

PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS

JULY 10, 2007

THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

5:30 P.M. CALL TO ORDER:

ROLL CALL: Bruning, Bowlby, George, Jordan, Rasor, Messina, Souza, McCloskey, (Student Rep)

APPROVAL OF MINUTES:

June 12, 2007

PUBLIC COMMENTS:

COMMISSION COMMENTS:

STAFF COMMENTS:

ELECTIONS:

1. Chairman and Vice-Chairman

PUBLIC HEARINGS:

1. Applicant: Fernan Lake Preservation, LLC.
Location: Between Potlatch Hill Road and Fernan Lake,
Just west of Armstrong Park subdivision

Request:
 - A. A proposed 7.03 acre PUD "Lake Fernan Heights" located in the
R-3 (Residential at 3 units/acre) zoning district.
QUASI-JUDICIAL, (PUD-4-07)
 - B. A proposed 22.20 acre 8-lot preliminary plat "Lake Fernan Heights"
QUASI-JUDICIAL, (S-7-07)

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____,
to continue meeting to _____, ___, at ___ p.m.; motion carried unanimously.
Motion by _____, seconded by _____, to adjourn meeting; motion carried unanimously.

****The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhlmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



M I N U T E S

**PLANNING COMMISSION
MINUTES
JUNE 12, 2007
CITY COUNCIL CHAMBERS**

COMMISSIONERS PRESENT

John Bruning, Chairman
Heather Bowlby
Brad Jordan
Tom Messina
Scott Rasor
Mary Souza

STAFF MEMBERS PRESENT

John Stamsos, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney
Gordon Dobler, Engineering Services Director

COMMISSIONERS ABSENT

None.

CALL TO ORDER

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

APPROVAL OF MINUTES:

Motion by Bowlby, seconded by Rasor, to approve the minutes of the Planning Commission Meeting held on May 8, 2007. Motion approved.

COMMISSION COMMENTS:

Chairman Bruning announced the upcoming meetings for the month of June and complimented staff on a great job categorizing comments taken from previous Comprehensive Plan workshops.

Commissioner Souza inquired if the city's policies for mailing notices have been changed regarding notification of ordinance changes and other administrative items.

Senior Planner Stamsos responded that he is not aware of those changes and will check with staff and report back to the Commission

Commissioner Souza commented that she is concerned since so many people who testified in the past, especially from the East Mullan district who complained that they were not notified. She added that this is an important issue, and feels that this is a high priority, and needs to be changed.

STAFF COMMENTS:

Senior Planner Stamsos announced that ZC-4-07, the zone change request at 4th Street and Neider Avenue, was approved by Council and that ZC-6-07, the zone change at 1502 N. 3rd Street, was denied by the Planning Commission and later appealed by the applicant, and was then approved by City Council at their meeting held on June 19th.

Commissioner Souza inquired why the City Council felt this zone change should be approved.

Senior Planner Stamsos explained that the Council felt since the applicant's property was located on the

east side of the street, which is primarily commercial, it would not be an impact if approved. He continued that some of the Council felt if the request had been for the west side of the street, it might not have been approved, since that side is adjacent to a residential neighborhood centered on 2nd Street.

Senior Planner Stamsos added that next month's agenda will be the elections for a new Chairman and Vice-chair.

PUBLIC COMMENTS:

None.

ADMINISTRATIVE ITEMS:

1. Applicant: R.E. Investments, LLC
 Location: Lot 2 Block 7, Mill River First Addition
 Request: Proposed 2-lot preliminary plat "Rivers Edge Medical"
 SHORT PLAT (SS-10-07)

Engineering Services Director Dobler presented the staff report and then asked if the Commission had any questions.

The Commission did not have any questions for staff

Motion by Rasor, seconded by Souza, to approve Item SS-10-07. Motion approved.

PUBLIC HEARINGS:

1. Applicant: Jeffery D. Block
 Location: 1401 N. 3rd Street
 Request: Proposed zone change from R-12 (Residential at 12 units/acre)
 to NC (Neighborhood Commercial)
 QUASI-JUDICIAL (ZC-8-07)

Senior Planner Stamsos presented the staff report, gave the mailing tally as 2 in favor, 0 opposed, and 2 neutral, and answered questions from the Commission.

Commissioner Messina inquired regarding the size of the lot.

Senior Planner Stamsos replied that the lot is 5,500 square feet.

Commissioner Rasor inquired if the decision by the City Council on the zone change for Mr. Beaudry's property will affect a decision on this request, since it was in the same area.

Senior Planner Stamsos answered that a decision needs to be made on the information presented tonight.

Public testimony open.

Jeff Block, applicant, 112 Hazel Avenue, Coeur d'Alene, commented that staff did a great job explaining the project and that a zone change is needed to convert the house to a professional office. He added that he feels that this request will not have an impact to the neighborhood since there is high commercial activity in the area and it would be less desirable remaining as a residence.

Commissioner Rasor inquired if the homes in this area are primarily owner-occupied.

Mr. Block commented that he is aware of a few renters on this block and would estimate that the occupancy is mixed.

Public testimony closed.

DISCUSSION:

Commissioner Bowlby explained the vision in this area has changed through the years from a residential corridor, and slowly progressed to commercial. She added that she understands the area is changing and it is hard to maintain existing pocket residential neighborhoods.

Commissioner Souza commented that a benefit of using the Neighborhood Commercial zone helps protects these pockets of older homes by providing services to benefit the neighborhood including the need for affordable housing.

Commissioner Messina commented that many of the homes in this area need to be fixed up, and concurs that using this new zoning designation does help fix-up the area.

Motion by Rasor, seconded by Souza, to approve Item ZC-8-07. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rasor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

2. Applicant: Jerry Streeter, Viking Construction
 Location: 4040 & 4082 N. Player Drive
 Request: Proposed zone change from R-8 (Residential at 8 units/acre)
 to CC (Community Commercial)
 QUASI-JUDICIAL (ZC-9-07)

Senior Planner Stamsos presented the staff report, gave the mailing tally as 1 in favor, 4 opposed, and 2 neutral, and answered questions from the Commission.

Commissioner Rasor inquired why Community Commercial was chosen over Neighborhood Commercial.

Senior Planner Stamsos commented that the applicant would be able to answer the question and explained that in earlier discussions with the applicant, they felt if the rest of the block was C-17, Community Commercial zoning designation would be a good transition for the area.

Commissioner Bowlby questioned the differences between the Neighborhood Commercial and Community Commercial zoning designations.

Senior Planner Stamsos explained that the FAR's are different and that the Neighborhood Commercial designation limits the hours of operation.

Commissioner Souza commented that she feels the Neighborhood Commercial zoning would be a better choice for this area and that limiting the hours of operation would be better for the existing neighborhood.

Public testimony open.

Joe Hassell, applicant representative, 1293 E. Post Avenue, Post Falls, commented that he has lived here since 1992 and the area has changed. He commented that staff has provided a great staff report explaining the entire project and commented that this property is the only piece left in this block zoned commercial. He explained that he chose the Community Commercial designations that allow the types of projects such as a daycare or professional office that would be convenient for the community. He added that he feels traffic would be minimized allowing people living close to this area to either walk or bike to the services offered from this project.

Commissioner Souza commented that she disagrees, and feels that the Neighborhood Commercial is a better choice for the reason that it limits the hours of operation protecting the existing neighborhood and minimizing traffic.

Mr. Hassell commented that this corridor has a lot of traffic already, and explained that a daycare or professional office fits within the hours of 8:00 to 5:00 that are normal business hours and similar to what exists in this area.

Commissioner Souza commented that another concern is that once this zone is granted, it stays with the property.

Joe Drobnock, 1817 W. Norman Avenue, Coeur d'Alene, commented that he lives around the corner from this parcel and is concerned for the neighborhood children who often play on Lopez Avenue, and feels that added traffic is a concern. He commented that he is opposed to another commercial business and would rather this parcel remain residential.

Commissioner Souza explained that these new zoning districts were created to provide services compatible with a residential community helping to minimize traffic by being able to walk to the services they provide, and not be a disturbance to the existing community.

Jim Koon, 6200 18th Street, Coeur d'Alene, explained that his clients are interested in this parcel with a desire to provide some type of a professional service. He explained that the Community Commercial zone was chosen because of concerns that if his client's were working past the normal business hours, it would not be a problem. He added that his client's have been looking for property for a long time that would meet their needs, and feels this location is perfect for this type of project.

Chairman Bruning commented that his concerns are with people parking in the lot and then crossing over to the lot directly behind this parcel.

Koon explained that they have two different proposals showing access located on Player Drive. He added that if this is a problem they could also use Lopez Avenue as an alternative.

Commissioner Messina commented that the applicant could subdivide this parcel allowing more buildings on the property.

REBUTTAL:

Joe Hassell commented that he feels that the Neighborhood Commercial zone is more restrictive and would need to talk with staff to see if the building they propose would fit within the guidelines of this zone.

Public Testimony closed

DISCUSSION:

Commissioner Jordan commented that he advises people buying across from an open field to not assume the property will remain vacant. He continued that traffic is a concern, but is not opposed to this request. He added that he would rather see a multi-family project on that parcel than an office building.

Commissioner Souza commented that if a residence is built on that property that it would be abutting commercial property.

Commissioner Rasor commented that he concurs with Commissioner Jordan, and feels this area should remain as R-8 to protect this neighborhood.

Commissioner Jordan commented that he is surprised that there are not many comments in opposition from people living in this area.

Commissioner Messina commented that traffic in this area will always be a problem and feels that children living in this area need to be protected. He added that 75% of this area is C-17 and feels that leaving this residential would be generating more traffic. He commented that he is not opposed to the applicant requesting Community Commercial.

Commissioner Souza commented that she disagrees and feels that the Neighborhood Commercial zone allows more protection by limiting the hours of operation.

Commissioner Bowlby commented that in comparing the two zones, the Community Commercial has the potential of acquiring more square footage because the FAR calculations are higher for that zone.

Chairman Bruning commented he is not concerned with the square footage and feels that the traffic is already intense because of the existing commercial uses in the area. He added that he is not concerned with limiting the hours of operations and is in favor of the applicant's request.

Commissioner Souza inquired if a recommendation was made by the Commission to the City Council that Neighborhood Commercial would be a better choice, and questioned if another public hearing would be required.

Deputy City Attorney Wilson answered that if the Commission felt that the Neighborhood Commercial would be a better choice for this project, another hearing is not required since this item was originally advertised as a more intense use. He added that if the applicant does not like that decision they have the option to file an appeal.

Motion by Souza, seconded by Bowlby, to approve Item ZC-9-07 with the recommendation for Neighborhood Commercial rather than Community Commercial. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Nay
Commissioner Rasor	Voted	Nay
Commissioner Souza	Voted	Aye

Motion to approve carried by a 3 to 2 vote.

ADJOURNMENT:

Motion by Rasor, seconded by Souza, to adjourn the meeting. Motion approved.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by John Stamos, Associate Planner

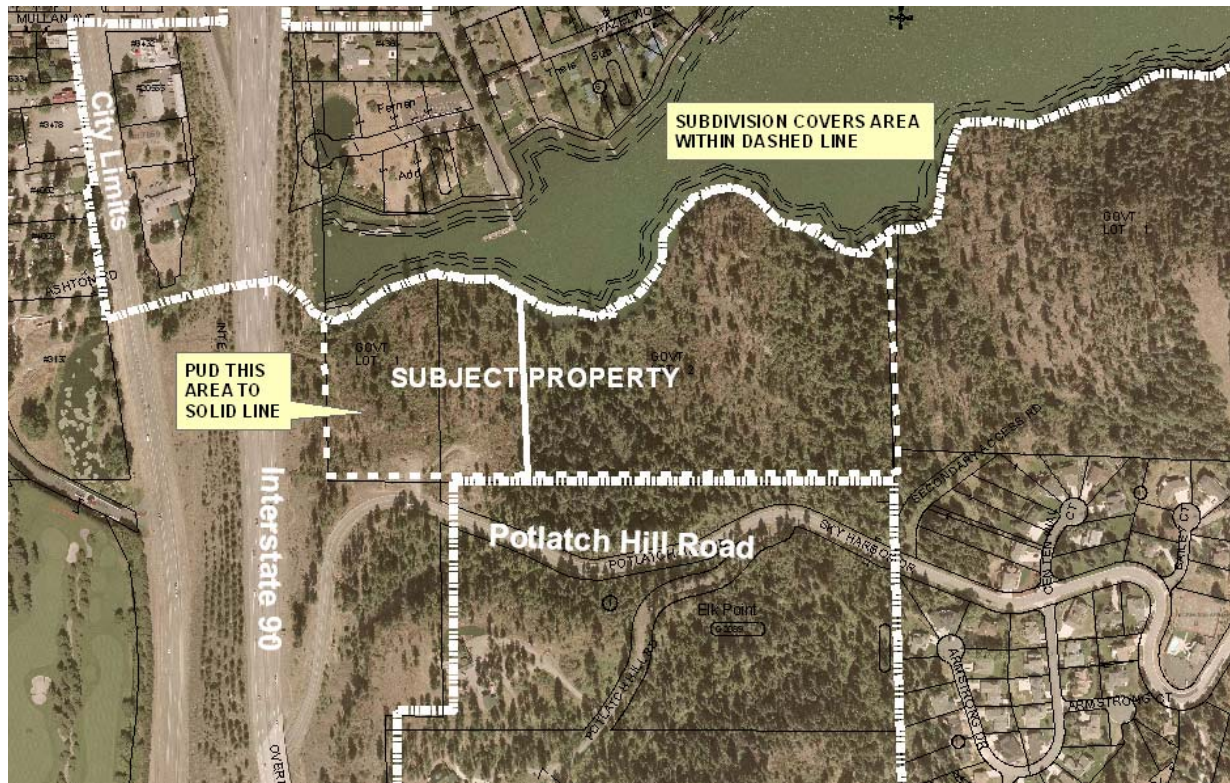
Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION
STAFF REPORT**

FROM: JOHN J. STAMSOS, ASSOCIATE PLANNER
DATE: JULY 10, 2007
SUBJECT: PUD-4-07 – “LAKE FERNAN HEIGHTS PUD” PLANNED UNIT
DEVELOPMENT
S-7-07 – 8-LOT “LAKE FOREST HEIGHTS” PRELIMINARY PLAT
SUBDIVISION
LOCATION – +/- 22.2-ACRE PARCEL BETWEEN POTLATCH HILL ROAD
AND LAKE FERNAN, JUST WEST OF ARMSTRONG PARK SUBDIVISION

SITE PHOTOS:

A. Aerial photo



- B. Looking West at area where the seven residential lots are proposed.



- C. Looking North from where residential lots are proposed.



- D. Looking East at 19.5 acre remainder parcel.



- E. Subject property from Fernan Lake.



- F. Subject property from Fernan Lake.



DECISION POINT:

- A. Fernan Lake Preservation, LLC is requesting Preliminary Plat approval of “Lake Fernan Heights”, a 22.2- acre 8-lot subdivision on a private street in the R-3 (Residential at 3 units/acre) zoning district and approval of “Lake Fernan Heights PUD” Planned Unit Development a 7.03-acre PUD in the R-3 (Residential at 3 units/acre) zoning district

The proposed development includes:

1. Seven residential lots ranging in size from 13,284 sq. ft. to 15,846 sq. ft.
2. A 4.41-acre open space area (Tract A) that is part of the PUD and indicated to satisfy the PUD 10% open space requirement.
3. A 15.17-acre remainder lot that is not part of the PUD and will remain undeveloped and in its natural state.
4. The development would be served by a private street with 26 feet of pavement, curb & gutter, 5-foot wide sidewalk on one side and a 33 foot right-of-way.
5. Each home would have two on-site parking spaces and there would be four additional visitor spaces provided adjacent to the street.

6. The intent of the project is to leave the 4.41 open space tract in its natural state rather than developing it for any recreational uses. A home owners association will be created to own, operate and maintain all common or open areas.
- B. The following modifications to various provisions of the Zoning and Subdivision Ordinances are requested through the PUD to facilitate this request:

Zoning Ordinance:

1. Zero street frontage for all lots.
(This is required because the development is on a private street.)
2. Reduce building setbacks:
Front yard – To 4-feet from 20-feet
Rear yard – To 13-feet from 25-feet
3. Reduce required 20-foot driveway length from street property line to 13-feet from 20-feet
4. Required street trees for single-family lots.

Subdivision Ordinance:

1. Private street with reduced street standards, as follows:

26 foot street with standard curbs and a 5-foot sidewalk on one side in a 33-foot right-of-way.

(The standard street is 60-feet of right-of-way, 36-foot wide paved street with curb, gutter and 5-foot sidewalks and swales on both sides)
2. Modify dead-end street or cul-de-sac requirements to allow a turn-around, as shown in detailed development plan. Sheet (C1)

NOTE: The above deviations are the only ones requested. All other zoning and subdivision ordinance requirements apply.

- C. Evaluation: The Commission should bear in mind that a PUD is intended to provide for flexibility and diversity of use by removing the limitations in the typical lot-by-lot approach to development. It is not intended to be a means to waive certain development regulations. The Commission must, therefore, determine if the concept of the proposal is unique enough that it merits the flexibility afforded by the PUD regulations.

In making this determination, the Planning Commission should decide if the modifications requested represent a substantial change over what would be allowed if the regulations were applied on a lot-by-lot basis.

Since the proposal adheres to most site performance standards, the chief benefits of this PUD for the applicant are:

- A low density single-family development with significant views of Fernan Lake and the Rathdrum Prairie.

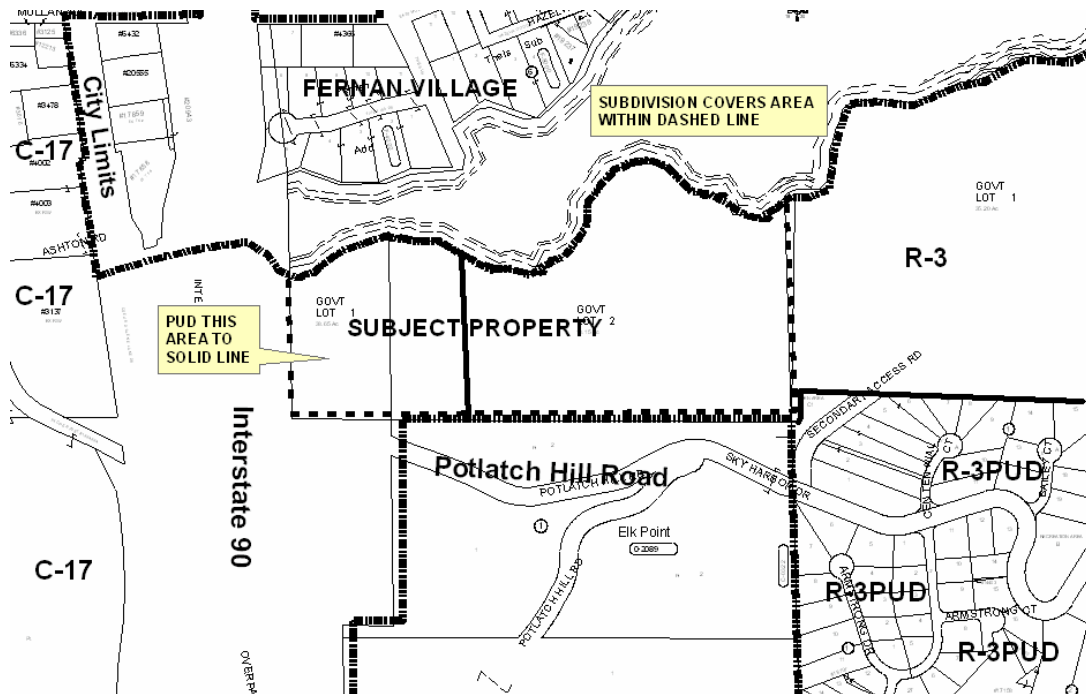
- A private street development with streets built to design standards that are less than what is required in the Subdivision Ordinance.

The Commission must decide if this request meets the intent of the PUD regulations and in so doing may wish to consider that certain benefits accrue to the city and the public by virtue of a planned unit development:

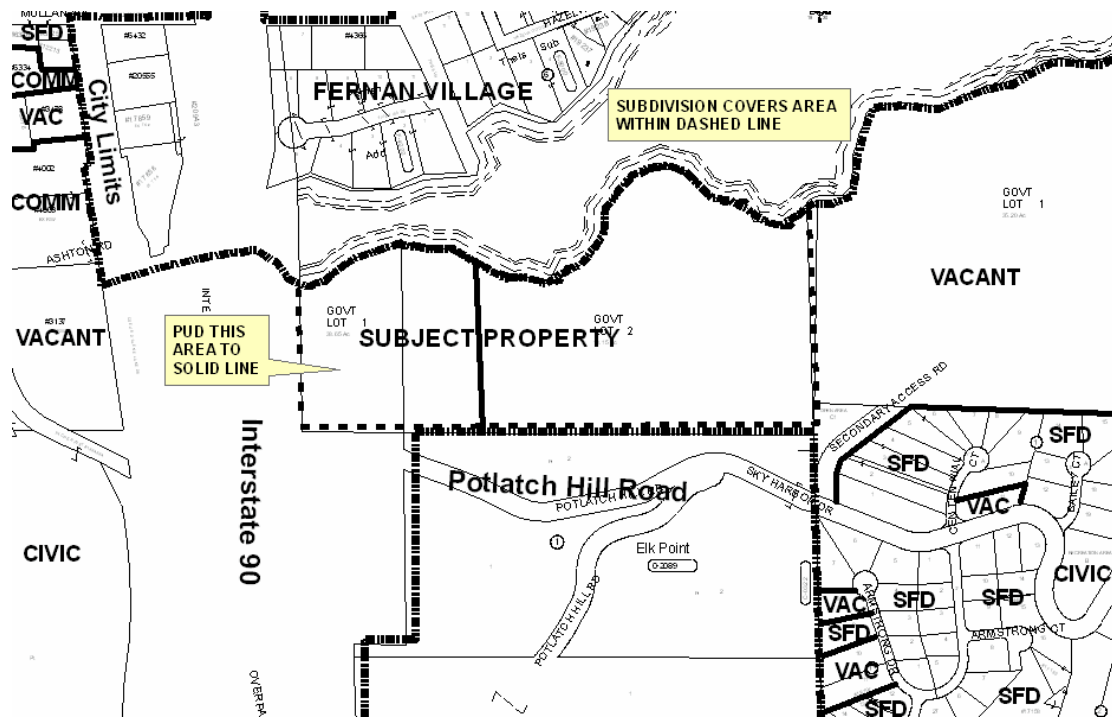
- A residential development that could preserve a significant portion of the subject property in its natural state. (19.6 acres of the total area of 22.2 acres.)
- Ability to add conditions to an approval.
- Ability to lock in development plans for the future.
- Ability to negotiate solutions that benefit all.

GENERAL INFORMATION:

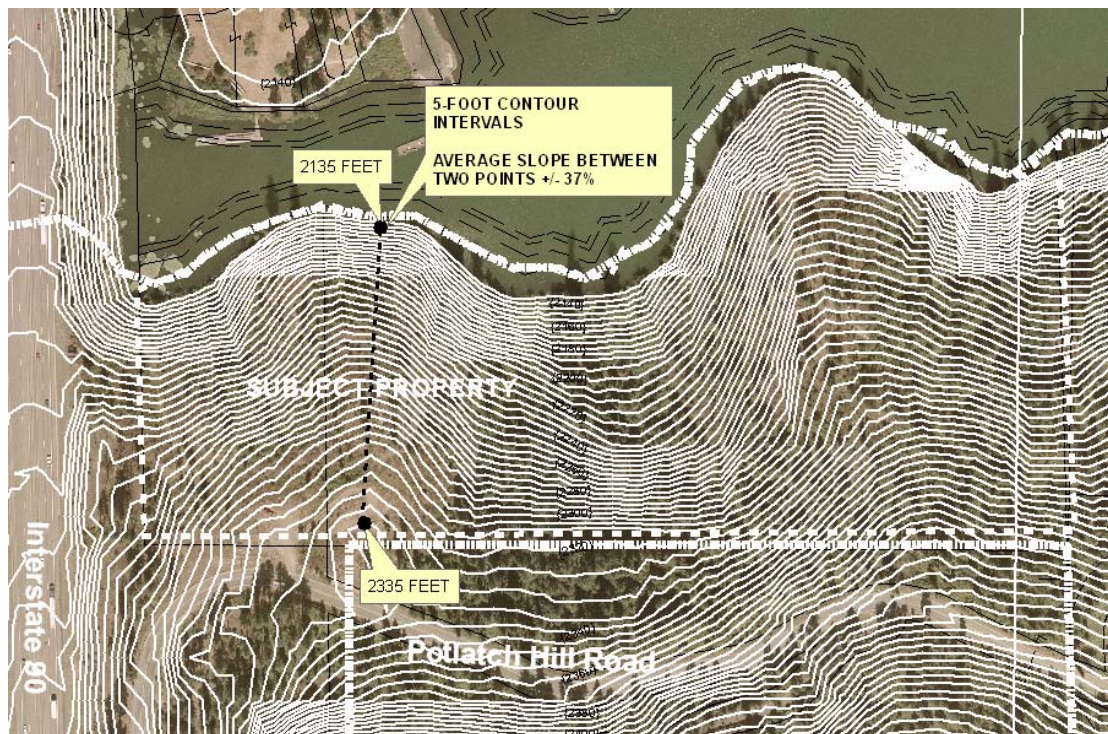
A. Zoning



B. Land use



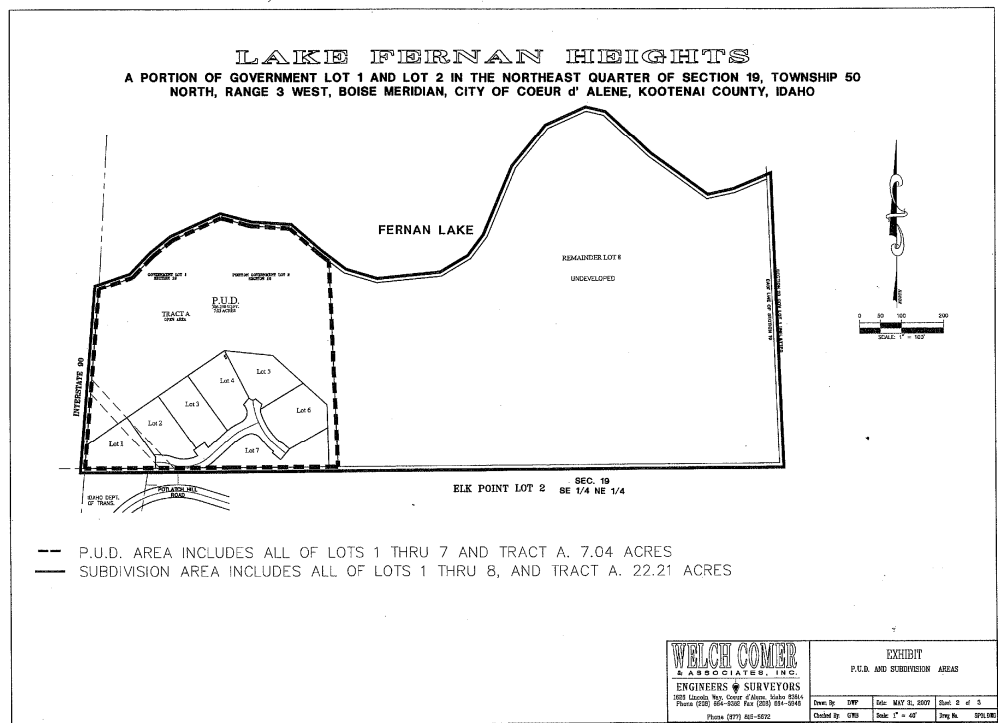
C. Elevation contours on subject property



D. Architectural rendering of "Lake Fernan Heights."



E. Boundaries of PUD and Preliminary Plat



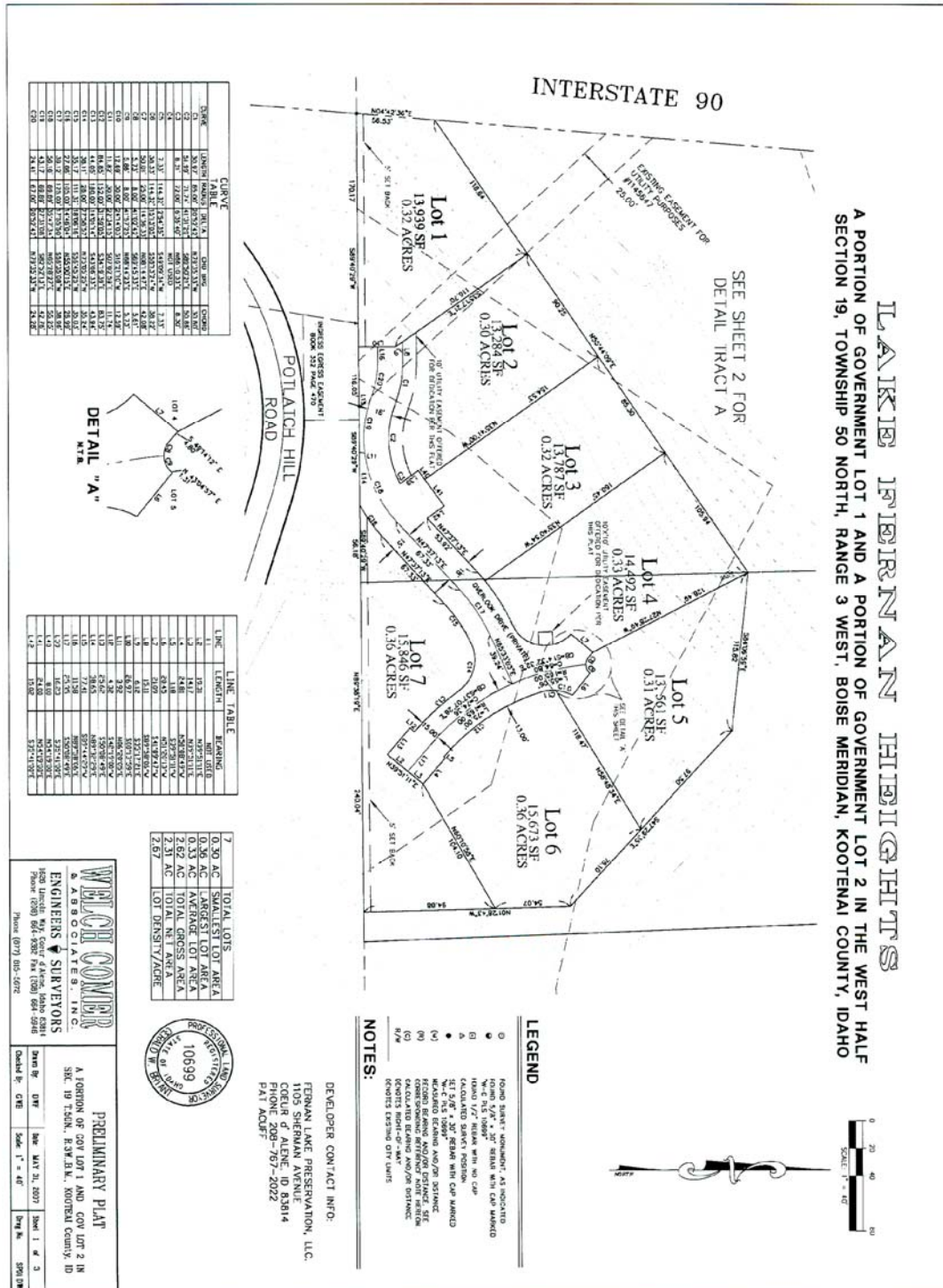
F. Preliminary PUD Plan "Lake Fernan PUD"



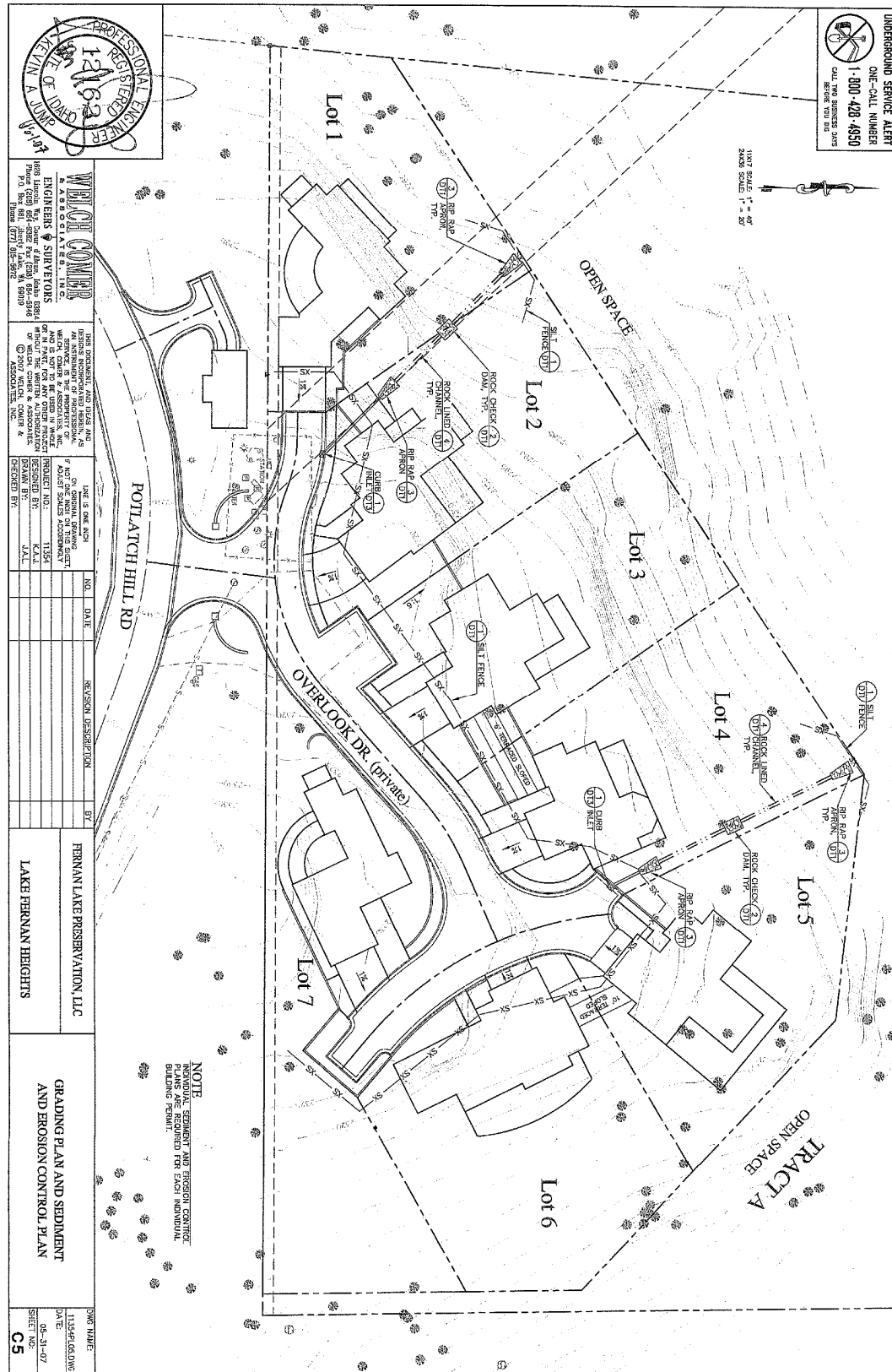
PUD-4-07&S-7-07



H. Close up of seven building lots.



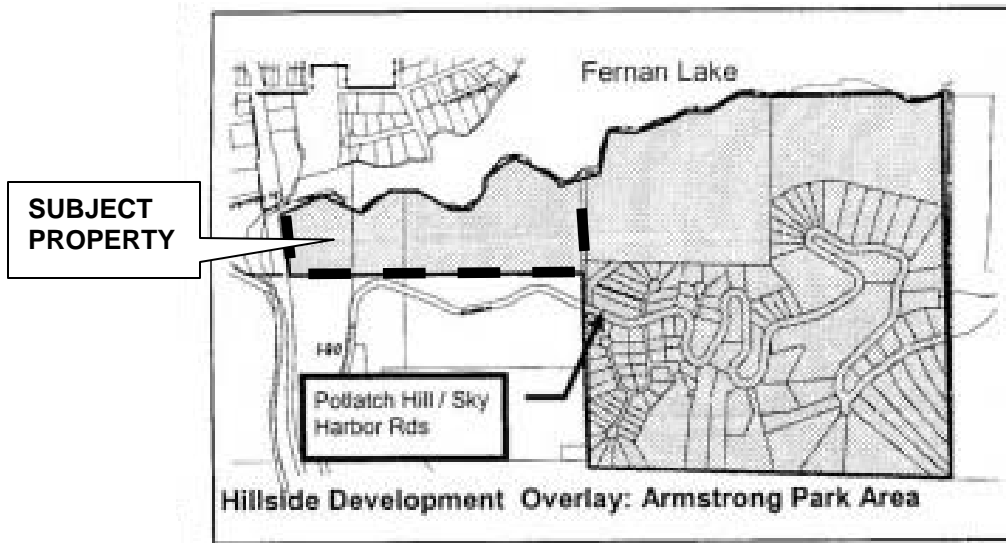
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K. Hillside Overlay District.



L. Applicant: Fernan Lake Preservation, LLC
Owner 1105 Sherman Avenue
Coeur d'Alene, ID 83814

M. Land uses in the area include residential - single-family and vacant land.

N. The subject property is vacant with a tree cover of Ponderosa Pine and other conifers.

PERFORMANCE ANALYSIS:

Planned Unit Development Findings:

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

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as a Transition Area, as follows:

Transition Areas:

"These areas represent the locations where the character of neighborhoods is in transition and, overall, should be developed with care. The street network, the number of building lots and general land use are planned to change greatly within the planning period."

Page 28 – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

1. The individual characteristics of the site;

2. The existing conditions within the area, and
3. The goals of the community.

Significant policies for your consideration:

- 4C: "New growth should enhance the quality and character of existing areas and the general community."
- 4C1: "Development that proposes to increase the density of a given area may be allowed, provided that the increase maintains the character of the community."
- 4C3: Population growth should be compatible with preserving Coeur d'Alene's character and quality of life."
- 4C5: "New development should provide for bike paths and pedestrian walkways in accordance with the transportation plan and bike plan."
- 6A: "Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses."
- 14A3: "All new developments must provide for immediate hook up to the sanitary sewer system."
- 23B1: "New developments should be required to be within an existing sewage service area or provide a system that does not pollute the aquifer."
- 24C: "Natural vegetative cover should remain as a dominant characteristic of Coeur d' Alene."
- 24E: "The natural physical form of the Coeur d'Alene planning area should be preserved."
- 24E1: "The major visual resources (vistas, views) should be protected and preserved in a manner which enhances the natural beauty and identity of the landmarks."
A. Tubbs Hill
B. Lakeview Hill
C. Potlatch Hill to Canfield Butte ridgeline, including Best Hill
D. Coeur d'Alene Lake, Fernan Lake and Spokane River shorelines
E. Mica Peak
- 24E2: "Only land uses compatible with these visual resources should occupy them. Land uses to be encouraged are:
A. Open space
B. Recreation
- 24E3: Other land uses may be acceptable with proper design precautions.
- 42A2: "Property rights of citizens should be protected in land use decisions."
- 46A: "Provide for the safe and efficient circulation of vehicular traffic."
- 51A: "Protect and preserve neighborhoods both old and new."

- 51A4: "Trees should be preserved and protected by support of the Urban Forestry Program and indiscriminate removal discouraged."
- 51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."
- 56A1: "Proposed development in any hazardous land areas must pass special review, germane to the area, such as geotechnical review and erosion control plans."
- 56A3: "Developers shall be encouraged to utilize marginal lands by incorporating them in their development plans as open space and/or as a less intensive area."
- 58A: "Identify, acquire, and preserve scenic easements to protect public sight lines of surrounding hills, lakes, and landmarks."
- 58B: "Encourage the identification, preservation, and protection of special places and landmarks."
- 58B1: "Open space and wildlife areas should be protected through proper land management and fire protection policies."
- 62A: "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."

Transportation Plan policies:

The Transportation Plan is an addendum to the Comprehensive Plan and is a policy document that is intended to guide decisions that affect transportation issues. Its goal is to correct existing deficiencies and to anticipate, plan and provide for future transportation needs.

- 33A: "Safe vehicular and pedestrian circulation should be enhanced through careful design and active enforcement."
- 34B: "Reduce automobile dependency by providing bike paths and sidewalks."

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

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

The subject property is located on the south side of Fernan Lake on an undeveloped steep hillside. The proposed development will include seven single family lots on a private street with access to Potlatch Hill Road in an area that is probably the only building site on the entire property because of the topography. Land uses in the surrounding area include single-family residential (Armstrong Park subdivision and single-family dwellings in surrounding unincorporated areas) and vacant land.

Evaluation: The Planning Commission must determine, based on the information before them, that the request is compatible with uses on adjacent properties in terms of density, design, parking, and open space and landscaping.

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

In the case of property located within the hillside overlay zone, does not create soil erosion, sedimentation of lower slopes, slide damage, or flooding problems; prevents surface water degradation, or severe cutting or scarring; reduces the risk of catastrophic wildfire in the wild land urban interface; and complements the visual character and nature of the city.

The subject property is under the jurisdiction of the Hillside Overlay Zone (See page 14) and is a steep hillside parcel on the south shore of Fernan Lake with an average slope exceeding 35% in most areas of the subject property. The area where the seven residential lots are proposed appears to be the only developable area on the entire parcel with an average slope of +/- 31%.

Compliance with the Hillside Overlay Ordinance pertains to all development and land disturbing activities and must include the following:

1. Geotechnical study.

This study has been submitted and reviewed by the City Engineer and was used in designing and evaluating the grading and erosion control plan and storm water management plans and will be used in the future to determine foundation requirements for homes on individual lots.

2. Grading and Erosion Control and Stormwater Management plans.

The grading plan submitted by the applicant meets all of the street design standards of the Subdivision Ordinance, as determined by the City Engineer.

The Erosion Control and Stormwater Management plans (See page 12) are combined for evaluation, as follows:

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. A stormwater management concept has been proposed utilizing two (2) rock lined channels with check dams to retard the runoff flow downhill with general dispersion down slope at the terminus of the channel. No detailed analysis has been presented to determine the viability of the proposal and any solution to drainage issues on the subject property must be designed so there is no net increase in site runoff entering into the adjacent Fernan Lake.

Evaluation: In addition to meeting the standards established in Section 17.08.940 "Sensitive Surface Waters" of the City's Hillside Ordinance #3091, any stormwater facilities for the subject development must meet the following criteria:

- A. Developed site flows must be detained and may be metered out in quantities that do not result in any erosion or other detrimental impact to the existing hillside or Fernan Lake. Concentrated flows will not be allowed to be generated and released from the developed site.
- B. Overland hillside flow cannot exceed the "pre-developed" flow quantities from the subject property.
- C. Drainage flows cannot be diverted into new channels that result in an increase to the overall downhill flow quantity.
- D. Any detention basin or structure must be accessible to allow for periodic maintenance or reconstruction if necessary. Easements for access and maintenance must be placed on the final plat document to ensure that ability.
- E. Any stormwater facilities that are constructed must be free and clear of any existing subsurface utilities (sewer, water, power, etc.), in the event that maintenance of the existing subsurface facilities is required that would result in damage to the stormwater drainage channels or structures.
- F. Any drainage plan for the subject property must also adhere to the "Storm and Surface Water Drainage" section of the site geotechnical evaluation report submitted by ALLWEST, dated April 25, 2007.
- G. The homeowners association will be required to maintain all stormwater drainage facilities serving the subject property. This will be required to be a component of any CC&R's for the subject development.
- H. Silt fence will be required to be installed around any/all construction sites. Silt fencing will be required to be installed prior to the commencement of site disturbance, with approval of the installation by the City Inspector prior to any activity on-site. All fencing will be required to be maintained throughout the construction period until vegetation is of sufficient developed nature to serve as a natural barrier to erodible forces.

Evaluation: The area where the seven residential lots are indicated should be developed with strict adherence to the Hillside Development Regulations.

3. Tree preservation, protection and removal.

Trees on the subject property are treated in the following manner:

- A. Trees located in a construction zone can be removed and do not have to be replaced if they are located within a
 - 1. Building envelope;
 - 2. proposed street right-of-way, driveway or parking area;
 - 3. within water, sewer, or other public utility easement;
 - 4. located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

- B. When development occurs on individual building lots, the protection and removal of trees will be determined by staff through the building permit process.

4. Sensitive surface waters. (Parcels within 500 feet of Fernan Lake)

For those parcels located in this zone, the following additional requirements apply:

- A. Storm Water Management Plan. (See comments on pages 17 & 18)
- B. Density.

The subject property has an average slope of at least +/- 37% so, will have a development density of one unit per 2.5 acres, the lots must be clustered, a PUD is required and no driveways greater than 100 feet.

Evaluation: The density of the project is one unit per 3.2 acres, it is in a PUD, the 7 lots to be developed are clustered in one building area and the longest driveway is +/- 25 feet.

- C. Waterfront lots.

For waterfront lots a 25 foot vegetation buffer shall be retained from the high water mark of Fernan Lake at elevation 2,131.37 (Kootenai County site disturbance ordinance).

Evaluation: As indicated on the preliminary plat and PUD plan, tract "A" will remain as open space and the remainder lot 8 will remain undeveloped thus, assuring that the natural vegetation along the shoreline will be retained.

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

See Preliminary plat finding #B8B.

- E. **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 subject property for the PUD is 7.03 acres and the required 10% open space requirement would be .7 acres free of buildings, streets, driveways, parking areas, swales and be accessible to all users of the development, and usable for open space and recreational purposes.

There is 4.41 acres or +/- 62% of the PUD parcel, that qualifies as open space. The applicant's narrative indicates that, because of the steep topography and dense vegetation, the recreational uses are limited and that the primary goal is to utilize the open space for wildlife movement and preservation of views and vistas. They also indicate that there are a few existing wildlife trails that may be used by the more vigorous hiker homeowners.

Evaluation: The Planning Commission must determine that the open space is accessible to all users of the development and usable for open space and recreational purposes.

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

The single-family residential parking requirement is two spaces per dwelling unit.

Evaluation: Two parking spaces per dwelling would be required with compliance at time of building permit issuance. In addition, four visitor parking spaces are shown on the PUD plan.

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

A homeowner's association will own, operate and be responsible for the maintenance of all common open space areas.

Pursuant to Section 17.07.235 of the Planned Unit Development Regulations, "the Planning Commission can require the formation of a homeowners association to perpetually maintain all open space areas. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain the open space. The association shall perpetually exist and can only be terminated by a majority vote of the members and consent of the City Council shall terminate it".

Evaluation: As a condition of approval of the PUD, the Planning Commission should require the formation of a property owners association to ensure the maintenance of all common open space areas.

H. **Finding #B8H: That the proposal (would) (would not) adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character (and) (or) existing land uses.**

The proposed development would create seven single-family lots on a 2.7 acre portion of the 22.2 acre subject property with the remaining acreage (19.5 acres-88% of total parcel) undeveloped. The surrounding land uses are single-family dwellings or vacant undeveloped land.

Evaluation: The proposed development appears to be compatible with the surrounding uses and would not adversely impact traffic on adjoining streets.

Preliminary Plat Findings:

A. **Finding #B8A: That all of the general preliminary plat requirements (have) (have not) been met, as attested to by the City Engineer.**

Per Gordon Dobler, City Engineer, the preliminary plat submitted contains all of the general information required by Section 16.12.020 of the Municipal Code, General Requirements.

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

SEWER:

Sanitary sewer is available and adequate to serve the proposed subdivision. The sanitary sewer main is located in an existing twenty five foot (25') easement (Instrument #1145647) over and across portions of proposed "Tract A" and Lots 1 and 2. Also, the existing sewer dosing siphon that serves Armstrong Park subdivision is available for connection to the 7 lots, as shown.

- Evaluation:
1. The existing easement and utilities must be kept free and clear of all permanent structures, encroachments and obstructions. Any improvements installed in the easement, other than grass or sod, will be the responsibility of the lot owner to remove/replace if utility work is necessary in the easement area.
 2. The Applicant's proposal has the public sewer dosing tank beneath the private roadway which, is appropriate in most cases, but Wastewater has concerns that the pre-existing tank was not built to support the cement trucks, asphalt paving equipment...etc. needed through out the life of this subdivision. Wastewater would suggest that the tank structure be reviewed and certified to handle the live loads mentioned above (to H-20) with an appropriate engineer for this review at no expense to the City of Coeur d'Alene. If the tank can not be certified for this load bearing, the applicant must upgrade the tank to meet this criterion, at no expense to the City of Coeur d'Alene.
 3. The applicant's proposed subdivision contains within its boundaries an existing public sewer system that can not be easily moved, does not have dedicated space for installation of appropriate odor control facilities and, because of the close proximity of this lift station to the proposed subdivision, there should be included in the CCR'S language that give all future property owners adequate notice to make them aware of potential odors from the existing public sewer facilities.

WATER:

City water is available to the proposed subdivision. However, the new water main connection to the existing line in Potlatch Hill Road is shown in a ten foot (10') easement.

- Evaluation:
- There is an existing water main located in Potlatch Hill Road/Sky Harbor Drive at Armstrong Drive that must be extended to the subject property in order to obtain service for domestic and fire protection services. This line will be extended at no cost to the City. Also, there is a high pressure water main situated in the previously noted twenty five foot (25') easement that must be kept free and clear of all structures, encroachments or obstructions. Any single utility is required to be centered in a twenty foot (20') easement and thirty foot (30') easements are required for dual utilities. All utilities are required to have a minimum horizontal separation distance of ten feet (10').

STORMWATER:

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site. A stormwater management concept has been proposed utilizing two (2) rock lined channels with check dams to retard the runoff flow downhill with general dispersion down slope at the terminus of the channel. No detailed analysis has been presented to determine the viability of the proposal and any solution to drainage issues on the subject property must be designed so there is no net increase in site runoff entering into the adjacent Fernan Lake.

Evaluation: In addition to meeting the standards established in Section 17.08.940 "Sensitive Surface Waters" of the City's Hillside Ordinance #3091, any stormwater facilities for the subject development must meet the following criteria:

- A. Developed site flows must be detained and may be metered out in quantities that do not result in any erosion or other detrimental impact to the existing hillside or Fernan Lake. Concentrated flows will not be allowed to be generated and released from the developed site.
- B. Overland hillside flow cannot exceed the pre-developed flow quantities from the subject property.
- C. Drainage flows cannot be diverted into new channels that result in an increase to the overall downhill flow quantity.
- D. Any detention basin or structure must be accessible to allow for periodic maintenance or reconstruction if necessary. Easements for access and maintenance must be placed on the final plat document to ensure that ability.
- E. Any stormwater facilities that are constructed must be free and clear of any existing subsurface utilities (sewer, water, power, etc.), in the event that maintenance of the existing subsurface facilities is required that would result in damage to the stormwater drainage channels or structures.
- F. Any drainage plan for the subject property must also adhere to the "Storm and Surface Water Drainage" section of the site geotechnical evaluation report submitted by ALLWEST, dated April 25, 2007.
- G. The homeowners association will be required to maintain all stormwater drainage facilities serving the subject property. This will be required to be a component of any CC&R's for the subject development.
- H. Silt fence will be required to be installed around any/all construction sites. Silt fencing will be required to be installed prior to the commencement of site disturbance, with approval of the installation by the City Inspector prior to any activity on-site. All fencing will be required to be maintained throughout the construction period until vegetation is of sufficient developed nature to serve as a natural barrier to erodible forces.

TRAFFIC:

The ITE Trip Generation Manual estimates the project will generate approximately 6.3 trips per day during the peak hour periods (7-9 A.M. & 4-6 P.M. utilizing an average peak hour rate of 0.90).

Evaluation: The adjoining street will accommodate the additional traffic volume. Although the intersection of Potlatch Hill Road and Coeur d'Alene Lake Drive is the sole point of ingress/egress to the proposed development, the number of peak hour trips should not have any impact on the overall traffic flows or intersection.

STREETS:

1. The proposed subdivision is adjacent to Potlatch Hill Road/Sky Harbor Drive.

Evaluation: The subject property does not directly front on Potlatch Hill Road due to an intervening portion of right-of-way that is under the control of the Idaho Transportation Department. Written permission to access the subject property from the existing Potlatch Hill Rd., across the intervening ITD parcel, will be required to be furnished prior to final plat approval or the construction of any improvements on the property.

2. Proposed internal street width of twenty six feet (26') is less than the thirty six foot (36') City standard and the internal street is proposed as a private street.

Evaluation: Approval of the less than standard street width and private street is required through the PUD.

This deviation would be acceptable in order to limit the size of "cut" on the hillside and the visual impact of the roadway. However, no parking will be allowed on the roadway due to the narrow width and the need for 26 feet of clear width for fire truck and emergency vehicle access.

3. The internal roadway deviates from the typical "crowned" street section that is utilized on roads constructed within the City and makes use of a "shed" section. This type of section will facilitate the movement of drainage to one side of the roadway; however, final design will require approval of the City Engineer. This proposed roadway section is also utilizing sidewalk on one side of the roadway, which must be approved through the PUD.

Evaluation: Due to the limited nature of the street in regard to length, number of residences accessed and hillside restrictions, the "shed" section with sidewalk on the northerly side would be acceptable. Final design approval from the City Engineer will be required.

4. The proposed development has one section of roadway that rises at 8.0%.

Evaluation: This is the maximum amount of slope allowed for roads within the City (City Code 16.20.100). Roadway grade in excess of the 8.0% will not be allowed.

SUBDIVISION REQUIREMENTS:

1. Lot frontages on proposed lots 1 & 5 (20' & 37.3' respectively) are less than the

minimum 75.0' required. A deviation will need to be approved either through the proposed PUD.

2. All development on the subject property must adhere to the City's Hillside Ordinance #3091.
3. Formation of a homeowners association will be required and CC&R's will need to be submitted for review prior to final plat approval. Specific site improvements that will be required in the CC&R's are:
 - A. general roadway maintenance, including but not limited to, cleaning, snow plowing, upkeep and reconstruction.
 - B. no changes or alterations to the completed roadway section without prior approval of the established homeowners association and the City Engineer.
4. The private thirty three foot (33') roadway section shall be shown as a "Tract" on the final plat document with an inclusive easement that details the ingress/egress for all platted lots.

APPLICABLE CODES AND POLICIES:

UTILITIES

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.
4. All required utility easements shall be dedicated on the final plat.

STREETS

5. All new streets shall be constructed to City of Coeur d'Alene standards.
6. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
7. All required street improvements shall be constructed prior to issuance of building permits.
8. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

STORMWATER

9. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

GENERAL

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

Submitted by Chris Bates, Project Manager

PARKS:

Doug Eastwood, Parks Director was contacted and had no response.

FIRE:

The Fire Department will address issues such as water supply, fire hydrants, Fire department access, etc., prior to any site development.

Submitted by Dan Cochran, Deputy Fire Chief

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

See Finding #B8A in Planned Unit Development Findings.

D. Finding #B8D: That the public interest (will) (will not) be served.

The subject property is within the corporate limits and will create an 8-lot single-family subdivision on a private street and provide an opportunity to preserve the remaining 19.5 acres in an undeveloped natural state.

Evaluation: The Planning Commission must determine, based on the information before them, whether the request will or will not serve the public interest. Specific ways in which this request does or does not should be stated in the finding.

E. Finding #B8E: That all of the required engineering elements of the preliminary plat (have) (have not) been met, as attested to by the City Engineer.

A preliminary utility design was submitted indicating that all proposed lots could be served.

F. Finding #B8F: That the lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.

The subject property is zoned R-3 and will not change with this request. Residential uses allowed in this zone include single-family dwellings at 3units/acre. The applicant is requesting 7 single-family lots with a residential density of 3.2 units per gross acre, which is lower than the 2.5 acres per unit density required by the Hillside Ordinance for parcels located within 500 feet of Fernan Lake.

If the requested PUD is approved, a new set of development standards would be created for the Lake Fernan Heights PUD, as follows:

Zoning Ordinance:

1. Zero street frontage for all lots.

(This is required because the development is on a private street.)

2. Reduce building setbacks:
Front yard – To 4-feet from 20-feet
Rear yard – To 13-feet from 25-feet
3. Reduce required 20-foot driveway length from street property line to 13-feet from 20-feet
4. Required street trees for single-family lots.

Subdivision Ordinance:

1. Private street with reduced street standards, as follows:

26 foot street with standard curbs and a 5-foot sidewalk on one side in a 33-foot right-of-way.

(The standard street is 60-feet of right-of-way, 36-foot wide paved street with curb, gutter and 5-foot sidewalks and swales on both sides)
2. Modify dead-end street or cul-de-sac requirements to allow a turn-around, as shown in detailed development plan. Sheet (C1)

Evaluation: The Planning Commission must determine if the new set of standards requested through the PUD are appropriate in the R-3 zoning district.

- G. **Finding #B9: That the proposal (would) (would not) adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses.**

See PUD finding B8H.

- H. Proposed conditions:

Planning

1. Formation of a homeowners association with CC&R's that includes detailed maintenance responsibilities of all private infrastructure (roads, drainage structures, street lighting, and all open space areas etc.), prior to recordation of the final plat.

Engineering

2. The existing easement and utilities must be kept free and clear of all permanent structures, encroachments and obstructions.
3. There is an existing waterline located in Potlatch Hill Road/Sky Harbor Drive at Armstrong Drive that must be extended to the subject property in order to obtain service for domestic and fire protection services. This line will be extended at no cost to the City.
4. Any single utility is required to be centered in a twenty foot (20') easement and thirty foot (30') easements are required for dual utilities. All utilities are required to

have a minimum horizontal separation distance of ten feet (10').

5. Developed site flows must be detained and may be metered out in quantities that do not result in any erosion or other detrimental impact to the existing hillside or Fernan Lake.
6. Concentrated flows will not be allowed to be generated and released from the developed site.
7. Any detention basin or structure must be accessible to allow for periodic maintenance or reconstruction if necessary. Easements for access and maintenance must be placed on the final plat document to ensure that ability.
8. Any stormwater facilities that are constructed must be free and clear of any existing subsurface utilities (sewer, water, power, etc.), in the event that maintenance of the existing subsurface facilities is required that would result in damage to the stormwater drainage channels or structures.
9. Any drainage plan for the subject property must also adhere to the "Storm and Surface Water Drainage" section of the site geotechnical evaluation report submitted by ALLWEST, dated April 25, 2007.
10. Silt fence will be required to be installed around any/all construction sites. Silt fencing will be required to be installed prior to the commencement of site disturbance, with approval of the installation by the City Inspector prior to any activity on-site. All fencing will be required to be maintained throughout the construction period until vegetation is of sufficient developed nature to serve as a natural barrier to erodible forces.
11. Written permission to access the subject property from the existing Potlatch Hill Rd., across the intervening ITD parcel, will be required to be furnished prior to final plat approval or the construction of any improvements on the property.
12. No parking will be allowed on the proposed internal roadway due to the narrow width.
13. Final design approval from the City Engineer will be required for the "shed" section roadway design and road grades in excess of 8.0% will not be allowed.
14. All development on the subject property must adhere to the City's Hillside Ordinance #3091.
15. Formation of a homeowners association will be required and CC&R's must contain sections that address private roadway maintenance and potential reconstruction.
16. All open space and private rights-of-way shall be shown as "tracts" on the plat document and must contain easements for access.

Wastewater

17. Review and certification of the tank structure to handle live loads (to H-20) with an appropriate engineer for this review at no expense to the City of Coeur d'Alene. If the tank can not be certified for this load bearing, applicant must upgrade the tank to meet this criterion at no expense to the City of Coeur d'Alene.
18. There be language in the CC&R's of Lake Fernan Heights subdivision that give all future property owners adequate notice to make them aware of potential odors from

the existing public sewer facilities. The language shall be reviewed and approved by the City Engineer, prior to approval of the Lake Fernan Heights final plat.

I. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
Transportation Plan
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.
Coeur d'Alene Bikeways Plan
Kootenai County Assessor's Department property records

ACTION ALTERNATIVES:

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

[F:\pcstaff\frpts\PUD407&S707]

Lake Fernan Heights

A Planned Unit Development
Coeur d'Alene, Idaho

Overall Project Description

Lake Fernan Heights is a proposed planned unit development (PUD) which has been developed to finance the preservation of 47 acres of hillside along the south shore of Fernan Lake in the City of Coeur d'Alene, while creating a 7 acre PUD on the balance of the 54 acre parcel. The 7 acre PUD will contain 4.7 acres of open space.

The owners of the property are citizens of Fernan Village. Their wish in the development of the Lake Fernan Heights PUD is to sell the minimal amount of developed property in order to pay for a substantial portion of the existing debt on the 54-acre parcel. In the proposed configuration, the proposed Lake Fernan Heights PUD will provide for 7 single-family residential lots, covering approximately 2.3 acres. In total, the proposed Lake Fernan Heights PUD encompasses 7.0 acres, with the 4.7-acre balance to remain as Open Space. It is hoped that the seven residences will produce sufficient capital as needed to assure preservation of the remaining property.

The proposed Lake Fernan Heights PUD was structured such that it would be compliant with the City's ordinances pertaining to Hillside Overlay Zone (CDA Code Title 17, Sections 17.08.900 through 17.08.945); Fernan Lake Planning Area (CDA Code Title 17, Section 17.08.943) and Sensitive Surface Waters (CDA Code Title 17, Section 17.08.940). Further, as you are aware, the PUD process allows for considerable flexibility and affords the developer and nearby residents to obtain a substantially better end-product and further provides for preserving the majority of the virgin hillside. As being proposed under the proposed Lake Fernan Heights PUD, exceptions to City Ordinances are being sought for the intentions of both minimizing the areas of disturbance and preserving the Fernan Lake hillside.

The proposed PUD includes 7 homes designed and placed according to the existing natural topography. The locations of these 7 home sites were determined to be the least disruptive to the hillside and the least visible from Fernan Village. The requirements for road width and grade along with fire access have determined the proposed access points. Property lines were drawn after the pads for the homes were established. The landmarks visible from the proposed PUD begin with the Floating Green (Coeur d'Alene Resort Golf Course) to Tubbs Hill to downtown Coeur d'Alene and Mt. Spokane to Lake Fernan and the National Forest properties to the east. The proposed structures will be visible from I-90. Great care has been taken to reduce the impact of the structures to the skyline. To this end, the proposed floor plans have living and bedroom levels below the garage floor levels. This makes for an unusual floor plan configuration, but it brings the floor plates to the existing grades and eliminates the look of "stilts" commonly associated with hillside homes.

Exterior materials will be the same for all seven units to give a consistent look. Color and texture of roofing and wall surfaces will be dark with the primary goal to look as natural as possible. It is not the Owner's intention for these homes to stand out at all when viewed from Fernan Village or the City of Coeur d'Alene. Lights from the homes

at night will be minimized by creating view windows that are clusters of smaller windows instead of large sheets of panoramic glass.

Because of the Owner's consideration for having the houses hug the hillside as low as possible, access will be from the top down and all of the homes will be equipped with residential elevators. The proposed water booster station facilities will require an above-ground maintenance building, which is duly illustrated on the preliminary drawings. Construction of said building will be from the same materials as the homes, with roof pitches and details to match.

Not to be over-stated, but, the primary focus of this proposed development is to blend into the topography's natural surroundings. The Lake Fernan Heights PUD residual property is proposed to remain as undisturbed open space instead of attempting to create useable open space. The steep topography and dense vegetation limit the recreational uses of the open space and the Owner's primary goal is to utilize the open space for wildlife movement and preservation of views, vistas. There are few existing wildlife trails that may be used by the more vigorous hiker-homeowners.

Utilities

Water and sanitary sewer utilities will be provided by extensions of the City's current systems. Existing sanitary sewer utilities adjoin the Lake Fernan Heights property, allowing for easy access. A portion of the proposed private roadway, within Lake Fernan Heights, will be constructed over and adjacent to the City's existing sewer dosing station. Adjustments, both cosmetic and structural, will be evaluated during the detailed design phase of the project, in cooperation with City staff.


A City water transmission main also exists adjoining the Lake Fernan Heights property. However, due to insufficient water pressure, the City has asked that the Lake Fernan Heights development seek connection at Armstrong Park, which will require the extension of approximately 1,800 LF of 8" diameter water main, along and within Potlatch Hill Road/Sky Harbor Drive.

All other dry utilities will be provided via local providers.

Common Area Ownership

A homeowners association will be created to own and operate the common areas.





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

A. INTRODUCTION

This matter having come before the Planning Commission on July 10, 2007, and there being present a person requesting approval of ITEM PUD-4-07 a request for a planned unit development known as "Lake Fernan Heights PUD".

LOCATION – +/- 22.2-acre parcel between Potlatch Hill Road and Lake Fernan, just west of Armstrong Park Subdivision

APPLICANT: Fernan Lake Preservation, LLC

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

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

- B1. That the existing land uses are residential - single-family and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-3 (Residential at 3units/acre)
- B4. That the notice of public hearing was published on June 23, 2007, and July 3, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on July 2, 2007, which fulfills the proper legal requirement.
- B6. That 14 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 22, 2007, and _____ responses were received: _____ in favor, _____ opposed, and _____ neutral.
- B7. That public testimony was heard on July 10, 2007.
- B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

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

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

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

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

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

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

Criteria to consider for B8D:

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

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

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

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

B8H That the proposal **(would) (would not)** adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character **(and) (or)** existing land uses because

Criteria to consider for B8H:

1. Will the change in traffic flow adversely affect the livability of the surrounding neighborhood?
2. Does the proposed development "fit" with the surrounding area in terms of density, layout & appearance?
3. Is the proposed development compatible with the existing land use pattern? i.e. residential, commercial, residential w churches & schools

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied are:

Motion by _____ seconded by _____ to adopt the foregoing Findings and Order.

ROLL CALL:


Commissioner Bowlby	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

Chairman Bruning Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a _____ to _____ vote.

CHAIRMAN JOHN BRUNING



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

A. INTRODUCTION

This matter having come before the Planning Commission on July 10, 2007, and there being present a person requesting approval of ITEM S-7-07: a request for preliminary plat approval of "Lake Fernan Heights", a 8-lot subdivision located in the R-3 (Residential at 3 units/acre) zoning district.

LOCATION – +/- 22.2-acre parcel between Potlatch Hill Road and Lake Fernan, just west of Armstrong Park Subdivision

APPLICANT: Fernan Lake Preservation, LLC

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

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

- B1. That the existing land uses are residential - single-family and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-3 (Residential at 3units/acre)
- B4. That the notice of public hearing was published on June 23, 2007, and July 3, 2007, which fulfills the proper legal requirement.
- B5. That the notice was not required to be posted on the property.
- B6. That 14 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 22, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on July 10, 2007.
- B8. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:

B8A. That all of the general preliminary plat requirements **(have) (have not)** been met as attested to by the City Engineer. This is based on

B8B. That the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities **(are) (are not)** adequate where applicable. This is based on

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

B8D. That the public interest **(will) (will not)** be served based on

Criteria to consider for B8D:

1. Does this request achieve the goals and policies of the comp plan?
2. Does it provide for orderly growth and development that is compatible with uses in the surrounding area?
3. Does it protect the public safety by providing adequate public utilities and facilities to mitigate any development impacts?
4. Does the it protect and preserve the natural beauty of Coeur d'Alene?
5. Does this have a positive impact on Coeur d'Alene's economy?
6. Does it protect property rights and enhance property values?

B8E. That all of the required engineering elements of the preliminary plat **(have) (have not)** been met, as attested to by the City Engineer. This is based on

B8F That the lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district for the following reasons:

Criteria to consider for B8F:

1. Do all lots meet the required minimum lot size?
2. Do all lots meet the required minimum street frontage?
3. Is the gross density within the maximum allowed for the applicable zone?

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

Criteria to consider for B10:

1. Can the existing street system support traffic generated by this request?
2. Does the density or intensity of the project "fit " the surrounding area?
3. Is the proposed development compatible with the existing land use pattern? i.e. residential, commercial, residential w churches & schools etc.
4. Is the design and appearance of the project compatible with the surrounding neighborhood?

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied to the motion are:

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Jordan	Voted _____
Commissioner Messina	Voted _____
Commissioner Rasor	Voted _____
Commissioner Souza	Voted _____

Chairman Bruning Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN JOHN BRUNING

OTHER SUBS- ENSE

2007 Planning Commission Priorities Progress

JULY 2007

.A note on the colors from from Tony Berns: "I use the stop light analogy:

Red is bad – either that initiative has failed, or our Board goal for the year will not be met.

Yellow is caution – could get to "red" if we don't do something pronto.

Green is good. he other colors like "pending" are place holders until action on those items can occur." **Note: The PC is encouraged to select what "color" is appropriate.**

Administration of the Commission's Business

▪ Follow-up of Commission requests & comments		Mayor response to letter to CC on workforce housing rec by PC
▪ Meeting with other boards and committees		Park/rec Comm workshop 9/06. Sign Bd 06, CC 3/07
▪ Goal achievement		Checklist of projects w/updated 2/07
▪ Building Heart Awards		Discussed 7/06 No awards will be given.
• Speakers		Wastewater & LCDC completed
• Public Hearings		Aug 14, 5 items scheduled

Long Range Planning

▪ Comprehensive Plan Update		Workshops completed. Bruning mtg w/ P&R 6/8 PC wkshp 6/13, PC hearing estimated for 7/24.
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Public Hearing Management

▪ Continued work on Findings and Motions		Warren and Plg staff to review
▪ Public hearing scheduling		Chrman Bruning consulted on agenda

Regulation Development

1. Subdivision Standards		
2. Revise Landscaping Regulations		w/Urban Forestry
3. Expansion of Design Review		w/ Design Review Commission CC & PC wkshps 6/28 completed
4. Commercial Zoning Districts		Hgts/Commercial Zoning Breakout
5. Off-Street Parking Standards		
6. Workforce & Affordable Housing		City staff working on various aspects ie block grant

Misc Zoning Ord. Updates

<ul style="list-style-type: none"> • Non-Conforming Use Reg cleanup • Average Finish Grade • Screening of rooftop equipment • Mediation – state law • Planned Unit Development Standards • Lighting • Surface Water, Irrigation – ID law • Re-codification or re-org to Unified Development Code 		Fort Grounds Example. Research begun CC Approved 5/1
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Other Code Provisions under Development Supported by Commission

<ul style="list-style-type: none"> • Variance criteria • Design Review Procedure • Downtown Design Review – cleanup • Height Projections 		CC approved hgt 5/1 Procedure developed. Wkshop w/CC complet Draft prepared. Wkshp w/downtown TBA
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Other Action

07 Priorities		PC request as high CC priority 4/12/07. Budget wkshp 7/9
Infill East Revisions		CC, PC, DRC wkshp w/ M. Hinshaw 6/29 completed