



WITHERSPOON • KELLEY

Attorneys & Counselors

SPOKANE | COEUR D'ALENE

DENNIS M. DAVIS
dmd@witherspoonkelley.com
208.667.4000

July 26, 2013

Mr. Dave Yadon
City of Coeur d'Alene Planning Department
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

*Re: Pioneer Human Services
Zoning Code Amendment*

Dear Mr. Yadon:

We are counsel to Pioneer Human Services ("Pioneer"). Pioneer asks that the City of Coeur d'Alene consider three amendments to its zoning code to expand the definition of Criminal Transitional Facility to comply with current Federal law and to enable the siting of such facilities in the Light Manufacturing and Manufacturing zones.

Pioneer's Residential Reentry Center programs are operated pursuant to a contract with the Federal Bureau of Prisons. The facilities house and develop skills for individuals who are completing the remaining 12 months of a sentence for a federal crime. The residents are deemed to be in the custody of the Federal Bureau of Prisons, but are no longer incarcerated within a federal penitentiary. A Residential Reentry Center provides for on-site training facilities to develop employment-readiness and manufacturing skills. It also houses the persons enrolled in the program. These skills are designed to reduce the potential for re-offending and provide marketable workforce skills.

The definition of "Criminal Transitional Facility" within the City's zoning code under Section 17.03.040(F) utilizes both the terms "parole" and "probation." Since 1984 and the enactment of the Comprehensive Crime Control Act of 1984, the Federal Bureau of Prisons no longer provides traditional "parole" for federal crimes. Before the use of "parole" was discontinued, it was considered to be a conditional release from incarceration prior to the termination of a sentence. In lieu of "parole," the Federal Bureau of Provisions currently provides for the use of a Residential Reentry Center enabling inmates to fill out the remainder of their unexpired sentence, provided a resident satisfies the prerequisites of the program. This is sometimes also referred to as an "early release" program. In order to clarify that the current regulatory program employed by the Federal Bureau of Prisons is permitted under the City's zoning code, Pioneer submits the text amendment attached as Exhibit "A."

0-1-13

Mr. Dave Yadon
July 26, 2013
Page 2


In addition to amending the definition of Criminal Transitional Facility, Pioneer also proposes permitting the use in the Light Manufacturing and Manufacturing zone. A portion of the Residential Reentry Center program focuses on developing manufacturing skills prior to release from custody, a use that is compatible with the City's Light Manufacturing and Manufacturing zones.

Pioneer is currently performing its due diligence on various sites in the City and attempting to bid on the Federal Bureau of Prisons for the award of a Residential Reentry Center contract. Given the limited time available to Pioneer, it requests that the City consider the amendments to the zoning code at the August 2013 Planning Commission meeting.

Thank you for your consideration of Pioneer's zoning code amendments. Please do not hesitate to contact me should you have any questions.

Very truly yours,

WITHERSPOON KELLEY



Dennis M. Davis

/dmd

Enc.

cc: Pioneer Human Services
Warren Wilson, City Attorney's Office

K:\wdocs\edmain\708549002\C9078575.DOCX

Exhibit "A"
Pioneer Human Services
Request for Text Amendment to
the Coeur d'Alene Municipal Code

Amend section 17.03.040 as follows:

17.03.040: GENERAL DESCRIPTION OF CIVIC ACTIVITIES

Civic activities include the performance of utility, educational, recreational, cultural, medical protective, governmental, and other activities which are strongly vested with public or social importance and are described as follows:

F. Criminal transitional facility: Providing transitional living accommodations for three (3) or more residents who are on probation, ~~or on parole~~ or participating in early release programming while in custody and/or control of federal or state prison systems 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 ~~may~~ shall be set by special use permit.

Amend section 17.05.760 as follows:

17.05.760: PERMITTED USES; SPECIAL USE PERMIT

Permitted uses by special use permit in an LM district shall be as follows:

- Administrative offices.
- Adult entertainment.
- Banks and financial establishments.
- Business supply retail sales.
- Business support service.
- Commercial recreation.
- Communication service.
- Consumer repair service.
- Convenience sales.
- Convenience service.
- Criminal Transitional Facility
- Department stores.
- Extensive impact.
- Extractive industry.
- Finished goods retail.
- Food and beverage stores for on/off site consumption.
- Funeral service.
- Group assembly.
- Home furnishing retail sales.
- Hotel/motel.
- Personal service establishments.
- Professional offices.
- Retail gasoline sales.

Specialty retail sales.
Veterinary office or clinic.
Wireless communication facility.

Amend section 17.05.840 as follows:

17.05.840: PERMITTED USES; SPECIAL USE PERMIT

Permitted uses by special use permit in an M District shall be as follows:

1. Adult entertainment.
2. Heavy manufacture.
3. Extractive industry.
4. Commercial recreation.
5. Professional offices.
6. Administrative offices.
7. Banks and financial establishments.
8. Personal service establishments.
9. Business supply retail sales.
10. Convenience sales.
11. Criminal Transitional Facility
- ~~12~~ 11. Department stores.
- ~~13~~ 12. Food and beverage stores for on/off site consumption.
- ~~14~~ 13. Home furnishing retail sales.
- ~~15~~ 14. Specialty retail sales.
- ~~16~~ 15. Finished goods retail.
- ~~17~~ 16. Veterinary office or clinic.
- ~~18~~ 17. Hotel/motel.
- ~~19~~ 18. Business support service.
- ~~20~~ 19. Communication service.
- ~~21~~ 20. Consumer repair service.
- ~~22~~ 21. Convenience service.
- ~~23~~ 22. Funeral service.
- ~~24~~ 23. Group assembly.
- ~~25~~ 24. Retail gasoline sales.
- ~~26~~ 25. Wireless communication facility.