suburban subdivision. This area lies over the Spokane Valley-Rathdrum Prairie Aquifer, and also holds the last, large tract of vacant land within the Area of City Impact (ACI).

Farmland is broken into parcels ranging from approximately 23 to 160+ acres. Subdivisions are developing with approximately three houses per acre (3:1). The remaining parcels provide opportunities for large-scale master planning.

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

EXISTING LAND USES:

ZONING:

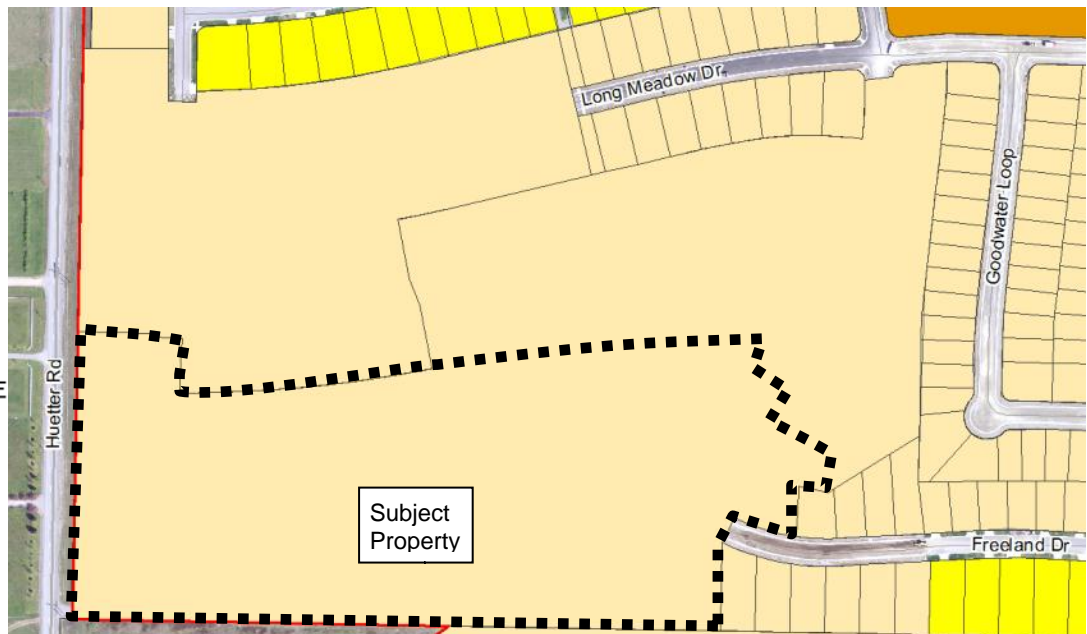
- zoning
- C-17
- C-17L
- C-17LPUD
- C-17PUD
- DC
- DCPUD
- LM
- M
- MH-8
- MH-8PUD
- NC
- NW
- R-1
- R-12
- R-12PUD
- R-17
- R-17PUD
- R-1PUD
- R-3
- R-3PUD
- R-5
- R-5PUD
- R-8
- R-8PUD
- R-85F



GENERALIZED LAND USE PATTERN:

- Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULTURE
- VACANT

ZC-1-13



Evaluation: *The Planning Commission must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

All proposed utilities within the project shall be installed underground.

STREETS:

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.

PROPOSED CONDITIONS:

None

ORDINANCES & STANDARDS USED FOR EVALUATION:

2007 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2010 Coeur d'Alene Trails Master Plan

ACTION ALTERNATIVES:

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

LANDINGS REZONE REQUEST – JUSTIFICATION

This property is located in the last phase of The Landings at Waterford Master Planned Community. It is surrounded entirely by residential uses and residentially zoned property. The adjacent property to the North and South is zoned R-8 and is planned for single family residential homes with an average lot size of 8500 square feet. The purpose of this rezone is to make the property consistent with the surrounding zoning and allow the project proponent to develop similar sized lots. The current market conditions are such that this rezone will allow for this property to be developed in such a manner as to meet the demand for affordable residential lots.

The original intent of the C-17L property adjacent to Huetter Road was to provide neighborhood commercial uses. However, restricted access to Huetter Road due to the future Huetter By-pass makes this property not feasible to develop in that manner anymore.

The requested zone change is in conformance with the Comprehensive Plan. The subject property is designated as being in the Transition Land Use Category, which states that the number of building lots and general land use are subject to change during the course of the planning period. The Comprehensive Plan defines this property as being in the Atlas-Prairie Neighborhood Area. This Area is characterized by residential densities of 4 – 5 dwelling units per acre which are commensurate with single-family lots in the R-8 zone.

**PLANNING COMMISSION
STAFF REPORT**

FROM: TAMI STROUD, PLANNER
DATE: DECEMBER 10, 2013
SUBJECT: S-2-03.m.1 – “THE LANDINGS AT WATERFORD 12TH” A 58-LOT
PRELIMINARY PLAT SUBDIVISION
LOCATION: +/- 18.92 ACRES CURRENTLY KNOWN AS “THE LANDINGS AT WATERFORD
10TH ADDITION”

APPLICANT:

Mulligan Investments, LLC
PO Box 2350
Coeur d’Alene, ID 83816

ENGINEER:

Lake City Engineering, Inc.
3909 N. Schreiber Way Suite #4
Coeur d’Alene, ID 83815

DECISION POINT:

Mulligan Investments, LLC, is requesting the approval of a re-plat of an existing 38- lot subdivision to a 58-lot residential subdivision in “The Landings at Waterford 10th Addition”.

GENERAL INFORMATION:

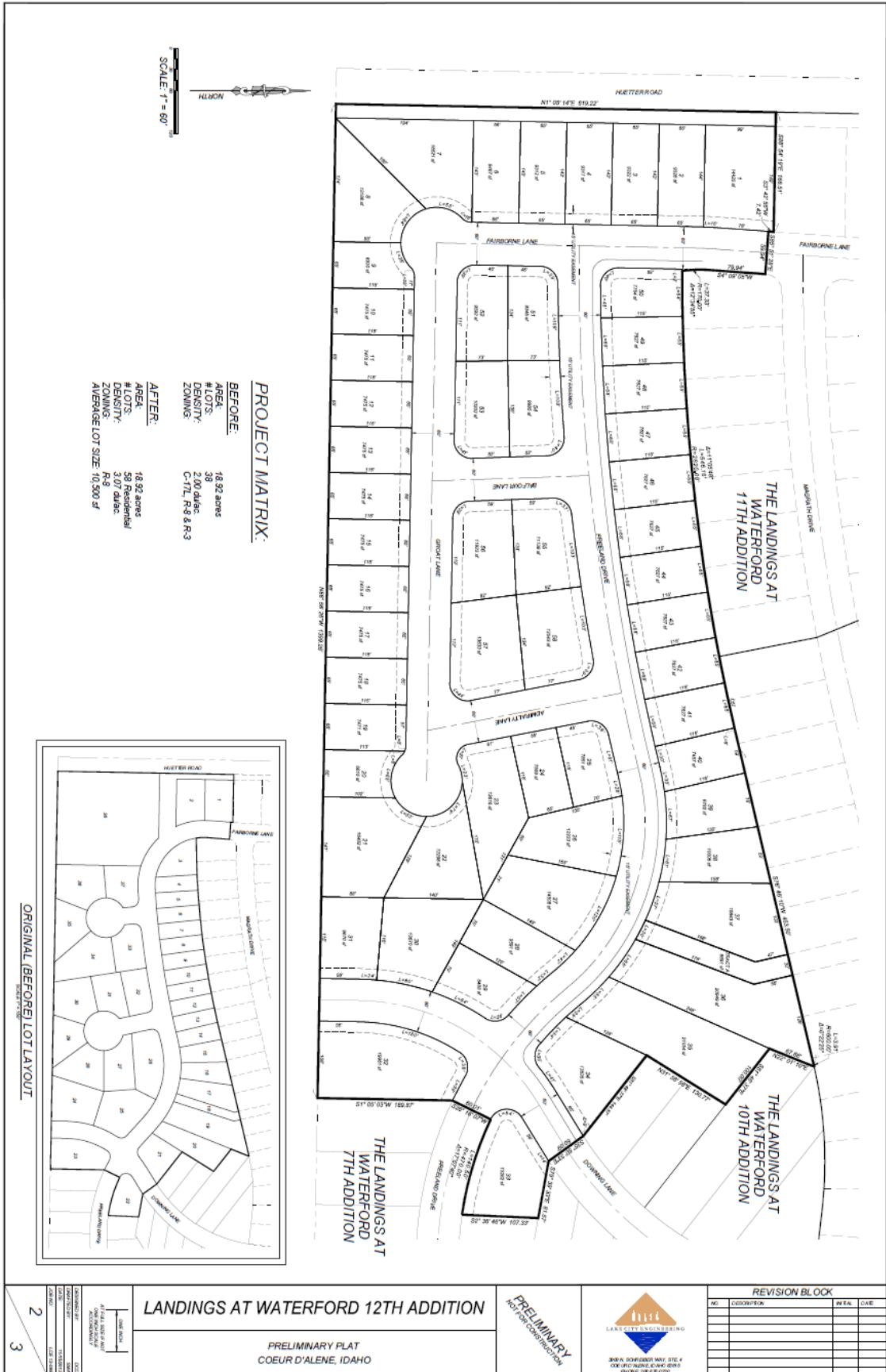
The subject property is located west of the intersection of Downing Lane and Freeland Drive, and east of Huetter Road. The subject property is +/- 18.92 acres and the applicant is requesting a replat of an existing 38-lot subdivision to create a 58-lot subdivision known as “Landings at Waterford 12th Addition”. A zone change request has been submitted in conjunction with the above-noted subdivision.

REQUIRED FINDINGS:

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

- A. **Finding #B8A: That all of the general preliminary plat requirements (have) (have not) been met, as attested to by the City Engineer.**
1. As attested by Gordon Dobler, City Engineer: The preliminary plat, as submitted, contains all of the general information required by Section 16.12.020 of the Municipal Code; “General Requirements”.

2. Preliminary plat for "The Landings at Waterford 12th":



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

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

UTILITIES SUMMARY

Sewer & Water – provided by individual departments

Stormwater

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

Evaluation

The developer is planning to utilize curbside drainage swales in the same manner as the previous eleven phases of the Landings development. This method is sufficient for the removal and containment of street runoff.

Traffic

The ITE Trip Generation Manual estimates the project may generate approximately 45 and 59 ADT's respectively during the A.M. and P.M. peak hour periods. This is approximately one trip over a 2.5 to 3 minute period. Although this proposed phase is an increase of approximately twenty lots over the original number proposed for this portion of the development, the increase is insignificant to the development as a whole.

Evaluation

These vehicular flows were accounted for in the original approval for the development and were deemed satisfactory. With the extensive development of the surrounding roadway system, there are numerous adjacent and/or connecting streets that will accommodate the additional traffic volume and allow for a multitude of points of ingress/egress to and from the arterial roadways that bracket the subdivision.

Streets

1. This proposed final phase of the Landings subdivision is continuing the basic connectivity of the road system established in the original submittal. This altered layout has eliminated two cul-de-sacs and replaced them with a looping street with two corner knuckles. Freeland Drive retains the same east/west connecting function that it served in the original submittal.

Evaluation:

The submitted street layout for the phase, with the removal of the two (2) cul-de-sacs, functions better from a connectivity, traffic flow, and, street maintenance standpoint.

2. The proposed streets are the same thirty six foot (36') width and sixty foot (60') right-of-way that

exists throughout the previous development phases.

Evaluation:

The proposed interior streets meet the established City standards.

Subdivision Improvements

1. Mid-block pedestrian access will need to be provided where block lengths exceed 1,000 feet.

Evaluation

The westerly portion of the Landings development does not provide any access to the adjoining roadway, Heutter Road, along the entire length of the westerly boundary. The principal reason for this is that the Idaho Transportation Department has anticipated utilizing this corridor for a major north/south bypass at some point in the future, therefore, no vehicular access was allowed by the Post Falls Highway District which is the agency that oversees this road. However, there is a need for a pedestrian connection to the west, and per City Code 16.20.210, a minimum walkway eight feet (8') in width will be required to be constructed.

-Submitted by Chris Bates, Engineering Project Manager

FIRE PROTECTION:

The Fire Department has no issues with the proposed preliminary plat.

-Submitted by Bobby Gonder, Fire Inspector

PEDESTRIAN & BICYCLE FACILITIES:

The preliminary plat for this sub-division, submitted on Jan 20th 2003, indicated a multi-use path along the East side of Huetter Avenue. The City of Coeur d'Alene Trails and Bikeways Master Plan identified the need for a bike path along this road and proposed a trail in this same location to provide not only a safer connection from the Prairie Trail to the bike lanes on Prairie Avenue, but also to connect to future trails already identified by developers and planned to the south of the Prairie Trail. It is our intention to have a trail developed all the way down Huetter, eventually connecting to the Centennial Trail at build out.

Evaluation:

This piece of trail is an important part of the future connection and if we miss this chance now we will have an amazing three mile trail that dead ends a half a mile from the North end of Huetter. It is our recommendation that this trail be built at the time of the phase.

-Submitted by Monte McCully, Trails Coordinator.

UTILITIES:

WATER:

The water infrastructure necessary to support the proposed 58-lot subdivision must be installed prior to plat final approval at the developer's expense. The surrounding infrastructure will provide adequate domestic, irrigation and fire flow to the subdivision.

-Submitted by Terry Pickel, Assistant Water Superintendent

SEWER:

It appears that the prelim plat (attached) shows that the increase in density of the 12th Addition should offer little to no significant change in the sewer flows to the Hawks Nest Pump Station.

The Wastewater Utility will require that all new public sewer is constructed in accordance to the City of Coeur d'Alene Wastewater Standards and Policies (Latest Edition)

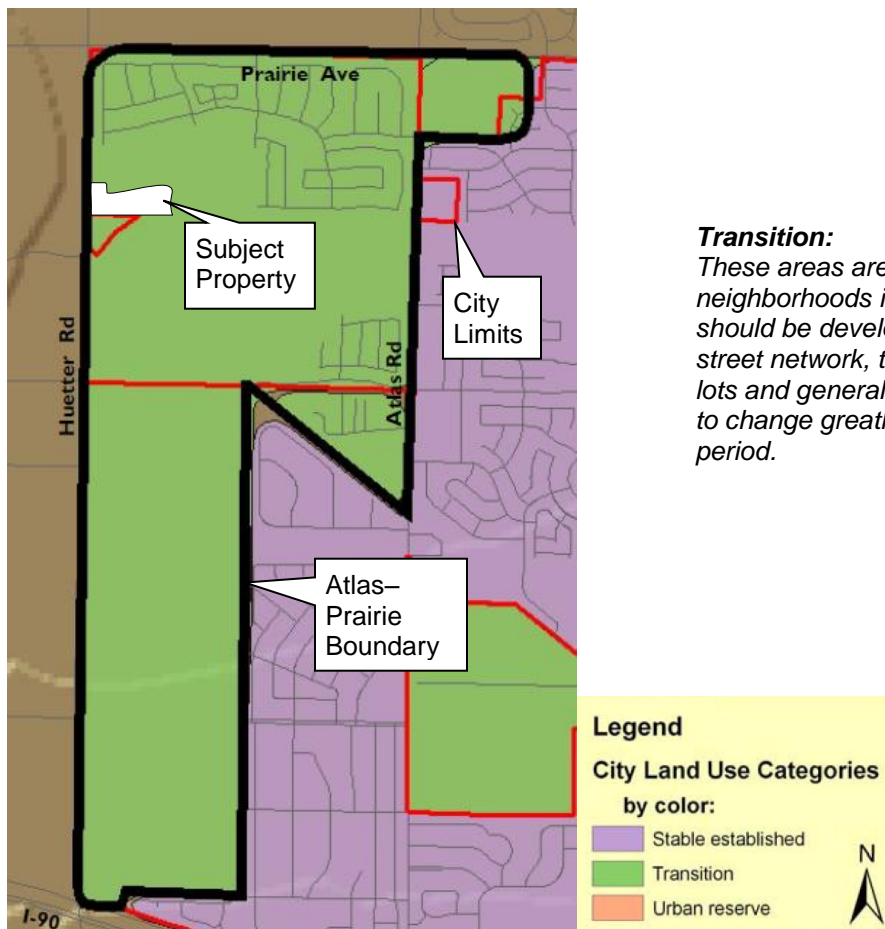
-Submitted by Mike Becker, Utility Project Manager

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

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

2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Atlas - Prairie – Transition:



Atlas-Prairie Tomorrow

Generally, this area is envisioned to be a residential area, lower in density, which develops with interconnected neighborhoods providing a mix of housing choices.

The characteristics of Atlas-Prairie neighborhoods will be:

- That overall density may approach four to five residential units per acre (4-5:1), however, pockets of higher density housing and multi-family units are appropriate incompatible areas.
- Annexing requires careful evaluation of infrastructure needs.
- Open space, parks, and pedestrian and bicycle connections will be provided.
- Developments adjacent to the Area of City Impact (ACI) boundary will provide for a distinctive entrance to the city.
- Neighborhood service nodes where appropriate.
- The street network will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- A bypass study is underway to determine how traffic will be distributed to ease pressure from US 95.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

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

Objective 1.11

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 1.14

Efficiency:

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

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

Objective 2.05

Pedestrian & Bicycle Environment:

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

Goal #3: Home Environment

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

Objective 3.01

Managed Growth:

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

Objective 3.04

Neighborhoods:

Encourage the formation of active neighborhood associations and advocate their participation in the public process.

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.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.06

Public Participation:

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

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 subject property is located in the northwestern portion of the City of Coeur d'Alene and will provide the opportunity for a variety of housing options that are compatible with the existing development in the area. The street layout plan is compatible with existing roads in the area. The proposed plat has a residential density of 3.01 dwelling units per acre.

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.**

The preliminary utility design was provided by the applicant and reviewed by the City Engineer indicating that all subdivision code design standards and improvement requirements have been met and approved.

Evaluation: *The Planning Commission must determine, based on the information before them, whether all of the required engineering elements of the preliminary plat have or have not been met, as attested to 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 Landings at Waterford 12th Addition is proposed as R-8 zoning in conjunction with the zone change request (ZC-1-13). All lots within the proposed plat meet the R-8 zoning requirements.

City code requirements for R-8:

17.05.090: GENERALLY:

- A. The R-8 district is intended as a residential area that permits a mix of housing types at a density not greater than eight (8) units per gross acre.
- B. In this district a special use permit, as prescribed in section 17.09.205 of this title may be requested by neighborhood sponsor to restrict development for a specific area to single-family detached housing only at eight (8) units per gross acre. To constitute neighborhood sponsor, at least sixty six percent (66%) 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) acres bounded by streets, 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.
- C. 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 pocket residential development. This density increase provision is established to reflect the concern for energy and environment conservation.
- D. Project review (see sections 17.07.305 through 17.07.330 of this title) is required for all subdivisions and for all residential, civic, commercial, service and industry uses, except residential uses for four (4) or fewer dwellings. (Ord. 3288 §11, 2007; Ord. 1691 §1(part), 1982)

17.05.100: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-8 district shall be as follows:

- Administrative.
- Duplex housing.
- Essential service (underground).
- "Home occupation", as defined in this title.
- Neighborhood recreation.
- Pocket residential development.
- Public recreation.
- Single-family detached housing.

17.05.110: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-8 district shall be as follows:

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

17.05.120: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-8 district shall be as follows:

- A two (2) unit per gross acre density increase.
- Boarding house.
- Childcare facility.
- Commercial film production.

Community assembly.
Community education.
Community organization.
Convenience sales.
Essential service (aboveground).
Group dwelling - detached housing.
Handicapped or minimal care facility.
Juvenile offenders facility.
Noncommercial kennel.
Religious assembly.
Restriction to single-family only.

PLANNING:

The applicant has requested the R-8 (Residential at 8 units/acre) zoning district for the subject property in conjunction with the proposed 58-lot subdivision. The proposed subdivision meets the minimum of 50' of frontage on a public street and performance standards for minimum lot size required in the R-8 zoning district.

PROPOSED LOT SIZE:	Maximum: 21,054 SF
	Minimum: 6,930 SF
	Average: 10,500 SF

Evaluation: *The Planning Commission must determine, based on the information before them, whether the lots proposed in the preliminary plat do or do not meet the requirements of the applicable zoning district.*

- 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.**

TRAFFIC:

The subject property is proposed as a 57 single-family lots and one open space tract. The ITE Trip Generation Manual estimates the project may generate approximately 45 and 59 ADT's respectively during the A.M. and P.M. peak hour periods. This is approximately one trip over a 2.5 to 3 minute period. Although this proposed phase is an increase of approximately twenty lots over the original number proposed for this portion of the development, the increase is insignificant to the development as a whole.

Evaluation

These vehicular flows were accounted for in the original approval for the development and were deemed satisfactory. With the extensive development of the surrounding roadway system, there are numerous adjacent and/or connecting streets that will accommodate the additional traffic volume and allow for a multitude of points of ingress/egress to and from the arterial roadways that bracket the subdivision.

-Submitted by Chris Bates, Engineering Project Manager

NEIGHBORHOOD CHARACTER:

From the 2007 Comprehensive Plan:
Land Use- Atlas-Prairie (Atlas-Prairie Today):

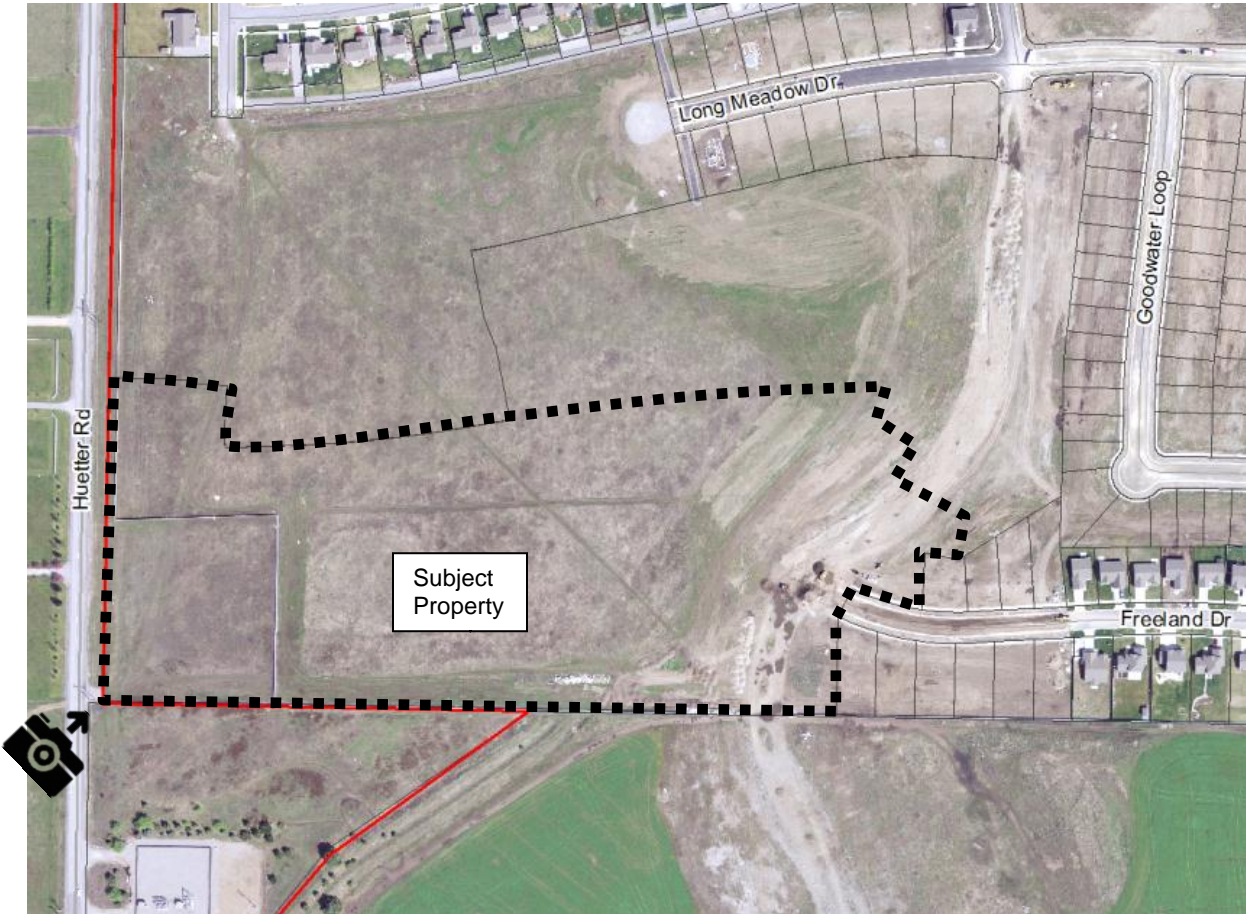
This area consists largely of prairie farmland and native conifer forest. The northern tier of the district contains a rapidly developing, suburban subdivision. This area lies over the Spokane Valley-Rathdrum Prairie Aquifer, and also holds the last, large tract of vacant land within the Area of City Impact (ACI).

Farmland is broken into parcels ranging from approximately 23 to 160+ acres. Subdivisions are developing with approximately three houses per acre (3:1). The remaining parcels provide opportunities for large-scale master planning.

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

AERIAL/SITE PHOTOS:

Aerial (Showing location of where site photo was taken in Google: Street View):



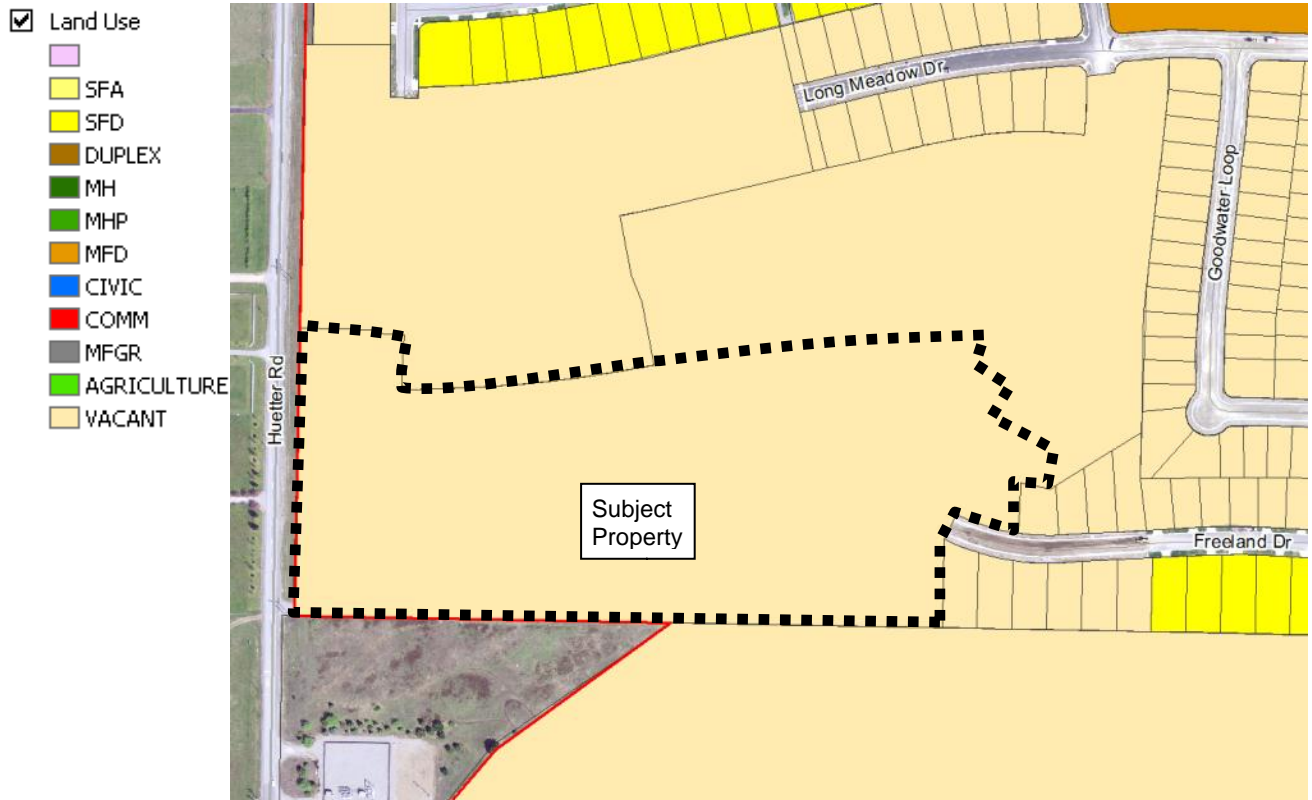
Site (From Huetter Rd. at SE corner looking NE into The Landings):



EXISTING LAND USES:

The adjacent land uses are vacant and single family detached homes:

GENERALIZED LAND USE:



ZONING (NOTE: Subject to the R-8 zone change request through ZC-1-13):



Evaluation: *The Planning Commission must determine, based on the information before them, whether the proposal would or would not adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

- All proposed utilities within the project shall be installed underground.
- All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d’Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
- All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.
- 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 any 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 all locations deemed necessary by the City Fire Department.

GENERAL:

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

PROPOSED CONDITIONS:

1. Provide a pedestrian path in the westerly tier of lots that provides access to Huetter Road. The pathway shall be paved with concrete, and, be a minimum of eight feet (8') in width.
2. Construct a 12 ft.wide class 1 multi-use path within the 20 foot wide tract belonging to the Landings Home Owners Association paralleling the east side of Huetter Road. The trail should start at the intersection of Huetter Road and Prairie Avenue, travel south along Huetter Road and terminate at the southern end of the applicants property line.

ORDINANCES AND STANDARDS USED IN EVALUATION:

- 2007 Comprehensive Plan
- Transportation Plan
- Municipal Code.
- Idaho Code.
- Wastewater Treatment Facility Plan.
- Water and Sewer Service Policies.
- Urban Forestry Standards.
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices.
- 2010 Trails and Bikeways Master Plan

ACTION ALTERNATIVES:

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

The Landings at Waterford 12th Addition

A SINGLE-FAMILY PRELIMINARY PLAT

PROJECT SUBMITTAL

APPLICANT:

Mulligan Investments, LLC
P.O. Box 2350
Coeur d'Alene, Idaho 83815
(208) 667-0100

PREPARED BY:

Lake City Engineering, Inc.
3909 N. Schreiber Way, Ste. 4
Coeur d'Alene, Idaho 83815
(208) 676-0230



PROJECT SUMMARY

Landings at Waterford 12th Addition is a proposed development consisting of 57 single family residential lots located in the northwestern portion of the City of Coeur d’Alene, Idaho. The goal for this subject property is to contribute to the affordable housing demand within the City by providing 57 units.

LAND USE

The subject property, which is currently vacant, is within the Urban Growth Area. According to the City of Coeur d’Alene Land Use Map, it is zoned Low Density Residential (R-3), Medium Density Residential (R-8) and Low Density Commercial and Residential mix (C-17L). The properties to the north, south and east are currently zoned R-3 & R-8 and to the west & southwest is unincorporated. A zone change request has been submitted. Proposed zoning will be R-8.

The proposed uses for Landings at Waterford 12th Addition are consistent with the existing zoning classification, the surrounding land uses, and are in conformance with the Coeur d’Alene Municipal Code. Additional open space is not required as a part of this project. A brief summary of the proposed project is provided below:

<i>Existing Zoning:</i>	<i>R-3 Residential R-8 Residential C-17L Commercial Limited</i>
<i>Proposed Zoning:</i>	<i>R-8 Residential</i>
<i>Comprehensive Plan Designation:</i>	<i>Atlas-Prairie Neighborhood Area</i>
<i>Project Area:</i>	<i>18.92 acres</i>
<i>Residential Units:</i>	<i>57 units</i>
<i>Density:</i>	<i>3.01 units/ac</i>

<u>Setback or Provision</u>	<u>Proposed</u>
<i>Maximum Lot Size</i>	<i>21,054 sf</i>
<i>Minimum Lot Size</i>	<i>6,930 sf</i>
<i>Average Lot Size</i>	<i>10,500 sf</i>
<i>Allowable Lot Coverage</i>	<i>50%</i>
<i>Front Setback</i>	<i>20’</i>
<i>Side Setback</i>	<i>5’ one side, 10’ one side</i>
<i>Rear Setback</i>	<i>25’</i>
<i>Max Building Height</i>	<i>32’</i>

PRE-DEVELOPMENT CHARACTERISTICS

The project site is located within the City of Coeur d’Alene City Limits. It is situated immediately west of the 7th and 10th Additions to The Landings at Waterford, south of The Landings at Waterford 11th Addition, east of Huetter Road and north of Hawks Nest 4th Addition. City public right-of ways for Downing Lane, Freeland Drive and Fairborne Lane already exist. The site is relatively flat and currently vacant with a combination of bare ground and natural brush and

grasses. The developments to the north and east are fully developed subdivisions with residential homes. The parcel immediately to the south is platted but currently not developed. An Avista electric sub-station is situated at the south boundary, west end. There are no topographical limitations to the development of this property.

An existing 12" domestic water line is located within Fairborne Lane to the The Landings at Waterford 11th Addition project limits. An existing 12" domestic water line is located on the east side of Downing Lane to The Landings at Waterford 10th Addition project limits. An existing gravity sewerage collection system is located within Downing Lane. The sewer infrastructure is currently live and being used by the City.

POST-DEVELOPMENT CHARACTERISTICS

The proposed 57 unit development will be built in accordance with City of Coeur d'Alene standards and common accepted construction practices. Each lot will be accessed from public internal streets which are connected to Downing Lane, Freeland Drive and Fairborne Lane.

Transportation and Roads

The proposed access to and from the subdivision will be from Downing Lane, Freeland Drive and Fairborne Lane. These streets are currently constructed and publically maintained by the City of Coeur d'Alene. All proposed streets will be 37' wide with concrete curb and gutter, asphalt pavement and a concrete 5' sidewalk along both sides. A 10' wide asphalt multi-use trail will connect to the same at the north project boundary and continue south between lots to the north side of Freeland Drive, easterly to the west side of Downing Lane and then southerly to the project limits. Huetter Road is not proposed to be accessed by this project.

Stormwater

Stormwater will be collected and mitigated via grassed infiltration basins and permanent drywell injection per City standards. A stormwater management plan shall be designed to use best management practices (BMP) during and after construction in accordance with accepted standard construction practices and City of Coeur d'Alene Standards. The soils on the project site consist of silty sands and prairie gravels, which are suitable for this type of development and stormwater disposal.

Water

Domestic water is currently available to the project site via an 12" PVC water main located in Fairborne Lane at the northwest end of the project and a 12" PVC water main located in Downing Lane at the east end of the project. An 8" and 12" diameter PVC distribution system is proposed to be looped between these two water mains. All water services are proposed to be tapped into the new water distribution mains and extended into each lot of the project as required. The water system is owned and operated by the City of Coeur d'Alene, and all construction shall meet their standards and requirements. There is currently adequate capacity within the existing water system to serve this project.

The closest fire hydrant is located at the northeast corner of Downing Lane and Freeland Drive.

All fire hydrants are proposed to be installed at 600 feet spacing per City of Coeur d'Alene Standards. There is adequate capacity in the existing water system to meet the fire flow requirements.

Sewer

Sanitary sewer is currently available to the project site via a 12" PVC gravity sewer main located in Downing Lane. Sewer is proposed to be connected into this sewer main via an existing manhole at the intersection of Downing Lane and Freeland Drive. All sewer mains within the proposed project will be 8" PVC installed at or above the 10 State Standards recommended minimum grades. Sanitary sewer services are to be extended to each lot. The gravity sewer collection system is owned and operated by the City of Coeur d'Alene. There is currently adequate capacity within the existing gravity system to serve this project.

Other Utilities

All dry utilities are currently available to serve the proposed project and are located in Downing Lane and Freeland Drive in the 7th and 10th Additions to The Landings at Waterford. Similar to other developments, power, natural gas, communications and internet service will be provided to each lot. All dry utility companies will be notified of the proposed project at the appropriate time where agreements will be finalized between the developer and the respective utility company.

Development Schedule

It is anticipated to begin construction on this project in the spring of 2014 and be completed by summer of 2014.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, December 10, 2013, and there being present a person requesting approval of Item: ZC-1-13, a request for a portion of "The Landings at Waterford 10th Addition" from R-3 (Residential at 3 units/acre) and C-17L (Limited Commercial at 17 units/acre) zoning districts to R-8 (Residential at 8 units/acre) zoning district.

APPLICANT: MULLIGAN INVESTMENTS, LLC

LOCATION: +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10TH ADDITION"

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential and commercial
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-3 and C-17L.
- B4. That the notice of public hearing was published on, November 23, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, November 25, 2013, which fulfills the proper legal requirement.
- B6. That 22 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 22, 2013.
- B7. That public testimony was heard on December 10, 2013.

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 MULLIGAN INVESTMENTS, LLC 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 Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Haneline	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, December 10, 2013 and there being present a person requesting approval of ITEM:S-2-03.m.1 a request for preliminary plat approval of a re-plat of an existing 38- lot subdivision to a 58-lot residential subdivision in "The Landings at Waterford 10th Addition".

APPLICANT: MULLIGAN INVESTMENTS, LLC

LOCATION: +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10TH ADDITION"

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

(The Planning Commission may adopt Items B1-through7.)

- B1. That the existing land uses are residential and commercial
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-3 and C-17L.
- B4. That the notice of public hearing was published on, November 23, 2013, which fulfills the proper legal requirement.
- B5. That the notice was not required to be posted on the property.
- B6. That 22 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 22, 2013.
- B7. That public testimony was heard on December 10, 2013.
- 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 sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities **(are) (are not)** adequate. This is based on

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 the 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?

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied to the motion are:

1. Provide a pedestrian path in the westerly tier of lots that provides access to Huetter Road. The pathway shall be paved with concrete, and, be a minimum of eight feet (8') in width.
2. Construct a 12 ft. wide class 1 multi-use path within the 20 foot wide tract belonging to the Landings Home Owners Association paralleling the east side of Huetter Road. The trail should start at the intersection of Huetter Road and Prairie Avenue, travel south along Huetter Road and terminate at the southern end of the applicants property line.

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 Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN