

**PLANNING COMMISSION
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER
DATE: JULY 9TH, 2013
SUBJECT: SP-3-13 – SPECIAL USE PERMIT REQUEST FOR PORT OF HOPE TO
ALLOW THE OPERATION OF A CRIMINAL TRANSITION FACILITY.
LOCATION: 218 N. 23RD STREET – APPROX 0.842 OF AN ACRE

DECISION POINT:

Port of Hope Centers, Inc. is requesting a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders.

Applicant: Port of Hope Centers, Inc.
218 N. 23rd St.
Coeur d'Alene, ID 83814

GENERAL INFORMATION:

Port of Hope has been providing drug and alcohol treatment at their current location since April of 1991 and transitional housing for their clients since 1998. Currently in process of re-bidding a third 5-year term contract for services, the city was made aware of the level of service provided by the applicant and required special use permit approval to comply with city code.

17.03.040: GENERAL DESCRIPTION OF CIVIC ACTIVITIES:

F. Criminal transitional facility: Providing transitional living accommodations for three (3) or more residents who are on probation or parole for a felony. ***The maximum number and type of offenders, based on the offenses committed, the extent of supervision required, and the length of allowable transition period shall be set by special use permit.***
(Emphasis added)

- The applicant was asked to provide a review of the establishment subject to the prior general description of civic activities, specifically regarding the emphasized section above, which is attached on the following pages.

17.05.520: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in a C-17 district shall be as follows:

- Adult entertainment sales and service
- Auto camp
- Criminal transitional facility
- Custom manufacturing
- Extensive impact
- Residential density of the R-34 district as specified
- Underground bulk liquid fuel storage - wholesale
- Veterinary hospital
- Warehouse/storage
- Wireless communication facility



Dear Mr Holm,

Per our conversation, the following is Port of Hope's response to your questions.

-The maximum number of offenders and types of offenders: The current Request for Proposal is for a projected minimum of 21 beds and a maximum of 43 beds. Out of those 43, approximately 55% will be in house and 45% will be monitored in their homes under home confinement. Our current in house population is 25 beds and 7 on home confinement. Our current population consists of approximately 85% drug related crimes (manufacturing, possession and distribution), the remaining 15% consists of theft, mail fraud, pornography, robbery, crimes on an Indian Reservation and assault type charges.

-Extent of Supervision: Port of Hope supervises the offenders 24 hours a day, seven days a week. The Port of Hope RRC has an accountability program in place that enables the RRC Staff to know the whereabouts of offenders at all times. The RRC Promotes honesty, integrity, and professionalism of all facility employees in order to ensure a safe and secure facility and maintain public confidence in our program. Port of Hope has a camera surveillance system with camera's in all the common areas inside the facility and the surrounding outside parameter. The RRC has camera monitors mounted in key areas to assist in accountability and to help maintain the integrity of our program. The RRC also has a secured entry where all offenders must be buzzed in/out by staff as well as outside visitors. The RRC is equipped with an alarm system which monitors building exits and windows. Port of Hope utilizes a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system alerts staff when an offender is one (1) minute late and continues to alert staff until the offender returns or key staff locate the offender. Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be at risk for non-compliance with accountability. All offenders are breathalyzed every time they return to the facility and randomly within the facility. All offenders receive urinalysis testing randomly at a five percent ratio and a minimum of four (4) times monthly if they have a drug and alcohol component. Weekly, each offender is required to submit an Itinerary which outlines their schedule for the coming week. Included on the itinerary are employment schedules, recreation, worship services, aftercare plans and other program needs. The RRC Director reviews each itinerary for completeness and authorization. Offenders are not allowed to deviate from the Itinerary unless they receive pre-authorization. Offenders are given a RRC contact number and required to call in their movement. The telephone is monitored by RRC staff and has Caller Identification. Offenders are required to call in while seeking employment, or attending program needs. RRC staff randomly return calls to offenders and inspect all sites to verify their location. A list of pre-approved locations is then placed in each offenders file. Each offender signs in and

out of the facility utilizing a signature pad linked to Safe Keep that is controlled by the RRC Staff. Each time the offender leaves the facility the RRC Staff records the time out, destination, purpose and authorized return time. Port of Hope strives at maintaining a link between the RRC and the surrounding community. Port of Hope makes a conscious effort to stay in continuous communication with local businesses and areas that the offenders frequent. We stand behind our accountability program and our mission to help offenders reentry to the community.

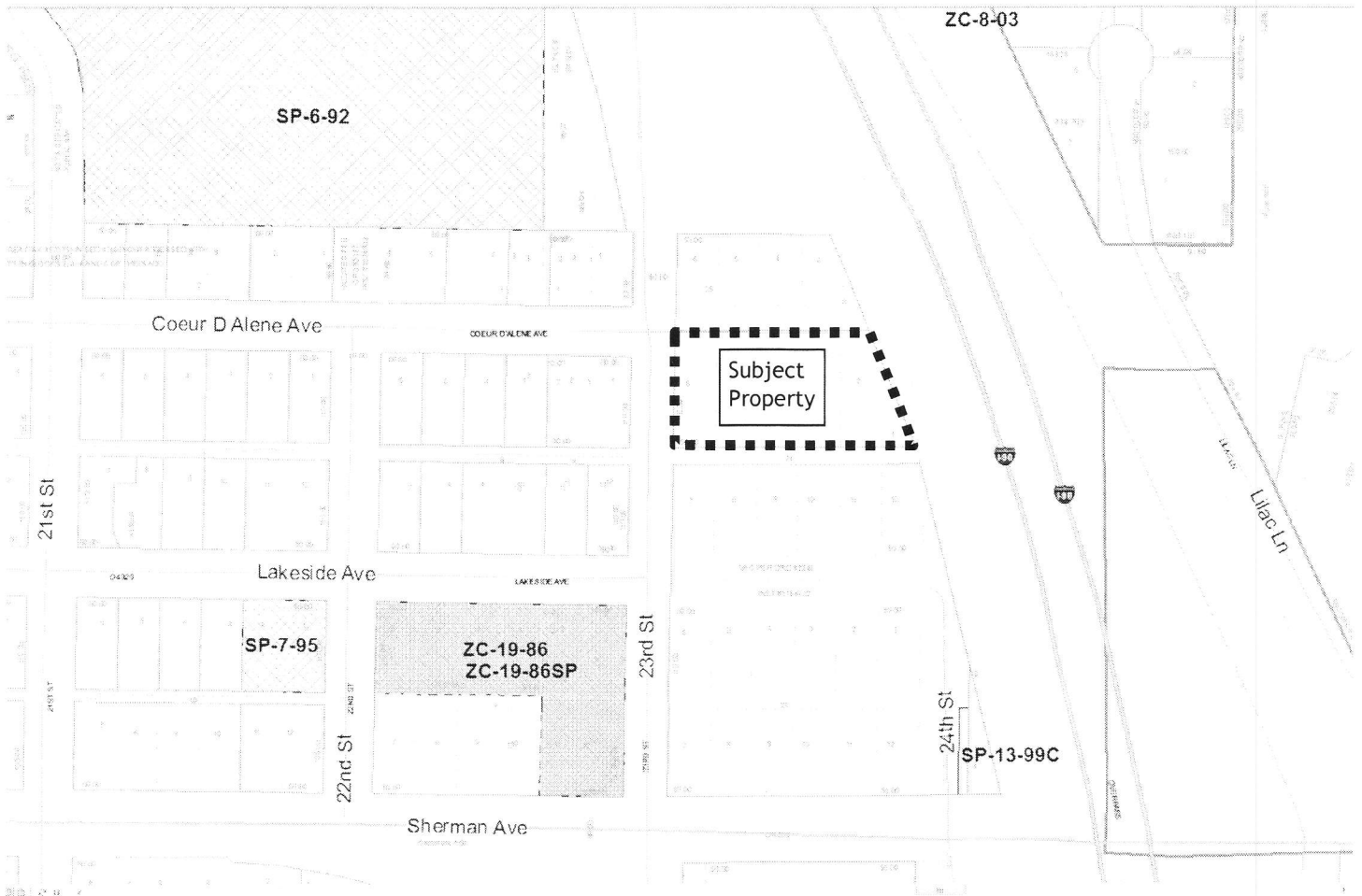
Maximum length of Stay: The typical offender resides at the Port of Hope for 90-180 days. During the initial 60-90 days, the offender is required to obtain employment, attend treatment and develop a residence. After approximately 90 days, if appropriate, the offender is placed on home confinement for the remainder of their stay.

Sincerely,



Tamara Chamberlain
Executive RRC Director

Prior Land Use Actions in Area:

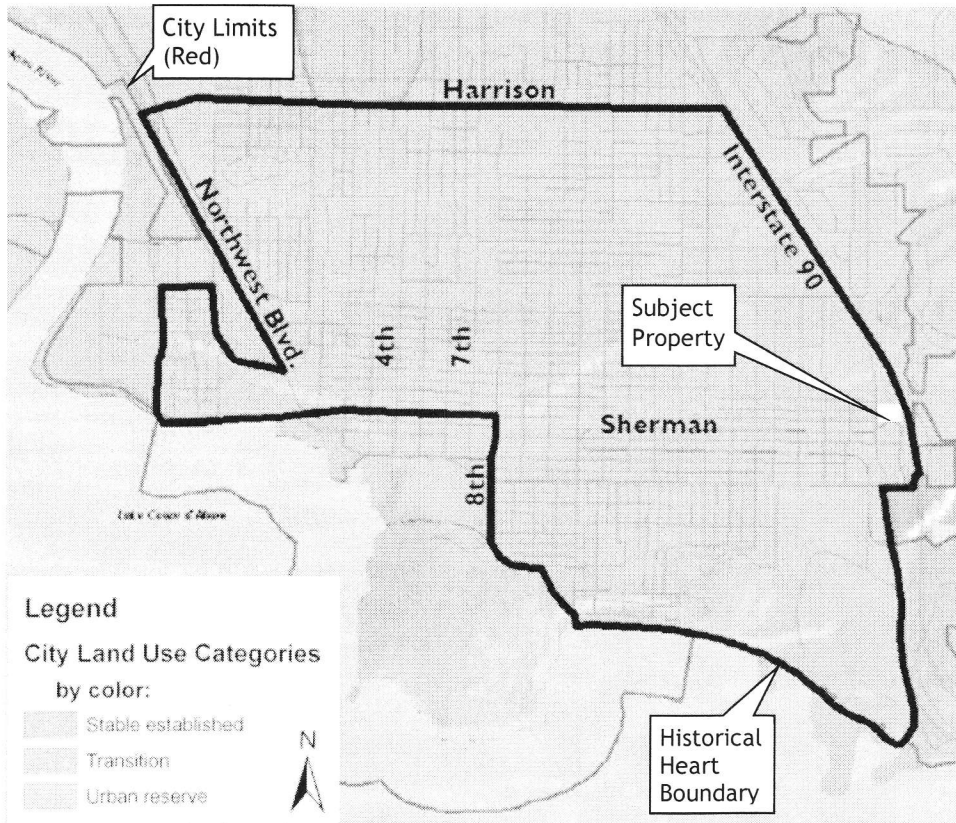


- Zone Changes/Special Use Permit:
 ZC-19-86SP R-17 to C-17 and Auto camp SUP 10.7.86 Approved
- Special Use Permits:
 SP-6-92 Community Education (SD#271) 7.14.92 Approved
 SP-7-95 Parking Lot 7.11.95 Approved
 SP-13-99C Wireless Tower N/A Withdrawn
- Zone Changes/Special Use Permit:
 ZC-8-03 R-3 to R-12 11.12.03 Denied

PERFORMANCE ANALYSIS:

A. Finding #B8A: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as stable established:



Stable Established:
These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.

Land Use: Historical Heart

Historical Heart Today:

The historical heart of Coeur d'Alene contains a mix of uses with an array of historic residential, commercial, recreational, and mixed uses. A traditional, tree-lined, small block, grid style street system with alleys is the norm in this area. Neighborhood schools and parks exist in this location and residents have shown support for the long term viability of these amenities. Focusing on multimodal transportation within this area has made pedestrian travel enjoyable and efficient.

Widely governed by traditional zoning, there are pockets of infill overlay zones that allow development, based on Floor Area Ratio (FAR). Many other entities and ordinances serve this area to ensure quality development for generations to come. Numerous residential homes in this area are vintage and residents are very active in local policy-making to ensure development is in scale with neighborhoods.

Historical Heart Tomorrow

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core. Stakeholders must work together to find a balance between commercial, residential, and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and

uses. Sherman Avenue, Northwest Boulevard, and I-90 are gateways to our community and should reflect a welcoming atmosphere. Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

The characteristics of Historical Heart neighborhoods will be:

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

Significant Comprehensive Plan Goals and Objectives for Consideration:

Objective 1.06

Urban Forests:

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

Objective 1.14

Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 1.16

Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.

Objective 2.01

Business Image & Diversity:

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

Objective 2.02

Economic & Workforce

Development:

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

Objective 2.05

Pedestrian & Bicycle

Environment:

Plan for multiple choices to live, work, and

recreate within comfortable walking/biking distances.

Objective 3.01

Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.06

Neighborhoods:

Protect the residential character of neighborhoods by allowing residential/ commercial/ industrial transition boundaries at alleyways or along back lot lines if possible.

Objective 3.07

Neighborhoods:

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

Objective 4.01

City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.06

Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

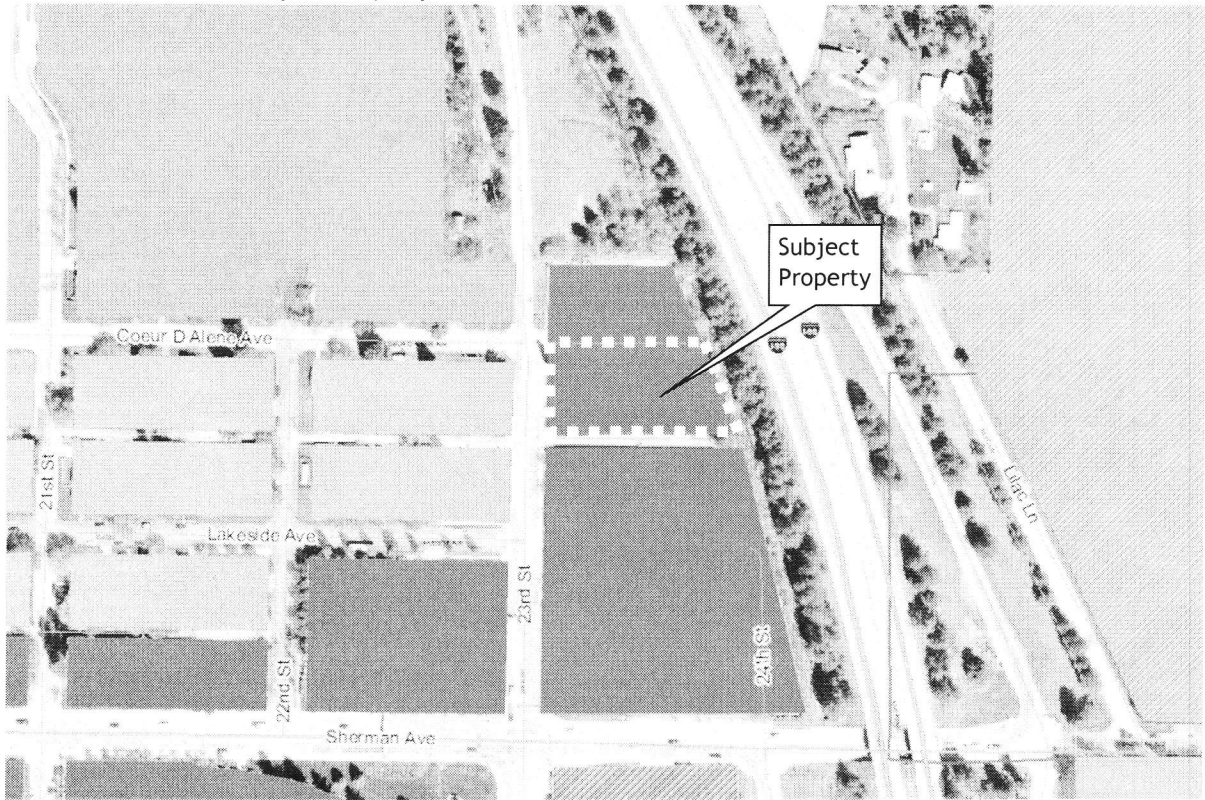
Evaluation: *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

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

Zoning:

- Subject Property is Zoned C-17.

- zoning
 - C-17
 - C-17L
 - C-17LPUD
 - C-17PUD
 - DC
 - DCPLUD
 - LM
 - M
 - MH-8
 - MH-8PUD
 - NC
 - NW
 - R-1
 - R-12
 - R-12PUD
 - R-17
 - R-17PUD
 - R-1PUD
 - R-3
 - R-3PUD
 - R-5
 - R-5PUD
 - R-8
 - R-8PUD
 - R-8SF



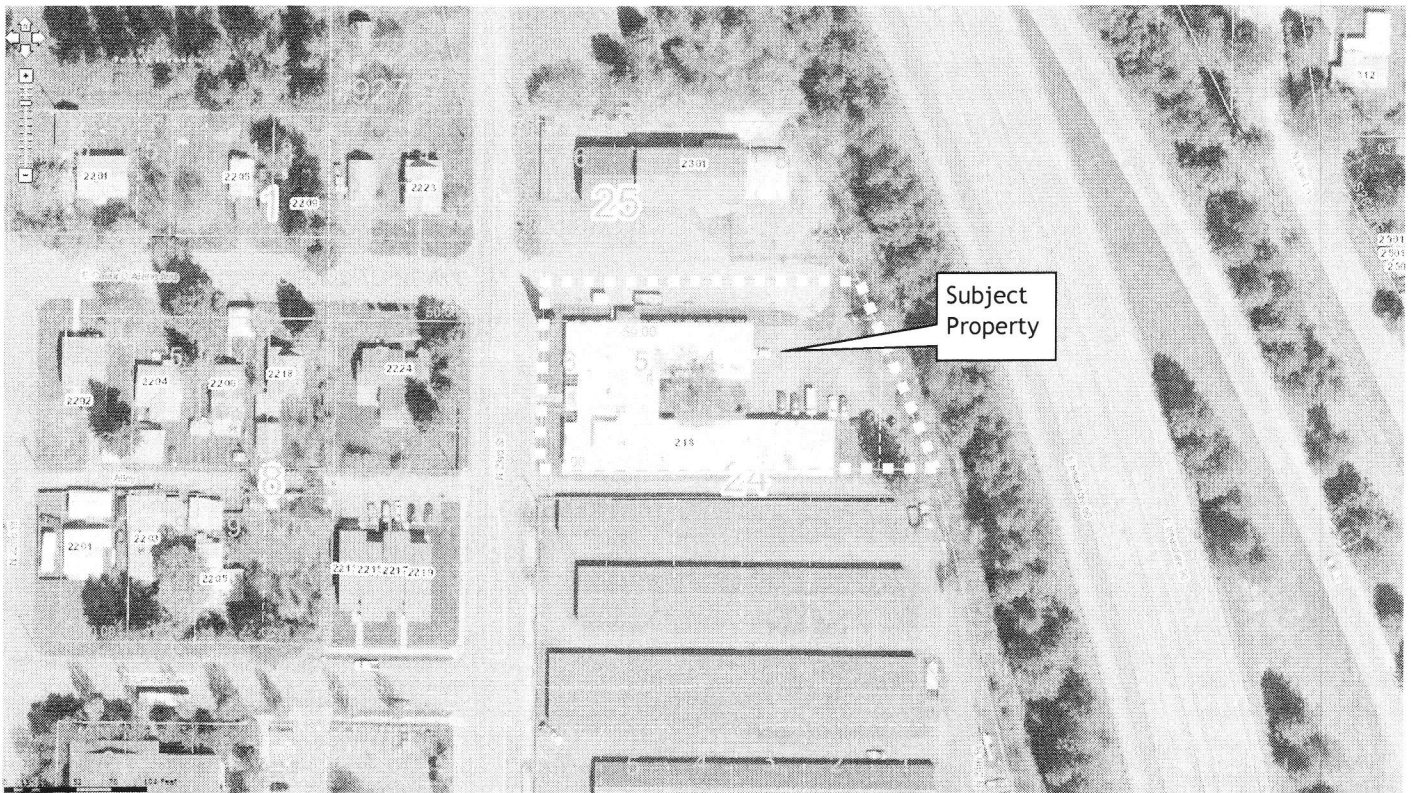
Generalized land use pattern:

- Existing land uses in the area include: Civic (Elementary school), single family (Attached & detached), duplex, multi-family, commercial, and vacant land.

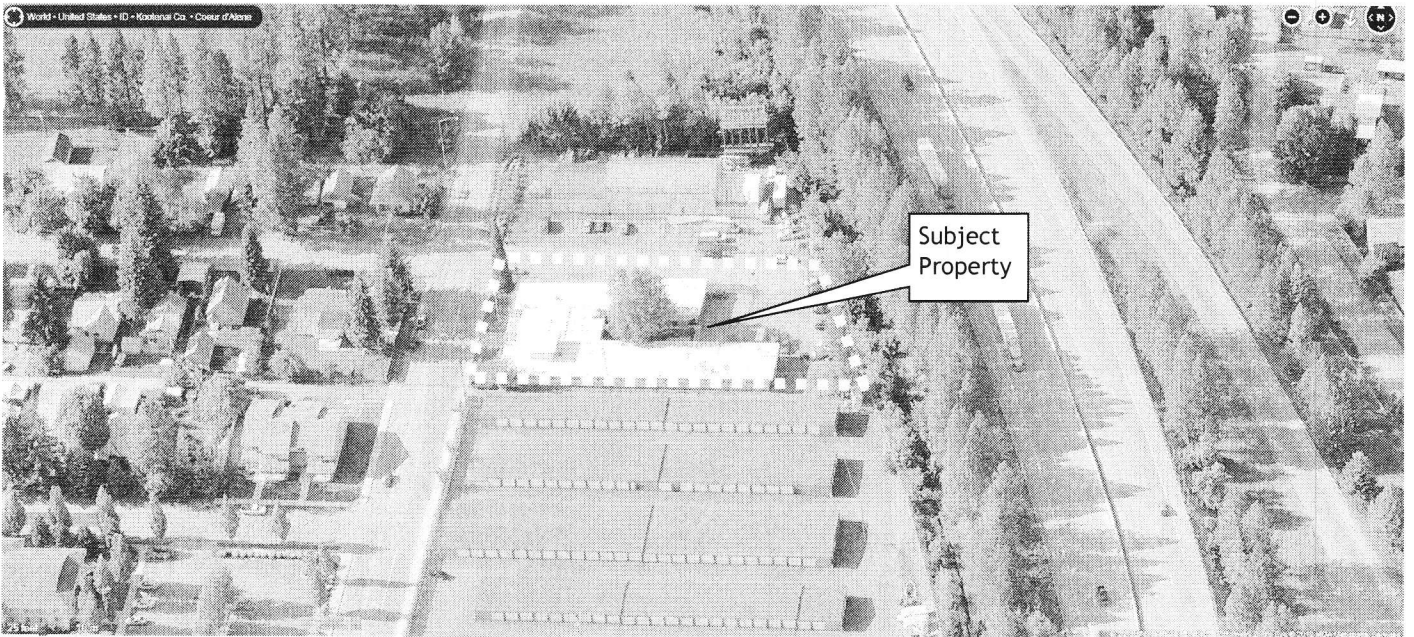
- Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULT
- VACANT



Aerial view:



Oblique view:



Site Pictures:

Port of Hope from Coeur d'Alene Ave & 23rd St. (Looking SE)



Entrance for Port of Hope along 23rd St.



Mini storage located south of subject property separated by alley



4-plex along 23rd St. (looking SW from Port of Hope)



Single family homes across the street from subject property (West)



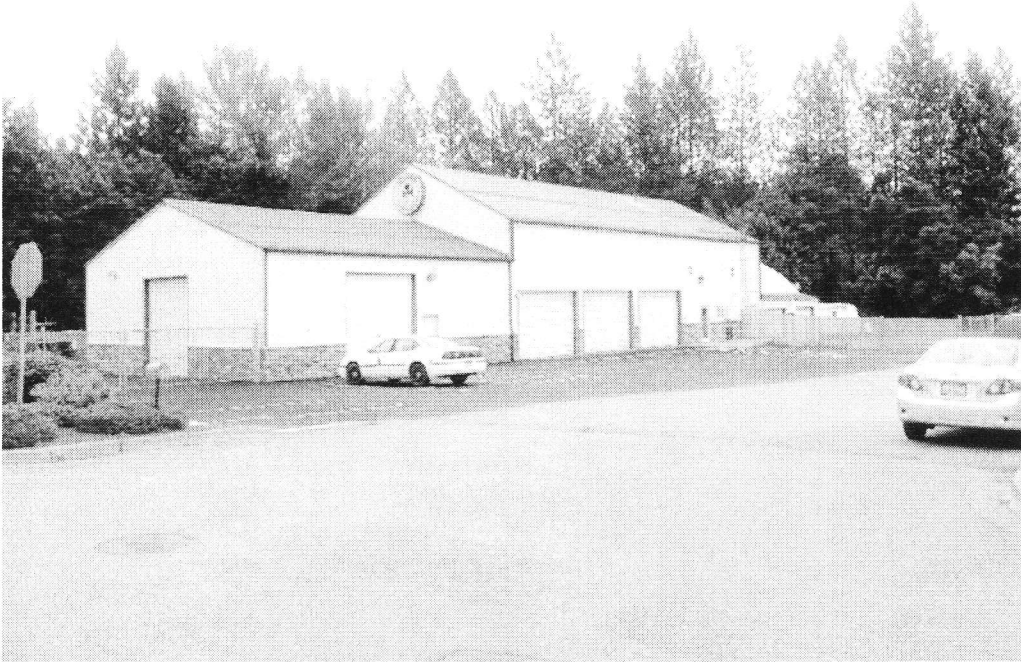
Another view of single family home from Coeur d'Alene Ave & 23rd St (Looking South)



Another view of single family home from Coeur d'Alene Ave & 23rd St (Looking NW)



"Shannon Industrial: Plumbing & Heating" a commercial use north of subject property



North side of Port of Hope along vacated portion of Coeur d'Alene Ave. (Looking East)



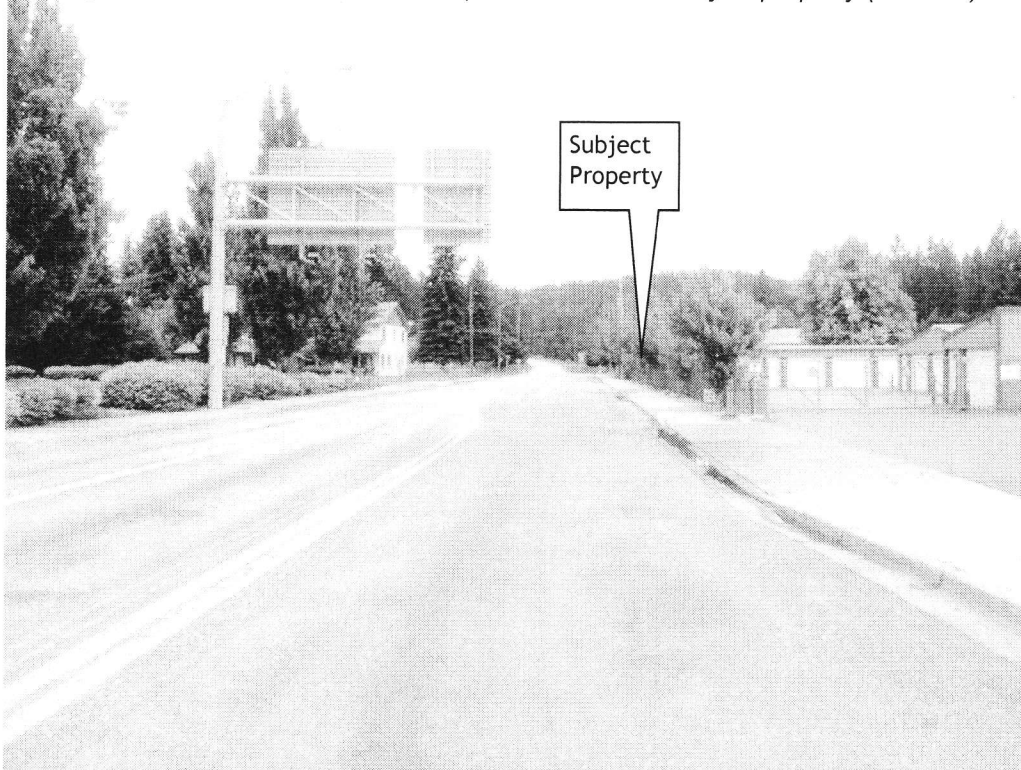
View of north side of subject property along vacated ROW (Looking West)



View of subject property along vacated ROW (Looking Southwest)



Looking north from Sherman Avenue up 23rd St. toward subject property (I-90 exit)



Evaluation: The Planning Commission must determine, based on the information before them, whether the design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties.

C. Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.

WATER: No comment/objection for the special use permit.
- Submitted by Terry Pickel, Assistant Water Superintendent

SEWER: No comment/objection for the special use permit.
- Submitted by James (Jim) Remitz, Utility Project Manager

STREETS: The ITE Trip Generation Manual does not have a categorization for this type of use; therefore, an estimate of potential daily traffic generation cannot be arrived at. Due to the fact that the facility has been operating in its current capacity since 1991, and there have not been traffic related problems, it is a logical extension to presume that the situation will continue without any due impact on the surrounding neighborhood. Also, the fact that the facility is situated on a street that has signal controlled access, and, is adjacent to the City's main east/west arterial roadway, rapid dispersion of vehicles to be expected.
- Submitted by Chris Bates, Engineering Project Manager

FIRE: No comment/objection for the special use permit.
- Submitted by Bobby Gonder- Fire Inspector/Investigator

Evaluation: The Planning Commission must determine, based on the information before them, whether the location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.

D. Proposed Conditions:

Allowances to be set by Special Use Permit in addition to findings:

1. Maximum number and type of offenders based on the offenses committed
2. Extent of supervision required
3. Length of allowable transition period

E. Ordinances and Standards Used In Evaluation:

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

ACTION ALTERNATIVES:

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

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

A. INTRODUCTION

This matter having come before the Planning Commission on July 9, 2013 and there being present a person requesting approval of ITEM: SP-3-13, a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders

APPLICANT: PORT OF HOPE CENTERS INC.

LOCATION: 218 N. 23RD STREET – APPROX 0.842 OF AN ACRE

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

(The Planning Commission may adopt Items B1 to B7.)

- B1. That the existing land uses are Civic (Elementary school), single family (Attached & detached), duplex, multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17.
- B4. That the notice of public hearing was published on, June 22, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on June 26, 2013, which fulfills the proper legal requirement.
- B6. That 29 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 21, 2013.
- B7. That public testimony was heard on July 9, 2013.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

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

Criteria to consider for B8B:

1. Does the density or intensity of the project "fit " the surrounding area?
2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

Criteria to consider B8C:

1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
2. Can sewer service be provided to meet minimum requirements?
3. Can police and fire provide reasonable service to the property?

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **PORT OF HOPE CENTERS, LLC** for a special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

1. Maximum number and type of offenders based on the offenses committed
2. Extent of supervision required
3. Length of allowable transition period

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

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted _____ (tie breaker)

Commissioners _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

CHAIRMAN BRAD JORDAN