

The bride was Jessica Clancy, a daughter of John J. Clancy, Community Education’s founder and chief executive. The groom was Samuel Viavattine, whom Mr. Christie hired in 2010 as an assistant in the governor’s office. He is now paid \$42,000 a year.

Mr. Christie attended the wedding, as did State Senator Richard J. Codey, a Democrat who is a former governor and Senate president. He served as Community Education’s insurance broker for many years and plays golf with Mr. Clancy.

Among others at the wedding was [Joseph N. DiVincenzo Jr.](#), the Essex County chief executive, a Democrat who is close to Mr. Christie.

The three elected officials and their associated party committees have received more than \$200,000 in campaign contributions from Community Education, its executives and their family members over the last decade, according to state records.

Mr. Clancy, who got his start running a drug-treatment center in Hoboken, was one of the first entrepreneurs to realize that halfway houses could be big business.

In New Jersey, as in many other states, expenditures for prisons have been among the fastest-rising. Mr. Clancy had an alluring sales pitch: Trenton could reduce costs and improve services by turning over inmates to Community Education.

In the 1990s, Mr. Clancy worked out an unusual arrangement. Under state law, only nonprofit agencies can receive contracts for halfway houses. But regulators allowed Community Education to obtain contracts through a nonprofit called Education and Health Centers of America, state records show.

That arrangement remains. The primary purpose of the nonprofit has been to pay Community Education hundreds of millions of dollars that the nonprofit has received in recent years from state and county agencies, disclosure records show. The nonprofit has only 10 employees, and gave Mr. Clancy a \$351,346 salary in its 2011 fiscal year, according to the records. Community Education itself, which is privately held, does not disclose how much it separately pays Mr. Clancy.

Early on, Mr. Clancy hired a law firm, Dughi, Hewit & Palatucci, to lobby in Trenton. Its lobbyists were Mr. Christie and Mr. Palatucci, who were close friends and rising political stars. Community Education and Mr. Christie’s aides said Mr. Palatucci, not Mr. Christie, lobbied for the company, though both men were listed on disclosure forms.

Mr. Christie and Mr. Palatucci were major fund-raisers for George W. Bush’s 2000 presidential campaign. After Mr. Bush won, Mr. Palatucci sent Mr. Christie’s résumé to Karl Rove, the president’s political strategist. Soon after, Mr. Bush picked Mr. Christie to be the United States attorney for New Jersey.

In that job, Mr. Christie had no direct role in the state corrections system. Even so, he regularly visited Community Education’s facilities. He even attended the ribbon-cutting at the company’s new corporate headquarters in 2007.



Governor Christie and John J. Clancy
Governor Christie praises John J. Clancy, the founder of Community Education Centers. Mr. Clancy was one of the first entrepreneurs to realize that halfway houses could be big business.
C.E.C. Web site



Halfway House Alumni
Former inmates of Delaney Hall share their experiences in a promotional video. "It's just been an amazing journey," one man said.
C.E.C. Web site

If Mr. Christie was gruff, Mr. Palatucci was unflappable. His dark hair was never out of place, and his suits always fit just so. He knew everyone in Republican circles.

In 2005, Mr. Clancy hired Mr. Palatucci as Community Education's senior vice president for business development, though he did not have major experience in corrections. The company said Mr. Palatucci does not lobby the Christie administration.

Shortly before Mr. Christie became governor, he formed a transition committee on prison policy that included Ralph Fretz, Community Education's director of assessment and research. Dr. Fretz pushed for more money for halfway houses, but others on the panel resisted. Nancy Wolff, director of the Center for Behavioral Health Services and Criminal Justice Research at Rutgers University, [clashed](#) with Dr. Fretz, who she says was trying to further Community Education's business interests during the discussions.

Dr. Wolff was not one to easily back down. She resembles a kindergarten teacher, with plain eyeglasses and hair tucked behind her ears, but she has spent much of the past two decades immersed in the prison system, interviewing inmates across the Northeast. Along the way, she has become a critic of New Jersey's halfway houses.

"This industry just infuriates me," she said in an interview. "If you want to go there and sit in peer-run groups — or hang out and smoke and play cards and have access to drugs — it's a great place."

Dr. Wolff sought cuts in the budget for halfway houses, in favor of more treatment inside prisons. When her proposal was removed from the preliminary report, she resigned.

In a statement, the company said: "Dr. Fretz did not 'skew' the final report. To the contrary, it reflected the consensus of and was approved by each of the members of the panel."

Currently, the Corrections Department has 11 percent fewer beds under contract with Community Education than it did when Mr. Christie succeeded Gov. Jon S. Corzine, a Democrat. But the company's revenue from the department has grown by 22 percent in that period, records show.

As re-entry has become a popular term across the country, Community Education has opened facilities in many states, using its New Jersey operations as a selling point.

"Building more prisons is not the answer to solving the problem of recidivism," Mr. Clancy said in a company news release. "The answer, in our view, is for departments of corrections nationwide to partner with organizations such as ours to help individuals permanently re-enter society."

With a polished public-relations arm, Community Education often publicizes testimonials from inmates who say their lives have been turned around by its halfway houses.

But problems have dogged the company's facilities. In Indiana last year, an inmate [died](#) after her pregnancy complications went untreated. In [Colorado](#), state inspectors found evidence of fraud, and inmates described assaults, gang violence and drug use.

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Former executives of the company said it had financial problems after expanding too rapidly. The company defaulted on some of its debt in 2009, according to former executives and an employment lawsuit. In 2010, it borrowed at a steep interest rate of 15.25 percent, according to securities records.

Community Education’s former chief financial officer, David N. T. Watson, who was hired in 2009, sued the company the next year. He asserted that Mr. Clancy lied about the financial problems when recruiting him and fired him without cause. In court papers, Mr. Watson called the company a “sinking ship.”

Mr. Watson would not comment. Community Education denied the allegations. It said it had never defaulted on any of its debt.

Last year, the company saw a new opportunity: [a \\$130 million contract](#) to house Essex County inmates and detained immigrants. It was the only bidder, proposing to use its 1,200-bed [Delaney Hall](#) in Newark.

Advocates for immigrants, who criticized conditions at Delaney Hall, charged that the process was [unfair](#). They said the contract was written to ensure that only Community Education could qualify. Federal [immigration](#) authorities later acknowledged that they had been told by the county that the contract would go to Community Education.

And it did.

The official overseeing the bidding was Mr. DiVincenzo, the Essex County executive and ally of Mr. Christie.

‘Could Never Keep Up’

Thaddeus B. Caldwell would jump in his car at 2 a.m. at the hint of a fresh lead. He kept his shoes polished, his suit pressed, his goatee neatly trimmed. He spoke so precisely that you could almost hear each punctuation mark.

But no matter how hard he tried, he never felt he was making headway.

“It was like an endless thing,” he said. “If we apprehended 10, 10 more escaped, maybe 20 more escaped.”

Mr. Caldwell, now 49, was part of a prestigious division of the Corrections Department that tracked down escaped prisoners. If the unit had been able to focus only on inmates who had fled prisons, there would have been little work.

But each month, numerous inmates escaped from halfway houses. The team of about six investigators had up to 200 cases at a time.

“You could never keep up,” recalled Houston Miggins, 66, another former investigator.

The unit focused on violent fugitives, but there was no way of knowing who would snap. And many of the escaped inmates returned to crime.

“They really have no choice,” Mr. Caldwell said. “They certainly can’t get a legitimate job.”

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rk, and when he was working the streets, he



Tracking Down Halfway House Fugitives
Thaddeus B. Caldwell spent four years hunting escapees. He retired from state corrections in 2009 and worked for Community Education, but resigned after less than a year. Escapees often resorted to crime, Caldwell said.
Video by Rob Harris/The New York Times

would blend into the crowd, cajoling drug dealers and shopkeepers for information. He kept casual clothes in his trunk: Timberland boots, baggy jeans, an oversize T-shirt and a Pittsburgh Steelers cap, which he wore backward.

Raids to apprehend fugitives usually took place before dawn. Often, the convicts would try to elude capture by scampering out a window. Violence sometimes erupted.

The unit could not rely on other agencies for help. They had their own challenges.

Sheriff Armando B. Fontoura of Essex County, which is home to about 12 percent of halfway house inmates, said his office received numerous notices of escapes but lacked the staff to respond.

"It's very, very frustrating for us," Sheriff Fontoura said. "When you want to escape, it's a very easy thing to do."

Carnell Davis, who was serving a sentence for armed robbery, escaped from the Harbor, a Community Education halfway house then in Hoboken, in April 2005. Five months later, he was arrested and charged with killing a taxi driver and the man's brother.

"I was responsible for catching him, but unfortunately, there were so many people on my caseload," Mr. Caldwell said. "Who knew that he would be the one?"

Corrections officials took no action against the Harbor or Community Education over the escape.

Mr. Caldwell said he remained surprised that after the Davis case and others like it, nothing changed.

"I used to think every time someone would get killed or there would be some outrage, there would be an instant outcry," he said. "But then it would go away."

"There was nothing done about any particular halfway house that had an inordinate amount of escapes as opposed to any other," he added. "It just appeared to be, that's the way business was done."

Mr. Caldwell retired from state corrections in 2009 and went to work for Community Education. He said he reasoned that he might help prevent escapes by improving security from the inside. But he resigned after less than a year, disillusioned with the company. He is currently an administrator at a New Jersey jail.

When the fugitive unit arrested escapees, the investigators often asked them why they had fled.

Some claimed the reason was dangerous conditions inside. Others shrugged. But Mr. Caldwell and his colleagues still puzzle over a basic question: Why would inmates escape from a halfway house only months before they would be freed?

Corrections officials maintain that the reason is often problems at home — a

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ne else; a mother falls ill.

Mr. Caldwell and his colleagues say the large number of escapes from halfway houses is an indictment of the system. They argue that either the facilities are accepting the wrong kinds of inmates, or the services are not meaningful.

“They were touting these as such great programs,” Mr. Caldwell said. “If that’s the case, and inmates were getting such great benefits, why would they want to leave?”

On the Run, but No Charges

Valeria Parziale was one of 19 inmates to escape from New Jersey halfway houses in one week in October 2009. She fled the Albert M. “Bo” Robinson Assessment and Treatment Center, a Community Education facility in Trenton that is intended to be more secure than other halfway houses, but had two escapes that day.

Nine days later, in a Newark liquor store, Ms. Parziale, now 33, attacked a man with a folding knife, cutting off part of his ear and slashing his face, prosecutors said. She was arrested and charged with aggravated assault and possession of a weapon.

But not escape.

Prosecutors in Essex County, where she was arrested, and Mercer County, where she had escaped, say that they were not aware that she was a fugitive, and that they learned of her status only after The Times alerted them to it more than two years later.

The establishment of the system of halfway houses amounted to a major change in corrections in New Jersey. But state and county agencies — prosecutors, the police, corrections officials — have done little to coordinate oversight.

Two months after Ms. Parziale escaped, Rafael Miranda fled the halfway house run by the Kintock group in Newark.

Four months later, Mr. [Miranda](#) pulled out a gun during an argument at the Stadium Sports Bar and Grill in Newark. He attacked a bouncer and then fatally shot another man, officials said.

Other examples abound, according to prosecutors:

- ¶ Leland Washington held up a gas station with a knife and tried to force an attendant into the bathroom.
- ¶ Aryam Mojica assaulted a police officer who pulled over his car.
- ¶ Hiram Rivera Jr. was caught with a cache of weapons and drugs.
- ¶ Marcus Jones pleaded guilty to a role in a shooting.

The failure to control the system extends to what happens after fugitives like these are captured: They typically are not charged. They are simply returned to prison to finish out their original sentences.

Approximately 1,000 inmates have fled halfway houses in Essex County since 2009. Yet the county prosecutor’s office said it had pursued such charges in only 10 cases. And the office would provide information

PART 2 OF UNLOCKED Coming June 18
 Watch Preview

on only three.

"If they're gone for a relatively short period of time and turn themselves back in and face administrative consequences for that, that would tend to be cases we don't prosecute," said Carolyn A. Murray, the acting Essex prosecutor.

Among the escapes in Essex were those from Logan Hall, the Community Education halfway house in Newark that housed Mr. Goodell, who is charged in the killing of Ms. Tulli.

In fact, in the month when Ms. Tulli was killed, August 2010, 10 other inmates fled Logan Hall. Those 10 had been imprisoned on robbery, drug and weapons charges. After they escaped, they stayed out for an average of about 40 days. None of the 10 were charged for leaving, according to county records.

Five other inmates fled Logan Hall the next month, just after the Christie administration and Community Education, prompted by the Tulli case, promised inquiries into security at halfway houses.

Ms. Tulli's family had believed that the inquiries meant that the administration would reform the system. But nearly two years later, the family is still waiting for the findings.

Community Education said it had done an informal investigation and found no wrongdoing by the company. “It would be grossly irresponsible” to say the halfway house was in any way at fault, the company said.

“People have to be held accountable for their own behavior,” said Dr. Mackey, the company’s senior executive.

David W. Thomas, executive director of the State Parole Board, said it had conducted an inquiry, but he would offer no details.

Asked for a copy, Mr. Thomas said, "There is no actual document."

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To contact the reporter: sam.dolnick@nytimes.com.

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James R. Wakefield
17325 Point Lena Loop Road
Juneau, AK 99801
907-723-2733

April 10, 2014

To Whom It May Concern:

I have lived in Alaska for the last 46 years. Except for a several month period in late 1974 and early 1975 while living in Fairbanks and working on the pipeline, I have lived in Juneau.

I was the Assistant Business Manager for the Laborers Local 942 from 1975 to 1987. I was a member of the CBJ Assembly (Valley seat) from 1976 to 1982. I was Special Assistant to the Commissioner of Labor from 1987 to 1991.

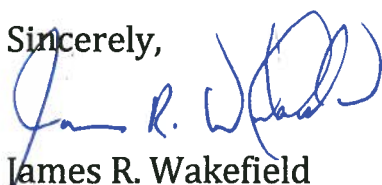
From 1992 until 2006, I worked full-time as a real estate agent. In 1996, I was President of the Southeast Board of Realtors. In 2000, I was President of the Alaska Association of Realtors.

As a Realtor, I sold mainly residential and some commercial real estate in Juneau, representing both buyers and sellers. If I was representing a seller, I had to provide a broker's opinion, with a report, recommending to the seller what price to list their home for sale. My report required evaluating the particular residence for sale, the neighborhood, and comparable homes that had sold recently and comparable homes currently on the market.

I am aware that Haven House Inc. wishes to open a residence at 3202 Malissa Drive for up to nine women who have recently been released from prison. I have inspected the exterior of the property and the neighborhood in question. I have not inspected the inside of the residence.

In my opinion if the home at 3202 Malissa Drive is used for this purpose and the home is well-maintained and the residents do not disturb the peace of the neighborhood, the home would not decrease the property values of nearby properties.

Sincerely,



James R. Wakefield

PLANNING COMMISSION AGENDA
COEUR D'ALENE PUBLIC LIBRARY
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE

SEPTEMBER 10, 2013

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

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

5:30 P.M. CALL TO ORDER:

ROLL CALL: Jordan, Bowlby, Evans, Luttrupp, Messina, Soumas, Haneline, Conery, (Student Rep.) (Alt. Student Rep. O'Brien)

APPROVAL OF MINUTES:

August 13, 2013

PUBLIC COMMENTS:

STAFF COMMENTS:

OTHER:

Approval of findings for SP-5-13, 380 E. Kathleen

PUBLIC HEARINGS:

1. Applicant: Denny Davis
Request: Amend Section 17.03.040 of the zoning code
"Criminal Transitional Facility"
LEGISLATIVE, (0-1-13)

ADJOURNMENT/CONTINUATION:

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

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



M I N U T E S

**PLANNING COMMISSION
MINUTES
AUGUST 13, 2013
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Heather Bowlby, Vice-Chair
Amy Evans
Peter Luttrupp
Rob Haneline
Grant Conery, Student Rep.

STAFF MEMBERS PRESENT:

Sean Holm, Planner
Tami Stroud, Planner
Shana Stuhlmiller, Public Hearing Assistant
Warren Wilson, Deputy City Attorney
Gordon Dobler, Engineering Services Director

COMMISSIONERS ABSENT:

Tom Messina
Lou Soumas
Brad Jordan, Chairman

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Evans, seconded by Haneline, to approve the minutes of the Planning Commission meeting on July 9, 2013. Motion approved.

STAFF COMMENTS:

Planner Holm announced a workshop scheduled on August 27, 2013 starting at 5:30 p.m. in the old Council Chambers with the discussion on deer fencing and lighting. He added a code amendment request is scheduled for the next Planning Commission meeting on September 10, 2013.

PUBLIC COMMENTS:

There were none.

PUBLIC HEARINGS

1. Applicant: Port of Hope Centers
 Location: 218 N. 23rd
 Request: A proposed Criminal Transitional Facility special use permit
 In the C-17 zoning district.
 QUASI-JUDICIAL (SP-3-13)

Deputy City Attorney Wilson stated at the conclusion of the July 9th, 2013, public hearing the Planning Commission left the record open solely for receipt of a additional information to address area crime statistics related to the Port of Hope/issues with Port of Hope's transitional residents and the four parameters that the Planning Commission is required by M.C. 17.03.040(f) to address when issuing a special use permit for a Criminal Transitional Facility. Those four parameters are:

- A. The maximum number of offenders;
- B. The types of offenders to be allowed, based on offenses committed;
- C. The extent of supervision required; and
- D. The length of allowable transition period.

He concluded by adding seven proposed conditions for the Planning Commission to consider when making their decision:

1. The maximum number of offenders is 43.
2. No offenders required by Idaho Law to register as a sex offender may be housed at the facility.
3. No offender will be allowed to reside at the facility for more than 365 calendar days.
4. The facility must at all times comply with requirements of the Federal Bureau of Prisons Residential Reentry Center Statement of Work regarding security and discipline (currently Chapters 11 & 12).
5. Create an exclusion zone within the facility's GPS (Veritraks) system around the Fernan Elementary School property. The system must alert the facility within one minute if an offender enters the exclusion zone. Exclusion zone reports (with names redacted) must be made available to School District 271 and the City upon request.
6. Place GPS units on all pre-release offenders in the facility and on home confinement with a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc.
7. The facility will not allow offenders to travel to bus stops without staff supervision during the peak hours when school children are arriving and leaving school (currently 7:00 – 8:00 a.m. and 2:30 – 3:30 p.m.).

Commissioner Haneline inquired if Section 18-8329 pertains to the Port of Hope and questioned how far Fernan Elementary School is from the Port of Hope.

Deputy City Attorney Wilson stated that number two on the list of the conditions for the Commission to consider states "No registered sex offenders will be allowed at Port of Hope". Port of Hope is approximately 175 feet from Fernan Elementary School.

Public testimony open:

Deputy City Attorney Wilson stated that before public testimony is open the commission must decide if this is just for new testimony or all testimony. He stated if the commission decides to open testimony a motion is needed.

Motion by Evans, seconded by Luttropp to open public testimony. Motion approved.

Jake Danible, 2279 W. Anatole Street, applicant, presented copies of the letters they sent in 2003 and 2008 to notify various agencies of their offer for Residential Re-entry (RRC) Services, or "halfway house". He explained the need for 43 beds and stated that the number does not reflect the actual amount they have in-house, but what is required of us. He added that the extra beds must be contractually available in the event that we needed to return someone from Home Confinement to the facility, overlap of incoming and outgoing offenders, environmental issues (power outages, etc), high risk holidays like Halloween or News Years Eve or financially, they are unable to pay rent due to loss of job, for example.

Commissioner Haneline inquired the average time an offender stays at the Port of Hope.

Tamera Chamberlain, 13412 E. 5th Avenue, Executive RRC Director for the Port of Hope, stated that the average offender stays at the Port of Hope between 60 to 90 days. She explained that although it is rare, the maximum stay could be one year because of offenders with disabilities that require longer time to obtain employment or a suitable place to live.

Commissioner Evans inquired how the length of time is calculated for each offender admitted at the Port of Hope.

Ms. Chamberlain explained that once an offender is admitted, they are given so many points for the type of offense they committed, which is determined by the legal system. They also earn or lose Good Conduct while incarcerated based on discipline or behavior in the institution.

Commissioner Haneline inquired what type of GPS is used for admitted offenders.

Mr. Danible explained that the 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 in non-compliance with accountability or whose history indicates the potential. He added that staff is alerted anytime the offender leaves the designated location or enters an unauthorized area.

Ms. Chamberlain stated that everyone who enters the Port Of Hope does not wear a GPS; only those offenders who have not committed violent crimes. She explained that their goal is to try and incorporate these people back into society so we track those offenders not using a GPS by calling their employers for input.

Commissioner Evans referenced a letter submitted by School District 271 on August 13, 2013, which states "Port of Hope is unable to track all of its residents on GPS tracking devices" and questioned why not put them on everybody.

Ms. Chamberlain stated in a letter submitted on July 30, 2013, that they would require all offenders to have GPS units in order to promote safety.

Mr. Danible stated that there are people who will deviate from the rules and be reprimanded and in this community there are other offenders that are not part of the Port of Hope.

Wendell Wardell, 2623 East Hayden View Drive, Chief Operations officer for School District 271, stated that the school district supports the mission of the Port of Hope, but cannot support this because of the proximity to the school. He stated that the school district was not aware of the letter submitted by the Port of Hope on July 30, 2013, indicating that all offenders would be tracked. He added that the Port of Hope has been a good neighbor throughout the years and is grateful that nothing has happened in the years they have been open.

Commissioner Evans inquired regarding the estimated length of time for a response call to the Port of hope.

Wayne Longo, Chief of Police, stated response time is determined by the type of call and where the officer is at the time the call comes in. He added if it is for the Port of Hope, it would be quicker depending on the

number of police on duty and where they are when the call comes in.

Shawna Henman, P.O. Box 3014, stated that she is in favor of the Port of Hope and what they are trying to do for the offenders. She added that not all offenders are at the Port of Hope but living among this community in either homeless shelters or hotels. She feels that most people can change and stated that a few years ago her son was molested by a teacher in one of the schools.

Moiria Ducoeur, 1311 Coeur d'Alene Avenue, stated she lives downtown by Port of Hope, has four kids and teaches at Sorenson Elementary. She feels that the east part of Sherman has changed throughout the years with the addition of more transients living in this area. She questioned if the Port of Hope has any connections with the area hotels that have been known to house any of their offenders.

Colleen Krajack, 935 E. Front Avenue, commented from looking at the police website that lists where sex offenders reside in the city, discovered that Port of Hope has six offenders listed and concerned they are lying. She added that when looking at the names of the offenders, she noticed that not all of them were from Idaho and questioned if Port of Hope is doing this solely for the money.

Scott Krajack, 935 E. Front Avenue, stated that the offenders who don't live in Idaho should not have a choice, but to stay in prison.

Julie Menedit, 991 Veranda Drive, stated she is part of a "moms' group whose kids attend Fernan Elementary. She understands the Port of Hope mission but feels the facility is in the wrong location.

Sylvia Lampard, 31545 S. Highway 97, stated her son is planning to relocate with his family including his 8 year old son and feels that unless something changes, this area is not a safe place to raise children.

Cindy Merk, 1416 E. Coeur d'Alene Avenue, stated that they built their home 5 years ago and has slowly watched the area deteriorate and would like to see the east side of town cleaned up. She added that her grandchildren come over and play at her house and is concerned for their safety. She reminded the Planning Commission of their goals listed on the website and feels they are not doing their job by approving this request.

Public testimony closed:

Rebuttal:

Jake Danible explained that this area is unique being bordered by other states and because of that we get offenders from different areas He added that once an offender has finished his time at Port of Hope and they're not from Idaho, they don't stay.

Commissioner Haneline stated a question came up from previous testimony that a lot of the offenders have different names.

Ms. Chamberlain explained that the sheriff's department registers the offenders and not the Port of Hope.

Mr. Danible explained that the websites that list offenders are slow to update their information and that some offenders do have other names they go by.

Commissioner Haneline inquired about the exclusion zone around the Fernan Elementary School and questioned how that works if an offender enters that zone.

Ms. Chamberlain explained that the system will alert the facility within one minute if an offender enters the exclusion zone.

Commissioner Haneline inquired who gets the call once an offender enters the exclusion zone.

Ms. Chamberlain explained that the call is received by someone on duty at the Port of Hope and the alarm is not turned off until the offender returns or key staff locates the offender.

Commissioner Bowlby inquired what is the maximum number of offenders housed at the Port of Hope.

Ms. Chamberlain explained that the maximum number of beds dedicated to the criminal portion is 43 beds, and the average number of offenders is 25-30.

Mr. Danible explained that the number fluctuates because of graduating offenders and stated during the slow time the amount of offenders has been nine.

Commissioner Evans inquired if any of the Port of Hope graduates are living in the hotels when they are released.

Ms. Chamberlain explained that the offenders leaving Port of Hope are required to have a place to go to when released. She feels that the community is confused assuming that offenders leaving the facility are staying in the area hotels, which is wrong.

Commissioner Evans inquired if there are six sex offenders at the Port of Hope.

Mr. Danible stated that number is not correct and explained that the websites are not updated on a regular basis.

Commissioner Haneline questioned if Port of Hope has considered relocating in the future.

Mr. Danible stated if in the future we require additional beds we would move. He added that if anybody in the community is aware of another location please notify them. He commented that he understands the community's concerns.

Commissioner Evans appreciates what the Port of Hope does for this community, but feels being located near a school is putting children at risk.

Ms. Chamberlain stated there are a lot of sex offenders that aren't supervised compared to the offenders who are at Port of Hope who are monitored 24/7.

Commissioner Luttrupp inquired what the difference is between a halfway house and the Port of Hope.

Mr. Danible explained that a halfway house was changed to transition house because the Port of Hope takes these offenders and teaches them the skills to transition back into the community. He added that this is a strict program and if the rules are not obeyed the offender is sent back to the federal prison.

Public testimony closed.

Discussion:

Commissioner Haneline stated that he respects the program, but feels that the location is not appropriate.

Commissioner Evans stated that she supports the Port of Hope's vision and how they have educated the community on their services but is struggling with the location.

Commissioner Luttrupp stated that if there was a criterion for the distance between the school and the Port of Hope, he does not have a problem with this request. He feels this type of service is needed in the community.

Commissioner Evans stated that from listening to the testimony, people do not want this in this community. She added that her concern is to protect the children who attend Fernan Elementary.

Commissioner Luttrupp stated he would support this request if we had a time limit to try and come up with criteria that meets the emotion of the community and is acceptable to each of us.

Commissioner Evans feels if this is approved and something happens to one of the children, it would not be acceptable.

Motion by Evans, seconded by Haneline, to deny Item SP-3-13. Motion approved.

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to deny carried by a 3 to 0 vote.

2. Applicant: Selkirk Development, LLC
 Location: 380 E. Kathleen
 Request: A proposed Business Supply Retail Sales; Convenience Sales,
 Food and Beverage Sales (on & off site consumption), Home furnishing
 Retail Sales, Finished Goods Retail Sales, Specialty Retail Sales,
 Business Support Service, Consumer Repair Service, Convenience
 Service and Veterinary Clinic (indoor) special use permit in the
 C-17L (Commercial Limited) zoning district.
 QUASI-JUDICIAL, (SP-5-13)

Planner Holm presented the staff report and answered questions from the Commission.

Engineering Services Director Dobler requested that if the special use is approved, to consider omitting condition number one (1) in the staff report. He explained in the past the planning commission has approved the site plan with the special use permit and in this case, the site plan will change through the building permit process.

Public testimony open:

Bill Brooks, 309 W. 2nd Street Spokane, applicant, stated we looked at the Comprehensive Plan and the uses allowed in the C-17 zone and decided anything associated with “soft retail” worked. He explained that this project is more neighborhood focused and feels most of the uses listed would fit into a neighborhood.

Commissioner Haneline stated from looking at the proposed uses listed a bar and grill and inquired how many feet would this be from the school.

Mr. Brooks stated there is a 300 foot radius from this property to the school.

Commissioner Haneline inquired if the applicant sent out letters to the neighborhood to let them know about this project.

Mr. Brooks commented that he did send letters to the neighbors.

Vice-chair Bowlby inquired if staff could explain how ingress/egress will be designed.

Director Dobler explained that staff met with the applicant before he submitted his plan and discussed different ways this will be designed once the building permit is issued.

Phil Boyd, 2177 E. Totten Lane, stated he feels this request should be a zone change request and showed a picture of what exists on the property today versus what the applicant is proposing. He explained that the applicant is proposing many uses that would not be appropriate for this property and feels this request should be denied.

Bob Covington, 5252 Hayden View, stated he feels this request is not consistent with the comprehensive plan for this area. He explained that the project they are proposing will not blend with the existing site and feels that the applicant listed all the uses allowed in the C-17 zoning district and the applicant does not have a specific plan. He suggested that the planning commission deny this without prejudice, so the applicant can come back when he has some specific uses.

Rebuttal:

Mr. Brooks feels that he based his selection of uses on the type of businesses that would fit in a neighborhood. He stated that he wants to work with the neighborhood to be a good neighbor.

Commissioner Haneline inquired if the applicant has any tenants ready to go.

Mr. Brooks stated they have some folks who are interested, but not ready to start construction on this anytime soon. .

Public testimony closed:

Discussion:

Commissioner Luttrupp feels that he would like to see the applicant come back when he has a specific plan and feels this is too broad of a request.

Motion by Haneline, seconded by Evans to deny without prejudice Item SP-5-13 and direct staff to prepare the findings. Motion approved.

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to deny without prejudice carried by a 3 to 0 vote.

4. Applicant: Hat Trick Investments, LLC
 Location: 2801 N. 15th
 Request: A proposed 11-lot pocket residential development
 QUASI-JUDICIAL, (S-2-13)

Planner Stroud presented the staff report. There were no questions for staff.

Public testimony open:

Drew Dittman, 3909 Schreiber Way, applicant representative, stated that the staff report presented was great and stated that the developer has done other pocket housing projects in this area. He stated all utilities are in and that this project will be two phases with the first phase having six lots. He then asked if the commission had any questions.

There were no questions for the applicant.

Steve McCabe, 1315 E. Stiner Avenue, stated he objects and is concerned about about parking. He explained that from the site plan, it looks like they will only have one parking space and parking in the street is a concern.

Charles Stark, 1412 Gilbert, stated he lives across the street and from looking at the site plan, he is concerned about parking.

Rebuttal:

Mr. Dittman explained the parking requirements for pocket housing with detached garages in the back. He stated that after discussing with staff, that this meets the off-street parking requirements with 16-foot driveways.

Commissioner Bowlby inquired if access will be allowed on 15th street.

Mr. Dittman stated that access will be allowed on 15th Street and Best Avenue, which is a fully signalized intersection.

Public testimony closed:

Motion by Evans, seconded by in Luttrupp, to approve Item S-2-13. Motion approved.

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

ADJOURNMENT:

Motion by Luttrupp, seconded by Haneline, to adjourn the meeting. Motion approved.

The meeting was adjourned at 9:26 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

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

A. INTRODUCTION

This matter having come before the Planning Commission on August 13, 2013, and there being present a person requesting approval of ITEM SP-5-13, for additional commercial and service uses in a C-17L zone by way of special use permit.

APPLICANT: SELKIRK DEVELOPMENT, LLC

LOCATION: 380 E. KATHLEEN - APPROX 2.241 ACRES

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

- B1. That the existing land uses are Civic (school, church, essential service), commercial, residential and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17L.
- B4. That the notice of public hearing was published on, July 27, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on August 4, 2013, which fulfills the proper legal requirement.
- B6. That 73 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 26, 2013.
- B7. That public testimony was heard on August 13, 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 in conformance with the comprehensive plan, as follows:
Based on the staff report, comments by the applicant, Planning Commission and the public, the following elements of the 2007 Comprehensive plan support some degree of commercial use on the subject property.

NE Prairie Tomorrow:

The characteristics of NE Prairie neighborhoods will be:

- Commercial uses are concentrated in existing commercial areas along arterials with neighborhood service nodes where appropriate.

Objective 1.14

Efficiency:

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

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.

- B8B. The design and planning of the site is not compatible with the location, setting, and existing uses on adjacent properties.

This is based on the request of the applicant seeking an extensive number of commercial uses for the subject property. The applicant did not provide substantiation that the need for a mix of uses beyond what is allowed by right in the existing C-17L zoning district was justified for approval. Planning Commission finds that the range of uses requested could adversely affect adjacent property.

- B8C. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.

This is based on staff report comments affirming that existing streets, public facilities and services are available to or near the subject property.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of **SELKIRK DEVELOPMENT, LLC** for a special use permit, as described in the application should be denied without prejudice.

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

ROLL CALL:

Commissioner Evans	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Haneline	Voted Yes

Commissioners Messina and Soumas were absent.

Motion to deny without prejudice carried by a 3 to 0 vote.

VICE-CHAIR BOWLBY

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

DATE: September 10, 2013

FROM: Warren Wilson, Deputy City Attorney

SUBJECT: 0-1-13. Requested Amendments Regarding Location of Criminal Transitional Facilities.

DECISION POINT:

Provide the City Council with a recommendation regarding adopting the proposed amendments to the municipal code regarding the location of Criminal Transitional Facilities.

HISTORY:

The City Code currently only allows Criminal Transitional Facilities to locate in commercially zoned areas via the issuance of a Special Use Permit. Pioneer Human Services has requested that the code be amended to update the definition of Criminal Transitional Facility and to allow Criminal Transitional Facilities to locate in the Manufacturing and Light Manufacturing districts via the issuance of a Special Use Permit. Finally, the Commission may wish to consider whether some types of Criminal Transitional Facilities should be allowed by right in manufacturing areas or other changes to the types of requirements that the Commission is charged with determining through the Special Use Permit Process.

PERFORMANCE/QUALITY OF LIFE ANALYSIS:

1. Proposed Definition Change to M.C. 17.03.040(F):

The applicant has suggested amending the definition of Criminal Transitional Facility 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 the custody and/or control of the 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.