

Coeur d'Alene

CITY COUNCIL MEETING

February 2, 2016

MEMBERS OF THE CITY COUNCIL:

Steve Widmyer, Mayor

Council Members Edinger, English, Evans, Gookin, McEvers, Miller

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room

AGENDA

VISION STATEMENT

Our vision of Coeur d'Alene is of a beautiful, safe city that promotes a high quality of life and sound economy through excellence in government.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when Item G - Public Comments is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

6:00 P.M.

FEBRUARY 2, 2016

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Pastor Stuart Bryan, Trinity Church

C. PLEDGE OF ALLEGIANCE

D. AMENDMENTS TO THE AGENDA: Any items added less than forty eight (48) hours prior to the meeting are added by Council motion at this time.

E. PRESENTATION:

1. Let's Move Program Update

**Presented by: Erin Whitehead, Panhandle Health District,
Health Education Specialist**

F. CONSENT CALENDAR: Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilperson that one or more items be removed for later discussion.

1. Approval of Council Minutes for January 14, 2016 and January 19, 2016.
2. Approval of Bills as Submitted.
3. Approval of General Services Meeting Minutes for January 25, 2016.

4. Setting of General Services and Public Works Committees meetings for February 8, 2016 at 12:00 noon and 4:00 p.m. respectively.
5. Approval of Cemetery transfer from Argonne J. Dotts to Joseph B. Dotts; Lot 192, Block D, Section RIV of Forest Cemetery Annex

As Recommended by the City Clerk

6. **Setting of a Public Hearing for March 1, 2016** for V-16-1 – Vacation of a portion of excess W. Kathleen Avenue right-of-way adjoining the northerly boundary of The Lodge at Fairway Forest.

Recommended by General Services

7. **Resolution No. 16-005**

- a. Approve Purchase and Agreement of the Public Safety mobile Command Trailer with LDV, Inc.

Recommended by the General Services

- b. Memorandum of Agreement with David A. Hagar for Police Captain

Recommended by General Services

- c. Authorization to replace two police vehicles

Recommended by General Services

G. PUBLIC COMMENTS: (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items listed on the agenda.)

H. ANNOUNCEMENTS

1. **City Council**

- a. **Mayor** – Appointment: Kraig Lysek to the Library Board

I. GENERAL SERVICES

1. **Resolution No. 16-006** - Agreement with Kootenai County Sanitation for Billing Services of Commercial Customers

Staff Report by: Troy Tymesen, Finance Director

J. OTHER BUSINESS:

1. A-4-15- Annexation of 7925 Ramsey Road - Kerr Family Properties, LLC.
 - a. **Approval of Findings and Order**
 - b. **Resolution No. 16-007**- Annexation Agreement with Kerr Family Properties, LLC. For 7925 Ramsey Road
 - c. **Council Bill No. 16-1001**- Annexation and zoning designation Ordinance of 7925 Ramsey Road

Pursuant to Council Action: December 15, 2015

2. **Council Bill No. 16-1002-** ZC-5-15 –1808 Northwest Blvd., Zoning Designation Ordinance

Pursuant to Council Action: January 19, 2016

K. PUBLIC HEARING:

1. **A-3-15** (Legislative) Harmony Homes, LLC: 2810 & 2960 W. Prairie Avenue; Proposed annexation from County Agricultural to City R-8
Staff Report by: Sean Holm, Planner
2. **PUD-1-04.4** (Quasi-judicial) - Applicant: Riverwalk Townhomes, LLC; Appeal of Planning Commission Denial without prejudice; Bellerive Lane, requested modification to Riverwalk PUD
Staff Report by: Tami Stroud, Planner
3. **S-6-15** (Quasi-judicial) - Applicant: Riverwalk Townhomes, LLC; Appeal of Planning Commission Denial without prejudice; Bellerive Lane, requested proposed 2-lot preliminary plat “Riverwalk Townhomes”
Staff Report by: Tami Stroud, Planner

L. ADJOURN:

This meeting is aired live on CDA TV Cable Channel 19

**COEUR D'ALENE CITY COUNCIL
ADDENDUM AGENDA NO. 1
FOR THE FEBRUARY 2, 2016
COUNCIL MEETING**



Addition of the following item:

F. CONSENT CALENDAR

8. Approval of Beer and Wine License to Chipotle Mexican Grill of Kansas, LLC. 305 W. Appleway (Grill #2451), (new)

As Recommended by the City Clerk

NOTE: The City will make reasonable accommodations for anyone attending this meeting who require special assistance for hearing, physical or other impairments. Please contact the City Clerk at (208) 769-2231 at least 24 hours in advance of the meeting date and time.

PRESENTATIONS



Panhandle Health District

Healthy People in Healthy Communities

Public Health
Prevent. Promote. Protect.

Panhandle Health District

Public Health Services

8500 N Atlas Road
Hayden, Idaho 83835
Phone: 208-415-5270
Fax: 208-415-5101
www.phd1.idaho.gov

January 26, 2016

City of Coeur d'Alene
Steve Widmyer, City Mayor
710 E. Mullan Ave.
Coeur d'Alene, ID 83814

Dear Honorable Mayor and City Council Members:

Thank you for allowing me the opportunity to present you with an update on the Let's Move! CDA campaign activities and successes. Our fine city has received high recognition from the National Let's Move! Cities, Towns, and Counties organization for making great strides toward reducing childhood obesity within our population. We are only one of 64 communities in the U.S., out of 512, to reach Bronze, Silver, and Gold Medal Status in all five of the Let's Move! Goals. We congratulate you for your leadership in allowing our city to participate in this highly esteemed National campaign, which has had proven benefits and results.

As a group, Let's Move! CDA would like to continue the efforts we have undertaken and build upon them. We would like your support to register to be a Let's Move! All-Star City. All-Star Status is the level following Gold Status. There are eight All-Star Strategies, which help guide Let's Move! CDA members and community partners to improve upon the health, and thereby the economy, of the City of Coeur d'Alene. All-Star Strategy initiatives will serve to combat the immediate obesity epidemic we are facing, and they will have long-lasting impacts on our community.

I look forward to providing you with more information on February 2, 2016.

Sincerely,

Erin Whitehead, MPH
Health Education Specialist
Panhandle Health District
Phone 208.415.5218
ewhitehead@phd1.idaho.gov

Enclosures:

Let's Move! Gold Medal Report
Let's Move! All Star Strategies
Coeur d'Alene Press article



Progress Update 1/7/16

Let's Move! Cities, Towns, and Counties (LMCTC) is a comprehensive initiative, for the purpose of combatting the United States' obesity epidemic. Five long-term, sustainable approaches to incorporate healthy eating and physical activity in communities have been established as goals for cities, towns, and counties to adopt in order to address childhood obesity. LMCTC participating communities can earn bronze, silver, and gold medals in each goal area, through the completion of specific tasks.

The City of Coeur d' Alene became a *Let's Move! LMCTC* member in 2014, under the name, *Let's Move! CDA*. In 2015, *Let's Move! CDA* succeeded in earning gold medal status in all five of the *Let's Move! Goals*, to become one of the *LMCTC #1* ranked cities in the U.S.

- I. Start Early, Start Smart:** Provide children in early care and education settings with a healthy start.
- II. MyPlate, Your Place:** Display MyPlate in city- and county-owned venues that serve food.
- III. Smart Servings for Students:** Expand access to meal programs before, during and after the school day, and/or over the summer months.
- IV. Model Food Service:** Adopt healthy food service guidelines at city- and county-owned venues that serve food.
- V. Active Kids at Play:** Take steps to promote physical activity.

The actions taken by the City of Coeur d' Alene and other *Let's Move! CDA* partner organizations to achieve each award are documented below:

GOAL I START EARLY, START SMART

Goal I: To provide children with a healthier start, local elected officials commit to helping early care and education program providers incorporate best practices for nutrition, physical activity and screen time into their programs.

BRONZE: Participate in an active interagency collaboration on early care and education programs. This collaboration can help you promote participation in *Let's Move! Child Care* and ensure that at least one professional development training offered annually to ECE providers integrates the goals of *Let's Move! Child Care*.

- The City of Coeur d' Alene Child Care Commission, Panhandle Health District Childcare Resource Center, the Coeur d' Alene Fire Department, local dieticians, and ECE providers have had annual training on nutrition and food preparation.
- *Let's Move! CDA* developed a child care task force, representative of the ECE community.
- The local health department, Panhandle Health District, coordinates the *Let's Move! CDA* campaign and the Idaho Physical Activity and Nutrition program, both obesity prevention initiatives that target children in ECE settings.
- Partners with nonprofit agencies in your area that support childhood obesity prevention in ECE settings: Panhandle Health District, Idaho STARS, the Idaho Association for the Education of young Children (AEYC), the Coeur d' Alene Child Care Commission, the Coeur d' Alene School District, the Coeur d' Alene Fire Department, and the University of Idaho Extension Office.

SILVER: Promote participation in *Let's Move! Child Care* to ECE providers in your community through at least three approaches.

- The City of Coeur d' Alene's website advertises and promotes ECE workshops and events, which promote nutrition and physical activity.
- Visits made to local ECE providers made by Panhandle Health District.
- The AEYC annual convention, Idaho STARS website, and Panhandle Health Child Care Resource Center, all enable for ECE providers to sign up for the annual *Let's Move! Child Care* workshop.
- Assisting child care centers and ECE providers, who are trained in and implementing *Let's Move! Child Care* best practices, to receive public recognition through the LMCC provider registration and recognition program.

GOLD: Integrate each of the five *Let's Move! Child Care* goals into at least one professional development training offered annually to ECE providers.

- Panhandle Health and Idaho STARS collaborate to offer bi-annual, two-day *Let's Move! Child Care* workshops to teach ECE providers how to incorporate good nutrition and physical activity into their curricula.

GOAL II MYPLATE, YOUR PLACE

Goal II: To empower parents and caregivers, local elected officials commit to prominently displaying MyPlate in all municipally- or county-owned or operated venues that offer or sell food/beverages.

BRONZE: Earned when at least 51% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display *MyPlate* and the LMCTC site is registered to be a *MyPlate Community Partner*.

SILVER: Earned when at least 75% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display *MyPlate* and the LMCTC site are registered to be *MyPlate Community Partners*.

GOLD: Earned when 100% of municipally- or county-owned or operated venues that offer or sell food/beverages prominently display *MyPlate* and the LMCTC site is registered to be a *MyPlate Community Partner*.

- The Harbor House and Tiki Hut, are two food venues, not operated by the city, but contracted to vendors to run concessions from City Park locations. These venues prominently display *MyPlate*, as required in their contract with the City of Coeur d' Alene. In addition, the Coeur d' Alene School District and various City of Coeur d' Alene Department vending machines prominently display *MyPlate* signage. The city of Coeur d' Alene, the Coeur d' Alene School District, and *Let's Move! CDA* are registered to be *MyPlate Community Partners*.

GOAL III SMART SERVINGS FOR STUDENTS

Goal III: *To provide healthy food to children and youth, local elected officials commit to expanding access to meal programs before, during and after the school day, and/or over the summer months.*

BRONZE: To provide healthy food to children and youth, do you participate in an active collaboration involving the city/town/county, schools and other partners to expand access to programs that offer healthy food before, during and after the school day, and/or over the summer months.

SILVER: With schools and other partners, take two actions to expand children's access to programs that offer healthy food before, during and after the school day, and/or over the summer months.

- Representatives of this collaboration include: Coeur d' Alene School District Nutrition Services Director and staff and the School Programs Director, City of Coeur d' Alene Parks and Recreation Departments, City of Coeur d' Alene Fire Department, local food banks, Second Harvest, Eat Smart Idaho and the University of Idaho Extension, and faith-based organizations. These partners have all played important roles in helping to provide healthy food and nutrition education to children and youth.
- Healthy foods have been made available before, during, and after school, as well as during weekends, holidays, and summer months. The free summer meal program is made available throughout the summer for anyone in the community. Meals are available at three schools in the city. Snacks are made available during after school programs, and schools encourage enrollment in school meal programs and reduced school meal programs by advertising throughout the community, in various mediums and locations.

GOLD: Use at least four approaches to publicize the availability of programs that offer healthy food before, during and after the school day, and/or over the summer months to make these meal programs more accessible to children. Approaches to publicize the availability of these programs include:

- Promoted on the City of Coeur d' Alene's website
- Advertised in the Coeur d' Alene Press
- School reader board advertisements at schools and flying flags to signify the location of schools hosting the Summer Meal Program
- A resource guide, found on the school district website, for parents and caregivers on the availability of these programs.
- Community events and other opportunities for parents, caregivers, and students to be informed of these opportunities for healthy meals.
- Distribute information about nutrition programs at recreation centers, community centers, local housing authorities, Head Start programs, as well as through the WIC program, CDA for Kids, Goodwill, Department of Labor job fairs, etc.

GOAL IV MODEL FOOD SERVICE

Goal IV: To improve access to healthy, affordable foods, local elected officials commit to implementing healthy and sustainable food service guidelines that are aligned with the Dietary Guidelines for Americans in all municipally-or county-owned or operated venues that offer or sell food/beverages.

BRONZE: Identify all municipally-or county-owned or operated venues that offer or sell food/beverages and determine the type of legal agreements (e.g., contracts) established for food service. Identify vendors by locating the current contracts, checking for a company name and contact number on vending machines, or by talking with concession or cafeteria staff. Consider all city/county government buildings that contain food venues, including vending machines.

SILVER: Develop and adopt a policy for healthy and sustainable food service guidelines to be used in contracts, proposals and bids for all municipally- or county-owned or operated venues that offer or sell food/beverages. There is no one-size-fits-all approach to policy development and adoption. An executive order by a mayor or county executive, a policy passed by a city council or board of supervisors or departmental regulation are all options.

GOLD: Incorporate and implement your policy into all food service and vending contracts and bids for all venues owned or operated by your municipality or county. Developing good relationships with your vendors is key. Going over your food service guidelines, sharing product lists of items that meet the guidelines and listening to and addressing vendors' concerns can help develop good relationships. Additional partners to consider involving can include employee wellness committees, departmental heads, nutritionists, local public health organizations and your purchasing director. Consider the following options:

- Food vending machines and food venues housed by the City of Coeur d' Alene were identified.
- A food policy, based on *MyPlate* healthy food guidelines, was established and implemented in the City contracts for bids on city contracted food venues.
- Food concession contract for McEuen Park Harbor House, states in Section 5. *Food: May serve all foods within the scope of the health permit. Must also offer healthy option as part of the "Let's Move! CDA" as adopted by City Council. See Exhibit "B" (Let's Move info). Must also display Exhibit "C" (My Plate signage) on-site operational hours.*

GOAL V ACTIVE KIDS AT PLAY

Goal V: To increase physical activity, local elected officials commit to mapping local playspaces, completing a needs assessment, developing an action plan and launching a minimum of three recommended policies, programs or initiatives.

BRONZE: Map the location of existing public playspaces in your community and assess the quality of the playspaces and their accessibility and safety for constituents. Your map should include publicly accessible playgrounds, indoor and outdoor recreational facilities, skate parks, parks, fields, trails, greenways and other public spaces designed for physical activity.

SILVER: Using the map of local playspaces, complete a needs assessment to identify neighborhoods in your city, town or county where there are gaps in access to safe and convenient spaces for play and physical activity. Consider areas where playspaces are not accessible and safe, and policies or initiatives that may be needed to improve accessibility of those playspaces. Develop an action plan using the information from your needs assessment.

- The City of Coeur d' Alene has a Bikeways and Trails Master Plan, which has mapped all playspaces: bikeways, trails, fields, parks, playgrounds, and recreation facilities.
- A needs assessment was included as part of the Master Plan and is currently being implemented to incorporate more safety features and additional playspaces.

GOLD: Using your action plan, launch at least three recommended practices to increase access to safe, convenient places to play and be physically active in your city, town or county.

- The North Idaho Centennial Trail Foundation and City of Coeur d' Alene Parks and Recreation Department promote physical activity by promoting parks and recreation activities, trail usage, and advertising local physical activity events.
- Developing strategies for walking or biking to school or work by planning a bicycle curriculum for implementation in area-wide schools.
- Revitalizing existing places for play and physical activity by enhancing the safety and accessibility of playgrounds, parks, trails, greenways and public recreation facilities by increasing and improving signage to increase safety.
- Increasing the number of playgrounds or other places for play and physical activity.
- Closing specific streets to traffic on a routine basis and open that space to the community to encourage physical activity.
- Incorporating provisions to encourage walking and biking in the City's Master Plan.

ALL-STARS

What's next? All-Star Strategies

Only LMCTC sites that have reached gold in all five LMCTC goal areas are eligible to pursue these All-Star Strategies.



Does the City of Coeur d'Alene want to choose four of the eight All-Star strategies to focus on for 2016-2017? Will the City of Coeur d'Alene become an All-Star city?

Kids keeping it healthy

'Let's Move! CDA' achieves gold-medal status, sets new goals

Posted: Monday, January 25, 2016 12:00 am | Updated: 8:50 pm, Mon Jan 25, 2016.

Kids keeping it healthy MARY MALONE/Staff Writer

Kids in Coeur d'Alene have an advantage when it comes to getting on track for a healthy life.

They live in one of just 61 cities nationwide where a campaign to reduce obesity among children has earned gold-medal status.

The "Let's Move! CDA" initiative — part of First Lady Michelle Obama's "Let's Move" effort — was localized in Coeur d'Alene in 2014, but didn't begin gaining momentum until February 2015.

"The initial 'Let's Move' campaign has five goals as objectives to meet in order to combat obesity, and that is by implementing physical activity and nutrition communitywide," said Erin Whitehead, Idaho physical activity and nutrition program coordinator for Panhandle Health District. "And I am very proud to say that we have gold in all five gold-medal areas."

The local campaign is a city-endorsed initiative coordinated by Panhandle Health District in partnership with organizations such as the Coeur d'Alene Parks and Recreation Department and the Coeur d'Alene School District.

About 30 representatives from the "Let's Move! CDA" community partner groups gathered at City Hall last week to celebrate the achievement that many of them had taken part in. Awards were handed out by Whitehead to each organization most committed to the individual goals.

The first award was given to the city of Coeur d'Alene's Child Care Commission for playing a role in the first goal on the list — "Start Early, Start Smart." This goal was designed to introduce physical activity and nutrition into early education programs.

Three awards were handed to the Parks and Recreation Department for mapping routes to city parks and walking trails, and for writing up contracts with city food venues to encourage healthy eating.

The three awards accepted by Adam Rouse, recreation coordinator for Parks and Recreation, were in accordance with goals two, four and five. The second goal on the list is "My Plate, Your Place," which aims at displaying "My Plate" in all municipal or county venues where food is served. The fourth goal is "Model Food Service," which is typically geared more toward schools. The fifth goal, "Active Kids at Play," was designed to increase physical activity by mapping playgrounds, parks and trail systems.

The "My Plate" initiative is sponsored by the United States Department of Agriculture as a reminder to eat healthy and maintain a healthy lifestyle. Rouse said Parks and Recreation helped achieve the goals in particular by mapping and encouraging "My Plate."

"Like Harbor House, for example," Rouse said, referring to the food concession at McEuen Park. "It was actually put in their contract, which we don't require them because we can't, but we encourage them to offer the 'My Plate' options and display the 'My Plate' logo."

Ed Ducar, director of nutrition services for the Coeur d'Alene School District, accepted the award for the third goal — "Smart Servings for Students."

The Coeur d'Alene Fire Department also participated in the schools, working with Eat Smart Idaho and Shelley Johnson from the University of Idaho Extension in Coeur d'Alene to create a calendar and cards that contain photos of the firefighters and information about each one, such as their favorite fitness activity and favorite healthy food. They also have recipes, one of which is "Peanut Butter and Jelly Sushi Rolls." Ducar said it has been very popular among the students.

"The nice part about this with the 'Let's Move' is, everybody was doing good things in the city, but we weren't sharing," Ducar said. "So now we are collaborating in order to be able to do these things. We are all in this together."

While they have achieved gold-medal status, Whitehead said they are not done yet. She and the others would like to achieve "All-Star Status," which requires working on eight strategies that she said are less defined than the original goals. Whitehead said they will focus on the first three initially, including making the community more bicycle friendly, encouraging walking and enhancing "slow zones" near school, parks and recreation centers.

Panhandle Health District will present the achievements and new goals to the Coeur d'Alene City Council on Feb. 2, in hopes of gaining support to make Coeur d'Alene an "All-Star" city.

"We take a lot of pride in being a healthy, outdoor community," Collett said. "We have such a beautiful place we live in, so we might as well make it the most accessible for everybody to be able to be healthy and nutritious."

Let's Move! All-Star Strategies

Strategy I: Make structural and/or policy changes to create a more bicycle friendly community.

Rationale:

As cities consider expanding transportation options, bicycling presents a convenient way for residents to be physically active while traveling to work, school, shops, and many other common destinations. Numerous studies have shown that “active transportation” –travel by bicycle, walking, or similar means—supports improved health.^{1,2}

Local elected officials can encourage bicycling by ensuring that travel by bicycle is perceived as safe, comfortable, convenient, and viewed as a worthwhile activity. Steps that city and county governments can take to encourage bicycling include improving bicycle safety and conditions by increasing the miles of bicycle lanes, creating cycle-tracks or bicycle boulevards, or adding additional protections to existing bicycle infrastructure. Municipal and county governments can also increase the convenience of bicycling by establishing ordinances around bicycle parking, or by making it easier to bring bikes aboard public transit.

To improve bikeability, many communities use an overarching policy document, referred to as a bicycle master plan, which allows for community engagement, a process for identifying policies, and a strategy for the implementation and evaluation of those policies.

Recommended Actions:

- Develop and implement a comprehensive bicycle master plan.
- Form a diverse and representative bicycle advisory group.
- Increase the mileage of striped or buffered bicycle lanes, protected bike paths, cycle-tracks, parallel off-street paths, or bicycle boulevards in order to transform major streets and create a connected bike network.
- Establish or support a community-wide public bicycle sharing program.
- Outfit city buses with bike storage racks and/or permit bikes on public transportation.
- Create or enforce a safe passing distance ordinance of at least three feet.
- Reach the next level “Bicycle Friendly Community” through the [League of American Bicyclists](#).
- Create and implement a bicycle parking ordinance to ensure plentiful bicycle parking, such as by requiring bicycle parking in new commercial and multi-family developments or in licensed parking facilities, or by providing secure bicycle parking at large public events.
- Develop new parks and recreation bicycle-safety educational programming for youth, using police as partners.

References:

1. Pucher J, Buehler R, Bassett DR, and Dannenberg AL. “Walking and Cycling to Health: A Comparative Analysis of City, State, and International Data” *American Journal of Public Health*. 2010 October; 100(10): 1986-1992.
2. *Does the Built Environment Influence Physical Activity? Examining Evidence (Special Report 282)*. Washington: Transportation Research Board/Institute of Medicine, Committee on Physical Activity, Health, Transportation and Land Use, 2005.

Strategy II: Develop and implement city design guidelines that encourage walking and other forms of physical activity.

Rationale:

Evidence is growing that the design of the built environment affects an individual's physical activity levels. People tend to spend more time outside being active, whether for recreation or active transportation, when a city's streets, sidewalks, parks, plazas, and open spaces are interesting, pleasing and safe.³ City design that promotes health can also promote sustainability and economic development.⁴ Design improvements, like new sidewalks, benches, trees, and street lighting, can attract new businesses to a neighborhood and increase economic activity.

The development and implementation of healthy city design guidelines can be a blueprint for improved design of neighborhoods, streets, and outdoor spaces to promote physical activity. Additionally, by integrating healthy design standards into existing processes, cities and counties may be able to more effectively time and ensure cost efficiency of future design elements or changes. Design elements to consider include:

- Transit and parking design (e.g., furnishing transit stops with pedestrian conveniences, including covered benches, adequate lighting, and wayfinding resources).
- Parks, open spaces, and recreational facilities (e.g., creating walking/biking/running paths, and drinking fountains, children's and adult recreation amenities, and public plaza design and location).
- Street connectivity (e.g., maintaining dedicated pedestrian and bicycle paths, even on dead-end streets or where cars cannot pass).
- Pathway and sidewalk design (e.g., wider sidewalks with permeable surfaces, tree shading, benches, water fountains, and exterior lighting).
- Streetscape aesthetics (e.g., continuous facades and consistent signage).
- Stairwell design (e.g., placement of point-of-decision prompts in or near stairwells, and glass in stairway doors to encourage visibility, safety, and increases in stair use).

Urban planners, architects, engineers, developers, and public health professionals can all be key partners in both the development of healthy city design guidelines and the subsequent implementation of strategies, which could result in changes to zoning regulations, building codes, and builder's practices. These design guidelines could be a stand-alone document or incorporated as part of a comprehensive or general plan.

Recommended Actions:

- Develop and implement healthy city or county design guidelines to encourage physical activity. Design elements to consider including: stairwell design, transit and parking design, street connectivity, pathway and sidewalk design, and the design of parks, open spaces and recreational facilities.
 - OR If design guidelines currently exist, revise accordingly.
 - OR Incorporate language and objectives around healthy city design into the city or county's comprehensive, general, or master plan

- Work with builders and real estate developers to include health-focused design components into the design and building of public buildings and/or affordable housing.

References:

3. Heath GW, Brownson RC, Kruger J, Miles R, Powell KE, Ramsey LT and the Task Force on Community Preventive Services. "The effectiveness of Urban Design and Land Use and Transport Policies and Practices to Increase Physical Activity: A Systematic Review." *Journal of Physical Activity and Health*. 2006, 3, Suppl 1, S55-S76.
4. U.S. Environmental Protection Agency. *Smart Growth and Economic Success: Benefits for Real Estate Developers, Investors, Businesses and Local Governments*. Office of Sustainable Communities, Smart Growth Program, December 2012.

Strategy III: Implement infrastructure improvements related to establishing/enhancing slow zones near schools, parks, afterschool programs, and recreation centers.

Rationale:

Safe routes to schools, parks, afterschool programs, and recreation centers can encourage children and youth to be active by walking or biking. However, safety may be a concern for parents and caregivers due to high traffic, high speeds of cars, and lack of crosswalks or crossing guards.

To increase physical activity and also promote safety for children and youth walking or biking, cities and counties can take a leading role by making infrastructure improvements and using aggressive traffic calming measures at intersections near schools, recreation centers, and afterschool program locations. Traffic calming can improve the livability of neighborhoods by reducing the negative impacts of traffic and creating a safer and more pleasant experience for walkers and bikers.

Even if a city or county has already instituted traffic calming measures around schools, they may not yet have considered the safety of intersections around other destinations frequently visited by children. The National Recreation and Parks Association reports that people are more likely to walk to parks if their communities are better connected to parks by active transit routes.⁵

To choose where to implement new traffic calming measures, cities and counties can consider conducting surveys/audits to assess where there are significant concerns about safety (e.g., busy intersections and areas without sidewalks or adequate signage). The Safe Routes to School National Partnership has found that most successful programs include a thorough community assessment or audit of the barriers that keep children from walking and biking to and from school before action is taken.⁶

Key infrastructure changes associated with traffic calming include narrowing streets, curb 'bump-outs' or extensions, raised crosswalks, speed humps, median islands, and traffic circles. It may be helpful to divide improvements into short-term and long-term improvements. Many short-term improvements may be implemented at relatively low cost through a city's general fund. Long-term needs may be identified and incorporated in a city's

complete streets policy, Safe Routes to School plan, or general or comprehensive plan. Cities and counties can also take advantage of opportunities arising as a result from emergency road repair or utility improvements.

Recommended Actions:

- Establish or enhance slow zones and employ traffic calming measures near schools, parks, afterschool programs, and recreation centers. Actions could include:
 - Slow zones: reduced speeds on streets near schools, parks, afterschool programs and recreation centers.
 - Increased use of speed humps, street narrowing, curb bump-outs or extensions.
 - Textured curb cuts and raised crosswalks.
 - Additional signage or street painting.

References:

5. National Recreation and Park Association. *Safe Routes to Parks: Improving Access to Parks through Walkability*. Ashburn, VA: National Recreation and Park Association; 2015.

6. Safe Routes to School National Partnership. "Getting Started Locally—Engineering"
<http://saferoutespartnership.org/local/getting-started-locally/5es/engineering>

Strategy IV: Adopt and implement healthy meeting guidelines at city/county meetings or when outside organizations use city/county-owned venues.

Rationale:

A healthy meeting policy can model a city's or county's commitment to healthy lifestyles, and can reinforce the message to constituents that health is a priority for city or county officials. A healthy meeting policy also aligns with the goal of creating a healthy work environment, which helps employees and their visitors create and maintain healthy eating habits and active lifestyles.

A healthy meeting policy will often specify nutritional guidelines for the foods and beverages that can be served at city or county meetings or purchased using city or county funds. While specific guidelines may vary, common practices include making water the default beverage, offering fruits and/or vegetables whenever food is served, decreasing portion sizes, and offering low-sodium choices.

These guidelines ensure that staff are able to make healthy food and beverage choices using city/county funds or during city-/county-run meetings, trainings, and events. The guidelines may also recommend activity breaks for longer meetings to help participants maintain interest and focus.

If a city or county wellness committee does not yet exist, it may be helpful to form a committee of representatives from different departments who are interested in healthy workplaces and contributing to the development of a healthy meeting policy. This committee could review potential food and physical activity guidelines to adopt, develop the guidelines, obtain staff input, and create a process for introducing the guidelines.

Recommended Actions:

- Develop and implement a healthy meeting policy for city or county facilities, events, and meetings. Potential ways to structure the policy include:
 - Guidelines apply whenever food or beverages are purchased using city or county funds.
 - Guidelines apply when city or county facilities are used for meetings held by city or county agencies or when nonprofit or private organizations use city or county property.
 - Guidelines include physical activity breaks or components.

Strategy V: Develop and implement a local recognition program for area businesses that implement certain wellness policies.

Rationale:

Cities and counties can engage the local business community in health and wellness efforts by creating a free and voluntary recognition program for local businesses and publicly recognizing businesses that have met specific wellness criteria for employees, or made changes in how they serve customers to promote health and wellness.

In addition to public recognition, benefits for participating businesses may include reduced employee healthcare costs, increased employee productivity, and participation in a peer network of businesses seeking to promote and protect the health of their employees and customers.

When developing a recognition program, consider including:

- Creation of a wellness committee
- Healthy vending options
- Company-wide walking programs
- Cholesterol and biometric screenings
- An office-wide nutrition policy
- Promotion of taking the stairs as an alternative to elevator use
- Creation and implementation of a lactation policy

The structure of a recognition program can vary considerably. Some components of existing city/county wellness recognition programs include: a partner agreement form, an assessment tool that businesses can use to track their progress, a mentoring component, and quarterly or biannual meetings or conferences for participating businesses. To spur initial interest and participation in the program, cities and counties may consider issuing a community-wide challenge, and setting public targets for the number of businesses involved or meeting recognition criteria. The local chamber of commerce could be a key partner in helping to launch and support a recognition program.

The capacity of city and county staff to provide technical support to businesses participating in the program is important to consider before undertaking this work. If city/county staff capacity is limited, additional expertise may be available from local healthcare providers, YMCAs and fitness centers, or higher education institutions.

Recommended Actions:

- Create and implement a local recognition program for area businesses that implement certain wellness policies. Wellness policies and activities could include office-wide nutrition policies, lactation policies, creation of a wellness committee, promotion of taking the stairs instead of the elevator, cholesterol and biometric screenings, and company-wide walking programs.
- If a local recognition program already exists at the regional or state level, provide technical support to local businesses to help them obtain recognition.

Strategy VI: Make policy and/or programmatic changes to expand the number and utilization of farmers' markets.

Rationale:

Farmers' markets support local farmers, create a space for the community to gather, and increase access to fresh fruits and vegetables. City and county government can play an important role by: sponsoring markets, supporting and promoting existing farmers' markets, expanding land use and zoning policies to protect and encourage farmers' markets, and working with foundations or nonprofits to create fruit and vegetable buying incentive programs at markets.

Cities and counties may find that certain areas are not zoned to permit farmers' markets, or farmers' markets may not be described as a designated use. Land use policy changes related to farmers' markets can include allowing farmer's markets on city park property through zoning changes, or adjusting zoning ordinances to allow farmers' markets in all non-residential and certain single-family residential zones.

A city or county may also designate specific public land for farmers' markets, or can be a key convener of partners, including local nonprofits, to start a local farmers' market. Another way cities and counties can support farmers' markets is by minimizing the need for special permitting fees or requirements. The city or county can play a key role in promoting farmers' market to residents through the city's or county's website, social media, or broadcast media.

If farmers' markets do not accept benefits from the Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps) or the Women, Infants, and Children (WIC) Farmers' Market Nutrition Program (FMNP), then low-income residents' access to the markets is reduced. The U.S. Department of Agriculture (USDA) encourages farmers' markets to accept SNAP benefits and provides support to help farmers' markets obtain point-of-sale terminals. In some cases, it is possible for a city or county to require that all farmers' markets accept federal and state nutrition benefits through the city's or county's zoning code. Alternatively, low-income residents' use of farmers' markets may be promoted through incentive "double-bucks" programs, which provide subsidies for purchasing food at farmers' markets. Many communities have used a mix of public and foundation funding to support these incentive programs.

Recommended Actions:

- Make land use policy changes to expand access to farmers' markets:

- Expand areas of the city/county where farmers' markets are permitted and remove regulatory barriers through zoning changes.
- Protect existing and establishing additional farmers' markets in your city/county's comprehensive or general plan.
- City/county program support, such as:
 - Streamlined permitting process.
 - Consider public property (e.g., parks, schools, transit stations, and street closures for farmers' market sites).
 - Increase support for farmers' markets by partnering with school districts, neighborhood groups, senior centers, businesses, and agricultural organizations.
- Ensure accessibility to farmers' markets for low-income populations:
 - Help farmers' market organizers accept SNAP and WIC benefits.
 - Require farmers' markets to accept federal, state, and local food assistance programs.
 - Start an incentive program to double or increase the value of SNAP or WIC benefits in city/county farmers' markets.

Strategy VII: Develop and implement zoning changes and/or ordinances to promote and increase access to community gardens and urban agriculture.

Rationale:

Community gardens and urban agriculture can be beneficial to communities in a variety of ways. In areas with limited access to healthy food, community gardens and urban agriculture can provide a needed source of fruits and vegetables, and can strengthen the local food system. Urban agriculture can spur economic development by providing jobs and cultivating agricultural skills among community members, particularly young people. There is also evidence that community gardens can improve safety and increase nearby property values.

City and county policies can support community gardens and urban agriculture activities, whether these gardens and agricultural enterprises are run by local government, nonprofit organizations, or faith-based organizations.

As cities and counties begin to plan for new gardens or improve access to existing gardens, stakeholders may want to explore existing policy barriers. For example, are there written limits on the size and scope of community gardens or agricultural enterprises in certain zones of the city or county? Following an assessment of barriers, an inventory may be taken of potential partners, as well as existing gardens and agricultural enterprises. It may also be helpful to map out areas with limited healthy food access as well as vacant or underutilized spaces, and consider them as potential locations for gardens or urban farms.

City and county governments can support community gardens and urban agriculture through the use of:

- Policy approaches (e.g., protective zoning for existing gardens or removal of zoning barriers that make urban agriculture difficult).
- Tax incentives or free or reduced prices on municipal services (e.g., water or waste disposal).
- Land donations (e.g., donation or leasing of vacant land to groups that organize community gardens) or using parts of city parkland for these activities.

Many cities and counties have a number of partners eager to advance the community's approach to urban agriculture. Partners to consider include food policy councils, local planners, nonprofit organizations, grow-a-row programs*, and university cooperative extension programs.

Recommended Actions:

- Support community gardens and urban agriculture through policy changes, such as:
 - Zoning ordinances specifically for gardens
 - Zoning policies designating agriculture districts
 - Community garden objectives or protections as part of a city's comprehensive or general plan
- City or county program support, such as:
 - Tax incentives
 - Reduced prices on municipal services
 - Funding in the city or county budget dedicated to supporting community gardens and urban agriculture activities
 - In-kind resources
 - Liability coverage
- Identify and convert vacant or underutilized lots or city parkland:
 - Donating city or county land to be used as garden space or for urban agriculture
 - Creating community gardens in city or county parks

* Grow-a-row is a campaign or program that encourages gardeners to grow extra and donate produce to local soup kitchens or food banks.

Strategy VIII: Develop and implement breastfeeding policies for city/county facilities and employees in accordance with, or going beyond state/federal law.

Rationale:

Breastfeeding has life-long impacts on children's health. Evidence suggests it promotes children's health and protects against childhood overweight and obesity. Local elected officials can play an active role in supporting mothers who choose to breastfeed by developing and implementing breastfeeding policies for city or county facilities.

Nearly 80 percent of new mothers follow their doctor's advice to breastfeed immediately after birth.⁷ However, women who plan to return to full-time employment are less likely to initiate breastfeeding.⁸ Further, mothers who return to full-time employment shortly after giving birth are less likely to breastfeed as long as they intended or as long as mothers who return later.^{9,10} Flexible work schedules and lactation support in the workplace are important factors in a mother's decision of whether or how long she is able to breastfeed.

Because breastfed babies tend to have fewer health issues,^{11,12} support for breastfeeding mothers can result in reduced employee absenteeism to care for sick children, along with improved employee productivity. While the

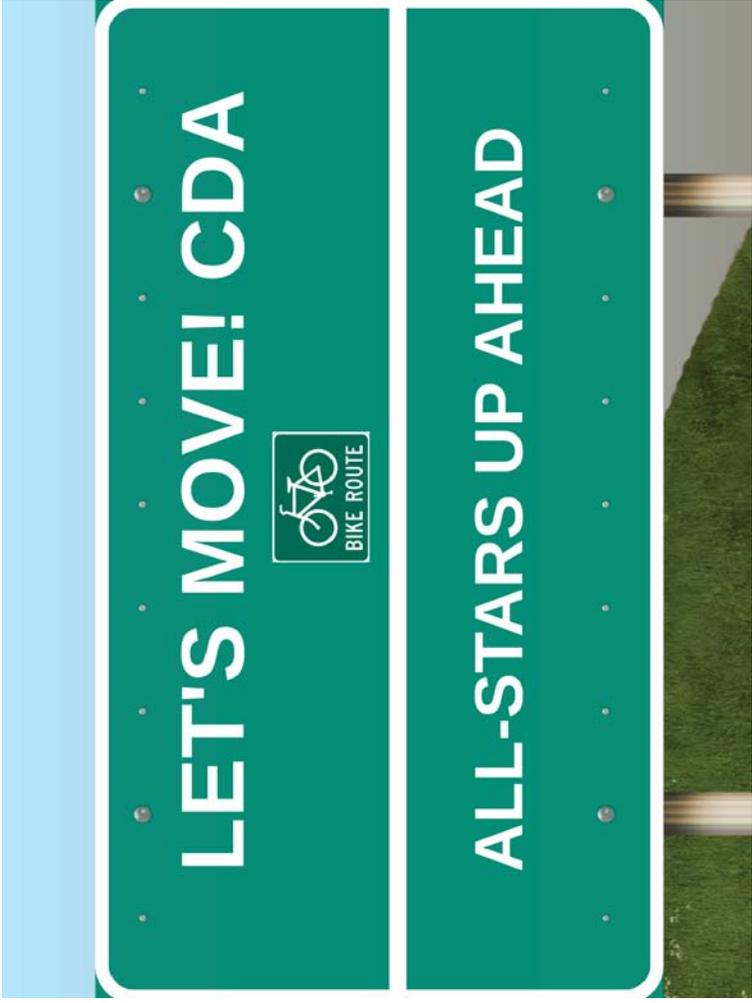
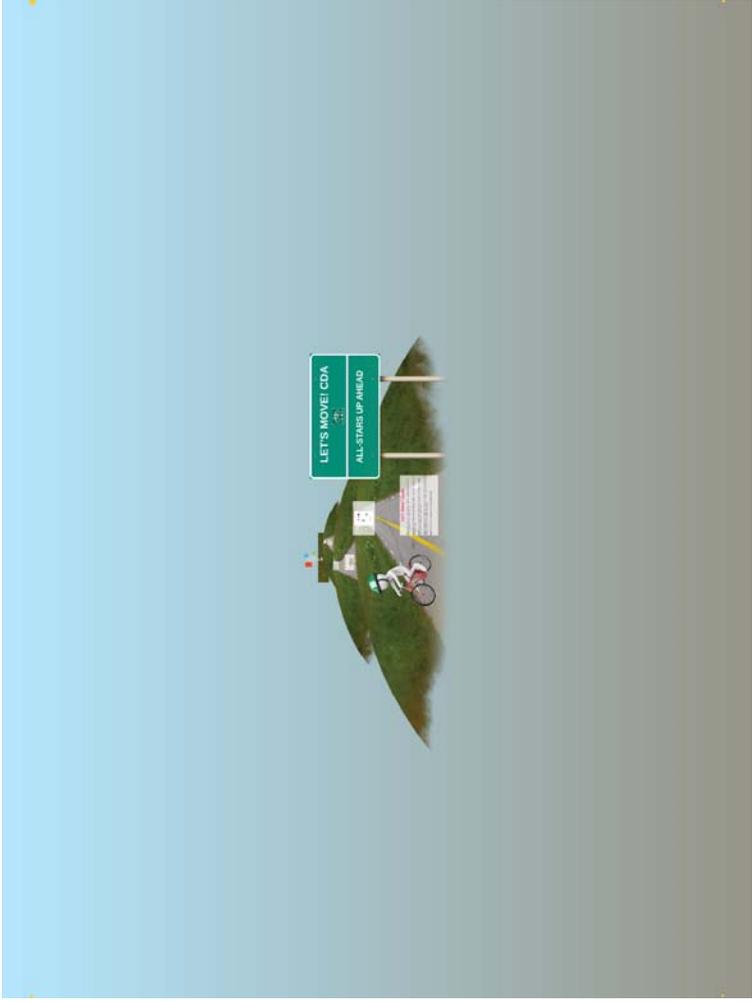
National Fair Labor Standards Act of 2011 requires that most employers “provide reasonable, unpaid break time and a private, non-bathroom space for an employee to express milk for one year after the child’s birth,” local government-level breastfeeding policies can enhance national or state-level policy, ensuring that the city or county is following national requirements and promoting the city or county’s supportive environment for breastfeeding mothers.

Recommended Actions:

- Develop and implement a breastfeeding policy for city/county facilities and employees in accordance with or going beyond state/federal law. Components of the policy could include:
 - Flexible, reasonable break times for lactation
 - Clean, comfortable space for milk expression
 - Free or subsidized breastfeeding support groups or educational classes
 - Providing on-site or nearby child care
 - Designating lactation rooms in city hall or other public buildings
 - Employee education
 - Private storage areas for expressed milk

References

7. Division of Nutrition, Physical Activity, and Obesity, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention. (July 2014). Breastfeeding Report Card United States 2014.
8. Ryan AS, Zhou W, and Arensberg MB. “The effect of employment status on breastfeeding in the United States.” *Womens Health Issues* 16, 5 (2006):243-51.
9. Ogbuanu C, Glover S, Probst J, Liu J, and Hussey J. “The effect of maternity leave length and time of return to work on breastfeeding.” *Pediatrics*. 2011; 127(6): e1414-1427. View article.
10. Mirkovic KR, Perrine CG, Scanlon KS, and Grummer-Strawn LG. “Maternity leave duration and full-time/part-time work status are associated with US mothers’ ability to meet breastfeeding intentions. *Journal of Human Lactation*. 2014 Nov; 30(4): 416-9.
11. U.S. Department of Health and Human Services. *The Business Case for Breastfeeding*. Rockville, MD: U.S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau; 2008.
12. Cohen R, Mrtek MB, and Mrtek RG. “Comparison of maternal absenteeism and infant illness rates among breastfeeding and formula-feeding women in two corporations.” *American Journal of Health Promotion*. 1995; 10 (2), 148-153.





Let's Move! Goals

Goal I: Start Early, Start Smart: Promoting best practices for nutrition, physical activity, and screen time in early care and education settings.

Goal II: My Plate, Your Place: Prominently displaying MyPlate in all municipal or county venues where food is served.

Goal III: Smart Servings for Students: Expanding access to meal programs before, during and after the school day, and/or over summer months.

Goal IV: Model Food Service: Implementing healthy and sustainable food service guidelines that are aligned with the Dietary Guidelines for Americans.

Goal V: Active Kids at Play: Increasing opportunities for physical activity.

LET'S MOVE! CDA Partners



GOLD MEDAL RECOGNITION



Coeur d' Alene
Now a recognized #1 ranking
Let's Move! Cities, Towns,
Counties participant!
We are one of only 64 of 512
nation-wide participants to
hold this status.

Introducing.....ALL-STAR STATUS

- Strategy I:** Make structural and/or policy changes to create a more bicycle friendly community.
- Strategy II:** Develop and implement city design guidelines that encourage walking and other forms of physical activity.
- Strategy III:** Implement infrastructure improvements related to establishing/enhancing slow zones near schools, parks, after-school programs, and recreation centers.
- Strategy IV:** Adopt and implement healthy meeting guidelines at city/county meetings or when outside organizations use city/county-owned venues.
- Strategy V:** Develop and implement a local recognition program for area businesses that implement certain wellness policies.
- Strategy VI:** Make policy and/or programmatic changes to expand the number and utilization of farmers' markets.
- Strategy VII:** Develop and implement zoning changes and/or ordinances to promote and increase access to community gardens and urban agriculture.
- Strategy VIII:** Develop and implement breastfeeding policies for city/county facilities and employees in accordance with, or going beyond state/federal law.

All-Star Strategies and CDA Vision 2030



HELP PLAN THE
FUTURE OF
OUR CITY



- On June 17, 2014, The Coeur d'Alene City Council passed a resolution adopting the Coeur d'Alene 2030 Community Vision Statement, Strategies, and Implementation Plan.
- Let's Move! Campaign is one of the 180 actions listed in the CDA 2030 Implementation Plan.





**Increased Economic
Growth for
Businesses**



Economic Health Benefits

ALLOWS FOR THE
CONTINUATION OF
SUSTAINED
GROWTH AND
DEVELOPMENT FOR
THE CITY OF
COEUR D' ALENE

The City's Role

- Demonstrate a willingness to support City staff involved in Let's Move! CDA
- Assisting with the passing of certain initiatives or actions that require a vote from the City Council or a change in policy/procedure
- Strive to make policy changes, beneficial toward the health and well-being of the Citizens of Coeur d' Alene
- Work with vendors/contractors, as necessary, to achieve All-Star Strategies
- Help promote Let's Move! CDA activities and accomplishments to the general public

NEXT STEPS...

- Receive renewed commitment from the City Council to register Coeur d' Alene as an active All-Star City
- Create a Let's Move! CDA logo, paid for with Idaho Physical Activity and Nutrition (IPAN) funds
- Organize Let's Move! CDA Members to set goals and implement actions





LET'S MOVE! CDA

ALL-STARS UP AHEAD



Let's Move! Goals

Make the following goals a reality:

- Increase the number of children who are active for at least 60 minutes a day.
- Increase the number of children who are eating fruits and vegetables every day.
- Increase the number of children who are getting enough sleep every night.
- Increase the number of children who are getting enough water every day.

Make the following goals a reality:

- Increase the number of children who are active for at least 60 minutes a day.
- Increase the number of children who are eating fruits and vegetables every day.
- Increase the number of children who are getting enough sleep every night.
- Increase the number of children who are getting enough water every day.

CONSENT CALENDAR

MINUTES OF A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
HELD IN THE LIBRARY COMMUNITY ROOM
ON JANUARY 14, 2016 AT 12:00 NOON

The City Council of the City of Coeur d'Alene met in continued session with the Planning Commission in the Library Community Room held at 12:00 NOON on January 14, 2016, there being present upon roll call a quorum.

Steve Widmyer, Mayor

Woody McEvers) Members of Council Present
Dan Gookin)
Dan English)
Kiki Miller)
Amy Evans)
Loren Ron Edinger)

Brad Jordon) Members of the Planning Commission Present
Lynn Fleming)
Michael Ward)
Peter Luttrupp)
Lewis Rumpler)
Jon Ingalls)
Tom Messina) arrived at 12:08

STAFF PRESENT: Jim Hammond, City Administrator; Mike Gridley, City Attorney; Randy Adams, Deputy City Attorney; Renata McLeod, City Clerk; Kathy Lewis, Deputy City Clerk; Ed Wagner, Building Services Director; Shawn Youngman, Code Enforcement Officer; Police Chief White; Hilary Anderson, Community Planning Director; Sean Holm, Planner; Tami Stroud, Planner; Mike Behary, Planner; Mike Becker, Wastewater Project Manager; and Bill Greenwood, Parks Superintendent.

CALL TO ORDER: Mayor Widmyer called the meeting to order.

**APPROVAL OF MINUTES FROM PLANNING COMMISSION MEETING
DECEMBER 8, 2015**

MOTION: Motion by Luttrupp, seconded by Ward to approve the Minutes of the Planning Commission meeting held on December 8, 2015. **Motion Approved.**

APPROVAL OF PLANNING COMMISSION FINDINGS AND ORDER: A-3-15 - PUD-2-15, S-4-15, 2810 & 2960 W. PRAIRIE AVENUE

MOTION: Motion by Ingalls, seconded by Fleming to approve the Findings and Order for A-3-15: PUD-2-15 and S-4-15.

ROLL CALL: Fleming Aye; Ward Aye; Luttropp Aye; Rumpler Aye; Ingalls Aye. **Motion Carried.**

USE OF PORTA POTTIES FOR “SEASONAL” BUSINESSES

STAFF REPORT: Community Planning Director Hilary Anderson explained that staff has received a request from a local business owner to use porta potties on a seasonal basis for a beer garden. The current Municipal Code prohibits the use of privies in the City other than for construction activities. Currently porta potties are used at special events and at several city parks. She noted that the City would need to create a definition of seasonal and amend the code to allow for the park usage and, if desired, to allow for the use of porta potties for seasonal businesses. Parks Superintendent Bill Greenwood provided examples of porta potties used at local parks, all of which are within covered shells. He clarified that the porta potties are removed during the off season in parks that are not used year round.

DISCUSSION: Councilmember Gookin asked if the reasoning behind using the porta potties in the parks was due to the cost of built in facilities. Mr. Greenwood said the cap fee and the cost to construct a restroom facility are very expensive, often over \$200,000. However, it is approximately \$20,000 to build a structure for the porta potties. Commissioner Ingalls asked if the seasonality is what is used by the City to determine whether or not to have a plumbed facility versus porta potties. Mr. Greenwood explained that McEuen Park was an opportunity to build heated restroom facilities, unlike other City built restrooms, but mostly it is a cost consideration. Commissioner Jordon recalled a presentation to the Commission by the previous Parks Director Doug Eastwood regarding the use of porta potties, which in his mind gave approval for the use. Councilmember Edinger asked staff if porta potties will be used when improvements are done at Person Field. Mr. Greenwood said that water and sewer connections are already on site so he would like to put in a facility not porta potties; however, it could cost over \$200,000.

City Attorney Mr. Gridley noted that he did not feel that the parks had illegal use of porta potties since they are not really the same as privies. Councilmember Gookin said that he preferred the brick and mortar facilities to be installed at parks. Mayor Widmyer noted that enclosed restrooms have a much higher vandalism rate. Mr. Greenwood concurred and noted that vandalism has been an issue at city restroom facilities in the past versus the porta potties. He also clarified that they have not received negative comments from the public regarding the porta potties, although he gets calls when porta potties need service. Councilmember English felt that a hybrid approach for city parks could be used by having built in facilities and then use porta potties during the winter. Councilmember Gookin believes the code language should be amended to clearly allow porta potties within parks.

Mike Becker, Wastewater Project Manager, explained the way cap fees would be calculated and can be estimated based on water records. He noted that it is important to focus on sanitation, i.e., hand washing, and not focus solely on the use of porta potties.

Mr. John Magnusson explained that he represents Crafted, who made the initial request, and briefly described the intended seasonal use. He clarified that it was not intended to be for more than 90 days of use, and understands it would be subject to the design review commission review

and that hand washing stations would be no problem. Additionally, they don't intend to do any food preparation outside and people would be welcome to use bathroom inside.

Councilmember Gookin expressed concern with use in the park as setting a precedent. Mayor Widmyer noted that the customers have embraced the use with no negative feedback. He reiterated that cost is important for the City to consider when developing parks. Councilmember Miller said she approves of the use of porta potties in the parks, as they can be used year round and are a value to tax payers. Additionally, she would support the continued use of porta potties for the Centennial Trail and large events. Councilmember Miller said that the use by commercial business should be reviewed; with the Health District concerns and zoning under consideration. Additionally, she would support a code amendment for porta potty use in parks. Councilmember Gookin suggested creating a park zone where the use of porta potties is allowed, temporary usage for city sponsored events, and special use permits for other uses so the public can provide input. Councilmember McEvers would like staff to work on the commercial aspect, taking under consideration examples from other cities, as well as update the current code to allow for park use. He would support hand washing stations. Councilmember Edinger believes that any code amendment should include a requirement for servicing the porta potties. Councilmember English would like to have a staff summary outlining the ramifications of each option. Commissioner Fleming felt that the City should apply the letter of the law from building codes and liquor laws to ensure the correct number of seats per bathroom facility so there isn't an increase in public urination.

Discussion ensued regarding handwashing stations; the definition of seasonal business; public land versus business use; special event use; practical application of use at a commercial business; and costs to build porta pottie structures and enforcement.

MOTION: Motion by McEvers, seconded by English to direct staff to develop codes regulating porta potties including provisions for public use, special events, commercial use, seasonal guidelines/definition, and enclosures/aesthetics related thereto. **Motion carried.**

VACATION RENTALS

STAFF REPORT: Planner Sean Holm noted that the number and popularity of the vacation rental use in Coeur d'Alene has increased over the years. The current city code does not allow for vacation rentals within a residential zone; however, it has not been strictly enforced. A 1995 legal interpretation set forth the standard that rentals of less than one month are not allowed as they are deemed transient rather than a semi-permanent use. He also noted that the only city code that most closely relates to vacation rentals is the bed and breakfast code; however, there are some clear differences. Mr. Holm explained some of the positives and negatives of the possible use of vacation rentals including travelers having choice, revenue to owners, more money spent locally with some of the negatives being possible disturbances to the neighborhood; vacant property during slow times, excess parking, trash and safety issues. He reviewed items for possible consideration that included a registration process; inspection of site for safety and parking; and noted enforcement as the key to the program.

DISCUSSION: Councilmember Edinger asked how many complaints the City has received. Mr. Holm said that he has received complaints regarding signage that has been posted in front of rental properties by vacation rental companies. Councilmember Edinger asked how the vacation rental signs differ from for sale signs. Mr. Holm explained that business signage is different than the temporary use for home sale signs. Code Enforcement Officer Sean Youngman stated that he received one official complaint last summer regarding signage. Chief White noted that police patrol receives calls regarding noise complaints associated with vacation rentals. Municipal Services Director Renata McLeod said that the business licensing division receives calls from vacation rental business's inquiring if the City has regulation or a registration process, as that is the norm in the industry. She noted that her staff has received approximately 10 inquiries in the last couple of weeks.

Mayor Widmyer clarified that staff needs direction as to what should be allowed or not and that the city will need to demonstrate the ability to enforce proposed regulations. He said that he would not like a code as restrictive as Sandpoint. Councilmember Miller requested that staff seek input from vacation rental business operators, the Idaho Lodging Association, Chamber and other stakeholders before drafting the ordinance. Councilmember Gookin suggested staff look at two regulations; one for owner occupied; the other for non-owner occupied investment properties. Commissioner Messina believes that enforcement will be important to include and for staff to research how other cities do their enforcement.

Discussion ensued regarding reasonableness of occupancy; what length of time is reasonable to regulate; neighborhood preservation; parking; and investment properties.

Motion by Edinger to table the issue until next winter. Motion Failed due to the lack of a second.

MOTION: Motion by Gookin, seconded by McEvers to direct staff to develop codes regulating vacation rentals including registration; inspection; enforcement; a two week per year exemption; and to gather public input during code development.

DISCUSSION CONTINUED: Councilmember Edinger expressed concern with enforcement of another code with current staff resources. Chairman Jordon expressed concern with differing opinions, but assured the Council that the Commission will take input during the drafting of these regulations.

Motion carried with Edinger voting no.

NEIGHBORHOOD COMPATIBILITY ORDINANCE REQUEST

STAFF REPORT: Ms. Anderson explained that the Fort Ground Homeowner's Association (Fort Grounds) has requested an amendment to the zoning code to allow for an overlay district regulating future development within the neighborhood. She reviewed the specific elements requested by the Fort Grounds and clarified that several residents/property owners who attended a Planning Commission meeting in August voiced concerns about the proposal and its potential to limit property rights. She also noted that staff believes that most of the components of the

Fort Grounds proposal would be supported by staff including additional tools to clarify compatibility of new development and that the Zoning Code could be improved to provide more guidance for infill development in established neighborhoods, such as Fort Grounds. However, staff expressed concern regarding the 3-D “virtual tent” mechanism proposed, as it would be time consuming to staff and difficult to include on building permits. However, there is an option for a 2-D “virtual tent” that would be easier to manage or some other design standards could be used to result in the same overall effect desired by the homeowners association. She shared that Sandpoint has successfully incorporated many of these design and performance standards into their Zoning Code. Ms. Anderson said that the Fort Grounds could be used as a pilot project for such regulations or that the ordinance could be drafted to apply to all established neighborhoods. She also presented the recommendation from the Economic Development Clinic at the University Of Idaho College Of Law for an updated survey of properties in the Fort Grounds neighborhood.

DISCUSSION: Councilmember McEvers expressed concern with all neighborhoods thinking they have special issues and drawing circles around themselves to not allow mcmansions. Additional discussion ensued regarding measurement of natural grade; front set back requirements; storm water management; impervious surface; homeowner association regulations outside of city ordinances; and how such regulations would be implemented.

Commissioner Ingalls asked if the survey would be needed if the ordinance was citywide or could the survey be more global than Fort Grounds. Ms. Anderson explained that the proposed survey was specific to Fort Grounds because the base line survey was completed within the Fort Grounds neighborhood, so it would not be applicable city-wide. Ms. Anderson also clarified that the proposed survey would actually be more of an existing conditions report to compare the current conditions of lots in the Fort Grounds neighborhood to the conditions of the lots as documented in the 1992 survey, which included photos and descriptions of the residences, architectural style, and year of construction. There was also a question from Commissioner Messina about having the neighborhood implement CC&Rs instead of having the additional restrictions in the zoning code. A Fort Grounds representative, Denny Davis, stated that the neighborhood has a very old plat as original homeowner documents, which did not include any CC&R’s. A modern day development would have that type of guiding document, so it would be very difficult to create them now and would require 100% agreement of the property owners. Commissioner Luttrupp expressed support for the Fort Grounds to be used as a pilot project to determine good and bad points before making city-wide regulations. Councilmember Gookin said that he is a member of the Fort Grounds and expressed concern about various developments throughout the City that changed the character of the neighborhood. Councilmember McEvers believes that a new property owner should have the right to develop a parcel under the current laws and would not support a change limiting one’s property rights. Councilmember Gookin noted that the code would allow for the preservation of an established neighborhood.

Commissioner Fleming said that it is not difficult to determine elevation by comparing a proposed structure to the two abutting lots and ensuring that it would not be out of place or shadow the other properties. She noted that there are other special neighborhoods within the City, but agreed that the Fort Grounds could be a pilot project before a code is implemented city-wide. Councilmember English expressed concern regarding the minimum gross floor area of

2,300 square feet, as that would eliminate the ability to construct affordable housing. Commissioner Messina felt that the Fort Grounds was asking the City to solve a neighborhood issue and taking property rights. He felt that it should not go citywide unless a neighborhood requests it. Councilmember Evans asked Deputy City Attorney Adams if he was in agreement with the opinion of Director Stephen Miller of the University of Idaho about conducting an updated survey to ensure that if the requested code amendment only applied to the Fort Grounds neighborhood, that it would not have the potential to implicate constitutional protections or be subject to equal protection challenges. Mr. Adams said that the City would have to regulate on a rational basis and concurs with Miller at this time regarding a survey of the Fort Grounds neighborhood if a code amendment were to apply only to a small area of the City. Otherwise, the code amendment would need to be applied equally throughout the City. Councilmember McEvers supported the implementation of Commissioner Fleming's concept regarding elevation.

MOTION: Motion by Gookin, seconded by Edinger to request staff to modify the code to clarify that if a house is destroyed, it can be rebuilt on the existing foundation/footprint.

DISCUSSION CONTINUED: Ms. Anderson clarified that if a house were destroyed, it would still need to meet current building code.

Motion Carried.

MOTION: Motion by McEvers seconded by Gookin to have staff research the implementation of an adjacency code, such as the 2D virtual tenting. **Motion Carried.**

MOTION: Motion by Edinger, seconded by English to direct staff to complete a survey of the Fort Grounds as recommended by the University of Idaho and provide feedback to Council thereafter.

DISCUSSION: Ms. Anderson clarified that the survey would demonstrate how much has changed within the Fort Grounds since the prior survey, and what the potential impact of the ordinance would be. Councilmember Miller concurred that the Fort Grounds would be a great incubator for potential regulations. Councilmember Edinger said that the Fort Ground neighborhood is a historical area and is important to protect. Mayor Widmyer felt that more information is needed, such as the information that will come forward from the study. He also concurred that the Fort Grounds would be good as a pilot after more information is received.

Motion carried.

ADJOURN: Motion by Edinger, seconded by Gookin that there being no further business, this meeting is adjourned. **Motion carried.**

The meeting adjourned at 2:33 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, CMC
City Clerk

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM

January 19, 2016

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room January 19, 2016 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Loren Ron Edinger) Members of Council Present
Dan Gookin)
Kiki Miller)
Dan English)
Woody McEvers)
Amy Evans)

CALL TO ORDER: Mayor Widmyer called the meeting to order.

INVOCATION: Pastor Ray Duran with the Amor Del Calvario Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the pledge of allegiance.

COEUR D'ALENE FIRE CADET PROGRAM WITH SCHOOL DISTRICT 271 HIGH SCHOOLS PRESENTATION

Fire Fighter Greg Thaxton explained that the Department has created a cadet program open to School District 271 High School students. This program gives students an alternative elective credit accepted at their respective schools. Cadets will be accruing a minimum of 80 hours per semester in exchange for their credit. Currently there are three students enrolled including John Sells, Seth Ruane, and Michael Graves for the semester starting February 2, 2016. The selection process is a competitive process designed to mirror that of actual entry-level firefighter.

CLIMATE CHANGE PRESENTATION

Russell Hersrud explained that he is a concerned citizen with a degree in science. He presented information to the Council regarding weather and climate change and noted that the speed of change is surprising scientists. He described the greenhouse gas effect and its change resulting in global warming. He presented evidence of global warming as changes to the earth's surface temperature over time. He presented the Idaho and Coeur d'Alene mean annual temperature from 1895 to 2015. Mr. Hersrud reviewed sources of CO₂ emissions, which are causing changes to glaciers and plant and animal life. He suggested that the City Council adopt the Complete Street Program encouraging multi-modal transportation options, and revitalize the City's Green

Team. He also requested the Council implement a transportation task force. Mayor Widmyer thanked him for the information and noted that he will get back to him regarding his requests.

CDA 2030 UPDATE

Dr. Charles Buck noted that next month is the third anniversary of the inception of CDA 2030. He noted that the level of community collaboration has been remarkable and has resulted in synergy throughout the community. The roadmap for the team is the formal Implementation Plan that was released in August. The board consists of 21 community leaders. He noted that Nicole Kahler is the Project Manager for CDA 2030 and has been leading projects this year. He reviewed the items noted in the Implementation Plan and the matrix used as a measureable strategic plan. Dr. Buck noted that last year's annual celebration occurred with the Riverstone concert series wherein they connected with approximately 500 citizens. They received a \$5,000 award from the America's Best Communities program and used that grant for micro-grants to support healthy leaving within the community. He reviewed the Gizmo Coeur d'Alene Makerspace successes. Since May 2014, they have served approximately 6,000 community members, and have received over \$140,000 in external grants to enable this activity. Additionally, he reviewed the Kids Camp program that is intended to serve young children and prevent the summer slide. They have actively been involved in the East Sherman Avenue master planning and visioning efforts. He noted that they are still actively listening to the community and asked that the community to follow them on Twitter and like them on Facebook.

MOTION: Motion by English, seconded by Gookin to remove item 7 (d) from the Consent Calendar Resolution, Agreement with Murray, Smith & Associates, pursuant to staff request.
Motion Carried.

CONSENT CALENDAR: **Motion** by McEvers, second by Evans, to approve the consent calendar.

1. Approval of Council Minutes for January 5, 2016.
2. Approval of Bills as Submitted.
3. Approval of General Services and Public Works Committee Meeting Minutes for January 11, 2015.
4. Setting of General Services and Public Works Committees meetings for January 25, 2016 at 12:00 noon and 4:00 p.m. respectively.
5. Setting of Public Hearings for February 2, 2016:
 - a. **A-3-15** - Applicant: Harmony Homes, LLC; 2810 & 2960 W. Prairie Avenue, a proposed annexation from County Agriculture to City R-8 (Residential at 8 units/acre)
 - b. **PUD-1-04.4** - Applicant: Riverwalk Townhomes, LLC; Appeal of Planning Commission Denial without prejudice; Bellerive Lane, requested modification to Riverwalk PUD
 - c. **S-6-15** - Applicant: Riverwalk Townhomes, LLC; Appeal of Planning Commission Denial without prejudice; Bellerive Lane, requested proposed 2-lot preliminary plat "Riverwalk Townhomes"
6. Setting of a Public Hearing for February 16, 2016 regarding substantial amendments to the Community Development Block Grant Plan Year 2014 and 2015 Action Plans.

- 7. Resolution No. 16-002** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING S-1-14.M, LAKE FOREST WEST 2ND ADDITION: FINAL PLAT, SUBDIVISION AGREEMENT & SECURITY APPROVAL; APPROVING AN EVENT AGREEMENT WITH PANHANDLE KIWANIS CLUB FOR THE TASTE OF THE COEUR D'ALENE'S EVENT IN THE CITY PARK; APPROVING A LEASE AGREEMENT WITH LAKE COEUR D'ALENE CRUISES FOR LEASE OF BAYS 1, 2, 3, 6, 7, AND 8 ON THE COMMERCIAL DOCK; ~~APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MURRAY, SMITH AND ASSOCIATES, INC., FOR THE WELL WATER QUALITY ENHANCEMENT EVALUATION PROJECT;~~ APPROVING AN IDAHO TRANSPORTATION DEPARTMENT - LOCAL PROFESSIONAL SERVICES AGREEMENT WITH WELCH COMER & ASSOCIATES, INC. FOR THE SELTICE WAY SIDEWALK PROJECT.

DISCUSSION: Councilmember English wanted to make sure that the Pedestrian and Bicycle Committee and the community gets an opportunity for input on the Seltice Way sidewalk project. City Engineer Gordon Dobler said that he would present the plan to the Pedestrian and Bicycle Committee.

ROLL CALL: Evans Aye; English Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye.
Motion Carried.

PUBLIC COMMENTS:

Transportation Taskforce

Bill Irving said that he was the President of the Climate Action CDA Group and he would support the creation of a task force on transportation. He noted that he grew up in the Coeur d'Alene area and encouraged people to use alternative modes of transportation to vehicles. He felt a task force would ensure safe travel by pedestrians and bicyclists. Councilmember Gookin asked if Mr. Irving was familiar with the Pedestrian and Bicycle Committee and asked for clarification as to what the differences are from the proposed task force. Mr. Irving noted that the task force would look at all organizations and all activities that are involved in transportation throughout the city. They would recommend healthy transportation options and review the effectiveness of the Pedestrian and Bicycle Committee and all city activities and what needs improvement. He noted that task force members could live in the area.

Carl Sothic said he is a retired professor and urged the Council to take climate change seriously. He noted that he was originally a sceptic and has since studied it throughout the country and now knows it is real. He requested the Council take action.

Craig Cooper, Hayden, moved to the area about three years ago. He noted that he is impressed with the City's leadership that embraced CDA 2030. He is in support of implementing a transportation task force and other ideas to consider climate change's impact to quality of life.

He is a professional environmental scientist and expressed his willingness to talk to anyone about the issue and the reality of climate change. He noted that wild fires are becoming more prevalent and believes small communities coming together to make changes will make an impact.

MAYOR AND COUNCIL COMMENTS:

Councilmember Miller announced that on February 1, 2016 at 3:00 p.m. is the opening of the Lake City Public Library branch within Lake City High School and encouraged the community to visit the new branch.

Councilmember English noted that he previously committed his attendance to training in Washington D.C. on behalf of Habitat for Humanity, so he will be absent the first week of February.

Councilmember Gookin noted the resolution passed by the previous Council regarding their support regarding gaining public access to the Spokane River. He wanted to reassure those interested in the issue that the existing resolution stands, even though there is a new Council seated. He reassured the community that the Council is still in support of public water access.

APPOINTMENTS:

MOTION: Motion by McEvers, seconded by Edinger to approve the appointment of Walter Melior to the Jewett House Advisory Board and John Schwandt, Steve Bloedel, and Glenn Truscott to the Urban Forestry Committee. **Motion carried.**

REQUEST TO ESTABLISH PARKING ON 4TH STREET, SOUTH OF SHERMAN

STAFF REPORT: Engineering Services Director Gordon Dobler said that the Public Works Committee heard this request on December 7, 2015. He noted that the Downtown Association made the request to allow parking on the west side of 4th Street south of Sherman Avenue. Parking was reviewed during the design of McEuen park and reestablishing parking on the west side of 4th Street would leave a single lane, 17' to 18' wide, and modify the traffic signal detection at 4th Street and Sherman Avenue. There may be some impact to pedestrian visibility when cars are parked, as there is no bulb-out at that intersection. He introduced Terry Cooper, the Downtown Association President, to address questions from the Council.

MOTION: Motion by Edinger, seconded by Miller to direct staff to move forward with the formation of parking on the west side of 4th Street, south of Sherman as requested, with the addition of one accessible parking space.

DISCUSSION: Councilmember Gookin asked for clarification regarding the limitation of parking within an intersection and pedestrian visibility. Mr. Dobler noted that Idaho Code states that parking is not allowed within 20 feet of an intersection or crosswalk. Those areas are not normally marked which, if someone parks within that area, could cause pedestrian visibility issues. Councilmember Gookin asked if it would be difficult to remove the parking in the future, if it does not work. Mr. Dobler explained that it could be as easy as removing the two hour

parking signs, as this proposal does not include any physical changes. He further explained that if the on-street parking spaces were not marked, then it would not require an accessible stall to be placed. Councilmember Gookin asked if an accessible stall could be added to the plan. Mr. Dobler noted that an accessible space would require modification to the sidewalk or the addition of a curb ramp to ensure an accessible route. Councilmember Edinger asked how many car parking spaces would be added. Mr. Dobler felt that seven or eight cars could fit in that space. Mr. Cooper reiterated that this area was redesigned with the McEuen Park design and it was originally thought it would be an entrance to McEuen, with a walking promenade. This area did not turn out to be a pedestrian area and this block has become a very quiet space with a lack of activity. He noted that the east side of the street is problematic due to the curb cuts for the bank. Mr. Cooper explained that this request is not about the need for additional parking; rather, it is about creating some energy to that block for those businesses. Councilmember McEvers said that he felt that the existing parking study is valid and did not demonstrate significance for this area to have parking. Councilmember Evans clarified that the neighboring businesses have been affected due to the lack of parking in more ways than what was anticipated by the McEuen redesign. She noted that the Parking Commission has heard a request from a business owner in that block stating that it was drastically affecting her business by not having on-street parking. Councilmember Evans believes the additional parking would be a small effort to help businesses and she would support it. Councilmember McEvers said he would not support this request and felt it would be better to put in a bike lane. Councilmember Gookin said that he believes the parking is on the wrong side of the street, but understood if it does not work; it would be a low cost solution to remove the signs. He also noted that he would like more spaces that are accessible.

Motion carried with McEvers voting no.

RESOLUTION NO. 16-003

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LETTER OF UNDERSTANDING REGARDING MAINTENANCE OF THE ROSENBERY LEVEE WITH NORTH IDAHO COLLEGE

STAFF REPORT: Mr. Dobler explained that this agreement is the next step in seeking FEMA Certification, as they require ongoing maintenance. He reviewed the accomplishments of certifying the levee and now they need to clarify ongoing maintenance responsibilities. This Agreement will help guide future budgeting and identify anticipated costs for each entity as well as ongoing maintenance responsibilities.

DISCUSSION: Councilmember McEvers asked Mr. Dobler to explain the difference between the FEMA and Army Corps certification of the levee. Mr. Dobler explained that the Army Corps was the lead agency; however, their rules did not allow any vegetation on a levee. After Katrina hit, Homeland Security wanted to certify all levees and provided an option for an outside agency to certify. It was beneficial to the City to meet the FEMA requirements, as they would consider recommendations for tree preservation. They did recommend some tree removal and a requirement of ongoing inspection and maintenance of items existing. Mr. Dobler said that certification of the levee provides a flood protection for the neighborhoods surrounding the levee

area. Councilmember McEvers expressed concern that the same rules apply to the City, as the areas hit by Katrina, even though we have a dam and a levee. Councilmember Edinger reiterated that FEMA said that the City has to do this or the neighborhood would not be allowed to be included in the flood protection area. Mr. Dobler noted that costs were split with NIC and no federal funds were received for the certification.

ROLL CALL: English Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye; Evans Aye.
Motion carried.

RESOLUTION NO. 16-004

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CLASSIFICATION AND COMPENSATION PLAN TO PROVIDE A TITLE AND CLASSIFICATION CHANGE FOR THE POSITION OF EQUIPMENT SPECIALIST, PAY GRADE 9 TO FLEET MANAGEMENT AND SUPPLY SPECIALIST, PAY GRADE 10.

STAFF REPORT: Human Resources Director Melissa Tosi explained that the Equipment Specialist position was reviewed by BDPA in 2006 and leveled at a pay grade 9. Since that time, the duties of that position have changed. Additionally, BDPA reassessed the position and leveled it at a pay grade 10, a 6% increase. The Police Department budget will absorb the additional cost this fiscal year through wage savings.

MOTION: Motion by Gookin, seconded by Evans to approve Resolution No. 16-004; approving amendments to Classification/Compensation Plan amending the Equipment Specialist position to reflect a new title of Fleet Management & Supply Specialist at pay grade 10.

DISCUSSION: Councilmember McEvers asked if this is a new position. Ms. Tosi explained that this position was filled previously and has been vacant since November. The Police Department has been juggling the duties.

ROLL CALL: Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye; Evans Aye; English Aye.
Motion carried.

ZC-5-15 (QUASI-JUDICIAL HEARING); RON AYERS: 1808 NORTHWEST BLVD., ZONE CHANGE FROM R-17 TO C -17

STAFF REPORT: Planner Mike Behary explained that the applicant has requested a zone change from Residential at 17 units per acre to Commercial at 17 units per acre. The property is a portion of a parcel fronting Emma and Davidson Avenues, east of Northwest Boulevard, and is approximately 1.28 acres. The applicant has disclosed that plans for the property are to combine this parcel with the abutting parcel currently containing the Garden Motel. The combined parcels would provide a 4.5-acre site and be developed with a new 100-room hotel and a bank. He reviewed the area land use and surrounding zoning. The findings needed tonight include the following: that this proposal is or is not in conformance with the comprehensive plan policies; that the public facilities and utilities are or are not available and adequate for the proposed use;

that the physical characteristics of the site do or do not make it suitable for the request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and or existing land use. Mr. Behary reviewed the applicable comprehensive plan sections and staff input regarding the finding categories.

Mayor Widmyer called for public comments and the Clerk conducted the oath for each of those testifying.

APPLICANT: Dick Stauffer announced that he is speaking as the applicant's representative. He explained that over the years, the large acreage parcels along Northwest Boulevard have already been developed, and this is the last remaining substantial developable parcel and that Mr. Ayers started assembling this piece in 2004. The current configuration of parcels includes an R-17 buffer zone of almost ½ acre abutting the R-12 residential zone from the commercial use. He reviewed the area land use including the three-story apartments to the north that front Emma Avenue, causing a traffic load on Emma comparable to commercial use. The area to the East is a stable established neighborhood including Davidson Avenue. Davidson Avenue is a very narrow street with parking on both sides and is not a valid short cut for commercial use. All development would be facing out to Northwest Boulevard. Mr. Stauffer presented a drawing of the proposed development, although he recognized that the Council is approving the zone change and not the development. Mr. Ayers has wanted to develop this property for years, and has received a franchise authority for a 100 room, four-story, Marriott Hotel which requires 100 parking stalls. He would like to include additional symbiotic uses such as a bank and/or a restaurant. The elevation of the site will dictate the development, with the tallest building to the lowest part of the parcel. Due to the hotel season, they need to open the hotel by May.

Public testimony was closed.

MOTION: Motion by McEvers, seconded by Miller to approve the proposed Zone Change from R-17 to C-17 requested by Ron Ayers: 1808 Northwest Blvd., and adopt the Findings and Order of the Planning Commission.

DISCUSSION: Councilmember Gookin expressed concern that the C-17 zoning is the most flexible zoning district and that the staff report talks about this specific project needs rather than considering the highest use of the zone. He is also concerned about the residential zone abutting the project. Mr. Behary explained that the buffer the developer is including is a separate parcel zoned R-17 that would be used to buffer the abutting R-12 zone. Mr. Stauffer explained that the buffer area will be a rounded area and that it is the highest part of the lot. Councilmember Gookin reiterated that he is concerned with C-17 next to an R-12 zone; however, the Comprehensive Plan does call this area an area of transition. Councilmember Miller felt that the effort to buffer the residential zone is very protective of the neighbors, and there is existing high-density use to the north. She believes this is a logical request.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; Evans Aye; English Aye; Edinger Aye.
Motion carried.

MOTION: Motion by Gookin, seconded by Evans to enter into Executive Session as provided by Idaho Code 74-206 Sections (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

ROLL CALL: McEvers Aye; Gookin Aye; Evans Aye; English Aye; Edinger Aye; Miller Aye. Motion carried.

The City Council entered into Executive Session at 7:52 p.m. Those present were the Mayor, City Council, City Administrator, Finance Director, City Attorney and Deputy City Attorney. Council returned to regular session at 9:05 p.m.

RECESS: Motion by Gookin, seconded by English to recess to Tuesday February 2, 2106, in the Old Council Chambers, at 4:00 p.m., for a Workshop with the City Legislative Committee and Staff regarding potential legislation and a potential remodel to City Hall. **Motion carried.**

The meeting adjourned at 9:10 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC
City Clerk

January 21, 2016
GENERAL SERVICES COMMITTEE
MINUTES
12:00 p.m., Library Community Room

COMMITTEE MEMBERS

Council Member Ron Edinger, Chairperson
Council Member Kiki Miller
Council Member Amy Evans

STAFF

Captain Steve Childers, PD
Melissa Tosi, Human Resources Director
Chief Lee White, PD
Gordon Dobler, City Engineer
Branden Russell, I.T. Database Administrator
Troy Tymesen, Finance Director
Mike Gridley, City Attorney
Jim Hammond, City Administrator
Lt. Bill McLeod, PD
Juanita Knight, Senior Legal Assistant

Item 1. Award and purchase of the Public Safety Mobile Command Trailer with LDV, Inc.
(Resolution No. 16-005)

Captain Steve Childers is requesting Council approve the lowest responsive bid for the Public Safety Mobile Command Trailer and authorize staff to enter into an agreement with LDV, Inc. for the construction of the trailer. Capt. Childers noted in his staff report that Kootenai County and the Coeur d'Alene area have seen dramatic population increases over the past 10 years. With increasing population comes growth in major incidents and special events. In cooperation with Cd'A Fire, our agencies are involved in numerous special events throughout the year. These are complex scenes and events which may include several agencies from our area. The City received a total of three bids, however one was disqualified. The two remaining bids are LDV, Inc. - \$238,806.00 and Specialty Vehicle Concepts - \$294,859.00. The line item budget amount for this project was estimated at \$255,540.00 as part of the G.O. Public Safety Bond. It was further noted that the ability to bring a mobile command post to the scene of major incidents or special events allows for a more efficient use of the employees time and labor. The command post allows for proper space to transport all needed equipment, evidence collection/storage while on scene, IT capabilities, incident command, office space to conduct first-hand crime scene management and coordination with other agencies. This unit will address the problems associated with communication and command at large scale incidents that require multiple agencies to cooperate under complex conditions. By adding to our existing program we would be able to centralize our command structure which could allow us to better use the National Incident Management System.

Council Member Miller asked about the timeline. Capt. Childers said it would take approximately 6 months. She also asked if the unit could be used by other agencies. Capt. Childers responded that it could.

MOTION: by Evans, seconded by Miller, to recommend that Council adopt Resolution No. 16-005 approving the lowest responsive bid & agreement with LDV, Inc. for the Public Safety Mobile Command Trailer. Motion Carried.

**Item 2. Memorandum of Agreement with David A. Hagar for Police Captain.
(Resolution No. 16-005)**

Melissa Tosi, Human Resources Director, is requesting Council approve the proposed negotiated Police Captain Memorandum of Understanding (MOU) with David A. Hagar, establishing compensation and benefits. Mrs. Tosi said the most recent MOU for Police Captains was negotiated and signed by current Captain Steve Childers and retired Captain Clark. With the update the Personnel Rules in 2015, an external recruitment of Captain was allowed, and therefore Mr. Hagar was hired from an open competitive recruitment process. The MOU is the same as what is currently in place for Capt. Childers with the addition of "Vacation Accrual Credit for Past Work Experience." This wording matches the wording in the Personnel Rules for Department Heads and due to the degree of responsibility and leveling of the Captain position, it is also fitting for the MOU with Captains now that the Personnel Rules allows for an open competitive recruitment process. All other compensation and benefits match Capt. Childers MOU which was approved in 2014 and both MOU's will expire September 30, 2017. Mr. Hagar's anticipated start date is mid-March.

MOTION: by Miller, seconded by Evans, to recommend that Council adopt Resolution No. 16-005 approving a Police MOU with David A. Hagar establishing compensation and benefits. Motion Carried.

**Item 3. Authorization to replace two (2) police vehicles.
(Resolution No. 16-005)**

Chief Lee White is requesting Council authorize staff to replace two patrol vehicles due to damage from accidents. The amount reimbursed by ICRMP (\$15,643) will be put toward the purchase of a new vehicle. The remaining funds will come from the PD's FY 2015/16 budget. The vehicles are as follows:

1. Vehicle P984 was a 2004 Chevy Impala with over 101,000 miles that was scheduled to be replaced next year and was damaged in a minor collision during our first major snowfall of the season. The damage to the vehicle was approximately \$2139; however, the vehicle is listed as having a value of \$1300 - \$1900 (unless parted out) and our deductible is \$5000, so it makes little financial sense to fix it. Replacement of this vehicle this year was not in the financial plan, but is needed in the patrol division since we are already short vehicles.
2. Vehicle P1647 was a 2015 Chevy Impala with 4967 miles that was totaled in a collision in early December. ICRMP will reimburse the City \$15,643 (replacement cost, minus deductible) for this vehicle.

Council Member asked if the new vehicle would go to the SRO program. Chief White said the new vehicle will go to Patrol and an older vehicle will roll to the SRO program.

Council Member Edinger asked about Sgt. Moore's vehicle that is being held by the Kootenai County Prosecutor's Office in the Renfro trial. Chief White reminded him that the vehicle was replaced by ICRMP last year.

MOTION: by Evans, seconded by Miller, to recommend that Council adopt Resolution No. 16-05 authorizing staff to replace two (2) patrol vehicles. Motion Carried.

Item 4. V-16-1 Vacation of a portion of excess W. Kathleen Avenue right-of-way adjoin the northerly boundary of The Lodge at Fairway Forest.

(Agenda)

Gordon Dobler, City Engineer, said Mort Construction, Inc. is requesting the vacation of a portion of excess W. Kathleen Ave. right-of-way that adjoins the northerly boundary of The Lodge at Fairway Forest (3989 N. Player Drive). It was noted in the staff report that the re-alignment of Kathleen Avenue in 2008 left additional right-of-way that is no longer needed or utilized by the City. There is a 12' existing swale that will remain in the city right-of-way along with an additional 5' for a future sidewalk. There are 5 dead street trees that are in the requested vacation area that the applicant will replace within the remaining right-of-way. All of the required utilities exist in Kathleen Avenue, so this property would not be needed for future public utility extensions and an easement will be retained for the existing private utilities such as power, telephone, gas, etc. Additionally, the vacation of right-of-way would not have any financial impact on the City and would add approximately 4,615 square feet to the County Tax roll. Although a minor amount, it would be a benefit to the municipal city as tax revenue, and, to the land owner whose lot adjoins the triangle shape of usable property.

MOTION: by Miller, seconded by Evans, to recommend that Council authorize staff to proceed with the vacation process and set a public hearing for March 1m, 2016. Motion Carried.

Item 5. Agreement with Kootenai County Sanitation for Solid Waste Billing Services of Commercial Customers.

(Resolution No. 16-006)

Troy Tymesen, Finance Director, is asking Council to continue with an agreement with Kootenai County for billing services for commercial sold waste accounts within the City limits of Coeur d'Alene. Troy noted in his staff report that since 2006 the City has been a party to the Coeur d' Alene Billing Services Agreement. The City was already billing customers on a monthly basis for residential garbage service and commercial container rent. This partnership between the City and County streamlined the billing process because the City also bills for commercial garbage containers. Prior to this agreement commercial customers were receiving a separate bill from Kootenai County for commercial garbage yardage. The Kootenai County Sanitation Department also provides assistance to the City with the Solid Waste Joint Powers agreement. In 2006 the City added a new line item to its existing utility bill post card at no additional cost and did not add any staff. In the past the County paid for this service by accepting 204 tons of street sweepings, leaves and other waste debris per calendar year. The new agreement calls for a payment to the City of \$10,000 per year. Kootenai County Solid Waste is a utility and an enterprise fund, which means that there is a fee charged for the service provided. The citizens of Coeur d' Alene receive one bill for garbage service which enhances customer service. The County Sanitation Department now receives a monthly cash flow whereas previously some of the commercial accounts were billed quarterly instead of monthly.

MOTION: by Evans, seconded by Miller, to recommend that Council adopt Resolution No. 16-006 approving an agreement with Kootenai County for billing services for commercial sold waste accounts within the city limits. Motion Carried.

The meeting adjourned at 12:30 p.m.

Respectfully submitted,
[Juanita Knight](#) Recording Secretary

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis 12/14/15
Department Name / Employee Name / Date
Request made by: Joseph B. Dotts 208-659-8009
Name / Phone
270 East Jensen Drive Hayden, ID 83835
Address

The request is for: / / Repurchase of Lot(s)
 Transfer of Lot(s) from Argonne J. Dotts to Joseph B. Dotts

Niche(s): _____
Lot(s): 192, _____, _____, _____, _____, _____ Block: D Section: RIV

Lot(s) are located in / / Forest Cemetery / Forest Cemetery Annex (Riverview).

Copy of / / Deed or / / Certificate of Sale must be attached.

Person making request is / / Owner / / Executor* Other* 367

*If "executor" or "other", affidaviats of authorization must be attached.

Title transfer fee (\$ 40.00) attached**.

**Request will not be processed without receipt of fee. Cashier Receipt No.: 100133935655

ACCOUNTING DEPARTMENT Shall complete the following:

Attach copy of original contract.

Vonnie Jensen
Accountant Signature

CEMETERY SUPERVISOR shall complete the following:

1. The above-referenced Lot(s) is/are certified to be vacant: Yes / / No
2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:
Argonne Dotts
3. The purchase price of the Lot(s) when sold to the owner of record was \$ 225.00 per lot.

CDJ 1/28/16
Supervisor's Init. Date

LEGAL/RECORDS shall complete the following:

1. Quit Claim Deed(s) received: Yes / / No.
- Person making request is authorized to execute the claim: [Signature] 1-28-2016
Attorney Init. Date

I certify that all requirements for the ~~transfer~~ sale/repurchase of cemetery lot(s) have been met and recommend that that transaction be completed.

[Signature] 1/29/16
City Clerk's Signature Date

COUNCIL ACTION

Council approved transfer/sale/repurchase of above-referenced Lot(s) in regular session on: _____
Mo./ Day /Yr.

CEMETERY SUPERVISOR shall complete the following:

- Change of ownership noted/recorded in the Book of Deeds: / / Yes / / No
Cemetery copy filed / /; original and support documents returned to City Clerk / /

Cemetery Supervisor's Signature Date

Distribution: Original to City Clerk
Yellow copy Finance Dept.
Pink copy to Cemetery Dept.

GENERAL SERVICES COMMITTEE

STAFF REPORT

DATE: January 25, 2015
FROM: Dennis J. Grant, Engineering Project Manager
SUBJECT: **V-16-1, Vacation of a portion of excess W. Kathleen Avenue right-of-way adjoining the northerly boundary of The Lodge at Fairway Forest.**

DECISION POINT

The applicant, Mort Construction, Inc., is requesting the vacation of a portion of excess W. Kathleen Avenue right-of-way that adjoins the northerly boundary of The Lodge at Fairway Forest (3989 N. Player Drive).

HISTORY

It is unknown when the requested right-of-way was originally dedicated to the City of Coeur d'Alene.

FINANCIAL ANALYSIS

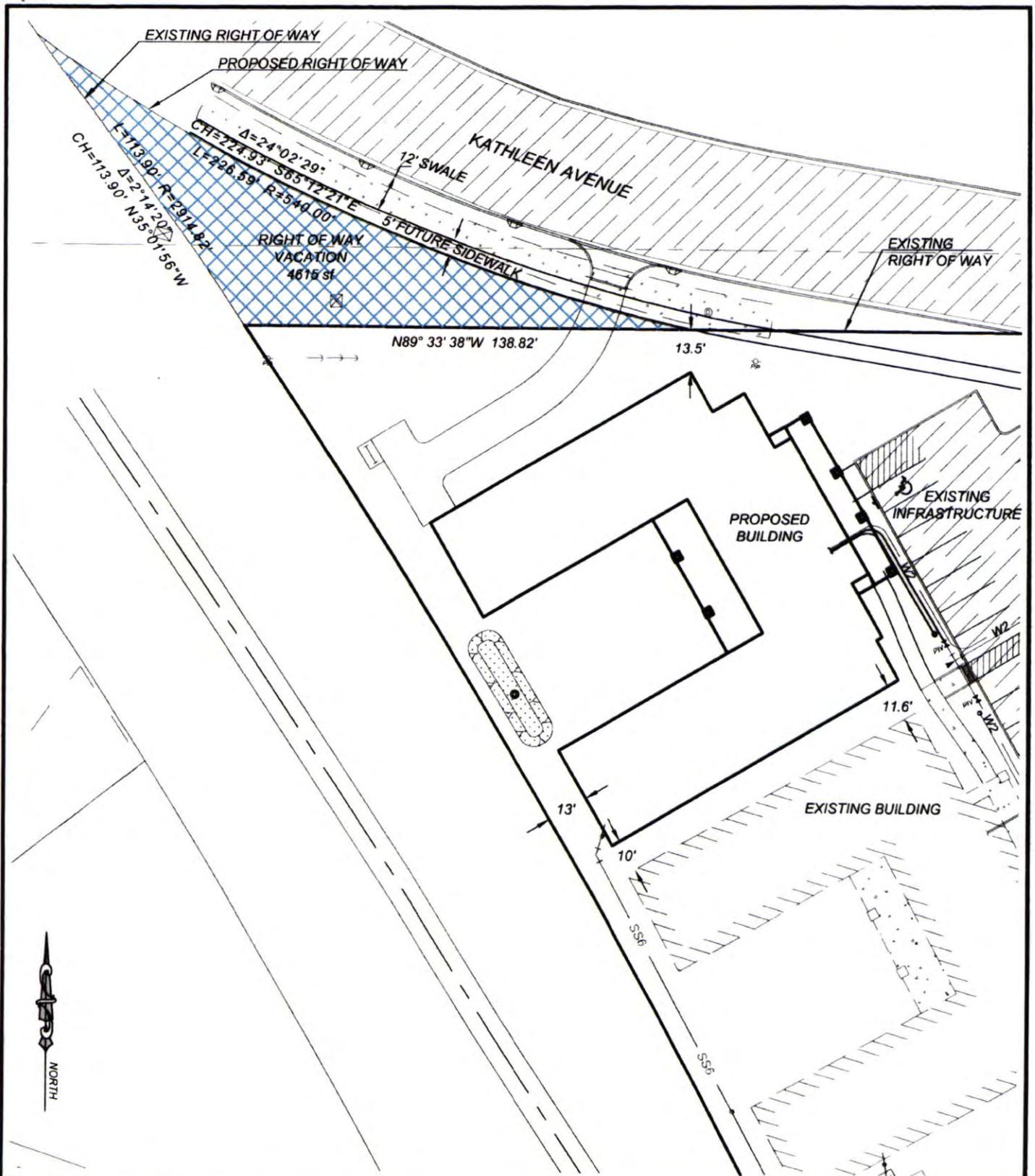
The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 4,615 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue, and, to the land owner whose lot adjoins the triangle shape of usable property.

PERFORMANCE ANALYSIS

The re-alignment of Kathleen Avenue, in 2008, left additional right-of-way that is no longer needed or utilized by the City of Coeur d'Alene. The attached exhibit shows that there is a 12' foot existing swale that will remain in the city right-of-way along with an additional 5' for a future sidewalk. There are 5 dead street trees that are in the requested vacation area that the applicant will replace within the remaining right-of-way. All of the required utilities exist in Kathleen Avenue, so this property would not be needed for future public utility extensions and an easement will be retained for the existing private utilities such as power, telephone, gas, etc.

RECOMMENDATION

Staff recommends to the General Services Committee to proceed with the vacation process as outlined in Idaho Code Section 50-1306, and, to recommend to the City Council the setting of a public hearing for the item on March 1, 2016.



3909 N. SCHREIBER WAY, STE 4
 COEUR D'ALENE, IDAHO 83815
 PHONE: 208-676-0230
 WWW.LAKECITYENGINEERING.COM

LODGE @ FAIRWAY FOREST PH II

KATHLEEN AVE. RIGHT OF WAY VACATION

DESIGNED BY:	DCD
DRAFTED BY:	SMA
SCALE:	1" = 40'
DATE:	07/09/2015
JOB NO:	LCE 14-001
FILE:	14-001-BASEMAP-PHASE 2.dwg

RESOLUTION NO. 16-005

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING AUTHORIZING THE PURCHASE OF A PUBLIC SAFETY MOBILE COMMAND TRAILER AND APPROVAL OF AN AGREEMENT WITH LDV, INC.; APPROVING A MEMORANDUM OF AGREEMENT WITH DAVID A. HAGAR FOR POLICE CAPTAIN; AND AUTHORIZING THE PURCHASE OF TWO (2) POLICE VEHICLES;

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "A through C" and by reference made a part hereof as summarized as follows:

- A) Authorizing the purchase of a Public Safety Mobile Command Trailer and approval of an agreement with LDV, Inc.;
- B) Approving a Memorandum of Agreement with David A. Hagar for Police Captain;
- C) Authorizing the purchase of two (2) Police vehicles;

AND;

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A through C" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreements or other actions on behalf of the City.

DATED this 2nd day of February, 2016.

Steve Widmyer, Mayor

ATTEST

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER ENGLISH Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

CITY COUNCIL STAFF REPORT

DATE: January 4, 2016
FROM: Steve Childers, Police Captain
SUBJECT: Public Safety Mobile Command Trailer

DECISION POINT: Request Council approve the lowest responsive bid for the Public Safety Mobile Command Trailer and enter into an agreement with LDV Inc. for the construction of the command trailer.

HISTORY: Kootenai County and the Coeur d'Alene area have seen dramatic population increases over the past 10 years. With increasing population comes growth in major incidents and special events. In cooperation with Cd'A Fire our agencies are involved in numerous special events throughout the year. These are complex scenes and events which may include several agencies from our area.

FINANCIAL ANALYSIS: The City received a total of three bids, however one was disqualified. The two remaining bids are as follows:

BIDS	Amount
LDV, Inc.	\$238,806.00
Specialty Vehicle Concepts	\$294,859.00

The line item budget amount for this project was estimated at \$255,540.00 as part of the G.O. Public Safety Bond.

PERFORMANCE ANALYSIS: The ability to bring a mobile command post to the scene of major incidents or special events allows for a more efficient use of the employees time and labor. The command post allows for proper space to transport all needed equipment, evidence collection/storage while on scene, IT capabilities, incident command, office space to conduct first-hand crime scene management and coordination with other agencies.

This unit will address the problems associated with communication and command at large scale incidents that require multiple agencies to cooperate under complex conditions. By adding to our existing program we would be able to centralize our command structure which could allow us to better use the National Incident Management System.

DECISION POINT/RECOMMENDATION: Request Council approve the lowest responsive bid for the Public Safety Mobile Command Trailer and enter into an agreement with LDV Inc. for the construction of the command trailer.

Purchasing Contract

Emergency Command Trailer

THIS AGREEMENT, made and entered into this ____ day of _____, 2016, between the CITY OF COEUR D'ALENE, Kootenai County, Idaho, a municipal corporation organized under the laws of the State of Idaho, hereinafter referred to as "Owner", and LDV, Inc, an S corporation duly organized and existing under and by virtue of the laws of the state of Wisconsin, with its principal place of business at 180 Industrial Dr, Burlington, WI 53105 hereinafter referred to as the "Vendor."

1. **Statement of Work:** The Vendor shall furnish labor, material and equipment for, and perform the work described herein for the consideration stipulated, and in compliance with State and City Codes. Contract documents consist of the following together with any amendments that may be agreed to in writing by both parties:
 - a. Bid Proposal
 - b. Agreement
 - c. Specifications Acknowledgements
 - d. Automobile insurance
 - e. Performance Bond
 - f. Contract Labor & Payment Bond
 - g. Liability Insurance
 - h. Workers' Compensation

2. **Amount of Contract:** In an amount not to exceed: \$ 238,806.⁰⁰

3. **Indemnification and Insurance:** Vendor shall indemnify, defend, save and hold harmless Owner from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses caused or incurred by Vendor, its servants, agents employees, guests, and business invitees, and not caused by or arising out of the tortious conduct of Owner or its employees. In addition, Vendor shall maintain, and specifically agrees that it will maintain, throughout the term of this Agreement, liability insurance, in which the Owner shall be named an additional insured in the minimum amount as specified in the Idaho Tort Claims Act set forth in Title 6, Chapter 9 of the Idaho Code. The limits of insurance shall not be deemed a limitation of the covenants to indemnify and save and hold harmless Owner; and if Owner becomes liable for an amount in excess of the insurance limits, herein provided, Vendor covenants and agrees to indemnify and save and hold harmless Owner from and for all such losses, claims, actions, or judgments for damages or liability to persons or property. Vendor shall provide Owner with a Certificate of Insurance, or other proof of insurance evidencing Vendor's compliance with the requirements of this paragraph and file such proof of insurance with the Owner. In the event the insurance minimums are changed, Vendor shall immediately submit proof of compliance with the changed limits. Additionally, the Vendor shall have and maintain during the life of this contract, statutory Workers Compensation, regardless of the number of employees, or lack thereof, to be engaged in work on the project under this agreement (including himself) in the statutory limits as required by law. In case any such work is sublet, the Vendor shall require the Subcontractor provide Workers Compensation Insurance for himself and any/all the latter's employees. Proof of insurance must be provided to Owner prior to the start of work.

Proof of all insurance shall be submitted to City of Coeur d'Alene City, 710 E. Mullan Avenue, Coeur d'Alene, ID 83814

g/c

4. **Independent Vendor:** In all matters pertaining to this agreement, Vendor shall be acting as an independent Vendor, and neither Vendor, nor any officer, employee or agent of Vendor will be deemed an employee of City. The selection and designation of the personnel of the Owner in the performance of this agreement shall be made by the Owner.
5. **Compensation:** For performing the services specified in Section 1 herein, Owner agrees to reimburse Vendor according to the attached bid specification. Payment will not include any sub contract or other personal services pay except as may be agreed to in writing in advance by the parties. Change Orders may be issued, subject to Purchasing/Council approval.
6. **Method of Payment:** Vendor will invoice the Coeur d'Alene Police Department directly for all current amounts earned under this Agreement. Owner will pay all invoices within forty five (45) days after receipt. See Item 1.14 of Section 2 for invoice details.
7. **Notices:** Any and all notices required to be given by either of the parties hereto, unless otherwise stated in this agreement, shall be in writing and be deemed communicated when mailed in the United States mail, certified, return receipt requested, addressed as follows:

OWNER
 City of Coeur d'Alene
 Police Department
 3818 Schreiber Way
 Coeur d'Alene Id. 83815

VENDOR
 Name: LDV, Inc.
 Address: 180 Industrial Dr.
Burlington WI 53105
USA

Either party may change their address for the purpose of this paragraph by giving written notice of such change to the other in the manner herein provided.

8. **Attorney Fees:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination, or forfeiture of this Agreement.
9. **Time is of the Essence:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of, and a default under, this Agreement by the party so failing to perform.
10. **Force Majeure:** Any delays in or failure of performance by Vendor shall not constitute a breach or default hereunder if and to the extent such delays or failures of performance are caused by occurrences beyond the reasonable control of Vendor, including but not limited to, acts of God or the public enemy; compliance with any order or request of any governmental authority; fires, floods, explosion, accidents; riots, strikes or other concerted acts of workmen, whether direct or indirect; or any causes, whether or not of the same class or kind as those specifically named

EPC

above, which are not within the reasonable control of Vendor. In the event that any event of force majeure as herein defined occurs, Vendor shall be entitled to a reasonable extension of time for performance of its Services under this Agreement.

11. **Assignment**: It is expressly agreed and understood by the parties hereto, that Vendor shall not have the right to assign, transfer, hypothecate or sell any of its rights under this Agreement except upon the prior express written consent of Owner.
12. **Discrimination Prohibited**: In performing the Services required herein, Vendor shall not discriminate against any person on the basis of race, color, religion, sex, national origin or ancestry, age or physical disability.
13. **Reports and Information**: At such times and in such forms as the Owner may require, there shall be furnished to the Owner such statements, records, reports, data and information as the Owner may request pertaining to matters covered by this Agreement.
14. **Audits and Inspections**: At any time during normal business hours and as often as the Owner may deem necessary, there shall be made available to the Owner for examination all of Vendor's records with respect to all matters covered by this Agreement. Vendor shall permit the Owner to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.
15. **Compliance with Laws**: In performing the scope of services required hereunder, Vendor shall comply with all applicable laws, ordinances, and codes of Federal, State, and local governments.
16. **Changes**: The Owner may, from time to time, request changes in the Scope of Work to be performed hereunder. Such changes, including any increase or decrease in Vendor's compensation, which are mutually agreed upon by and between the Owner and the Vendor, shall be incorporated in written amendments to this Agreement.
17. **Termination for Cause**: If, through any cause, the Vendor shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Vendor shall violate any of the covenants, agreements, or stipulations of this Agreement, the Owner shall thereupon have the right to terminate this Agreement by giving written notice to the Vendor of such termination and specifying the effective date thereof at least fifteen (15) days before the effective date of such termination. If this Agreement is terminated for cause the Vendor shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the Vendor shall not be relieved of liability to the Owner for damages sustained by the Owner by virtue of any breach of this Agreement by the Vendor, and the Owner may withhold any payments to the Vendor for the purposes of set-off until such time as the exact amount of damages due the Owner from the Vendor is determined. This provision shall survive the termination of this Agreement and shall not relieve the Vendor of its liability to the Owner for damages, provided that the amount of such damages shall not exceed the total compensation provided for in Section 2 of this Agreement.

18. **Termination for Convenience of City**: The Owner may terminate this Agreement at any time by giving at least fifteen (15) days' notice in writing to the Vendor. If the Agreement is terminated by the Owner as provided herein, Vendor will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services

of Vendor covered by this Agreement, less payments of compensation previously made. If this Agreement is terminated due to the fault of Vendor, Section 18 hereof relative to termination shall apply.

19. **Vendor to Pay or Secure Taxes:** The Vendor in consideration of securing the business agrees: 1) To pay promptly when all taxes due (other than on real property), excises and license fees due the state, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing in accordance with conditions of this Agreement, whether or not the same shall be payable at the end of such term; 2) That if said taxes, excises and license fees are not payable at the end of said term, but liability for the payment thereof exists, even though the same constitute liens upon the Vendor's property, to secure the same to the satisfaction of the respective officers charged with the collection thereof; and that; 3) That, in the event of default in the payment or securing of such taxes, excises, and license fees, that City of Coeur d'Alene may withhold from any payment due the Vendor hereunder the estimated amount of such accrued taxes, excises and license fees for the benefit of all taxing units to which said Vendor is liable.
20. **Severability:** If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.
21. **Non-Appropriation:** Should funding become not available, due to lack of appropriation, the Owner may terminate this agreement upon 30 (thirty) days' notice.
22. **Term:** This agreement shall not be valid for more than five-hundred and fifty (550) days from the date of approval by the Owner.
23. **Entire Agreement:** This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.
24. **Applicable Law:** This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Idaho, and the ordinances of the City of Coeur d'Alene.
25. **Approval Required:** This Agreement shall not become effective or binding until approved by the City of Coeur d'Alene.
26. **Acceptance and Final Payment:** Upon receipt of notice that the material and/or equipment is ready for final acceptance and inspection, the Owner's representative will make such inspection and when he finds the work acceptable and the contract fully performed he will have the Vendor issue a final payment request.
27. **Delivery Time:** Delivery shall be on or before June 1, 2016.
28. **Guarantee:** Vendor will guarantee their product will meet or exceed the minimum specifications set forth in their proposal. If the Owner finds that the product delivered does not conform to these specifications, the Vendor will be required, at their expense, to make all corrections necessary to bring the unit into compliance.
29. **Quality and Workmanship:** The design of the mobile command center will embody the latest approved engineering practices. The workmanship will be of the highest quality in its respective field.

30. **Warranty:** Vendor shall warranty all supplied products for full, new product replacement against defects in materials. Should the product be deemed defective by Owner, Vendor shall replace defective product at no cost or delay of time to Owner.

IN WITNESS WHEREOF, the City and the Vendor have executed this Agreement as of the date first above written.

**CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO**

VENDOR
LDV, Inc.

By: _____
Steve Widmyer, Mayor

By: 
Its: Edward P. Cook, Vice President
of Int. SALES + NBD

ATTEST:

Renata McLeod, City Clerk



STAFF REPORT

To: General Services

From: Melissa Tosi; Human Resources Director

Re: Police Captain Memorandum of Understanding for David A. Hagar

Date: January 25, 2016

DECISION POINT

The Council is requested to approve the proposed negotiated Police Captain Memorandum of Understanding (MOU) with David A. Hagar, establishing compensation and benefits.

HISTORY

The MOU shall be applicable to David A. Hagar for a term commencing on his hire date (conditional offer accepted with an anticipated start date of mid-March) and ending September 30, 2017.

The most recent MOU for Police Captains was negotiated and signed by current Captain Steve Childers and retired Captain Ron Clark. With the update to the Personnel Rules in 2015, an external recruitment for Police Captain was allowed, and therefore David A. Hagar was hired from an open competitive recruitment process.

The MOU with David A. Hagar is the same contract as what is currently in place for Steve Childers with the addition of "Vacation Accrual Credit for Past Work Experience". This wording matches the wording in the Personnel Rules for Department Heads and due to the degree of responsibility and leveling of the Captain position, it is also fitting for the MOU with Captains now that the Personnel Rules allows for an open competitive recruitment process.

FINANCIAL ANALYSIS

The MOU for David A. Hagar mirrors the current MOU for Steve Childers with the only change/addition being the "Vacation Accrual Credit for Past Work Experience". The credit will have no financial impact on the City other than allowing David A. Hagar to start employment at a higher accrual rate for vacation. All other compensation and benefits match Steve Childers MOU which was approved in 2014 and both MOU's will expire September 30, 2017.

PERFORMANCE ANALYSIS

The negotiated contract provides necessary consistency and equity.

RECOMMENDATION

The Council is requested to approve the proposed negotiated Police Contract MOU with David A. Hagar establishing compensation and benefits.

Memorandum of Understanding with David A. Hagar

This understanding is made and entered into this ____ day of February, 2016, by and between the **City of Coeur d'Alene**, hereinafter know as the City, and the **Police Department Captain David A. Hagar**, hereinafter known as Captain. The understanding shall be applicable to David A. Hagar for a term commencing _____ and ending September 30, 2017, except as specifically provided herein.

- (a) Purpose/Intent: The purpose of this document is to create an understanding that specifically pertains to Captain, who is a FLSA "exempt employee." Captain performs work under the day-to-day guidance of the Police Chief.

- (b) Definition:
 - (1) Police Department Captain shall mean an employee responsible for the management of one or more major divisions within the Police Department.

 - (2) Exempt employee shall be the Fair Labor Standards Act classification that Captain will be regulated under. As such, Captain shall be paid salary and shall not be eligible for compensatory or overtime pay.

- (c) Residency: Captain must disclose to the Police Chief any intent to change residency because Captain, at the discretion of the Police Chief, may be required to reside within twenty (20) miles of City limits.

- (d) Duties: Captain's duties and responsibilities shall be in accordance with the adopted job description, as well as all duties assigned by the Police Chief.

- (e) Benefits/Compensation:
 - (1) Captain shall be exempt from the personnel rules except the following and as may be adopted by City Council hereafter.
 - i. Rule XI, Section 3, entitled "Sick Leave"
 - ii. Rule XI, Section 4, entitled "Bereavement Leave," allowing for up to 40 hours of leave without pay
 - iii. Rule XI, Section 5, entitled "Military Leave"
 - iv. Rule XI, Section 7, entitled "Witness and Jury Leave"
 - v. Rule XI, Section 9, entitled "Holidays"
 - vi. Rule XI, Section 11, entitled "Family and Medical Leave"
 - vii. Rule XI, Section 12, entitled "Retirement Medical Benefit" Rule
 - viii. Rule XV, entitled "Grievance Procedures"
 - ix. Rule XVI, entitled "Personnel Appeals Procedures"
 - x. Rule XVIII, Section 5, entitled "Use of City Property"
 - xi. Rule XIX, entitled "Authorization and Procedures for Expense Reimbursement"

- xii. Rule XXI, entitled "Drug Policy"
 - xiii. Rule XXIII, entitled "Discriminatory Harassment Including Sexual Harassment Policy"
 - xiv. Any rule specifically applicable to Police Department Captain
- (2) Captain shall abide by City policies and procedures approved by the City Council as listed above and any additional policies and procedures adopted by resolution not incorporated in the personnel rules.
- (3) Vacation Accruals: Vacation accruals shall be as follows:
- i. First through third year of service: Eight (8) hours for each month of service.
 - ii. Fourth through fifth year of service: Twelve (12) hours for each month of service.
 - iii. Sixth through tenth year of service: Sixteen (16) hours for each month of service.
 - iv. After ten (10) or more years of service: Twenty (20) hours for each month of service.

A Captain with more than three hundred twenty (320) hours vacation leave as of October, 1 (the first day of the City's fiscal year) shall utilize the excess leave before January 15, of the following calendar year, unless otherwise approved by the Police Chief and by the Human Resources Director.

Vacation Accrual Credit for Past Work Experience: Captain may be given credit for vacation accrual based on past similar work experience. In order to qualify, the Captain must provide their previous job description and any other relevant information to the Human Resources Director who will review the information to determine if the prior position was sufficiently similar to the adopted job description for the position to warrant vacation accrual credit for the past work experience.

- (4) Sick Leave: As an FLSA exempt employee, Captain shall continue to accrue sick leave according to Rule XI, Section 3 (ten hours per month). However, due to the exempt employee status, leave will only be required to be noted on time records when it is eight consecutive hours or more. Captain shall be eligible to participate in the sick leave bank. Captain shall not receive compensation for accumulated sick leave unless the employee retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code. Sick leave options 1 and 2, found in Rule XI, Section 3, are applicable.
- (5) Compensatory Time (comp time): As an FLSA exempt employees, Captain is not eligible for comp time.

- (6) Compensation/salary increases: Captain shall be paid a salary within the range identified in the City of Coeur d'Alene adopted pay/classification plan and as may be amended thereafter.

Captain shall receive annual salary increases based on a performance evaluation from the Police Chief. Captain will receive a salary increase ranging from 5% to 8% if the performance is rated standard or above. If performance is below standard, Captain is not eligible for any increase until performance is up to standard. A salary increase will only be granted following a minimum of twelve consecutive months of service from the previous performance salary increase and salary increases will continue, not to exceed the maximum salary of the pay/classification plan as follows:

	<u>Monthly Minimum</u>	<u>Monthly Maximum</u>
Exempt Police Captain Fiscal Year 2015-2016	\$ 6748	\$ 9496

The maximum of the pay/classification plan will increase as CPI adjustments permit. Any other changes to the pay/classification plan will only be made if approved by the Captain and the City Administrator.

Captain who earns a degree reasonably related to their job function from accredited colleges or applicable training certification shall be paid an additional amount based upon the following schedule:

Associate degree	\$10.40/semi monthly
Bachelor's degree	\$20.80/semi monthly
Master's degree	\$26.00/semi monthly

- (7) Cost of living increases: Cost of living increases shall be based upon the July "Consumer Price Index (CPI) for All Urban Consumers" based upon the U.S. City average for the preceding 12-month period with a three percent (3%) maximum increase, effective October 1 of each fiscal year.
- (8) Uniform Allowance: Captain shall be issued sworn officer patrol uniforms and items as prescribed by the Police Chief's Uniform Committee. Uniforms and items shall be replaced as necessary at no cost provided the Captain has not been negligent in the maintenance. One (1) pair of winter duty shoes and one (1) pair of summer duty shoes as approved by the Police Chief for the patrol uniform and shall be replaced on an as-needed basis. Negligent care and maintenance may result in a pro-rated charge for replacement shoes.

Reasonable cleaning and minor repair expenses will be provided for the patrol uniforms. The cleaning services are required to be performed by approved

contracting cleaning businesses in order to qualify for this benefit. The City provides pick up and delivery service to the police department for uniforms.

- (9) Fringe Benefits: Captain shall receive fringe benefits as per Resolution No. 04-023 adopted the 6th day of January 2004 establishing wages and benefits for employees who are not represented by an employee organization, limited to the following benefits only: Social Security (F.I.C.A.), Idaho Public Employees Retirement System (I.P.E.R.S.), medical, dental, and vision insurance and long term disability insurance.
- (10) Health Reimbursement Arrangement (HRA VEBA): For fiscal year 2015-2016, the City will contribute one hundred twenty-three dollars (\$123.00) per month to each Captain's VEBA Plan. In each ensuing year of the contract, the City will increase the monthly HRA VEBA Plan contribution by five dollars (\$5.00) for that year.
- A Captain who retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code will receive a lump sum payment to the Captain's HRA VEBA plan for vacation and eligible sick leave balances.
- (11) Life Insurance: The City will provide life insurance for Captain and dependents as follows: 1) Captain life insurance shall be \$50,000; 2) Dependant life insurance, \$1,000; 3) Accidental death and dismemberment insurance, Captain only, shall be \$50,000.
- (12) Tuition Reimbursement: The City agrees to reimburse Captain one hundred percent (100%) with an "A" or "B" grade and eighty (80%) with a "C" grade for the cost of approved job-related educational courses at accredited colleges and universities which are directly related to the Captain's present position or expected promotional position, but which courses are not required by the City and are attended upon the Captain's personal volition. All books, supplies and travel expenses shall be paid by the Captain. The courses shall be approved for reimbursement by the Chief of Police thirty (30) days prior to the start of the course and forwarded to the Human Resources Director.
- (13) Miscellaneous: The Police Chief shall authorize car assignments. Any personal use of a City assigned vehicle may be taxable to the Captain per IRS Publication 15-B.
- (f) Policies and Procedures: Captain shall follow all established City and Department policies and procedures, unless specifically exempt.
- (g) Supervisor: Captain shall be supervised by the Police Chief and subject to disciplinary action as deemed appropriate by the Police Chief.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this Memorandum of Understanding on behalf of said City, and the Captain has caused the same to be signed, the day and year first above written.

CITY OF COEUR D'ALENE,
KOOTENAI COUNTY, IDAHO

CAPTAIN

By: _____
Steve Widmyer, Mayor

By: _____
David A. Hagar

ATTEST:

Renata McLeod, City Clerk

CITY COUNCIL
STAFF REPORT

DATE: January 18, 2016
FROM: Lee White, Chief of Police
SUBJECT: Police Vehicle Replacements

Decision Point: The Police Department requests authorization to replace two patrol vehicles.

History: Two patrol vehicles need to be replaced due to damage from accidents. The vehicles are as follows:

1. Vehicle P984 was a 2004 Chevy Impala with over 101,000 miles that was scheduled to be replaced next year and was damaged in a minor collision during our first major snowfall of the season. The damage to the vehicle was approximately \$2139; however, the vehicle is listed as having a value of \$1300 - \$1900 (unless parted out) and our deductible is \$5000, so it makes little financial sense to fix it. Replacement of this vehicle this year was not in the financial plan, but is needed in the patrol division since we are already short vehicles.
2. Vehicle P1647 was a 2015 Chevy Impala with 4967 miles that was totaled in a collision in early December. ICRMP will reimburse the City \$15,643 (replacement cost, minus deductible) for this vehicle.

Financial Analysis: The Police Department is requesting that the amount reimbursed by ICRMP (\$15,643) be put towards the purchase of a new vehicle. The remaining funds for these vehicles will come from the Police Department's FY 2105/16 budget.

Performance Analysis: These vehicles are needed to ensure our patrol fleet has an adequate number of vehicles.

ANNOUNCEMENTS

Memo to Council

DATE: January 25, 2016

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the February 2nd Council Meeting:

KRAIG LYSEK

LIBRARY BOARD

A copy of the data sheet has been placed by your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Renata McLeod, Municipal Services Director
Bette Ammon, Library Board Liaison

GENERAL SERVICES COMMITTEE

Finance Department
Staff Report

Date: January 25, 2016
From: Troy Tymesen, Finance Director
Subject: Coeur d'Alene Billing Services Agreement

Decision Point:

To approve and continue the agreement with Kootenai County for billing services for commercial solid waste accounts within the City limits of Coeur d'Alene.

History:

Since 2006 the City has been a party to the Coeur d' Alene Billing Services Agreement. The City was already billing customers on a monthly basis for residential garbage service and commercial container rent. This partnership between the City and County streamlined the billing process because the City also bills for commercial garbage containers. Prior to this agreement commercial customers were receiving a separate bill from Kootenai County for commercial garbage yardage. The Kootenai County Sanitation Department also provides assistance to the City with the Solid Waste Joint Powers agreement.

Financial Analysis:

In 2006 the City added a new line item to its existing utility bill post card at no additional cost and did not add any staff. In the past the County paid for this service by accepting 204 tons of street sweepings, leaves and other waste debris per calendar year. The new agreement calls for a payment to the City of \$10,000 per year. Kootenai County Solid Waste is a utility and an enterprise fund, which means that there is a fee charged for the service provided.

Performance Analysis:

The citizens of Coeur d' Alene receive one bill for garbage service which enhances customer service. The County Sanitation Department now receives a monthly cash flow whereas previously some of the commercial accounts were billed quarterly instead of monthly.

Decision Point:

To approve and continue the contract with Kootenai County for billing services for commercial solid waste accounts within the City limits of Coeur d'Alene.

RESOLUTION NO. 16-006

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH KOOTENAI COUNTY FOR SOLID WASTE BILLING SERVICES.

WHEREAS, the General Services Committee of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into an agreement with Kootenai County for Solid Waste Billing Services, pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "A" and by reference made a part hereof; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into an agreement with Kootenai County for Solid Waste Billing Services, in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreement on behalf of the City.

DATED this 2nd day of February, 2016.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER EDINGER Voted _____

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER ENGLISH Voted _____

_____ was absent. Motion _____.

Coeur d'Alene Solid Waste Billing Services Agreement

This agreement is entered into this ____ day of December, 2015, for the mutual benefit of the respective parties hereto: KOOTENAI COUNTY, a political subdivision of the State of Idaho, whose mailing address is P.O. Box 9000, Coeur d'Alene, ID 83816, hereinafter referred to as County and CITY OF COEUR D'ALENE, a municipal corporation organized pursuant to the laws of the State of Idaho, whose mailing address is 710 E. Mullan Ave., Coeur d'Alene, ID 83814, hereinafter referred to as City.

Purpose

This contract is for the billing services for waste disposal fees of commercial solid waste accounts within the city limits of the City. Garbage service for the City will be accomplished through a contract administered and managed by the City. County waste disposal fees for commercial businesses collected under said contract shall be billed through the City's Finance Department.

Definitions

City: Means the City of Coeur d'Alene, a political subdivision of the State of Idaho whose mailing address is 710 Mullan Avenue, Coeur d'Alene, ID 83814.

Commercial Account or Commercial Customer: All properties, used for other than residential purposes by the property owner, that generate garbage for disposal in the County's solid waste system.

Commercial Waste: All types of solid waste generated by entities including, but not limited to, stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial waste.

County: Means Kootenai County, a political subdivision of the State of Idaho whose mailing address is PO Box 9000, Coeur d'Alene, ID 83816.

Residence: A building or other suitable structure that is used as a dwelling and is inhabited by a person or persons. For solid waste fee purposes, said dwelling may be constructed to provide living space for a single family up to 4 families (fourplex) per building regardless of the number of structures per lot. Single-family through fourplex dwellings will be assessed a single residential solid waste fee for each dwelling space. Multi-family dwellings larger than a fourplex are classed as commercial property and will fall under commercial billing procedure and are not classified as a residence.

Residential Solid Waste: All types of waste generated from a private household or dwelling to sustain living or quality of life for a family residing at that residence. Generally, waste quantities will not exceed 96 gallons (3 garbage cans) per week.

Term and Termination

Term: This Agreement shall commence on December ____, 2015, and end on December 31, 2020. The agreement may be extended by the parties for two (2) additional one (1) calendar year terms by mutual agreement between the parties upon the same terms as this agreement.

This agreement is contingent upon the County receiving the necessary funding to cover the obligations of the County. In the event that such funding is not received or appropriated, the County's obligations under the Contract shall cease, and each party shall be released from further performance without any liability to the other party.

Termination: Unless the parties mutually agree to extend the term of this agreement, it will automatically terminate on the last calendar day of 2020. Either party may terminate this agreement for any reason by providing 90 days' written notice to the address for each party contained herein.

City's Responsibility

The City shall:

- Establish all new accounts after the effective date of this Agreement.
- Provide billing for all County waste disposal fees on a monthly basis.
- Provide customer service staff during business hours to answer questions and concerns about accounts.
- Maintain a billing system that allows the County and the contracted solid waste collector to reconcile charges for solid waste collections.
- Work with the County and Customers to resolve past due payments.
- The City may charge a late charge or fee for all delinquent accounts in accordance with the established City policies and procedures. All late fees collected by the City shall be retained by the City.
- Provide the County with a monthly list of all delinquent accounts.
- Provide the County, upon request, account information maintained by the City for any delinquent account.
- In the event that the City shuts off an account, the City will notify the County of the shutoff within 1 business day. The City will subsequently notify the County within 1 business day of the account being reactivated.
- On or before the 20th day of each month, the City will make payment to the County for funds collected on behalf of the County for the previous month.
- Provide a monthly comprehensive account status report of all accounts to the County's Solid Waste Department.
- Indemnify, defend and hold the County harmless from any and all liability, loss, damage or claims, of any description, which result from the acts of the City and its employees, officers and/or agents arising out of or in connection with this agreement.

County's Responsibility

The County shall:

- Maintain a billing interface between the contracted solid waste collector and the City to assist in reconciliation of accounts and to notify customers of any billing changes.
- Coordinate delinquent accounts with the City so that solid waste disposal services are not provided to delinquent accounts until such time as they are no longer delinquent.
- In exchange for the City's provision of the contracted billing services, the County will pay to the City the sum of Ten Thousand and no/100 Dollars (\$10,000.00) per calendar year on or before December 31st of each year.
- Provide City staff with training on the County's solid waste billing procedures and fee structures.

- Provide the City with at least 30 days' notice of all rate changes and/or adjustments.
- Provide the City with a monthly report detailing all adjustments or changes to accounts for the next month's bill. To ensure that the City has sufficient time to prepare bills, the County will provide the report to the City no later than the 5 days following the County's receipt of the information from the City's contracted solid waste collector.
- Indemnify, defend and hold the City harmless from any and all liability, loss, damage or claims, of any description, which result from the acts of the County and its employees, officers and/or agents arising out of or in connection with this agreement.

General Provisions

Promise of Cooperation: Should circumstances change, operational difficulties arise, or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring any claim, initiate other legal action, or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement.

Warranty and Compliance with Laws: City warrants that all services performed under this agreement will be performed in a good, workmanlike manner and agrees to comply with all federal, state, city, and local laws, rules, and regulations.

Venue and Choice of Law: Should any legal claim or dispute arise between the parties, the proper place of venue shall be in the First Judicial District, Kootenai County, Idaho, and laws of Idaho shall apply.

Attorney Fees: Reasonable attorney fees and costs shall be awarded to the prevailing party in any suit, action, arbitration or other proceeding of any nature whatsoever instituted in connection with any controversy arising out of this agreement or to interpret or enforce any rights under this agreement.

Assignment: City may not subcontract or assign its rights or duties arising hereunder without the prior written consent of the County, which shall not be unreasonably withheld.

Entire Agreement: This is the entire agreement of the parties and it may not be enlarged, altered, modified, or amended, except upon proper execution of a written agreement signed by both parties hereto.

Severability: If any provision is held unenforceable, such provision is excluded without effect upon the remaining agreement.

Dated this _____ day of December, 2015.

CITY OF COEUR D'ALENE

MAYOR

ATTEST:

CITY CLERK

Dated this _____ day of December, 2015.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

DANIEL H. GREEN, CHAIRMAN

ATTEST:
JIM BRANNON, CLERK

DEPUTY CLERK

DRAFT

OTHER BUSINESS

**COEUR D'ALENE CITY COUNCIL
FINDINGS AND ORDER**

A. INTRODUCTION

This matter having come before the City Council on December 15, 2015, and there being present a person requesting approval of ITEM A-4-15, a request for zoning in conjunction with annexation from County Ag-Suburban and Commercial District to City C-17.

APPLICANT: KERR FAMILY PROPERTIES

LOCATION: +/- 9.8 ACRES LOCATED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF PRAIRIE AVENUE AND RAMSEY ROAD

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

- B1. That the existing land uses are residential and commercial.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is County Ag Suburban and Commercial.
- B4. That the notice of public hearing was published on November 28, 2015, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 127 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 27, 2015.
- B7. That public testimony was heard on December 15, 2015.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

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.

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 2.02 – Economic & Workforce Development: Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Objective 3.05 – Neighborhoods: Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.16 – Capital Improvements: Ensure infrastructure and essential services are available prior to approval for properties seeking development.

Objective 4.01 – City Services: Make decisions based on the needs and desires of the citizenry.

Objective 4.02- City Services: Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).

- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on the staff report.
- B10. That the physical characteristics of the site do make it suitable for the request at this time because the topography and land are suitable.
- B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses.

C. ORDER: CONCLUSION AND DECISION

The City Council, pursuant to the aforementioned, finds that the request of for zoning in conjunction with annexation, as described in the application should be approved.

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

None.

Motion by McEvers, seconded by Adams, to adopt the foregoing Findings and Order.

ROLL CALL:

Council Member Gookin	Voted Yes
Council Member Edinger	Voted Yes
Council Member Evans	Voted Yes
Council Member McEvers	Voted Yes
Council Member Adams	Voted Yes
Council Member Miller	Voted Yes

Motion to approve carried by a 6 to 0 vote.

MAYOR STEVE WIDMYER

RESOLUTION NO. 16-007

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH KERR FAMILY PROPERTIES, LLC., WHOSE ADDRESS IS 975 N. HONEYSUCKLE AVENUE, HAYDEN, ID. 83835

WHEREAS, an annexation agreement has been negotiated between the City of Coeur d'Alene and Kerr Family Properties, LLC , pursuant to the terms and conditions set forth in said agreement, a copy of which is attached hereto as exhibit "1" and by this reference made a part hereof; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreement; NOW, THEREFORE,

BE IT RESOLVED, that the City enter into an Annexation agreement with Kerr Family Properties, LLC, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreement on behalf of the City of Coeur d'Alene.

DATED this 2nd day of February, 2016.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER EDINGER Voted _____

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER ENGLISH Voted _____

_____ was absent. Motion _____.

ANNEXATION AGREEMENT

THIS AGREEMENT, made and dated this 2nd day of February, 2016, by and between the **City of Coeur d'Alene**, a municipal corporation organized pursuant to the laws of the state of Idaho, hereinafter termed the "City," and **Kerr Family Properties, LLC**, organized pursuant to the laws of the State of Idaho, with its address at 975 N. Honeysuckle Avenue, Hayden, ID 83835, hereinafter referred to as the "Owner,"

WITNESSETH:

WHEREAS, the Owner owns a parcel of land adjacent to the City limits of the City, which the Owner wishes to develop, and the Owner has applied for annexation to the City, and said property to be annexed is more particularly described in Exhibit "A" attached hereto (hereinafter referred to as "the Property") and incorporated by reference into the substantive portion of this agreement; and

WHEREAS, the Mayor and City Council of the City have determined that it would be in the best interests of the City and the citizens thereof to annex the Property subject to the Owner performing the conditions hereinafter set forth; NOW, THEREFORE,

IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

ARTICLE I: LEGAL DESCRIPTION

1.1. Legal description: The Property to be annexed is located the Southeast and Southwest corners of Prairie Avenue and Ramsey Road and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

ARTICLE II: STANDARDS

2.1. Applicable standards: The Owner agrees that all laws, standards, policies and procedures regarding public improvement construction that the Owner is required to comply with or otherwise meet pursuant to this agreement or City codes shall be those in effect at the time of plan application.

ARTICLE III. UTILITIES

3.1. Water and sewer: The Owner agrees to use the City's water and sanitary sewer systems for this development, except for the parts of the property currently being served by a separate water system. The Owner will extend, at its own cost, the water and sanitary sewer systems to each lot within any approved subdivision and further agrees to fully comply will all city policies for its water and wastewater systems.

3.2. Water rights: Prior to the recordation of any plat on the Property or any other transfer of an ownership interest in the Property, the Owner will grant to the City, by warranty deed in a format acceptable to the City, all water rights associated with the Property that is currently within the city's water service boundary. The parties expressly agree that the Owner is conveying the water rights to the City so that the City will have adequate water rights to ensure that the City can provide domestic water service to the Property.

3.3. Garbage collection: The Owner agrees that upon the expiration of the existing term of any contract to provide garbage collection services to the Property, that the Owner will begin using the garbage collection service in effect within the City of Coeur d'Alene, which garbage collection service shall be identified by the City.

3.4. Street lights: The Owner agrees to adhere to City policies and standards for street light design and construction.

3.5. Street Trees: The Owner agrees to adhere to City policies and standards for street trees.

ARTICLE IV: PUBLIC IMPROVEMENTS

4.1. Installation of public improvements: The Owner further agrees prior to issuance of any building permits for the Property, the Owner shall submit plans for approval and construct and install, or otherwise secure the required construction and installation in a manner acceptable to the City, of all improvements required by this agreement or by City code including but not limited to sanitary sewer improvements, storm water disposal, water lines, hydrants, monumentation, grading, subbase, paving, curbs, dry utility conduit, street lights, pedestrian/bicycle paths and sidewalks. The City shall have no obligation, if any exists, for maintenance of improvements until such time as the City formally accepts the improvements.

ARTICLE V: FEES

5.1. Consideration: Owner agrees to provide specific consideration, in the amount of One Hundred Twenty-Four Thousand, Nine Hundred Fifty Dollars (\$124,950.00) to the City at the times specified in Section 5.3 below. This amount is based on the policy adopted by the City Council by Resolution 98-112 and represents a fee of Seven Hundred Fifty Dollars and no/100 for each potential residential unit on the 9.8 acre parcels zoned C-17. The sum provided for by this Agreement is deemed by the parties to be a reasonable fee for City benefits and services to the Owner's project, including but not limited to public safety and other services. The Owner will remain responsible for all other costs and fees required by City code.

5.2. No extension of credit: The parties, after careful consideration of the actual burdens on the City, have agreed to a specific dateline in which those burdens will occur. This section anticipates specific payment at a specific date and is in no manner a loan of services or an extension of credit by the City. The following sum shall be paid upon fulfillment of the conditions precedent set forth below.

5.3. Payment of annexation fees: Owner shall pay twenty-five per cent (25%) of the annexation fees at the time of approval of the Annexation Agreement. Within twenty-four (24) months of the date of this agreement, or with the issuance of a building permit(s) on more than 25% of the property, whichever comes first, the owner will pay the balance of the annexation fees. Owner expressly agrees that the City may withhold final plat approval or building permit issuance until such time as the required fees are paid.

5.4. Other fees: Additionally, the Owner shall be responsible for all required fees and charges including but not necessarily limited to water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s), and building permit fees and any applicable impact fees that may be imposed. Fees referred to in this paragraph, are set forth by Municipal Ordinance and/or resolution and arise independent of this agreement.

5.5. Owner's reimbursement to the City: The Parties further agree that the City has utilized substantial staff time to prepare the annexation agreement that will benefit the Owner. The Parties further agree the City shall be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee shall be in the amount of Two Hundred Fifty Dollars and no/100 (\$250.00).

ARTICLE VI. MISCELLANEOUS

6.1. Deannexation: Owner agrees that in the event the Owner fails to comply with the terms of this agreement, defaults, is otherwise in breach of this agreement, the City may deannex and terminate utility services without objection from owners, assigns or successors in interest of such portions of Owner's Property as City in its sole discretion decides.

6.2. Owner to hold City harmless: The Owner further agrees it will indemnify, defend and hold the City harmless from any and all causes of action, claims and damages that arise, may arise, or are alleged, as a result of the Owner's development, operation, maintenance, and use of the Property described in Exhibit "A." Owner further agrees to pay City's legal costs, including reasonable attorney fees in the event this annexation is challenged in a court of law. Payment for City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses. The parties agree that venue for any litigation regarding this agreement or the property shall be in the District Court for Kootenai County, Idaho.

6.3. Time is of the essence: Time is of the essence in this agreement.

6.4. Merger: The representations, warranties, covenants, conditions and agreements of the parties contained in the agreement shall survive the acceptance of any deeds and/or easements.

6.5. Recordation: The Owner further agrees this agreement shall be recorded by the City at the Owner's expense. All promises and negotiations of the parties merge into this agreement. Parties agree that this agreement shall only be amended in writing and signed by both parties. The parties agree that this agreement shall not be amended by a change in any law. The parties agree this agreement is not intended to replace any other requirement of City code.

6.6. Section headings: The section headings of this agreement are for clarity in reading and not intended to limit or expand the contents of the respective sections to which they appertain.

6.7. Compliance with applicable laws: The Owner agrees to comply with all applicable laws.

6.8. Covenants run with land: The covenants herein contained to be performed by the Owner shall be binding upon the Owner and Owner's heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land. This document shall be recorded at the Kootenai County Recorder's Office at the sole cost of the Owner.

6.9. Publication of ordinance: The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owner's Property shall occur. Upon proper execution and recordation of this agreement, the City will, to the extent lawfully permitted, adopt and thereafter publish an ordinance annexing Owner's Property.

6.10. Promise of cooperation: Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement.

IN WITNESS WHEREOF, the City of Coeur d'Alene has caused this agreement to be executed by its Mayor and City Clerk and its corporate seal affixed hereto, and have caused the same to be executed the day and year first above written.

CITY OF COEUR D'ALENE

KERR FAMILY PROPERTIES, LLC

By: _____
Steve Widmyer, Mayor

By: _____
Delbert L. Kerr, Member

ATTEST:

Renata McLeod, City Clerk

EXHIBIT "A"

A-4-15 Kerr Properties LLC

A parcel of land being a portion of the northeast quarter of Section 27 and a portion of the northwest quarter of Section 26, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho and being more particularly described as follows:

Commencing at the Section corner at the intersection of Prairie Avenue and Ramsey Road being a 3.25 inch brass cap per CP&F 2145300000, Records of Kootenai County, Idaho from which the North quarter corner of said Section 27 bears N88°12'45"W 2614.15 feet; thence along the common Section line, S1°11'21"W 56.93 feet to the **True Point of Beginning**;

thence N89°47'36"E 80.02 feet to the South right of way of Prairie Avenue;

thence along said South right of way, S88°49'35"E 250.35 feet;

thence leaving said South right of way, S1°07'41"W 607.16 feet;

thence continuing, S1° 07' 41"W 662.16 feet to a point on the South line of the northwest quarter of said northwest quarter;

thence along said South line, N88°49'44"W 281.70 feet to the existing city limits of the City of Coeur d'Alene Boundary on the East right of way of Ramsey Road;

thence along said existing city limits and East right of way, N1°11'21"E 330.60 feet;

thence leaving said East right of way along said existing city limits, N88°12'01"W 100.01 feet to the West right of way of Ramsey Road;

thence leaving said existing city limits along said West right of way, N1°11'21"E 665.11 feet;

thence leaving said West right of way, N88°12'52"W 276.73 feet;

thence N1°10'28"E 275.98 feet to the South right of way of Prairie Avenue;

thence along said South right of way, along a non-tangent curve to the left with a radius of 6059.39 feet, an arc length of 247.63 feet, a delta of 2°20'30" with along chord bearing S86°27'28"E 247.63 feet;

thence leaving said South right of way, N89°47'36"E 79.40 feet to the **True Point of Beginning**.

ORDINANCE NO. _____
COUNCIL BILL NO. 16-1001

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 27 & 26, TOWNSHIP 51, NORTH, RANGE 4 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said property be annexed; NOW, THEREFORE,

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

SECTION 1. That the property as set forth in Exhibit "A", attached hereto and incorporated herein, contiguous and adjacent to the City of Coeur d'Alene, Kootenai County, Idaho, be and the same is hereby annexed to and declared to be a part of the City of Coeur d'Alene, Kootenai County, Idaho, and the same is hereby zoned as C-17 (Commercial at 17 units/acre).

SECTION 2. That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, be and the same is hereby amended as set forth in the preceding section hereof.

SECTION 3. That the Planning Director be and he is hereby instructed to make such change and amendment on the three (3) official Zoning Maps of the City of Coeur d'Alene.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on February 2, 2016.

APPROVED by the Mayor this 2nd day of February, 2016.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Annexation of +/- 9.8 acres located at the SE and SW corners of Prairie Ave. and Ramsey Rd.
A-4-15 – Kerr Family Properties, LLC

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 27 & 26, TOWNSHIP 51, NORTH, RANGE 4 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Michael Gridley, am the City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Annexation of +/- 9.8 acres located at the SE and SW corners of Prairie Ave. and Ramsey Rd. A-4-15 – Kerr Family Properties, LLC, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 2nd day of February, 2016.

Michael Gridley, City Attorney

EXHIBIT "A"

A-4-15 Kerr Properties LLC

A parcel of land being a portion of the northeast quarter of Section 27 and a portion of the northwest quarter of Section 26, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho and being more particularly described as follows:

Commencing at the Section corner at the intersection of Prairie Avenue and Ramsey Road being a 3.25 inch brass cap per CP&F 2145300000, Records of Kootenai County, Idaho from which the North quarter corner of said Section 27 bears N88°12'45"W 2614.15 feet; thence along the common Section line, S1°11'21"W 56.93 feet to the **True Point of Beginning**;

thence N89°47'36"E 80.02 feet to the South right of way of Prairie Avenue;

thence along said South right of way, S88°49'35"E 250.35 feet;

thence leaving said South right of way, S1°07'41"W 607.16 feet;

thence continuing, S1° 07' 41"W 662.16 feet to a point on the South line of the northwest quarter of said northwest quarter;

thence along said South line, N88°49'44"W 281.70 feet to the existing city limits of the City of Coeur d'Alene Boundary on the East right of way of Ramsey Road;

thence along said existing city limits and East right of way, N1°11'21"E 330.60 feet;

thence leaving said East right of way along said existing city limits, N88°12'01"W 100.01 feet to the West right of way of Ramsey Road;

thence leaving said existing city limits along said West right of way, N1°11'21"E 665.11 feet;

thence leaving said West right of way, N88°12'52"W 276.73 feet;

thence N1°10'28"E 275.98 feet to the South right of way of Prairie Avenue;

thence along said South right of way, along a non-tangent curve to the left with a radius of 6059.39 feet, an arc length of 247.63 feet, a delta of 2°20'30" with along chord bearing S86°27'28"E 247.63 feet;

thence leaving said South right of way, N89°47'36"E 79.40 feet to the **True Point of Beginning**.

ORDINANCE NO. _____
COUNCIL BILL NO. 16-1002

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-17 (RESIDENTIAL AT 17/UNITS/ACRE) TO C-17 (COMMERCIAL AT 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A PORTION OF A PARCEL FRONTING EMMA AVENUE AND DAVIDSON AVENUE, EAST OF NORTHWEST BOULEVARD, MEASURING APPROXIMATELY 1.28 ACRES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

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

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

SECTION 1. That the above described property, which property is fully described in Exhibit "A", attached hereto and incorporated herein is hereby changed and rezoned from R-17 (Residential at 17 units/acre) to C-17 (Commercial at 17 units/acre).

SECTION 2. That the following conditions precedent to rezoning are placed upon the rezone of the property:

NONE

SECTION 3. That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

SECTION 4. That the Planning Director is hereby instructed to make such change and amendment on the three (3) official Zoning Maps of the City of Coeur d'Alene.

SECTION 5. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on February 2, 2016.

APPROVED this 2nd day of February, 2016.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____

Zone Change – ZC-5-15

A PORTION OF A PARCEL FRONTING EMMA AVENUE AND DAVIDSON AVENUE, EAST OF
NORTHWEST BOULEVARD, MEASURING APPROXIMATELY 1.28 ACRES

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-17 (RESIDENTIAL AT 17/UNITS/ACRE) TO C-17 (COMMERCIAL AT 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A PORTION OF A PARCEL FRONTING EMMA AVENUE AND DAVIDSON AVENUE, EAST OF NORTHWEST BOULEVARD, MEASURING APPROXIMATELY 1.28 ACRES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Michael Gridley, am the City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, ZC-5-15, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 2nd day of February, 2016.

Michael Gridley, City Attorney

EXHIBIT "A"

PARCEL F

The east 50' of Lot 14 and all of Lot 15, except the eastern 8', Block 15, East Lacrosse addition, according to the plat recorded in Book "B" of plats on page 119, records of Kootenai County, Idaho. (This Parcel also described as an area approximately 192' x 292' (1.28 acres) immediately east of vacated North Street, between the southerly right-of-way line of Emma Avenue and the northerly right-of-way line of Davidson Avenue. See parcel map ZC2).

Revised (12-7-2015)

DANIEL J. ENGLISH 2P I 2044581000
KOOTENAI CO. RECORDER Page 1 of 2
BBB Date 07/20/2008 Time 15:27:31
REC-REG OF NORTH IDAHO TITLE INSURA
RECORDING FEE 6.00
2044581000 00

Instrument Number

F

Escrow No.: 6001-16296-JAH

WARRANTY DEED

FOR VALUE RECEIVED, **JOHN DEVRIES AND SIONY DEVRIES, HUSBAND AND WIFE**, Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto **RONALD J. AYERS, A SINGLE MAN**, Grantee, whose address is: ~~157 S PLEASANT VIEW RD., POST FALLS, ID 83854~~, the following described premises, County of KOOTENAI
to-wit: 101 W. Prairie Center # 364
Hayden, ID 83835

THAT PORTION OF THE EAST 50 FEET OF LOT 14 AND ALL OF LOTS 15 AND 16, BLOCK 15, EAST LACROSSE, ACCORDING TO THE PLAT RECORDED IN BOOK "B" OF PLATS AT PAGE 119, RECORDS OF KOOTENAI COUNTY, IDAHO,

DESCRIBED AS A PORTION OF THAT TRACT DESCRIBED IN WARRANTY DEED RECORDED AS INSTRUMENT NO. 1932320 (RECORDS OF KOOTENAI COUNTY, IDAHO), DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON ROD MONUMENTING THE NORTHWEST CORNER OF SAID TRACT, AND AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 13 OF SURVEYS AT PAGE 46 (RECORDS OF KOOTENAI COUNTY, IDAHO), SAID POINT BEING THE REAL POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY LINE OF SAID TRACT NORTH 89 DEGREES 59'12" EAST (NORTH 89 DEGREES 59'19" EAST, RECORD), A DISTANCE OF 266.85 FEET;

THENCE LEAVING SAID NORTHERLY LINE SOUTH 00 DEGREES 17'54" WEST, A DISTANCE OF 110.16 FEET;

THENCE SOUTH 89 DEGREES 42'06" EAST, A DISTANCE OF 1.00 FEET;

THENCE SOUTH 00 DEGREES 17'54" WEST, A DISTANCE OF 95.30 FEET;

THENCE SOUTH 89 DEGREES 58'16" WEST, A DISTANCE OF 1.00 FEET;

THENCE SOUTH 00 DEGREES 17'54" WEST, A DISTANCE OF 86.63 FEET TO A POINT OF THE SOUTHERLY LINE OF SAID TRACT;

THENCE ALONG SAID SOUTHERLY LINE, SOUTH 90 DEGREES 00'00" WEST, A DISTANCE OF 265.69 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;

THENCE LEAVING SAID SOUTHERLY LINE ALONG THE WESTERLY LINE OF SAID TRACT, NORTH 00 DEGREES 04'19" EAST, A DISTANCE OF 292.03 FEET (NORTH 00 DEGREES 04'30" EAST, 292.00 FEET, RECORD) TO THE REAL POINT OF BEGINNING.

EXCEPTING THEREFROM THE WEST 5.0 FEET OF THE EAST 50.0 FEET OF LOT 14; ALSO THE NORTH 5.0 FEET OF THE EAST 50.0 FEET OF LOT 14, THE NORTH 5.0 FEET OF LOTS 15 AND 16; ALSO, THE SOUTH 5.0 FEET OF THE EAST 50.0 FEET OF LOT 14, THE SOUTH 5.0 FEET OF LOTS 15 AND 16, ALL BEING IN BLOCK 15 OF THE EAST LACROSSE ADDITION, RECORDED IN BOOK "B" OF PLATS AT PAGE 119, RECORDS OF KOOTENAI COUNTY, IDAHO.

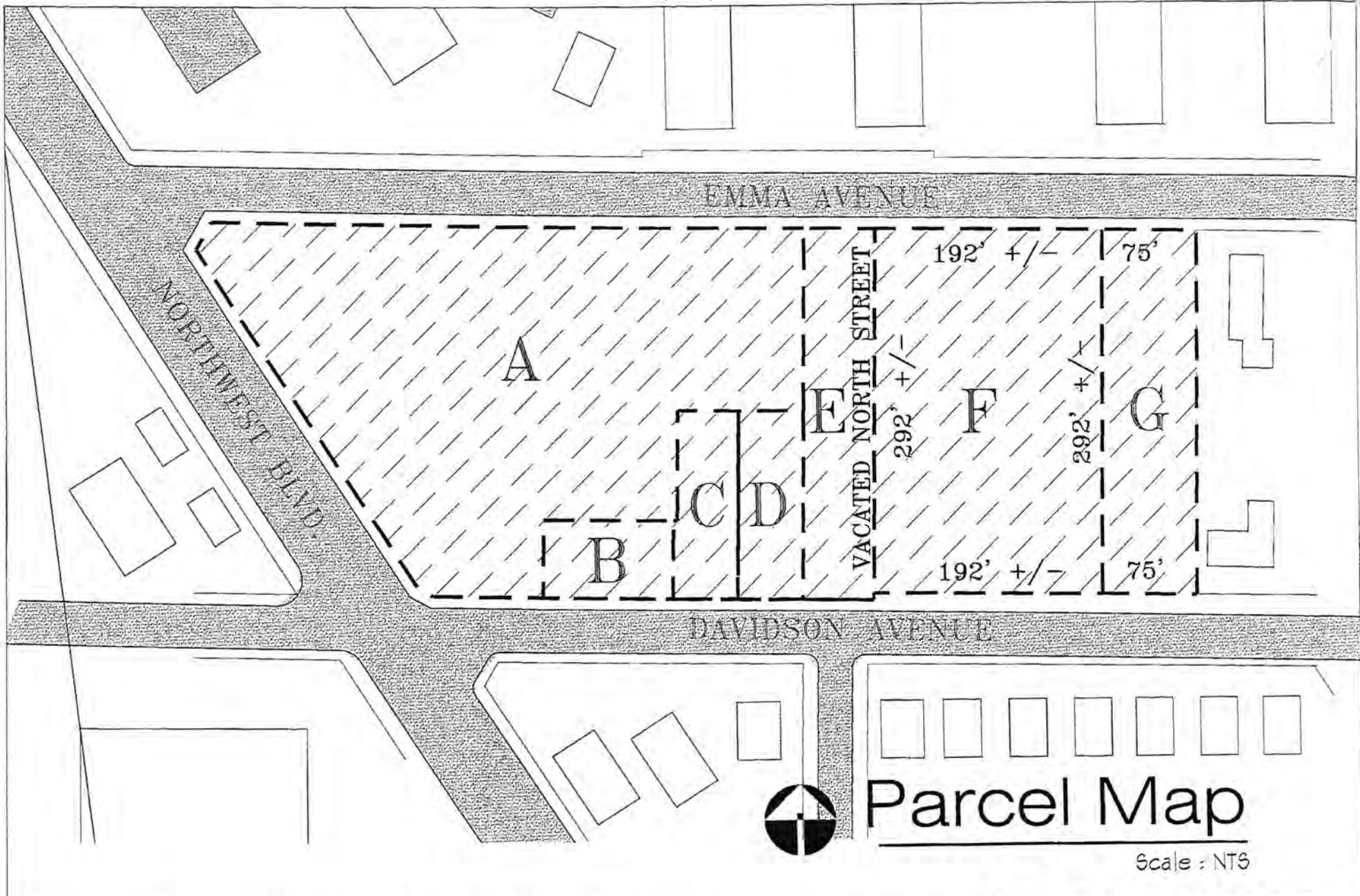
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever, and the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT CURRENT TAXES AND EASEMENTS OF RECORD OR IN VIEW.

And that he/she/they will warrant and defend the same from all lawful claims whatsoever.

DATED June 07, 2006

By: John Devries
JOHN DEVRIES

By: Siony Devries
SIONY DEVRIES



Parcel Map

Scale : NTS

Garden Motel ZC

1808 NORTHWEST BLVD.
COEUR D ALENE, ID.

CB 16-1002

Date: 12-7-15

Addendum: XX-X

Project No. XXXX

ZC-5-15

SHEET NO.

ZC-2(rev)

reference sheet:
XXXX

MILLERSTAUFFER ARCHITECTS

601 FRONT AVE. STE. 201
COEUR D'ALENE, ID 83814
PH 208+664-1773
FAX 208+667-3174



NWBLVD/EMMA/DAVIDSON - RON AYERS

PUBLIC HEARINGS

**CITY COUNCIL
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER
DATE: FEBRUARY 2, 2015
SUBJECT: A-3-15 – ZONING IN CONJUNCTION WITH ANNEXATION OF +/-19.3 ACRES FROM COUNTY AGRICULTURAL-SUBURBAN TO R-8.
LOCATION: +/- 19.3 ACRE PARCEL LOCATED BETWEEN ATLAS RD. AND GILA CT., SOUTH OF PRAIRIE AVE., AND NORTH OF THE ROCKET ST. TERMINUS.

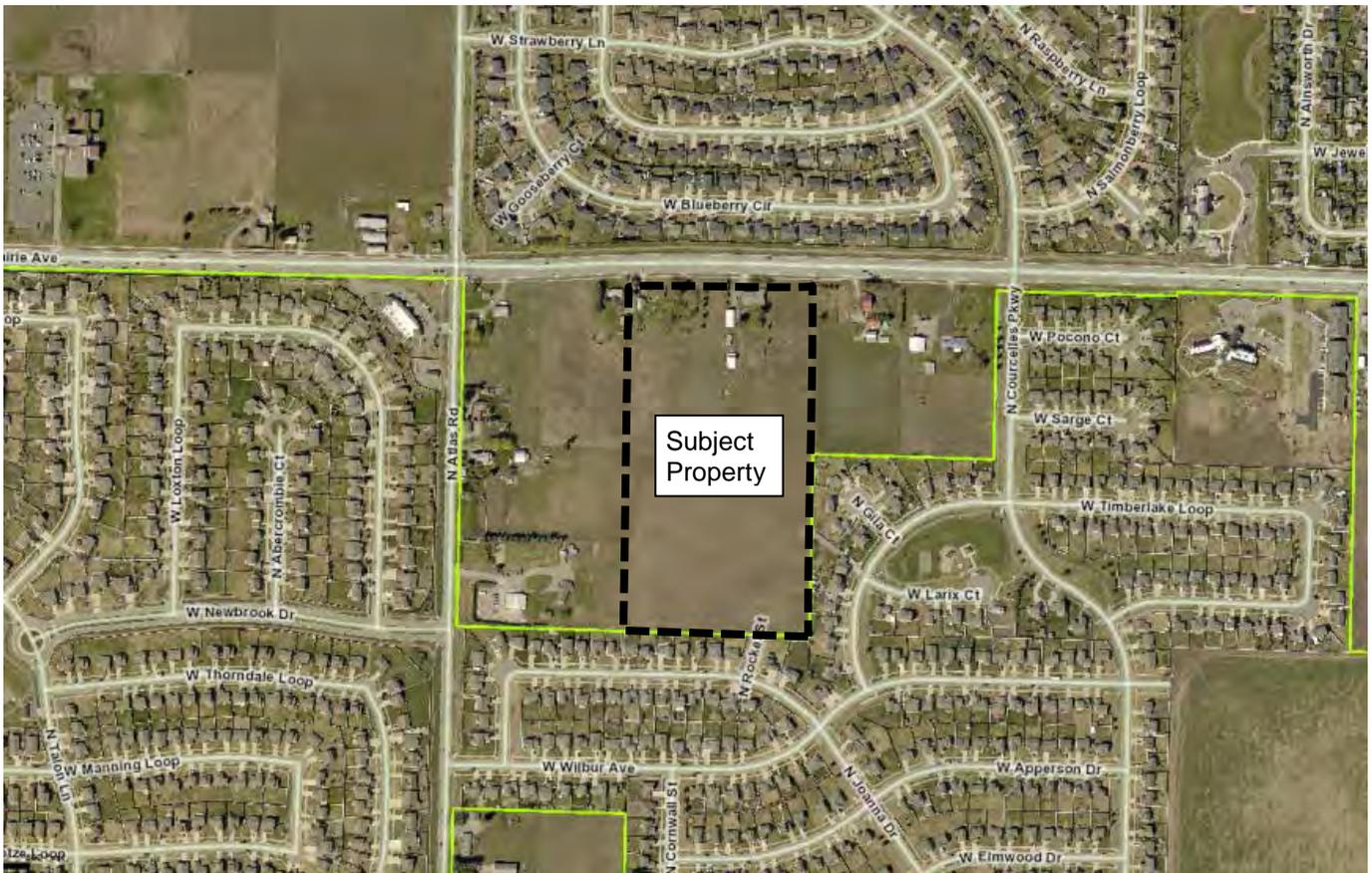
APPLICANT:

Owner: Donald R. Smock (dba Harmony Homes, LLC)
1000 Northwest Blvd
Coeur d'Alene, ID 83814

DECISION POINT:

Harmony Homes, LLC is requesting approval of a proposed +/- 19.3 acre annexation from County Agricultural to city R-8 zoning district (Residential at 8 units/acre).

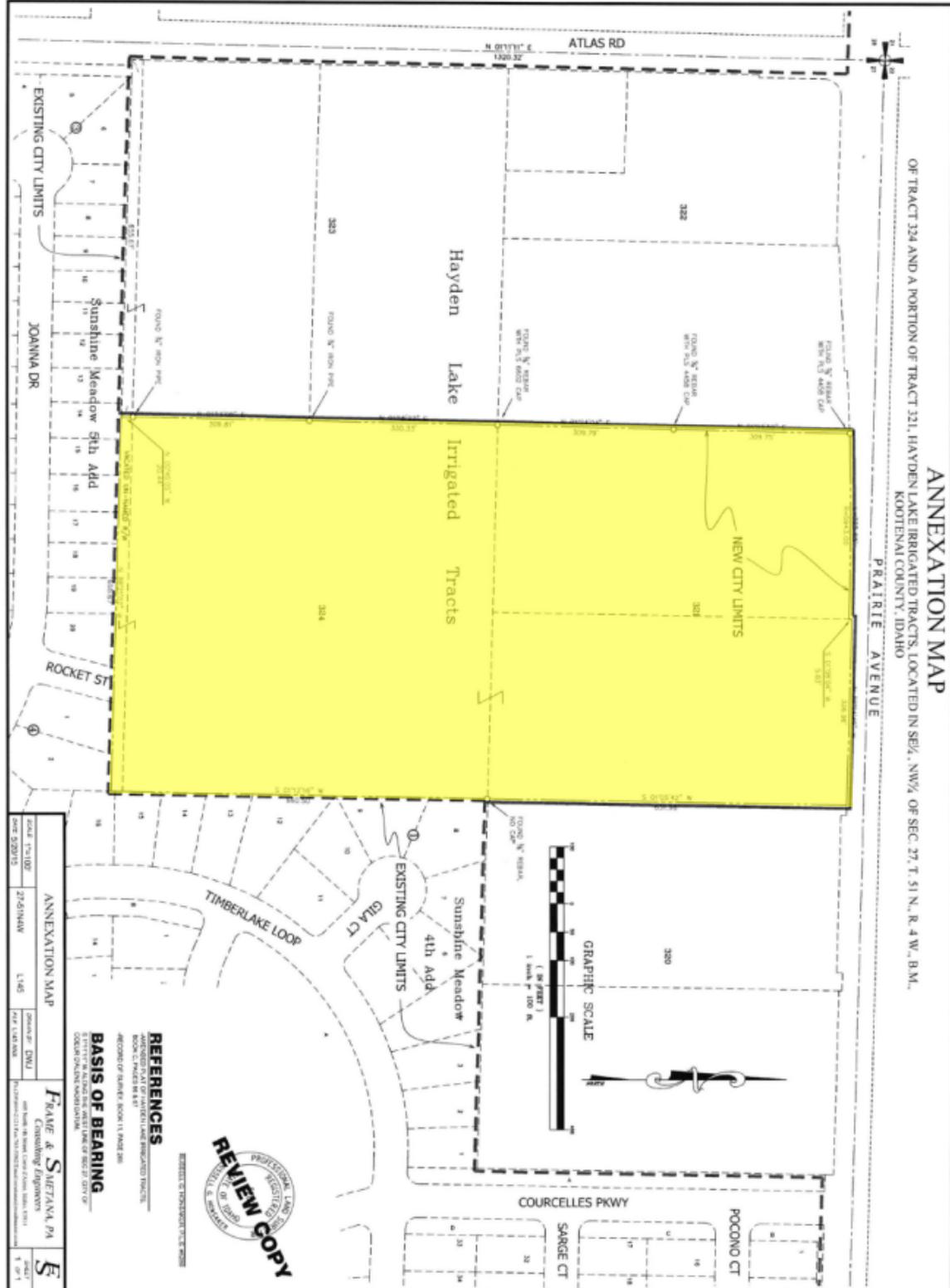
Area Map:



GENERAL INFORMATION:

Harmony Homes, LLC is proposing to annex a +/-19.3 acre parcel as shown in the annexation map below.

Annexation Map:



PLANNING COMMISSION RECCOMENDATION:

Planning Commission reviewed this annexation request on December 8, 2015 and made a motion to approve which was carried by a 6 to 0 vote.

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 sixty six percent (66%) of the property involved must be party to the request. The area of the request must be at least one and one-half (1 ½) 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.

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).

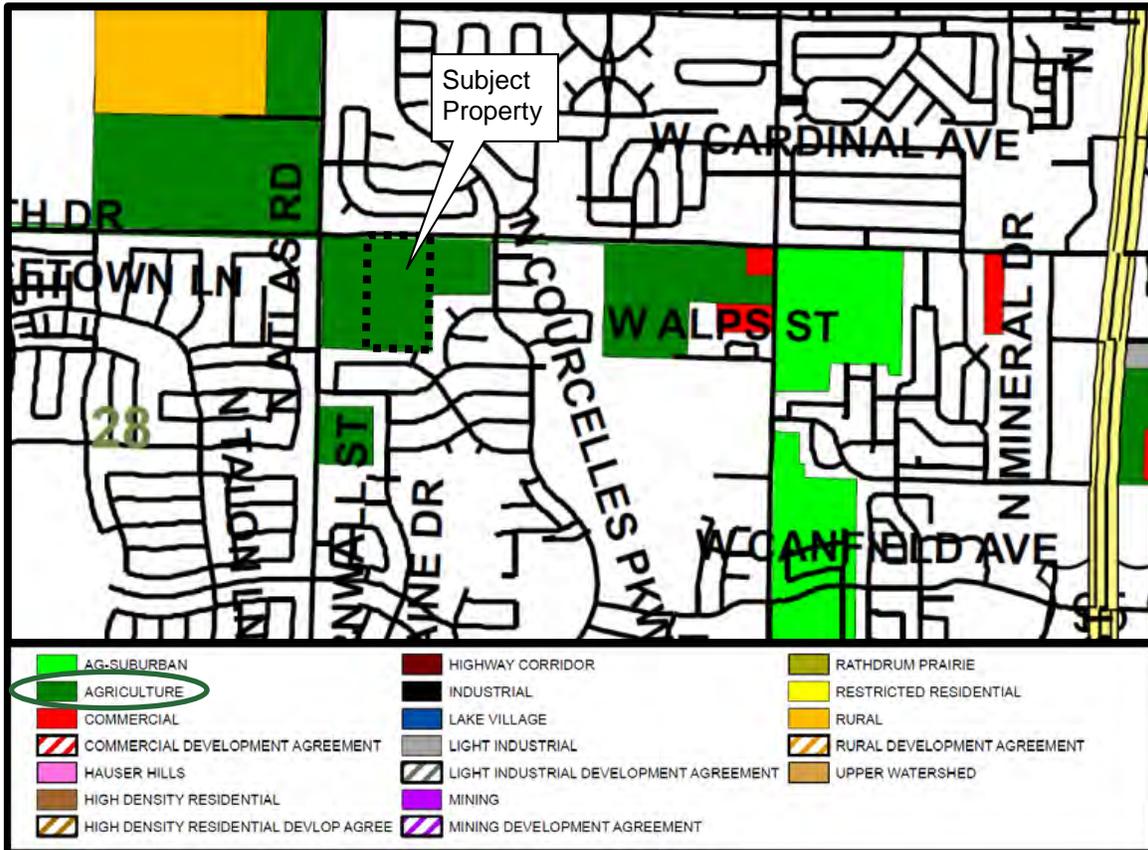
17.05.120: PERMITTED USES; SPECIAL USE PERMIT:

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

CURRENT KOOTENAI COUNTY ZONING (Agriculture):



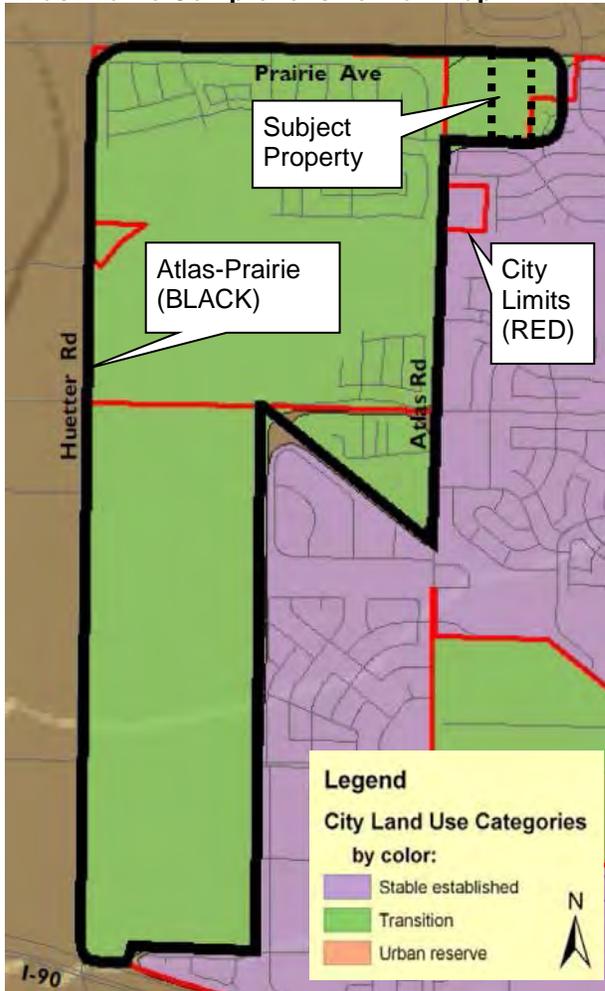
REQUIRED FINDINGS FOR ANNEXATION:

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

2007 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is contiguous with existing city limits
- The City Comprehensive Plan Map designates this area as: *Atlas-Prairie - Transition*:

Atlas-Prairie Comprehensive Plan Map:



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.

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.

Atlas-Prairie Tomorrow:

Generally, this area is envisioned to be a residential area, lower in density, that 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 in compatible 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:

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

- **Objective 3.10 - Affordable & Workforce Housing:**
Support efforts to preserve and provide affordable and workforce housing.
- **Objective 3.16 - Capital Improvements:**
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- **Objective 3.18 - Transportation:**
Provide accessible, safe and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation, requesting input from authoritative districts and neighboring communities when applicable.
- **Objective 4.02 - City Services:**
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).
- **Objective 4.06 - Public Participation:**
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

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

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

STORMWATER:

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

Assessment:

The proposed submittal outlines specified areas for stormwater containment. Detailed analysis of these for capacity sizing will be addressed during the infrastructure plan submittal review

-Submitted by Chris Bates, Engineering Project Manager

STREETS:

The proposed subdivision is bordered by Prairie Avenue on the north and Rocket Street on the south.

Assessment:

The southerly connection, Rocket Street, is a city street and fully developed. No alterations will be required to the connection. Prairie Avenue to the north, which is under the jurisdiction of the Post Falls Highway District (PFHD), is a fully developed 5-lane road section and the City has no jurisdictional authority over it.

The proposed internal streets in the development meet the criteria established in the subdivision code for primary frontage (32'), and, secondary frontage, parking one side (28').

Assessment:

The proposed street sections are acceptable in the submitted form. Any changes to the proposed sections will require approval of the City Engineer prior to construction.

The proposed east/west street name, Hydrangea Lane does not meet the criteria of the City Street Naming and Addressing Ordinance (#3033) and will be required to be changed.

Assessment:

The east/west street cannot have the same name as a north/south directional street.

-Submitted by Chris Bates, Engineering Project Manager

WATER:

Water service for the proposed development is to be furnished by the Hayden Irrigated Tracts water system.

Assessment:

The water district has indicated that they have sufficient capacity and flows to provide service to the subject development.

-Submitted by Chris Bates, Engineering Project Manager

WASTEWATER:

Public Sewer is available at the end of Rocket Street which borders this annexation request. The Wastewater Utility has no objections to A-3-15 as proposed. Based on the public sewer availability, the Wastewater Utility presently has the wastewater system capacity and willingness to serve this project.

-Submitted by Mike Becker, Utility Project Manager

FIRE:

The Fire Department works with the Engineering and Water Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation and/or building permit approval, utilizing the currently adopted International Fire Code (IFC) for compliance.

-Submitted by Bobby Gonder, Fire Inspector

Evaluation:

City Council must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.

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

PHYSICAL CHARACTERISTICS:

The subject property is relatively flat with Prairie Avenue to the north. Continued construction was anticipated by a future connection via Rocket Street on the southern edge of the property.

PHOTOS OF SUBJECT PROPERTY:

Bird's eye view of the subject property looking south



Looking south into subject property from Prairie Avenue



Looking north into subject property from Rocket Street



Evaluation: *City Council 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.*

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 ITE Trip Generation Manual estimates the project may generate approximately 955 trips per day at total buildout, with 94 of those trips occurring during the A.M./P.M. peak hour periods. This was determined by a third party traffic analysis that was required by the Post Falls Highway District, and, conducted by traffic engineer Anne Winkler, PE, of Sunburst Engineering.

Assessment:

The subject development will have two points of access, one from Prairie Avenue, the major 5-lane east/west arterial roadway adjoining the northerly boundary, and, one local street that wends its way through the adjoining Sunshine Meadows subdivision to the south. Due to concerns of the ability of Prairie Avenue to adequately accommodate the traffic volumes generated by the proposed development, the analysis focused solely on the Prairie Avenue and did not detail the adjoining local street. The Rocket Street connection is considered secondary, and due to the intertwining and winding nature of the streets would not be considered a major point of ingress/egress, and therefore, not a principal concern. It will undoubtedly receive some traffic, but not the concentrated amount that the principal arterial roadway, Prairie Avenue, will receive.

The main purpose of the study was determine if there was adequate “gap” time for vehicular movements into and out of the subject property. The minimum acceptable gap for a turning movement was considered to be 5 seconds. The study found that westbound vehicles turning into the proposed development would accomplish that movement in 4.1 seconds and vehicle movements out were between 6.8/6.9 seconds.

The conclusion at the end of the study, was that when it came to the traffic movements at the proposed intersection of Prairie Avenue and the new development, the volume of movements at the intersection, in relation to the capacity of the 5-lane Prairie Avenue is very low, and that there is plenty of capacity to accommodate the traffic volumes.

-Submitted by Chris Bates, Engineering Project Manager

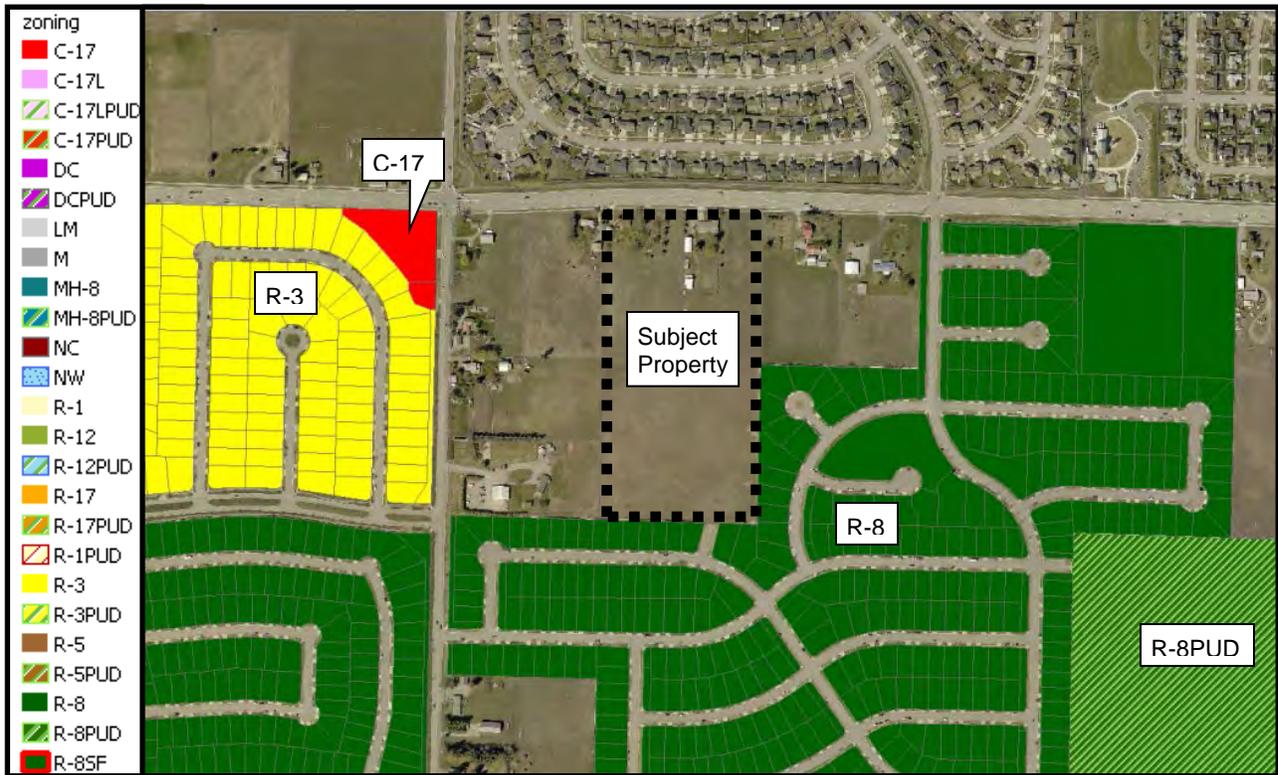
NEIGHBORHOOD CHARACTER:

See the “Atlas-Prairie Today” descriptions from the 2007 Comprehensive Plan listed in finding #B8 as well as the photos of subject property. The property is made up of two large parcels currently in Kootenai County. R-8 zoning adjoins a portion east and to the south which include single family homes with the exception of Sunshine Meadows Park. Existing/adjacent uses include residential single-family, large parcels (in county), civic, and vacant land.

GENERALIZED LAND USE PATTERN:



EXISTING ZONING:



Evaluation: City Council 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.

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:

City Council must consider this request and make separate findings to approve, deny or deny without prejudice.

Annexation Justification Parcel Numbers 0-3560-27-321-AA & AB

The reasons for the requested annexation are to extend the City of Coeur d'Alene's boundary to continue residential development on property located south of Prairie Avenue, to obtain City services, and to realize the highest and best use of the land.

The property is currently being used residentially and is zoned Agricultural. Agricultural use is no longer a practical use for the Subject Property since smaller lot subdivision developments surround the area in question, see EXHIBIT A.

The Subject Site is one of a few properties left to annex within the area south of Prairie Avenue. The contiguous property on the southern boundary of the Subject Property is located within the City of Coeur d'Alene's city limits. The two parcels on each side of the Subject Property are still within the County's limits of jurisdiction, but then the city limits begin thereafter. Annexation is the natural progression for this area since it is on the fringe of city limits.

The proposed annexation request conforms to the Coeur d'Alene 2007 Comprehensive Plan as follows:

Goal #1- Natural Environment, of the Comprehensive Plan, supports policies that preserve the beauty of the natural environment by minimizing potential pollutants, by protecting water quality and by implementing community design of streets and pedestrian access throughout the development. Open space will be provided for in the proposed development (Objectives 1.01, 1.02, 1.11 & 1.14). These objectives will be fulfilled during and upon completion of the development. Open space will be provided for the residents in the form of passive recreational green space.

Goal #2- Economic Development supports business growth that contributes to the economic health of Coeur d'Alene. The proposed annexation request will make housing available for workers in the community (Objective 2.02).

Goal #3- Home Environment strives for a common-sense approach in creating exceptional neighborhood communities by ensuring infrastructure and essential services are available for properties in development, providing a variety of transportation modes and encouraging

housing that meets the needs of all income and family status categories. The proposed annexation will allow for a development of single family and multi-family housing as well as sidewalks for pedestrian traffic and recreational facilities such as volleyball court, community garden, etc. (Objective 3.05, 3.07 & 3.14).

The 2007 Comprehensive Plan's Land Use Map identifies this area as:

Land Use: Atlas-Prairie, Transition, which supports residential development with interconnected neighborhoods that provide a mix of housing choices. There are several surrounding subdivisions within close proximity to the Subject Site, therefore infrastructure such as water and sewer is near the Subject Property.

The Subject Property is located within the City of Coeur d'Alene's Area of City Impact (ACI) boundary which provides for an entrance to the city.

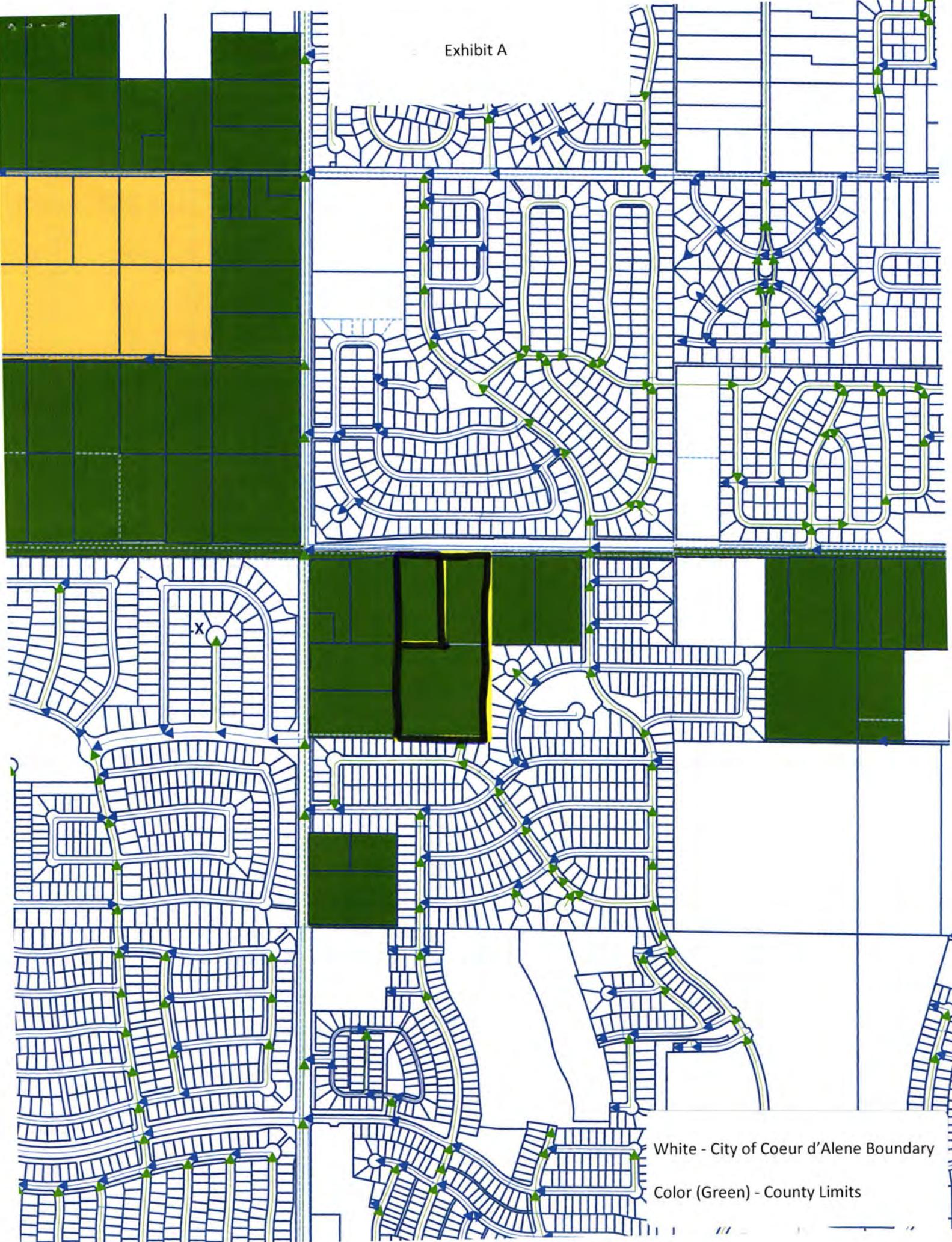
The annexed area is envisioned to be a Planned Unit Development. The characteristics described in the Comprehensive Plan for the Atlas-Prairie Tomorrow appropriately define the long range plans for this area that will include:

- Pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Availability of infrastructure.
- Open Space area and pedestrian connections will be provided.
- Adjacent to the City of Coeur d'Alene's ACI, providing a distinctive entrance to the city.
- Service nodes will be provided.
- The annexed area will provide connectivity to the established neighborhoods located on the southern boundary of the property; no cul-de-sacs are proposed.

The proposed annexation request provides continued subdivision development in an area that has been established as a residential hub for area citizens. There are only a handful of parcels undeveloped and unincorporated in this specific area. The annexation is a natural progression for these parcels surrounded by city limits and large subdivisions.

This narrative prepared by Stephanie Blalack, Senior Planner, on June 8, 2015.

Exhibit A



White - City of Coeur d'Alene Boundary
Color (Green) - County Limits

Applicant: Harmony Homes, LLC
Location: 2810 & 2960 W. Prairie Avenue
Request:

- A. A proposed annexation from County Agriculture to City R-8 (Residential at 8 units/acre) zoning district.
LEGISLATIVE (A-3-15)

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

Commissioner Messina asked what would happen if the annexation was approved but the PUD was not. Mr. Holm explained that the annexation will move forward to the council regardless of whether it is denied or approved, which is really a recommendation to the city council. The PUD could be appealed by the applicant to go to council.

Commissioner Luttrupp questioned what is the benefit to the community of a Planned Unit Development. Mr. Holm explained the benefits of a Planned Unit Development is really the design of it and the commission's determination of whether it provides benefit, largely through the open space development it is for the users of the site. The open space is not necessarily open to the public but it can be set up that way. Mr. Holm confirmed that the 10% is not public open space but is for the users of the development and would be considered private property.

Commissioner Fleming asked about the expected open space percentage for an R-8 designation. Mr. Holm said that for an R-8 designation without a PUD, there is no open space requirement. There are some PUDs where the open space is public. Bluegrass Park is open to the public.

Mr. Holm said that the commission should bear in mind that a PUD is intended to provide for flexibility and diversity of use by removing the limitations in the typical lot by lot approach to development. It is not intended to be a means to waive certain development regulations. It is designed to provide some extra amenities to the people that live there, not necessarily to the public. The commission must determine if the concept of the proposal is unique enough that it merits the flexibility afforded by the PUD regulations. The commission should decide if the modifications requested represent a substantial change over what would be allowed if the regulations were applied on a lot by lot basis.

Commissioner Luttrupp asked what incentive does the developer have to meet the open space plans. Mr. Holm said that with a PUD it is required that what you approve is built.

Commissioner Luttrupp asked what is the process that is used to ensure that over the period of time that the development is built that the open space is provided as obligated in the PUD. Mr. Holm said that one way is if it is a phased plan, the developer provides 10% in each phase and it is built out and completed prior to final plat recordation, so it happens at the same time that the streets and utilities go in. In this, Mr. Holm said that he doesn't see where they plan to phase the PUD, so the open space will be complete before recordation.

Commissioner Ingalls confirmed that the zoning is still an R-8, so the PUD is just a different way of organizing the layout. He asked Mr. Holm to share where else in the city has the commission approved similar lot sizes with these setbacks. Mr. Holm said that one development is directly west of the proposed development on the other side of Atlas – Princetown Lane. It was a higher density project, an R-17 PUD, with very small lots. They did provide open space. Largely what they will see through a PUD is a request where the developer doesn't necessarily want to provide sidewalks on both sides of the street. In this case the developer has provided a number of trail systems through the property as well as sidewalks to meet the city standards. Benefits for the applicant are reductions in setbacks and not concessions on street width, parking, or other high dollar items.

Chairman Jordan suggested that another example might be Meadow Ranch by Fred Meyer. The overall density is similar but the lots are smaller because part of the density is taken up in the park land. If this was just a standard R-8 and not a PUD, there would be a requirement for parkland dedication, or fees in lieu of. Mr. Holm said that there would be some fees in lieu of which are done largely through impact fees before they pull the building permits.

Commissioner Messina stated that a lot of the comments they have read most of the people living in this area are concerned about the setbacks to adjacent property.

Commissioner Fleming asked if the driveway length that sits in front of the garage fully accommodates two cars and does not block the sidewalk. Mr. Holm said that the code reads that from the back of sidewalk or property line, whichever is greater, than they provide 20 feet to the face of the garage.

Commissioner Ward said that in looking at the preliminary plat map, at the north end, it looks like Hydrangea, Hibiscus, and Grove Parkway all provide ingress and egress onto Prairie Avenue. Mr. Holm said that they do not, but are designed for emergency Fire Department access, and confirmed that the only ingress/egress point is Rocket and Prairie in the center where the main entrance is.

Sandy Young, applicant representative, presented a power point and introduced her staff. She explained that they are requesting the R-8 zoning which they feel is compatible with the zoning of the adjacent property. Their vision for the PUD request is to take the traditional cookie-cutter R-8 subdivision and rearrange the lots, decreasing their size slightly so that they can provide for the two acres of open space. Access points of Prairie to the north and Rocket to the south, and the two emergency accesses onto Prairie, which will be gated and a Knox box located at each for access by the Fire Department. The plan is for traditional and craftsman-style architecture with high end finishes, city standard streets and sidewalks, and open space and berm plantings. They are anticipating community gardens and pedestrian trails and access points, and a central community park with active and passive recreation as well as barbeque areas and a shelter. They are not asking for a deviation from the front yard setback. Infrastructure meets city requirements for water, wastewater and stormwater. They have not presented their final stormwater plan yet but will be submitting that with the final subdivision application. The primary access has been approved by the Post Falls Highway District. They were asked to perform a gap study by the highway district to ensure that the spacing of cars coming out onto Prairie would be adequate and there wouldn't be a stacking of cars in the center turn lane on Prairie or in the subdivision.

Commissioner Ingalls feels that the annexation and zoning are logical, but has concerns about the reduced setbacks in the backs of the homes and how it would affect people living in the Sunshine Meadows development. Ms. Young explained that the market has changed and that people are looking for less of a yard that they are taking care of, and looking more for community open space. Commissioner Ingalls said that approving the PUD request would feel like they are "pinching" the existing neighbors. Ms. Young said that she thinks what buffers that somewhat is that there is fencing in Sunshine Meadows and this development will be perimeter fenced as well. There will be an architectural control committee in addition to the CC&Rs that are put into place and the fencing style will be the same style for the entire perimeter and won't be left up to each individual homeowner. Ms. Young asked the commission to think about what goes into a back yard – it is not always open green space but sometimes it's the boat and the two dogs and other things in the backyard. In this case, you would have your back deck and a little bit of green space, and perhaps it even becomes a little cleaner and a little nicer.

Ms. Young said that it is her understanding that the Sunshine Meadows development is fenced, but she has not looked at each lot to know if they are for sure. Commissioner Luttrupp asked if there was something that could be done from the PUD side of the fence to ease the feeling of being right on top of the neighbors. Ms. Young said that she would give it some thought while the

public testimony is being given and will present some options after that time.

Commissioner Messina inquired if the distance between the back lines of the existing homes and the product being built would be a minimum of 35 feet. Ms. Young said that she is assuming that the existing home setback is 25 feet at R-8 since it is a standard subdivision, and with the 10-foot rear setback in the PUD, there would be 35 feet between the homes in the PUD and the homes in Sunshine Meadows.

Commissioner Messina asked where, approximately, the house is going to sit, i.e., the depth of the house, and is there more than 10 feet in the back yards given the depth of the lots. Ms. Young said that some of the lots do have more depth as proposed right now but it is going to be up to each homeowner to decide what home style they want to put on that lot and what the size of the home would be. Their plan is to delineate a building envelope on each lot and they are asking for the 10 foot setback in the rear so that they can extend the building envelope out. Whether or not the home buyer takes it up to the 10 feet, they don't know.

Commission Ward inquired what is allowed up to the 10 feet. Mr. Holm said you could put in a garage, a porch, and can go to 0' on the rear property line; however, it cannot be associated with the interior livable area; i.e., you cannot have a kitchen or bedroom. It has to be open to the air but it can be covered. The eave for the home itself is allowed to extend two feet into the setback. The regulations also apply to regular R-8 zoning and not just for a PUD.

Ms. Young said that they are asking for 10' setback minimum in the rear with decks encroaching only up to 5 feet. Commissioner Luttrupp said that they have concerns expressed by current property owners and wondered how to be respectful of their needs and make everybody happy.

Commissioner Fleming said that there is an opportunity to realign the streets to pay attention to adjacencies and she doesn't see this as a good neighbor plan. She is not sure if the relationship of a larger home against very small property makes sense.

Public testimony open.

Jim Rough said that his comments were as a homeowner and as a member of the board of Sunshine Meadows. He is against the variance part of the request for the development of the lot size and set back requests. He said that putting up a two story building five feet from their gardens would affect what they have been enjoying for years. He would like to see the townhomes moved around. There are also some upland birds in that development and wondered if that issue would need to be mitigated, including pheasants, quails, etc. As a board member, from their experiences from other development, he is concerned in regard to loud noises of nail guns, backup alarms, and other things. He would like to have a limit in regard to noises at all hours of the night. Mr. Rough noted that the backup alarms are loud. Also, Hayden Lake Irrigation District is concerned regarding their water restrictions because of lack of development.

Commissioner Messina asked Mr. Rough if the issues of the homes being too close and too high were addressed and there were just single family homes in the development, would the neighbors' concerns be softened. He also said that the noise from construction can be taken care of. As far as birds and animals on that piece of property, there is nothing that they can do about that since they aren't endangered species. Commissioner Messina said that he believes the developer of the vacant land needs to address what the neighbors are saying. He asked Mr. Rough how far away some of the adjacent homes are from their backyard fences. Mr. Rough said that a lot the homes and lots are different, but he would say more than 25 feet.

Mr. Holm said that the corner house on Gila Court, there is a deck on the rear corner than is 43 feet to the property line.

Commissioner Luttrupp asked about the water availability and how the city makes sure that there is available water. Ms. Anderson said that the development wouldn't be served by city water, but would be the Hayden Lake Irrigation District.

Mark Wilson said that he does not object to the annexation and rezoning of the property and thinks that a single family subdivision is the best use for this parcel of land. He had some concerns about the lack of a traffic analysis for the Rocket Street access point but after speaking with the City Engineer, he has a better understanding of the long-term planning that goes into the development of the master plan. He expressed concern regarding the proposed preliminary plat and request for PUD. He objects to the applicant's request for deviations from the established code, the same code that was utilized for the development of the adjoining subdivisions. In speaking with the Planning Department staff, it is his understanding that there were no PUDs associated with Sunshine Meadows. In looking at the city's GIS map, it also appears that the average lot size in Sunshine Meadows is somewhere around 8,000 square feet, almost twice the size of the requested deviation. It appears that only around 10% of the lots of the proposed PUD conform to the minimum lot size. By dramatically reducing the minimum lot size required is a need for more dramatic reduction in minimum yard setbacks, the most concerning of which is the requested reduction from a minimum of 25 feet rear yard setback to ten feet. If the commission approves the PUD and preliminary plat, the developer would be free to plop down two-story townhomes ten feet behind well-established 8,000 and 12,000 square foot lots. He does not think it conforms to the 2007 Comprehensive Plan, which is to protect and preserve existing neighborhoods from incompatible land uses and developments. He believes that real estate agents and developers agree that the townhomes would reduce the potential resale value of the homes. Mr. Wilson said that the open space in the PUD would only benefit the residents of the development. Sunshine Meadows has substantial open space, including a city park which is open to the public, which was done without the need for a PUD and with substantially larger lots. Mr. Wilson believes that the adjoining lots would be dramatically compromise for no benefit other than to strengthen pro forma. He noted that the 2007 Comp Plan identifies Atlas Prairie as a Transition Area and clearly states that these transition areas should be developed with care.

Jeanine Wilson said that she agrees that the development of the property is a good addition to the north side of the city. She believes that the ability to make 10% of green space was made at demise of the size of the lots. She feels that mitigation of the backward "L" shape would probably assist in improving people's outlook on the project. She would like to move the townhomes and look at having single family homes abutted next to single family homes. She wanted to know if the houses are staggered and if there is an ability to deal with animals in the area. She noted that there are thousands of little mice/voles that are infesting the property. As a homeowner, as soon as they start digging, the voles are going somewhere and they are coming into her lot. She would like to have some type of mitigation. She would like to have a better understanding of how true to form the illustrations of the development project area. The homes look beautiful on paper but she doesn't know if there are any guidelines that the homes would need to be conformed to. She commented that there are no apartments in the immediate area and noted that she has a concern about traffic. The increase of traffic has been a nightmare for homeowners on Courcelles and there will be a dramatic increase in the traffic flow off of Rocket. Fencing in

Sunshine Meadows on the east, north to south direction, is not anything that Sunshine Meadows HOA or the developer put in. They are all a mixed-mash of homeowner selection and also on the south end of Sunshine Meadows.

Commissioner Luttrupp asked Ms. Wilson if her concern was because her home would be facing two townhouses, and what her feeling would be if it was just one house but the setback stayed the same. Ms. Wilson said that she is against the setback. Commissioner Luttrupp asked if it would be of any assistance to have required fencing. Ms. Wilson said that she would welcome required fencing and an appropriate setback.

Mr. Holm provided clarification that when the developer brings forth the final development plan that is sent to council for approval, they will have an architectural style for what is going in the development. It doesn't have to look 100% like what is shown.

Commissioner Luttrupp asked if we continue down this path, is there a way that the property owners can see and opine on the types of houses that are being proposed. Mr. Holm said that it doesn't go back to the public and that this hearing is the time for public input.

Commissioner Luttrupp asked how persons with concerns can come to understand what the city would allow and would not allow. Commissioner Messina said that the applicant can establish a design review committee for the subdivision, similar to a homeowners association, but the city doesn't have any direction over that.

Chairman Jordan said that the drawings submitted are illustrative of the style and the level of quality of finish of the houses that they plan to do in the development and it is incorporated into the PUD, so if there is a wide departure from that, then they would have to come to the commission for an interpretation of the PUD.

Commissioner Messina said that he thinks the issue isn't so much what the house is, but it is the setbacks, and the commission could make a condition for setbacks.

Wally Hutchins said that he owns 5 acres off of Atlas Road and a piece of property on N. 21st Street. He is a block south of Prairie on the east side of the road and has an adjacent piece of property to the proposed subdivision, and has been there for approximately 30 years. When he first moved to the property, there were no subdivisions or other development. Things have changed and experience is a great teacher and he has been forced to get involved in this process. He assumed developers would allow for traffic. He was told that a two lane road can flow a lot of traffic. The traffic has increased immensely over the last ten years. He would recommend that a pre-fab, concrete fence be put around the subdivision. Also thinks that the level of top soil should be maintained.

Mr. Holm said that the developer is required to provide an artist or architectural rendering sufficient to clearly establish the scale, character and general appearance of the development that can be compared to the final development plan when it is submitted.

Dan Garland said that his problem is the traffic coming out of Rocket Street. There are a lot of kids in the area and he does not approve of the 10 foot setbacks. In regard to the fencing, the only fencing that is provided by Sunshine Meadows is the one that runs across Prairie. He paid for his own fence and doesn't want somebody else butting into his fence.

Kristie Weber said she is concerned about controlling construction traffic from driving through their development. Mr. Holm there are hours allowed for construction and the Engineering Department will usually define which roads can be used and construction vehicles are not supposed to stray from that path. Chairman Jordan said that, generally speaking, when you have construction you have a lot of different companies and drivers, etc. and some might cheat and stray into the neighborhood, but if it happens and starts getting out of hand, citizens can call the

Engineering Department and let them know.

Ms. Weber asked if the townhomes could be moved to the other side where there is a vacant field, so that when that field gets developed, at least people moving in know that there are townhomes there.

Jerrod Kimbler commented that he is concerned about the construction and suggested developing the Prairie entrance as opposed to the Rocket side first. He is not opposed to the development or the rezoning of the property. He also thinks that the townhouses should be moved to the other side of the development, but he is concerned about the setbacks. He thinks it is shortsighted to not think about the other neighboring communities which are already established because they are all affected.

John Partridge said that he is opposed to the development as it stands, but is not opposed to a development going into the location. He doesn't mind having neighbors, but would like growth to be responsible. Would hope that the commission is aiming for a better standard, rather than taking the existing standard and reducing it. He believes that a 10 foot setback is deserving of ridicule.

James Knott said he knew they were going to build near his home, but he assumed it would be like Sunshine Meadows, Strawberry Fields, and the Landings. He didn't know it was going to be a greedy developer that is trying to squeeze in everything he can to make money. There was zero consideration for the neighbors. This was a slap in the face when he saw it a week ago, which was the first time he heard about it. He believes that his house value will plummet if he sells because of the townhouses or single family home ten feet from his house. Why not build single level houses with decent setbacks. The townhouses need to be moved. Encouraged the commissioners to go home and stand in their backyards and pretend that their neighbor is 10 feet away. We don't have the privacy that we used to have. He believes that there is a way for the development to work, but something has to change. He believes that the developer should work with the neighbors, and build single family houses with 25 foot setbacks.

Rebuttal:

Merle Van Houten said he is the civil engineer on the project. The subdivision will be connected to the existing Hayden Lake Irrigation District in three different places. Two will be stubs that exist off of Prairie. The other stub currently exists under Rocket. He attended a board meeting at the Hayden Lake Irrigation District and learned that they have drilled a new well and anticipate that it will be up and functioning within the year. They are currently in the process of testing the well to determine its ultimate capacity but they do anticipate that it can serve this development and go a long ways towards other future development. In regard to a comment that he heard about the city losing some control, the city and the Water District have a Memorandum of Understanding so if someone in the development decides to stop paying their sewer bill, that MOU kicks in and the Water District comes in and turns off their meter. There are checks and balances. As far as traffic is concerned, the 955 trip number that is being used in the traffic study is for total traffic volume per day. There are peak volumes that are closer to about 80, and what the study did is take a look at the gaps within the existing traffic on Prairie and figured out how easily people could move in and out of the subdivision and the ultimate finding was that people can adequately make their left turn maneuvers in all directions in and out of traffic with pretty relative ease. The study said it is a minimal impact. The Highway District vetted them thoroughly but in the end their engineer was in agreement with the study. The city's engineer, Gordon Dobler, has also looked at the traffic study and they have addressed his concerns with connectivity. They have also had the Kootenai Metropolitan Planning Organization (KMPO) look at it and they projected a surplus of over 550 units through 2035 to be developed. They found that this development is within what they have planned for in their master planning. The proposed subdivision meets the R-8 zone and have carefully planned their roads accordingly.

Commissioner Rumpler asked about water restrictions in place. Mr. Van Houten said that he believes the restrictions that are in place deal with irrigating lawns. Hayden Irrigation has drilled a new well and they are in the process of sizing the pump for that well and plan to bring that well online, and once that happens not only do the restrictions get lifted, but they then have capacity to serve the proposed development as well as other developments in the area.

Ms. Young said that it was the fire district that required the connectivity with Rocket Street and the Comp Plan also recommends it. She offered proposed conditions including perimeter fencing no less than 6 feet in height and sight obscuring of the same architectural style that could even be brought to the Planning Department when they bring the final PUD and subdivision plan in. There will be an architectural control committee/design review committee in addition to CC&Rs, bylaws, etc. The county has requirements for vegetative screening and this development, as well as the surrounding development could be well served by that. In addition to the 6-foot fence, she proposed that the vegetative buffer along the "L" shape could provide a 50 percent sight obscuring vegetative fence. In addition to that, they could move the setback to a minimum of 20 feet. They would also propose moving the townhomes to lots that would abut undeveloped property either on the perimeter of the subdivision or interior in the subdivision. That would eliminate the concerns about looking out on townhomes and should eliminate the concern of even seeing the home that is there. As far as the architectural style goes, there can also be further renderings that are consistent with what has been submitted. There was concern about traffic on Rocket during construction and that could be made a condition during final subdivision approval and also a carry over to the site disturbance with the building permits that are issued. In addition, the lots that the regulations would apply to would be the "L" consisting of Block 5, lots 16 through 20 on the south side, and Block 7, lots 5 through 18 on the east side.

Commissioner Ward asked for clarification from Ms. Young on the blocks, lot numbers and locations of lots with the additional regulations, and the specific regulations that would apply to those lots.

Mr. Holm asked where the vegetative buffer would be. Ms. Young said they would be planted on the lot within the development and would extend above the fence. The vegetation will be installed by the developer so that there would be consistency.

Commissioner Fleming asked if anyone looked at a secondary exit and entry and is there a distance issue onto Prairie, so that the homeowners are encouraged to load to Prairie. Ms. Young said that they had to fight for an access onto Prairie. The Highway District said that they had to use Rocket as their primary means of ingress and egress and so they had to prove to the Highway District that Prairie would work. The city was supportive of going onto Prairie.

Commissioner Ingalls said that the conditions are a good compromise. There are 10 conditions already that are proposed by staff, and Ms. Young acknowledged that they are okay with the first ten conditions in the staff report. The six additional conditions would be the fencing, landscaping, moving townhomes, some effort to work construction traffic so that it comes off of Prairie, and that in the "L" those lots would go to a 20-foot setback, and an architectural design review committee as part of the Homeowners Association.

Ms. Young confirmed that there would be a 20-foot minimum setback and limiting it to a five foot encroachment of a deck or patio. Mr. Holm confirmed that the code already allows for the five foot encroachment.

Commissioner Messina said that he appreciates the trees along the property line inside and noted that trees take a long time to grow, and asked what type of tree they were thinking about. Ms. Young said that what she has presented at times is that the vegetative screen must obtain a 50 percent sight obscuring vegetative buffer within 3 years.

Commissioner Messina asked if they were still planning two story family homes within the “L” shape. Ms. Young confirmed that they were.

Mr. Holm commented regarding the proposed condition for construction traffic coming off of Prairie and said that is under the jurisdiction of the Post Falls High District and he doubts that they will allow huge trucks to travel on Prairie. Ms. Young suggested that as much as possible all construction use the primary ingress and egress to the project as their primary access and it be limited to the greatest degree possible on Rocket.

Commissioner Luttrupp commented that Ms. Young’s ideas are good and meet a lot of the concerns and asked her to share with the Post Falls Highway District the community’s concern about construction traffic.

Mr. Holm said that the vegetative buffer would be in someone’s private backyard and he doesn’t know how they can track that over time and ensure that it remains. You can require it to be put in in the beginning and if the property owner decides to take it out, he doesn’t know how staff would track that. Ms. Young said that it could be presented on a landscape plan that has to be approved when the final application for the subdivision PUD is approved, and then each building would have to adhere to that. The problem with installing it early would be irrigation might be run as each lot is developed, so she would propose that a landscape plan be presented when they present everything else to the Planning Department.

Commissioner Messina said that control of the buffer could come under the control of the HOA to keep it maintained so that the individual property owner doesn’t have the right to remove the buffer and they would be in violation of the HOA if they do. Commissioner Messina added that the CC&Rs would have to require that the future homeowner maintain the trees in good health. Ms. Young said that it will state in the CC&Rs and the design guidelines that there is responsibility for maintenance of the buffer and those that are damaged or diseased would have to be replaced.

Public Testimony closed.

Discussion:

Commissioner Ingalls said that he thinks this is the best example he’s seen yet of a win-win with respect to two parties coming together. There was a discussion regarding a possible delay in preparing the Findings due to there being no meeting of the Planning Commission in January. Chairman Jordan said that the commission could go over the Findings at the Council/Planning Commission Workshop on January 14th.

Motion by Ingalls, seconded by Messina, to approve Item A-3-15. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Voted	Aye
Commissioner Ward	Voted	Aye

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

A. INTRODUCTION

This matter having come before the Planning Commission on December 8, 2015, and there being present a person requesting approval of ITEM A-3-15, a request for zoning prior to annexation from County Agricultural-Suburban to R-8 (Residential at 8 units/acre) zoning district.

APPLICANT: DONALD R. SMOCK (DBA HARMONY HOMES, LLC)

LOCATION: +/- 19.3 ACRE PARCEL LOCATED BETWEEN ATLAS ROAD, AND GILA COURT, SOUTH OF PRAIRIE AVENUE, AND NORTH OF THE ROCKET STREET TERMINUS.

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

- B1. That the existing land uses are residential, single-family, large parcels (in county), civic, and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is County Agricultural-Suburban.
- B4. That the notice of public hearing was published on November 20, 2015, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 115 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 20, 2015.
- B7. That public testimony was heard on December 8, 2015.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:
 - Objective 1.01- Environmental Quality: Minimize potential pollution problems such as air, land, water, or hazardous materials.
 - Objective 1.02- Water Quality: Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.
 - Objective 1.11 – 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 1.14 – Efficiency: Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
 - Objective 2.02 – Economic & Workforce Development: Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Objective 3.05 – Neighborhoods: Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.07 – Neighborhoods: Emphasize a pedestrian orientation when planning neighborhood and preservation and revitalization.

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.

B9. That public facilities and utilities are available and adequate for the proposed use. This is based on comments from the various departments in the staff report.

B10. That the physical characteristics of the site do make it suitable for the request at this time. This is based information in the staff report.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses. This is based information in the staff report.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of DONALD R. SMOCK (DBA HARMONY HOMES, LLC) for zoning prior to annexation, as described in the application should be approved.

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

There are none.

Motion by Ingalls, seconded by Messina, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted Yes
Commissioner Ingalls	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Messina	Voted Yes
Commissioner Rumpler	Voted Yes
Commissioner Ward	Voted Yes

Motion to approve carried by a 6 to 0 vote.



CHAIRMAN BRAD JORDAN

**CITY COUNCIL
STAFF REPORT**

This is an appeal of the Planning Commission's decision on December 8, 2015, to Deny Without Prejudice the request of John Williams to modify the existing "Bellerive" Planned Unit Development and replat a portion of the existing subdivision.

FROM: TAMI STROUD, PLANNER

DATE: FEBRUARY 2, 2016

SUBJECT: **PUD-1-04.4** – MODIFICATION OF THE "BELLERIVE" PLANNED UNIT DEVELOPMENT

S-6-15 – 2-LOT, 4 TRACT PRELIMINARY PLAT SUBDIVISION KNOWN AS "RIVERWALK TOWNHOMES"

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

APPLICANT/OWNER: Riverwalk Townhomes, LLC
7353 N. Aaron Street
Coeur d'Alene, ID 83815

DECISION POINT:

Riverwalk Townhomes, LLC is requesting a modification to the existing Planned Unit Development known as Bellerive and preliminary plat approval of "Riverwalk Townhomes" a 2-lot, 4-tract subdivision in the C-17 PUD (Commercial at 17 units/acre Planned Unit Development) zoning district.

The following changes are proposed to the existing Bellerive PUD:

- Replacing the approved two (2) Boardwalk Homes and two (2) Carriage Homes located over a detached garage with two (2) Courtyard Home structures (4 residential units total), a Boardwalk Home and a Carriage Home. This would result in six (6) residential units versus four (4) that could have been constructed on the site under the previous approval.
- In addition, the applicant is requesting a modification to the approved "Open Space" within the Bellerive PUD on the subject property, resulting in a decrease in the amount of total open space that was approved for the PUD.

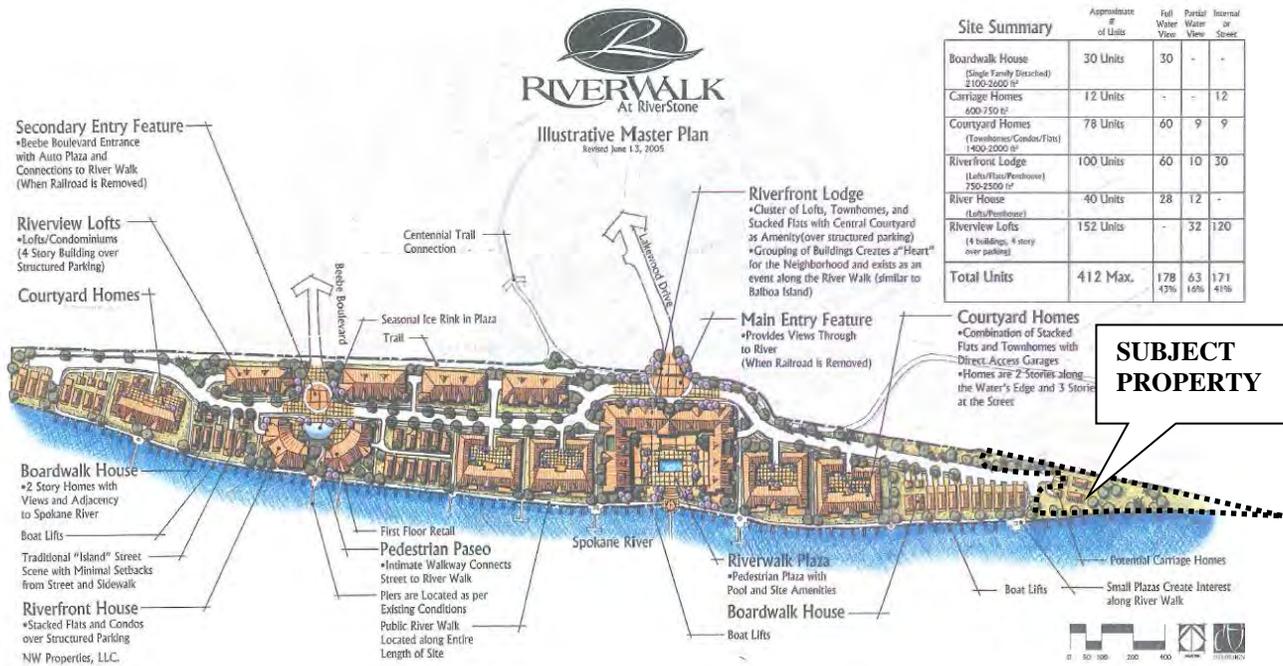
GENERAL INFORMATION:

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

History:

- On March 8, 2005, the Planning Commission approved the "Riverwalk PUD" and "Riverwalk" Preliminary Plat, which included two phases. The total number of dwelling units approved in the proposed project was 412.

APPROVED JUNE 2005 “RIVERWALK” AT RIVERSTONE PUD MASTER PLAN:

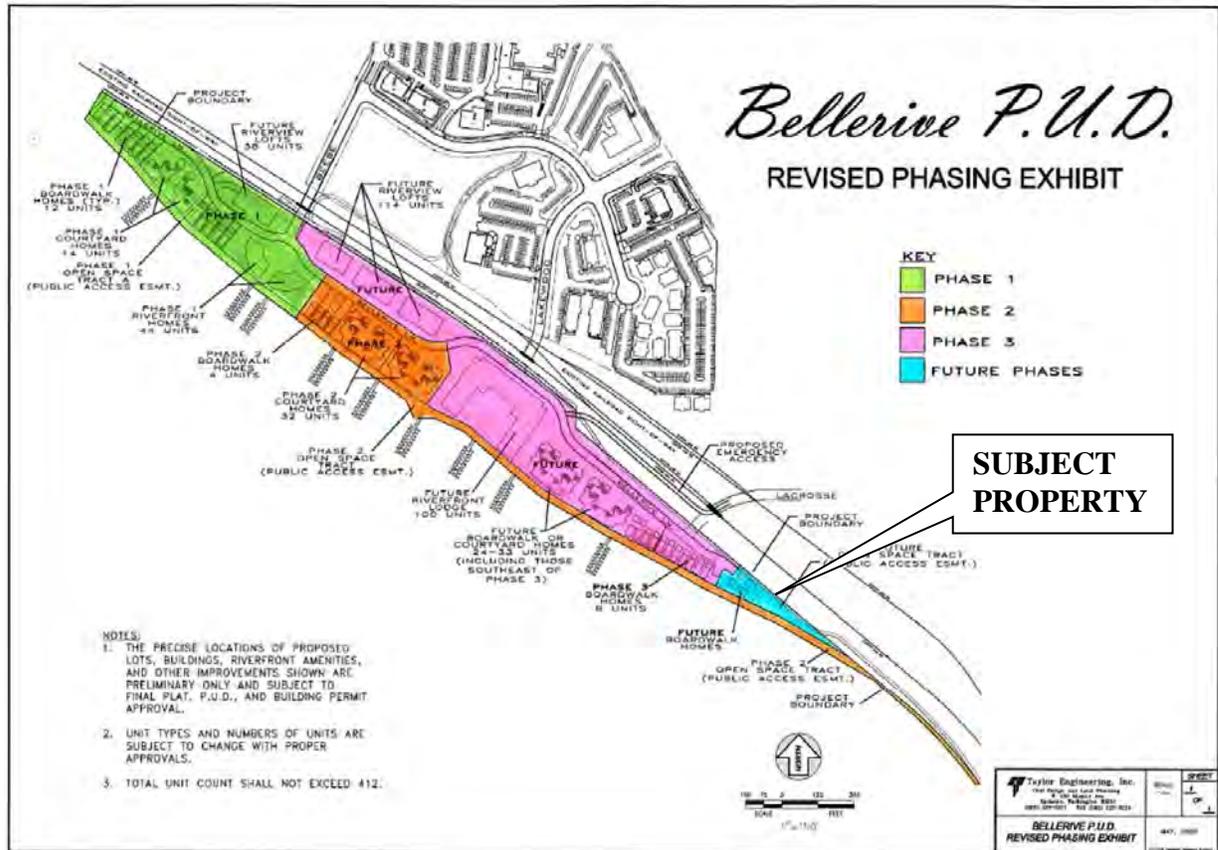


- On July 27, 2005, the Planning Commission approved an interpretation that moved the boundary between phases one and two.
- On May 13, 2008, The Planning Commission approved a request for “Bellerive PUD” formerly known as “Riverwalk PUD” for the following request:
 - Adjust the phase 2 and phase 3 boundaries at the south end of the project by drawing a new boundary line at the end of Bellerive Lane and creating a new phase 4 for the area to the south of this boundary.
 - Amend Condition 6 and add a new **Condition 9**, to address impacts created by the addition of a fourth phase.

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

NOTE: Condition 9 was never completed due to changes in ownership. Therefore, the open space area on the subject property was never platted.

MODIFIED BELLERIVE PUD PHASING PLAN- APPROVED MAY OF 2008

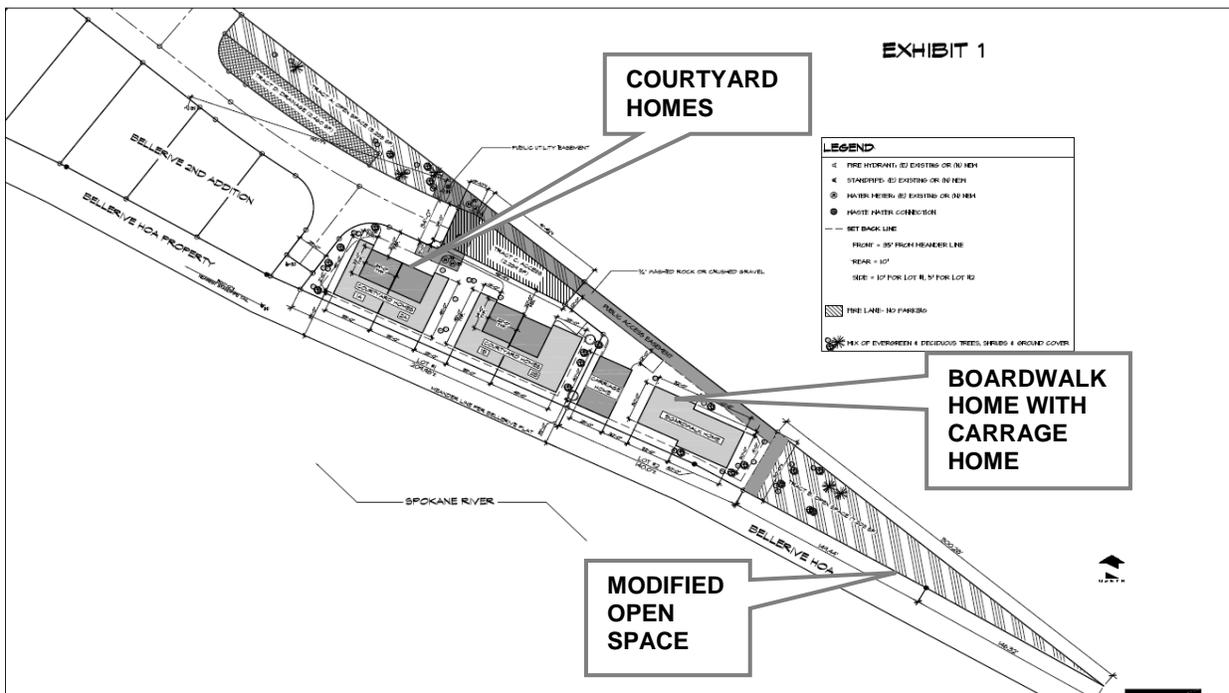


- The original Final Development Plan for the Bellerive PUD depicts two (2) Boardwalk Homes and two (2) Carriage Homes at the terminus of Bellerive Lane, the remaining portion of the property was noted on the PUD plans as “Open Space”.
- On October 9, 2012, the Planning Commission approved an interpretation (I-4-O6) that postponed Condition #3, requiring the extension of Lakewood Drive be postponed until a future phase. The Commission determined that the change was not a major departure from the approved Bellerive Final Development Plan.
- August 2015, The Bureau of Land Management granted approval of the relocation of a portion of Centennial Trail onto BLM property, formerly located on the applicant’s property. The applicant relocated this section of trail onto the BLM property and built it to city standards.

Aerial Site Photo



“Riverwalk Townhomes” PUD – Proposed Amendment to the Bellerive PUD



SITE PLAN FOR RIVERWALK TOWNHOMES ADDITION

SCALE: 1"=50'



REQUIRED FINDINGS (Planned Unit Development):

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

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

Stable Established:

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

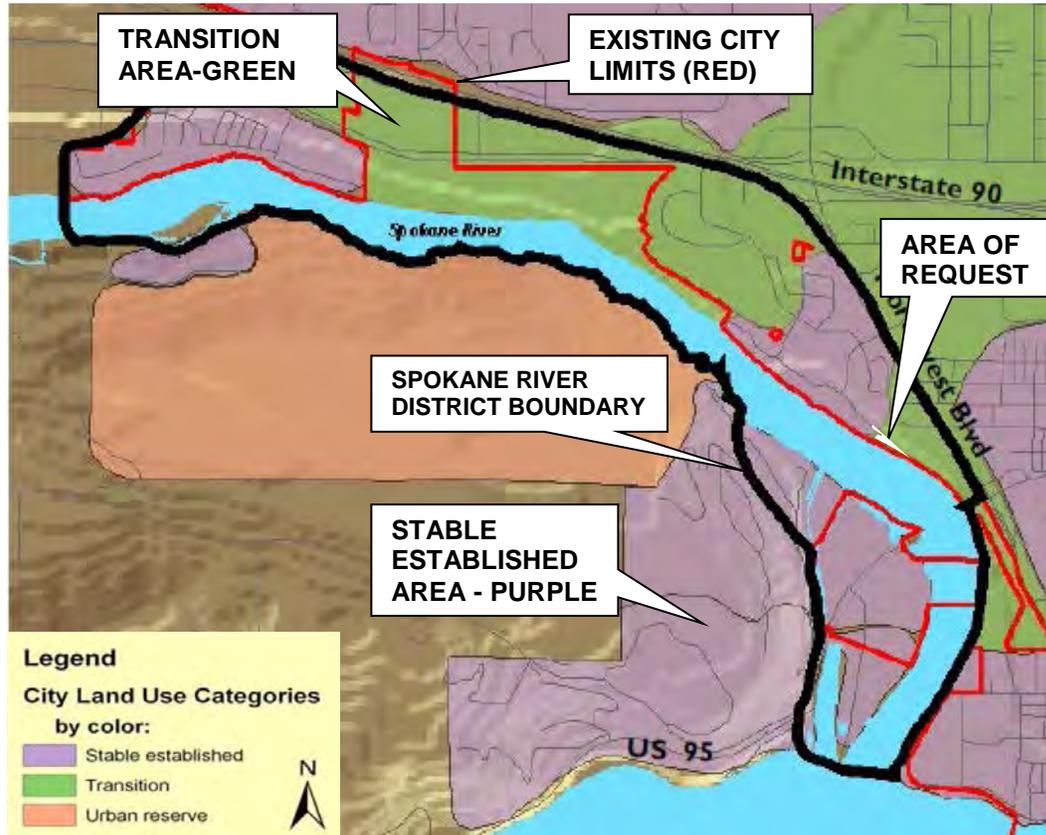
Spokane River District Tomorrow

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

The characteristics of the Spokane River District will be:

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

2007 COMPREHENSIVE PLAN MAP: SPOKANE RIVER DISTRICT – Stable Established



Significant Policies:

- Objective 1.01 - Environmental Quality:
Minimize potential pollution problems such as air, land, water, or hazardous materials.
- Objective 1.02 – Water Quality:
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.
- Objective 1.03 – Waterfront Development:
Encourage public and private development to incorporate and provide ample public access, both physical and visual, to the lakes and rivers.
- Objective 1.04 – Waterfront Development:
Provide strict protective requirements for all public and private waterfront developments.
- Objective 1.05 – Vistas:
Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d’Alene unique.
- Objective 1.09 – Parks:
Provide an ample supply of urbanized open space in the form of beaches, squares, greens and parks whose frequent use is encouraged by placement, design, and access.

- Objective 1.11 – Community Design:
Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.
- Objective 1.13 – Open Space:
Encourage all participants to make open space a priority with every development and annexation.
- Objective 3.05 – Neighborhoods:
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- Objective 3.14 – Recreation:
Encourage city sponsored and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities, hiking and biking pathways, open space passive parks, and water access for people and boats.

Special Areas: Areas of Coeur d’Alene Requiring Unique Planning

Shorelines:

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

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

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

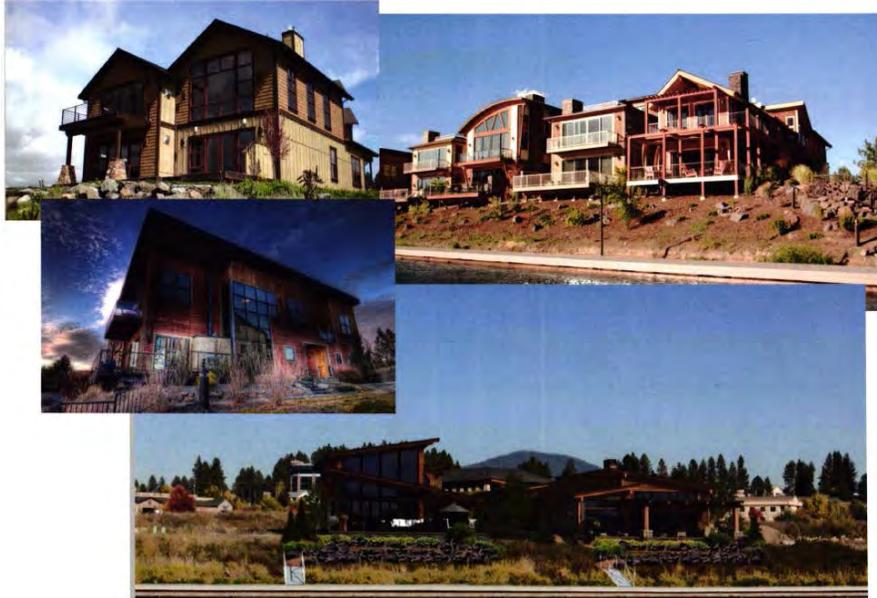
Evaluation: *The City Council must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

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

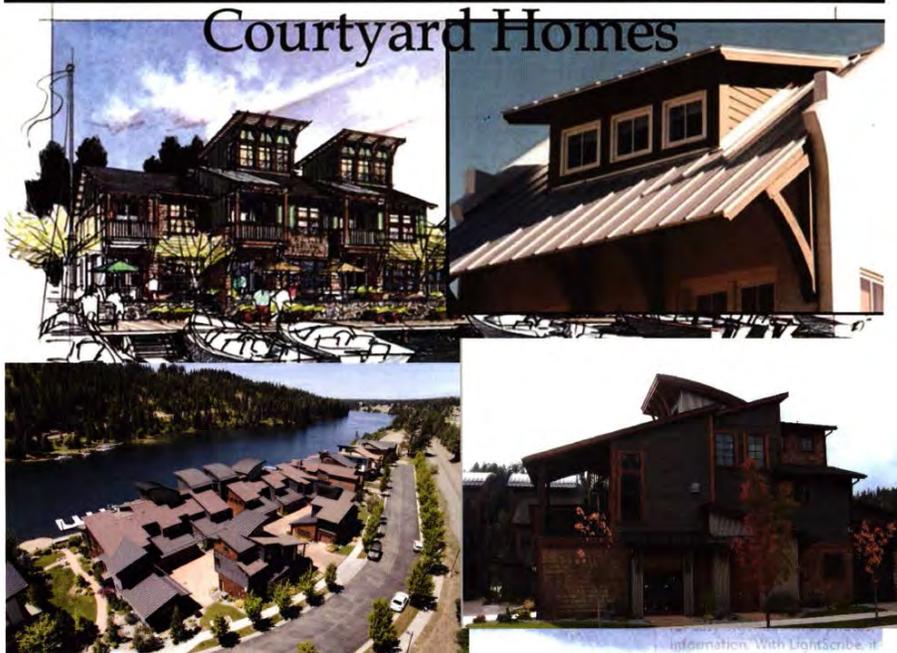
In 2004, when the “Riverwalk” Planned Unit Development was approved, it was approved as a mixed use development offering a mix of residential housing types. As it evolved, and changes in the economy and property ownership occurred, modifications to the PUD were made to approve modified phasing plans, and replatting a number of lots along the river, primarily for Boardwalk Homes in the “Bellerive” development.

The subject property is located at the terminus of W. Bellerive Lane. There are currently single family dwelling units to the west of the subject property that are existing Boardwalk Homes, along with vacant lots for future Boardwalk Homes. The boardwalk terminates just immediately west of the subject property and was designed to be extended. There is a public staircase leading from Bellerive Avenue to the boardwalk.

Boardwalk Homes



Courtyard Homes



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

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

The northwest portion of the subject property is relatively flat allowing for building pad sites, but slopes toward the Spokane River on the southeast portion of the property where the property is currently noted on the preliminary plat as “Open Space”. There is an existing well-traveled foot path leading to the shoreline through the subject property. The public is allowed to access to the shoreline.

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

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

See staff comments which can be found in finding #B7B; (Subdivision: pg.19-20) below.

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

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

The Final Development Plan for Bellerive (Formerly known as Riverstone Phase II, and Riverwalk) states that the subject property for the PUD is 24.3 acres in size or 1,058,508 square feet. The approved open space for the Bellerive / Riverwalk development was 4.42 acres, which equates to 18%. These open space areas are the responsibility of the Bellerive HOA.

The approved Final Development Plan (FROM RIVERSONE PHASE II) indicates the areas designated for the required open space within the development, however; some of the proposed open space areas were not developed and it appears that the open space requirement has not been fully satisfied to meet the project approvals for previous development phases.

Staff can verify that +/- 0.65 acre portion of open space has been completed. This encompasses the boardwalk and public mooring area. According to Jim Brady with the Idaho Department of lands, there is currently 3,200 linear feet of boardwalk along the water front which is eight feet wide, totaling 25,600 square feet. In addition there is also 2,800 square feet of transient moorage. Those areas combined totals +/- 0.65 acre. That leaves 3.77 acres of required open space that was required in the PUD.

There is a +/- 30-foot wide shoreline area referred to as Tract A in the “Riverwalk” Preliminary Plat, now called “Bellerive” 1st Addition, that was intended to contain the public walking path.

Tract "A" has been landscaped but is so heavily landscaped in areas with shrubs and includes barriers such as walls and grade differences between the publicly-accessed stairways and boardwalks that the property is not usable for open space and recreation. Additionally, many boardwalk homes are using the Tract A property as an extension of their private yards. Examples include lawns, veggie beds, and dish antennas. Tract "A" was originally intended as the location for the boardwalk/public walking path. However, the boardwalk was constructed over the water, which was approved by the Idaho Department of Lands. For these reasons, staff has determined that the boardwalk and Tract "A" cannot both be included in calculations of completed open space for Bellerive, particularly because Tract "A" is not usable and accessible to all users of the development for public open space and recreation in its current state.

The Bellerive Plat notes on the Owner's Certificate and Dedication that, "The common area (Tract A) shall be improved, managed and maintained by the Bellerive Homeowners Association and shall be for the public, for use and enjoyment for recreational purpose and to access the boardwalk along the shoreline of the Spokane River".

The open space area adjacent to the Riverview Lofts and the open space areas along the Centennial Trail that were approved with the Bellerive PUD have not been landscaped, irrigated, improved or maintained to provide usable open space. The area adjacent to the lofts was converted to a drop off area for the businesses and condominiums and a fountain.

PHOTOS OF THE APPROVED "OPEN SPACE" AREAS IN BELLERIVE:

Boardwalk and Tract "A": "Open Space"







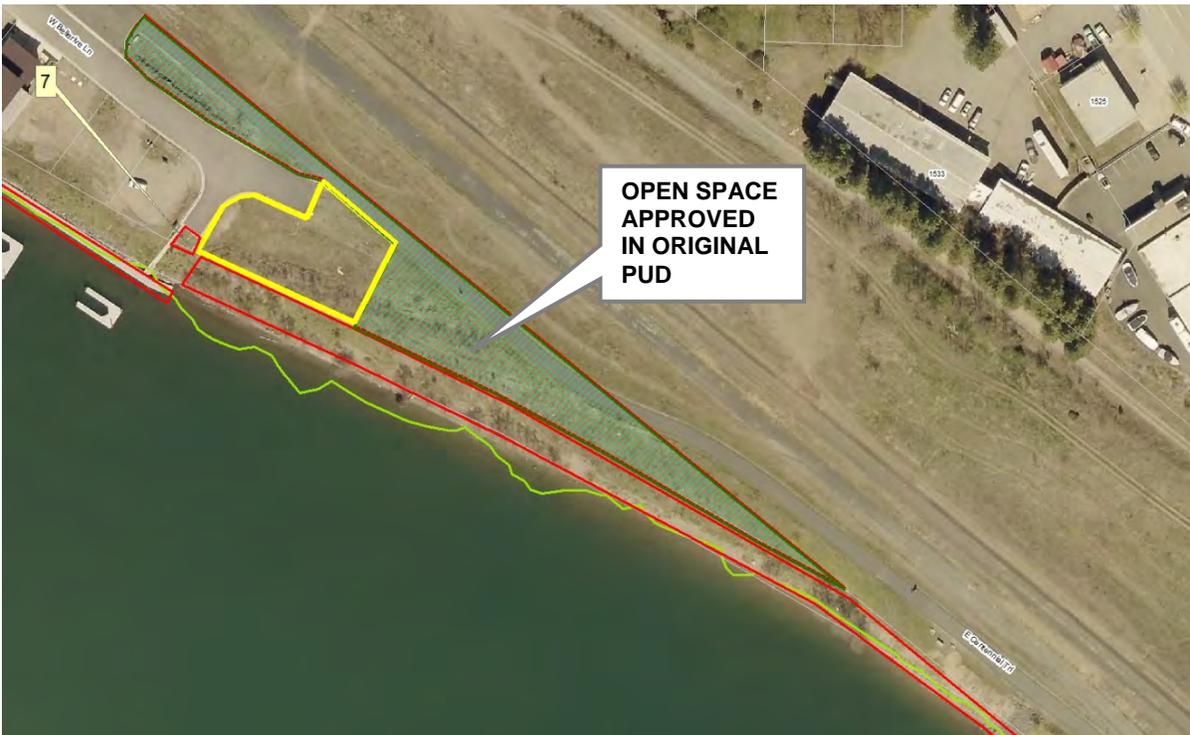
Unimproved "Open Space" areas along the Centennial Trail



Approved "Open Space" area adjacent to Riverfront House. The original intent was for this plaza to include a Seasonal Ice Rink that is open to the public.

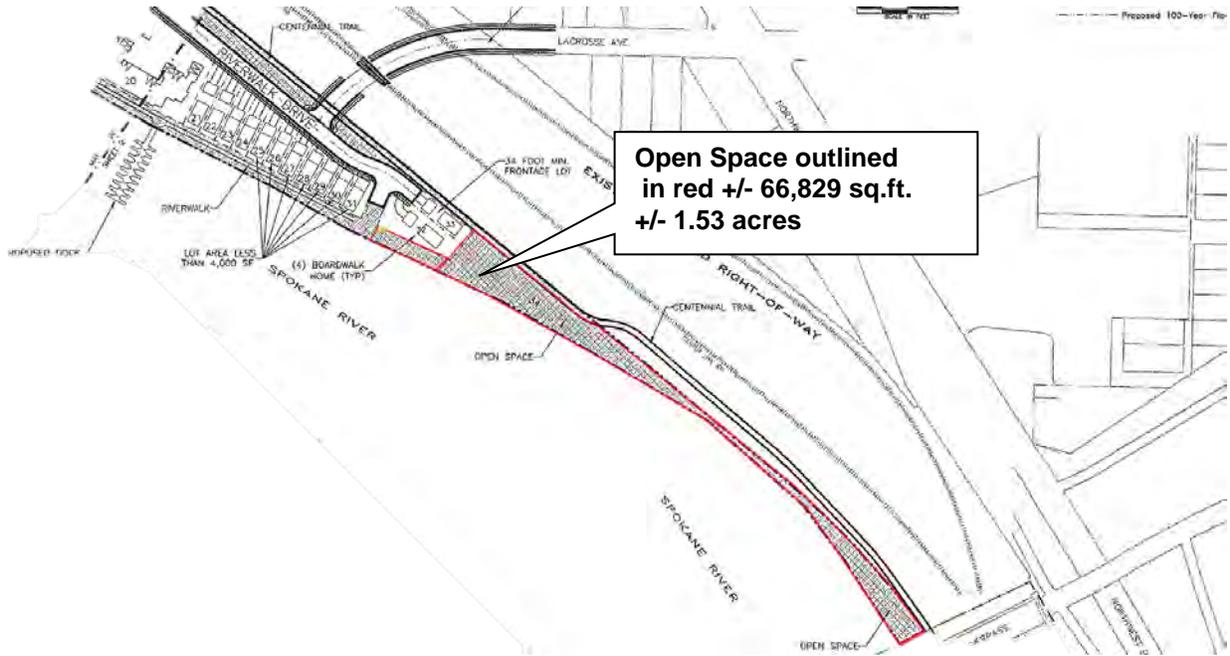


The area depicted below on the subject property which is colored in green and called out as "Open Space" represents approximately 1.53 acres of the overall required open space for the Bellerive PUD

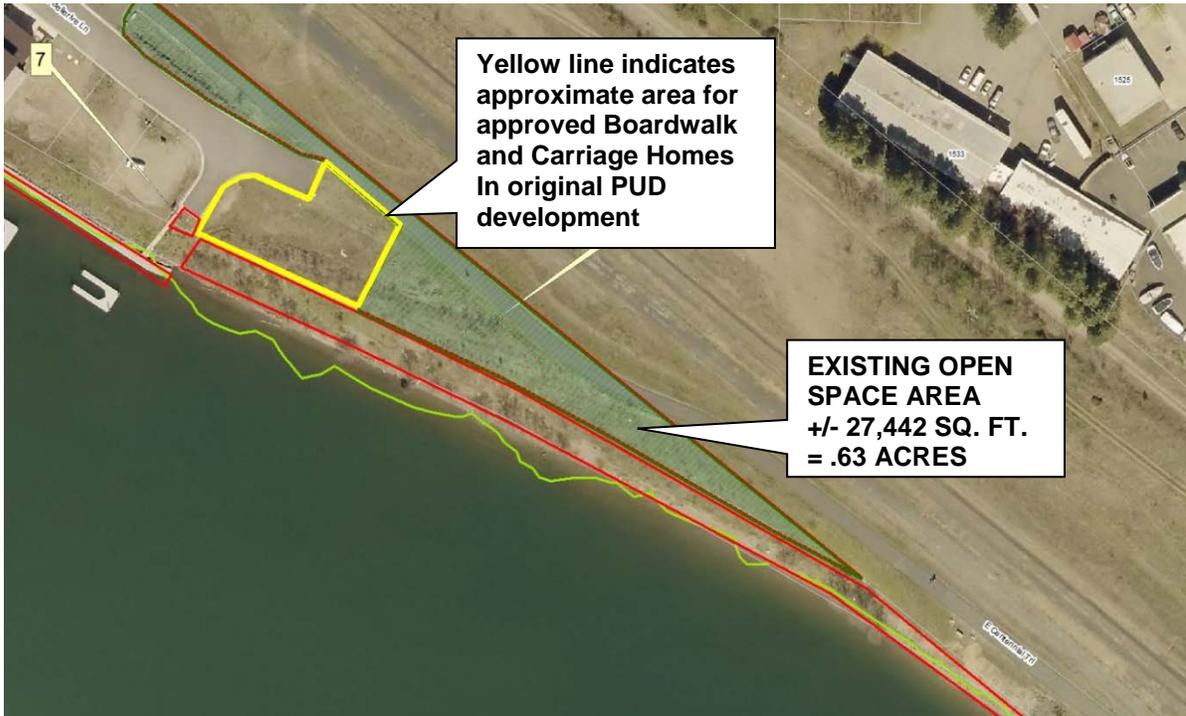


The PUD section of the Zoning Code requires open space to be usable private open space with amenities and public access. The open space must be free of buildings, streets, driveways and parking areas, accessible to all users of the development, and usable for open space and recreational purposes. (*Emphasis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

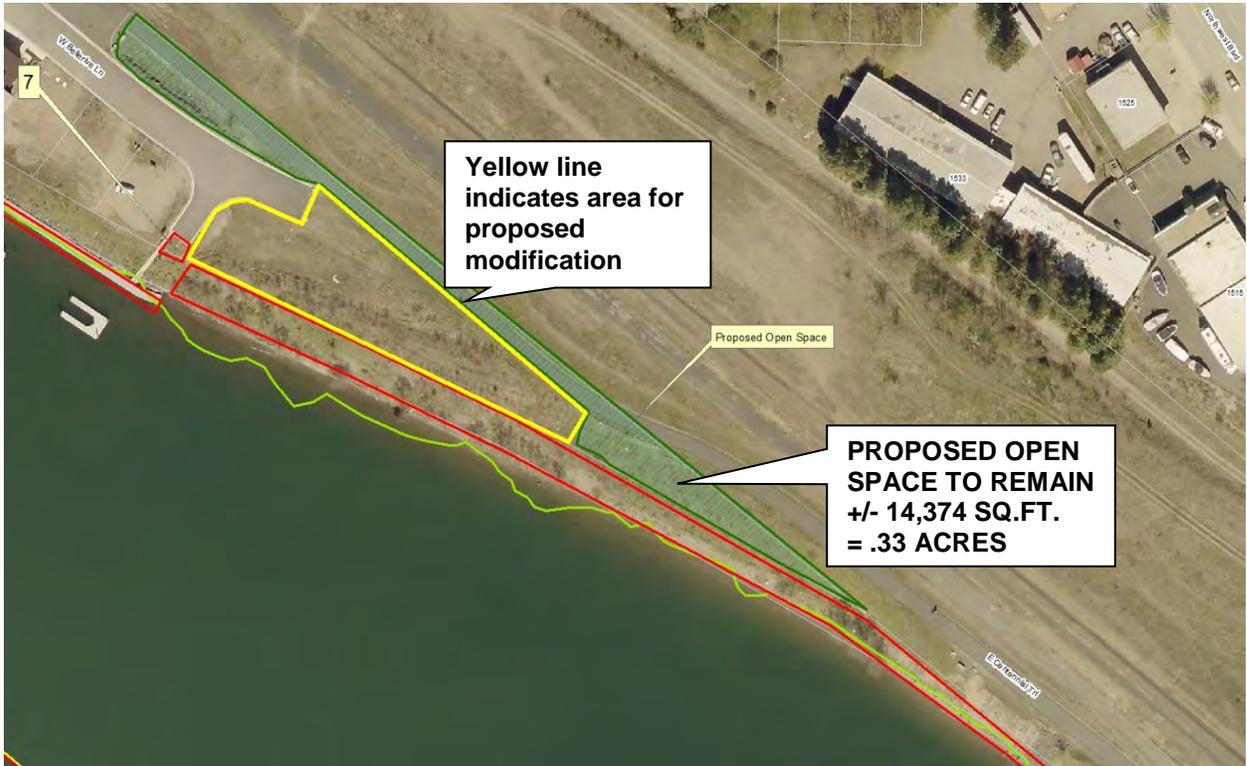
APPROVED OPEN SPACE ON THE SUBJECT PROPERTY PER THE BELLERIVE FINAL DEVELOPMENT PLAN (PUD-1-04) – Equates to +/- 1.53 acres.



EXISTING / APPROVED BELLERIVE PUD OPEN SPACE ON THE SUBJECT PROPERTY:



PROPOSED PUD MODIFICATION OF OPEN SPACE ON THE SUBJECT PROPERTY:



SITE PHOTO OF PROPOSED OPEN SPACE AREA ON SUBJECT PROPERTY:



The applicant has noted in the narrative that they will work with the Bellerive HOA to develop and implement a plan for these two new tracts consistent with the neighboring landscaping master plan and design guidelines. However, staff has not received a landscape plan or any specifics on

what the open space on the subject property would include or how it would be improved, landscaped, irrigated, or maintained to provide for open space and recreation.

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal provides adequate private common open space area, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. In addition, the City Council must determine whether the requested modification and reduction in open space would satisfy the open space requirement of the Bellerive PUD and if the proposed open space meets the intent of the code and previous project approvals. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.*

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

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

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

The applicant is proposing (8) eight parking spaces for the Courtyard Homes, and (2) two spaces for the Boardwalk Home, which meets the parking requirements of the approved PUD.

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

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

The Bellerive Homeowner's Association was a part of the original approval and Final Development Plan.

Riverwalk Townhomes has proposed a new Homeowner's Association. The new HOA will include the repair and maintenance of building exteriors, common area landscaping and the construction, repair and maintenance of the shared driveway. This is in addition to the original "Bellerive Master HOA".

As a condition of approved PUD, the Planning Commission required the formation of a property owners association to ensure the maintenance of all common open space areas.

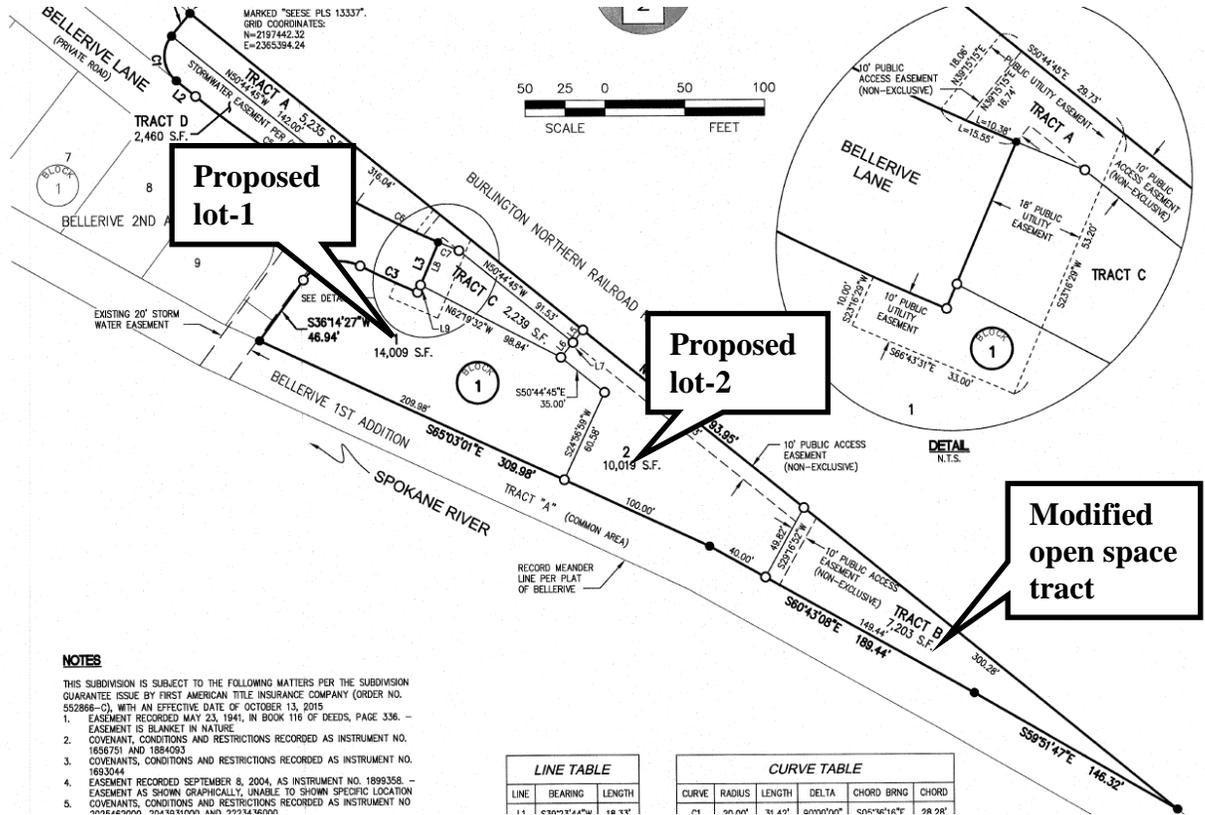
Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal provides for an acceptable method for the perpetual maintenance of all common property.*

REQUIRED FINDINGS (Subdivision)

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

Per Gordon Dobler, City Engineer, the preliminary plat submitted contains all of the general preliminary plat elements required by Municipal Code.

PRELIMINARY PLAT OF "RIVERWALK TOWNHOMES" – PROPOSED 2-LOT 4-TRACT SUBDIVISION (S-6-15)



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

UTILITIES SUMMARY:

Sewer

Public Sewer is available at the end of Bellerive Avenue which borders this PUD request.

All sewer infrastructure upstream of sanitary sewer manhole BEL-2B8 shall be owned and maintained by the property owner. Any future subdivision resulting with separate owners will require extending public sewer conforming to the City standards and policies.

Submitted by Mike Becker, Utility Project Manager

Water

The public water system has adequate capacity to effectively serve the proposed PUD and plat with the additional domestic and irrigation water services and fire hydrant as illustrated in the plan set given on 11/16/2015. All lateral service lines past the water meter locations are the responsibility of the property owner(s).

Submitted by Terry Pickel, Assistant Water Superintendent

ENGINEERING:

Stormwater

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

Assessment:

Accommodations for roadway drainage were addressed in the previous phases in the Bellerive developments. Drainage generated from impervious areas created through construction on the newly platted lots will be required to be contained in bio-filtration swales on the individual lots. Construction of the swales will be required at the time of building permit issuance, and, all maintenance will be the responsibility of the property owners.

Traffic

The ITE Trip Generation Manual estimates the project may generate approximately 39 trips per day when fully developed and occupied. This is based upon average data from the ITE Trip Generation Manual utilizing condo classification for the courtyard homes, single family dwelling, and, apartment for the proposed carriage house accessory dwelling unit.

Assessment:

The adjacent and/or connecting streets will accommodate the noted traffic volume. The peak hour movements only amount to 3.0 and 3.7 trips for the A.M./P.M periods respectively, and with all access to the Riverstone area development controlled by signalized intersections, these additions will be insignificant.

Streets

The proposed subdivision is bordered by Bellerive Lane which is a thirty two foot (32') wide private road, owned and maintained by the Bellerive Homeowners Association.

Assessment:

Proposed lot one of the development adjoins the existing private roadway, and, proposed Lot 2 accesses via access easement across a dedicated "tract".

FIRE:

The Fire Department works with the Engineering, Water and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals. The location for the new fire hydrant is acceptable.

-Submitted by Bobby Gonder, Fire Inspector

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

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

The subdivision design and improvement standards have been met.

SUBDIVISION IMPROVEMENTS

All subdivision infrastructure that is required to be installed for purpose of obtaining building permits for the subject lots can be installed through the site development permit process

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

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

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

Bellerive was proposed as a mixed use development but is primarily Boardwalk Homes along the Spokane River. The proposal is a decrease in the density originally approved within

“Riverwalk/Bellerive” PUD which was for a total of 412 dwelling units or not greater than 17 units per acre. The proposed density is 6.35 du/acre.

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

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

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

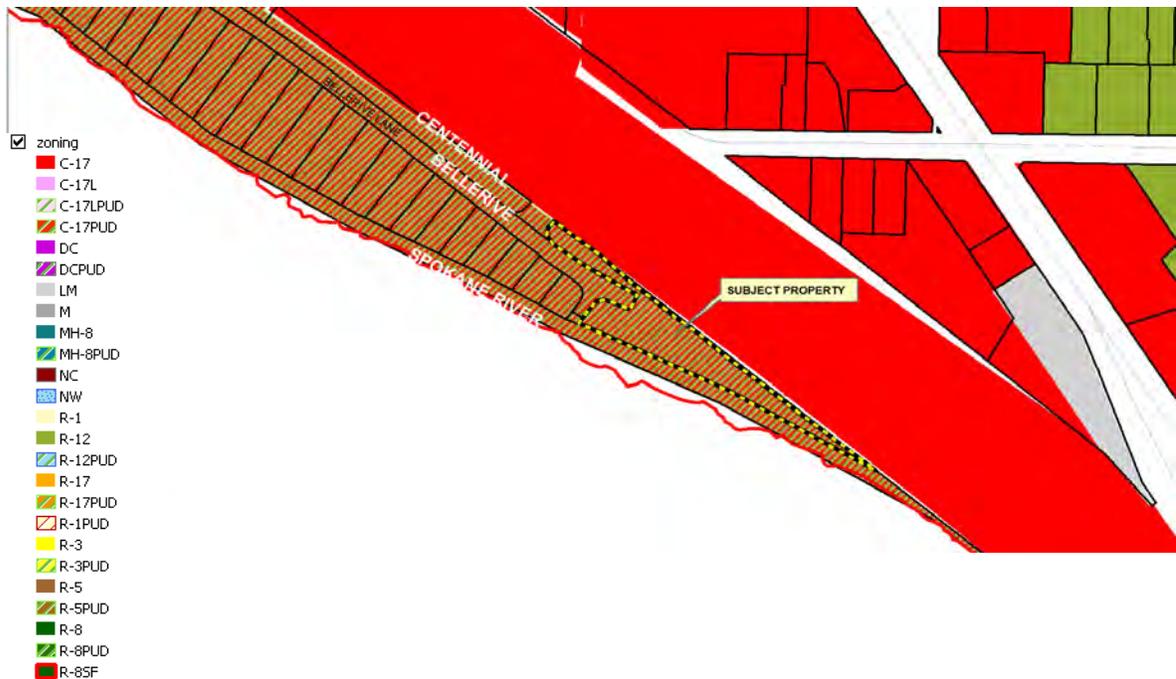
- Boardwalk Homes: five-foot side yards on both sides (5'/5')
- Courtyard Homes: ten-foot side yards on both sides (10'/10')
- Reduced setback along the Spokane River frontage from forty feet (40') to thirty-five (35') minimum.

The request is consistent with these building heights and setbacks.

As stated previously, the applicant is requesting replacing the approved two (2) Boardwalk Homes and two (2) Carriage Homes located over detached garages that were shown on the Final Development Plan for Bellerive PUD with (2) two Courtyard Home structures (4) residential units total) and one (1) Boardwalk Home with one (1) Carriage Home over a detached garage for a total of six residential units.

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

ZONING:



SUBDIVISION AND PLANNED UNIT DEVELOPMENT CONDITIONS:

ENGINEERING:

1. Drainage generated from impervious areas created through construction on the newly platted lots will be required to be contained in bio-filtration swales on the individual lots. Construction of the swales will be required at the time of building permit issuance, and, all maintenance will be the responsibility of the property owners.
2. All subdivision infrastructure that is required to be installed for purpose of obtaining building permits for the subject lots can be installed through the site development permit process. Utility lateral service installations will be required prior to any certificates of occupancy being issued for the subject properties.

STORMWATER:

3. 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.

PLANNING:

4. Prior to final plat recordation, the landscaping, irrigation and other improvements for all required "Open Space" areas throughout Bellerive, including the open space on the subject property, be completed or bonded for.
5. Prior to final plat recordation, the HOA shall post signage indicating "Public Open Space" in all areas of Bellerive designated for public use.
6. Prior to recordation of the final plat, the applicant/owner shall provide the city with documentation that the Riverwalk Townhomes properties have been included in the Bellerive HOA and provide documentation of any additional homeowners association that have been formed, including a copy of the CC&R's that includes detailed maintenance responsibilities of all private infrastructure (roads, drainage structures, street lighting, and all open space areas, etc.).
7. There shall be no more than six (6) total residences on the subject property and the maximum number of units for the "Courtyard Homes shall be limited to four (4).
8. The notes on the signature page of the preliminary plat shall be modified to assure the language pertaining to the common areas meets the city's requirements.
9. The maximum driveway width at the terminus of Bellerive Lane to access the proposed Boardwalk Home and Carriage Home shall be ten (10').
10. A minimum five-foot (5') wide Public Access Trail using surface material acceptable to the City shall be provided from the terminus of Bellerive Lane and connecting to Tract A and Tract B of the Riverwalk Townhomes prior to recordation of the final plat or bonded for. Landscaping shall also be provided along the Public Access Trail within the ten-foot (10') wide Public Access Easement.
11. Stairs shall be installed within the subject property to provide public access connecting the open space tract (referred to as Tract B Riverwalk Townhomes) to the riverfront within Tract A, Bellerive 1st Addition A. The stairs shall be located within the ten-foot (10') public access easement between Lot 2 and Tract B Riverwalk Townhomes. In lieu of stairs, a minimum four-foot (4') formalized Public Access Trail could be installed/improved

in a location that is mutually agreed to by the applicant/owner and the city. The stairs or trail shall be installed/improved prior to final plat recordation or bonded for.

12. If the current and/or future owners apply for an encroachment permit for docks with the Idaho Department of Lands (IDL) and the request is approved by IDL and is also a legally valid requirement of the riparian rights holder, the eight-foot (8') wide boardwalk shall be extended along the Spokane River to the southeastern extent of the single-family residential lot for the proposed boardwalk home and connected to the open space tract (referred to as Tract A, Bellerive 1st Addition) within the subject property. If a boardwalk is required, it shall be extended prior to issuance of any permits related to a request for a dock.
13. The applicant/owner is required to advise any purchasers of condition #12, in writing, and subsequent purchaser(s) must likewise give notice in writing of this condition to any future purchasers. Copies of any such written notices shall be provided to the City's Planning Department.

WATER:

No conditions.

WASTEWATER:

14. The Public Utility Easement for the public sewer system must be recorded with copies submitted to the City Wastewater Utility.
15. All sewer infrastructure upstream of sanitary sewer manhole BEL-2B8 shall be owned and maintained by the property owner. Any future subdivision resulting with separate owners will require extending public sewer conforming to the City standards and policies.

FIRE:

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

ORDINANCES AND STANDARDS USED IN EVALUATION:

Comprehensive Plan - Amended 1995
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
Coeur d'Alene Bikeways Plan
Resolution 14-049

STAFF UPDATE:

At the Planning Commission meeting held on December 8th, the commission denied without prejudice the requested PUD and subdivision due to the deficiency of completed and functional open space in Bellerive and directed staff to work with the Bellerive Homeowners Association to discuss and resolve the “open space” deficiencies for the overall development and work with the HOA toward getting the PUD into compliance. Staff met with John Magnuson, Attorney for the Bellerive HOA, to discuss the “open space” deficiencies and staff has also briefly discussed the issue with Cliff Mort.

Staff will be asking for an interpretation of open space at the February 9th Planning Commission and seeking clarity from the commission on the open space requirement relative to PUD projects, Pocket Residential Development projects, and Subdivisions.

ACTION ALTERNATIVES:

The City Council must consider this request and make appropriate findings to:

- Approve
- Approve with additional conditions
- Refer back to the Planning Commission
- Deny, or
- Deny without prejudice.

Alternatively, the city council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section 16.25.030.

NOTE: Two separate motions are required – one for the PUD request and one for the Subdivision request.

ACTION ALTERNATIVES:

Planned Unit Development: 17.09.125

C. City Council Action: The city council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The city council may approve, conditionally approve, refer back to the planning commission, deny or deny without prejudice. If the proposal is approved by the city council, the city attorney will prepare the documents to enact the zone change or text change ordinance. The city council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the city council within forty (40) days of such referral and the city council shall then hold a public hearing as prescribed in this section. (Ord. 3127 §18, 2003: Ord. 3025 §17, 2001: Ord. 1917 §1, 1985: Ord. 1844 §4, 1984: Ord. 1691 §1(part), 1982)

Subdivision: 16.25.050.

B. The city council will, after notice as prescribed in subsection 17.09.120B of this code, hold a de novo public hearing on the proposal. The city council may approve, conditionally approve, deny or deny the request without prejudice. Alternatively, the city council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section 16.25.030 of this chapter.

Narrative for Riverwalk Townhomes
(Bellerive PUD Amendment)

Project Background

The Bellerive Planned Unit Development (PUD) is a mixed-use community located in the City of Coeur d'Alene between the Spokane River and Riverstone.

The Final PUD and Development Plans were approved by the City in October, 2005. A Memorandum of Agreement was filed between the developer and the City in December, 2005 outlining the respective responsibilities and obligations of both parties.

Since the project was initially approved, a considerable amount of change has occurred resulting in a substantial reduction in the number of dwelling units approved within the Bellerive community.

Approved Dwelling Types in Final Plan	October 2005 Approved	October 2015 Platted	Difference
Boardwalk Homes (Single-family detached)	30	73	43
Carriage Homes (Dwellings located over detached garages)	12	41	29
Courtyard Homes (Combination of stacked flats and townhomes with direct access garages in 2 to 3 story buildings)	78	14	(64)
Riverfront Lodge (Cluster of lofts, townhomes, and stacked flats with central courtyard in a 3 to 4 story building)	100	0	(100)
Riverfront House (Stacked Flats and Condominiums on upper floors, ground level commercial and structured parking – 3 to 4 story buildings)	40	49	9
Riverview Lofts (Stacked Flats on the north side of the internal street in four buildings – four stories each over parking)	152	0	(152)
TOTAL	412	177	(235)

Previously approved PUD modifications:

- Belle Starr Addition – 4 Boardwalk Homes (eliminating Courtyard Homes)
- Whitehawk Addition – 4 Boardwalk Homes (eliminating Courtyard Homes)
- Bellerive 4th Addition – 17 Boardwalk Homes and 17 Carriage Homes (eliminating the Riverfront Lodge and Courtyard Homes)
- Bellerive 5th Addition – 24 Boardwalk Homes and 24 Carriage Homes (eliminating the Riverview Lofts)

Narrative for Riverwalk Townhomes
(Bellerive PUD Amendment)

Proposed Modification

Ten years ago, the Final Plan approved use of the subject property for two residential lots each containing a Boardwalk Home and Carriage Home.

The applicant kindly requests a plan modification so Lot #1 can be utilized for four (4) Courtyard Homes. Lot #2 will be utilized as originally planned. In addition, a plan deviation is requested to eliminate the sidewalk requirement for Lot #1.

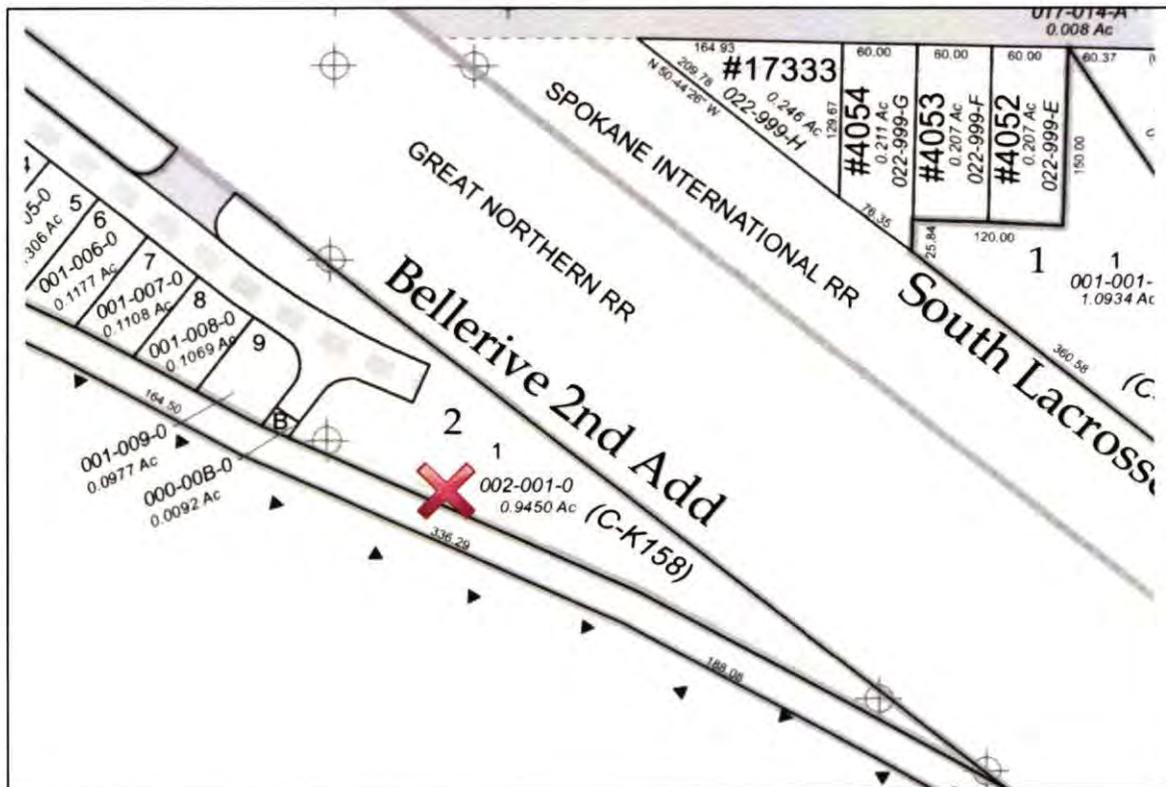
Justification

The Final Plan was approved with the following condition: "Total number of units to be any combination of each unit as indicated with a maximum total number of units of 412 or less." As of October 1, 2015 there are 177 approved dwelling units as a result of previously approved plan amendments that eliminated 235 residences from the community. The net result of the proposed modification vs. the 2005 Final Plan is two additional residential dwellings on the subject property.

In place of a ribbon of concrete, additional trees and shrubs will be installed to create a more visually appealing landscape at the east end of Bellerive Lane.

1a. Legal Description

Lot 1, Block 2 of Bellerive 2nd Addition according to the Plat recorded in Book "K" of Plats, pages 158 - 158D, Records of Kootenai County, Idaho.



Narrative for Riverwalk Townhomes
(Bellerive PUD Amendment)

1b. Overall Description

The overall concept and proposed uses and activities of the Bellerive PUD remain unchanged as described in the Final Plan:

"Envisioned as a destination primary and secondary home community, Riverwalk [Bellerive] will provide a variety of product offerings and amenities suitable to a lifestyle oriented to the Spokane River. The neighborhood street will be quaint with a distinct traditional character, including front porches. A variety of products will be located throughout the community, including single-family, courtyard units [multi-family] and stacked flats."

"Uses within this community will be primarily residential with a small retail and entertainment component. Both public and private amenities are proposed. Public uses include a river walk on the Spokane River frontage and a public plaza at the terminus of Beebe Boulevard. Private amenities include a pool and plaza oriented to the Spokane River. Docks and boatlifts will be included along the river frontage."

1c. Physical Description of Proposed Facilities

The proposed Riverwalk Townhomes project is comprised of four Courtyard Homes, one Boardwalk Home and one Carriage Home. All buildings will conform to applicable City and state building codes and architectural design guidelines.

Each residential dwelling will have adequate off-street parking accessed from Bellerive Lane or a private, shared driveway. Buildings will conform to the neighborhood architectural guidelines which require approval from the Bellerive Design Review Committee prior to plan submission to the City of Coeur d'Alene for building permits.

Landscaping around the buildings will conform to local standards using native plant materials and designed to consume very minimal water resource and maintenance.

Site performance standards:

Project Area:	.945 acres
Zoning:	C-17 with PUD Overlay
Number of Lots:	2
Density:	6.35 dwelling units per acre
Min Lot Width:	120'
Max Lot Width:	220'
Height:	55' for Courtyard Homes and 35' for Boardwalk Home
Off-Street Parking:	2 spaces per Boardwalk Home and 1.5 spaces per Courtyard Home

Setbacks

Front (River):	Meander Line plus 35'
Rear:	10'
Side:	5' for Boardwalk Home and 10' for Courtyard Homes

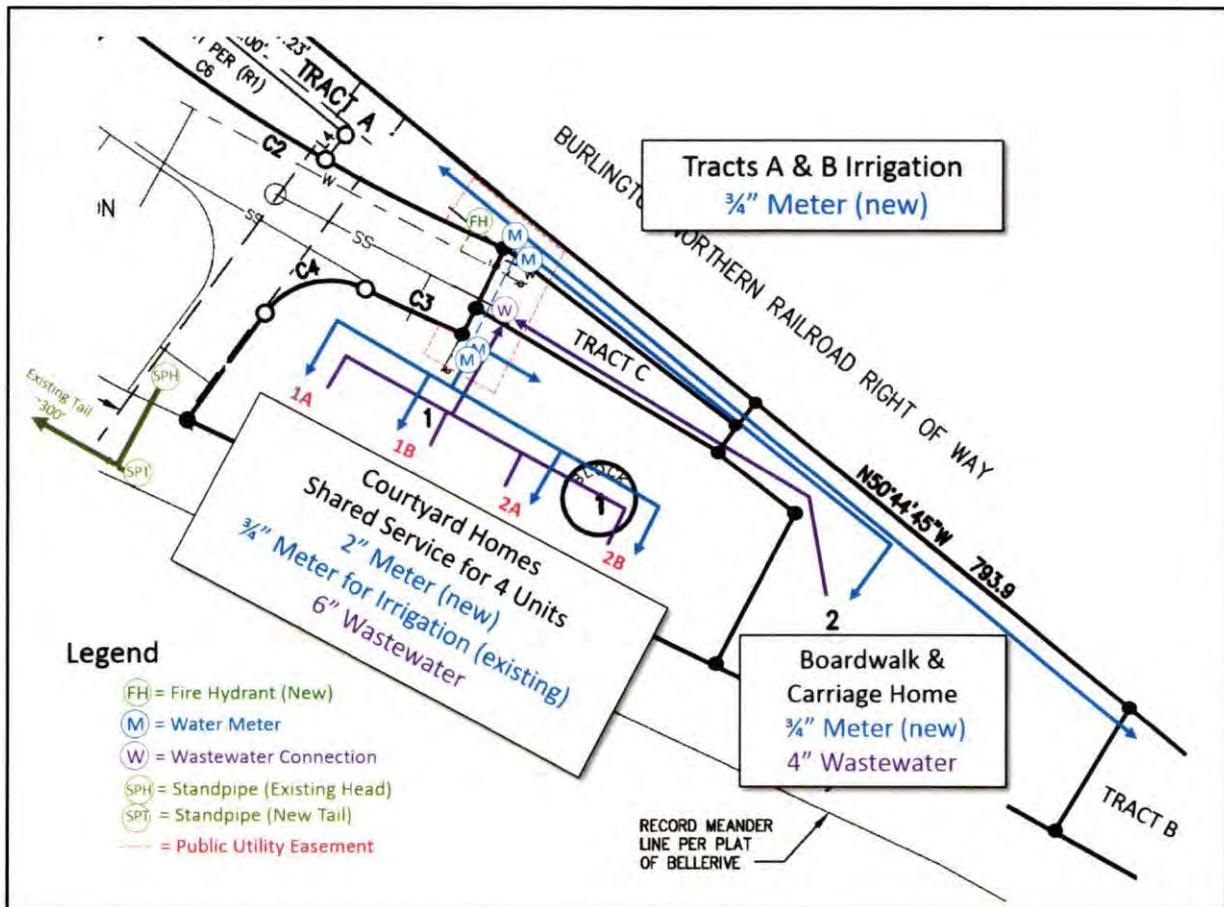
Narrative for Riverwalk Townhomes
(Bellerive PUD Amendment)

1d. General Designation of Utilities

All major utilities including water, sanitary sewer, natural gas, and electricity are currently on site and available. Each residential dwelling unit will have separately metered electricity, natural gas and communication services.

A single water and sanitary sewer connection will serve all four Courtyard Homes on Lot #1. A single water and sanitary sewer connection will serve the Boardwalk Home and Carriage Home on Lot #2.

Preliminary Public Utility Plan



To provide adequate fire flows, an additional fire hydrant will be required. This will be installed at no cost to the City in accordance with the Fire Department's specifications and installation standards.

The Bellerive Home Owners Association (HOA) owns the riparian rights and is in the process of amending their Idaho Department of Lands Encroachment Permit for additional docks. If the future Riverwalk Townhome residents desire a private boat slip, each will be individually responsible to fund the cost of installation, repairs and maintenance. To accommodate the possibility of future boat slips, an additional standpipe outlet (tail) will be added to the existing system at no cost to the City.

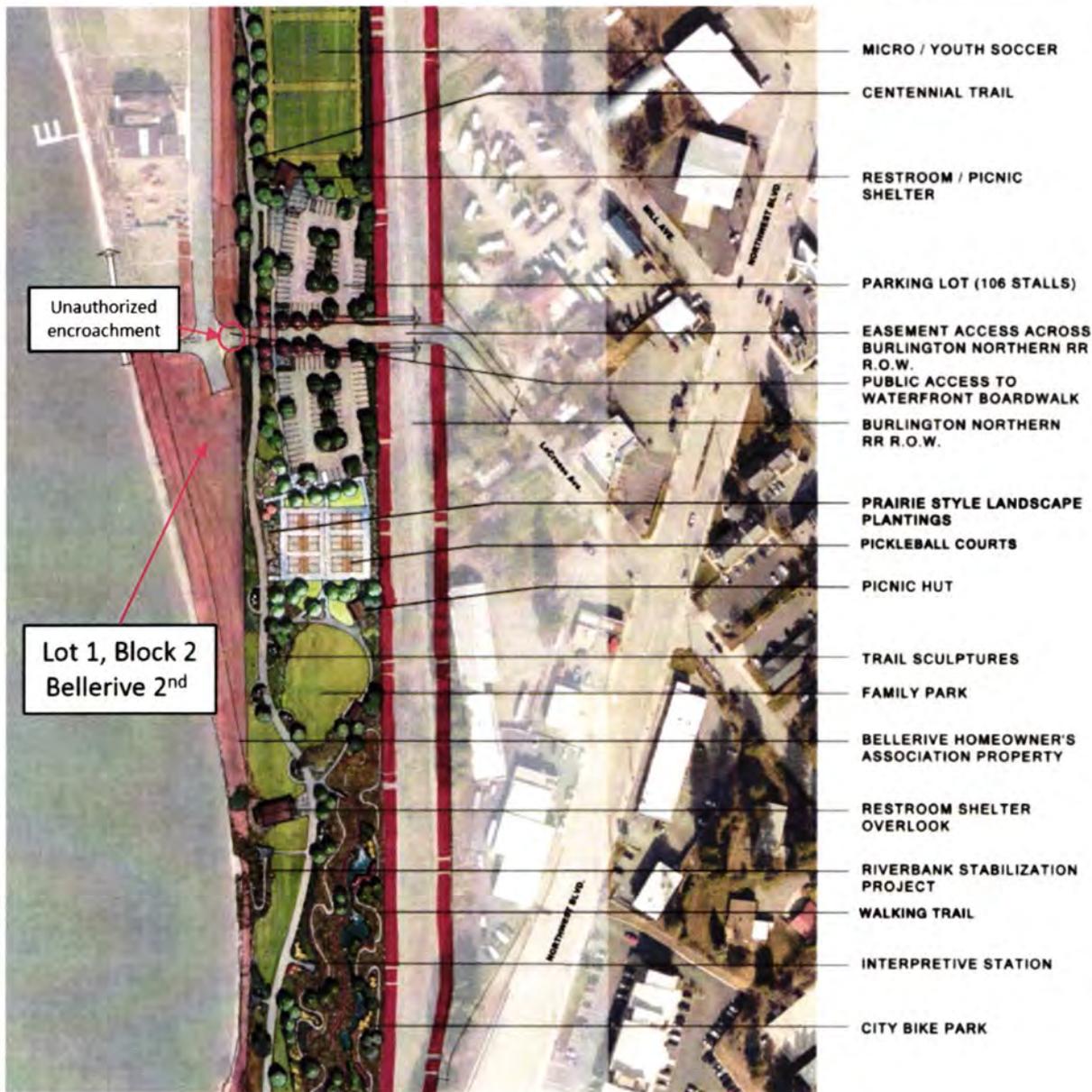
Narrative for Riverwalk Townhomes
(Bellerive PUD Amendment)

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

A new Home Owners Association will be formed to specify the obligations and responsibilities of the Riverwalk Townhome residents related to the repair and maintenance of building exteriors, common area landscaping and the construction, repair and maintenance of the shared driveway. This new HOA will be in addition to the Bellerive Master Association which governs the entire PUD.

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

The applicant is aware that the City is in the process of applying for a recreation lease with the U.S. Bureau of Land Management to develop the adjacent property (abandoned Railroad Right of Way) into a City Park. The Master Plan has been proposed but is not approved. The published plan erroneously depicts an asphalt path through the subject property which has not approved by the owner.

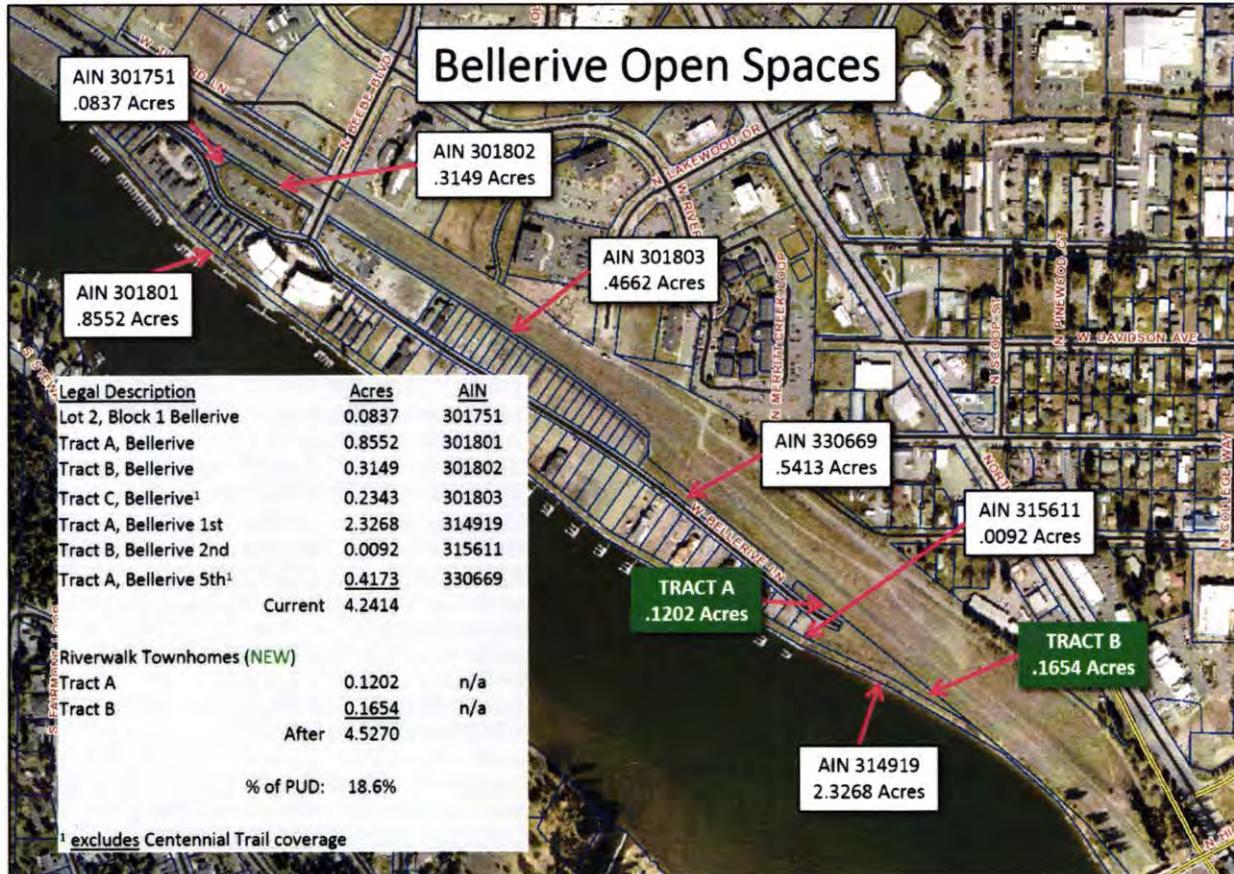


https://www.cdaid.org/files/Council/FourCorners/Hwy_95_to_BLM_Boundary-sm.pdf

Narrative for Riverwalk Townhomes
(Bellerive PUD Amendment)

Open Space

Two new open space tracts will be created representing .2856 acres or 30.2% of the subject property. Combined with existing tracts, the total open space within the Bellerive community will be 4.5270 acres or 18.6%. This calculation does not include .3559 acres of Bellerive property that has been dedicated for the Centennial Trail.



The applicant will work with the Bellerive HOA to develop and implement a plan for these two new tracts consistent with the neighborhood landscaping master plan and design guidelines.

2a. Perimeter boundaries of the site

The site is a single lot the boundary of which is depicted on Exhibit 1.

2b. Streets and driveways, sidewalks and pedestrian-ways, off-street parking and loading areas

Exhibit 1 provides a conceptual site plan depicting driveways and parking areas.

2c. Location and dimension of buildings and structures

The building envelopes are dictated by the site performance standards specific to the Bellerive PUD. The precise building size and configuration will be determined by the future property owners.

2d. Utilization of buildings and structures, including activities and number of living units

Buildings will be utilized for 6 residential dwelling units.

Narrative for Riverwalk Townhomes
(Bellerive PUD Amendment)

2e. Reservations for public uses, including schools, parks, playgrounds, and other open spaces

30% of the subject property will be open space.

2f. Major landscaping features and preliminary location of water sewage and drainage facilities

Landscaping will conform to all existing HOA guidelines and standards and will feature minimal water consumption and required maintenance.

All residential dwelling units will be attached to the City's sanitary sewer system located approximately 5' from the east end of Bellerive Lane.

Storm water will be directed to the dedicated area in Tract D.

2g. Artist's or architectural renderings sufficient to clearly establish the scale, character and general appearance of the development

Exhibit 2 contains examples of approved Boardwalk and Courtyard Home architecture.

3a. Anticipated Timing

Timing for the design, construction and occupancy of the Courtyard Homes, Boardwalk Home and Carriage Home will be at the discretion of the future property owners.

Installation of the required public utilities will be complete prior to submission of applications for building permits.

3b. Total Number of Acres by Phase

.945 acres will be developed in a single phase.

3c. Percentage of Acreage Devoted to Particular Uses

- Residential = 58.4%
- Open Space = 30.2%
- Access and storm water management = 11.4%

3d. Proposed Number and Type of Dwelling Units

- Courtyard Homes = 4
- Boardwalk Home = 1
- Carriage Home = 1

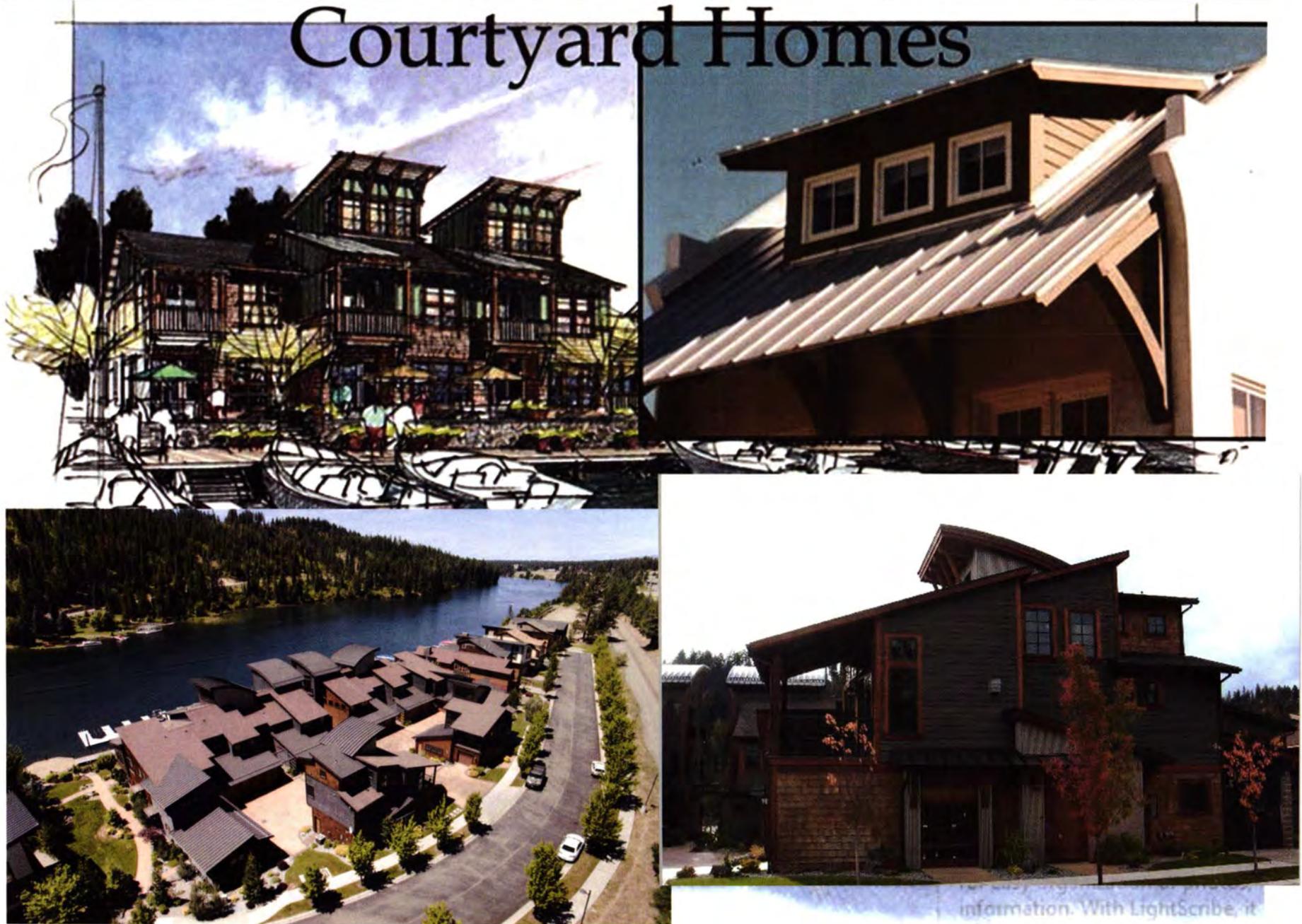
3e. Average Residential Density

6.35 dwelling units per acre.

Boardwalk Homes



Courtyard Homes



Applicant: Riverwalk Townhomes, LLC
Location: Bellerive Lane
Request:

- A. A modification to Riverwalk PUD QUASI-JUDICIAL, (PUD-1-04.4)
- B. A proposed 2-lot preliminary plat "Riverwalk Townhomes" QUASI-JUDICIAL, (S-6-15)

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

Commissioner Ingalls asked where the "goat trail" is and if condition #10 of the added conditions for the inclusion of a 10 foot wide public trail is to improve the "goat trail." Ms. Anderson said that condition #10 is not, and condition #11 is to replace the "goat trail."

Ms. Anderson confirmed that that the applicant would like to replace the "goat trail" with a stairway with an access easement.

Commissioner Ingalls asked that since there is a floating public access in the boardwalk and with the addition of condition #11, is public and waterfront at least preserved, if not enhanced by the PUD modification.

Ms. Anderson clarified that the applicant has concerns with condition #4 as written, but it would include that there would need to be 1.68 acres of open space to be improved, and that would get them to the 10% which is required for the PUD to even exist as a PUD because as staff has done their calculations, they don't believe that some of the other areas that were originally intended to be open space have been improved. The applicant has expressed that they would be willing to do some of the open space areas and improve them, but not all of them. The applicant's proposal would bring them to 7% open space, versus 10%.

Commissioner Luttrupp stated that the original PUD required 4.42 acres of open space, which is 18% open space and asked for clarification from staff on the amount of existing improved open space in the PUD and if they were short 3.77 acres. Ms. Stroud confirmed the amount of open space that was approved and that the current amount of improved open space is 0.65 acres.

Commissioner Luttrupp asked how much of a reduction in open space is the applicant asking for. Ms. Anderson confirmed they are asking for a 0.3 acre reduction, and noted that the other areas have not been improved to meet the requirements to have it be used for open space and recreation.

Commissioner Luttrupp commented that the applicant has not met the requirements for open space and that he thought the PUD requirements ran with the property, and not with the owners. He feels that public access and open space hasn't been provided and doesn't see a good faith effort. It is unfortunate that the city and the developer couldn't resolve the issue and noted that this it is a lot of open space acreage to fall through the cracks.

Commissioner Rumpler said it was his understanding that the change of ownership does not change the conditions of the PUD, and asked for legal input on this matter.

Mr. Adams said that a transferee of a PUD is required to follow the requirements of the PUD.

Commissioner Rumpler said we have an applicant who is asking for a reduction in open space when the original open space requirement has not been met.

Commissioner Fleming said that she understands that the current owner has inherited something

that was created by somebody else, but unfortunately a commitment was made and it failed to be delivered. She does not think the commission should agree to take more of the land to build two more salable properties and add more traffic and take even more green space away from individuals. She is disinclined to, yet again, reduce an already shameful lack of green space. It is a very compressed area and a very high traffic area and the last thing they need to do is take away more of the green space. The commission represents the owners who have purchased expensive property and the commission should not allow their green space to be whittled away.

Commissioner Messina clarified that there is some open space that can be used and walked on, and there is open space that can't be walked on. Ms. Stroud said that most of the open space areas have not been improved as they should have been. The triangular piece that the applicant is asking to modify has the "goat trail" and one of the conditions addresses that, which will create the ability to get down to the water. On the other area, if there were improvements done to create open space, it would be updated and have the landscaping required and a pathway that would bring it up to a standard to have completed open space.

Commissioner Messina referred to page 12 in the staff report and asked if the rock and landscaping area was considered open space or private property. Ms. Stroud said that it is Tract A, which was supposed to be the open space, but because the boardwalk ended up being on the water, over time Tract A has been landscaped and is being used as private property and it is landscaped. It is not usable open space.

Ms. Stroud said that they couldn't add in Tract A and give the applicant credit for completed open space because they don't consider it to be usable open space.

Chairman Jordan asked if the open space is accessible to the public or is it just open space for the benefit of the residents of Bellerive. Ms. Stroud said that it was specified that it is also open to the public and to the residents. Chairman Jordan confirmed that the land as well as the boardwalk should be open to the public. He asked if the city dropped the ball in enforcing the open space and allowing the encroachment.

Ms. Stroud said that some of the other areas that had requested modification did not impact the open space. Overall, the open space wasn't complete, but some of the other infill lots that had come in for short plats didn't change the amount of open space. Chairman Jordan suggested that maybe the open space didn't get finished because the original developer lost the property.

Commissioner Luttrupp said that he is sorry that the owner went bankrupt, but there is a still a requirement for open space.

Commissioner Ward said that it seems to him that last year when they looked at the latest phase, he made a comment about the tiny strip of land between the trail and road where it is only about 3 feet wide and is mostly a swale, and wondered who was going to maintain it. The solution was that it was going to be maintained but you couldn't do anything with it because it was only 3 feet wide.

Chairman Jordan asked if the city wasn't aware of the open space problem until the request came forward and they started doing some research. He noted that this is a non-conforming PUD. Commissioner Messina agreed.

Ms. Stroud said that in this project in particular it goes back to condition #9 that the applicant modified, saying that at a later time they would plat and improve the open space, and the subject property is within that area.

Chairman Jordan said there are two issues – one is the request being brought forward, and then the issue that the PUD is non-conforming because the public open space requirements were never completed. Chairman Jordan asked Mr. Adams for his counsel. Mr. Adams said that the

commission should go ahead with the hearing, and the ordinance says that transferees shall complete, use and maintain each unit in strict conformance with the approved development plan. There may be an enforcement issue as well.

John Williams, applicant, thanked staff for the outstanding job. There have been 10 years of change with the property. When the PUD was originally approved ten years ago, it was approved for 412 dwelling units. Today there are 139 HOA members. Since 2013 there have been five PUD modifications. In 2014 they had five single-family home starts. In 2015 they had six single-family home starts, and maybe the same number next year. There is a lot of activity down there and some beautiful homes along the boardwalk.

Mr. Williams said that the purpose of the proposed PUD is to enable them to replace one boardwalk home and a carriage home with courtyard homes. They will take an almost acre lot and put two lots on it – two duplexes on one and a single family on the other. Their plan should be approved by right. The courtyard homes and boardwalk homes were approved with some flexibility in 2005 and it was confirmed again in 2008, 2013, and 2014. They have never requested any modifications to the open space. The proposed plan creates more open space. They think that their proposed plan is 100% compliant with the Bellerive open space plan. 4.597 acres of open space has been approved and platted. It may not be usable, but in 2005 when it was approved the steep riverbank was never usable. People can walk along the riverbank, and last time he checked swimming was still recreation. He asked why somebody couldn't walk along Tract A that goes all the way to the bridge. He thinks that the open space is being sold short because it is not "usable" but he contends that a good part of it is. When they are done there will be 20% of the PUD that is platted as open space, not 0.65 acres.

There have been a lot of previously approved plans and he can't take responsibility for anything that has happened heretofore but he assumes that the city approved the final development plans. The "gooseneck" is a half an acre of open space that remains unimproved and he presumes that the developer had a development plan to make some improvements there. There is also no mention of the Centennial Trail which is very usable open space. An acre of the Bellerive property has the Centennial Trail on it. None of the applicants before him have been required to fix property that they didn't own. He thinks that the commission is selling the neighborhood short because there is a lot of open space around the development, including property owned by the city.

Mr. Williams reviewed the CC&Rs in regard to public space and open space and reviewed other areas of open space in the development that are offered to the public. He believes there is a lot of open space. Most of Tract A along the river is steep so it may never have been usable, and he doesn't know why the city approved it in the open space calculation. It is a riparian zone and there isn't a need for heavy landscape. Mr. Williams said that he can't be responsible for what the private owners did to their space, but it looks nice. He commented that Bellerive and the adjacent Riverstone are perhaps the most generous subdivisions in the city in terms of making space available. There is a mile of Spokane River frontage, 0.5 miles of boardwalk, 4 plus miles of Centennial Trail, and walking paths. There are 5 acres of Riverstone Park nearby. Four million dollars has been invested in open space development in these areas at no cost to the city. Mr. Williams feels that the subdivision is 100% compliant with all previously approved PUD applications and recorded documents. In addition, the city now owns 3.9 acres of unimproved open space directly adjacent to the PUD where people are playing Frisbee and walking their dogs. Mr. Williams believes that the Bellerive PUD is not shy of open space. No one that he has talked to has commented that they wish they had more open space.

Commissioner Luttrupp said that their understanding of the definition of open space is that the PUD committed "x" number of acres for open space. The open space is defined specifically. Mr. Williams said that he doesn't have anything else to offer in terms of more usable open space. He noted that he has a problem with condition #4 where they are being asked to improve every open space in the entire area. He is willing to improve 0.76 acres but he has a hard time

understanding why he would be responsible for something that is on the other end of the neighborhood that is owned by potentially Kootenai County due to tax liens.

Mr. Williams said that he thinks they have a solution for condition #12. In regard to the boardwalk, everybody he has talked to acknowledges that the master plan for the development shows the boardwalk ending right where it ends today. It is lit, it has stairs up to the right of way, has access for fire and standpipes. There is approved public access and they are actually going to create another people trail with a path down to the usable Tract A for swimming.

Mr. Williams said that there is also a sidewalk deviation request where he would like to put trees and landscaping in order to make it more beautiful.

Mr. Williams confirmed that he purchased Lot 1 only. Commissioner Fleming asked if the adjacent Lot 2 was the greenspace dedicated land. Mr. Williams said that the original PUD map and the plat now are different configurations.

Commissioner Fleming asked who owns the boardwalk home land. Mr. Williams said that all of Tract A is owned by the HOA. He said that he is trying to make the best use of a very challenging lot.

Commissioner Luttrupp suggested that the commission might want to ask the city attorney to take a look at the request and come back and advise them since it is a complex issue and there are a lot of loose ends.

Commissioner Ingalls commented one thing that is positive is that Mr. Williams is a late comer but is stepping up to the plate and making public access better. Mr. Williams pointed out that one of the things they will do is put in a five foot walking path to the river.

Commissioner Luttrupp said that maybe it is not appropriate to ask the applicant to provide open space, and noted that the commission tries to do their best not to treat people differently. He commented that he believes the commission needs to have the City Attorney look at it.

Chairman Jordan said that usually in a PUD they are dealing with a developer but in this case they are dealing with a single lot owner. Since staff believes that the PUD is non-conforming, the single lot owner is being asked to correct the problems in the PUD.

Mr. Adams said that Chairman Jordan's assessment is accurate. The commission is looking at a PUD that has certain requirements that aren't met and a part of the PUD is trying to make some modification. The legal question is who is responsible and it may be everybody. It is a complex issue and he hasn't found anything directly on point other than the ordinance cited that the transferee is responsible to follow what the PUD approval had been. If the commission wants to modify it again, that is up to the commission. There is a minimum 10% open space that has to be addressed at some point.

Chairman Jordan said that it seems like on the overall problem of the non-conforming PUD, they would be dealing with the HOA to rectify it. He wondered how the applicant was able to purchase the lot that was originally designated as open space. Mr. Williams said that he bought the lot from the developer, who bought it from the bank. Chairman Jordan said that he thinks Mr. Williams has a good point in that some of that land that is steep could be open space. As an example, there is open space in Copper Ridge at the end of Shadduck that is probably cliffs and isn't walkable.

Commissioner Fleming said why should the last man standing be the last improver of all of the development. She doesn't think it should fall on his shoulders.

Ms. Anderson clarified that they did inform the applicant as well as the developer who sold the

property to him that it was for open space and that there was an intention to have the two boardwalk homes and carriage homes but it was open space.

Mr. Williams said that their analysis has shown that 4.42 acres is required and they tallied up all of the open space and it is more than that. The question is how usable is the open space.

Commissioner Luttrupp said that part of the parcel is depicted as open space, so if the commission were to approve it, what they are saying is that open space can now become buildable space. Commissioner Ingalls said that a big part of the land is buildable but part of it is open space.

Commissioner Fleming asked Mr. Williams if he was aware when he purchased the land that he was in the actual open space.

Mr. Williams said they do not deny that their request goes into an area that was reserved as open space by the original PUD. There is a debate as to where that line is.

Commissioner Messina said that there is plenty of open space. Whether the city is at fault or not at fault, it is a large piece of property that has gone through a lot of things over the last twelve years and things fall through the cracks. He confirmed his understanding that the path that the applicant is proposing to construct is a path to the beach.

Mr. Williams said that they would put stairs in there to make sure that the access is easy.

Commissioner Messina said that he thinks there is plenty of open space but it is an issue of do we have a PUD that is non-conforming, and how do we rectify it.

Commissioner Ward asked if the applicant's property falls under the rules of the HOA and if there is any requirement to maintain any open space as part of the HOAs vision.

Mr. Williams said that he thinks there are some small pieces that they have neglected to pick up and improve because nobody has asked them to, along the railroad right of way. The focus and the money from the HOA has been focused on beautifying the riverfront and the boardwalk.

Chairman Jordan said that under normal circumstances the developer would have developed the open spaces pursuant to the PUD requirements and as he sold out of the property he would have turned it over to the HOA and they would have maintained things. Instead they wound up with a defunct development that couldn't be completed and went into foreclosure and the PUD was amended into something smaller and simpler that would fit the current market. There was really no continuity there to carry through with the intent of the PUD.

Mr. Williams proposed that there are spaces that they could improve, 1.68 acres. Some of it is not usable, but some is not landscaped. They could make it green, or at least take out the weeds. There is a half-acre tract of flat usable open space that is not improved. The developer that just did the Bellerive 5th Addition could be asked to make the improvements. There is 3/10ths of an acre which is partially usable. He doesn't think the solution is to abandon the entire lot and give it all to the PUD. He could abandon the townhome plans and shrink up the lot a little bit.

Commissioner Luttrupp said that they have a piece of property that was designated open space. He can't support allowing the applicant to build on property that was designated open space.

Mr. Williams asked if they were saying the lot can't be built on.

Chairman Jordan said that it looks to him like the applicant has a buildable piece of property, but he wouldn't be able to build as many units as he would like until the open space issue is taken care of somehow. He commented that he has been in similar positions where he has purchased

a piece of land that has some issues associated with it, and you have to work through the process.

Commissioner Ingalls asked if anyone in attendance wanted testify tonight.

Chairman Jordan clarified that only Mr. Williams signed up to testify.

Commissioner Rumpler stated that riverfront property is not in abundance. Communities that have access to develop this kind of riverfront property is an asset that has to be cherished. The sentiment of the board is they are disappointed in how this project has ended up where it has. The original design from Black Rock was quite an ambitious and extraordinary utilization of the asset. He hopes the lessons we are learning today allow them to maximize the development of the remaining riverfront property. He is sympathetic to the applicant's cause. He would love to find a way to enable him to do what he would like to do. But, he commented that it is pretty clear that there are issues that are larger than the applicant's small piece of the puzzle. He stated that a legal opinion is an important aspect here because he doesn't want to make another mistake or enable bad choices or bad decisions. Commissioner Rumpler clarified that the large "open space" area that Mr. Williams showed next to the Centennial Trail is not beautified open space or what they expected for Bellerive.

Chairman Jordan asked staff if it could be agreed what part of the lot is under the open space designation and what is not, theoretically could the applicant pull a permit and put a couple of buildings in there right now.

Ms. Anderson said that it was discussed before that the applicant could proceed with a plat for what was shown in the master plan, which showed the two boardwalk homes and the two carriage homes. If a proposal was consistent with what was shown and met the calculations of staff based on the approved master plan, that wouldn't require a PUD amendment but would need input from the other departments.

Mr. Williams said that there are configuration challenges going from the old to the new but they could solve that.

Chairman Jordan said that are obviously some issues but from what he has seen on the staff report, he sees that part of the land is buildable and part is encumbered by the open space requirement. He said that the applicant has something that they could move ahead on while they are working on this issue. He noted that he is sympathetic to the applicant's position but there are a number of questions that need to be resolved.

Commissioner Ward asked for clarification from staff on whether the open space issue needs to be resolved before the applicant could move forward with a request for his property, and if condition #9 could be fixed to clarify the open space.

Ms. Anderson said that their calculations show that the open space is still less than 10% of the improved, functional open space, which is still the discrepancy.

Chairman Jordan said that the overall issue is the entire rest of the PUD being non-conforming, so the city probably needs to get together with the HOA and maybe there are some things that can be done to solve the open space issue for the overall development. He said that, personally, as far as reaching a solution, he could probably go along with some of the open space that is not necessarily walkable and maybe that can be coupled with some of the other parcels that weren't developed into open space that could be done and beautified and they could come to an agreement between the city and the homeowners on bringing the PUD into compliance. Then maybe on a parallel track the applicant could make some of his lot buildable.

Mr. Williams suggested that he eliminate the carriage home and boardwalk home and create one

lot. He asked if the commission would approve that the two lots be reallocated for four courtyard homes. That would create another third of an acre, approximately, for additional open space. He would like to look at the calculations. It is probably the lot line between the courtyard homes and boardwalk home/carriage home area where it gets bad.

Commissioner Fleming said that the city would have to weigh in on whether the applicant would have to carry the improvements or whether the HOA would have to carry the improvements for the open space on his property and the other open space areas.

Commissioner Fleming said that it doesn't make sense that the applicant should do the cleanup for the rest of the site.

Mr. Williams said he agrees but that he has interest and the others may not. The HOA costs have gone up even though they have added more people.

Chairman Jordan agreed that other property owners might not be motivated to fix the non-conforming problem with the open space. On the other hand, if they own a home in a non-conforming PUD, that could create some problems when they try to sell their home, so there is some incentive. He thinks the city needs to be reasonable and maybe they can fix the problem. The other proposal from the applicant is in line with what he was thinking. Wherever that line is, part of the lot should be buildable.

Mr. Williams said the lot would still need to be platted and he may move the public access to the water to be closer in. There was discussion if the lot could be platted through the short plat versus long plat process.

Commissioner Luttrup said the commission is trying to be helpful but they can't negotiate on some of the items.

Chairman Jordan said it may be best to direct this to staff and legal.

Chairman Ward also suggested working through this with staff regarding a PUD amendment proposal and replat.

Mr. Williams said he thinks they can keep working through it with staff since they have had some good dialogue.

Commissioner Ingalls said they have three action options in the staff report – approve, deny, or deny without prejudice. He doesn't think the approval is there because of the finding being nonconforming related to open space. He asked if it was better to withdraw the item and if there was an advantage to the applicant withdrawing or deny without prejudice.

Commissioner Luttrupp said the commission doesn't want to set him back a year.

Mr. Williams said he is willing to take the advice of staff and commission on what is best.

After discussion regarding the best way to proceed, Ms. Stuhlmiller said that this situation has arisen in the past, and it makes it cleaner to deny without prejudice which will allow the applicant to come with a new application. The applicant doesn't have to wait a year like they would if the request was denied outright. Findings will need to be made.

Mr. Williams said not to worry about reimbursement of fees.

Motion by Ward, seconded by Fleming, to deny without prejudice Item PUD-1-04.4. Motion approved.

ROLL CALL:

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

Motion to deny carried by a 6 to 0 vote.

Motion by Rumpler, seconded by Messina, to deny without prejudice Item S-6-15. Motion approved.

ROLL CALL:

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

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

A. INTRODUCTION

This matter having come before the Planning Commission on, December 8, 2015, and there being present a person requesting approval of: PUD-1-04.4 a request for a modification to a planned unit development known as "Bellerive".

APPLICANT: RIVERWALK TOWNHOMES, LLC

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

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

- B1. That the existing land uses are residential – single-family, multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is C-17 PUD.
- B4. That the notice of public hearing was published on November 21, 2015, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on November 25, 2015, which fulfills the proper legal requirement.
- B6. That 42 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 20, 2015.
- B7. That public testimony was heard on December 8, 2015
- 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 not in conformance with the Comprehensive Plan.
 - B8B. The design and planning of the site is not compatible with the location, setting and existing uses on adjacent properties.

- B8C The proposal 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.
- B8D The location, design, and size of the proposal are such that the development will not be adequately served by existing streets, public facilities and services.
- B8E The proposal does not provide adequate private common open space area, as determined by the Commission.
- B8F Off-street parking does not provide parking sufficient for users of the development.
- B8G That the proposal does not provide for an acceptable method for the perpetual maintenance of all common property.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of for approval of RIVERWALK HOMES LLC, for the planned unit development, as described in the application should be denied without prejudice.

Motion by Ward, seconded by Fleming to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted Yes
Commissioner Ingalls	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Messina	Voted Yes
Commissioner Rumpler	Voted Yes
Commissioner Ward	Voted Yes

Motion to deny without prejudice carried by a 6 to 0 vote.



CHAIRMAN BRAD JORDAN

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

A. INTRODUCTION

This matter having come before the Planning Commission on December 8, 2015, and there being present a person requesting approval of ITEM: S-6-15 a request for preliminary plat approval of a 2-lot , 4-tract preliminary plat subdivision known as "Riverwalk Townhomes".

APPLICANT: RIVERWALK TOWNHOMES, LLC

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

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

- B1. That the existing land uses are residential – single-family, multi-family, commercial, and vacant land.
- B2. That the zoning is C-17 PUD.
- B3. That the notice of public hearing was published on November 21, 2015, which fulfills the proper legal requirement.
- B4. That the notice was not required to be posted on the property.
- B5. That 42 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B6. That public testimony was heard on December 8, 2015.

C. ORDER: CONCLUSION AND DECISION

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

Motion by Ward, seconded by Fleming to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted Yes
Commissioner Ingalls	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Messina	Voted Yes
Commissioner Rumpler	Voted Yes
Commissioner Ward	Voted Yes

Motion to deny without prejudice carried by a 6 to 0 vote.



CHAIRMAN BRAD JORDAN

STAFF PRESENTATION

City Council Meeting



City of
Coeur d'Alene
IDAHO

February 2, 2015

A-3-15: Annexation
"Garden Grove"

APPLICANT:

Donald R. Smock (dba Harmony Homes, LLC)

SUBJECT:

Request for annexation of +/-19.43 acres

LOCATION:

South of Prairie Ave., north of Rocket St.,
between Atlas Rd. and Gila Ct.



A-3-15: Annexation "Garden Grove"

GENERAL INFORMATION:

Harmony Homes, LLC is requesting approval of a proposed +/- 19.3 acre annexation from County Agricultural to city R-8 zoning district (Residential at 8 units/acre).



A-3-15: Annexation "Garden Grove"

17.05.090: GENERALLY:

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.

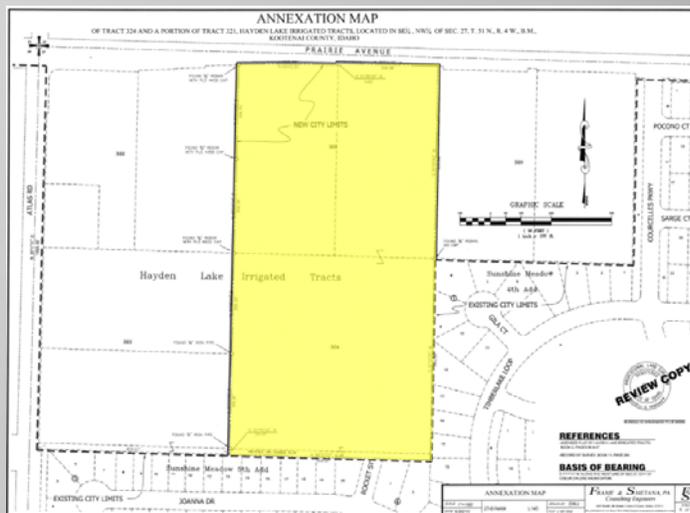


A-3-15: Annexation "Garden Grove"

AERIAL PHOTO:

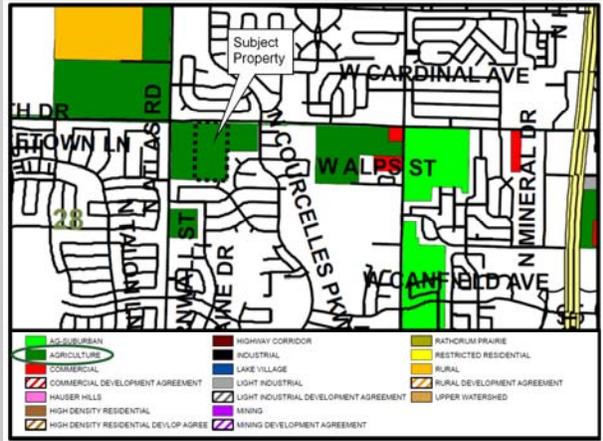


A-3-15: Annexation "Garden Grove"



A-3-15: Annexation "Garden Grove"

CURRENT KOOTENAI COUNTY ZONING (Agriculture):



A-3-15: Annexation "Garden Grove"

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

2007 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

The subject property is contiguous with existing city limits
The City Comprehensive Plan Map designates this area as:

Atlas-Prairie - Transition:



A-3-15: Annexation "Garden Grove"



Atlas-Prairie Comprehensive Plan Map:

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.



A-3-15: Annexation "Garden Grove"

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.



A-3-15: Annexation "Garden Grove"

Atlas-Prairie Tomorrow:

Generally, this area is envisioned to be a residential area, lower in density, that 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 in compatible 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.
- The street network will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.



A-3-15: Annexation "Garden Grove"

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

- Objective 1.02 - Water Quality:
- Objective 1.11- Community Design:
- Objective 1.12 - Community Design:
- Objective 1.13 - Open Space:
- Objective 1.14 - Efficiency:
- Objective 1.16 - Connectivity:
- Objective 2.02 - Economic & Workforce Development:
- Objective 2.05 - Pedestrian & Bicycle Environment:
- Objective 3.01 - Managed Growth:
- Objective 3.05 - Neighborhoods:
- Objective 3.10 - Affordable & Workforce Housing:
- Objective 3.08 - Housing:
- Objective 3.10 - Affordable & Workforce Housing:
- Objective 3.16 - Capital Improvements:
- Objective 3.18 - Transportation:
- Objective 4.02 - City Services:
- Objective 4.06 - Public Participation:



A-3-15: Annexation "Garden Grove"

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

See pages 7-8 of the staff report for specific department comments regarding stormwater, streets, water, wastewater, and fire.



A-3-15: Annexation "Garden Grove"

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

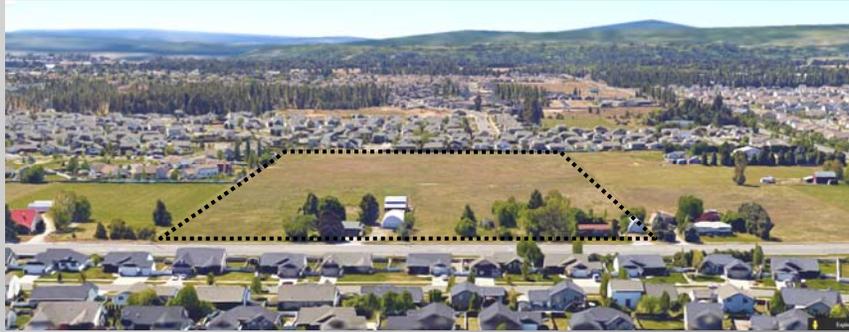
PHYSICAL CHARACTERISTICS:

The subject property is relatively flat with Prairie Avenue to the north. Continued construction was anticipated by a future connection via Rocket Street on the southern edge of the property as evidenced in the following photographs.



A-3-15: Annexation "Garden Grove"

PHOTOS OF SUBJECT PROPERTY:



Bird's eye view of the subject property looking south



A-3-15: Annexation "Garden Grove"

PHOTOS OF SUBJECT PROPERTY:



Looking south into subject property from Prairie Ave.



A-3-15: Annexation "Garden Grove"

PHOTOS OF SUBJECT PROPERTY:



Looking north into subject property from Rocket St.



A-3-15: Annexation "Garden Grove"

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

See pages 10-11 of the staff report for specific department comments regarding traffic and neighborhood character.



A-3-15: Annexation "Garden Grove"

GENERALIZED LAND USE PATTERN:



A-3-15: Annexation "Garden Grove"

EXISTING ZONING:



A-3-15: Annexation "Garden Grove"

PROPOSED CONDITIONS:

No proposed conditions are recommended by staff for the applicant's request for annexation. If approved, the annexation agreement will address any concerns for this request.

ACTION ALTERNATIVES:

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



A-3-15: Annexation "Garden Grove"

ANNEXATION FINDINGS:

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

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

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

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





APPLICANT:

RIVERWALK TOWNHOMES, LLC

SUBJECT:

PUD-1.04.4, MODIFICATION OF THE "BELLERIVE" PLANNED UNIT DEVELOPMENT AND **S-6-15**, A 2-LOT, 4-TRACT PRELIMINARY PLAT SUBDIVISION KNOWN AS "RIVERWALK TOWNHOMES"

LOCATION:

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



This is an appeal of the Planning Commission's decision on December 8, 2015, to Deny Without Prejudice the request of John Williams to modify the existing "Bellerive" Planned Unit Development and replat a portion of the existing subdivision.



**APPEAL HEARING:
PUD-1-04.4 REQUESTED MODIFICATION TO
"BELLERIVE" PUD AND S-6-15
PROPOSED PRELIMINARY PLAT**

DECISION POINT:

Riverwalk Townhomes, LLC is requesting a modification to the existing Planned Unit Development known as "Bellerive" and preliminary plat approval of "Riverwalk Townhomes" a 2-lot, 4-tract subdivision in the C-17 PUD (Commercial at 17 units/acre Planned Unit Development) zoning district.



APPEAL HEARING:
PUD-1-04.4 REQUESTED MODIFICATION TO
“BELLERIVE” PUD AND S-6-15
PROPOSED PRELIMINARY PLAT

The following changes are proposed to the existing Bellerive PUD:

- Replacing the approved two (2) Boardwalk Homes and two (2) Carriage Homes located over a detached garage with two (2) Courtyard Home structures (4 residential units total), a Boardwalk Home and a Carriage Home.



APPEAL HEARING:
PUD-1-04.4 REQUESTED MODIFICATION TO
“BELLERIVE” PUD AND S-6-15
PROPOSED PRELIMINARY PLAT

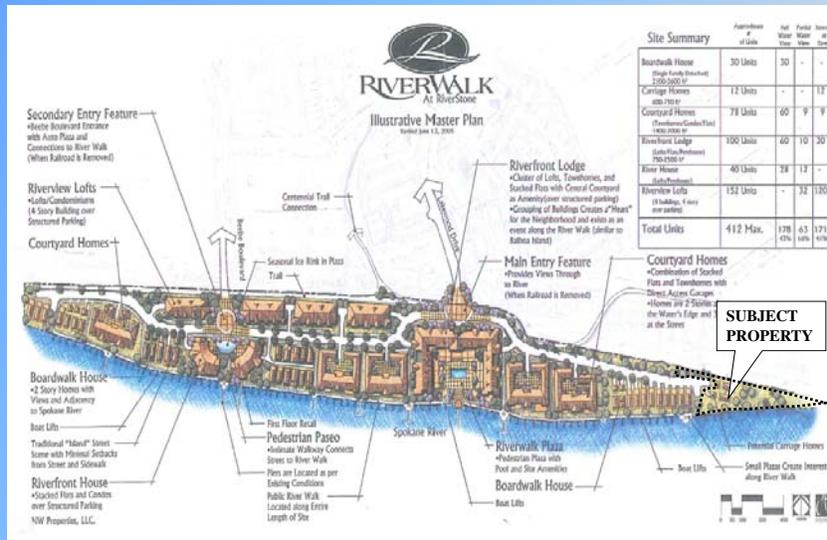
- This would result in six (6) residential units versus four (4) that could have been constructed on the site under the previous approval.
- In addition, the applicant is requesting a modification to the approved “Open Space” within the Bellerive PUD on the subject property, resulting in a decrease in the amount of total open space that was approved for the PUD.



AERIAL SITE PHOTO



"RIVERWALK" AT RIVERSTONE PUD MASTER PLAN - APPROVED JUNE 2005

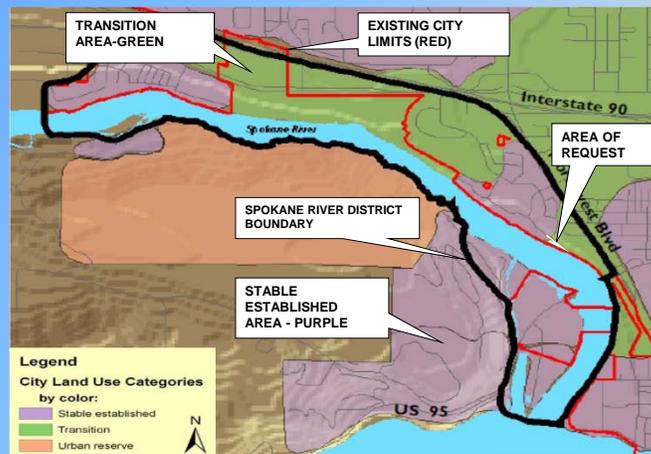


REQUIRED FINDINGS (PUD)



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

SPOKANE RIVER DISTRICT – Stable Established



2007 COMPREHENSIVE PLAN MAP
SPOKANE RIVER DISTRICT – Stable Established

Spokane River District Tomorrow

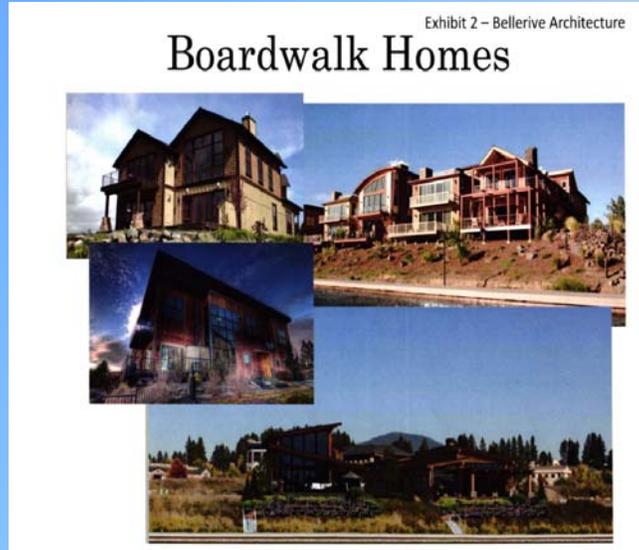
This area is going through a multitude of changes and this trend will continue for many years. Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane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

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

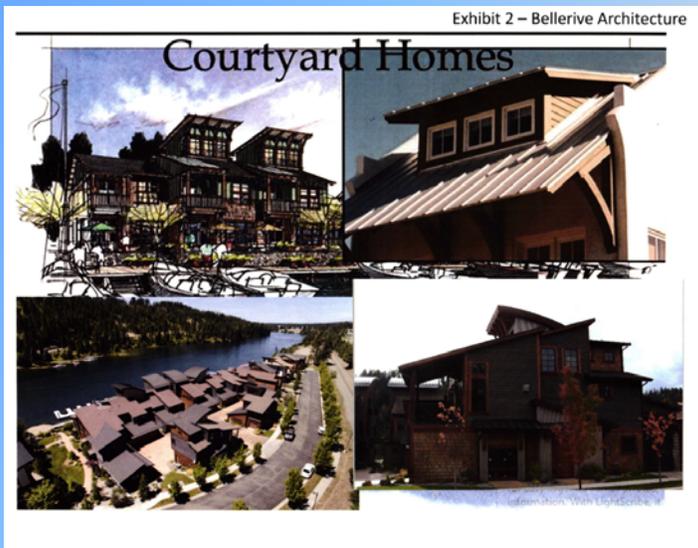
The subject property is located at the terminus of W. Bellerive Lane. There are currently single family dwelling units to the west of the subject property that are existing Boardwalk Homes, along with vacant lots for future Boardwalk Homes. The boardwalk terminates just immediately west of the subject property and was designed to be extended. There is a public staircase leading from Bellerive Avenue to the boardwalk.



PROPOSED ARCHITECTURAL RENDERINGS FROM BELLERIVE PUD



PROPOSED ARCHITECTURAL RENDERINGS FROM BELLERIVE PUD



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

The northwest portion of the subject property is relatively flat allowing for building pad sites, but slopes toward the Spokane River on the southeast portion of the property where the property is currently noted on the preliminary plat as "Open Space". There is an existing well-traveled foot path leading to the shoreline through the subject property. The public is allowed to access to the shoreline.



Finding #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.

Staff comments are included in your staff report which can be found in finding #B7B; (Subdivision: pg.19-20)



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



ZONING CODE DEFINITION OF OPEN SPACE

Per Code Section 17.07.230 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.



BELLERIVE OPEN SPACE

Per the Bellerive Final Development Plan:

The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

“Riverwalk”/Bellerive has included public open spaces in the overall design and includes a riverwalk adjacent to the Spokane River. The riverwalk provides access for the public to enjoy the beauty of the Spokane River.



RIVERWALK/BELLERIVE OPEN SPACE



RIVERWALK/BELLERIVE OPEN SPACE

The Bellerive Plat notes on the Owner’s Certificate and Dedication that,

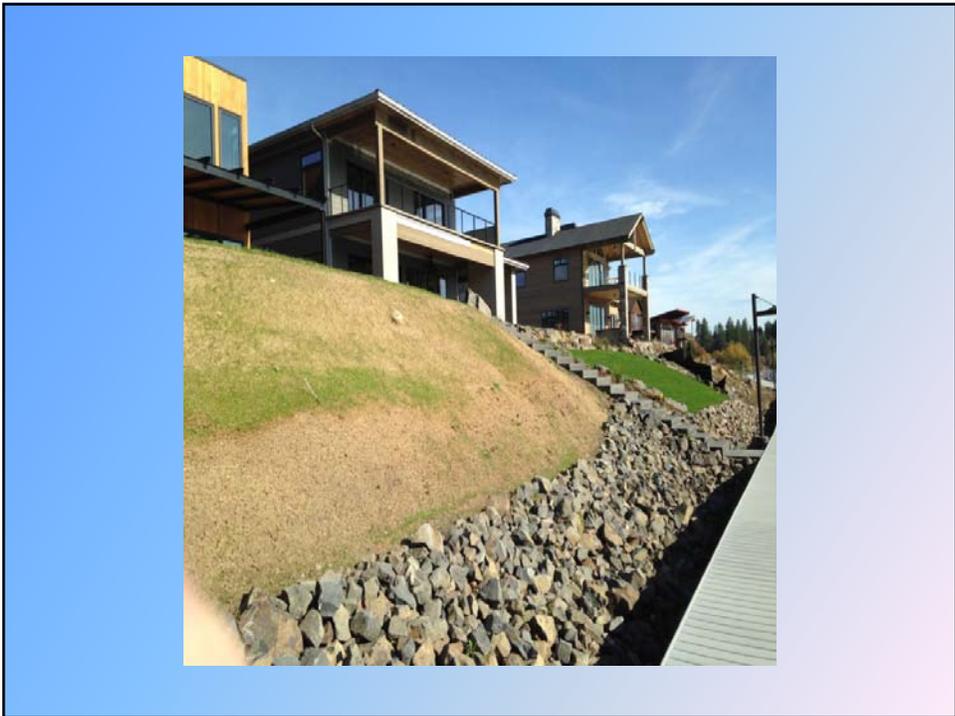
“The common area (Tract A) shall be improved, managed and maintained by the Bellerive Homeowners Association and shall be for the public, for use and enjoyment for recreational purpose and to access the boardwalk along the shoreline of the Spokane River”.

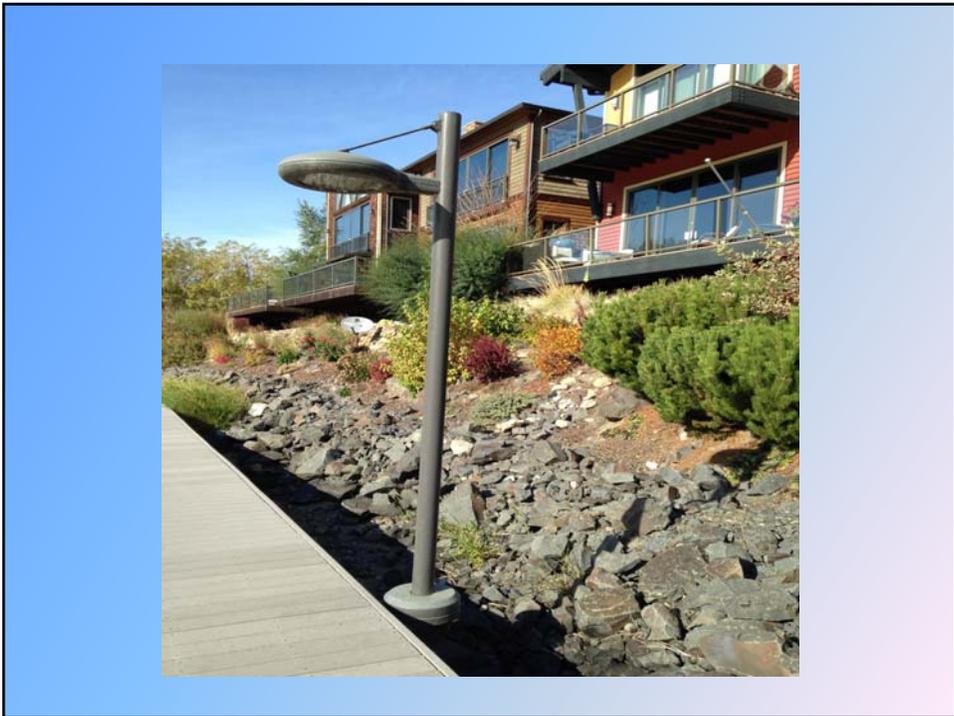


SITE PHOTOS OF “OPEN SPACE” WITHIN BELLERIVE

Boardwalk and Tract “A”: “Open Space”







Unimproved "Open Space" areas along the Centennial Trail



Approved "Open Space" area adjacent to Riverfront House.

NOTE: The original intent was for this plaza to include a Seasonal Ice Rink that is open to the public.



SITE PHOTO OF PROPOSED OPEN SPACE AREA ON PROPERTY



PROPOSED PUD MODIFICATION OF OPEN SPACE ON SUBJECT PROPERTY



Finding #B8F:

Off-street parking (does)(does not) provide parking sufficient for users of the development.

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

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

The applicant is proposing (8) eight parking spaces for the Courtyard Homes, and (2) two spaces for the Boardwalk Home, which meets the parking requirements of the approved PUD.



Finding #B8G:

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

The Bellerive Homeowner’s Association was part of the original approval and Final Development Plan. As a condition of approved PUD, the Planning Commission required the formation of a property owners association to ensure the maintenance of all common open space areas.

Riverwalk Townhomes has proposed a new HOA to include the repair and maintenance of building exteriors, common area landscaping and the construction, repair and maintenance of the shared driveway. This is in addition to the original “Bellerive Master HOA”.



REQUIRED FINDINGS (Subdivision)

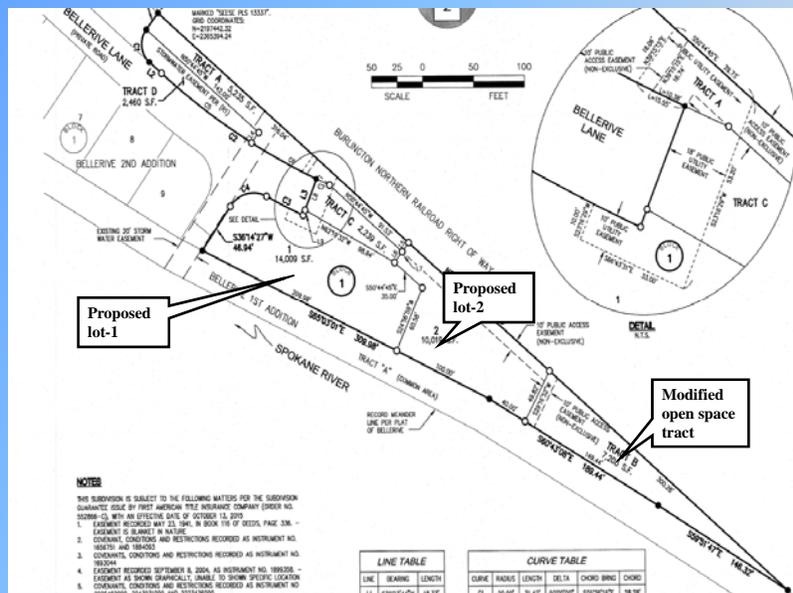


Finding #B8A:

That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

Per Gordon Dobler, City Engineer, the preliminary plat submitted contains all of the general preliminary plat elements required by Municipal Code.

PRELIMINARY PLAT OF "RIVERWALK TOWNHOMES"



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

Staff comments are included in your staff report which can be found in finding #B7B; (Subdivision: pg.19-20)



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

The subdivision design and improvement standards have been met.

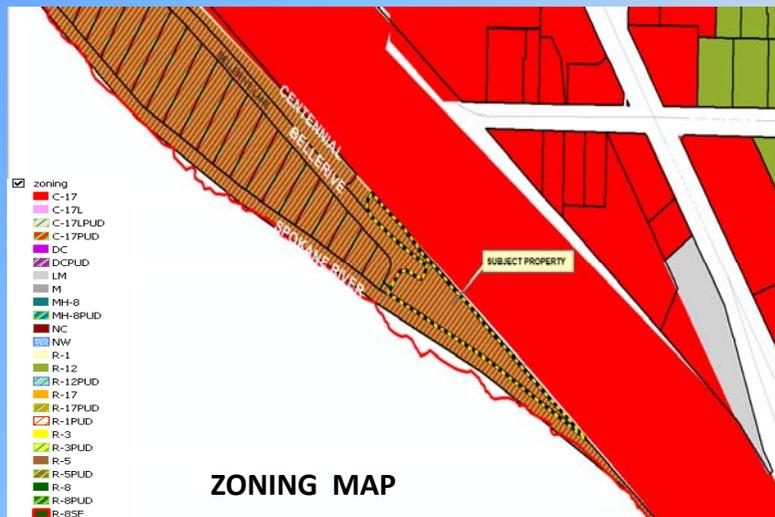


SUBDIVISION IMPROVEMENTS

All subdivision infrastructure that is required to be installed for purpose of obtaining building permits for the subject lots can be installed through the site development permit process



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



ZONING MAP

PROPOSED CONDITIONS FOR THE PUD AND SUBDIVISION

ENGINEERING:

1. Drainage generated from impervious areas created through construction on the newly platted lots will be required to be contained in bio-filtration swales on the individual lots. Construction of the swales will be required at the time of building permit issuance, and, all maintenance will be the responsibility of the property owners.
2. All subdivision infrastructure that is required to be installed for purpose of obtaining building permits for the subject lots can be installed through the site development permit process. Utility lateral service installations will be required prior to any certificates of occupancy being issued for the subject properties.



STORMWATER:

3. 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.

PLANNING:

4. Prior to final plat recordation, the landscaping, irrigation and other improvements for all required "Open Space" areas throughout Bellerive, including the open space on the subject property, be completed or bonded for.
5. Prior to final plat recordation, the HOA shall post signage indicating "Public Open Space" in all areas of Bellerive designated for public use.



6. Prior to recordation of the final plat, the applicant/owner shall provide the city with documentation that the Riverwalk Townhomes properties have been included in the Bellerive HOA and provide documentation of any additional homeowners association that have been formed, including a copy of the CC&R's that includes detailed maintenance responsibilities of all private infrastructure (roads, drainage structures, street lighting, and all open space areas, etc.).
7. There shall be no more than six (6) total residences on the subject property and the maximum number of units for the "Courtyard Homes shall be limited to four (4).
8. The notes on the signature page of the preliminary plat shall be modified to assure the language pertaining to the common areas meets the city's requirements.
9. The maximum driveway width at the terminus of Bellerive Lane to access the proposed Boardwalk Home and Carriage Home shall be ten (10').

10. A minimum five-foot (5') wide Public Access Trail using surface material acceptable to the City shall be provided from the terminus of Bellerive Lane and connecting to Tract A and Tract B of the Riverwalk Townhomes prior to recordation of the final plat or bonded for. Landscaping shall also be provided along the Public Access Trail within the ten-foot (10') wide Public Access Easement.
11. Stairs shall be installed within the subject property to provide public access connecting the open space tract (referred to as Tract B Riverwalk Townhomes) to the riverfront within Tract A, Bellerive 1st Addition A. The stairs shall be located within the ten-foot (10') public access easement between Lot 2 and Tract B Riverwalk Townhomes. In lieu of stairs, a minimum four-foot (4') formalized Public Access Trail could be installed/improved in a location that is mutually agreed to by the applicant/owner and the city. The stairs or trail shall be installed/improved prior to final plat recordation or bonded for.

12. If the current and/or future owners apply for an encroachment permit for docks with the Idaho Department of Lands (IDL) and the request is approved by IDL and is also a legally valid requirement of the riparian rights holder, the eight-foot (8') wide boardwalk shall be extended along the Spokane River to the southeastern extent of the single-family residential lot for the proposed boardwalk home and connected to the open space tract (referred to as Tract A, Bellerive 1st Addition) within the subject property. If a boardwalk is required, it shall be extended prior to issuance of any permits related to a request for a dock.
13. The applicant/owner is required to advise any purchasers of condition #12, in writing, and subsequent purchaser(s) must likewise give notice in writing of this condition to any future purchasers. Copies of any such written notices shall be provided to the City's Planning Department.

WATER:

No conditions.

WASTEWATER:

14. The Public Utility Easement for the public sewer system must be recorded with copies submitted to the City Wastewater Utility.
15. All sewer infrastructure upstream of sanitary sewer manhole BEL-2B8 shall be owned and maintained by the property owner. Any future subdivision resulting with separate owners will require extending public sewer conforming to the City standards and policies.

FIRE:

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

ACTION ALTERNATIVES:

The City Council must consider this request and make appropriate findings to:

- Approve
- Approve with additional conditions
- Refer back to the Planning Commission
- Deny, or
- Deny without prejudice.

Alternatively, the city council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section [16.25.030](#).

NOTE: Two separate motions are required – one for the PUD request and one for the Subdivision request.



Planned Unit Development: 17.09.125

C. City Council Action: The city council shall, after notice of the public hearing (as prescribed in subsection [17.09.120B](#) of this chapter), hold said public hearing on the proposal. The city council may **approve, conditionally approve, refer back to the planning commission, deny** or **deny without prejudice**. If the proposal is approved by the city council, the city attorney will prepare the documents to enact the zone change or text change ordinance. **The city council also may defer action upon the consent of the applicant.** A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section [17.09.120](#) of this chapter, and shall render a report to the city council within forty (40) days of such referral and the city council shall then hold a public hearing as prescribed in this section. (Ord. 3127 §18, 2003: Ord. 3025 §17, 2001: Ord. 1917 §1, 1985: Ord. 1844 §4, 1984: Ord. 1691 §1(part), 1982)



Subdivision: 16.25.050.

B. The city council will, after notice as prescribed in subsection [17.09.120B](#) of this code, hold a de novo public hearing on the proposal. The city council may **approve, conditionally approve, deny** or **deny the request without prejudice**. Alternatively, the city council may **defer action on the request until the next scheduled hearing** in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section [16.25.030](#) of this chapter.



Thank you!

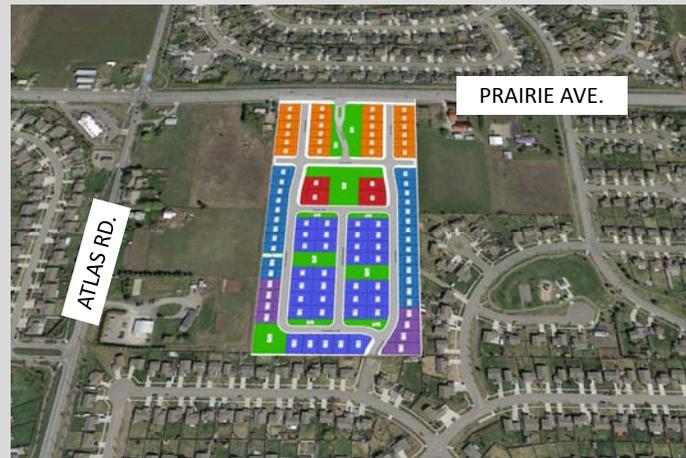


APPLICANT PRESENTATION

Garden Grove

Annexation

February 2, 2016



Annexation Request

- Subject Property – 19.43 Acres
- South side Prairie Ave - east of Atlas Rd, west of Ramsey Rd
- Contiguous on east and south sides to existing City limits
- Requesting R-8 zoning; compatible with adjacent properties
- Also requesting Subdivision and PUD approval concurrent with this annexation request

Garden Grove – Subdivision & PUD

94 Lots

- 86 single family lots
- 8 townhome lots

Density

- 4.83 units/acre

Access

- ★ Prairie Ave to north
- ★ Secondary access via Rocket Street to south
- Two emergency access points onto Prairie Ave



Infrastructure

Water:

- Will-serve approval from Hayden Lake Irrigation District

Wastewater:

- The City has stated they have the capacity and the willingness to serve this project

Stormwater:

- Roadside and community swales proposed
- Final stormwater design to be completed after preliminary subdivision approval

Infrastructure

Streets:

- Proposed internal streets meet City Code for Primary Frontage (32'), and Secondary Frontage (28') with parking on one side
- Primary access via Prairie Avenue
(approved October, 2015 by Post Falls Highway District)
- Secondary Access via Rocket St
- Connections provided to easterly/westerly adjacent parcels via Daylily Drive

City of CDA Comp Plan

Comprehensive Plan:

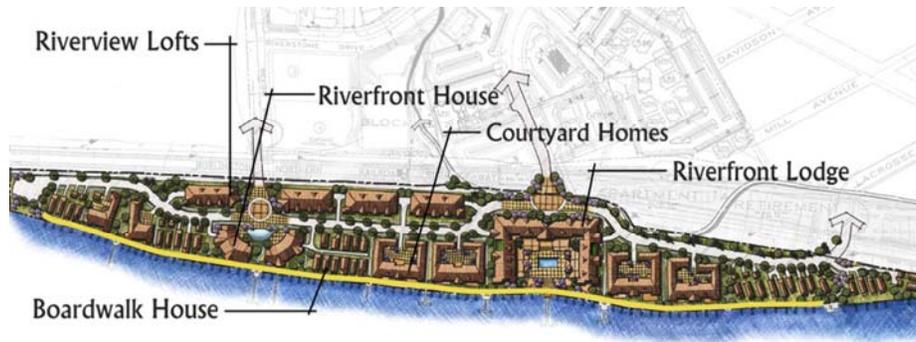
- Atlas-Prairie Area: Today – Residential Housing & Farmland
- Atlas-Prairie Area: Tomorrow – Envisioned as Lower Density Residential (4-5 units/acre)

Meets Comprehensive Plan Objectives:

- Promotes pedestrian, bicycle & vehicular connectivity to adjacent developments
- Provides open space for recreation
- Is an efficient use and extension of existing infrastructure
- Provides diversity of affordable housing types
- Provides opportunity for public participation and community involvement

Riverwalk Townhomes

A single lot subdivision in the Bellerive PUD



Project Summary

Subdivide a .945 acre lot into 2 lots
and 4 tracts to enable 6 new residences.
(2 additional dwellings vs. the 2005 Final Plan)

Approved Dwelling Types for Bellerive

	October 2005 Approved	October 2015 Platted	Difference
Boardwalk Homes (Single-family detached)	30	73	43
Carriage Homes (Dwellings located over detached garages)	12	41	29
Courtyard Homes (Combination of stacked flats and townhomes with direct access garages in 2 to 3 story buildings)	78	14	(64)
Riverfront Lodge (Cluster of lofts, townhomes, and stacked flats with central courtyard in a 3 to 4 story building)	100	0	(100)
Riverfront House (Stacked Flats and Condominiums on upper floors, ground level commercial and structured parking – 3 to 4 story buildings)	40	49	9
Riverview Lofts (Stacked Flats on the north side of the internal street in four buildings – four stories each over parking)	152	0	(152)
TOTAL	412	177	(235)

As of January 1, 2016 there are 139 members of the HOA (34.8% of original plan.)

Amendment Purpose

Request for approval to modify the use
for 1 of the residential lots.

(multi-family vs. single-family)

Justification

"The P.U.D. Plan includes some flexibility with the Boardwalk and Courtyard Homes. The Developer would like to maintain the ability to develop these particular lots as shown on the Plan as either type while maintaining a maximum of 412 units to stay within the underlying zoning of 17 units per acre."

~ Riverwalk PUD application,
February, 2005

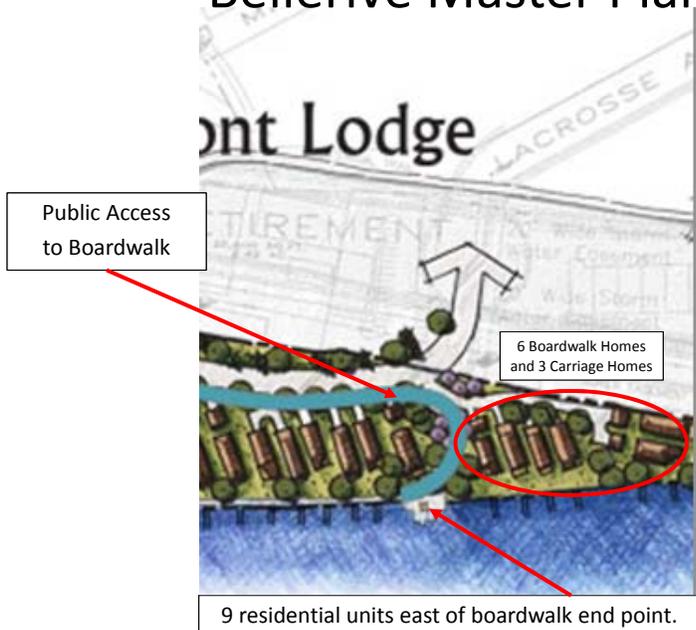
- NOTES:
1. THE PRECISE LOCATIONS OF PROPOSED LOTS, BUILDINGS, RIVERFRONT AMENITIES, AND OTHER IMPROVEMENTS SHOWN ARE PRELIMINARY ONLY AND SUBJECT TO FINAL PLAT, P.U.D., AND BUILDING PERMIT APPROVAL.
 2. UNIT TYPES AND NUMBERS OF UNITS ARE SUBJECT TO CHANGE WITH PROPER APPROVALS.
 3. TOTAL UNIT COUNT SHALL NOT EXCEED 412.

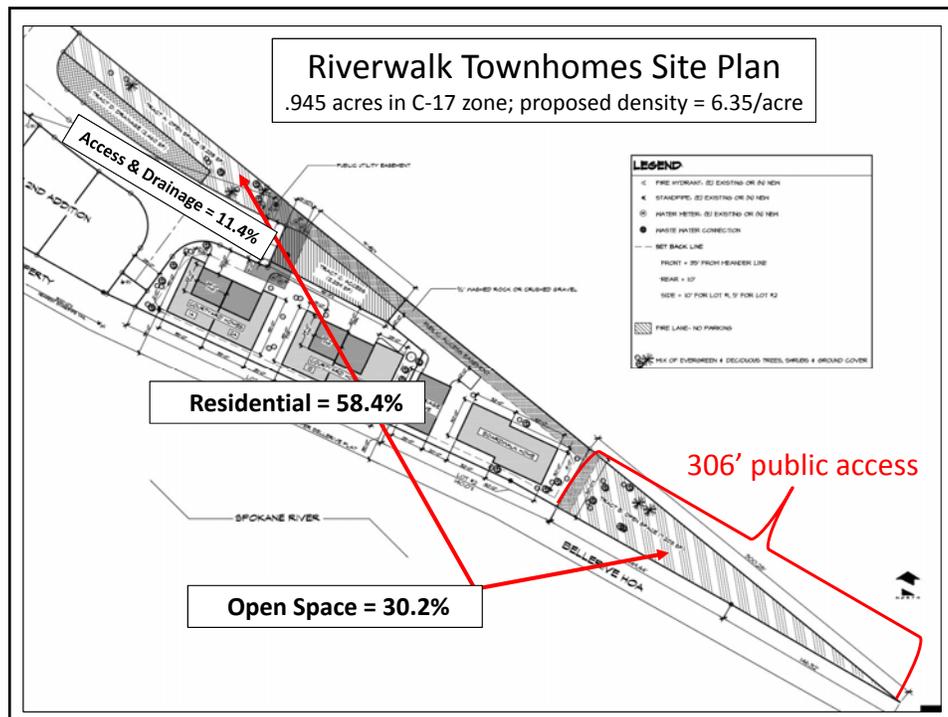
~ Phasing Request - May, 2008

Because the future ownership of the railroad right-of-way adjacent to the plat boundary in the area of the 2nd Addition is uncertain and may allow for a different lot configuration than was anticipated in the original PUD, Bellerive Investments, LLC requests that platting of this area be deferred until a subsequent phase, when the overall ownership of properties in this area is determined. Additional open space will be provided in accordance with the approved PUD in future phases.

~ Phasing Request - May, 2008

Bellerive Master Plan





What Happened on 12/8?

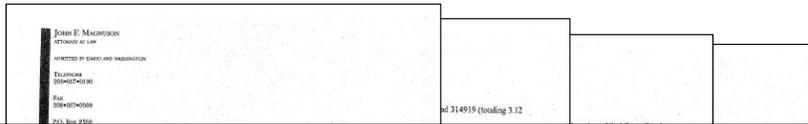
- Staff report misrepresented the project's impact.
 - Project does NOT require any modification to Bellerive PUD open space.
 - 4.5+ acres is verifiable on recorded plats vs. 4.42 acres approved in Final Plan.
 - No mention or credit for the two new open space tracts that will be platted.
 - 30.2% of subject property increasing the PUD total to 4.8829 acres or 20%.
- A brand new "interpretation" was invented and used to report that 100% of the platted Bellerive and previously approved open space is no longer acceptable.
- Applicant was repeatedly referred to as the "declarant" causing some confusion as to who was/is responsible for the current state.
 - Applicant owns only the subject property that was acquired in 2015.
- Inaccurate and discriminating images of existing Bellerive open spaces were presented.
 - Gross misrepresentation of the character and utility of existing open spaces.
- Based on the City's new interpretation and images, the commissioners labeled the PUD "non-compliant" and were left with no choice other than to deny the applications.

Implications of “New” Interpretation

- 0% of all previously approved and platted Bellerive open space is acceptable including:
 - Property dedicated to the Centennial Trail, and;
 - Property providing scenic views and access to the Spokane River.
- “Non-platted” area adjacent to a PUD may be acceptable.
 - In this case, area owned and controlled by the State of Idaho.
- Recreation is not possible on unimproved property.
- The Bellerive PUD can never be compliant.
 - To satisfy the minimum requirement, 1.02 additional acres of private property must be acquired and improved by the HOA.
 - Which properties and with whose funds?

Is “regulatory taking” the City’s objective?

Bellerive HOA Position



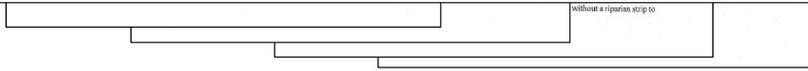
“We do not believe, having reviewed the information available to us....that the PUD is currently non-compliant. We believe that any non-compliance is a result of a change in [City] staff’s interpretation of the necessary requirements.”

“Without the [riparian] strip, there can be no boardwalk. We believe the previous City interpretation of the open space requirement accepted the open space as the riparian nexus for the permit for the Boardwalk.”

“Please consider that the City approved perhaps five (5) subsequent Plats in the PUD based upon an interpretation that the open space requirement was satisfied.”

“This appears to be more of a change in staff interpretation than a change in PUD conditions.”

~John F. Magnuson, Attorney for Bellerive HOA
January 21, 2016 letter to Planning Director



Ex Post Facto Justification

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

→ FEBRUARY 9, 2016

2. Applicant: City of Coeur d'Alene
Request Open Space Interpretation
ADMINISTRATIVE, (I-1-16) ←

Agenda item appears two months after the planning department's new interpretation was utilized to declare 100% of the platted Bellerive open space is null and void.

Attempt to ratify interpretation after it's used as basis for decisions.

Unacceptable Open Spaces?



Recreation is the act of making something for the second time; refreshment of the mind, body or spirit through relaxation and joy.

Usable open space can not be confined only to land forms that can be easily walked upon.



Bellerive Open Space



Tract provides perpetual public access to the Spokane River.

Bellerive Open Space History

PUD Final Plan approved with 4.42 acres of open space

	Open Space Platted* (acres)
<ul style="list-style-type: none"> • September, 2005 – Bellerive plat recorded <ul style="list-style-type: none"> – Perpetual public access to Spokane River, boardwalk, moorage – 2 tracts dedicated to the City of CDA for Centennial Trail 	1.7200
<ul style="list-style-type: none"> • October, 2007 – Bellerive 1st Addition plat recorded <ul style="list-style-type: none"> – Perpetual public access to Spokane River 	2.3268
<ul style="list-style-type: none"> • June, 2008 – Bellerive 2nd Addition plat recorded <ul style="list-style-type: none"> – Public access to Spokane River and eastern terminus of the boardwalk – Economic conditions prevented completion of public boardwalk 	0.0092
<ul style="list-style-type: none"> • August, 2014 – Bellerive 5th Addition plat recorded <ul style="list-style-type: none"> – Temporary easement exists for the Centennial Trail 	0.5413

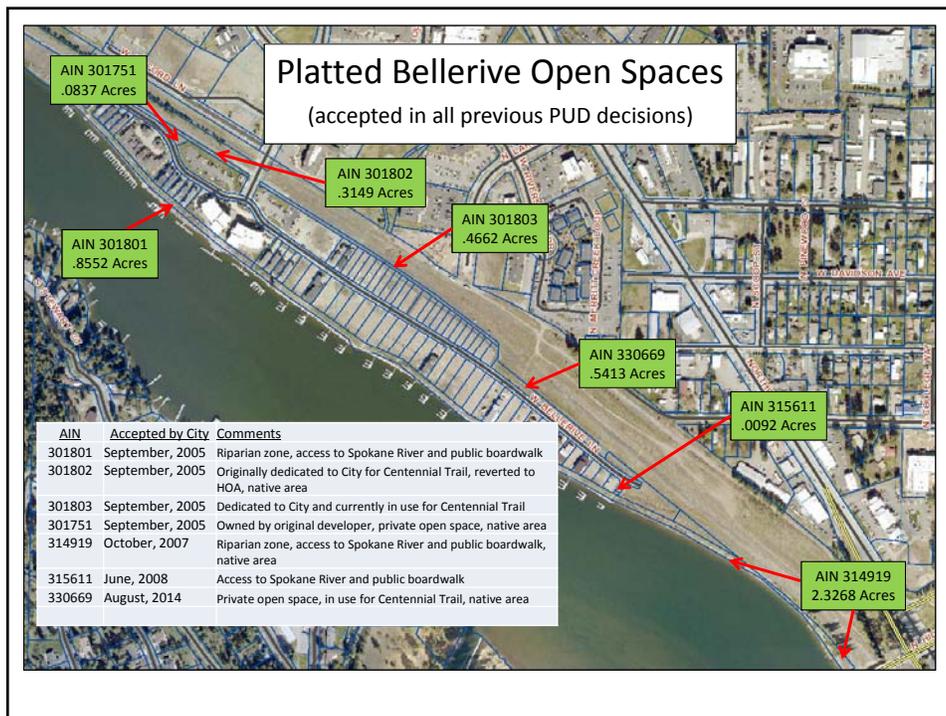
4.5973 acres exists today

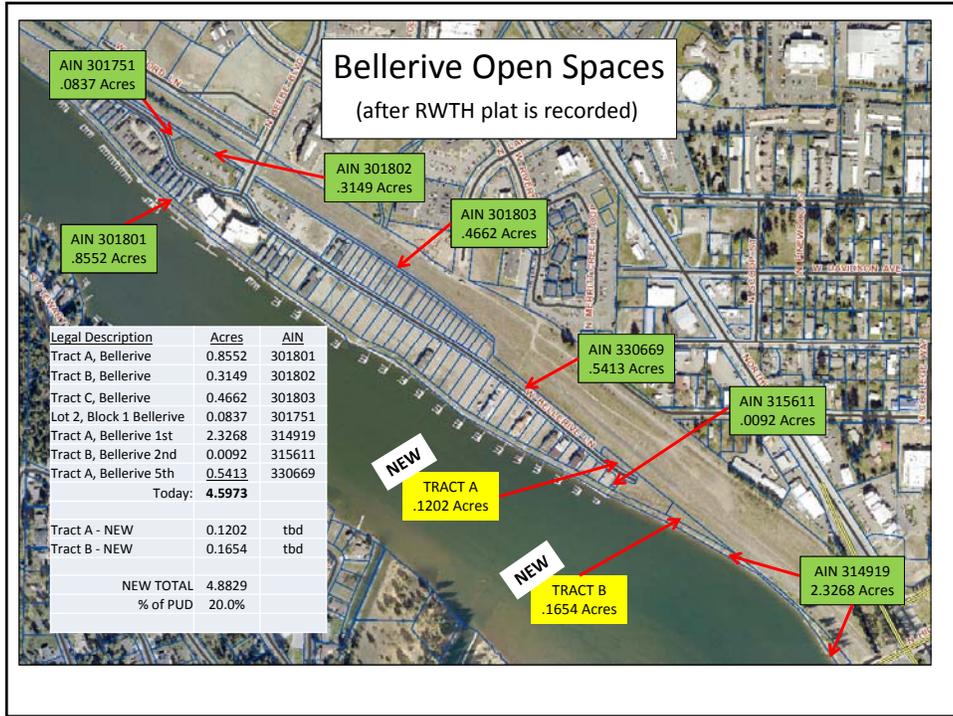
* Verifiable on recorded plats in Kootenai County, Idaho

Previous Bellerive Decisions

<ul style="list-style-type: none"> • 2005 <ul style="list-style-type: none"> – Final Plan approved – Bellerive plat approved • 2007 <ul style="list-style-type: none"> – Revised phasing plan approved • 2008 <ul style="list-style-type: none"> – Bellerive 1st and Bellerive 2nd Addition plats approved – 2nd revised phasing plan approved • 2010 <ul style="list-style-type: none"> – Bellerive 3rd Addition plat approved • 2013 <ul style="list-style-type: none"> – Belle Starr plat approved (Boardwalk Homes replacing Courtyard Homes) – Whitehawk Addition plat approved (Boardwalk Homes replacing Courtyard Homes) – Bellerive 4th Addition plat approved (Boardwalk Homes replacing condos; boardwalk completed) • 2014 <ul style="list-style-type: none"> – Bellerive 5th Addition plat approved (Boardwalk Homes replacing condos) • 2015 <ul style="list-style-type: none"> – Riverwalk Townhomes denied (Courtyard Homes to replace Boardwalk Home) 	<p><i>PUD Open Space Accepted / Actual*</i></p> <p>4.42 / 1.72</p> <p>4.42 / 4.056</p> <p>4.42 / 4.5973</p> <p>0.00 / 4.5973</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------

* Verifiable on recorded plats in Kootenai County, Idaho





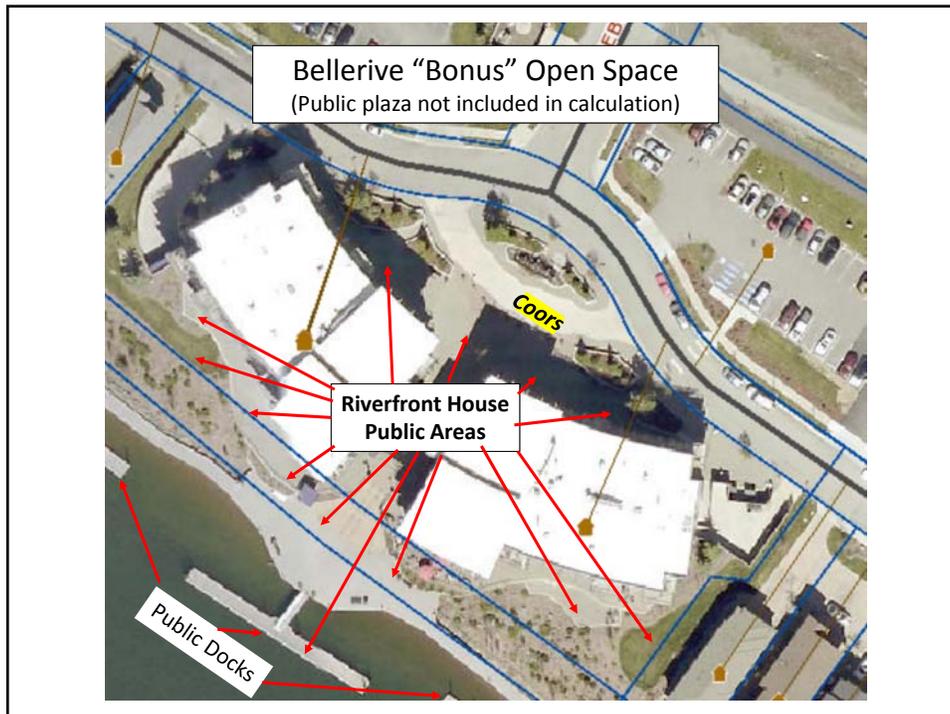
Riverfront House drop off zone at delivery time for LePeep Cafe.



This area has never been identified or included in any Bellerive open space calculation.

The “Riverview Lofts” do not exist – they were originally planned across the street and were replaced in 2014 by the Bellerive 5th Addition single family residences.

On the other side of the truck, a magnificent plaza with benches, tables, views and access to public boat docks on the Spokane River.

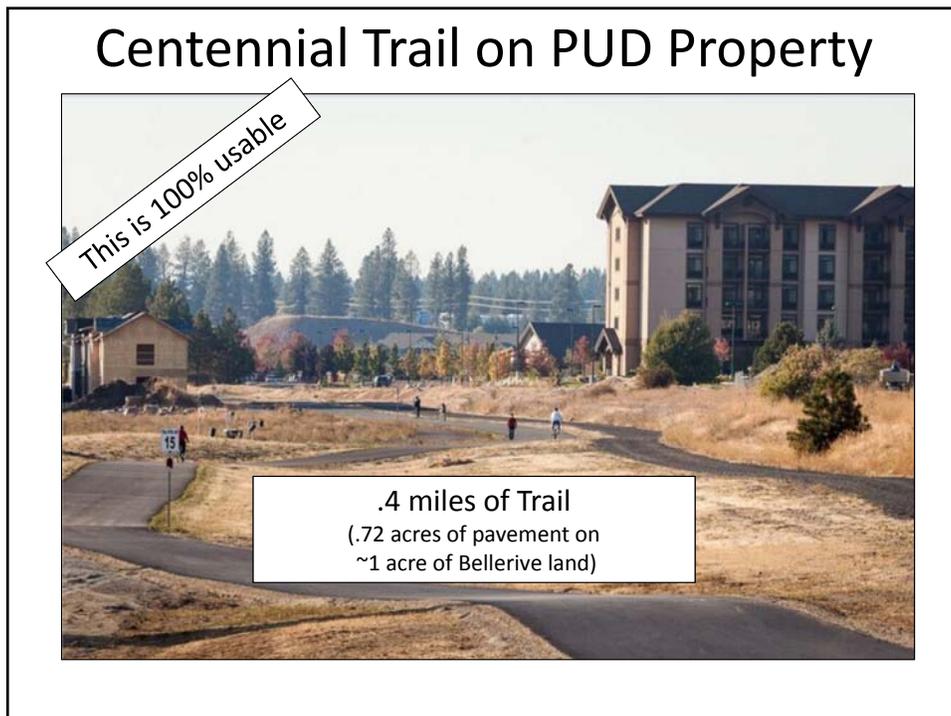
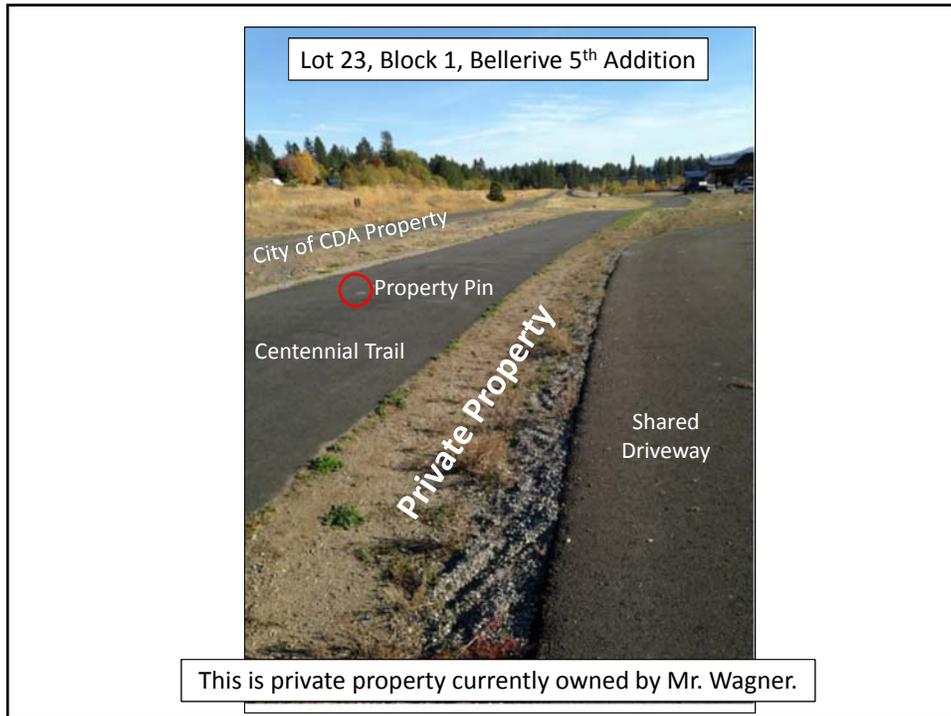


Bellerive Open Space



12/8 Staff Report Exhibit





12/8 Staff Report Exhibit



Small, odd shaped lot adjacent to the abandoned railroad.
Abandoned by Declarant. Tax lien recorded.
HOA may acquire and improve this parcel.

Bellerive Open Space



Applicant kindly requests the City Council to...

- Accept all of the previously platted Bellerive open space consistent with all of the PUD decisions made since 2005.
- Approve the Riverwalk Townhomes subdivision.
- Honor applicant's rights to develop and quietly enjoy their private property.
- Consider carefully if a new open space interpretation is really necessary. If so, implement it going forward not selectively or retroactively for partially finished PUDs.
- Approve a plan deviation to enable additional trees and shrubs instead of a ribbon of concrete.
- Treat all property owners within a PUD consistently.
 - 4 very similar Bellerive PUD modifications have been approved by the City within the past 30 months.

Riverwalk Townhomes Project Benefits

- Increases the total amount of Bellerive PUD open space.
 - 30.2% of subject property will be formally platted.
- Provides improved public access to the Spokane River.
 - 306' of frontage adjacent to the HOA's 2.33 acre riverfront tract.
- Plan is 100% compliant with Bellerive PUD.
 - Flexibility to substitute Courtyard Homes with Boardwalk Homes was approved in 2005 and affirmed in 2008, 2013 and 2014.
- Enables 6 new residential properties.
 - Increases the tax base in the river district.

Supplemental Exhibits

Dedications on Recorded Bellerive Plats

Bellerive

Tracts B & C along with the adjacent easements noted hereon are hereby dedicated and granted to the City of Coeur d'Alene for the purpose of installing, constructing, maintaining, repairing, and operating the Centennial Trail. Should the City of Coeur d'Alene ever cease to use the property as and for the Centennial Trail, the above described property shall revert to and vest in the Grantor, or its successor or assigns, and Grantor may exercise all rights and privileges of ownership of the same. Should Tract B and Tract C revert back to Grantor or its successors or assigns, Grantor or its successors or assigns, shall determine, in its sole discretion, the scope and allowable uses of the easement granted herein.

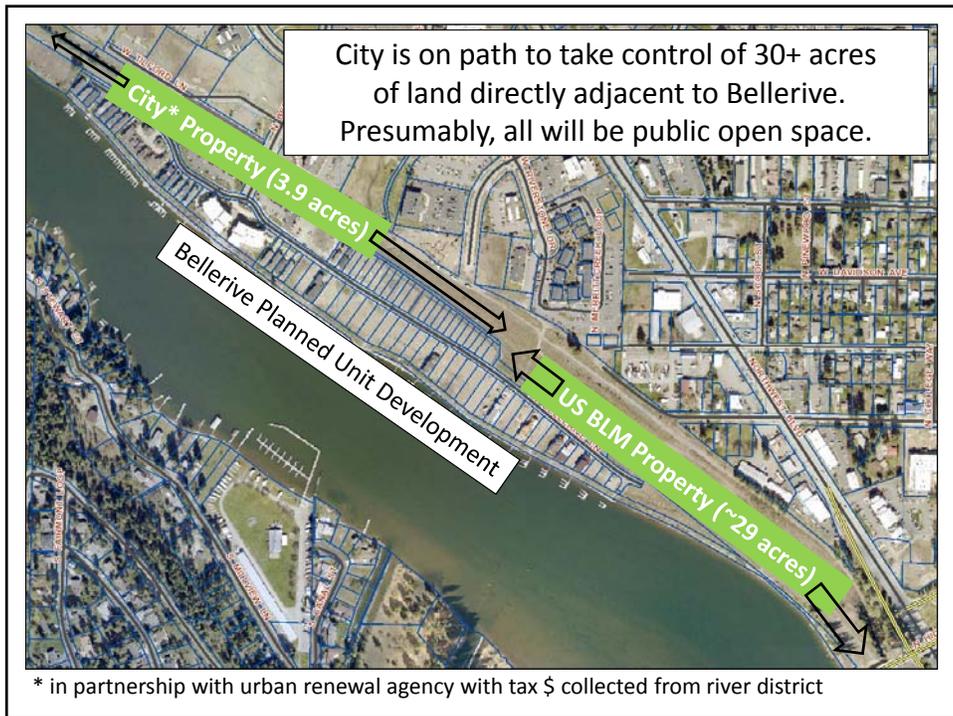
The area identified hereon as Tract A is a common area and shall be deeded to, owned, improved, managed and maintained by the BELLERIVE Homeowners Association, a nonprofit association of property owners having jurisdiction over the platted area. The common tract cannot be sold or transferred regardless of any provisions in the covenants to the contrary without the expressed written approval by the City of Coeur d'Alene. The owners hereby declare that Tract A shall be subject to a perpetual nonexclusive easement in favor of the public, for use and enjoyment for recreational purpose and to access the boardwalk along the shoreline of the Spokane River, subject to such purposes as shown on the final plat for drainage, ingress and egress easements.

Bellerive 1st Addition

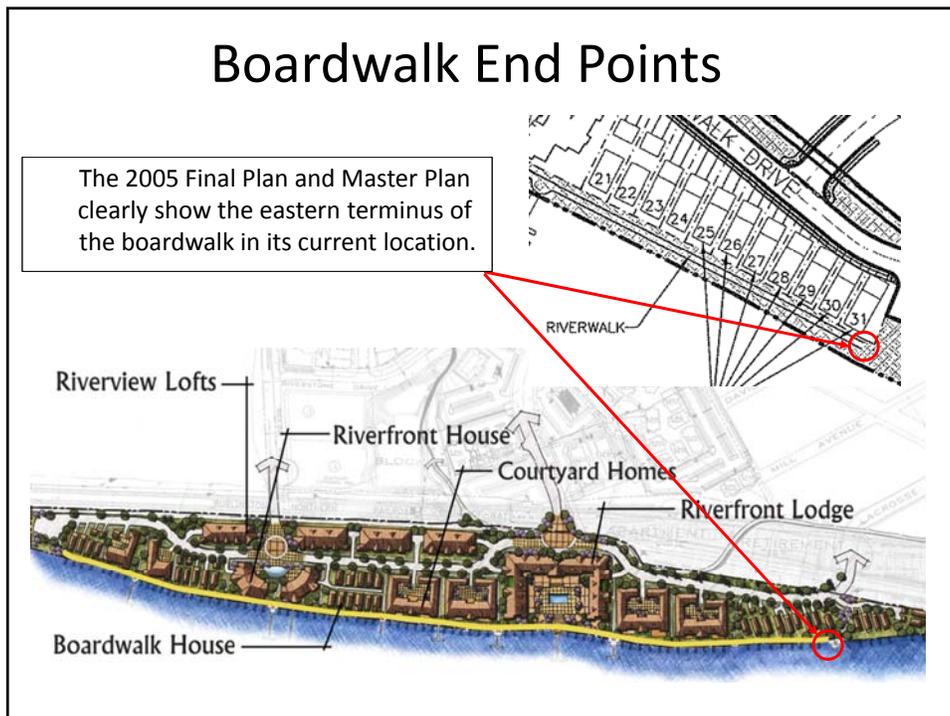
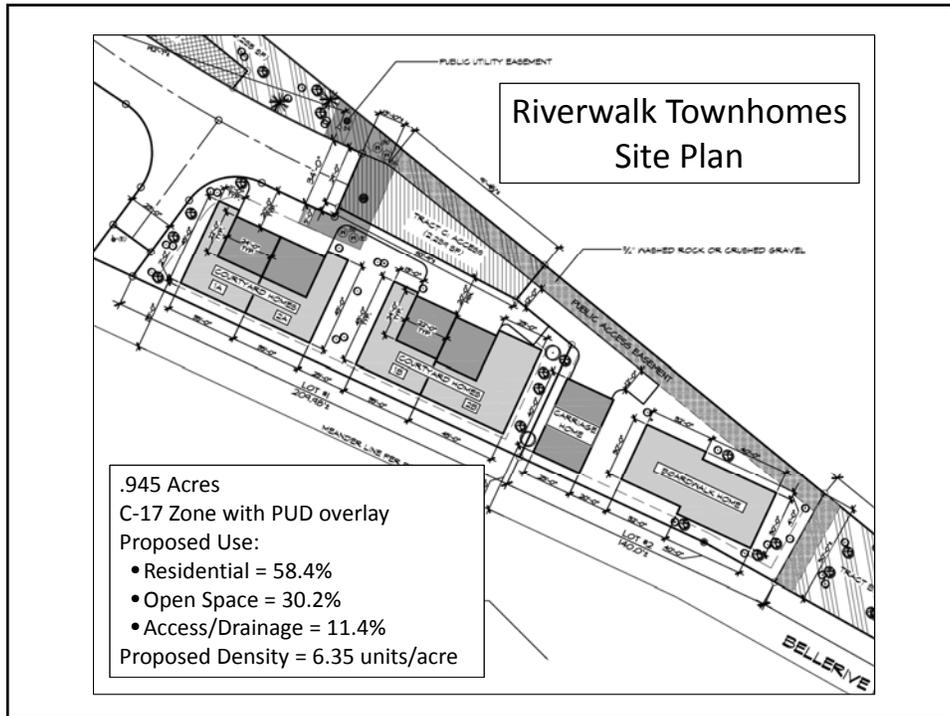
6. THE OWNER HEREBY GRANTS A PERPETUAL NONEXCLUSIVE EASEMENT ON ALL OF TRACT A TO THE PUBLIC, FOR USE AND ENJOYMENT FOR RECREATIONAL PURPOSE AND TO ACCESS THE BOARDWALK ALONG THE SHORELINE OF THE SPOKANE RIVER, SUBJECT TO SUCH PURPOSES AS SHOWN ON THE FINAL PLAT FOR DRAINAGE, INGRESS AND EGRESS EASEMENTS.

Bellerive 2nd Addition

13. TO FURTHER THE RECREATIONAL USE OF THE BOARDWALK LOCATED ON TRACT "A," BELLERIVE 1ST ADDITION, THE OWNER HEREBY DEDICATES A PERPETUAL NONEXCLUSIVE EASEMENT OVER AND ACROSS TRACT "A," KNOWN AS BELLERIVE LANE (A PRIVATE ROAD) AND ACROSS TRACT "B", TO THE PUBLIC FOR PEDESTRIAN ACCESS TO TRACT "A", BELLERIVE 1ST ADDITION, AND THE BOARDWALK.







Public Access to Boardwalk



JOHN F. MAGNUSON
ATTORNEY AT LAW

ADMITTED IN IDAHO AND WASHINGTON

TELEPHONE
208•667•0100

FAX
208•667•0500

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

January 21, 2016

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

Re: Bellerive PUD

Dear Hilary:

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

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

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

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

January 21, 2016

Page 2

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

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

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

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

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

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

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

January 21, 2016

Page 3

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

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

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

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

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

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

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

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

January 21, 2016

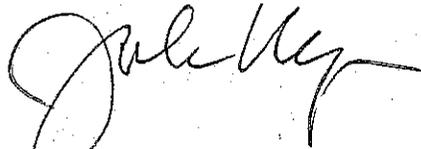
Page 4

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

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

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Magnuson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John F. Magnuson

JFM/js

Encl.

cc: Bellerive HOA
CITYCDA-ANDERSON-BELLERIVE.wpd

Bellerive Platted Open Spaces

(accepted by City in all previous PUD decisions)

AIN 301751
.0837 Acres

AIN 301802
.3149 Acres

AIN 301803
.4662 Acres

AIN 301801
.8552 Acres

AIN 330669
.5413 Acres

AIN 315611
.0092 Acres

NEW
TRACT A
.1202 Acres

NEW
TRACT B
.1654 Acres

AIN 314919
2.3268 Acres

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

