



## City of Rathdrum Planning and Zoning Commission

### Staff Report – Conditional Use Permit

**To:** Rathdrum Planning and Zoning Commission  
**From:** City Planning and Zoning Administrator  
**Date of Report:** May 18, 2020  
**Subject:** Silverado Apartments CUP 2020-01 – Request to allow multifamily residential use on industrially zoned property  
**Hearing Date:** May 20, 2020

#### PROJECT INFORMATION

##### Applicant / Owner:

Olson Engineering, PO Box 1894, Post Falls, ID 83877 for owner Bob G. Head, 16600 N Reservoir Road, Rathdrum, ID 83858.

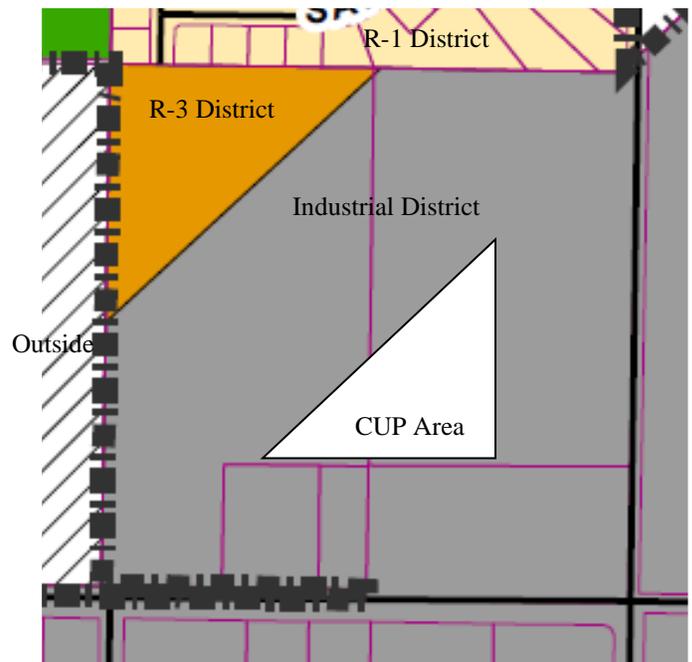
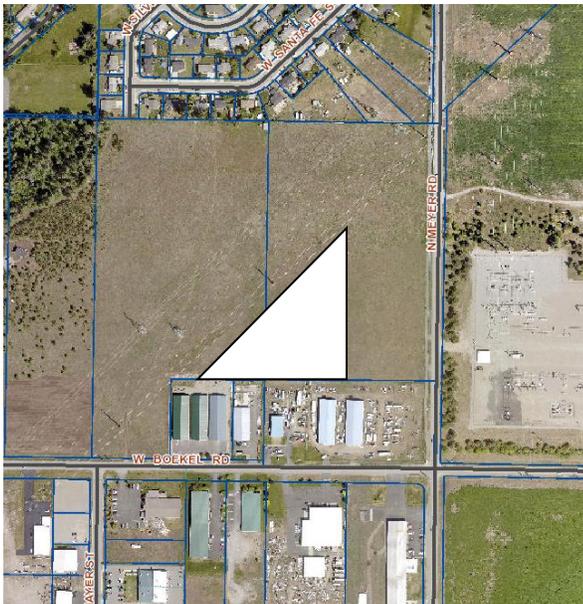
##### Site Information / Location of Project:

The property is located generally west of Meyer Road and north of Boekel Road.

The project site is located in an Industrial zone, partially located on property with split zoning – the northern portion of one of the lots being zoned R-3. The Future Land Use Designation Map identifies the property as Industrial.

The Kootenai County Assessors Tax Parcel Numbers are R-3250-001-003-0 and R-0000-031-9000.

The legal description of the property is described by meets and bounds within the E ½ of the SE ¼ Section 31, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.



**Adjacent Land Uses:**

The surrounding properties are as follows:

North: BPA Power Line Easement and Vacant property beyond (Industrial - I)

South: Storage Yard and Buildings (Industrial - I)

East: Meyer Road and Washington Water Power Company station beyond (Industrial - I)

West: BPA Power Line Easement and Vacant property beyond (Industrial - I)

**Request:**

This is an application for a Conditional Use Permit (CUP) to allow for multifamily residential land use (apartments) to occur on property within an Industrial zone district. The Applicant seeks to allow five (5), 3-story apartment buildings with associated parking for 108 apartment units and an office on approximately 3.93 acres of property – to be subdivided.

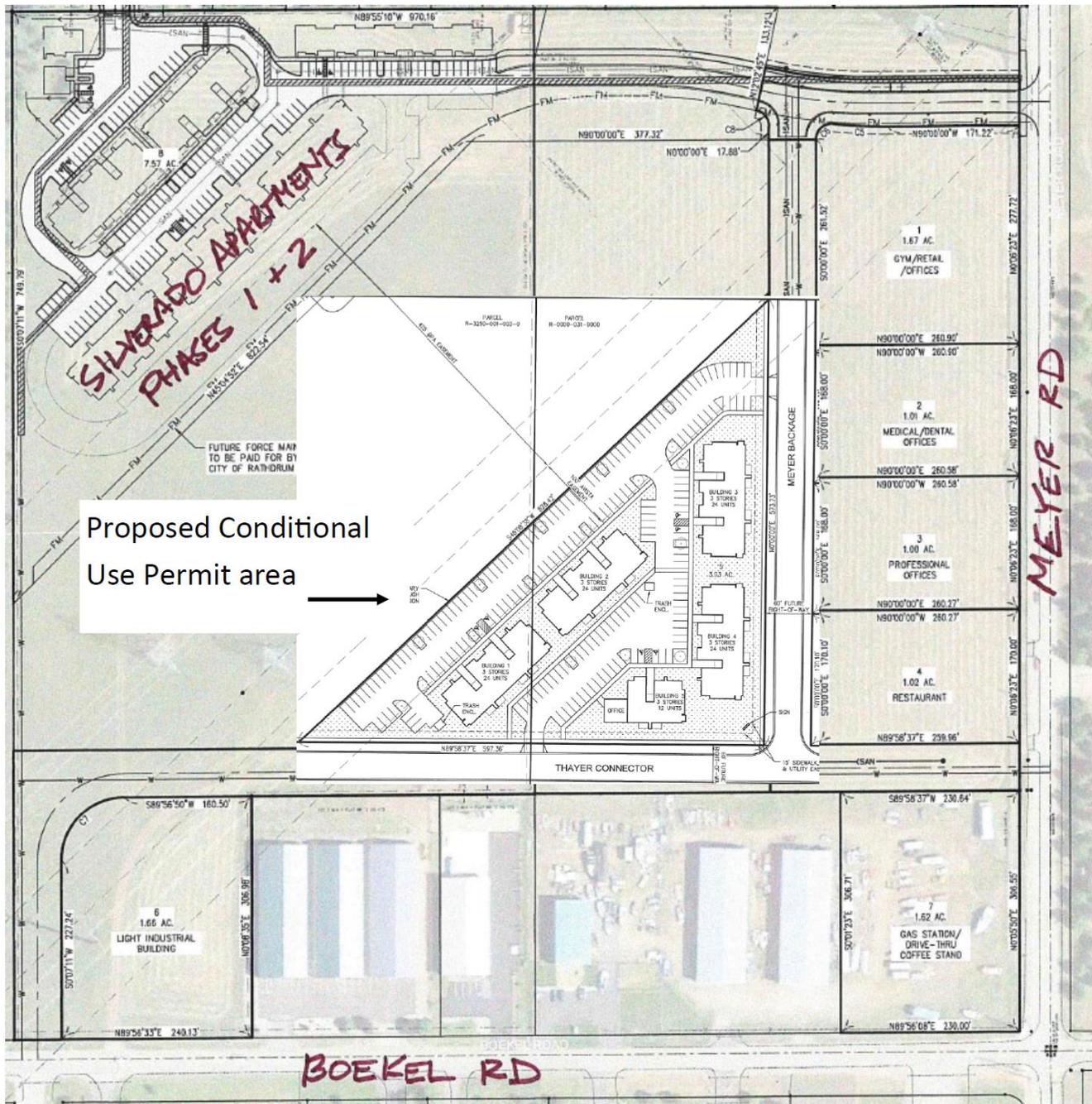
A conditional use permit may be granted to an applicant if the proposed use is prohibited by the terms of Rathdrum City Code (RCC) Title 11, but is allowed with conditions under specific provisions of RCC Title 11 and is not in conflict with the comprehensive plan. The minimum criteria and conditions of the RCC shall apply to the approval of any conditional use permit. Pursuant to Rathdrum City Code (RCC), 11-4C-1 (D), Industrial District, Conditional Uses, other uses determined by the Commission to be in keeping with the intent of the Industrial District may be allowed by conditional use permit.

The applicant proposes to access the project site via streets which are to be installed, dedicated to the public, and the costs reimbursed to the developer with the proposed Silverado Urban Renewal District (URD) – *note that the URD has not been approved at this time*. Utility connections to the site will also be via public water and sewer mains to be installed and reimbursed with the proposed URD. Access to the buildings and parking will be via internal, private access subject to the City’s access standards. Parking lot improvements for the accommodation of parking necessary for the proposed 108 residential units and parking for the office will be required, including ADA compliant stalls, and including but not limited to parking lot surfacing and striping with interior curbs and adjacent sidewalks. On-site stormwater infrastructure, landscaping and a garbage enclosure will also be required in compliance with City Code. No other improvements to the site have been identified.

**PROJECT REVIEW**

This staff report reflects an overview of the proposed conditional use and property based on the submitted application materials and other information available at the time of this report. The project is subject to modification prior to final action of the Rathdrum City Council.

As discussed within Site Information above, the project site is located in an Industrial zone, partially located on property with split zoning – the northern portion of the westerly lot being zoned R-3. The property was annexed into the city limits at the request of this applicant in 2002. The Annexation Request included zoning of R-3, Multifamily Residential, on approximately 4.63 acres of the property located to the north of the existing Bonneville Power Administration easement, and Industrial on the remaining approximately 29.423 acres south of and including the power line easement. The subject site is currently vacant although the R-3 zoned portion of the property to the west recently acquiring permitting to build three (3), apartment buildings consisting of 49 apartments and an office with associated parking (Silverado Apartments Phase I). The owner also plans on several additional apartment buildings at that location in the future (proposed Silverado Apartments Phase II) for which permit applications have not yet been submitted.



In preliminary review of the overall project, the City found that the proposal was generally consistent with the multifamily performance standards of Rathdrum City Code 11-5. Because the Applicant was requesting a Special / Conditional Use, City staff encouraged the developer to provide further consideration of the general livability, comfort and convenience of the finished development in relation to attracting (and keeping) tenants, producing a quality and financially viable and competitive product, and also general ease of operation. The developer chose not to include such considerations in this Conditional Use Permit application or the recently permitted Phase I improvements.

**Consistency Analysis Rathdrum City Code (RCC):** Several titles of City Code provide regulations for the proposal. Those portions of the RCC that pertain to the proposal are included in **Table 1** below. Included for each requirement is an analysis of the proposal’s consistency with that requirement. The project proponent has also

included an analysis within their project narrative attached hereto.

**Table 1 – Rathdrum City Code Consistency**

Code	Consistent	Discussion
<p><b>11-4C-1 (A) Industrial District, Purpose.</b> The purpose of the I district is to provide for the location of compatible industrial and related uses in an area where most residential uses are prohibited, and to make provisions for certain kinds of commercial uses to service these industries.</p> <p><b>11-4C-1 (B) Industrial District, Criteria for citing.</b></p>	<p>CUP REQUESTED</p>	<p>The Applicant intends to build multifamily residential structures on the subject property. A conditional use permit is necessary to establish a residential use. As found within the purpose statement, not all residential uses are prohibited in the Industrial District – specifically if determined by the Commission to be in keeping with the intent of the Industrial district. As found within the R-3 Residential District standards of the RCC (11-4A-4 B, 3) high density residential areas should be located in areas to act as a buffer between commercial or industrial districts and lower density residential districts. While lower density residential housing is not located directly adjacent to the project site, locating multifamily housing adjacent to Industrial uses is consistent with Code.</p>
<p><b>11-4C-1 (C) Industrial District, Principal Uses Permit Outright.</b> Permitted uses include commercial uses, contractors, freight hauling, gas storage facilities, machine shops, manufacturing, warehouses, welding and fabricating among others.</p>	<p>CUP REQUESTED</p>	<p>The proposed use is not listed as an outright permitted use and is therefor considered prohibited. A Conditional Use Permit is necessary for establishment of the residential use in an Industrial District.</p>
<p><b>11-4C-1 (D) Industrial District, Conditional Uses.</b> Other uses determined by the commission to be in keeping with the intent of the industrial district (are allowed by conditional use).</p>	<p>CUP REQUESTED</p>	<p>The Applicant intends to build multifamily residential structures on the subject property. The Commission must find that such use is in keeping with the intent of the industrial district to establish a residential use. See “Purpose” above.</p>
<p><b>11-4C-1 (E) Industrial District, Accessory Uses.</b> Uses customarily incidental to any of the permitted uses.</p>	<p>Yes, with conditions of approval</p>	<p>The zone district provisions would allow for uses which are accessory to industrial use. Staff has included recommended conditions of approval to address the allowance of accessory uses associated with multi-family residential use only.</p>
<p><b>11-4C-1 (F) Industrial District, Density Provisions.</b> The minimum front yard shall be ten feet (10’), the minimum side yard flanking the street of a corner lot shall be twenty feet (20’) from street right of way. The minimum side yard shall be ten feet (10’). The minimum rear yard shall be ten</p>	<p>Yes, with conditions of approval</p>	<p>The zone district density provisions can be applied at the time of permitting for the buildings / development. Alternatively, the R-3 Zone District standards which include setbacks, lot coverage and building height may be utilized. Staff has included recommended conditions of approval to</p>

Code	Consistent	Discussion
feet (10'). Maximum lot coverage shall be seventy five percent (75%).		address the requirements.
<b>11-4C-1 (G) Industrial District, Parking</b>	Yes, with conditions of approval	Parking for the use will be subject to the parking requirements of RCC 11-5-3. The current standard requires that 1.75 parking stalls be provided per apartment dwelling and offices require 1 parking stall for every 300 square feet of gross floor area. City staff and decision makers have previously identified that the required standards for apartments are insufficient to meet the needs of our community, and staff has been directed to work to establish additional Multi-family standards for codification. Staff has included recommended conditions of approval to address this.
<b>11-8-1 Conditional (Special) Use Permits, Granting of Permits.</b> A conditional use permit may be granted to an applicant if the proposed use is prohibited by the terms of this title but is allowed with conditions under specific provisions of this title and is not in conflict with the comprehensive plan.	CUP REQUESTED	Multifamily residential use of property within the Industrial zone district is not enumerated within RCC 11-4C-1 (C), Principal Uses Permitted Outright. As defined by RCC 11-3-2, any uses which are not specifically enumerated or interpreted as allowable in that district are prohibited. RCC 11-4C-1 (D) enumerates that "Other uses determined by the Commission to be in keeping with the intent of the industrial district" are Conditional Uses.
<b>11-8-2 Conditional (Special) Use Permits, Public Notice Procedures.</b> ...	Yes	See Regulatory Compliance section below.
<b>11-8-3: Conditional (Special) Use Permits, Criteria for Granting Conditional Use Permits.</b> The commission shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location: A. Will constitute a conditional use as established in this title for the zoning district involved; B. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the comprehensive plan and/or this title; C. Will be served adequately by essential public	Unknown	The Conditional Use Permit application is subject to commission review. A. The Commission must find that the proposed use is in keeping with the intent of the industrial district as discussed above. B. The Commission must determine that the proposal is harmonious with and in accordance with the comprehensive plan as discussed in Table 2 herein. C. Public utility infrastructure as established by the proposed URD is to be utilized. Existing essential public services will be utilized. Staff has suggested conditions of approval to

Code	Consistent	Discussion
<p>facilities and services;</p> <p>D. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;</p> <p>E. Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community;</p> <p>F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;</p> <p>G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares;</p> <p>H. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.</p>		<p>address the requirements.</p> <p>D. The proposal is for multifamily residential use. Property to the north and west beyond the BPA easement is zoned residential R-3 and is to be developed with apartments. The property to the south is Industrial. Property to the west and east is undeveloped at this time. The Commission shall determine if the proposal changes the character of the area.</p> <p>E. The Commission shall determine if the proposal creates excessive additional requirements or costs for public facilities or services, and is detrimental to the economic welfare of the community.</p> <p>F. The Commission shall determine any detrimental impacts.</p> <p>G. Vehicular approaches will require compliance with RCC 11-5. The Commission shall determine interference with traffic and surrounding public thoroughfares for the public roads to be established with the URD.</p> <p>H. No features of importance have been identified on the property or immediate vicinity.</p>
<p><b>11-8-4: Conditional (Special) Use Permits, Action by Commission and Council.</b></p> <p>A. Commission:</p> <p>1. Findings And Recommendation: Within sixty (60) days following the public hearing, the commission shall present to city council its findings and recommendation to either approve, conditionally approve or deny the request for a conditional use permit.</p> <p>2. Conditions Of Approval: Upon the granting of a conditional use permit, conditions may be attached to the permit including, but not limited to, the following conditions:</p> <p>a. Minimizing adverse impact on other development;</p> <p>b. Controlling the sequence and timing of development;</p>	<p>Yes, with conditions of approval</p>	<p>A.</p> <p>1. Staff has suggested motions including provision of recommendation to the City Council for any recommendation of approval of the proposal.</p> <p>2. Staff has suggested conditions to attach to any approval of the permit to minimize impacts, control timing of the development, designate the nature of the development, and providing for on and off-site improvements.</p> <p>3. The Commission may request additional studies to address possible impacts of the proposal.</p>

Code	Consistent	Discussion
<ul style="list-style-type: none"> <li>c. Controlling duration of development;</li> <li>d. Assuring that development is properly maintained;</li> <li>e. Designating the exact location and nature of development;</li> <li>f. Requiring the provision for on-site or off-site public facilities or services;</li> <li>g. Requiring more restrictive standards than those generally required.</li> </ul> <p>3. Studies Required: Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed use. A conditional use permit shall not be considered as establishing a binding precedent to grant other permits. A conditional use permit is not transferable from one parcel of land to another.</p>		
<p><b>11-8-5: Conditional (Special) Use Permits, Time Limit.</b> Upon granting of a conditional use permit, the proposed use must be substantially initiated within one year. Failure to comply with this regulation will result in the conditional use permit becoming null and void.</p>	<p>Yes, with conditions of approval</p>	<p>Staff has suggested conditions of approval to address this requirement.</p>

**Consistency Analysis Comprehensive Plan:** The relevant goals and policies established within the Rathdrum Comprehensive Plan that pertain to the proposal are listed in **Table 2** below. Also included is an analysis of whether the proposed project is generally consistent with the requirements of those goals and policies. The project proponent has also included an analysis within their project narrative attached hereto.

**Table 2 – Comprehensive Plan Consistency**

Goal/Policy	Consistent	Discussion
<b>II A. Population</b>		
<b>II A. Population, Goal 1: Address changing growth trends and capacities to work toward a moderate and stable rate of long-range population growth with orderly development.</b>	Unknown	Growth trends in Rathdrum recently have focused on single family housing. The need for growth of multifamily housing is undetermined. Currently, approximately 18% of the housing in Rathdrum is multiple dwelling – duplex, triplex, four-plex or apartment. There are currently three apartment complexes (multiple apartment buildings within the same development) within the City – Treehouse Apartments (behind the Senior Center), Parkwood Apartments (north of Highway 53 and the high school) and Westwood Villas (to the east of Super 1 grocery store).
<b>II A. Population, Goal 2: Guide future development to maintain and enhance the quality of life of the population living within and directly adjacent to the community.</b>	Unknown	It is undetermined if the proposed development or guidance provided through the application of Conditions of Approval will maintain and enhance the quality of life of the population. The proposal includes basic housing without typical residential amenities like garages, open space / outdoor recreation / play areas, and others typical of single-family housing.
<b>II B. Land Use</b>		
<b>II B. Land Use, Goal 1, Policy C:</b> <i>Maintain regulatory standards that encourage private property land uses and infill development consistent with expressed local values.</i>	Unknown	The Commission and Council shall determine if the land use and infill development are consistent with local values.
<b>II B. Land Use, Goal 1, Policy F:</b> <i>Consider special use permits only where proposed land uses can be demonstrated to be consistent with goals of the Comprehensive Plan.</i>	Unknown	Consistency with the goals of the Comprehensive Plan are as discussed herein. The Planning and Zoning Commission and City Council shall be responsible for determining compliance.
<b>II E.-1 Public Services</b>		
<b>II E. Public Services, Goal 1, Policy A:</b> <i>Coordinate with service providers and public safety entities to assure necessary and appropriate urban services are provided to accommodate</i>	Unknown	The Rathdrum Chief of Police provided comment based on past experience and looking into questions regarding similar development that neighborhoods that are not economically

Goal/Policy	Consistent	Discussion
<i>projected types and densities of growth and development.</i>		and socially integrated seem to generate a higher amount of calls for service than a neighborhood with a variety of housing types and prices.
<b>II E.-2 Sewer and Water</b>		
<b><i>II E.-2 Water and Sewer, Goal 1, Policy B: Promote development in areas with municipal sewer and water systems in place.</i></b>	Yes, with conditions of approval	Municipal water and sewer utilities are available to be extended to the property. Water and sewer mains to service this property are proposed to be extended as part of the proposed Urban Renewal District. As necessary, the applicant shall make improvements to the infrastructure to support the proposed use(s) at the time of development.
<b>II G. Housing</b>		
<p><b>II G. Housing, Goal 1: Apply four primary principles, 1) Sense of Community, 2) Variety, 3) Affordability and 4) Integration, in the enhancement and maintenance of existing residential areas and the design of new housing developments.</b></p> <p><b>A) Sense of Community: Promote a sense of community by encouraging walking and cycling, good lighting and safe havens for children while providing ready access to shared green space and parks. Housing will be connected to commercial areas and civic centers by well-organized street and pathway systems, potentially including public transportation, all making it easy for people to meet and interact with each other. Neighborhoods should not be completely walled off from each other.</b></p> <p><b>B) Variety: Provide a broad mix of housing choices for a mix of people with differing economic means, ages and lifestyles. Types of housing may include, but are not limited to, apartments, townhouses, multi-family units, manufactured homes and small, as well as large, lot single family residences.</b></p> <p><b>C) Affordability: Ensure affordable housing is available for the local household and family, encouraging the creation of a wide range of housing, including that which is affordable to the community's average and lower income worker and family.</b></p>	Yes and No	<p>Apartments provide more variety in housing options and tend to be more affordable.</p> <p>The applicant states that the Urban Renewal District plan includes pathways and park dedication, however, the URD documents do not support this. URD discussions included potential dedication of the land beneath the Bonneville Power Administration lines to the City, however, no park, pathway or other improvements were proposed in this area. The proposal does not include any gathering spaces or other amenities to promote people to meet and interact within the apartment complex(es).</p>

Goal/Policy	Consistent	Discussion
<i>II G. Housing, Goal 2, Policy F: Protect the continuity and inherent character of existing neighborhoods in planning and zoning decisions.</i>	Unknown	There is a single-family neighborhood located to the north of the proposal and industrial uses on the properties to the south. The Commission and Council shall determine if the proposal protects the continuity and character of surrounding lands.
<i>II G. Housing, Goal 3, Policy B: Require pedestrian and bicycle pathways in new residential development and encourage the development of additional pathways in existing neighborhoods to provide interconnectivity.</i>	No	The proposal does not include pedestrian and bicycle pathways. Sidewalks interior to the apartment complex and on adjacent streets will be installed as required through development regulations. The City <i>may</i> install improvements such as a path within the BPA easement area to the north of the project site in the future, assuming passage of the URD and dedication of such land to the public.
<i>II G. Housing, Goal 4, Policy C: Provide an adequate supply of land in appropriate land use designations that meets the future needs and demand for a broad range of residential types.</i>	Unknown	The Commission and Council shall determine if the residential use within the Industrial land use designation is appropriate.
<i>II G. Housing, Goal 5, Policy A: Encourage infill and redevelopment of existing lots.</i>	Yes	The proposed project will partially infill existing land which is partially built around.
<b>II H. School Facilities</b>		
<b>II H. School Facilities, Goal 1: Consider the priorities and concerns of Lakeland School District and other schools in future community development decisions.</b>	Unknown	The Commission and Council shall be responsible for considering priorities and concerns of the School District. The property was annexed into the City and zoned in 2002 at which time impacts associated with residential multifamily use within Phase one and proposed phase two were considered. The effective result of approval of a CUP, however, will be to change zoning of an additional approximately 3.93 acres to residential use for which impacts were not previously considered. See LJSD comment letter attached hereto.
<b>II I. Recreation</b>		
<b>II I. Recreation, Goal 1: Maintain and develop facilities to support the recreational and cultural needs of all community members.</b>	Yes and No	The proposal does not include any facilities to support recreational or cultural activities. The Applicant contends that a park is included in the URD proposal, however, staff did not find such in the existing URD plans.  Park impact fees will be applicable to development of residential uses as required.
<b>II J. Economic Development</b>		

Goal/Policy	Consistent	Discussion
<b>II J. Economic Development, Goal 1, Policy E: Integrate diversified commercial and industrial development to expand employment opportunities for local workers.</b>	Unknown	The proposal removes land on which commercial and industrial uses are permitted outright.
<b>II. K.-2 Community Design Element, Balanced Development</b>		
<i>II K.-2 Community Design, Balanced Development, Goal 2, Policy A: Promote a wide range of residential development forms and designs, including a mix of housing types, from condominiums to townhouses to triplexes and duplexes to single family detached houses.</i>	Yes	The proposal provides for diversified housing options.

**REGULATORY COMPLIANCE**

**Public Noticing:** RCC 11-8-2 lays out the process which is followed for a Conditional Use Permit application which requires an open record public hearing before the Planning and Zoning Commission as directed by Idaho Statute 67-6512. Not more than sixty (60) days following the filing of an application and prior to granting a conditional use permit, at least one public hearing at which interested persons shall have an opportunity to be heard shall be held by the planning and zoning commission.

The completed application was received on April 2, 2020. A Public Hearing before the Planning and Zoning Commission has been scheduled for May 20, 2020 in compliance with this section.

At least fifteen (15) days prior to the hearing, notice of the time, place and a summary of the proposal shall be published in the official newspaper of the city.

Notice of the hearing, including time, place and summary of the proposal was posted in the Coeur d’Alene Record on or before May 5, 2020 in compliance with this section.

Notice by regular mail shall be provided at least ten (10) days prior to the hearing to record property owners of land situated within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed conditional use permit as determined by the administrator.

Notice by regular mail to all property owners of land situated within three hundred feet of the external boundaries of the proposal was provided on or before May 8, 2020 in compliance with this section.

Notice shall further be posted on the concerned property at least seven (7) days prior to the public hearing.

A Public Notice was posted on the property on or before May 8, 2020 in compliance with this section.

Notice was also posted as a courtesy on the City’s web site on May 1, 2020 and notice board outside of City Hall on or before May 8, 2020.

When notice is required for two hundred (200) or more property owners, in lieu of the mail notification, three (3) notices in the official newspaper of the city is sufficient; provided that, the third notice appears at least ten (10) days prior to the public hearing.

Not Applicable.

The application has been processed in conformance with this Code.

Furthermore, prior to the date of the public hearing, the City issued this written staff report, integrating any public comments received regarding the application, and made available to the public a copy of the staff report for review and inspection. A copy of the staff report was provided to the Applicant or the Applicant’s designated representative and the Planning Commission prior to the hearing.

**Comments Received:** The issuance of the Notification of Public Hearing included an invitation for the public to provide written comment for a period of seven (7) days in addition to the ability of the public to provide comment during the hearing for this proposal. Agencies with jurisdiction were also provided an opportunity to provide comment during review of this application. Written comments received are attached within Exhibit C.

**Comment Consideration:** Comments provided prior to or during the hearing are to be considered in the project analysis by the Planning and Zoning Commission.

**RECOMMENDATION**

The language set forth below is provided for guidance with no intent to suggest any specific action.

**APPROVAL:** I move to recommend to the City Council that the proposal be approved, finding that it is in accord with the City of Rathdrum Comprehensive Plan and Rathdrum City Code as discussed within the Staff Report for this proposal and delineated within the suggested Findings of Fact / Conclusions of Law and Conditions of Approval. I further move that such recommendation be provided to the Council as the Commission’s formal recommendation within sixty (60) days following tonight’s public hearing.

**ADDITIONAL CONDITIONS OF APPROVAL (Optional):** I further move that the following additional conditions be included within the recommendation to the City Council:\_\_\_\_\_

**DENIAL:** I move to recommend to the City Council that the proposal as presented be denied, finding that it is not supported by the City’s Comprehensive Plan and/or Rathdrum City Code.

**STAFF CONTACT**

For more information regarding this application, the complete project file, including application materials and project history, is available for review at Rathdrum City Hall at 8047 W. Main Street, Rathdrum, Idaho, or by contacting Planning staff:

Cary Siess, City Planner / Planning and Zoning Administrator  
City of Rathdrum Public Works Department  
8047 W. Main Street, Rathdrum, Idaho 83858  
Phone: 208-687-2700 x 117  
Email: cary@rathdrum.org

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Attached Exhibits:

Exhibit A – CUP Application, Legal Description, Maps and Narrative

Exhibit B – Suggested Findings of Fact / Conclusions of Law and Conditions of Approval

Exhibit C - Comments

City of Rathdrum  
Planning & Zoning  
8047 W. Main Street  
Rathdrum, ID 83858

208 687-2700 ext. 124



### CONDITIONAL USE PERMIT APPLICATION

(Conditional Use Permits Addressed in Code Section 11-8)

**Make an appointment with the City Planner and Building Official prior to preparing your application.**

Applicant's Name: Olson Engineering  
Address: PO Box 1894 City: Post Falls State: ID Zip: 83877  
Legal Owner-Name: Bobby G Head Phone: \_\_\_\_\_  
Legal Owner-Address: 16600 N RESERVOIR RD, RATHDRUM, ID 83858  
Contact Person-Name: Eric Olson / Olson Engineering Phone: 208-651-4152  
Contact Person-Address: see above  
Street Address of Property: none  
Legal Description: Lot # \_\_\_\_\_ Block # \_\_\_\_\_ Parcel # \_\_\_\_\_ Legal Description Attached  
Subdivision: \_\_\_\_\_ Current Zoning District: Industrial

Attach the following information:

- 1/ Written description of both the existing and proposed use of property.
- 2/ Written description of the steps you intend to take to minimize the impacts on surrounding properties from the proposed land use.
- 3/ Site plan showing the following information for both the existing and proposed land uses:
  - Location of all buildings
  - Traffic access and circulation
  - Signage
  - Parking and loading areas
  - Open spaces and landscaping
  - Service areas

*NOTE: Site plans need to be prepared by a design professional unless the Planning and Zoning Administrator finds otherwise.*
- 4/ Listing and three (3) sets of mailing labels of property owners within a 300 foot radius of the property as prepared by a licensed Kootenai County title company and issued within the past 60 days. Include your own address and others whom you wish to receive hearing notices.
- 5/ Processing fee made payable to the City of Rathdrum: <sup>650</sup> \$591.00 (Fee covers all city review processes, including cost of publication and mailing of the legal notice)

Eric Olson  
Applicant's Signature

3/3/20  
Date

ConditionalUsePermitApp 1-13-12.doc



## **STRATTON LAND SERVICES, INC.**

8068 W. MAIN ST. UNIT 1  
RATHDRUM, ID 83858  
[rob@strattonls.com](mailto:rob@strattonls.com)

PHONE: (208) 687-2854  
(888) 687-2854  
[www.strattonls.com](http://www.strattonls.com)

***SURVEYING & ENGINEERING***

25 February 2020

Description for Silverado Apartments phase 3:

A parcel of land being a portion of lot 3, block 1 of the plat of Head Tracts as recorded with Kootenai County in book 'J' of plats at page 172 and the southeast quarter of section 31, township 52 north, range 4 west of the Boise Meridian, City of Rathdrum, Kootenai County, Idaho, more particularly described as:

Commencing at an angle point in the east boundary of said lot 3, said point also being the northeast corner of lot 1, block 1 of said plat;

Thence north 0° 06' 09" east along the eastern boundary of said lot 3 for 60.00 feet to the true point of beginning;

Thence north 89° 58' 36" east along a line parallel with and 60 feet northerly of the south line of the north half of the southeast quarter of the southeast quarter of the southeast quarter of said section 299.87 feet;

Thence north 0° 00' 00" west 573.73 feet;

Thence south 46° 08' 38" west 828.64 feet to a point on a line parallel with and 60 feet northerly of the north line of lots 1 and 2 of said block;

Thence north 89° 56' 50" east along said parallel line 297.65 feet to the said true point of beginning;

Together with and subject to easements, rights-of-way, covenants, reservations and restrictions of record or in view.

This description has been prepared for a conditional use permit and does not represent a separate parcel of land.



Description for Silverado Apartments phase 3:

A parcel of land being a portion of lot 3, block 1 of the plat of Head Tracts as recorded with Kootenai County in book 'J' of plats at page 172 and the southeast quarter of section 31, township 52 north, range 4 west of the Boise Meridian, City of Rathdrum, Kootenai County, Idaho, more particularly described as:

Commencing at an angle point in the east boundary of said lot 3, said point also being the northeast corner of lot 1, block 1 of said plat;

Thence north  $0^{\circ} 06' 09''$  east along the eastern boundary of said lot 3 for 60.00 feet to the true point of beginning;

Thence north  $89^{\circ} 58' 36''$  east along a line parallel with and 60 feet northerly of the south line of the north half of the southeast quarter of the southeast quarter of the southeast quarter of said section 299.87 feet;

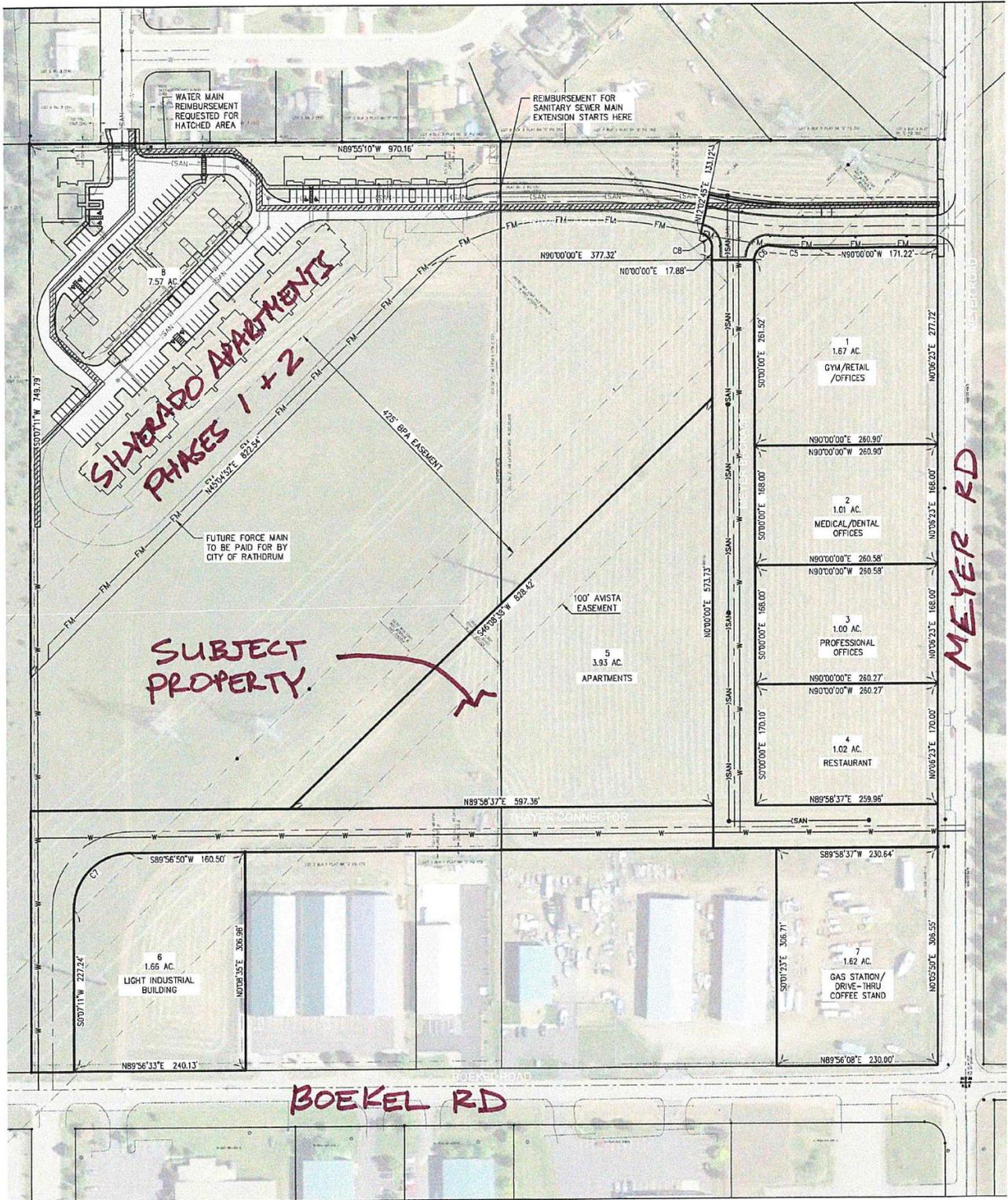
Thence north  $0^{\circ} 00' 00''$  west 573.73 feet;

Thence south  $46^{\circ} 08' 38''$  west 828.64 feet to a point on a line parallel with and 60 feet northerly of the north line of lots 1 and 2 of said block;

Thence north  $89^{\circ} 56' 50''$  east along said parallel line 297.65 feet to the said true point of beginning;

Together with and subject to easements, rights-of-way, covenants, reservations and restrictions of record or in view.

This description has been prepared for a conditional use permit and does not represent a separate parcel of land.





### CONDITIONAL USE PERMIT NARRATIVE - SILVERADO APARTMENTS PHASE 3

Existing Property Use: The property is a vacant, unimproved field.

Proposed Property Use: 108 apartment units on 3.93 acres.

Steps to Minimize Impact on Surrounding Properties: The project is part of a larger master plan for the Silverado Urban Renewal District which encompasses the +/- 40 acres surrounding the proposed use (**see Exhibit A**). To the east will be a public road and commercial uses that will be glad to have prospective customers close by. To the south is the existing boat storage and service facility owned by the applicant. To the north and west is a wide power transmission easement and soon to be apartments. These uses have all been planned to be compatible with one another. City Codes for landscape and setbacks will be followed to create an attractive project.

#### 11-8-3: Approval Criteria

- A. Will constitute a conditional use as established in this title for the zoning district involved: City Staff to review.
- B. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the comprehensive plan and/or this title: See excerpts below showing support of Comprehensive Plan Goals and Policies:

Goal/Policy	Consistent	Discussion
<b>II E.-2 Water and Sewer, Goal 1: Maintain a service infrastructure for sewer and water that focuses on providing efficient and environmentally sound service to developed areas while providing service to newly developed areas in an effective, efficient and timely manner.</b>	Yes	The Master Plan for the Silverado Urban Renewal District includes looped water main extension, gravity and pressure sewer main extensions that will service the apartment complex.
<b>II F. Transportation, Goal 1: Establish a system of paved arterials, alternate routes and pathways that makes the community feel connected and integrated.</b>	Yes	The URD Master Plan includes an internal transportation network of roads, sidewalks, and pathways.
<b>II G. Housing, Goal 1: Apply four primary principles, 1) Sense of Community, 2) Variety, 3) Affordability and 4) Integration, in the enhancement and maintenance of existing residential areas and the design of new housing developments.</b>  <b>A) Sense of Community: Promote a sense of community by encouraging walking and cycling, good lighting and safe havens for children while providing ready access to shared green space and parks. Housing will be connected to commercial areas and civic centers by well-organized street and pathway systems, potentially including public transportation, all making it easy for people to meet and interact with each other. Neighborhoods should not be completely walled</b>	Yes	The URD Master Plan includes dedication of park land, sidewalks, pathways, and nearby commercial services.

off from each other.		
<b>B) Variety:</b> Provide a broad mix of housing choices for a mix of people with differing economic means, ages and lifestyles. Types of housing may include, but are not limited to, apartments, townhouses, multi-family units, manufactured homes and small, as well as large, lot single family residences.	Yes	This CUP is for multi-family housing which is needed in Rathdrum.
<b>C) Affordability:</b> Ensure affordable housing is available for the local household and family, encouraging the creation of a wide range of housing, including that which is affordable to the community's average and lower income worker and family.	Yes	Apartments are affordable housing
<b>II G. Housing, Goal 5, Policy A:</b> Encourage infill and redevelopment of existing lots.	Yes	The URD and CUP Site are between an existing residential neighborhood to the north and existing light industrial uses to the south.
<b>II I. Recreation, Goal 1:</b> Maintain and develop facilities to support the recreational and cultural needs of all community members.	Yes	The URD includes a large park dedication directly north of the CUP Site.
<b>II J. Economic Development, Goal 1, Policy E:</b> Integrate diversified commercial and industrial development to expand employment opportunities for local workers.	Yes	Master Plan
<b>II J. Economic Development, Goal 2, Policy D:</b> Emphasize available local workforce.	Yes	This apartment complex will provide much needed affordable workforce housing making it less likely that workers employed in Rathdrum will have to live in Post Falls or Hayden.
<b>II J. Economic Development, Goal 4:</b> Focus commercial/industrial development to maximize new and existing infrastructure and incorporate methods to support work-related pedestrian and bicycle commuting.	Yes	Apartments would be located just west of planned commercial development and north of existing light industrial uses.
<b>II K.-5 Community Design, Interconnectivity, Goal 2:</b> Guide the development of residential neighborhoods and commercial activities to encourage walking and cycling instead of the use of motor vehicles through the provision of a safe and convenient environment and well-designed interconnectivity.	Yes	See entry above
<b>II K.-5 Community Design, Interconnectivity, Goal 2, Policy F:</b> Establish a network of parks, open spaces and pathways to serve all Rathdrum districts conveniently and efficiently.	Yes	Park dedication will serve apartments. Sidewalks and pathways will allow for other City residents to access the park.

C. Will be served adequately by essential public facilities and services:

- a. City water and sewer mains will be extended to serve the property. All necessary utilities are available to serve the project.
- b. Project is in the Northern Lakes Fire District and will be designed with access and fire protection measures in accordance with International Fire Code.
- c. Project will be served by City of Rathdrum Police.

- d. A large park (~9 acres) will be dedicated to the City immediately northwest of the Subject Property as part of the Silverado Urban Renewal District Master Plan.
- D. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area:
  - a. The apartment complex is part of a Master Planned Urban Renewal District.
  - b. The apartment complex will be designed to match the appearance of the approved apartment complex to the north and will be landscaped in accordance with City Code.
  - c. The apartment complex will be owned, operated and maintained as one complex along with the approved complex to the north.
  - d. Planned public roadways will separate the apartments from planned commercial uses to the east and existing light industrial uses to the south.
  - e. Planned commercial uses and existing light industrial uses will benefit from the apartments which will provide potential customers and employees.
- E. Will not create excessive additional requirements as to public cost for public facilities and services and will not be detrimental to the economic welfare of the community:
  - a. Public infrastructure costs – roads, water, sewer, etc. – will be covered up front by the developer and potentially reimbursed through the proposed Silverado Urban Renewal District.
  - b. Public park land (~9 acres) will be donated to the City by this developer as part of the master plan for this area.
  - c. Costs for public services are covered through taxes and impact fees.
- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors:
  - a. Certainly, there should be no concern for the production of smoke, fumes, glare or odors with a residential use.
  - b. Noise production will be similar to other apartment complexes and surrounding commercial and light industrial uses will not be adversely impacted.
  - c. Traffic will be produced however major public road improvements will be made as part of the Silverado Urban Renewal district including construction of two public interior roadways and widening of Meyer and Boekel Roads.
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic and surrounding public thoroughfares:
  - a. Interior public roads will be constructed as a part of the Silverado Urban Renewal District. The construction of these roads will concentrate access points to Meyer and Boekel Road to appropriately spaced approaches.
  - b. The two proposed approaches to the new interior public roads from this project are situated at least 300 feet from the intersection of those interior roads.
- H. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance:
  - a. These features do not exist so they will not be destroyed. The project will be constructed on a vacant field which is not presently cultivated.

Submitted by Eric Olson on 4/2/20

**CITY OF RATHDRUM**  
**PLANNING AND ZONING COMMISSION**  
**Suggested Findings of Fact / Conclusions of Law and Conditions of**  
**Approval for Silverado Apartments CUP**

**FINDINGS OF FACT / CONCLUSIONS OF LAW**

1. The applicant / project proponent is Olson Engineering, PO Box 1894, Post Falls, ID 83877 for owner Bob (Bobby) G. Head, 16600 N Reservoir Road, Rathdrum, ID 83858.
2. The Applicant / Owner seeks approval of a Conditional Use Permit (CUP) to allow for residential use (apartments) on property zoned Industrial pursuant to Rathdrum City Code (RCC) 11-4C-1 (D) Industrial District, Conditional Uses, other uses determined by the Commission to be in keeping with the intent of the Industrial District may be allowed by conditional use permit A Conditional Use Permit subject to review and recommendation of the Planning and Zoning Commission, and approval of the City Council is necessary to allow for the proposed use.
3. The subject property is located generally west of Meyer Road and north of Boekel Road. The Kootenai County Assessors Tax Parcel Numbers are R-3250-001-003-0 and R-0000-031-9000.
4. A conditional use permit may be granted to an applicant if the proposed use is prohibited by the terms of Rathdrum City Code (RCC) Title 11, but is allowed with conditions under specific provisions of RCC Title 11 and is not in conflict with the comprehensive plan. The minimum criteria and conditions of the RCC shall apply to the approval of any conditional use permit.
5. Conditions of approval may be attached to the permit to minimize impacts, control timing of the development, designate the nature of the development, provide for on and off-site improvements, require studies and/or plans and other provisions as required by the Rathdrum Comprehensive Plan and Rathdrum City Code.
6. Several Goals and Policies of the City's Comprehensive Plan and standards within Rathdrum City Code pertain to the proposal. The Staff Report, dated December 14, 2018, includes a comprehensive analysis of the proposal's consistency with the Plan and Code. With the provision of Conditions of Approval, the proposal can implement goals and policies of the City's Comprehensive Plan and be consistent with City Code.
7. The proposed use is consistent with surrounding land use activities and will not cause significant adverse impacts on the human, aesthetic, or natural environments that cannot be mitigated by Conditions of Approval.
8. The entire file of record was reviewed by City staff in review of the proposal and development of the Staff Report dated May 14, 2020 and considered by the Planning and Zoning Commission.
9. The application has been processed in compliance with the regulations of RCC 11-8-2 and Idaho Statute 67-6512.

**CONDITIONS OF APPROVAL**

1. All conditions imposed herein shall be binding on the "Applicant," which term shall include the owner or owners of the property, heirs, assigns, and successors.

2. The granting of this Conditional Use Permit shall not be considered as establishing a binding precedent to grant other permits, including but not limited to building or site development permits associated with the property.
3. Any change in use, expansion or contraction of the site area, or alteration of use classified as conditional involving the proposal shall be brought to the attention of the City Planner, who can, if deemed necessary, require the changes to be brought before the City Planning and Zoning Commission at a public hearing and City Council for decision. Any expense involved in holding a public hearing would be borne by the Applicant.
4. The permitted use on the subject property shall be limited to 108 residential dwellings and an office to support the apartment use consistent with this approval. Accessory uses consistent with the Residential R-3 zone district standards shall also be allowed, as determined by the City Planner.
5. A minimum of two (2) parking stalls which are compliant with the provisions of Rathdrum City Code and Standards shall be provided for each residential dwelling, and minimum of one (1) parking stall shall be provided for every 300 square feet of gross floor area for the office.
6. The proposed use shall be substantially initiated within one year of the date of Council approval – including obtaining all necessary permits and beginning construction activities on the buildings. Failure to comply will result in the Conditional Use Permit becoming null and void. At the expiration of its year of approval, and after review by the City and assurance by the City that all Conditions of Approval have been or are being met, any such approved Conditional Use may be continued, shall run with the land, and is non-transferable to other property. All conditions of the permit shall continue to apply throughout the life of the use.
7. Residential development on the subject site shall be subject to all provisions of RCC 11-4A-4, R-3 Residential District, including but not limited to lot area, density and setback provisions as follows:
  - a. Minimum front yard: Twenty feet (20') measured from the edge of the street right of way to the front of the building.
  - b. Minimum side yard: Six feet (6') wide.
  - c. Minimum side yard flanking street of corner lot: Twenty feet (20') from street right of way.
  - d. Minimum rear yard: Ten feet (10') deep.
  - e. Maximum building height: Not to exceed thirty-five feet (35').
  - f. Maximum lot coverage: Thirty five percent (35%).
  - g. Minimum size for single-family dwelling unit: Six hundred (600) square feet.
  - h. Setback requirements must be measured from a legally established property line.
8. Development on the subject site and adjacent right of way shall be subject to provisions of RCC 11-5-1, General Provisions and Performance Standards, General Standards, as follows:
  - a. Right of way / frontage improvements, 1 through 4, including provision of an engineered stormwater management plan, drive approaches, sidewalks and other frontage improvements required by the Code (installation of street trees / landscaping, street lighting, fire hydrants and any other feature on street frontages adjacent to the development per City standards).
  - b. Point of access, 1 and 2.
  - c. Visibility at intersections.
  - d. General provisions for fencing, 1 through 5 (e).
  - e. Architectural projections.
  - f. Stormwater management, 1 through 4.
  - g. Hazards / Nuisances, 1 through 10.

- h. Earthmoving activity, 1 through 7; and
  - i. Contractor's yard, 1 and 2.
- 9. Development on the subject site shall be subject to provisions of RCC 11-5-3, General Provisions and Performance Standards, Commercial, Industrial, Multi-Family and Institutional Standards as follows:
  - a. Landscaping, 1 through 6.
  - b. Off street parking standards, 1 though 6.
  - c. Surfacing requirements, 1 though 4.
  - d. Exterior lighting, 1 through 6.
  - e. Trash receptacle areas, 1 through 4.
  - f. Standards for specific uses, 1 Multi-family yard requirements.
  - g. Standards for specific uses, 6 Construction related temporary structures.
  - h. Parking and storage of vehicles.
  - i. Garages, 1 and 2.
  - j. Accessory structures, 1 through 6.
  - k. Home occupations, 1 through 8 (b); and
  - l. Manufactured homes, 1(a) through (i).
- 10. Development on the subject site shall be subject to provisions of RCC 11-5-4, General Provisions and Performance Standards, Site Plan Review, all. A Site Plan Permit Application provided by the City shall be submitted and include all materials, documents and elements listed within the Site Plan Checklist.
- 11. The Applicant shall comply with all federal, State, and local laws and regulations, including obtaining all permits required by all agencies with jurisdiction.
- 12. The Applicant shall obtain a Permit to perform work within City right of way for any activities within the right of way, including but not limited to installation of driveway approaches, no-parking signage, stormwater infrastructure, and utility connections, as necessary.
- 13. This Conditional Use Permit is limited to the proposed project as described within the Staff Report and attached Exhibits.

## Lakeland Joint School District #272

Dr. Becky W. Meyer, Superintendent of Schools

15506 N Washington Street, Rathdrum, Idaho 83858

208/687-0431, ext. 1107

becky.meyer@lakeland272.org ~ web.lakeland272.org



**LJSD Vision: A community committed to academic excellence ... dedicated to student success.**

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The Lakeland Joint School District recognizes that development will occur, and we are always excited to see our district grow. We openly welcome families and new children into our district to become part of the Lakeland family. However, the impact of development can be substantial for our district. In regards to the Silverado Apartments Development in the John Brown Elementary/Lakeland Junior HS/Lakeland HS attendance zone. Our District is experiencing significant growth that puts a strain on aging buildings. This, along with the increased transportation needs that a structure of this size creates, will only increase the growing capacity needs of our District.

With no impact fees and without developers considering setting aside some land for schools, it is difficult for us to keep up, as there is no funding mechanism from the state of Idaho for school construction and land acquisition. It is difficult for us to be in support of this development with no consideration of our land acquisition and growth needs.

Below are recommended acreages from the Idaho Division of Building Safety. These guidelines are meant to assist school districts in facility planning.

- Elementary Schools: Minimum of 5 acres; Additional acre for each 100 pupils.
- Middle Schools: 10 acres for enrollments to 300; 15 acres for enrollments to 500; 20 acres + 1 acre for each 100 pupils for enrollments > 500.
- Senior High Schools: 20 acres for enrollments to 400; 25 acres for enrollments to 800; 30 acres + 1 acre for each 100 pupils for enrollments > 800.

The importance of responsible development with school site inclusion planning is very important. We look forward to working with planning agencies and developers to improve the quality of both our schools and future neighborhoods. In the event that you would like to request our presence at future meetings to discuss the direct effects of development on our district, please contact our office at 208.687.0431.

Thank you,

Dr. Becky Meyer, Superintendent of Schools

Brian Wallace, Chief Finance/Operations Officer