

**PLANNING COMMISSION
MINUTES
JUNE 11, 2019
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Michael Ward
Peter Luttrupp

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Sean Holm, Senior Planner
Mike Behary, Associate Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Lewis Rumpler
Brinnon Mandel

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Ward, seconded by Fleming, to approve the minutes of the Planning Commission meeting on May 14, 2019. Motion approved.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director, provided the following statements:

- There are three scheduled items for the July Planning Commission meeting: An amendment to the Accessory Dwelling Unit (ADU) code that was discussed at a workshop a few weeks ago, and requests from River's Edge for the larger parcels owned by Lanzce Douglass, who is bringing forward a Planned Unit Development (PUD) and a subdivision request.
- Staff is working on a grant application with the Coeur d'Alene Association of Realtors and CDA 2030 to bring Opticos to Coeur d'Alene to address "Missing Middle Housing," which is housing types in between single family detached and midrise apartments. She explained that they will come and lead a forum, including a day tour, to get a lot of background on what the existing housing conditions are in Coeur d'Alene and provide recommendations on how to do infill housing in a sensitive manner to recognize established neighborhoods.

- The Council approved the land exchange with St. Vincent's on East Sherman of the city-owned properties on Homestead for the two properties owned by St. Vincent's. She added that this will help their efforts to revitalize East Sherman and they will continue to work with Community Builders to finish the East Sherman Master Plan within the next month, and will come before the Planning Commission and then to Council.
- The Comprehensive Plan update project, which is called "Envision Coeur d'Alene," will be going forward to the City Council on Tuesday, June 18, with a request to approve the contract with MIG and their subconsultants. Staff wants to respond to comments posted on Facebook asking what's going on and why there isn't any public engagement for the project. Ms. Anderson explained that the process needed to slow down in order to have the consultant team on board before they start the process of community engagement, and that there will be plenty of opportunities for public input when the project officially launches in the fall.
- Staff is working on creating an online sign-in form for community members to sign in at public meetings to help eliminate a scramble to the sign-in table. Ms. Anderson added that there will be a demonstration presented with assistance from Jake Garringer who has helped their IT Department on the creation of the program. She stated that, even though people will provide their contact information, it won't show up on the screen, which will only show a streamlined version.
- They have scheduled the Health Corridor Visioning Workshop for Thursday, June 13. The public is invited to come and provide input on the health corridor, which is for the Master Plan and Economic Feasibility Study that will be done by HDR and paid for by ignite CDA. The time of the workshop is 5:30 p.m. – 8:30 p.m. at the Midtown Center, and hopefully everyone will be able to stay for the entire presentation. But, the workshop will be in an open house format so that citizens can pick up some information and fill out some forms if they can't stay for the entire workshop.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS

1. Applicant: TDS Metrocom, LLC
 Location: 215 W. Sunup
 Request: A proposed Wireless Communication special use permit in the C-17 zoning district
 QUASI-JUDICIAL (SP-4-19)

Sean Holm, Senior Planner, presented the staff report and stated that TDS Metrocom, LLC is requesting approval of a special use permit for a wireless communication facility. The request would grant the applicant the ability to place a building-mounted mast and antenna(s) for receiving off-air (local) channels.

Mr. Holm provided the following statements:

- The applicant is requesting a special use permit for a wireless facility in the City of Coeur d'Alene. TDS Metrocom, LLC seeks to install an antenna to capture local over-the-air television channels to be able to provide them to their future customers via a fiber optic network.
- The applicant's justification and explanation of why a special use permit is being requested can be found in the narrative.
- Mr. Holm said that the Comprehensive Plan designates the location as Transition.
- He provided a copy of the proposed site plan including a copy of the landscaping/gate plan.
- He noted the property on a map with the surrounding approved special use permits.
- He provided a copy of the land use map.
- He provided a selection of various site photos of the property.

- He noted in the staff report where city staff comments were located, with none having a conflict.
- He stated that there are no proposed conditions for the property.

Mr. Holm concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked what the maximum building height in a C-17 zone is.

Mr. Holm answered that for commercial there is no maximum height requirement, and for residential the maximum height is 45 feet. He explained that they were required by the code to get a special use permit if they planned to send the signal out.

Commissioner Luttrupp asked if staff knew the distance of how for the signal will go.

Mr. Holm stated that the applicant was present to answer that question.

Public testimony open.

Jared Pahl, applicant representative, provided the following statements:

- He said that staff did a great job on their presentation.
- He explained that the signal will be distributed over a fiber optic network with no additional mast towers erected.
- He stated it will be their single access point which will serve as their central office for the fiber optic network that is being constructed.

Mr. Pahl concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked whether, if the technology is successful, there will there be a lot of duplication by other companies.

Mr. Pahl said not for them, but he can't speak for other competitors.

Commissioner Luttrupp asked if the industry is moving toward using 25 foot antennas.

Mr. Pahl said that it is not a 5G site, but a classic analog receiver that they can receive local news stations on that broadcast wirelessly and distribute that over their fiber.

Public testimony closed.

Motion by Fleming, seconded by Ward, to approve Item SP-4-19. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

2. Applicant: The Unfolding, LLC
Location: 2744 N. Riviera Parkway
Request:

- A. A proposed 2.23 acre Planned Unit Development known as "The District at Riverstone" QUASI-JUDICIAL (PUD-1-19)
- B. A proposed 24-lot preliminary plat known as "The District at Riverstone" QUASI-JUDICIAL (S-1-19)

Mike Behary, Associate Planner, said that The Unfolding, LLC is requesting approval of a gated residential Planned Unit Development and a 24 lot, 5 tract, preliminary plat to be known as "The District At Riverstone."

Mr. Behary provided the following statements:

- The existing site is currently vacant and is made up of one parcel consisting of 2.23 acres.
- The proposed Planned Unit Development (PUD) will be comprised of 24 residential lots with private open space areas for residents of the development.
- The PUD is proposed as a private gated community with private roads. In addition to the proposed gate for vehicle access, there are also two proposed pedestrian-gated access points.
- The applicant is proposing to install the streets and the subdivision infrastructure for the project in one phase.
- The applicant has indicated that, if approved, construction would begin in August of this year with the proposed completion of the subdivision work by December 2019.
- The proposed PUD will have a density of 10.7 units per acre. The property is currently zoned C-17 and the current zoning allows for a density at 17 units per acre.
- The applicant has indicated that he intends to develop the PUD similarly to the adjacent PUD located adjacent to the west of the site.
- The proposed PUD will be comprised of four single family detached houses and 20 single family attached dwellings. The attached single family dwellings will share a common wall with another home that is separated by a property line. The applicant has submitted building elevations of the proposed residential dwellings indicating how they will look from the street.
- In the past, the site was part of a gravel extraction operation. Staff has become aware that there are some possible fill issues related to the subject site.
- The applicant has submitted a geotechnical report as part of the application
- The City's Building, Wastewater, and Water Departments will require an updated geotechnical report for the approval of any mitigation for the presence of groundwater and unacceptable fill material as noted under the conditions.

The applicant is requesting the following deviations from existing standards:

- Front Setback: 10' rather than 20'
- Rear Setback: 10' rather than 25'
- Side Yard Setback: 5' and 5' rather than the 5' and 10' required for lots without alley access.
- Minimum Lot Area: 1,875 SF rather than 5,500 SF
- Minimum Lot Width/Frontage: 25' rather than 50'
- Private gated vehicle access rather than open access for the public.
- Private streets rather than public streets.
- Right-of-Way width: 31' rather than 55'
- Sidewalk on only one side of the street.

- Mr. Behary provided various aerial shots of the property.
- He stated that the Comprehensive Plan designates the area as Spokane River District-Transition.
- The site is relatively flat and site grading on the site has been done.
- There are no topographical or other physical constraints that would make the subject property unsuitable for the proposed subdivision and Planned Unit Development.
- There are existing residential uses to the north and west of the subject property. To the northeast is a commercial use that is a financial service facility. To the east is Riverstone Park. To the south is the Centennial Trail.
- Snow storage will be located on the east and west ends of "Mastas Place" and the perimeter of the development will be fenced along with a gated entry.
- Mr. Behary provided a copy of the PUD site plan
- He provided a copy of the diagram of the gate.
- He provided a copy of a land use map showing the uses surrounding the property.
- He provided various photos of the site and building elevations.
- He explained the open space site plan submitted.
- He noted the various staff comments located in the staff report.
- He stated that there are 15 conditions for approval.

Mr. Behary concluded his presentation.

Commission Comments:

Commissioner Ingalls inquired how the deviations compare with similar projects within the city.

Mr. Behary said that there are some comparables such as Cottage Grove and Riviera Walk; however, the proposed development is different and they will require larger setbacks. The District at Riverstone is required to have 5' setback from the property line, so it will make it 10' between buildings.

Commissioner Ingalls concurred that the proposed development is comparable, but more generous. He questioned how the other developments are performing and if staff is able get out in the field after an especially hard winter to see how they are performing.

Mr. Behary stated that every now and then they do hear comments from people living in those neighborhoods where there are Issues with snow falling on air conditioning units or gas meters and they are buried. He explained that at the staff level, they figured that it might be an issue, especially in the winter, and that is why they wanted to make sure the setbacks were greater for the proposed development.

Commissioner Ingalls asked about the Geo Technical report included in the packet and said that after reading it many times he noticed a lot of red flags, especially with ground water and questionable soils. He added that staff has raised some concerns as noted in the staff report, and said that it looks like a "leap of faith" if they approve it, knowing there is more work to be done. He asked if there was a discussion at staff level to postpone the project until they can get clarification on the Geo Technical report.

Mr. Behary said that they did have a discussion with the applicant, and after that discussion staff felt that a condition stating that the applicant will need to provide another Geo Technical report to be approved by city staff before any infrastructure is installed was appropriate. He added that various staff members were present to answer further questions.

Chairman Messina asked if the proposed project moved forward and the Geo Technical report came back as not favorable, would the PUD and Subdivision go away.

Ms. Anderson explained that they drafted a condition stating that the departments would have to agree to mitigation to see if it would work, and if they get to a point where they get the Geo Tech report and it is expensive, the developer would need to determine how to move forward. She added that the condition, as written, does protect the city's utilities since they have the final say, not knowing everything about the soil condition which is why a new Geo Tech report was requested.

Chairman Messina asked whether, if the Geo Tech report comes back and it is unfavorable and the city says the applicant can't get a building permit, can the applicant do something and say they can continue because the city has approved the PUD and Subdivision.

Ms. Anderson commented that other staff were present that could explain the Geo Tech report, but there is always an answer but might be too expensive to replace the soil and that it might not be cost-effective for the developer.

Commissioner Luttrupp said that it seems that the project is conditional upon getting a new Geo Tech report with staff approval and, if that doesn't happen, the project goes away.

Mr. Adams commented that the project is a "moving target" because if the applicant comes back with mitigation plan and it is not acceptable to one of the departments, that doesn't end the project and the applicant will go back to the drawing board to try and come up with something new. He added that the PUD and Subdivision approvals will expire at some point, but extensions can be granted.

Commissioner Fleming commented that they have approved PUD's throughout the city and have always demanded that they connect to one another. She noted that she has a problem with the PUD which is adjacent to Riverwalk with two streets that are not connected. She added that they demand connectivity all throughout the city and yet this development can ignore it. She stated that the development doesn't fit and questioned why connectivity wasn't addressed.

Chairman Messina asked for clarification in regard to connectivity and whether Commissioner Fleming meant connecting to the Centennial Trail or just the neighborhood.

Commissioner Fleming said that she has an issue with connectivity to other neighborhoods and feels that if the development will be done by the same developer, she doubts the area will welcome another fenced development. She said that the area is looking like a stockyard.

Commissioner Luttrupp asked if they have other PUD's in the area that are similar.

Mr. Behary said there are a few in the Riverstone area and some up north that have fences around them that are similar.

Commissioner Ward said that if the piece of the fence that lines up with the other subdivision could be removed, the Fire Department would have access and connectivity to get from one subdivision to another in case of a fire.

Mr. Behary said there is greenspace in the middle of the property that might be difficult.

Public testimony open:

Dennis Cunningham, Applicant, provided the following statements:

- He explained that, originally, when they were looking at property in Riverstone, he put an offer on all of the property in that phase where the low cost housing is located and was beat out by some acquisition by Todd Prescott and Whitewater, so they moved forward with a 5+ acre parcel where they built Riviera Walk.
- He explained that, originally, they were thinking of building up and doing a multifamily project after they moved from that phase. He commented that at that time they were working closely with

some Geo Tech companies out of Seattle, and when another developer was proposing an R-34 project with multifamily, they were thinking they should do the same project on their site. He said that he regrouped and thought they could build some smaller single family homes, and noted that a large percentage of his projects are single family.

- He commented that a question came up regarding connectivity with the adjacent property owner and explained that it is a private street with an existing Homeowner Association (HOA) that has their own reserve funds and maintenance costs that would need to be addressed if they were to combine the HOA's.
- In regard to setbacks, Mr. Cunningham explained that the Engineering Department has approved a 5 foot minimum setback on both sides which they will not deviate from, so the homes will have 5 foot yard setbacks. Compared to 13 years ago at Meadow Ranch where they built 80 homes with 0 lot lines and 5 foot setbacks, for the proposed project they have opened it up so there is 5 feet on each side to address water or snow. They have also worked with Avista in regard to snow cover on meters and access which seems to be working well.
- Mr. Cunningham said that the Fire Department says when you have a cul-de-sac and there are more than 32 units, there needs to be a second entrance with a Knox box. He explained that they have met with the Fire Department and the "T" road is required to make the radiuses for the distance of the fire truck. He stated that the snow easements can't invade into their turnaround during the winter and it has been addressed on a fire access.
- He explained that, originally, they had proposed 38 units with a multi-story building and have dropped that by 35% of the density and reduced to building single story and now they have proposed 24 units. He feels that this will be a lower impact project with smaller units and single ownership and affordability.
- He stated that they are trying to produce a nice product.
- The 2.23 acres is a separate site, separate PUD, and will have its own HOA.
- Mr. Cunningham explained that the reason for a gate was not to be exclusive, but with the streets being private, on weekends where there is continuous traffic, it can be a lot of people. He said that he hopes the city can provide parking solutions for the area and not put the task on the developers. He said this is why both projects are gated.

The applicant concluded his presentation.

Commission Comments:

Commissioner Luttrupp asked if the streets were not private, could the public park on them.

Mr. Cunningham said if the streets were public, parking would be allowed.

Commissioner Luttrupp asked if Mr. Cunningham was suggesting that the city should open a parking lot.

Commissioner Ingalls asked about the Geo report that was referred to as a "moving" target and concerns from staff and the commission. He said that if the applicant decided to have private/public streets, it should be their responsibility to do it right and why not get the Geo Tech report done first before they move forward.

Mr. Cunningham said that they recently had some meetings with staff and the challenge for them is how much down the road they go to analyze if they don't get approval for the project. He explained that they have about \$75,000 to put forward for a consultant, but if the proposed project is not approved, they don't want to do that ahead of time. He commented that if the commission looks at his situation, they will see that they are willing to do their part to spend money, but don't want to put equipment out there if they don't get approval.

Mr. Cunningham said that he believes that the lot is similar to other lots in Tillford which have been approved around the pond. He said that if the proposed project doesn't get approved, he has been candid with staff and will look at another land use that doesn't require utilities and would be a mini storage. He

said that he can't have the land just sit there and continue to pay taxes on 2.23 acres in C-17.

Commissioner Ingalls said that when Riviera was proposed there was a "hint" that there might be another similar development for the vacant lot owned by the city and years ago had plans to be a parking lot for a fitness center. He stated that when Riviera was proposed, there was a "hint" that if the soils were determined to be ok, in the future there might be another phase. He said that it is not that they don't like gated communities; it is how many are in one area. He explained that Coeur d'Alene Place has three gated communities within the development, which is a large development, and asked if there was a discussion on the expansion of Riviera.

Mr. Cunningham explained that three or four years ago there could have been connectivity in that area and at that time they were looking at a multi-story building. He added that the challenge is with an HOA that is paying for snow plowing and some irrigation and gates, and trying to co-mingle, but they can separate that. He stated that the Riviera HOA is very vocal and it has been a challenge to co-mingle.

Chairman Messina inquired as to how Mr. Cunningham would feel about no gate in this development.

Mr. Cunningham said that the challenge with no gate would be that they would have to propose a multi-story building because the road widths would change based on city standards as a requirement for a public street. He added that by going up, they would be opening the road with less footprint would need to get more square footage by going vertical.

Kurt Katzer said that he is a resident of Riviera Walk and that after this last winter they did use the area off of Aviara Drive for snow storage for the whole development. He described the other ends of the street as tight with homes and they had to use a loader to move snow in that area. He further said that by continuing the street through, it would limit their snow removal. He commented that storm water did not get connected to other storm water swales and some of the water runs off under the fence onto the subject property. He said that the landscaping along John's Loop has been maintained by the Riviera Walk HOA and feels that the responsibility and cost needs to be transferred as soon as possible to the District at Riverstone. He further commented that there are some utility panels that are for the Riviera Walk entrance area but are attached to the District's side of the fence and asked if they could be moved to the other side of the fence so they can access them in the future.

Rebuttal:

Mr. Cunningham provided the following statements:

- He said in regard to snow storage that there are three areas for snow storage at Riviera Walk and those are snow easements, and the one mentioned in previous testimony is where the swale system and drywells are and it is a good area for snow storage because it is being filtered.
- The utility boxes are in right-of-ways that will get modified through the engineering plans and there are some old easements on the 2.2 acres that will be vacated because staff has directed them to go to the pond for sewer.

Commissioner Ingalls said that there are 15 conditions and asked Mr. Cunningham if he was o.k. with all of them if the project is approved.

Mr. Cunningham stated that he was o.k. will all the conditions.

Public testimony closed.

Discussion:

Commissioner Ingalls said that he had some concerns regarding the Geo Tech report and an issue with two pocket subdivisions next to each other having their own gate, but having had the opportunity to

discuss the with the developer, he gets it. He explained that Mr. Cunningham answered the Geo Tech issue well and said understands that it is not realistic for Mr. Cunningham to spend \$10-20,000 on another report based on if the proposed project is approved or denied. Mr. Ingalls said that he feels that the development, when done, will look like an extension of Riviera, which is a good project. He further commented that with the Geo Tech Report adequately set forth as a condition, he thinks that the project merits the commission's approval.

Commissioner Ward said that in previous testimony the challenges with snow removal this past winter and after hearing from the applicant regarding the drywells that are in place to help with removal of any stormwater or runoff, it was nice to have that explained.

Commissioner Luttrupp commented that he sympathizes with the comments made by Commissioner Fleming, but to be consistent they need to support the project.

Commissioner Fleming said that when they fence off multiple properties within the area, she is afraid that it will happen with the Atlas property. She asked the commission to think about Garden, Sanders, and all the areas in the city that are lovely and accessible and they don't have to walk the side of a black fence for what could be many lots. She said that she feels that the proposed project is not a good "reach out" to the public and should not be encouraged in Atlas. She further commented that is a beautiful spot that looks over the lake, but everyone has their back turned to it so now they are looking at peoples' back windows. She further commented that, for her this is "inhumane" and a big black corral around the project will not be pleasing and is not giving back to the city and not a good solution. She added that by approving the project, it will be sending a signal to future investors and she does not approve of approve of the request.

Chairman Messina stated that he would support the request and has mixed feelings on a gated community there, but the property is in an area where they have a gated community and it fits.

Motion by Ingalls, seconded by Ward, to approve Item PUD-1-19. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	No
Commissioner Ingalls	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 1 vote.

Motion by Ingalls, seconded by Ward, to approve Item S-1-19. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	No
Commissioner Ingalls	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 1 vote.

3. Applicant: Virginia Tate
Location: 4176 E. Potlatch Hill Road
Request: A proposed 6.125 acre annexation from County Rural Residential to City R-1 (Residential at 1 unit/acre) zoning district.
LEGISLATIVE (A-3-19)

Sean Holm, Senior Planner stated that Ms. Virginia Tate is requesting approval of a proposed +/- 6.156 acre annexation from Kootenai County Rural Residential to City R-1 zoning district (Residential at 1 unit/gross acre). He referred to the area and annexation maps and noted that the request has been filed in conjunction with a short plat application to subdivide the property into 4 parcels.

Mr. Holm provided the following statements:

- In 1989, Virginia Tate's father, Harold Tate, entered into an agreement with Low Investments, Inc., ("Low") in connection with the development of an area known as Armstrong Park.
- Pursuant to the agreement, Harold Tate granted a road easement across his property (now known as E. Potlatch Hill Rd. and E. Sky Harbor Dr.) to allow public access to Armstrong Park.
- Low, among other things, agreed to provide Tate with one water hookup and promised an additional 29 water services in the future. Armstrong Park, but not Tate's property, was then annexed into the City.
- Low created and built the Armstrong Park Water System to provide water service to the subdivisions in Armstrong Park. However, it failed to provide any water hookups to Tate or to fulfill its other promises.
- In 2006, the Armstrong Park Water System was having trouble adequately servicing the Armstrong Park subdivisions. The City, therefore agreed to purchase the system from Low for the purpose of providing "consistent, reliable service to the residents of Armstrong Park." The purchase was completed that same year.
- In March 2017, Virginia Tate ("Tate") reached out to the City by email, providing the agreement between her father and Low, and stating: "I have sent this to the Public Works Dept. multiple times but felt it was wise to send it to you in case turnover and time had removed this future obligation from notice. The most recent sending was during the Armstrong Park water/sewer annexation."
- In the late summer of 2017, Tate requested that the City honor Low's promise to provide water hookups.
- The legal department did an extensive review and analysis of the history of the Tate property, Low, and Armstrong Park. It determined that the City acquired only the Armstrong Park Water System in 2006, not each and every obligation Low may have owed to Tate. Over the next nearly two years, Tate and the City, together with their respective legal counsel, held numerous discussions.
- Tate threatened legal action several times and suggested that she could revoke the road easement, effectively land-locking Armstrong Park, unless the City honored Low's agreement to install a water main and fire hydrants, and provide 30 water hookups for her property, all without requiring her to annex into the City.
- In March 2019, a tentative settlement was reached between Tate and the City.
- The terms of that agreement included that the City would extend the water main from Armstrong Park to the intersection of E. Potlatch Hill Rd. and E. Sky Harbor Dr., install one fire hydrant, and provide one water hookup. Tate agreed to waive all other claims she might have against the City arising out of the agreement between her father and Low, and to request the annexation of that portion of her property north of the road easement, which was the property to receive the one water hookup.

- She further acknowledged that should she request annexation of the rest of her property in the future, she would be provided water service in accordance with City policies then in existence and a settlement agreement was drafted and signed by the parties.
- Tate has now applied for annexation of the property north of the road easement and an annexation agreement has been drafted by City's legal counsel and approved by Tate.
- Mr. Holm provided a map showing the property currently zoned in the county.
- He commented that the City Comprehensive Plan designates the area as SE Hillside – Transition.
- He noted the various staff comments in the staff report and commented that all departments felt public facilities and utilities are adequate.
- He provided a contour map showing the slopes of the property.
- He provided various site photos of the property.
He provided a map showing the land use surrounding the property and stated that this area is commonly associated with the access to the Armstrong Park neighborhood. It is densely treed and much of the area has slopes that trigger hillside code requirements for construction. Large tracts of city owned property extending north to the edge of Fernan Lake provide public recreation opportunities. Some lots provide commanding views of the area.
- He stated that the settlement and annexation agreements were included in the commissioner packets for review.

Mr. Holm concluded his presentation

Commissioner Ingalls said that on the plat it looks like there are 6 lots: one is Elk Point, and a second one is on the south side of the road showing 4 lots.

Mr. Holm explained that there is a request for a short plat for the four lots.

Commissioner Ingalls had a question regarding the annexation area north of the road and would it be staff's expectation that that the applicant intends to build four houses since the request is for an R-1 zoning.

Mr. Holm said that was correct and, if approved, they could also do an Accessory Dwelling Unit (ADU) subject to the Hillside Code.

Commissioner Ingalls referenced the Settlement Agreement in the packet and inquired whether, if the annexation was denied, would the Settlement Agreement go away. He said that when they look at a property to annex into the city, they are looking at property that would be a benefit to the City and whether they are able to close those "doughnut holes." He asked if the Settlement Agreement died, stated one of the conditions in the Settlement Agreement states is the perpetual easement for people to access their home who live at the top of the hill.

Mr. Adams stated that was one of the major considerations in the Settlement Agreement.

Commissioner Ward asked if staff knew if there were any limitations for the use of that specific piece of property that has an R-3 zoning designation. He noted that he thought that the parcel was intended to be used as a natural use since it was steep.

Mr. Holm said that currently the Parks Department is taking care of that property and if there are any limitations, he would have to do some research and come back with an answer.

Ms. Anderson said that parcel is for recreation and some limited trails, and that she thinks it's restricted as to how many trails can be built in the area.

Mr. Holm explained that there were a couple of lots that were going in next to the pump station and the

applicant deeded the entire piece of property to the City.

Virginia Tate, Applicant, provided the following statements:

- The property was homesteaded by her family in 1911.
- Originally their property belonged to the sawmill, which is now the Coeur d'Alene Resort Golf Course.
- In the 1980's, Armstrong Park was well received by the city and the city had planned to put a road access in that was an "engineering nightmare" so the developer came to them with the approval by the city founders at the time, and they agreed to grant access to the road. Ms. Tate explained that if you go further back, you will find many references to a future "Tate Development" for 14 lots, and said that her family discussed the original proposal for a 14 lot subdivision, but after a discussion with the family decided that 4 lots was sufficient which, would keep the forest in place for deer and elk access.
- She said that originally they did offer that piece of land to complete the park but it was rejected by the city.
- She said that a trailhead was put in, called "Elk Point," that has received an enormous amount of hobo traffic and drug trafficking. She further commented that recently they had a "visitor" who was armed hike up the hill and appear during an event they were having and they had to have him removed.
- She explained that it is their desire to remain as rural as possible.
- She stated that through the years there has been a discussion with the City Fire Department in regard to obtaining an easement through their property for fire access. She explained that there is a drop-off and once you get past the drop-off the property levels off dramatically and that would be the easiest access for the Fire Department.
- She said that they have another problem with a lot of people using the parcel by the trailhead for camping etc. and that it was their feeling, after talking to fire and police that having some "eyes" down on the road would help.
- She said that they are proposing one acre lots and other lots in Armstrong Park are denser than what they considered.
- She noted a piece in the staff report referencing a comment regarding storm water and explained that when the road was put in, all the storm water was put in place and that one issue that was not completed which caused the settlement agreement was the water line which slipped passed inspectors was not installed properly.

Ms. Tate concluded her presentation.

Commission comments:

Commissioner Ingalls referenced a comment regarding fire and police access to the area located below these four and in your narrative mentioned an easement that was discussed with the Fire Department.

Ms. Tate explained that the Fire Department did not act on the easement but felt that the driveways down below their property would give them the ability to help any first responder get into the property below.

Commissioner Ingalls said that the only map he had was in the Settlement Agreement and was trying to figure out how it would be developed and if it would have access.

Ms. Tate explained that it will allow access points down to the trail. She noted that the Fernan Lake natural trail runs along the bottom of the four lots on the face of the hill, so should someone injure themselves, they would have an easier time to respond to that person.

Public testimony closed.

Discussion:

Commissioner Ingalls said that the project should be approved because it is very small and aids fuel management in the area that would benefit the greater Armstrong Park area and, with the addition of the Settlement Agreement, will be a compelling and unique benefit.

The commission concurred and said it will support the request.

Motion by Fleming, seconded by Luttropp, to approve Item A-3-19. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote

ADJOURNMENT:

Motion by Luttropp, seconded by Ward, to adjourn the meeting. Motion approved.

The meeting adjourned at 7:26 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant