



## City of Rathdrum Planning and Zoning Commission

### Staff Report –Preliminary Plat

**To:** Rathdrum Planning and Zoning Commission  
**From:** City of Rathdrum Planning and Zoning Administrator  
**Date of Report:** June 15, 2020  
**Subject:** Willow Creek Preliminary Re-Plat (Major Subdivision) and Planned Unit Development  
**Hearing Date:** June 17, 2020

#### PROJECT INFORMATION

**Applicant / Owner:** Seneca Capital Partners, DBA Willow Creek MHP, LLC, represented by Big Creek Land Company, LLC, 3001 Brighton Blvd., Suite 334, Denver, CO 80216, as Representative of the Estate of the Owner, Idaho Contractors, 8601 N Hayden Pines Way, Hayden, ID.

**Applicant's Representative:** Representing the Applicants is Gordon Dobler, PE, Frame & Smetana, PA, 63 N 4<sup>th</sup> Street, Coeur d'Alene, ID 83814.

**Site Information / Location of Project:** The proposed Re-Plat and PUD is generally located to the southwest of Coeur d'Alene Street, southeast of the BNSF railroad tracks and north of Pine Street.

The property is a portion of Willow Creek Subdivision (135 of the originally platted 140 lots (so the proposal specifically excludes five (5) of the originally platted lots which are in separate ownership – Lots 1, 2 and 20, Block 6, and Lots 8 and 37, Block 2)). The project area is approximately 28.78 acres, including existing rights of way, or 22.01 acres excluding right of way area.

The Kootenai County Assessors Tax Parcel Number for the subject property (135 lots in common ownership) is R-9000-001-000-A. The legal description includes all of those lots within Willow Creek Subdivision, excluding those five (5) in separate ownership noted above, in the SE ¼ of Section 36, T52N, R5W, BM, Kootenai County, Idaho as shown within the Title



VICINITY MAP  
NO SCALE

Commitment submitted with the application.

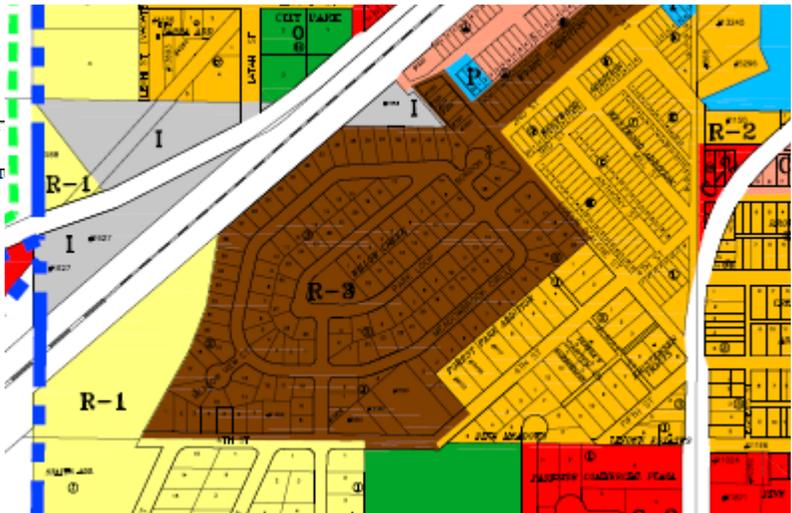
**Zoning:** The property is currently zoned R-3 (Residential Multifamily).

**Adjacent Land Uses and Zoning:**

**Table 1**

Northwest	NA	BNSF Railway
North	Industrial Zone	S&S Industries LLC
Northeast	R-3 Residential Multifamily	Single family homes
East	R-2 Residential	Single family homes
Southeast	R-2 Residential	Single family homes
South	R-1 Residential	Single family homes
West	R-1 Residential	Large lot single family home

- R-1  SINGLE FAMILY RESIDENTIAL (LOW DENSITY)
- R-2S  SINGLE FAMILY (MEDIUM DENSITY)
- R-2D  SINGLE/FAMILY/DUPLEX 2004 (MEDIUM DENSIT
- R-2  SINGLE FAMILY & DUPLEX RESIDENTIAL (MEDT
- R-3  MULTI-FAMILY RESIDENTIAL (HIGH DENSITY)
- C-1  GENERAL COMMERCIAL
- C-2  HIGHWAY/SERVICE COMMERCIAL
- I  INDUSTRIAL DISTRICT
- P  PUBLIC USE DISTRICT
- O  PARKS & OPEN SPACE



**Comprehensive Plan Designation:** The Future Land Use Map identifies the site as General Commercial for the majority of the property and Residential for the remainder.

- GENERAL COMMERCIAL 
- MAIN STREET DISTRICT 
- RESIDENTIAL 



**Existing Utilities and Infrastructure:** The subject property is currently occupied by approximately 164 mobile or manufactured homes and one (1) RV (165 “home sites”). There are five (5) additional mobile or manufactured homes located within the original Willow Creek development which are not included in the subject property. Despite the presence of only 135 individual lots, there have been up to 175 “home sites” or “spaces” utilized / occupied by mobile or manufactured homes within the subject property in the past. Prior to platting of this property, private on-site water, sewer and stormwater infrastructure was installed for a total of 185 homes within the project area.

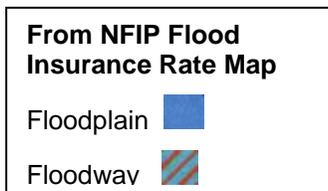
At the time of platting, subdivision infrastructure included approximately 24-foot wide internal streets within 50-foot dedicated rights of ways, private water and sewer mainlines and laterals, and a single water meter to service the entire subdivision. Wastewater was originally accommodated through a private system which occupied approximately five (5) of the platted lots along the southwest property boundary of the subdivision. The subdivision was later connected to City sewer when such service became available in the early 90’s and a private sewer lift station was constructed to service the subdivision. The previously utilized Imhoff septic tank and drain field were abandoned (but appears were not removed), and the private sewer lines were connected to the private lift station which pumps affluent to the City’s utility. All on-site utility lines and lift station have remained in private ownership despite several efforts to transfer such infrastructure to the City. There are two fire hydrants located internal to the plat. This number is substandard - see Northern Lakes Fire Protection District comment letter within Exhibit C. The single water meter which was installed has been non-functioning for several years and utilities are currently billed at the minimum rate per occupied structure.

Vehicular access from Coeur d’Alene Street to the northeast of the subdivision is via Park Drive (Park Loop) and access to the south is gained via extension of Arbor Street. Internal streets include Meadow Brook Drive (Meadow Brook Circle), Willow View Court, and Bordon Court. All are maintained by the City.

**History:** In the late 1970’s the owners of the property where Willow Creek Subdivision is now located brought several proposals for subdivision of the property to the Rathdrum City Council. They included a traditional 76-lot subdivision, a 180-lot mobile home park, and other variations of platting. After receiving a variety of preliminary plat approvals, the property owner installed infrastructure to accommodate 185 homes in 1979 (it is unclear if approval of this number of lots was ever discussed with the City). Following the installation of such infrastructure, however, the owner returned to the City Council with a revised plat for a 140-lot subdivision, which was ultimately approved and recorded in 1981. The existing utility infrastructure unfortunately was not revised to reflect the number of platted lots.

The Willow Creek plat was approved with modified setbacks (15-foot front, 5-foot side and 10-foot rear) in order to accommodate trailer / mobile / manufactured homes (the typical length of which would have encroached into typical setbacks for the platted lots). Two parking stalls were required per lot and could be gravel according to the preliminary plat approval discussions.

Following (or prior to) recording of the plat, it appears that approximately nine (9) mobile / manufactured homes and/or RVs were moved into the subdivision while in the ownership of the original developer. The location of these homes is unknown, however it appears that the number of homes within the subdivision was limited due to the fact that the City began adoption of FEMA flood regulations and NFIP flood mapping in early 1982. A majority of the subdivision was mapped within floodplain with approximately 20 lots mapped as entirely within or substantially effected by floodway. Despite protests and appeals of the property owner, the City’s Floodplain Ordinance (Ordinance 281) was adopted in September of 1984. It also appears that during that period of time, several problems with the installed utility infrastructure were identified, and questions regarding who actually owned such infrastructure was debated. The original developer then declared bankruptcy in or around October of 1984 and the subdivision was taken over by the bank.



The majority of the property within the subdivision (all but 16 lots) was purchased from the bank on October 31, 1984 by Idaho Contractors. Following the purchase, the new owner quickly moved several more mobile homes and RVs into the subdivision and placed them according to the utility service locations and NOT the plat. This created violations of setbacks and floodplain regulations and other problems within the subdivision. The first record identifying such problems within Willow Creek was within Council meeting records on November 19, 1985. Vacation of the plat was discussed as one possible solution.

Ever since, there has been a long and varied history of problems within the development and many attempts and meetings with the owner by Council and City staff to try to resolve such problems, including but not limited to requiring hookup to City sewer, ownership and maintenance of the water and sewer utilities interior to the subdivision, non-payment of utility connection and service fees, more mobile homes within the plat than lots, RVs being illegally occupied and connected to utilities, zoning and floodplain violations, and non-issuance of setting permits for new homes (owner not obtaining and City filing injunction to not allow any). In several instances the City has sought injunction or filed suit against the owner. City discussions with the owner have repeatedly included possible vacation of the plat or filing for variance to attempt to resolve some of the violations.

On May 1<sup>st</sup> 1996 the owner applied for a Variance of the zoning ordinance (Ord. 271 – sections not specified). Such Variance was not approved by the Council, however, “Alternatives” were provided to the owner to attempt to resolve violations and problems. Of the two alternatives provided, Idaho Contractors agreed in a letter to the City dated August 23, 1996 to accept “Alternative 2” as follows: 1) The Willow Creek Mobile Home Park will be recognized as a 187-unit mobile home park with the current lot structure. The sponsor will improve the dike to meet FEMA standards and Corps of Engineer approval. This will, in effect, eliminate the floodway/plain problem and allow the offending units to stay in the park; 2) The sewer system within the park will remain under private ownership unless the system is brought up to the current City standards; and 3) Spaces within the “Willow Creek Mobile Home park” shall not be rented to recreational vehicles.

Following acceptance of Alternative 2, it appears that Idaho Contractors did not comply with the requirements of the alternative as it is noted in a letter by Planner Jan Hale dated October 2, 1997 that the City will not issue setting permits until an agreement is met on zoning violation issues. There is no record that improvement of the dike in compliance with FEMA and ACOE standards was completed and several more RVs were moved into the subdivision. In a letter from Planner Hale dated May 28, 2002 the City requested removal of several RVs which have been illegally moved into the park.

Over time lots within the subdivision have been bought and sold by Idaho Contractors and other parties resulting in the current condition in which Idaho Contractors owns all but five (5) of the originally platted lots. All but one of the RVs which were illegally moved into the park have been removed, and City staff has developed policy to deal with setting permits for new homes within the subdivision, as attached in Exhibit A. The intent of the policy is to correct zoning and floodplain violations and ensure new units placed within the subdivision meet current City Code. The net result has been that no new homes have been permitted to be placed within the subdivision since 2015. There are currently 169 homes within the Willow Creek subdivision (including those five (5) lots in separate ownership) and there have been up to 180 differing “spaces” (where utilities are located) occupied in the past (again, including those five (5) lots in separate ownership).

In addition to the plat and floodplain violations and utility problems, other issues identified within the subdivision include, but are not limited to:

1. The “park” lot at the southwest end of Block 4 has not been maintained by the owner. The playground equipment and courts are in disrepair and there is no attractive common space within the subdivision for use by tenants / owners.
2. The owner has not maintained vacant lots / spaces in a clean, aesthetic condition. Weeds, garbage / refuse and overflow parking of vehicles has been noted within vacant spaces. Please note that beginning in April of this year (2020), the current ownership did make an effort to improve these vacant spaces.
3. The property owner and/or individual mobile / manufactured home owners have not obtained permitting of structural additions and alterations which have been constructed on many of the homes within the development (number undetermined at this time) – including items such as added entryways (both open and enclosed), shed roofs, room extensions, etc. Such have multiplied over time without enforcement or resolution. In addition to many of these additions and alterations being visually unappealing, many have aggravated zoning violations and created violations of building Code as well as safety concerns.
4. Accessory structures have also proliferated within the subdivision which do not adhere to setbacks and other requirements. There are in some cases multiple accessory structures utilized by a single home, and the number and appearance of these structures has created visual clutter and contributed to crowding of property within the development.
5. There are several non-licensed, abandoned and/or non-functioning vehicles, personal RVs and boats within the development. Many are parked within the required parking stalls and/or in yards on the grass. There are also functioning RVs and boats which are parked within required parking stalls.
6. The owner has not enforced “park” rules requiring tenants to maintain structures and leased space. A majority of the homes within the “park” have one or more issues including boarded up or tarped areas, additions and roofs in disrepair, fences and outbuildings falling down, faded and peeling paint, and yards and landscaping not maintained.
7. Animals running at large.

8. Parking within rights of way and outside of dedicated driveways, combined with the substandard road width contributes to safety / emergency response concerns and makes plowing by City personnel within the subdivision difficult.
9. Additional fire hydrants within the subdivision are necessary (see Northern Lakes Fire Protection District comment letter within Exhibit C).
10. There are several lots adjacent to Coeur d'Alene Street with problems as discussed above. This is of additional concern to some due to the use of Coeur d'Alene Street as a primary route from Highway 41 into the downtown district creating an unwelcoming entrance to downtown.
11. Calls for service received by the Rathdrum Police Department within the subdivision (properties addressed on Bordon Court, Meadow Brook, Park Loop, parts of Coeur d'Alene Street and part of 4<sup>th</sup> Street) are more than double those received for adjacent areas (State Street, Parkway Street, Larch Street, Roth Court and half of 4<sup>th</sup> Street addresses) - over 355 calls in 2019 in Willow Creek vs. 109 in adjacent area (see RPD comment letter and attachment in Exhibit C).

**Request:** The Applicant, who is within a contingency period of a contract purchase agreement with Idaho Contractors (authorized as the owner's representative), is requesting approval to re-plat the 135 originally platted lots of Willow Creek Subdivision owned by Idaho Contractors, with a planned unit development (PUD) overlay. The Preliminary Plat and Planned Unit Development permit applications are being processed concurrently as a single project. The intent of the Re-Plat and PUD are to resolve most of the zoning violations by removing the underlying individual lot lines and consolidating the property into eight (8) new lots (not including the 5 lots in separate ownership) with multiple mobile / manufactured homes on each lot. This is allowed within the Multifamily Residential zone district. The Re-Plat and PUD would further resolve floodplain / floodway issues, allowing some currently vacant (previously occupied) "home sites" to be utilized and also allow the addition of new manufactured homes to be placed within the re-platted subdivision through deviation of specific City standards. This proposal is being processed as a PUD as there are currently no specific provisions within City Code for manufactured home parks.

A Planned Unit Development is designed to permit building and development flexibility which may consist of individual lots or it may have common building sites. Such is the proposal in this case where they are proposing multiple "home sites" on seven (7) of the lots. Common open space for recreational purposes may be an element of the development. This proposal includes common open space on the eighth (8<sup>th</sup>) lot – the .6 acre "park" lot. Such developments are allowed in conformance with Rathdrum City Code (RCC) Title 11, Ch. 4 (F).

As part of the proposed re-plat the Applicant is requesting allowance of up to 182 home sites within the re-platted portion of the original Willow Creek Subdivision (not including the five (5) lots in separate ownership). This is an "addition" of seven (7) "home sites". These will be accommodated within the abandoned septic and drain field area along the southeast perimeter of the property. Five (5) new utility connections will need to be installed to accommodate these new "home sites" (two (2) connections were installed prior to the original plat but never utilized), along with new driveways and landscaping. In addition, the Applicant is proposing that six (6) of the existing "home sites" which were either utilized / occupied in the past and/or provided with utility connections be combined into three (3) sites, resulting in a net increase of two (2) homes more than have been previously utilized / occupied or provided utilities within the subject property – see Exhibit B, Appendix A Page 1. The underlying Residential R-3 zoning allows for up to 26 residential dwellings per acre. The allowed project density for the area pursuant to the current zoning is approximately 636 dwellings within the 22.01 acres (excluding right of way) within this project area. The proposal is well within the allowed density for the zone district.

Existing and proposed plats:

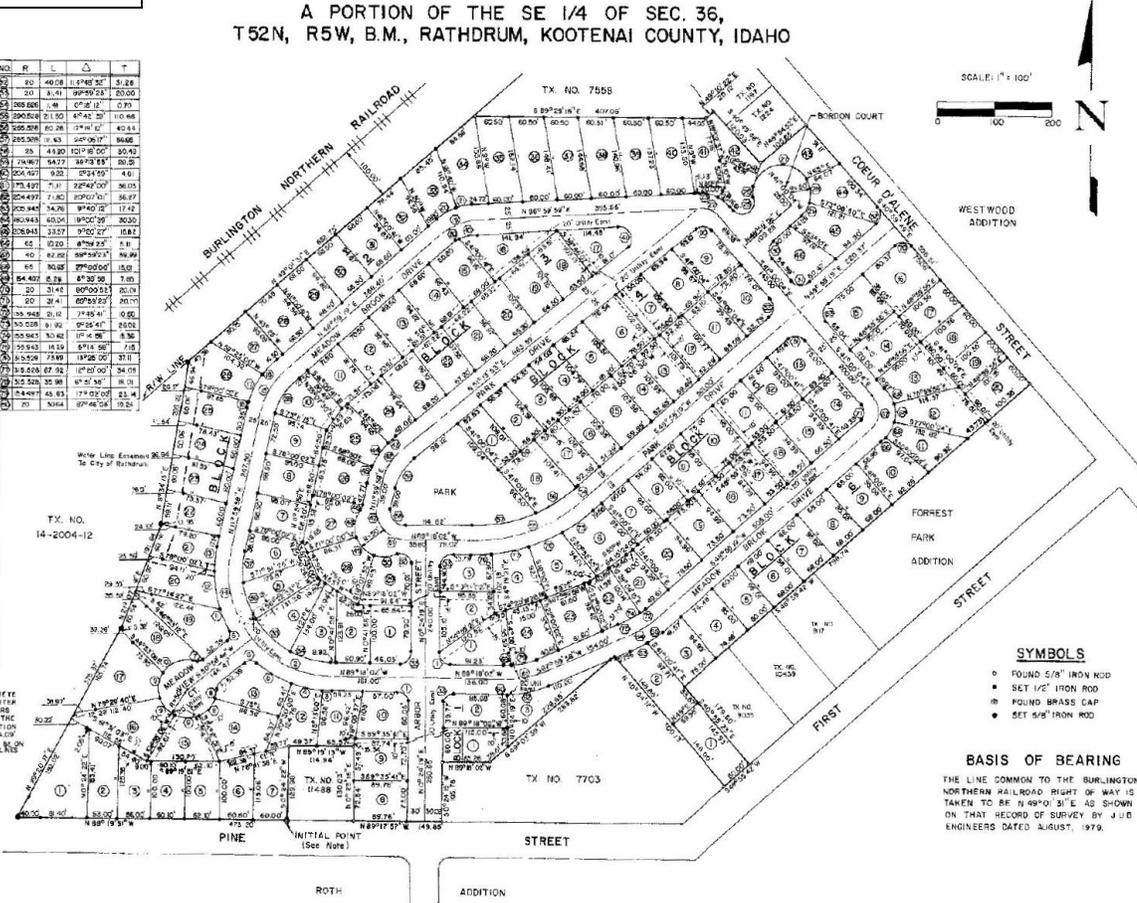
# Existing Plat

# WILLOW CREEK

A PORTION OF THE SE 1/4 OF SEC. 36,  
T52N, R5W, B.M., RATHDRUM, KOOTENAI COUNTY, IDAHO

NO.	R.	L.	Δ	T	NO.	R.	L.	Δ	T	
1	20	31.23	89°42'27"	18.82	25	20	40.08	114°48'52"	51.28	
2	130	15.90	50°27'50"	84.47	26	20	8.41	89°49'23"	20.00	
3	275	6.41	1°11'02"	60.63	27	20	25.85	1°46'	0.70	
4	275	34.68	10°17'00"	29.52	28	20	21.50	89°48'20"	110.88	
5	208	47.78	18°56'28"	54.55	29	20	28.28	17°41'12"	43.44	
6	20	27.89	10°27'47"	19.33	30	20	25.28	18.43	104°06'27"	84.66
7	20	17.42	80°23'40"	13.55	31	20	44.80	101°18'00"	30.72	
8	20	12.23	14°00'55"	5.15	32	20	74.90	54°27'	88°23'18"	20.25
9	20	43.63	30°40'52"	23.82	33	20	25.47	9.23	12°24'59"	4.81
10	20	37.57	18°58'28"	30.58	34	20	175.427	7.71	12°42'00"	36.03
11	221	33.98	18°58'28"	30.58	35	20	154.499	7.10	10°01'01"	34.87
12	220	57.14	10°12'52"	33.90	36	20	105.444	14.76	89°40'12"	17.42
13	202	43.97	17°04'00"	21.67	37	20	80.943	63.24	10°00'20"	20.20
14	200	160.19	10°11'07"	89.88	38	20	126.843	11.77	10°02'27"	18.82
15	200	89.93	16°59'23"	43.48	39	20	132.02	87.74	2°12'	1.18
16	135	6.68	3°34'12"	4.83	40	20	62.252	88°59'23"	89.89	
17	135	53.02	18°20'29"	74.77	41	20	80.88	87°02'00"	13.01	
18	135	37.28	17°48'12"	18.79	42	20	54.402	8.28	87°32'58"	17.81
19	135	53.07	10°07'40"	27.95	43	20	31.41	80°00'23"	20.10	
20	100	40.96	21°42'41"	19.74	44	20	20.34	87°53'22"	20.17	
21	105	28.71	18°13'59"	14.46	45	20	35.948	21.12	71°49'41"	42.82
22	40	28.20	18°13'59"	14.46	46	20	103.528	3.36	128°46'41"	103.52
23	65	37.44	12°00'21"	9.32	47	20	105.641	10.42	107°16'46"	8.36
24	65	21.52	10°08'56"	10.66	48	20	55.643	15.19	89°14'38"	7.15
25	20	24.43	10°08'56"	10.66	49	20	133.528	73.88	10°02'20"	31.11
26	60	76.74	10°02'42"	15.44	50	20	132.828	67.52	107°02'00"	34.01
27	20	11.44	14°38'02"	16.46	51	20	102.528	35.88	87°31'58"	18.11
28	20	43.60	10°17'12"	23.24	52	20	24.487	45.83	17°02'02"	23.44
29	20	20.05	10°08'42"	14.41	53	20	3.804	89°00'00"	72.52	
30	20	31.42	10°08'42"	14.41	54	20	3.804	89°00'00"	72.52	
31	20	31.42	10°08'42"	14.41	55	20	3.804	89°00'00"	72.52	
32	20	31.42	10°08'42"	14.41	56	20	3.804	89°00'00"	72.52	
33	20	31.42	10°08'42"	14.41	57	20	3.804	89°00'00"	72.52	
34	155	82.86	10°07'00"	43.90	58	20	104.000	10.00	100°00'00"	10.00
35	155	82.86	10°07'00"	43.90	59	20	104.000	10.00	100°00'00"	10.00
36	155	82.86	10°07'00"	43.90	60	20	104.000	10.00	100°00'00"	10.00
37	155	82.86	10°07'00"	43.90	61	20	104.000	10.00	100°00'00"	10.00
38	155	82.86	10°07'00"	43.90	62	20	104.000	10.00	100°00'00"	10.00
39	155	82.86	10°07'00"	43.90	63	20	104.000	10.00	100°00'00"	10.00
40	155	82.86	10°07'00"	43.90	64	20	104.000	10.00	100°00'00"	10.00
41	155	82.86	10°07'00"	43.90	65	20	104.000	10.00	100°00'00"	10.00
42	155	82.86	10°07'00"	43.90	66	20	104.000	10.00	100°00'00"	10.00
43	155	82.86	10°07'00"	43.90	67	20	104.000	10.00	100°00'00"	10.00
44	155	82.86	10°07'00"	43.90	68	20	104.000	10.00	100°00'00"	10.00
45	155	82.86	10°07'00"	43.90	69	20	104.000	10.00	100°00'00"	10.00
46	155	82.86	10°07'00"	43.90	70	20	104.000	10.00	100°00'00"	10.00
47	155	82.86	10°07'00"	43.90	71	20	104.000	10.00	100°00'00"	10.00
48	155	82.86	10°07'00"	43.90	72	20	104.000	10.00	100°00'00"	10.00
49	155	82.86	10°07'00"	43.90	73	20	104.000	10.00	100°00'00"	10.00
50	155	82.86	10°07'00"	43.90	74	20	104.000	10.00	100°00'00"	10.00
51	155	82.86	10°07'00"	43.90	75	20	104.000	10.00	100°00'00"	10.00
52	155	82.86	10°07'00"	43.90	76	20	104.000	10.00	100°00'00"	10.00
53	155	82.86	10°07'00"	43.90	77	20	104.000	10.00	100°00'00"	10.00
54	155	82.86	10°07'00"	43.90	78	20	104.000	10.00	100°00'00"	10.00
55	155	82.86	10°07'00"	43.90	79	20	104.000	10.00	100°00'00"	10.00
56	155	82.86	10°07'00"	43.90	80	20	104.000	10.00	100°00'00"	10.00
57	155	82.86	10°07'00"	43.90	81	20	104.000	10.00	100°00'00"	10.00
58	155	82.86	10°07'00"	43.90	82	20	104.000	10.00	100°00'00"	10.00
59	155	82.86	10°07'00"	43.90	83	20	104.000	10.00	100°00'00"	10.00
60	155	82.86	10°07'00"	43.90	84	20	104.000	10.00	100°00'00"	10.00
61	155	82.86	10°07'00"	43.90	85	20	104.000	10.00	100°00'00"	10.00
62	155	82.86	10°07'00"	43.90	86	20	104.000	10.00	100°00'00"	10.00
63	155	82.86	10°07'00"	43.90	87	20	104.000	10.00	100°00'00"	10.00
64	155	82.86	10°07'00"	43.90	88	20	104.000	10.00	100°00'00"	10.00
65	155	82.86	10°07'00"	43.90	89	20	104.000	10.00	100°00'00"	10.00
66	155	82.86	10°07'00"	43.90	90	20	104.000	10.00	100°00'00"	10.00
67	155	82.86	10°07'00"	43.90	91	20	104.000	10.00	100°00'00"	10.00
68	155	82.86	10°07'00"	43.90	92	20	104.000	10.00	100°00'00"	10.00
69	155	82.86	10°07'00"	43.90	93	20	104.000	10.00	100°00'00"	10.00
70	155	82.86	10°07'00"	43.90	94	20	104.000	10.00	100°00'00"	10.00
71	155	82.86	10°07'00"	43.90	95	20	104.000	10.00	100°00'00"	10.00
72	155	82.86	10°07'00"	43.90	96	20	104.000	10.00	100°00'00"	10.00
73	155	82.86	10°07'00"	43.90	97	20	104.000	10.00	100°00'00"	10.00
74	155	82.86	10°07'00"	43.90	98	20	104.000	10.00	100°00'00"	10.00
75	155	82.86	10°07'00"	43.90	99	20	104.000	10.00	100°00'00"	10.00
76	155	82.86	10°07'00"	43.90	100	20	104.000	10.00	100°00'00"	10.00

NOTE: 1. A BRASS CAP SET IS LOCATED FROM WHICH THE EAST QUARTER CORNER OF SECTION 36 BEARS 85°57'00" N 153°27'45" W 2.1554 AND THE NORTHWEST CORNER OF SECTION 36 BEARS 85°57'00" N 153°27'45" W 2.1554 EXCEPT AS SHOWN ON PLAT.



**SYMBOLS**

- FOUND 5/8" IRON ROD
- SET 1/2" IRON ROD
- FOUND BRASS CAP
- SET 5/8" IRON ROD

**BASIS OF BEARING**

THE LINE COMMON TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY IS TAKEN TO BE 118°00' 31" E AS SHOWN ON THAT RECORD OF SURVEY BY J.D. ENGINEERS DATED AUGUST, 1979.

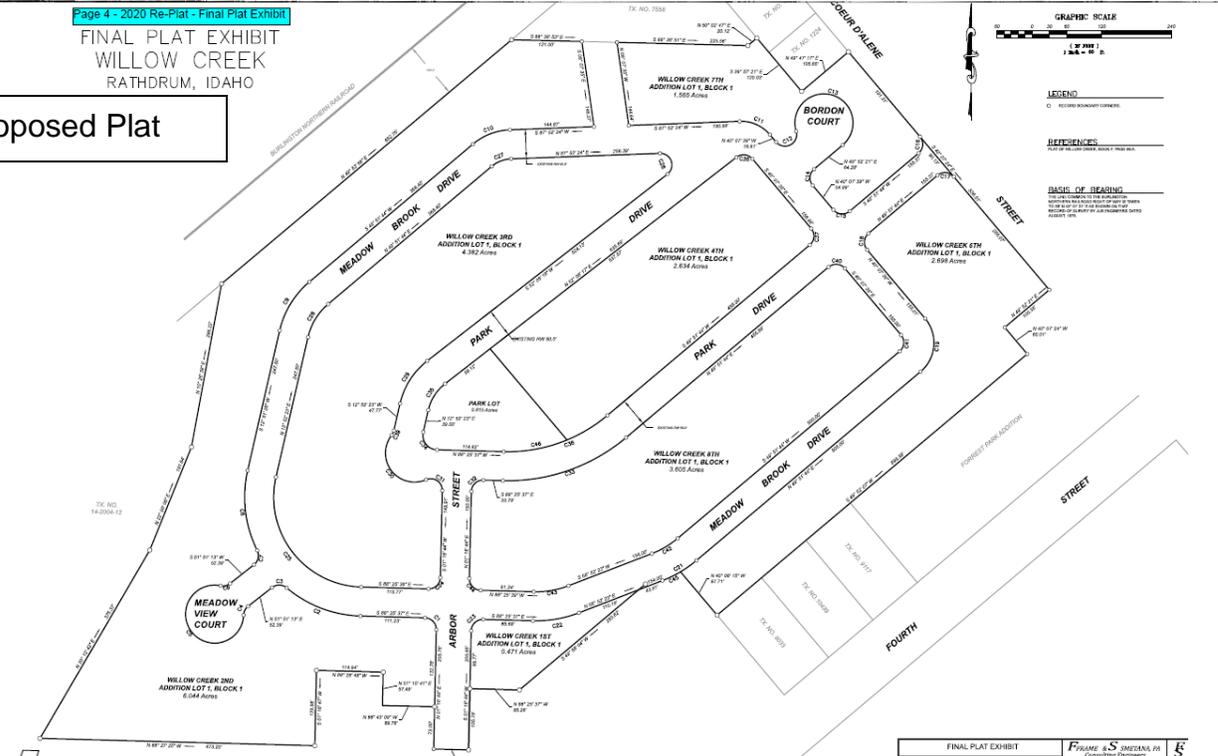
Page 4 - 2020 Re-Plat - Final Plat Exhibit

# FINAL PLAT EXHIBIT

## WILLOW CREEK

### RATHDRUM, IDAHO

# Proposed Plat



**LEGEND**

- CIRCLED NUMBER CORNER

**REFERENCES**

- 1. 2020 RE-PLAT EXHIBIT

**BASIS OF BEARING**

THE LINE COMMON TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY IS TAKEN TO BE 118°00' 31" E AS SHOWN ON THAT RECORD OF SURVEY BY J.D. ENGINEERS DATED AUGUST, 1979.

Once re-platted, the proposed 182 “home sites” will be located as follows (also shown within Exhibit B, Appendix A, Page 5):

**Table 2**

<b>New Lot Number</b>	<b>New Lot Area</b>	<b>Number of Proposed Residences</b>	<b>Average Home-Site Area</b>
Lot 1	.47 Acres	4	5,129 SF
Lot 2	6.04 Acres	44	5,984 SF
Lot 3	4.38 Acres	41	4,656 SF
Lot 4	3.25 Acres	22	6,433 SF
Lot 5	3.61 Acres	35	4,487 SF
Lot 6	2.7 Acres	24	4,897 SF
Lot 7	1.57 Acres	12	5,681 SF
<b>Total</b>	<b>22.01 Acres</b>	<b>182</b>	<b>5,269 SF</b>

The 8<sup>th</sup> lot is the .6-acre park. Homes are not to be placed within this lot.

Within the PUD overlay, the applicant proposes to make physical improvements to the area to address safety and aesthetics as follows:

1. Improvement / creation of a 27,000 square foot (.6 acre) resident open space / recreation area in the location of the existing “park.” Proposed features include a 10’ x 10’ gazebo, a picnic table, one or two BBQs, a children’s play structure, basketball court, shade trees and open play field.
2. Installing new gravel parking areas, limited to two or three parking spaces per dwelling, and removal of existing over-graveled areas and replacement with topsoil and grass.
3. Planting of City approved street trees within newly created yards separating parking areas along Coeur d’Alene Street south of Park Loop Drive.
4. Installation of a six-foot tall white vinyl privacy fence along Coeur d’Alene Street north of Park Loop Drive.
5. Installation of new entry signage to the development and directional signage within the development.
6. Upgrade / replacement of mailboxes.
7. Demolition of the Imhoff tank (abandoned septic tank) and other abandoned sewer infrastructure within the development, as necessary / required for placement of new homes.
8. Institution of a “Paint Program” to work with residents to paint structures by offering free or low-cost paint.

The Applicant also asserts that they will provide enhanced management of the development through a possible on-site manager to be hired through an established residential management company, and by instituting and enforcing new community rules (see Exhibit B, Appendix C within the application materials). Such rules include, but are not limited to: requiring yard maintenance and mowing, allowing limited outdoor storage, requiring visible address numbers, requiring window treatments – ex. curtains, draperies and blinds – and prohibiting window coverings such as towels and blankets, limiting new accessory storage buildings to

one per home site to match the primary structure, maintaining buildings, disallowing non-operational and non-licensed vehicles, prohibiting parking on lawns, limiting the number or “authorized” vehicles pursuant to the rental agreement for each home site, and placing requirements and restrictions for pets. The Applicant is asking that specific rules not be included within the PUD approval to allow for flexibility and updates over time.

The Applicant is not proposing to remove, correct, or alter any existing structures within the development.

The Applicant is requesting deviation from City Code as follows. Please note that the Table provided by the Applicant within Exhibit A, Appendix B is not complete:

**Table 3**

<u>Code Requirement / Section</u>	<u>Proposed Deviation</u>
9-4-1 – 9-4-17 Development Impact Fee – all.	Deviation to limit required fees to two (2) new home sites – the net gain of new utility connections after discontinuance of three of the existing “home site” utility services.
11-4A-4 (F), R-3 Residential District, Lot Area, Density and Setback Provisions:	
1. Minimum lot area: Six thousand (6,000) square feet plus one thousand five hundred (1,500) square feet per each additional dwelling unit over one.	NA. Proposed lots will exceed the minimum area. The smallest proposed platted lot is 20,473 SF in area.
2. Maximum lot width to depth ratio: 1:2.5.	Deviation to allow seven (7) consolidated building lots or “super blocks” proposed as shown within the application which will exceed the ratio.
3. Minimum front yard: Twenty feet (20') measured from edge of street right of way to front of building.	Deviation to allow five feet (5') front yard setback for new structures. Various existing structures which may be less than 5' are requested to be grandfathered-in as long as they remain.
4. Minimum side yard: Six feet (6') wide.	Deviation to allow zero feet (0') side yard setbacks from property lines for new structures. Various existing structures are requested to be grandfathered-in as long as they remain. * See proposed standard following this section below.
5. Minimum side yard flanking street of corner lot: Twenty feet (20') from street right of way.	Deviation to allow zero feet (0') for new structures. Various existing structures are requested to be grandfathered-in as long as they remain.
6. Minimum rear yard: Ten feet (10') deep.	Deviation to allow five feet (5') rear yard setbacks from property lines for new structures. Various existing structures are requested to be grandfathered-in as long as they remain. * See proposed standard following this section below.
7. Maximum building height: Thirty-five feet (35') in height.	NA. No deviations are requested.

8. Maximum lot coverage: Thirty five percent (35%)	Deviation to waive / modify the maximum lot coverage standard by limiting the number of dwelling units per lot as found within the application materials.
9. Minimum size for a single-family dwelling unit: Six hundred (600) square feet.	Deviation to allow minimum 256 square feet minimum dwelling size so that 8' x 32' "Park Model" homes can be utilized.
10. Minimum driveway requirements: Twenty-five feet (25') in length, excluding sidewalks.	Deviation to allow twenty-feet (20'), with part of said length to be located within right of way.
11. Setback requirements must be measured from legally established property line.	NA. No deviations are requested.
	<b>* The Applicant is requesting that homes within the re-platted area be separated from one another by ten feet (10').</b>
11-4A-4 (G), Residential District, Parking: See chapter 5 of this title.	Deviation is requested as found herein for RCC 11-5. Please also see the parking schematic within Exhibit B, Project Narrative, Page 14.
11-5-1, General Provisions and Performance Standards, General Standards:	
A. Right of way / Frontage Improvements: The following improvements are required along all adjacent and abutting rights of way or frontages of all land when it is developed. 1) Engineered stormwater management, 2) Improved driveway approaches, 3) Sidewalks and/or pathways, 4) Other frontage improvements.	Deviation to waive / modify the requirements of this section is requested. The subdivision frontage improvements were developed in 1979 and are to be unchanged, including for new "home-sites". Stormwater infrastructure is in place for the subdivision, driveway approaches are requested to be modified to gravel as discussed herein, no sidewalks or pathways are present or proposed, limited street trees are proposed along a portion of Coeur d'Alene Street.
B. Points of Access: shall be constructed and maintained under approved design. 1) Fifty percent (50%) of the lot's frontage shall be retained in stormwater swales or planting strips, 2) Approaches shall meet width, separation and setback standards.	Deviation to modify the requirements of this section is requested. The Applicant proposes to install new driveways as shown within Exhibit B, Project Narrative, Page 14 and staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.
C. Visibility at Intersections: Structures on corner lots shall be located 25 feet (25') from property corners.	Deviation to waive the requirements of this section is requested. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.
D. General Provisions for Fencing: Allowed types, heights and required maintenance.	NA. No deviations are requested. Various existing fences are requested to be grandfathered-in as long as they remain.
E. Architectural projections: Open structures such as porches, canopies, balconies, platforms,	NA. No deviations are requested. Various existing structures are requested to be

covered patios and similar architectural projections shall be considered part of the building and shall not encroach into the required side or rear setbacks more than one-third ( $\frac{1}{3}$ ) the setback distance from the property line or across the property line where no setbacks are required. Eaves shall not encroach into required front, side or rear setbacks more than twenty four inches (24") or across the property line where no setbacks are required.	grandfathered-in as long as they remain.
F. Stormwater Management	NA. No deviations are requested. An existing stormwater system was installed at the time of original plat infrastructure in 1979, appears to be functional, and is requested to be grandfathered-in.
G. Hazards / Nuisances	NA. No deviations are requested.
H. Earthmoving Activity	NA. No deviations are requested.
11-5-1, General Provisions and Performance Standards, Residential Standards:	
A. Multi-Family Residential Use Standards: Multi-family residential uses of five (5) or more dwelling units shall be required to meet commercial development and performance standards related to site plan reviews and required site improvements, frontage improvements, parking, maneuvering, landscaping and buffering, and trash receptacles as detailed in section 11-5-3 of this chapter and as otherwise required by this code.	Deviation to waive the requirements of this section is requested. Lots two (2) through seven (7) are proposed to have more than five (5) dwelling units per lot. The Applicant is requesting that the modified residential standards as discussed herein be applied to the entire development.
B. Residential Landscaping: It is the intent of this section to protect and preserve the appearance, character and value of surrounding neighborhoods. Residential development should complement the visual character of the landscape and not cause visual deterioration or destruction so as to be an asset to the community. Minimum requirements are set forth below:	Deviation to modify the requirements of this section is requested as found below. The Applicant also requests that such modified standards apply to the entire development.
1. a. Not more than fifty percent (50%) of any yard adjacent to, fronting on or flanking a street shall be impervious surfacing, including but not limited to pavement (concrete, asphalt) pavers and gravel. Such surfacing shall exclude public sidewalks / pathways and private pathways of up to five feet (5') in width which provides entrance to	Deviation to allow for modified impervious surfacing for parking areas is requested as shown within Exhibit B, Project Narrative, Page 14, and staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts. Stormwater for the development is existing and no public sidewalks or pathways are existing or

<p>the dwelling(s) on the property. Provisions for maintaining stormwater on the property shall be provided for all impervious surfaces.</p>	<p>proposed.</p>
<p>1. b. Any yard adjacent to, fronting on or flanking a street which is not covered with impervious surfacing shall be landscaped.</p>	<p>NA. No deviations are requested.</p>
<p>1. c. "Landscaped," "landscaping" or "landscaped area" shall mean that area of land covered with at least seventy-five percent (75%) living vegetative material such as lawn grass, ground cover, trees, shrubs, vegetables and flowers, and which may incorporate up to twenty-five percent (25%) ornamental landscaping materials.</p> <p style="padding-left: 40px;">i. Ornamental landscaping materials which may be utilized include round or irregular rock which allows for water infiltration, boulders, landscape bark (note that the City recommends landscape bark should not be located within five feet (5') of structures to reduce fire hazard) and mulch, including rubber mulch. Rock or unwashed/unscreened gravel with "fines" (finely crushed or powdered material) and artificial turf shall not be utilized.</p> <p style="padding-left: 40px;">ii. Installation of landscaping shall include preventive measures intended to reduce the necessary maintenance activities, particularly the incidence of weed growth.</p> <p style="padding-left: 40px;">iii. Xeriscape landscaping may be utilized to reduce the required vegetated area to fifty percent (50%) upon City approval of a detailed landscape plan which demonstrates compliance with the "City of Rathdrum Xeriscape Guide" as adopted by the city council and subject to the other provisions of this Chapter.</p>	<p>NA. No deviations are requested.</p>
<p>1. d. Trees: One tree shall be planted within each yard area of each public street frontage of each residential lot. One tree shall be planted for each dwelling unit's public street frontage for duplex lots. Trees may be planted in stormwater swale/treatment areas only when they do not interfere with the drainage function of the swale / treatment area.</p> <p>Required landscape trees shall be trees selected from the landscape standards</p>	<p>Deviation to allow existing "home sites" to be excluded to this standard is proposed. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.</p>

<p>manual adopted by the city council and shall have a minimum size at time of planting as follows: (Table provided within Code). Existing trees on a site should be retained to the maximum extent possible. Credit may be given for incorporating existing trees into the landscaping design if it meets the intent of this section.</p>	
<p>2. A permanent, underground and automatic irrigation system including an approved backflow prevention device shall be installed and permanently maintained in all required landscaped areas for new residential development.</p>	<p>Deviation to exclude this requirement is requested. There are no existing sprinkler systems within the development and none are proposed.</p>
<p>3. It is the responsibility of the property owner or tenant to ensure all lawn and landscaped areas shall be continuously maintained in a healthy growing condition, which shall be a pest-free condition (free of harmful insects, diseases, and weed infestations). If living tree, shrub and/or other plant materials are damaged or destroyed by any means, they shall be replaced with suitable materials in suitable quantities. The property owner or tenant shall ensure that lawn grass height does not exceed ten inches (10") in height and that other vegetation is maintained to prevent intrusion into right-of-way or adjacent property. No vehicle, trailer, recreational vehicle or structure shall be placed, parked or stored within any required lawn or landscaped area.</p>	<p>NA. No deviations are requested.</p>
<p>4. Certificate Of Occupancy: No certificate of occupancy shall be issued until replacement of topsoil and planting of required trees has been completed, except where a "provisional certificate of occupancy" is approved.</p>	<p>NA. No deviations are requested.</p>
<p>5. Provisional Certificate Of Occupancy: The administrator may authorize a delay in the completion of landscaping or tree planting due to causes beyond the control of the developer provided an appropriate performance surety in the amount of one hundred fifty percent (150%) of cost estimates for the required installation is in place. In no event shall a final certificate of occupancy be issued until all required</p>	<p>NA. No deviations are requested.</p>

improvements have been constructed in accordance with accepted standards.	
6. Administrative relief of landscaping requirements may be granted by the administrator based on standards detailed in RCC 11-5-3 A5; however, additional landscaping provisions may be required.	NA. No deviations are requested.
C. Residential Driveways, Approaches And Parking Requirements: Residential driveways, approaches and parking shall meet the following standards:	
1. Not more than fifty percent (50%) of the lot frontage shall be driveway or impervious surfacing (including gravel) as found in B.1.a. of this Chapter.	Deviation to waive / modify the requirements of this section is requested. Driveways to accommodate up to 3 cars, side by side, of at least 27-feet in width are requested, while the minimum landscape area between driveways is proposed at only 20-feet minimum. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.
2. Driveway Length: Residential driveways shall be a minimum of twenty five feet (25') in length, or shall be paved to the front of the garage, whichever is greater, exclusive of any sidewalk or pathway.	Deviation to allow driveways of twenty feet (20') in length, partially located in right of way is requested. There are no sidewalks or pathways present or proposed. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.
3. Approach: Only an approved approach as described within this title shall be utilized to access property from right-of-way. Vehicles shall not cross over stormwater drainage easements and/or planting strips, unreinforced sidewalks, or other areas not permitted and intended as paved driving or parking surface.	Deviation to allow gravel approaches and driveways is requested. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.
4. Driveway Width: The minimum driveway width shall be ten feet (10') of driving surface and the maximum driveway width within the approach, stormwater swale/landscape strip and sidewalk area shall be thirty feet (30') of driving surface, plus six feet (6') for wings.	NA. No deviations are requested. Driveway widths would be limited to thirty feet (30') width within right of way – the maximum proposed width per parking area is twenty seven feet (27'), plus wings. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.
5. Off Street Parking: A minimum of two (2) off street parking spaces shall be provided per single-family residential dwelling unit. Driveways meeting standards set forth herein	Deviation of driveway specifications to allow gravel is requested for provision of parking stalls. A minimum of two (2) stalls per dwelling are proposed. Staff has included recommended

constitute parking space(s), however, garages shall not constitute a parking space(s) for the purpose of this requirement. Parking shall not block sidewalks or pathways.	conditions of approval to further define / refine the request and/or provide for mitigation of impacts.
D. Alternate Approach Standards For Duplexes:	NA. No deviations are requested.
E. Corner Lot Yard Definition And Setback Interpretation:	Deviation to waive / modify the requirements of this section is requested as found within RCC 11-4A-4 (F) (5) above. Non-traditional lot and structure configuration is proposed.
F. Conversion Of Dwelling To More Units:	NA. No deviations are requested.
G. Parking And Storage Of Unlicensed And Recreational Vehicles: Automotive vehicles of any kind or type without current license plates, non-operational vehicles, recreational vehicles, boats or trailers shall not be parked for more than forty-eight (48) hours or stored in the required parking area or required front yard and/or yard adjacent to a flanking street on any residentially zoned property. No recreational vehicle, boat or trailer of any description whatsoever which is unlicensed or non-operational shall be stored on a residential lot other than in a completely enclosed building or carport, with the exception that one (1) unlicensed boat and one (1) unlicensed travel trailer may be stored in an interior side yard (not a required flanking side yard) or rear yard.	NA. No deviations are requested. Staff has included recommended conditions of approval to address existing violations.
H. Garages:	Deviation to waive the requirements of this section is requested. No garages are present for existing dwellings, nor proposed for new dwellings.
I. Accessory Structures: Residential accessory structures present recurring issues concerning their relationship with surrounding land uses. The following performance standards shall apply in addition to all other provisions of this title: Shall not be located in front yard or street side yard, allowance of exceptions to setbacks for side and rear property lines based on size, size limits, height limits and right of way improvements for vehicular access.	NA. No deviations are requested. Various existing structures (sheds) are requested to be grandfathered-in as long as they remain. Staff has included recommended conditions of approval to address existing structures.
J. Home Occupation:	NA. No deviations are requested.
K. Manufactured Homes: Manufactured homes shall be considered single-family dwellings and shall be permitted as a principal use in all	

<p>residential districts. Manufactured homes placed in any residential district shall be subject to all residential standards set forth in this title and title 9, "Building Regulations", of this code.</p> <p>1. Development Standards For Manufactured Home On Individual Lot: The following standards are in addition to those applicable in the zoning district where a manufactured home is located:</p>	
<p>a. Shall be designed for long term use by a residential household, contain a kitchen, bath, living and sleeping facilities, be multi-sectional and meet minimum square foot, bulk and setback requirements for the zoning district.</p>	<p>Deviation is requested to allow single-section manufactured homes which meet the minimum square foot, bulk and setback requirements as discussed herein (may include deviation). Various existing structures are requested to be grandfathered-in as long as they remain. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.</p>
<p>b. Shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve inches (12") above grade.</p>	<p>Deviation to waive this requirement is requested to allow homes to meet the requirements of the City's Floodplain Ordinance and FEMA Publication P-85, <u>Protecting Manufactured Homes from Floods</u>. Staff has included recommended conditions of approval to further define / refine the request and/or provide for mitigation of impacts.</p>
<p>c. Shall have a pitched wood, asphalt or metal shingle roof with a minimum slope of two to twelve (2:12) and a minimum of six inch (6") eave or gutter and eave attached to the entire perimeter of the roof.</p>	<p>Deviation to waive this requirement is requested.</p>
<p>d. Shall have vertical and/or horizontal aluminum, vinyl, simulated wood or wood siding.</p>	<p>Deviation to waive this requirement is requested.</p>
<p>e. Shall be permanently affixed with the running gear and towing hitch removed, and set upon a foundation approved as required by Idaho Code, and have an anchoring system that is totally concealed under the structure.</p>	<p>NA. No deviations are requested. Various existing structures are requested to be grandfathered-in as long as they remain.</p>
<p>f. Shall have a poured concrete or mortared enclosure, or aluminum, vinyl, simulated wood or wood siding consistent with the exterior siding of the home, which surrounds the entire perimeter of the structure and completely encloses the under area which contains the blocking and anchoring system.</p>	<p>NA. No deviations are requested. Various existing structures are requested to be grandfathered-in as long as they remain.</p>
<p>g. Shall have a garage and driveway as required in other sections of this code.</p>	<p>Deviation to waive this requirement is requested.</p>

<p>h. Shall obtain a setting permit from the city to demonstrate the home is assembled on site to the standards regulating the anchoring of the structure to its foundation and other building requirements. Upon completed setup, the manufactured home shall be assessed as real property and taxed as such on the required records.</p>	<p>Deviation to change the language of this requirement is requested as follows: Shall obtain a setting permit from the city to demonstrate the home is assembled on site to the standards regulating the anchoring of the structure to <del>its foundation</del> <b>the ground</b> and other building requirements. Upon completed setup, the manufactured home shall be assessed as <del>real</del> <b>personal</b> property, <del>and</del> <b>taxed as such on the required records and billed to the owner of the home (generally the Home Site Tenant).</b></p>
<p>i. Shall comply with state of Idaho manufactured home installation standards.</p>	<p>NA. No deviations are requested.</p>
<p>11-5-3 Commercial, Industrial, Multi-Family and Institutional Standards. The following standards where applicable for the proposed use of the property in addition to other provisions of this title, shall be addressed in the commercial site plan review process:</p>	<p>Deviation to waive this entire section, subsections A through I, is requested, including but not limited to requirements for landscaping, off-street parking standards, parking lots, loading, exterior lighting and trash receptacles.</p>
<p>11-5-4 Site Plan Review</p>	<p>Deviation to waive this entire section, subsections A through H, is requested.</p>
<p>13-5 Flood Damage Prevention.</p>	<p>NA. No deviations are requested. Various existing structures are requested to be grandfathered-in as long as they remain. The Applicant does not propose to retrofit existing structures. Staff has included recommended conditions of approval to address new and replaced structures.</p>

The complete project description is available in Exhibit B attached hereto as supplied by the applicant.

**PROJECT REVIEW**

City planning and public works staff have reviewed the proposed re-plat / PUD and provided this Staff Report. The requested PUD will allow for the Code deviations as discussed above as an overlay of the property. All other City Code standards not discussed within the proposed deviation will be applied according to the underlying R-3 zoning and other applicable Code.

**Consistency Analysis Comprehensive Plan:** The relevant goals and policies established within the Rathdrum Comprehensive Plan that pertain to the proposal are listed in **Table 4** below. Also included is an analysis of whether the proposed project is generally consistent with the requirements of those goals and policies.

**Consistency Analysis Rathdrum City Code (RCC):** Several titles of City Code provide regulations for the proposal. Those portions of the RCC that pertain to zoning and development standards for the proposal are included in **Table 3** above. Included is an analysis of how the proposed project is to deviate from such standards (or not). Those provisions of Code which pertain to preliminary plat and PUD standards, along with regulatory compliance are found below.

**PUD:** RCC 12-3-2 contains preliminary plat standards, including the materials required to be provided and what is to be shown on the maps, numbered A through S. Staff has determined that the preliminary plat is generally compliant with the requirements, or can conform with minor revisions.

RCC 11-4F includes the requirements for a Planned Unit Development (PUD) (Overlay District). Staff has reviewed and determined that the proposal is, or can be, in compliance with the requirements as determined by the Commission and Council as follows:

1. 11-4F-3, Density Provisions. The gross density of a PUD shall not exceed the requirements of the underlying zone(s), however, the density provisions in a PUD may vary from that required in the underlying zone if through the use of topography, location, or design, the structures will not impinge upon the privacy of adjacent existing structures. Common open spaces shall be included when determining gross density.

*The project is located in a residential multifamily zoning district which allows gross density of approximately 636 dwelling, or 26 dwellings per acre (excepting therefrom is right of way). The proposed project density is 182 dwellings, or approximately 8.3 dwellings per acre.*

If a PUD is located in more than one zoning district, the space and density requirements shall be calculated separately. The distribution of dwellings or other land uses within the PUD shall not be affected by the zoning district boundaries.

*The project is located in a residential multifamily zoning district.*

The proposed location and arrangement of structures shall be compatible with existing adjacent dwellings and existing or proposed neighborhood developments. High-rise buildings shall be located within the PUD in such a manner so as not to create any adverse impact on adjoining low-rise buildings.

*The proposed arrangement of structures is compatible with the existing layout within the existing Willow Creek development. No high-rise building are proposed.*

A PUD shall not be permitted unless adequate Municipal water and sewer services are available. All improvements within the PUD shall meet current City standards.

*Water and sewer services connected to Municipal services are present or will be extended to the new dwelling spaces within the project by the developer. All on-site utilities will remain in private ownership and any new improvements will be required to meet current City standards as determined by the Public Works Director, including but not limited to construction and capitalization / impact fees. Staff has included recommended conditions of approval to address the requirements.*

2. 11-4F-4, Perimeter Requirements. If topographical or other barriers do not provide adequate protection for existing uses adjacent to the PUD, the City may impose either, or both, of the following requirements:

- A. Structures located within the perimeter of a PUD development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses.

- B. Structures located adjacent to the perimeter of the PUD shall be permanently screened.

*The perimeter of the development is located either adjacent to rights of way or similar development. Limited fencing along Coeur d'Alene Street is proposed. Staff has included recommended conditions of approval to address the requirements. The Council may impose additional requirements to meet with section.*

3. 11-4F-5 Common Open Space.

- A. If common open space is included in the proposal, the City shall not approve a PUD unless the following standards are met:

1. The location, shape, size and character of the common open space shall meet the

needs of the PUD.

2. The uses intended for the common open space must be appropriate to the scale and character of the PUD considering its size, density, expected population, topography, and the number and type of dwellings or uses to be provided.
3. Access to the common open spaces should be provided to all properties within the PUD.
4. Common open space should be suitably improved for its intended use, but common open space containing natural features, existing trees, and ground cover worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are approved and shall conserve and enhance the amenities of the common open space.
5. A development schedule must coordinate the improvement of the common open space and the construction of all buildings within the PUD.
6. The use and improvement of the common open space shall be planned in relation to any existing public or semi-public open space which adjoins or is within one thousand feet (1,000') of the perimeter of the PUD.

*It shall be the responsibility of the Commission and City Council to determine if the location, shape, size and character of the proposed common open space will meet the needs of the PUD, is appropriate in scale and character, and will be coordinated appropriately into the development schedule. Staff has included recommended conditions of approval to address the timing of installation of common space elements.*

- B. All land shown on the final development plan or plat as common open space which is not dedicated to the public shall be conveyed to an individual or organization responsible for ownership and maintenance of the open space. The form of ownership and maintenance must be approved by the City Council prior to recording the final development plan. The individual or organization shall not dispose of the common open space without the written approval of the City Council.

*The park lot is to be maintained as common open space. Staff has included recommended conditions of approval to address this requirement.*

- C. In evaluating the uses proposed, area requirements, density and open space within the PUD, the City shall additionally consider the following factors:
  1. Access to the planned unit development;
  2. Traffic congestion on the streets which adjoin the PUD;
  3. The burden on public facilities which serve or are proposed to serve the PUD.

*The City Council shall evaluate access, traffic congestion and burden of public facilities which serve the PUD. Staff has included recommended conditions of approval to address this requirement.*

4. 11-4F-6: Public Notice Procedures. See Regulatory Compliance below.
5. 11-4F-7-A, Criteria for Approving a PUD, Commission Review, the Commission shall review the proposal for the following standards and shall find adequate evidence showing that such use is compliant:

- A. Is consistent with the intent and purposes of the Rathdrum Zoning Ordinance and Comprehensive Plan;
- B. The proposed PUD advances the general welfare of the community and surrounding neighborhood;
- C. The benefits and combinations of various land uses and their interrelationship with the surrounding area justify the deviation from standard zoning district regulations;

The Commission shall then forward its findings and recommendation to City Council for consideration.

*The Commission shall be responsible for determining compliance with this section. Any recommendation of the Commission shall be forwarded to the Council by the Planning and Zoning Administrator in compliance with Code.*

**Plat / Regulatory Compliance:** RCC 12-3-1-5, 12-3-1-6, and 11-4F-6 lay out the process which is followed for preliminary plat of a major subdivision (long plat) and PUD requirements and public hearing.

12-3-1-5, Plats and Plans, Requirements: The Applicant submitted an application on May 15, 2020 A hearing before the Planning and Zoning Commission was scheduled not less than 20 days after determining the application was complete and consistent with RCC 12-3-2, Preliminary Plat Standards, for June 17, 2020. Approval of civil infrastructure plans and a pre-construction meeting will be required with the public works department prior to construction of any infrastructure necessary for this plat.

12-3-1-5, Plats and Plans, Adequacy of Plats and Plans: Staff reviewed the application and determined that it was complete and substantially meets the standards set forth in this section.

12-3-1-5, Plats and Plans, Distribution of Plats and Plans: The Applicant provided a description of the proposal and invitation to provide comment to the required agencies on April 21, 2020: Lakeland School District, Northern Lakes Fire Department, Idaho Department of Environmental Quality, Panhandle Health District, Kootenai Metropolitan Planning Organization, Idaho Department of Transportation, City of Rathdrum Police Department, City of Rathdrum Parks and Recreation Department and Avista.

Comments Received: Comments received are attached in Exhibit C.

12-3-1-6, Public Hearing, Notice:

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 June 2, 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 proposal 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 June 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 June 8, 2020 in compliance with this section.

Notice was also posted as a courtesy on the City's web site and notice board outside of City Hall.

All notices included the date, time and place of the hearing as well as a summary of the proposal, and the description and location of the subject property.

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.

11-4F-6, Public Notice Procedures:

Not more than 60 days following the filing of the (completed) application, and prior to granting a PUD, a public hearing will be held before the Planning and Zoning Commission. Public notice of the hearing scheduled for June 17, 2020, including date, time and location of the hearing, was published in the official newspaper of record on June 2, 2020 (at least 15 days prior to the hearing), and mailed to property owners within 300-feet of the project boundary, posted on the property and City Hall, posted on the City web site, and sent to agencies with jurisdiction on June 8, 2020 (10 days prior to the hearing).

**PUBLIC COMMENTS RECEIVED**

Public comments received prior to completion of this staff report have been included within Exhibit D. Agency comments are attached within Exhibit C.

**RECOMMENDATION**

City of Rathdrum Planning Staff recommends any approval of the preliminary plat and PUD be subject to the following recommended Conditions of Approval. Please note that such as a recommendation only and may be included, modified, or excluded from any recommendation made to Council by the Commission:

1. This PUD approval shall replace all existing City policies pertaining to the development. Those five (5) lots which were part of the original Willow Creek subdivision as specifically excluded from this decision.
2. All new dwellings placed within the development shall be located a minimum of ten-feet (10') from one another. Where new lots or portions thereof are adjacent to private property (vs. right of way) outside of the plat (for example along the southeast property line in new Lot 6 where lots abut private property within the Forest Park Addition subdivision) setbacks from such property line adjacent to said private property shall be as follows: rear yard setbacks shall be a minimum of ten-feet (10') from the rear property line and side yard setbacks shall be a minimum of five-feet (5') from property lines.
3. Existing mobile / manufactured homes which are in violation of required setbacks shall be considered grandfathered uses and shall be subject to the City's non-conforming provisions as found within RCC Title 11, Chapter 7 if altered, remodeled, discontinued or otherwise changed as found within such Code section.
4. All on-site water, sewer and stormwater infrastructure shall remain in private ownership and shall be maintained and improve as necessary by the owner.
5. To address RCC 11-5-2 (K) (h), upon completed setup, the manufactured home shall be assessed as required by Kootenai County or other taxing jurisdiction.
6. The number of dwellings per lot shall be limited to the proposed layout and as found within Exhibit B, Appendix A, Page 5 (Willow Creek Home Site Exhibit) and Table 2 of this staff report. The location of dwellings shall be adjusted over time as existing dwellings are removed and new dwellings permitted, in compliance with this PUD approval.
7. The Applicant / Owner shall obtain a right-of-way encroachment permit from Rathdrum Public

Works Department and remit payment for such permitting for new utility connections. Connection, capitalization and impact fees for two new utility connections shall also be remitted to the City at the time of installation of such new services.

8. The Applicant / Owner shall be required to abandon and cap one of the water and sewer services on each of the following consolidated “home spaces” – Spaces 10 and 11, spaces 87 and 88, and spaces 95 and 96. The Applicant shall call for inspection by the Public Works Department to ensure such service connections have been appropriately abandoned.
9. New parking areas shall be installed at each “home site” for a minimum of two, but no more than three, vehicles. Parking areas for each “home site” shall be contiguous parking stalls (side by side parking for each dwelling). Parking areas shall be separated from other “home site” parking areas by a minimum of 20-feet (fourteen feet (14’) where adjacent to right of way to allow for wings).
10. Each parking stall shall be a minimum of twenty feet (20’) in length and a minimum of nine feet (9’) in width, per vehicle, not to exceed twenty seven feet (27’) for the entire parking area for each “home site”. In no case shall the required parking stalls be located within or overlapping paved roadway. Each parking area (contiguous stalls) shall be surfaced with a minimum of four-inches (4”) deep, compacted three quarter inch minus ( $\frac{3}{4}$ ”) gravel, and edged with landscape edging / border (ex. typical polyethylene or rubber, ridged, three inch (3”) to four inch (4”) high flexible edging) or other material approved by the City, to differentiate / clearly identify the parking area and contain gravel.
11. Parking shall NOT occur outside of the installed gravel parking areas and will be subject to enforcement action. Wings / driveway approaches may be gravel, but shall be no greater than three feet (3’) wide at the edge of street, tapering to the maximum driveway width at four feet (4’) length (a 3-4-5 triangle).
12. All areas of the property / lots and all rights of ways adjacent to paved streets which are not occupied by a structure, roadway or allowed driveway shall be vegetated and appropriately maintained in a healthy, growing condition, including watering and mowing as necessary. A single pathway per “home site” of up to five feet (5’) in width which provides egress from the parking area to the primary structure shall be excluded from this area.
13. No structure shall be placed closer to the front or street side property lines than currently mapped as shown within the Home Site Exhibit, Exhibit B, Appendix A, Page 5. No new fencing or vegetation in excess of three-feet (3’) in height shall be placed within the sight view triangle as shown within RCC 11-5-1 (C) as it currently exists or may be modified. Any existing fencing or vegetation within these areas shall be removed by the property owner within 24-months from the date of approval of this Preliminary Plat / PUD.
14. Fencing shall be subject to the provisions of RCC 11-5-1 (D). Existing fencing within the development may remain as long as it is not constructed of a dilapidated material (RCC 11-5-3 (D) (4)) and is not structurally unsound or falling over. All fencing remaining within the development which is in a dilapidated or structurally unsound condition shall be removed or repaired by the owner within 24-months from the date of approval of this Preliminary Plat / PUD.
15. Existing porches, canopies, platforms, covered patios and similar architectural projections which were legally permitted and are structurally sound as determined by the City Building Official shall be grandfathered and may remain as long as they remain otherwise lawful.
16. The development shall be subject to the modified residential standards of RCC 11-5 as found within the staff report and shall not be subject to multifamily standards.
17. One tree shall be planted within each yard area of each public street frontage of each new or

currently vacant “home site”. Such shall be installed, along with grass and other necessary landscaping at the time of permitting of new manufactured homes. Existing trees on within the development should be retained to the maximum extent possible.

18. All existing automobiles without current license plates, non-operational vehicles, and all recreational vehicles, boats and trailers within the development shall be removed within 12-months from the date of approval of this Preliminary Plat / PUD. ATVs / ORVs such as snowmobiles, side by sides, four wheelers and other small recreational vehicles and their trailers may not be stored within the development unless within an enclosed, approved shed.
19. Not more than one accessory residential structure, not to exceed an area of two hundred (200) square feet, shall be located in association with a single “home site.” Such accessory structure shall be located no closer than within three feet (3’) of the dwelling with which it is associated, and no closer than within ten feet (10’) of any other dwelling. No accessory structure shall be located in front of a dwelling. Accessory structures shall be separated from one another by a minimum of three feet (3’). All existing accessory structures within the development which violate these provisions or which are in a structurally unsound condition shall be removed, repaired and/or relocated by the owner within 24-months from the date of approval of this Preliminary Plat / PUD, with the exception that any existing accessory structures located in front of a dwelling shall be removed within three (3) months.
20. Spaces within the subdivision shall not be rented to RVs, nor shall RVs be given any other type of permission or allowance for use for dwelling purposes.
21. Property owner(s) and/or tenants shall receive necessary permitting, including but not limited to building permitting and floodplain permitting, where applicable, prior to moving any new dwelling into the development. All new dwellings shall comply with the requirements of the PUD approval. A dimensioned site plan shall be provided showing, at minimum, the dimensions and placement of the building(s) to be placed on the lot and any attachments thereto (such as decks, stairs, etc.), distance of the building(s) from property lines and other structures, and the location and dimensions of required parking. Anchoring details of the structure(s) to foundation(s), flood venting, and other necessary measures to address structures within floodway and floodplain shall be submitted, as necessary, along with structural specifications showing that the structure(s) meet the design loads for the Rathdrum area (for example snow, wind and seismic loads).
22. Prior to placement of any new structures within the septic system area (“home sites” 151 through 157, Lot 6 along the southeast property boundary), the existing septic tank shall be removed and the drain field shall be mitigated as determined necessary by the City Building Official. The City may require geotechnical evaluation, engineering, compaction testing or other measures as necessary to address building code requirements and safety at this location.
23. A new fire hydrant in compliance with City standards shall be installed in order to accommodate the new “home sites” (151 through 157, Lot 6 along the southeast property boundary). The location of the hydrant shall be as approved by the Northern Lakes Fire Protection District and the City and subject to City right of way and other necessary permitting. Such hydrant shall be installed at the sole expense of the Applicant. Additional hydrants within the development which are required by the Fire District may be available for cost sharing with the City.
24. When any dwelling unit currently located within the floodway is substantially altered or substantially damaged as defined by RCC 11-7, Non-Conforming provisions, it shall be removed from the floodway within 30 days. Such unit shall not be placed in any location within the subdivision unless it conforms entirely to Code.

25. When any unit currently located within the development is moved or removed for any reason, the “home space” shall not be re-occupied by any structure until it has been legally permitted through the City of Rathdrum and meets the requirements of the PUD approval.
26. New dwellings shall meet the following provisions:
  - a. Shall be designed for long term use by a residential household, contain a kitchen, bath, living and sleeping facilities, and be a minimum of 256 square feet in area.
  - b. Shall have a pitched wood, asphalt or metal shingle roof with a minimum slope of two to twelve (2:12) and a minimum of six inch (6") eave or gutter and eave attached to the entire perimeter of the roof. Those dwellings which are not compliant with this provision shall be subject to inspection and approval of the City Building Official on a case by case basis to ensure they are in a like-new and acceptable condition prior to placement.
  - c. Shall have vertical and/or horizontal aluminum, vinyl, simulated wood or wood siding, or other typical residential siding as approved by the City Building Official.
  - d. Shall be permanently affixed with the running gear and towing hitch removed, and set upon a foundation approved as required by Idaho Code, and have an anchoring system that is totally concealed under the structure. Such provision may be amended by the City Building Official on a case by case basis to address floodplain provisions.
  - e. Shall have a poured concrete or mortared enclosure, or aluminum, vinyl, simulated wood or wood siding consistent with the exterior siding of the home, which surrounds the entire perimeter of the structure and completely encloses the under area which contains the blocking and anchoring system. Such provision may be amended by the City Building Official on a case by case basis to address floodplain provisions.
27. New dwellings to be placed outside of floodway and floodplain shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve inches (12") above grade.
28. All improvements within the park lot / open space area, proposed directional signage improvements, proposed fencing and landscaping on Coeur d'Alene Street, and new / revised parking areas throughout the development shall be completed within twelve (12) months from the date of approval of this Preliminary Plat / PUD unless otherwise specified within this approval. All other necessary and/or conditional improvements shall be completed within 24-months from the date of approval of this Preliminary Plat / PUD, unless otherwise specified within this approval. The Applicant may bond for such improvements in order to complete and record the plat or as necessary to obtain financing. The City shall work with the Applicant to determine a reasonable amount and time for provision of surety for each required improvement, which may be bonded together or separately.
29. The Applicant / owner shall install a permanent, underground irrigation system within the park lot / open space area and shall appropriately maintain all areas within the lot in an improved and tidy condition.
30. A plat note shall be placed on the face of the final plat which requires that all lots within the plat be maintained in common ownership for the life of the development (no new lots shall be individually sold). A plat note shall also be placed on the plat which reserves the .6 acre park lot (Lot 8) for use of the tenants of the development, to be maintained in an improved condition by the property owner.

### **COMMISSION ACTION**

Following the public hearing, the Commission shall consider all relevant evidence and comments and

determine whether to recommend that the Council approve or disapprove the preliminary plat / PUD or return the preliminary plat / PUD to the applicant for modification. The Commission may only recommend contingencies to the Council on preliminary plats that are beyond their scope and power. In its review, the Commission shall determine if the proposed subdivision / PUD conforms to the general purpose of the Comprehensive Land Use Plan and whether the proposal includes appropriate provisions for streets, drainage, alleys and other public ways, open space, water supplies, sewage disposal, fire protection and other appropriate public and private improvements.

**Potential Motions:** 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, subject to the Conditions of Approval as found within the Staff Report for this proposal. I further move that the Planning and Zoning Administrator provide a written report to the Council as soon as possible and include the recommendation of this Commission and the facts that provide a basis for the decision.

**ADDITIONAL CONDITIONS OF APPROVAL (Optional):** I further move that the following additional conditions be met in accordance with Rathdrum City Code: \_\_\_\_\_

**DENIAL:** I move to recommend to the City Council that the proposal as presented be denied, finding that it is not in accord with Rathdrum City Code for the following reasons: \_\_\_\_\_

### **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, Planning Division  
8047 W. Main Street, Rathdrum, Idaho 83858  
Phone: 208-687-2700 x 117  
Email: cary@rathdrum.org

---

### **Attached Exhibits:**

**Exhibit A – Existing City Policy for Willow Creek**

**Exhibit B - Project Narrative and Appendices**

**Exhibit C – Agency Comments**

**Exhibit D – Public Comments**

**Exhibit E - Preliminary Subdivision Map**