

**PLANNING COMMISSION
MINUTES
JUNE 8, 2021
Virtual (Zoom.us) and In-Person
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Peter Luttrupp
Lewis Rumpler
Brinnon Mandel

STAFF MEMBERS PRESENT:

Sean Holm, Senior Planner
Mike Behary, Associate Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Mike Ward

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Luttrupp, seconded by Mandel, to approve the minutes of the Planning Commission meeting on April 12, 2021, Motion approved.

COMMISSION COMMENTS:

Commissioner Luttrupp commented that he likes that we are together again and questioned if seating is limited for the public. Mr. Holm stated that we are still practicing social distancing per Governor Little's direction with no mask mandate.

STAFF COMMENTS:

Sean Holm, Senior Planner provided the following statements:

- He stated we received one application for the July 13th Planning Commission Meeting which is a zone change.
- He stated the Atlas Mill Park is open and ready to enjoy.

ENVISION CDA COMMITTEE UPDATES:

Mr. Holm provided the following updates:

- He explained that we recently sent out an email with a copy of the draft Comprehensive Plan update (Envision CDA) that included the Policy and Action items, which was spurred by a public records request.
- He stated that the last public survey is being crafted per the direction of City Council which will seek additional feedback prior to bringing the results to a joint Planning/City Council workshop in the future and at the same time CDA 2030 is coordinating to provide leading support to the action items city staff will also bring those action items to Department Heads to review and assign city lead action items.
- He commented that staff will bring forward a final draft of the Comprehensive Plan for Planning Commission/City Council for consideration to adopt.

PUBLIC HEARINGS

1. Applicant: City of Coeur d'Alene, Water Department
Location: 7032 N. Huetter Road
Request: A proposed Essential Services, (Above Ground) special use permit in the R-8 zoning district.
QUASI-JUDICIAL, (SP-4-21)

Sean Holm, Senior Planner provided the following statements:

- The Water Department staff has been working diligently to keep on schedule with planned well construction to keep up with ever increasing demand.
- The Huetter Well site was deeded to the city as part of The Trails Development. As (the State of Idaho's) Drinking Water Rule requires that a public water system be able to meet peak daily demands with its largest well out of service, it was necessary to proceed with planned construction.
- Peak summer daily demands have been averaging 38 MGD (million gallons per day) to 40 MGD for the past 3 years. With a current maximum capacity of 44 MGD, we can no longer meet that peak day requirement.
- Should there be a major pump failure during the summer season, the Water Department would likely have to impose watering restrictions.
- The Huetter site was test drilled in 2018, and proved that the water quality and soil profile was suitable for use as a potable supply. The production well was drilled and test pumped in late fall 2019, early spring of 2020. It now stands ready to have a building constructed and a pump installed.
- The Water Department is also providing eleven (11) parking stalls on the subject property to allow for parking for the N. Prairie Trail users; however, it is not part of the special use permit request, and is allowed by right.
- The City Comprehensive Plan Map designates this area as Ramsey- Woodland- Stable Established:
- He stated that all city departments reviewed the request and had no issues with the proposed request.
- He stated if approved there are no conditions.

Mr. Holm concluded his presentation

Commission Comments:

There were no questions for staff.

Public testimony open.

Terry Pickel applicant provided the following statements:

- He commented that this request is consistent with the Comprehensive Plan which will be updated in the future with the intent to stay ahead of population growth by pumping double and since last year at this same time we had all 10 wells running in the month of May which we don't see until mid-late July.
- He stated that this well won't be done until fall which will be a help since we had residential consumption double in the last five years with overall irrigation consumption increased by a third.
- He commented that we need to get ahead of growth.
- If approved, this new well will feed the future Armstrong Property in the next few years.

Mr. Pickel finished his presentation

Commission Comments:

Chairman Messina inquired if the water increase is contributed to the additional residential homes and city parks. Mr. Pickel explained that residential use is the biggest user and suggested in the future doing a workshop with the commission to talk about greenspace requirements for future development which we are currently having issues with because of the water demand and would like to discuss water alternatives to lower water use with landscaping.

Chairman Messina commented that with all the studies we are doing for population questioned if this is the reason for having a workshop. Mr. Pickel explained one of the reasons to look at growth and what is going to happen with density since our current Comprehensive Plan shows we will need one more well to reach build out prior to density increases.

Chairman Messina inquired how is this being incorporated into our Comprehensive Plan updates.

Mr. Holm explained there is language in the Growth/Development area that talks about alternatives to grass etc. to keep water consumption low.

Commissioner Luttrupp inquired if there is a need to increase the access of wells.

Mr. Pickel explained that when we reach build out what is estimated to be 75-80 thousand people and the rest over the aquifer does the same thing that maybe come an issue. We are maintaining but unsure where the breaking point is going to be.

Commissioner Luttrupp inquired how the Water Department sets their boundaries.

Mr. Pickel explained that the water on the east side of Huetter will be provided by the city up to Prairie Avenue and the west side depending on the Huetter bypass will be directed to Ross Point or Post Falls

but a portion of it maybe transferred to the city which is a process with other agencies to redraw the boundaries.

Public testimony closed.

Motion by Ingalls, seconded by Luttropp, to approve Item SP-4-21 Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

2. Applicant: Eugene and Nancy Haag Living Trust
Location: 2248 E. Stanley Hill Road
Request:
- A. A proposed 3.194-acre annexation from County Agricultural Suburban to City R-3.
LEGISLATIVE, (A-2-21)
 - B. A proposed 3.19 acre Planned Unit Development known as "Haag Estates PUD"
QUASI-JUDICIAL, (PUD-2-21)
 - C. A proposed 5-lot preliminary plat known as "Haag Estates"
QUASI-JUDICIAL, (S-2-21)

Mike Behary, Associate Planner presented the staff report and stated:

- This is the second time that the subject property is requested to be annexed into the city.
- In 2005, the applicant requested annexation into the city in conjunction with zoning to the R-3 zoning district in item A-7-05. The Planning commission held a public hearing on this matter on August 9, 2005 and subsequently made a recommendation to City Council to deny the annexation request. City Council held a public hearing on October 4, 2005 and denied the request for annexation into the city.
- The three findings that the City Council made in denying the A-7-05 annexation request without prejudice in October 2005 were as follows:
 - 1. That the proposal is not in conformance with the Comprehensive Plan policies.
 - a. "Promote orderly development of land use at locations that are compatible with public facilities and adjacent lands" -- Neighborhood development, topography, and the development pattern are not compatible with adjacent land uses;

- b. "Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects." – The request is not in compliance with this policy for the previously stated reasons.
 2. That the physical characteristics of the site do not make it suitable for the request at this time because the steep topography, stormwater, drainage, and existing spring on the property make the subject property unsuitable for R-3 zoning.
 3. That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because if the property were developed to its full potential, R-3 zoning would be detrimental to the neighborhood character and the surrounding land uses.
- Currently the subject property has a single-family residence on 3.19 acres.
 - The applicant is requesting to split the lot up and create four additional residential buildable lots.
 - The subject site is adjacent to the city limits along its west property line.
 - The property is currently zoned Agricultural-Suburban in the county.
 - The subject site is located within the City's Area of City Impact (ACI).
 - The property has significant slope and will be located in the Hillside Overlay if the annexation of this site is approved. The applicant's Engineer has indicated that the slopes on the south portion of the property range from 20 to 25 percent. The applicant is aware that all development must adhere to the Hillside Overlay requirements. See the attached Narrative/Justification by the applicant at the end of this report for a complete overview of this request (Attachment 1).
 - The applicant is proposing two additional access points to the subject site, both from Lilly Drive, one on the west, and the other on the east side of the subject property.
 - The existing house is served from Stanley Hill Road.
 - The four proposed buildable lots will have access off of the existing streets in addition to access from within the property from a proposed common driveway placed in a common tract.
 - He stated that the City's Comprehensive Plan designates this property within the Cherry Hill area.
 - He stated if approved there are 19 conditions for consideration.

Mr. Behary concluded his presentation

Commission Comments:

Chairman Messina inquired if the style of the houses will be tied into the design if this project is approved.

Mr. Behary stated that's correct.

Commissioner Ingalls stated to the east and at the west there is 10' to 20' between the edge of the end of Lily Drive and this property and questioned if the city has reached out or the applicant to the Eastside Highway District for the approval to extend the road 20' including putting in the improvements and also if they approve the driveways coming off the dead end or would they want to see a cul-de-sac.

Mr. Behary stated that Chris Bosley, City Engineer reviewed this and that Mr. Bosley is here who would be able to address those questions.

Commissioner Ingalls noted on page 2 of the staff report states "That the Planning Commission stated that this site back in 2006 "The physical characteristics of the site don't make it suitable for the request at this time because of the steep topography, stormwater, drainage and existing spring on the property make the subject property unsuitable for R-3 zoning" and that is what the Planning Commission and City Council said in 2005 and some of the comments we received talked about water, ground water and spring water and questioned for clarity.

Mr. Behary stated that he is aware of the concerns from the neighbors about the spring and that the engineer for this project stated that this will be addressed through stormwater and any additional questions will be addressed during his presentation.

Commissioner Ingalls inquired that there were numerous architectural styles showed and inquired if one of those styles was chosen.

Mr. Behary believes that it is their way of saying that they aren't sure what the style would be which will be chosen by the buyer who buys the lot.

Commissioner Luttrupp inquired what has changed with this property since 2005 to now.

Mr. Behary stated the Comprehensive Plan and the conditions.

Commissioner Luttrupp commented that many of the policies in the Comprehensive Plan haven't changed and inquired if this area has changed because of the newer Comprehensive Plan and questioned if nothing has changed with the criteria in the previous Comprehensive Plan from 2005 to now, how can this be approved. He questioned on the graphic submitted by the applicant shows where the houses are built and if approved at the time of permit, questioned if the applicant will have to prove that these houses can be built.

Mr. Behary stated if they can't get it done, they won't be built.

Commissioner Mandel stated since 2005 we do have more criteria to use with the approval of the Hillside Ordinance in 2006 and is a change since the denial in 2005. She explained at the last hearing the applicant tabled this so he could come back with something different that meets the current criteria.

Gordon Dobler applicant representative provided the following statements:

- He stated that he is concerned that there is a comparison to a decision made in 2005 that was denied for various reasons and explained that he was the City Engineer at that time and that this current proposal doesn't resemble what was denied in 2005 and what is presented tonight should stand on its own merits.

- He stated we are proposing an R-3 that matches the surrounding zoning with an overall density would be is 1.5 dwelling units per acre. He noted on the map showing the surrounding properties who have the similar densities, so the density we are proposing is less than the surrounding neighbors.
- He stated one of the comments from staff at the last meeting that the open space tracts need to be accessible to all the lots so we revised the plat and noted on the map how access will be provided to these lots.
- He stated the open space plan will be a passive use accessible to all lots.
- He explained on the last plat submitted had a street that connected through and this plat we are presenting tonight that was omitted.
- He commented on this revision we have two access points including Stanley Hill that should not be omitted and noted on the map where access will be obtained.
- He stated that Eastside Highway District was aware about this project and had no comments for this project. He added that the pavement doesn't go to the property line with a 10–20-foot piece so we will pave that piece.
- He explained that sewer and water are in W. Lily and will extend the sewer main along the southerly boundary and up to E. Lilly following the city policy to bring it through the property.
- He added that water already exists on both sides and we will extend it from W. Lily through and that the Water Department didn't require a "loop" so we will provide three water services coming off of existing water main in W. Lily.
- He noted where the sewer main is on the lot that will service to the other lots with a sewer lateral.
- He explained that we need a Planned Unit Development (PUD) because the existing lots don't have the required frontage on a public street for an R-3.
- He noted how access will be obtained to the other lots by using a 10' access to come down to the driveway tract to allow the lots to use that to get to the open space tract.
- He commented that we meet the 10% requirement for a PUD with the open space tract being a 1/3rd of an acre. He apologized to staff that he didn't get the open space plan submitted in time for this hearing. He noted on this plan will be a gravel path that will have a "rest station" with a bench making this a passive use with minimal land disturbance
- He addressed views/vistas he explained that minimal disturbance will be made to the construction of the lots and utilities and stated that the Hillside Ordinance will govern the development of the lots.
- He stated the Land Disturbing exhibits presented in the staff report are used to show different configurations that would disturb less than 50% of the lot and was submitted to show that this can be done to put in a house minus the grading associated with the placement of foundations with minimal land disturbance.

- He included the sewer easement needed for lot 3 that will be disturbed once we put the sewer in which will be impacted on lot three and this can be done to build these homes and stay within the 50% preservation for the Hillside Ordinance.
- He commented with the R-3 we are proposing feel that we will be compatible with other surrounding properties.
- He stated fire access will be from both sides of Lilly which is better than other subdivisions and by approving this will give 3 points of access to the lots.
- He addressed the physical characteristics of the property and doesn't understand previous issues that they aren't adequate and noted the topo lines on the plat comparing to the existing subdivisions were built on steeper slopes than what we are proposing.

Chairman Messina inquired what is the difference of elevation from the open space down to the southern portion of the property.

Mr. Dobler estimated the elevation to be 30-40 feet.

Commissioner Fleming inquired if there are 50' drops associated with those lots.

Mr. Dobler commented that is correct and not much different slope differences between these lots and the surrounding properties.

Mr. Dobler continued his presentation and made the following statements:

- He referenced the spring on the lot and doesn't know how this came about especially in 2005 when this annexation was first presented. He explained that it's not a spring, but a foundation drain that is contained in a 4-inch PVC and explained that this is a pipe in a gravel bed that collects any water that is around a basement buried into the slope that collects the water and any water accumulated it goes to a drywell. He felt that it was good to mention this since it came up in the past from area residents that had concerns. He explained that to solve the issue will intercept the drain back to the property and put it into a drywell and swale that will need to be constructed when we put in the common drive way.
- He noted that traffic should not be a concern with the addition of three homes that would generate two trips in the peak hour 4-6 p.m.
- He stated they provided various home styles that might be considered for these lots which will be sold separately.
- He stated that they have seen the conditions with no objection.

Mr. Dobler concluded his presentation.

Commission Comments

Chairman Messina stated when you are digging on a piece of property sometimes you will hit some water and deal with it by adding a drywell and questioned if a Geotech report has been done on this property.

Mr. Dobler explained that he has done an informal report, but will be doing the formal Geotech Report that will be required with the submittal plans for a building permit.

Mr. Behary added that a Geotech report will be required before any site development work.

Commissioner Ingalls stated that the City Council hearing in 2005 when this project was denied for the first time was denied commented that this is a request for an annexation and questioned what are the benefits to the city if this property is annexed and in the 2005 request Lily drive was propose to be extended and after reading all the comments submitted with this request people don't want to see Lilly connected. He stated if this was denied and the county doesn't have a Hillside Ordinance and one of the benefits to the city is going to handle this with "kid gloves" and would that be considered a benefit to the city.

Mr. Dobler stated he works in other jurisdictions and the benefit to the city controls how the property is being developed and if it doesn't get annexed a false statement saying it won't be developed which is untrue. He stated that Coeur d'Alene is unique with these requirements to develop which are very strict on how you develop in the Hillside and once you apply for a building permit the first thing that happens is to show staff all the grading meets the 50% preservation criteria and if that isn't met will have to reduce the footprint and make the adjustments to fit the lot. He added there are requirements for tree preservation and in other areas if you remove trees they have to be replaced. He explained that staff will require a tree survey to see what trees will be removed and the trees selected to stay per the Hillside Ordinance requires that those trees saved be fenced off.

Commissioner Ingalls explained the main comment heard for this request that the surrounding neighbors object to the connection of Lily Drive and questioned if this was denied again and the applicant decided to develop in the County, the project would look different.

Mr. Dobler concurred with the elimination of the street the East Side Highway district would make that decision for the connection of Lily Drive and explained if the applicant decided to split the lot in half that would be possible.

Commissioner Ingalls stated other comments were that the neighbors would love to see the site stay in its natural state.

Mr. Dobler stated he is not surprised people like it but unfortunately that won't happen.

Commissioner Rumpler noted that there are 19 conditions and are you willing to comply with those conditions. Mr. Dobler stated that the applicant doesn't have any objection to the conditions and confident we can build quality homes meeting all the city requirements.

Commissioner Luttrupp inquired when was the Hillside Ordinance approved by City Council.

Mr. Dobler stated was approved in 2006.

Commissioner Luttrupp commented so the Hillside Ordinance was approved after the original annexation was denied.

Mr. Dobler stated that is correct.

Commissioner Luttrupp inquired if this is approved will the future owners be aware of the conditions on these lots.

Mr. Adams explained that the conditions of approval are of record and will not be binding on any future owners.

Mr. Dobler added that the conditions will be on the face of the plat that says "the development has to conform to the Hillside Development Code".

Lauren Hayden stated that she has been a resident in this area for 17 years and is opposed. She stated the findings in 2005 have not changed and denied in 2005 because of the impact it will have on the surrounding neighbors. She stated the majority of homes in this area are modest and don't represent the examples of the homes provided by the applicant. She referenced City Engineer, Chris Bosley's comments that traffic will not be impacted and doesn't agree with that comment since traffic is already bad in this area. She added that the only benefits for annexation is for the applicants and the elimination of wildlife in this area. She noted in the applicant's narrative referencing the 2'inch PVC pipe and that earlier Mr. Dobler referenced this pipe as a "foundation drain" and has never seen a copy of a report stating that and most people living in this area of the amount of water on the property.

Dorothy McNeel stated that she is opposed to the request for the reason of lack of notification for this hearing and explained after receiving her notice by mail she called her adjoining neighbor on Gunnison Place and she didn't receive the notice and didn't know anything about it. She added that 15 years ago she attended the meeting in 2005 where she spoke and prior to that meeting we knew about the hearing and got together to support our community. She stated that she has lived on Gunnison Drive for many years and that there is a lot of natural springs in the area that has done damage to many of the homes in the area.

Armand Gagne stated he agrees with all comments and has lived in the area for 10 years and is aware of the problem with underground water and recommends a Geotech report available for the public to review. He stated that he is opposed to the project.

Janis Houghton stated that she lives on East Lily drive and bought the house because it's on a dead-end road and happy to hear the road isn't going through which was a big concern at the hearing in 2005. She stated you have a right to do with the property and knows the applicant wants to make money and sees the impact it has on the neighbors but to deny wouldn't be right. She is concerned about access to the three homes. She added water is a concern and that there is a spring on the property and surprised to hear the applicant say it was a drain because it looks like a spring. She stated that they had a dog that fell into the spring and was rescued by an adjoining neighbor who heard the dog barking. She added when she went to the spot the next day that the water depth could have been over her head and that a dead deer was in the water and was how the dog survived. She approached Mr. Haag and was told to mind my own business and stay off the property.

Judy Hughes stated she lives on East Lilly and is concerned about traffic and is concerned traffic from those three properties will be going onto the county road which is dangerous.

Rebuttal:

Mr. Dobler provided the following statements.

- He stated traffic generated will be minimal and the reason traffic will be directed to the east is because the grades on the property in order to provide access from any upper lot would have been a lot of land disturbing to get a driveway down to the Lily West because of the grade difference and would have exceeded the 8% grade and wouldn't have met the Fire Code.
- He commented that we have standard construction techniques that are proven to address ground water when/if it is found and foundation drains is one of them which is very effective in collecting water for basements and houses built in cuts to intercept/dispose of ground water. He added that there won't be any impact of ground water if found on site to the surrounding neighborhood it will be dealt with onsite. He added that you look at the surrounding development that have similar cuts in the hillside that are stable homes and if there is groundwater it has been dealt with and that this property can be built on with these issues.

Commissioner Luttrupp inquired if a Geotech is required and what is the purpose of that report.

Mr. Behary explained that the purpose is to show if the lots are buildable and that the report is available to the public upon request.

Commissioner Luttrupp inquired about notices and that last time there were a couple people on Zoom who wanted to attend the hearing but was told lack of space. He inquired if this hearing was noticed.

Mr. Behary explained that the notice was in the Coeur d'Alene Press and mailed to property owners within 300' of the site.

Public testimony closed.

Discussion:

Commissioner Rumpler stated we have heard complex cases and this is one of those where there is a challenge between neighborhood needs and wants and property owners right to develop. He stated that we have an important consideration in developing additional homes. He added a challenge is when a proposal comes before us that is defensible and conforming and hard to deny and that the developer has made a strong case to address many of the comments as they could with 19 conditions to comply with and is in support of this project.

Commissioner Mandel concurred and added the way she evaluates these projects is what could be done now and is there a way for us and the city to manage that by controlling how development happens and how we protect are environment and this is an opportunity under the current idea could be worse and see an opportunity to how we want our area developed and approves this request.

Commissioner Ingalls stated traffic is not a concern and that this property will be developed if not in the city in the county and since 2007 the city has adopted a Comprehensive Plan and the Hillside Ordinance that is very demanding and will have four houses well "seated" into the hill and tastefully done and developed in the county would be a big question mark and recommends this project for approval.

Commissioner Luttrupp stated things have changed since this was originally heard regarding the adoption of the Hillside Ordinance and will support this request.

Motion by Fleming, seconded by Rumpler, to approve Item A-2-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

Motion by Fleming, seconded by Mandel, to approve Item PUD-2-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

Motion by Fleming, seconded by Rumpler, to approve Item S-2-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 7:35 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant