

**PLANNING COMMISSION  
MINUTES  
NOVEMBER 14, 2023  
LOWER LEVEL – LIBRARY COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Sarah McCracken (on zoom)  
Peter Luttrupp  
Lynn Fleming  
Phil Ward

**STAFF MEMBERS PRESENT:**

Hilary Patterson, Community Planning Director  
Mike Behary, Associate Planner  
Sean Holm, Senior Planner  
Traci Clark, Administrative Assistant  
Randy Adams, City Attorney

**COMMISSIONERS ABSENT:**

Jon Ingalls, Vice-Chair  
Mark Coppess

**CALL TO ORDER:**

The meeting was called to order by Chairman Messina at 5:31 p.m.

Chairman Messina announced that the public hearing for item ZC-1-23 has been rescheduled to the December 12, 2023 meeting and asked the Commission to amend the agenda accordingly.

Motion by Commissioner Ward, seconded by Commissioner Luttrupp to amend the agenda to remove ZC-1-23 noting the hearing will be on December 12, 2023. Motion carried.

**APPROVAL OF MINUTES:**

Motion by Commissioner Fleming, seconded by Commissioner Ward, to approve the minutes of the Planning Commission meeting on October 10, 2023. Motion carried.

**STAFF COMMENTS:**

Hilary Patterson, Community Planning Director, provided the following comments:

- Thank you, commissioners, for the work you have been doing on impact fees as the City's Development Impact Advisory Committee.
- The December 12<sup>th</sup> Planning Commission Meeting will have one item on the agenda, the ZC-1-23 zone change hearing.
- The December 13<sup>th</sup> Joint Workshop with the Planning Commissions in the County will be held at the County Administration Building at 5:30 p.m.

### **COMMISSION COMMENTS:**

Commissioner Fleming asked has there been any progress on the short-term rental code. There are a lot of small homes for sale right now and feels the city might be behind the eight ball.

Ms. Patterson stated staff have been analyzing the data from Granicus and evaluating where the short-term rentals are located, including if there are any concentrated areas that need to be evaluated. They are doing mapping with the GIS program. Staff will report back on a target date once more information is available.

### **PUBLIC COMMENTS:**

None.

### **PRESENTATION:** Melissa Cleveland, Welch Commer

Adoption of Capital Improvement Plans, Development Impact Fees and Annexation Fees

Request: Recommendation from the Planning Commission, acting as the Development Impact Fee Advisory Committee, to the City Council

#### Decision Point:

- Should the Planning and Zoning Commission, as the Development Impact
- Fee Advisory Committee for the City, recommend that the City Council adopt the Capital
- Improvement Plans (CIPs) and the fee study, when finalized, with the fees listed in this Memorandum?

#### **HISTORY:**

The City of Coeur d'Alene is conducting a study to update both development impact and annexation fees in accordance with Title 67, Chapter 82, Idaho Code, with the assistance of Welch Comer Engineers (overall project management, needs assessments, and CIPs), FCS Group (analysis alternatives, fee calculations, study), and Iteris (regional demand/traffic modeling). The existing development impact fee study was completed in 2004 and neither the fees nor study have been adjusted since. The annexation fee was last adopted by resolution in 1998.

Impact fees represent the value of the proportional share of fire, police, park, and transportation system capacity that the new user, or redeveloping user, will utilize. Impact fees are a one-time fee for new development, and are not reoccurring or ongoing charges. The annexation fee represents the share of property tax-supported city functions for new areas brought into the City.

**WORK TO DATE:** For the needs assessment and CIP tasks, the following has occurred:

- Welch Comer worked with both Fire and Police staff on a needs assessment and impact fee CIPs.
- Welch Comer and Iteris worked with Engineering staff to assemble a roadway CIP based on data from multiple sources and vetting with the KMPO regional demand model.
- Welch Comer worked with Engineering and Parks staff to develop a non-motorized transportation CIP after gathering information from various existing planning documents.
- Welch Comer developed a Parks CIP after gathering information from the City's Parks Master Plan and working closely with Parks department staff.
- Iteris pulled trip data from the KMPO regional demand model for use in the transportation impact fee calculations.
- The Planning and Zoning Commission ("P&Z") has provided input on CIPs and alternatives for fee calculations.

- FCS GROUP developed various alternatives for the impact fees and presented options to the P&Z. They prepared a policy alternatives memo and several different versions of the draft report and fee alternatives for City staff review.
- FCS GROUP also updated the annexation fee calculations previously based on the 1998 methodology.

WORKSHOPS TO DATE: There have been three workshops to date---two with the P&Z, which acts as the Development Impact Fee Advisory Committee (“DIFAC”), and a joint meeting with the P&Z and the City Council (“Council”). The workshops were held on May 17, July 18, and September 25, 2023.

- DIFAC Workshop 1: The purpose of the first (May) workshop was to go through growth assumptions, obtain input on Fire and Police CIPs, and input from the Committee on alternatives. The P&Z was instrumental in assisting the consultant team in understanding the alternatives they would like to see in the second workshop.
- DIFAC Workshop 2: The purpose of the second (July) committee workshop was to obtain feedback from the Committee on the transportation and parks CIPs, present initial fee findings, and compare fees to other similarly sized or nearby communities in Idaho. The P&Z was instrumental in providing feedback on transportation CIP alternatives and providing a discussion on fees for various land uses.
- Joint Planning and Zoning/Council Workshop: The purpose of the joint workshop (September) between P&Z and Council was to bring Council up to speed and present fee methodologies and draft fee calculations. This was an opportunity for Council and P&Z to: ask questions, gain understanding of methodology, provide feedback in advance of the hearings to approve the CIPs, adopt the study, and update the fees. There was good feedback provided by both Council and the P&Z, which help to inform the final fee calculations.
- In October, the draft CIPs and impact fees/annexation fees were presented to the Executive Board of the North Idaho Building Contractors Association (NICBA), who provided feedback that helped to inform the final fees.

## **FINANCIAL ANALYSIS:**

MAXIMUM DEFENDABLE IMPACT FEES. The most up-to-date maximum defendable impact fees are shown in the following table. These fees reflect feedback from the City Council, Planning Commission, and NIBCA. The fee categories have also been expanded, based on the feedback at the joint workshop and input from City staff.

The transportation fees are calculated using only planning/pre-design for the Julia Street overpass. Accommodations are listed both by fee per square foot and fee per room with the intention that the lower of the two scenarios would be charged the developer. Council may opt to select only one methodology for the accommodations fee. If P&Z has a recommendation on the best approach, they can make that as part of their motion. Single family and assisted living are both listed as fee per square foot, while multifamily is listed as fee per dwelling unit. Other non-residential fees are broken into more categories than previously presented based on feedback from the joint workshop and input from staff. The remaining non-residential fees are listed as cost per square foot. These categories will cover the grand majority of land uses the City encounters with other minorly encountered land uses going through an individual assessment of fees.

ANNEXATION FEES. The recommended update to the annexation fees has not changed since they were presented to the P&Z previously, which is \$1,133 per equivalent residential unit (ERU). Alternatively, Council could choose to escalate the 1998 fee to today’s dollar which equates to a fee of \$1,419 per ERU.

**DECISION POINT/RECOMMENDATION:** The P&Z has acted as the DIFAC through this study update. The P&Z should recommend that the Council adopt the CIPs (which are currently noticed), and the fee study when finalized with the fees listed in this memorandum.

**NEXT STEPS:** The hearing with the Council to adopt the CIPs is noticed for November 21, 2023 and the hearing to adopt the study and update fees is tentatively scheduled for December 5, 2023.

Ms. Cleveland concluded her presentation.

**Commission Comments:**

Commissioner McCracken questioned the hotel fees with parks element they seem really high, if we did not have them as high as they are presented, what would the ramifications of that be?

Ms. Cleveland states that it would get blended back in and the residential fees would go up. The pie would be the same. So, if we take it out of hotels, then we would make it up somewhere else.

Commissioner McCracken stated it does make sense, but the fee does seem high as it is more than all of the other ones combined, which is not proportionate. But she does recognize it is new.

Ms. Cleveland explained the people staying at the hotels are here for recreating. They are a target audience for a parks fee.

Ms. Patterson clarified that a small percentage of parks impact fees are applied to other non-residential uses too, but a smaller percentage so that it doesn't get attributed to local employees.

Ms. Cleveland agreed. The fee per room is less than a house and less than a multi-family dwelling unit. If you compare it like this, the hotel guests are more active users of the parks because they are here to recreate. This is very in-line when you compare it to the multi-family dwelling unit fee.

Commissioner Luttrupp wanted to clarify at next Tuesday's hearing if there will be a period of public testimony, such that developers and hotel owners can come down and ask questions.

Ms. Cleveland answered yes, and there will be two hearings on the impact fees.

Ms. Patterson clarified the December 5th hearing will be for adopting amendments to the Development Impact Fee Ordinance.

Ms. Cleveland clarified that the Council has the option to adopt the maximum fees and apply to those fees, or they could adopt a lower fee if choose to.

Commissioner Luttrupp responded saying that his question was to make sure there was an opportunity for public testimony. He commended Ms. Cleveland on her study and for including all of the different departments and the business groups in town, etc. but noted that some of the regular groups in town have not had a chance to comment and that needs to take place.

Commissioner Fleming's concern having 25 years of experience in the hotel business is the difference between convention hotels with massive ballrooms and the high volume of cars and people. She suggested applying the square footage fee to the convention hotels which are 50 plus rooms, and to apply the per room fee to hotels smaller than 50 rooms. The small boutique hotel could be 10 wonderful rooms and off they go. They are not deep pocket people if they are doing a small boutique hotel. The convention hotels have deep pockets (e.g., Marriotts, Hilton). The question would be whether we have the land to accommodate the larger convention hotels.

Ms. Cleveland asked the commission to clarify if their feedback would be to charge the large hotel by the square foot impact fee?

Commissioner Fleming responded yes, the larger hotels should be charged by the square because of their potential impact on our city. I don't think the square footage pencils out better for them on the small one. I feel like the small hotels need to be by room.

Ms. Cleveland would also like to point out that the fees in the table are *before* you apply impact fee credits. For example, if there is a hotel that will be going in, it is not bare land because it was something before and something that has existed within the last two years, they do get credit for that use before staff would apply the new impact fee. These are fees that are assuming bare land with no credit.

Commissioner Fleming stated that we need to narrow it down before we hand it over to council, we need to push it down a little tighter to clarify how to apply the impact fees for hotels.

Chairman Messina suggested to have it in the motion for a recommendation to City Council. We need to make some recommendations now and the City Council and take it from there.

Commissioner Ward would like to thank Ms. Cleveland for her extensive study. This can be confusing for most people including himself. He believes that impact fees are necessary and they need to be fair and equitable based upon the current conditions. He has full confidence in staff that if they say the Capital Improvement Plan budget is a certain amount of money, then that is the correct dollar amount. My question regarding where you get to a certain assigning percentage of the cost goes to impact fees based upon what they generate, that is still pro-rated, is that correct?

Ms. Cleveland answered yes, it is based on whatever that user group was.

Commissioner Ward understands the fees that are showing now are the maximum defensible. He asked for clarification if the fees could be brought up gradually if that is the Council's choice, is that correct?

Ms. Cleveland responded that yes, we are proposing to escalate the fees annually so the city does not end up in the situation it is in now, where they have not been adjusted for a few years.

Commissioner Ward also would like to state I am also here on behalf of the people of Coeur d'Alene not the developers of Coeur d'Alene. He does understand the dilemma with increasing impact fees. For example, a single-family home could have an \$8,000.00 base impact fee. If you build 10 homes that is \$80,000.00 dollars. If you are right now in the process of negotiating a loan and it is based upon a certain amount, if the developer came back and said they need another \$8,000-\$10,000 dollars more, that could knock the deal out completely. It's the cost of doing business, but I do think it's really important that we are fair and somehow have some mechanisms to guarantee that if people are in process now that are not all of a sudden cut off at the knees when they come in to get a building permit.

Ms. Cleveland states there will be a delay on the enactment of the fees. If Council ends up adopting the fees in December, they would not go into effect until Spring, if Council agrees with that recommendation to delay implementing the fees by a few months. So, if someone's permit is already in the queue, then they would pay the old fees.

Ms. Patterson stated that is correct.

Commissioner Ward asked if the current impact fee ordinance has a provision for affordable housing and asked if that is some type of exemption.

Ms. Patterson and City Attorney Randy Adams responded that the ordinance mentions affordable housing.

Commissioner Ward stated that his only concern is that \$8,000 dollars could knock someone out from not being able to purchase a home, and we need to make some provision for people that make 30% of area median income or whatever it takes to qualify for affordable, to consider the fee in some way.

Ms. Cleveland responded and clarified that this is a big reason for scaling the residential fee by size. If they are building a smaller home, it would be a lower fee.

Chairman Messina agrees with what he has heard, and agrees with Commissioner Fleming regarding the hotels.

Commissioner Luttrupp stated he understands that the state has recognized the increase in growth results in increase costs for jurisdiction. They identified the costs are in capital items for the four categories -streets, fire, police and parks. The thought is everything is good in the city, but as more people come in, there is going to be a higher demand in these four areas. Can these incoming people pay part of that demand, that is what the impact fees will do. Absent them paying, then the cost will be distributing to all current residents. Public safety, public health, public welfare, police, fire and emergency services. As the demand goes up for that the city will not lower the standards for safety if they need to have another fire truck, police car, etc. that is the benefit of the community and health. There is no question as the demand increases the city will find the resources necessary to keep our city safe. That will come from the impact fees. If we lower them, they will come from the current residents.

Commissioner Fleming asked if there was an option to delay the impact fee or ramp them up for at least two years? Is that the thought?

Ms. Cleveland stated that was a consideration. But, based on feedback from NIBCA, they said it was fair to begin charging the new fees 90 days after adoption.

Ms. Patterson stated that the current proposal is to have the new fees be implemented starting on April 1, 2024.

Commissioner Fleming asked if a new house would be charged the current impact fee or the new fee if they are already in the process.

Ms. Cleveland states if the applicant is in the building permit queue and their application is complete, they would be under the old fees.

Randy Adams explained that it would need to be a complete building permit submittal in accordance with the ordinance. If it meets the submittal requirements, then it would be complete. If it is missing something, typically the building department would reject it or come back and require the applicant to bring in the other items.

Commissioner Fleming wanted to make sure the public is informed about the dates of the new fees in a very broad way.

Chairman Messina stated that the commission is just making a recommendation. For instance, if you want to recommend how hotels should be changed, you can put that in our recommendation to city council.

Commissioner Fleming stated it took us twenty years to get here tonight, did we put in a cost-of-living increase or any kind of step format or recommendation to have the fees increase by 2% after the first 2 years. She did not see it in the report.

Ms. Patterson responded that the consultant team has built in Ms. Cleveland an annual increase based on ENR (engineering new records index). Looking back the past five years, the ENR average was 3.9%. So that is what we will be proposing as the annual increase. If we looked at a 5-year time frame for the fees, it would be a 3.9% increase each of those five years. Council could potentially adopt the fees for five years.

Commissioner Fleming stated we do look better than most of the cities around us that have updated fees, such as Post Falls and Hayden.

**Motion by Commissioner Fleming, seconded Commissioner Ward to recommend that the City Council adopt the Capital Improvement Plan (CIP) and Fees Study with the maximum fees shown on the charts and to charge larger hotels with more than 50 rooms with the square footage impact fee and charge the smaller hotels with less than 50 rooms the per room impact fee.** As part of discussion, Commissioner Luttrupp clarified that he supports impact fees, but doesn't think it is the Commission's role to weigh in on the hotel fee methodology. **Motion carried.**

Chairman	Messina	Voted	Aye
Commissioner	Fleming	Voted	Aye
Commissioner	Luttrupp	Voted	No
Commissioner	Ward	Voted	Aye
Commissioner	McCracken	Voted	Aye

Motion to ADOPT CARRIED BY 4 TO 1 VOTE.

**PUBLIC HEARINGS: \*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

1, Applicant: Azzardo, LLC  
Location: 3912 N. Schreiber Way  
Request: A proposed multi-use Special Use Permit in the LM Zoning District QUASI-JUDICIAL, (SP-8-23)

Mr. Behary, Associate Planner, provided the following statements:

Azzardo LLC is requesting approval of a total of four (4) activity uses; two (2) service activities and two (2) commercial activities, via the Special Use Permit process, to allow for the following uses in the LM (Light Manufacturing) Zoning District.

- o Commercial Activities:
  - Business Supply Retail Sales
  - Specialty Retail Sales
- o Service Activities:
  - Business Support Services
  - Professional & Administrative Offices
- The Light Manufacturing (LM) District is intended for a variety of manufacturing uses that are conducted indoors with some manufacturing uses that include outdoor activities that may create some noise, dust, and odor. Residential uses are not permitted.
- The subject property is located off of Schreiber Way south of Kathleen Avenue. It is currently vacant.
- There are four findings that must be met for a Special Use Permit, Findings B8A through B8C.
- The City Comprehensive Plan Map designates this land use type as "General Industrial" and the

plan describes the Key Characteristics, transportation, typical uses, and compatible zoning.

- There are several Comprehensive Plan goals and objectives included in the staff report that may apply to the special use permit request.
- He addressed each of the three findings. For Findings B8B, he showed that while the property is zoned LM, it is shown as a commercial use on the Land Use Map and is surrounded by all commercial land uses with a brewery, winery, construction services, an engineering firm, and the police station.
- He noted the comments from city staff under Findings B8C stating that they didn't have any objection to the Special Use Permit.
- He commented, if the Special Use Permit is approved, there is (1) proposed condition.

Mr. Behary concluded his presentation:

**Commission Comments:**

Commissioner Ward asked if the Special Use is approved, will Exbabylon have to occupy the space within a year?

Mr. Behary explained once they get a building permit and establish the use, that Special Use Permit would be valid for another user.

**Public testimony open.**

Drew Dittman, applicant's representative, introduced himself and was sworn in. He explained the last time this was presented in front of the Planning Commission, he was not here and neither was a representative from Exbabylon. They could have done better explaining the owner/user and the requested special uses, and he apologized for that. The team is here tonight along with the owners of Exbabylon to give you the information and provide you with a better understanding of the business that will be going into the offices. Exbabylon is a local IT company. It has purchased this property to build their corporate headquarters. They have offices in Newport, WA, Sandpoint, ID, and are leasing in Hayden, ID. They have outgrown the offices in Hayden and Newport, and have chosen to move their headquarters to Coeur d'Alene on Schreiber Way, which fits their needs. There are a variety of different uses in that neighborhood even though the underlying zone is light manufacturing. Exbabylon is looking to build a 6500 square foot building. They will be occupying about 2/3 of the building. There will be three suites. Exbabylon will be occupying the main suite, which is 2 stories. They will have two 1500 square foot suites, and will be looking to lease two 1500 ft suites as well. They will be looking to lease to businesses that fit with the four (4) requested special uses, that include business support services, professions, administrative, business supply retail sales, and specialty retails supply sales.

The reason we are asking for these four special uses is because what Exbabylon does could be classified as any one of those because they provide a broad range of services and retail. They are looking for like-minded business to come in next door in one of those suites. If they do get a tenant that does not follow one of the conditions, we would have to come back in front of the commission to ask for a Special Use Permit at that time to meet the criteria.

The applicant concluded his presentation.

Tina Peralta, owner of Exbabylon, introduced herself and was sworn in. She stated that she founded her business in 2001. Her primary office is in Newport, but they have outgrown the building. There are about thirty-eight (38) employees, they own Azzardo LLC as well Space is very hard to come by in Coeur d'Alene. This is why they want to build and have additional income based off of the rental space next to



them. They are very particular on who they will choose to lease their space. They are looking for businesses that are very complimentary to Exbabylon' s services that will fall in line culturally and ethically for the work that they do. Her hope is to continue to have employees live within the community. She is very proud of her group and wants to continue to support Coeur d'Alene and the growth that they have.

**Public testimony closed.**

**Commission Comments:**

Commission Ward stated when this came before the commission it was just too open ended. It has changed now. He appreciates what staff and the applicant have done with defining the special use. He likes the plan and the location and thinks the application is much superior to what it was two months ago.

Chairman Messina agreed.

**Motion by Commissioner Fleming, seconded by Commissioner Luttrupp, to approve Item SP-8-23. Motion carried.**

**ROLL CALL:**

Commissioner Fleming	Voted	Aye
Commissioner Luttrupp	Votes	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner McCracken	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

**PUBLIC HEARINGS: \*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.**

2. Applicant: 15<sup>th</sup> Street Investments, LLC  
Location: 3549 N. 15<sup>th</sup> Street  
Request
- A. A proposed 1.65-acre PUD known as "Birkdale Commons North" QUASI-JUDICIAL, (PUD-5-23)
  - B. A proposed 7-lot, 1-tract Preliminary Plat known as "Birkdale Commons North" QUASI-JUDICIAL, (S-6-23)

Mr. Behary, Associate Planner, provided the following statements:

The applicant is requesting approval of the following two decision points that will require separate findings to be made for each item.

1. A residential planned unit development (PUD) that will allow for seven (7) lots and one (1) tract with the following modifications.

- Lots fronting on a private street rather than a public street.
- Minimum Lot Width of 30' rather than 50' as required.
- Minimum Lot Area of 3,473 SF for a single-family dwelling lot rather than 5,500 SF.

- Side Setback (interior) of 5' rather than 5' on one side and 10' on the other.
  - Sidewalk on one side of street rather than sidewalks on both sides of street.
2. A 7-lot, 1-tract preliminary plat to be known as Birkdale Commons North.
- The subject property is located at 3546 N. 15<sup>th</sup> Street.

There are 7 findings that must be met for the annexation, Findings #B8A-#B8G.

1. **Findings #B8A:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2042 Comprehensive Plan Land use: Place Types represent the form of future development, as envisioned by the residents of Coeur d'Alene. Place Types will in turn provide the policy level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, and allowed uses.

The Place Type is **compact neighborhood**. Compact neighborhood places are medium density residential areas located primarily in older locations of Coeur d'Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family homes, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

Compatible Zoning Districts within the "Compact Neighborhood" Place Type:

- R-12, R-17, MH-8, NC and CC Zoning Districts.

Mr. Behary referred to a few of the Comprehensive Plan goals and objectives.

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

- There is a single-family dwelling to the north of the subject site.
- To the east are multi-family apartment and duplex housing units.
- To the south are four multi-family units as well as single family dwellings.
- To the west are single family dwellings.
- There are existing residential uses that surround the subject site on the all sides.

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

- The property is flat and multitude of residential housing types that are located within the vicinity of the subject site.
- The surrounding properties that contain residential uses are also relatively flat.
- The natural features of the site are consistent with the natural features of the surrounding properties, including the residential subdivision to the west and east.

4. **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.

- City Staff has indicated that there are public facilities and public utilities available and

- adequate for the proposed PUD and Subdivision request.
  - This proposed address the Streets and Engineering Department’s previous concern with Birkdale Commons that if each of the comparable, neighboring lots are developed similar to Birkdale Commons, traffic would be impacted by a series of five closely spaced intersections serving dead-end streets.
  - Left turns into and out of the proposed development may experience delays during peak traffic hours, but a left turn is envisioned for 15<sup>th</sup> Street when traffic volumes warrant it.
5. **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 applicant is proposing 10 percent public open space.
6. **Finding #B8F:** Off-street parking (does) (does not) provide parking sufficient for users of the development.
- There was no request made to change the City’s off-street parking requirements through the PUD process.
  - Single family and duplex homes will be required to provide two (2) off-street paved parking spaces per unit.
7. **Finding #B8G:** That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.
- The applicant/owner and their design team will be required to work with the City’s legal department on all required language for CC&R, Articles of Incorporation and Bylaws, and any language that will be required to be placed on the final subdivision plat in regard to maintenance of all private infrastructure.
  - The HOA will be responsible for continued maintenance of the private infrastructure, roads, common areas, and al open space areas that serve the residential lots of this PUD.

There are 4 findings that must be met for the for the Subdivision, Findings #B7A-#B7D

**Findings #B7A:** That all of the General Preliminary plat requirements (have) (have not) been met as Attested to by the City Engineer.

- The preliminary plans submitted contains all of the general preliminary plat elements required by the Municipal Code.

**Findings #B7B:** That the provisions for sidewalks, streets, alleys, right-of-way, easements, street lighting, fire protection, planning, drainage, pedestrian, and bicycle facilities, and utilities (are) (are not) adequate.

- City Staff has indicated that there are adequate public services and facilities available.

**Findings #B7C:** That the proposed preliminary plat (does) (does 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.

- Per engineering review, for the purposes of the preliminary plans, both subdivision design standards (Chapter 16.15) and improvement standards (Chapter 16.40) have been vetted for compliance.

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

- The R-12 Zoning District requires that each lot have a Minimum of 5,500 square feet for single family lots and 7,000 for duplex lots.
- The proposed single-family lot is 3,462 SF in area and the proposed duplex lots range from 7,424 to 7,511 SF in area.
- The applicant has requested modifications through the PUD process.
- The Proposed subdivision is in conformance with the requested modifications that are represented in item PUD-5-23.

There are fourteen recommend items to include in the PUD and Subdivision as noted in the staff report and Findings worksheet.

Mr. Behary concluded his presentation.

**Commission Comments:**

Commissioner Fleming wanted to know about the current residents living in the home. Are they on septic and is there a leach field on the property?

Mr. Behary replied he is assuming they are on septic because they are not within the City limits.

**Public testimony open.**

Drew Dittman, applicant's representative, introduced himself and was sworn in. The applicant is proposing 7 lots. There will be five (5) duplex lots and two (2) single family lots. There is an existing home on the front lot. There will be a private lane with a fire department turn around and sewer and water infrastructure. The design for the road has already been done and approved with the Birkdale Commons project to the south.

The design matches the open space from the original project so that we can make this into one bigger open space area with the same developer and HOA. We will be building the duplex with 2 car garages such that each duplex will now have 4 parking stalls. It is designated as a compact neighborhood which allows single family duplex, triplex, four-plexes, and town homes. We fit with the comp plan very well. We are trying to provide some additional housing in the city. There is a city sewer stub to the existing house. That is one of the conditions of approval. That house is vested and grandfathered until such time when they remodel and demo the house, then they will have to hook up to the city sewer.

Commissioner Fleming asked if the leach field is contained within that site.

Mr. Dittman answered, yes, he has verified with Panhandle Health that it will be contained.

Mr. Dittman stated the PUD modifications that they are requesting are almost identical to the ones we requested and were approved with the original Birkdale to the South. The single-family lot sizing was a little small. The side yard set backs were smaller, but the same modifications that we requested originally and were approved with the project to the south.

Commissioner Fleming asked if these homes would be built at the same time as Birkdale Commons to the south.

Mr. Dittman replied, yes.

Commissioner McCracken asked would there be any on-street parking.

Mr. Dittman answered, no, they are providing four (4) off-street parking stalls per duplex, which is more than sufficient and meets the code with the project to the south. For the units to the south, they were approved with three (3) off-street parking spaces per unit. We are providing four (4) off-street parking spaces per unit with this project. This private road will be maintained by the HOA. There will be a large area for snow storage in the winter months.

Commissioner Luttrupp mentioned the Plan Unit Development the last time Mr. Dittman was before the Commissioners regarding the exchange of value for the property owner. There is a certain value added to this for the City and the Community if it works right. I asked you do you have any plans for workforce housing and you very politely and professionally answered it would be very hard to develop something absent a definition of workforce housing and absent a measurement.

Mr. Dittman replied it is very tough one to answer, what is the definition, is it workforce, is it affordable, is it attainable.

Chairman Messina read more names off the signup sheet for individuals that did not wish to testify.

**Public testimony closed.**

There was no additional discussion.

**Motion by Commissioner Ward, seconded by Commissioner Fleming, to approve Item (PUD-5-23 & S-6-23). Motion approved.**

ROLL CALL:

Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Fleming	Voted	Aye
Commissioner McCracken	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

**ADJOURNMENT/CONTINUATION:**

Motion by Commissioner Fleming, seconded by Commissioner Ward. Motion approved.

The meeting was adjourned at 7:19 p.m.

Prepared by Traci Clark, Administrative Assistant