

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM**

April 1, 2014

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room April 1, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Loren Ron Edinger)	Members of Council Present
Amy Evans)	
Woody McEvers)	
Kiki Miller)	
Steve Adams)	

Dan Gookin) Member Absent

CALL TO ORDER: The meeting was called to order by Mayor Widmyer.

INVOCATION: Pastor J.O. Owens, Heart of the City Church, provided the invocation.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilman McEvers.

PRESENTATIONS:

Union Gospel Mission: Phil Altmeyer, Executive Director of Union Gospel Mission stated that he wanted to update the City Council on their Coeur d'Alene operations. He invited the City Council to the April 10 banquet being held at noon. Mr. Altmeyer stated that their goal is to end homelessness, and the reason they created the facility in Coeur d'Alene is that 41% of homeless are women. They spend approximately \$12,000 a year to house one person, while it costs a community approximately \$35,000 a year to house someone in jail. Director of the Coeur d'Alene Center, JoAnn Zajicek, stated that their mission is rescue, recovery, and restoration. She stated that the people they assist have varied backgrounds. Some have difficulty dealing with life issues; some are drug addicted, while others have been recently released from jail. They offer counseling, classes, vocational education, and fitness center opportunities, as well as aftercare mentoring. Mayor Widmyer stated that he and his wife recently toured the facility and found it to be an amazing facility and he believes they have a great mission. He encouraged citizens to volunteer their time and treasure to the Union Gospel Mission.

Proclamation: Week of the Young Child – April 6-12, 2014. April Govaia, Educational Chair of the North Idaho Association for the Education of Young Children, accepted the proclamation and stated that they are sponsoring several art shows next week, including one at the Human Rights Education Institute.

Proclamation: Fair Housing Month. Shannon Gilbert accepted the proclamation on behalf of the Intermountain Fair Housing Council and stated that there is a free training being held Friday, April 4, 2014, in the Library Community Room starting at 8:30 a.m. Citizens, landlords, and property owners are encouraged to attend as they will be talking about ramps, discrimination, and support animals.

Presentation: 2012-2013 Audit Scott Hoover, Manager, Audit & Assurances Services, from Magnuson, McHugh & Company, P.A. presented a summary of the City's Fiscal Year 2012-2013 audit. He stated that the City is in good standing and the audit found that the City is free of material mistakes. Mr. Hoover explained why audits are necessary and their purpose. He stated that City management is responsible for preparation of financial statements. The audit report would include any significant deficiencies in internal controls that would be referred to as a finding, none of which were found in the City audit. He provided some financial highlights that included an increase in building permit revenue, an increase in net assets that was mostly related to the McEuen Park project. He noted that the self-insurance fund had a negative fund balance and that the City had minimum borrowing and a good credit rating, as well as a healthy General Fund. GFOA (as an industry standard) recommends a City have no less than two month of expenditures funds in its General Fund as an industry standard.

Presentation: Donation from JUB Engineers Interim Parks Director Bill Greenwood stated that last winter JUB Engineers asked the City to accept the donation of a beach cleaner. The Parks Master Plan includes the acquisition of a beach cleaner; however, they are very expensive and it has not been a budgeted item. Upon review of the machine JUB had; they estimated the value at \$7,000. JUB is willing to accept \$2,500 for the purchase with the remaining value being donated. Brad Marshall from JUB Engineers stated their company has been in City for 40 years and could think of no better place than the City of Coeur d'Alene beach for the donation of the beach cleaner.

PUBLIC COMMENTS: Mayor Widmyer called for public comments with none being received.

CONSENT CALENDAR: Motion by McEvers, seconded by Edinger to approve the consent calendar as presented.

1. Approval of Council Minutes for March 18, 2014 and March 20, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for April 7, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Approval of Beer/Wine License – Bamboo Restaurant Concepts, LLC. to Lake City Coffee d/b/a Java on Sherman, Lindsay and Dave Patterson, 231 Sherman Avenue (name change).
5. Approval of Beer/Wine License – Fiesta Mexicana to UVA Trattoria, Steve and Lisa Van Zevern, 2603 N. 4th Street (transfer).
6. Approval of Beer/Wine License – Blackwell Hotel, William Wendlandt, 820 E. Sherman (new).

7. Approval of Cemetery Lot Transfer from Pamela Kammeyer to Gary and/or Joyce Kammeyer, Lot 10, Block 21, Section A, Forest Cemetery.
8. Approval of Cemetery Lot Transfer from Charlotta Munn Blood to Christopher John Munn, Lot 21, Block 77, Section A, Forest Cemetery.
9. Approval of Outdoor Eating Facility Encroachment Permit for Cricket's Restaurant and Oyster Bar, 424 Sherman Avenue (new).
10. Approval of SS-2-14, Riverstone West 5th Addition, Final Plat.
11. **Resolution No. 14-012** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING AWARD OF BID AND APPROVAL OF A CONTRACT WITH PLANNED AND ENGINEERED CONSTRUCTION (PEC) FOR THE WASTEWATER 2014 CURED IN PLACE PIPE (CIPP) PROJECT; APPROVING AN AMENDMENT TO THE AGREEMENT WITH PANHANDLE PARKS FOUNDATION; AND APPROVING AN AGREEMENT WITH AMERICAN LEGION BASEBALL, INC.
12. **Resolution No. 14-013** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE ADA AND TITLE VI GRIEVANCE POLICIES AND PROCEDURES AS ESTABLISHED BY RESOLUTION NO's. 04-012, AS AMENDED BY 13-008 TO DESIGNATE MELISSA TOSI, HUMAN RESOURCES DIRECTOR, AS THE ADA COMPLIANCE OFFICER.

ROLL CALL: Adams Aye; Miller Aye; Evans Aye; Edinger Aye; McEvers Aye.

Motion Carried.

COUNCIL ANNOUNCEMENT:

Councilman McEvers stated that the Museum of North Idaho is now open for the season. They are open from 11-5 Tuesday through Saturday. He encouraged the community to stop by and check out the Museum.

MAYOR ANNOUNCEMENT: Mayor Widmyer stated that last week the community lost a wonderful person, Dr. Dick Smart. He stated that he will be greatly missed and sent condolences to the family.

ADMINISTRATOR'S REPORT: Finance Director Troy Tymesen stated that Mayor Widmyer was a keynote presenter at Rotary last Friday. He applauded the former city leaders for their visionary approach that has led Coeur d'Alene into a prosperous future. Forty-four years of Coeur d'Alene leadership were united at the meeting in an unprecedented gathering that featured seven Lake City mayors, with the late Mayor Ray Stone being represented by his wife, Betty, who attended a luncheon at the Coeur d'Alene Resort. City Street crews continue to work in the downtown replacing sidewalk and pedestrian ramps to bring them into compliance with the Americans with Disability Act. Sweepers have now moved into the residential areas for "spring" cleanup. For the last month crews have concentrated on the arterials in anticipation of warmer weather and striping. The Freedom Tree has been replaced in McEuen Park and will

reach a maximum height of 50 to 75 feet with a spread of 10 to 20 feet. The former Freedom Tree, a 65-foot Norwegian Spruce, was removed in March 2013 as part of the McEuen Park reconstruction project. The tree was planted in the mid-60s to prevent Fourth Street from encroaching onto Tubbs Hill, but was later given the title of the Freedom Tree in 1972 following the capture of Fred McMurray, a fighter pilot from Coeur d'Alene, in Vietnam. An attractive Donor Wall is planned for McEuen Park that will provide the opportunity for citizens to make a permanent impression, while supporting citywide parks. The Panhandle Parks Foundation has made the initial payment of \$25,000 to the City to construct the wall, with an additional \$17,000 promised as donations are received. The granite donor wall will be placed at the western end of the park near the Fourth Street entrance to McEuen Park. For a donation of \$500 per line you can have your family name, business or a loved one's name engraved in one of six granite plaques. There are only 380 lines available and many have already been sold. Donations received will be used for maintenance and amenities for all Coeur d'Alene Parks and help to secure property for future parks, open space, and recreational facilities. For information on how to be a part of this exciting project contact Kim Stearns, Panhandle Parks Executive Director, at 818-6922, or email her at kim@panhandleparksfoundation.org. The Arts Commission recently sponsored a booth for the Summer Arts Program for Youth at the Art on the Edge Kids Carnival. Thanks to volunteer Yvonne Benzinger for her hard work and support of arts for youth. Craig Etherton, an 11-year veteran of the Coeur d'Alene Fire Department, was recently named Employee of the Year by the department. Etherton joined the Coeur d'Alene Fire Department in 2003 as a Firefighter. He was promoted in 2012 to Fire Inspector. Previous to that, he served six years as a volunteer with the Post Falls Fire Department. In February, Etherton was voted into the position of President of the Kootenai County Fire Prevention Cooperative, which consists of fire department public educators that are dedicated to promoting fire prevention and life safety by building public knowledge. The Library will be celebrating National Library Week April 13-19. Activities include a poetry slam on Monday, April 14th at 7:00 p.m.; a Family Build-a-Book program on Wednesday, April 16th; a financial workshop "Become Debt Free;" and an author program on April 17th. Author and scholar Rodney Frey will speak on the importance of storytelling in all cultures on April 17th at 7:00 p.m. Sponsored by the Library Foundation and in conjunction with the Story Catcher Project, this program is also presented in remembrance of Cliff SiJohn and the elders of the Coeur d'Alene Tribe. Spring programs for children continue through April 25th. Please call the library at 769-2315 or visit the website at cdalibrary.org for a list of programs for all ages. Charles VanKeuren started his employment as a Utility Worker I in the Water Department on March 24th. Charles' past year of water industry experience comes from being employed by the City of Moscow. Born and raised in Moses Lake, Washington, Charles joined the Army right out of high school, served 10 years in the military and is an Iraq veteran. Charles graduated from the University of Idaho and on his off time enjoys hunting, fishing, camping & four-wheeling. Welcome newly hired benefited Parks Department employees: Parks Lead Worker DeEtte Haralson; Cemetery Lead Worker Nick Goodwin; Grounds Worker Tom Meek; and Grounds Worker Mark Walter. Congratulations to Ann Eckhart, Deputy City Attorney, and Wes Somerton, Chief Criminal Deputy City Attorney, who received their State of Idaho Peace Officers Standards and Training Instructor Certification, which allows them to instruct Law Week courses at the North Idaho College Law Enforcement Basic Patrol Academy. Wes Somerton was also recently appointed to the Idaho Supreme Court Children and Families in the Courts Committee, Domestic Violence Court Subcommittee. This

appointment is the result of Wes' reputation for legal excellence in the courts and his work as a member of the Kootenai County Domestic Violence Court Implementation Team.

**ORDINANCE NO. 3479
COUNCIL BILL NO. 14-1002**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 2.100.020 TO EXPAND THE CDATV COMMITTEE AND MODIFY ITS MEMBERSHIP; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

MOTION: Motion by Edinger, seconded by McEvers to pass the first reading of Council Bill No. 14-1002.

ROLL CALL: McEvers Aye; Evans Aye; Miller Aye; Edinger Aye; Adams Aye. **Motion Carried.**

DISCUSSION: Councilmember McEvers stated that the CDATV Committee has been working to put additional people on the committee and felt it was important to add Panhandle Health District as a specified member to the committee.

MOTION: Motion by McEvers, seconded by Edinger to suspend the rules and to adopt Council Bill No. 14-1002 by its having had one reading by title only.

ROLL CALL: McEvers Aye; Evans Aye; Miller Aye; Edinger Aye; Adams Aye. **Motion Carried.**

FINDINGS AND ORDER FOR ZC-1-13; MULLIGAN INVESTMENTS, INC., A ZONE CHANGE OF A PORTION OF "THE LANDINGS AT WATER FORD 10TH ADDITION" FROM R-3 (RESIDENTIAL AT 3 UNITS/ACRE) AND C-17L (LIMITED COMMERCIAL AT 17 UNITS/ACRE) ZONING DISTRICTS TO R-8 (RESIDENTIAL AT 8 UNITS/ACRE) ZONING DISTRICT.

MOTION: Motion by McEvers seconded by Evans to approve the Findings and Order for ZC-1-13; Mulligan Investments, Inc., a zone change of a portion of "The Landings at Waterford 10th Addition" from R-3 (residential at 3 units/acre) and C-17L (Limited Commercial at 17 units/acre) zoning districts to R-8 (Residential at 8 units/acre) zoning district. **Motion Carried.**

RESOLUTION NO. 14-014

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CITY OF COEUR D'ALENE PERSONNEL RULES MANUAL BY AMENDING RULE XXII: POLICE & FIRE PAYBACK PROGRAM, ADDING A CONDITION OF EMPLOYMENT FOR FIRE.

Staff Report: Human Resource Director Melissa Tosi explained that this amendment adds the Fire Department payback program as a condition of employment and mirrors the Police Department program that is already in place. The reimbursable costs are related to medical, training, background checks, and uniforms that have been paid by the City. The Fire Department and Union are in agreement with this rule change.

MOTION: Motion by Edinger, seconded by McEvers, to adopt Resolution No. 14-014.

ROLL CALL: Miller Aye; Evans Aye; Edinger Aye; McEvers Aye; Adams Aye. **Motion Carried.**

PUBLIC HEARING: SP-6-13 (Quasi-Judicial) APPEAL OF THE DENIAL OF THE FORT GROUND REQUEST FOR R-8 SINGLE FAMILY DESIGNATION.

STAFF REPORT: Planner Sean Holm stated that this appeal is based on the Planning Commission denial of the Special Use request at their meeting held January 14, 2014. The Fort Grounds Home Owners Association is the applicant and he provided a review of the area of the request and the existing land uses and zoning. He explained the basis of the request is related to Municipal Code Section 17.09.205, which allows a neighborhood sponsor to restrict development to single-family detached housing only at eight (8) units per acre. He reviewed the 3 findings that the Council would need to determine for this item that includes that this proposal is or is not in conformance with the Comprehensive Plan polices; that the design and planning of the site is or is not compatible with the location, setting, and existing uses on adjacent properties; and that the location, design, and size of the proposal are such that development will or will not be adequately served by existing streets, public facilities and services. He clarified home occupation permits would still be allowed. Mr. Holm stated that 147 notices were mailed and there are no recommended conditions.

DISCUSSION: Councilmember McEvers asked if this was a new hearing. Interim Planning Director Warren Wilson stated that the information provided in the Council packet could be taken into account as well as testimony received tonight. Councilmember Evans asked for additional information regarding the R-8 allowances, as it appears that accessory dwelling units would no longer be allowed. Mr. Wilson stated that there are three listed type of uses within each zone; Principle Use allowed by right; Accessory Uses that are by right, but not the main property use which is where accessory dwelling units will continued to be allowed; and Specially Permitted uses that required special approval through the Planning Commission.

PUBLIC COMMENTS:

Applicant: Ken Murphy, Coeur d'Alene, stated that he was representing 90 people and asked for additional time for his presentation. The City Council agreed to supply an additional amount of time for his presentation. He stated that he retired in 2012, and that he has lived all around the nation and chose to retire to Coeur d'Alene. He wanted a small, rich in character, nice neighborhood to live in and was willing to pay a premium to get it. The reason the special permit is being requested is due to the multifamily dwelling unit. Mr. Murphy stated that the comprehensive plan references a need to protect the residential nature of the neighborhood. City code states that this should conform to the comprehensive plan, be compatible with adjacent properties, and be adequately served by utilities. There are currently 116 properties that are single family uses. Additionally, the Comprehensive Plan states that the Fort Ground area is the historical heart of the City and held out as unique and the oldest neighborhood that should be preserved. He referenced the petition wording that stated that they want to limit the district to single family dwellings and that the petition had 90 valid signatures. He stated that a higher density use would increase traffic flow. Additionally, he believes that this request is a limiting of use not a loss of property value as limited rights do not lower property value. Mr. Murphy stated that the current zoning is an imminent threat as there are currently 24 properties that could be developed into multi-family. He reiterated that their request is to preserve the neighborhood. He clarified that there are 68 homes on the national historic register and that if this request is not approved they believe property values will decline, as well as the character and nature of the neighborhood.

Opponent: Rick Gunther, Coeur d'Alene, stated that he believes that the requested overlay will adversely affect the property value within the Fort Grounds. He has lived in the neighborhood for 33 years and has remodeled and sold many properties within the neighborhood. Some residents felt misled by the petition and threats of new development privatizing the beach and that they did not understand the impact of the overlay district. He believes the Planning and Zoning Commission was confused by what the overlay district would do and hoped the City would clarify what the district would do. Mr. Gunther referenced the recent code regarding the reduction of the threshold requirement, and that he did not know about the public hearing and would have opposed it. The neighborhood is historic land and more houses have been remodeled or torn down, and it will continue to be changed and he believes property values increased. He clarified that there would be approximately 5 families that would be able to do a multifamily home, and it would not make sense to tear those houses down. He believes the character of the Fort Grounds will continually change and pointed to other similar locations around town like Foster Avenue. The properties abutting his development did not oppose the project and they would be most affected. Mr. Gunther stated that the multi-family development will be a great project when it is complete and it is the most premier spot in Coeur d'Alene.

Councilmember Edinger asked about the notification regarding the threshold code change. Mr. Wilson stated that this has been a long discussion with the Fort Grounds Homeowners, who had requested what they could do to prevent multi-family development within the neighborhood. He and retired Planning Director Yadon reviewed options within the code and the special use permit was the only option that would work for this neighborhood. This option has only been used once in the history of the City. The Fort Grounds Association gathered signatures and fell a bit short of the needed percentages. They requested the City to change the code and the code required notifications

were met as well as various newspaper articles. Ultimately, the City Council approved the threshold change, which allows the applicant to move forward to the hearing process, and then the public hearing process moves the item forward. Councilmember Miller stated that March 14, 2013 was when the notice for the public hearing went out. Councilmember Edinger stated that based on the large number of people signed up to testify, he would like to change the testimony from five to three minutes. Mr. Wilson stated that he would not recommend the City Council make such a motion as existing case law states no less than 5 minutes should be provided and asked that people keep their comments brief and not reiterate what was already said.

Marlo Faulkner, Coeur d'Alene, stated that she wanted to address what is a historic district. She lives in the home she was raised in and it was built in 1907. In 1905 the Fort Sherman subdivision was created and it had a restricted deed that stated that development will be single family and set forth certain setbacks. In 1992 the National Historic Society qualified the neighborhood as a historic district. Today there are 65 structures with period architecture and there is a historic lay out to the streets. Ms. Faulkner stated that the three findings should be found in the affirmative as they do meet the Comprehensive Plan and that the neighborhood has been stable until recently. Councilmember Miller asked if the homeowners association is incorporated. Ms. Faulkner stated that an organized association began in 1907 and 1912, and has been inactive and active over the years. In 1972 the association became very active against the college to fight eminent domain, and has met regularly since. They have a website, provide notification of meetings, but there are no dues and membership is voluntarily.

Catherine McLandress, Coeur d'Alene, moved to Coeur d'Alene in 1958, and lived on Wallace Avenue and later lived in the Sanders Beach area. She always wanted to live in the Fort Grounds to raise their children, and eventually was able to move there. She stated that they are able to sit on the porch and talk with neighbors, which is different that most of the country. She believes this is important to protect, and requested the City Council approve the special use permit for the single family designation.

Tom Melbourn, Coeur d'Alene, quoted a portion of the zoning ordinance, which is more restrictive than the Comprehensive Plan. While the Comprehensive Plan and daily life often conflict, it should be a balance of private property rights and competing uses. Ordinances prevent disruptions like barking dogs and stray bullets. Until recently the association members were under the impression they would continue to be an area of single family homes with the zoning of the area as R-8. Mr. Melbourne stated that the Special Use Permit would eliminate multifamily development, but allow accessory uses such as accessory dwelling units, like mother-in-law quarters. He asked the City Council to preserve the historical nature of the neighborhood.

Kevin Cooke Coeur d'Alene has lived in the neighborhood for 25 years. He stated he is in support of the proposal, as it is important to preserve the character of the neighborhood.

Kevin Kok, Coeur d'Alene, stated that when she and her husband were looking for a neighborhood in Coeur d'Alene they looked at the quality of life style, character of the neighborhood, and location. The historical district sign at the entrance to the neighborhood indicated to her that the character of the neighborhood would be protected. She stated that hundreds of people walk through

their neighborhood as they enjoy it as a special place of the community. She asked council to consider the special use permit request.

Ed Kok, Coeur d'Alene, stated that he told the City Council ten years ago that no one should tell his neighbors what they should do with their property, but that it is important to equally weigh wants. He stated that this is not about money but it is about management of an important resource. He stated that values are more than just economics; it is a preservation of the neighborhood culture. Mr. Coup believes this gives everyone a tool to see if this is good for the neighborhood.

Dena Williams, Coeur d'Alene, stated she is in favor of the special use permit; and read a letter from Judy Blake White in support of single family dwelling. She also read a letter from Ron Yates who has fond memories of Coeur d'Alene but does not live here anymore. The letter stated that he lived in three different homes in the Fort Grounds and supports the protection of the historical nature. Another letter from Nancy Roads Spiker was read, who stated that she was raised in Fort Grounds and that the history of the neighborhood is single family dwellings and she supports of the single family designation.

Richard Shaffer, Coeur d'Alene, stated he has been a resident of North Idaho for 22 years and has lived the past two in the Fort Grounds. He believes the historic designation adds value to the homes, and to the fabric of the community. The National Historic Register guidelines are voluntary, but those that buy within the neighborhood understand the intent. Mr. Shaffer stated that he might not have bought his home had he realized it was not protected as a single family neighborhood. He stated that the Comprehensive Plan protects the character of the Fort Grounds and that he is in full support of the petition and asked the City Council to preserve the historic nature of the neighborhood.

Ann Melbourn, Coeur d'Alene, asked the City Council to support the request and reiterated that the association was created in 1907 and the original lots had a single family deed restriction until the 1983 rezoning made deed restriction unenforceable. She stated that there are a limited number of lots for multifamily uses but developers can buy several lots and seek lot line adjustments to create large developable areas. The approval of the special use permit would uphold the Comprehensive Plan.

Dick McLandress, Coeur d'Alene, stated that the vast majority of owners signed the petition and that the request boils down to maintaining the character of the community. He believes the neighborhood is a place to be a child and a place to grow old, as there is support of the young and old around the neighborhood. He asked the City Council to be in favor of the request.

Steve MacCaskill, Coeur d'Alene, stated that he is in support of the petition and reiterated that he knew what he was signing when he signed the petition. He stated that he is proud to say that he lives in the Fort Grounds. He reiterated that the character is important.

Marty Mueller, Coeur d'Alene, reiterated that living in the Fort Grounds is special. He stated that recent removal of an old home with its replacement with a multifamily dwelling that dwarfs the neighborhood does not fit. He asked the City Council to help preserve the neighborhood.

Patti Jester, Coeur d'Alene, said that at the Planning Commission meeting it was stated that there are only a few properties large enough to be converted to multifamily uses. She stated that there are six properties that are 11,000 square feet and are large enough for multi-family housing and four lots that can be constructed as four dwelling units; with twenty four lots in all. This is more than a few (as stated by the Planning Commission) and would be impacting to the neighborhood and over time the maximum density of lots could be 21 units in one block. Ms. Jester stated that if the six homes along Park Drive were removed they could be replaced with 13 dwelling units and that this risk is scattered throughout the neighborhood. This higher density and structures are not in keeping with the character of the neighborhood. Additionally, on-street parking is a constant issue and any additional density will increase parking issues, removal of mature trees, increased absentee owners, and blocked views and vistas. She asked the City Council to protect legacy of the neighborhood for future generations.

Tanden Launder, Coeur d'Alene, stated that he represented the younger generation and hopes to be able to point to the great neighborhood for future generations and asked it be preserved.

Robert Schini, Coeur d'Alene, stated that he was raised at 205 Park Drive and that it was a great place to be raised. After High School he went on to dental school and wanted to come back to Coeur d'Alene due to his fond memories in the Fort Grounds. He believes the Fort Grounds neighborhood is an awesome place and wants it to be protected for future generation, as he believes it would encourage youth to come back and be leaders within the community. He is in support of the Special Use Permit.

Karen Lawson, Coeur d'Alene, stated that she purchased her home in the Fort Grounds in 2000. It is a craftsman bungalow over 100 years old and it is on the National Historic Register. The neighborhood is unique and Norman Rockwell is often referenced to describe the neighborhood. Most of the residences want to see the character protected. She does not believe that condominiums reflect the character and it would be sad to see more developed. She referenced a book called "The Little House," with the reoccurring theme of change within a neighborhood and a home being relocated out of its neighborhood due to development.

Steve McCrea, Coeur d'Alene, spoke in opposition of the Special Use Permit. He stated that he moved into the neighborhood in 1981 with a duplex across the street. The National Register talks to the neighborhood consisting of multi and single family dwellings. He does not see anything wrong with people who choose to live in common wall houses without yards. He sees it as enhancing the neighborhood, and that the limit is the density that is set forth in the zoning regulations. The Comprehensive Plan discourages urban sprawl and encourages infill and development of areas within the city limit boundaries, and encourages diversity of housing. Mr. McCrea stated that the current building regulations and zoning allows large houses on little lots with no setbacks. He stated that there have been 11 new houses built since 1981 that are not historic and many existing houses have been remodeled. Many of the homes within the neighborhood have apartments within them and would be considered multifamily housing. He stated that he wanted to provide a different perspective.

Gil Stinson, Coeur d'Alene, stated he owns three properties in the Fort Grounds, and is worried about the future, and that he is in favor of single family dwellings.

RECESS the Mayor called for a 5-minute recess at 8:38 p.m. The meeting resumed at 8:47 p.m.

Abby Torres, Coeur d'Alene, stated she was raised in the Fort Grounds neighborhood wherein she made life-long best friends. She is in support of the Special Use Permit. The charm and character of the neighborhood is known throughout the United States. She desires protection and preservation of the historical integrity of the neighborhood.

Barbara Mueller, Coeur d'Alene, stated that before she moved to the Fort Grounds she would walk through it as she felt it was very unique. People often stop by her yard and say how much they love the neighborhood. She agreed that change is inevitable, but felt that how it changes should be planned. She spoke to the feeling of the neighborhood, and asked the City Council to preserve what makes them unique and believes that multifamily dwellings have the potential to destroy the character.

Deb Cordes, Coeur d'Alene, stated that she signed the petition and knew what she signed. She stated that the Comprehensive Plan encourages the historic nature of the Fort Grounds neighborhood, and that the 2007 Comprehensive Plan has eight specific references to the Fort Grounds. The plan specifically mentions protecting and preserving existing neighborhoods from incompatible developments. She provided a copy of a post card the neighborhood received from a realtor/developer requesting to purchase more homes within the Fort Grounds. She believes that the advertisement is intending for homes to be sold and scraped with more multi-family structures to come. She asked the City Council to approve the Special Use Permit.

John Bruning, Coeur d'Alene, stated that he did not sign the petition, as his residence is outside of the R-8 zoning district; however, if he was within the area he would have signed the petition. He has been a member of the association for the past 10 years. He mentioned the Comprehensive Plan and its protection of the Fort Grounds neighborhood. As a past Planning Commission member he stated that the Comprehensive Plan is a vision statement of the city and is a guiding statement. He is asking that the City Council approve the Special Use Permit.

Debra Bell, Coeur d'Alene, spoke in opposition of the Special Use Permit. She understands the charm of the neighborhood and lives in a 1906 house that she loves, but she believes this request will not stop a person from tearing down a house and building something that does not fit. She believes the design of the houses is an issue and that is not addressed by the zone change. Ms. Bell stated that she bought her house as an investment with the potential for future development and that it does not seem fair to change now. An apartment in the top and bottom may not be an option anymore and would discourage a future buyer. She wants to have potential for future sale of the property.

Mr. Wilson clarified that this change would limit what they could do today. He mentioned that zoning codes are subject to change, so there is always a risk and clarified that this change would limit the ability to develop multi-family dwellings.

Roxanne Gunther, Coeur d'Alene, she stated that people are still good people if they live in a condo. The R-8 zone was developed by progressive people for downtown residences, the core of

Coeur d'Alene. The zone allows pocket housing, duplex, multifamily housing, and compact infill development which are all a part of progress. She believes that large lots with one single family are wasted space. In the Fort Grounds the average lot is 50'x110' however, the property at 701 W. Lakeshore had lots combined when taxes were low, with an old home moved to the parcels in 1955. Last winter the heating bill for that house was over \$800 a month for a family of two and the taxes were over \$1,300 a month, which was not efficient for two people. The new multi-family units will be energy efficient and an asset to the area. This is a transition within the downtown area and is progressive. The area is historical as it came to be after 1878 Fort Sherman, but there are no CC&R's for the neighborhood. Ms. Gunther stated that CC&R should be the solution, not the Special Use Permit. She stated that there are twelve locations that could be developed into multi-family dwellings not twenty four. She believes that not allowing people with larger lots to develop will take away their property options and she would call that a taking. The neighborhood is an R-8 zone and those who bought within the neighborhood knew that was the zone.

Judy Cicanese, Coeur d'Alene, stated that she came from Florida and when she moved here she found the Fort Grounds neighborhood and loved it due to its atmosphere, camaraderie, and its history. She is opposed to multi-family development and would like to see the historic nature of the neighborhood preserved. She read two letters into the record. The first letter was from William Roads who lived in the Fort Grounds in 1957, he is requesting the historic neighborhood be preserved and for the City Council to vote yes. The second letter was from Jim Lepard who reiterated the Comprehensive Plan objectives and its support of the preservation of the historic neighborhood. He asked the City Council to adopt the code for single family homes only.

Frank Lawson, Coeur d'Alene, stated that he has lived in Fort Grounds neighborhood since 2000 and serves on the board of the association. He agrees with points that have already been made and does not believe that the Mayor and City Council would want to see a wall of condos along Park Drive. He believes the property values will go down and with one currently built it will encourage more of the same.

Greg Gillespie, Coeur d'Alene, read a letter from Cliff Fender, who previously owned the home he currently now lives in. Mr. Fender is in support of the Special Use Permit. Mr. Gillespie moved here in 2004 after a vacation to the area in 1984 because he was so impressed with the area. He stated that the Fort Grounds is a truly beautiful neighborhood and they choose to live there. He expressed disappointment that there are condos where a historic home once existed.

Terry Godbout, Coeur d'Alene, stated that he has been a resident of Coeur d'Alene for over 20 years and currently owns a home in the Fort Grounds. He clarified that the association is seeking a Special Use Permit not an overlay district and that the code worked for the Pinegrove subdivision and should be approved for the Fort Grounds. He believes the explanation given to turn this down at the Planning Commission included that the zoning only affected four or five lots; they have now shown that it is 24 lots that could be immediately converted to multi-family. Additionally, anyone can buy a couple lots and adjust lot lines to make them developable as multifamily, so it is a threat to the neighborhood.

Mary Godbout, Coeur d'Alene, read a letter on behalf of Donald Gumprecht, which provided a brief history of the association. The goal of the association was to maintain the physical and emotional

character of the neighborhood. The letter stated that the future the neighborhood needs the protection of single family dwelling zoning.

Albert Martinez, Coeur d'Alene, stated that the presence of so many neighbors is a testimony to the strength of the neighborhood. He is a 25 year resident of Coeur d'Alene and has lived in the Fort Ground for the past couple years and he values the neighborhood. He stated that the neighborhood homes are not speculative investments. The charm, history, and sense of community drove him to buy in the neighborhood. He asked the City Council to support the proposal.

Dan Geiger, Coeur d'Alene, stated that he is against this proposal. He has owned property in the Fort Grounds for 10 years and does not regret it, but when he bought it the property was zoned a certain way. He understood he could not build a duplex because of how it is zoned, he is not asking the City to change the zoning to suit him. He believes there are approximately 24 lots that might have been purchase the zoning to build duplex or condos and does not believe there is anything wrong with it and he does not want to take away private property rights by downzoning. He asked the City Council to consider the property rights of others.

Jan Thomas, Coeur d'Alene, stated that her main points have been covered by others. She stated that she has lived in Fort Grounds for eight years, and moved there for same reason as others. She believes that there is vulnerability for the neighborhood without the Special Use Permit and wants to protect its existing character and asked for the City Council to provide support in favor of the permit.

Brinnon Mandel, Coeur d'Alene, stated that she is a proud Fort Grounds rookie as she just moved in six months ago and she is very happy to live in the neighborhood. She wanted to live downtown and wanted a good neighborhood and walkability. She believes there are other areas better suited for new development and townhomes. Additionally, she believes that protecting one neighborhood as historic ads a lot of value and provides an anchor to the community.

Kathryn Boss, Coeur d'Alene, stated that she was fortunate to buy a house in the Fort Grounds and live there 30 years. She believes it is a special place to live and encouraged the City Council to drive within the neighborhood and then compared it to what is being built on the shoreline to determine if it fits.

Kevin Jester, Coeur d'Alene, stated that the Fort Grounds is a wonderful neighborhood even if not all the neighbors are on the same page, but appreciates the City Council providing an objective ear. He noted that he is in agreement with earlier testimony and is in support of the Special Use Permit. He stated that he has lived in the Fort Grounds for 35 years and he loves this community and hopes that the City Council approves the request.

Jim Addis, Coeur d'Alene, stated that he shares a love of the neighbors but does not agree on the issue. He believes the request prohibits certain types of housing, that it is a taking of a right, and that it would reduce property values. He does not believe that this action passes the fairness test. He purchased a home built in 1950, which is not historic and that he understood the R-8 zone. Mr. Addis stated that he does not believe this request addresses the issue, and does not think the City

can legislate it, and feels that there should be another way to go. He urged the City Council to reject the appeal and uphold the Planning and Zoning Commission vote.

Amy Hewel, Coeur d'Alene, spoke in opposition of the request and stated that her parcel is over a half acre large and clarified that she bought the property thinking of options for the future. She stated that with the current zoning if she wanted to cut the acre into two lots she would have to remove the garage, so it limits what she can do and that the property taxes are burdensome. She stated that while some of the neighbors like the quiet and not so many people around, others enjoy hearing the concerts in the park and life around the neighborhood. Ms. Hewel stated that she thinks it is unrealistic to think that condo's will be popping up all over the neighborhood and that duplexes could be tastefully done, so more people would get to enjoy living in the Fort Grounds. She believes the request would dramatically affect her property value. She encouraged the adoption of CC&R's for the Fort Grounds.

Denny Davis, Coeur d'Alene, stated that he is only the fourth owner of his home in the Fort Grounds. His home was built in 1908 and he has spent a lot of time and money on it. He was involved with the association in preventing a dock but he does not agree with this request and he is not adverse to multifamily dwellings. There are only a limited number of tools for the City to deal with these types of issues. He believes this is not about the type of use but rather the size, scale, and setbacks. He recommended that a floor area ratio system would govern how much size of living structure would be allowed based on lot size although not an immediate solution.

Martin Stacey, Coeur d'Alene, reiterated that points from the Comprehensive Plan are pertinent and relative to this request. He stated that the Fort Grounds neighborhood is a place in the community that deserves protection and that this request is a starting point in protecting the historic area, though he does not live in the Fort Grounds he views it as sacred ground.

Applicant Summation: Roger Snyder, Coeur d'Alene, stated that he signed the petition for single family dwelling zoning and stands by his signature. He moved to the Fort Ground in 1981 and has a historic home that has been modernized and is efficient. He believes the request meets the requirements to comply with the Comprehensive Plan and that private property rights do not mean the developers rights trump everyone else's rights. He believes this permit would protect the neighborhood from irreparable harm. The Pinegrove neighborhood was in the same situation and the Fort Grounds is asking for the same consideration. Mr. Snyder stated that the neighborhood is supportive of community events and work jointly with the City to mitigate issues. He stated that he agrees there are out of scale single family dwellings that are an issue, but believes that to be a separate issue. He expressed fear that tomorrow someone could scrape a house and put up three dwelling units on a lot and does not that is what the comprehensive Plan intends. He also expressed concern that there would be a cascade of development occurring as there is a current incentive to scrape and replace with more units for economic gain. He stated that the Planning Commission was a tough presentation and that the group is better prepared tonight. Additionally, he felt the Planning Commission understood there were only a few lots affected and that has been rebutted and clearly demonstrated that there are 24 lots affected. Mr. Snyder did not believe this is a down zone, as it is an allowable Special Use Permit. He clarified that there are currently 68 historic homes and the neighborhood is at risk of losing them, as well as the character, large trees, and charm. He asked

the City Council to pass the request for a Special Use Permit for the sake of the City and future generations.

DISCUSSION: Councilmember Miller asked who the president of the Association was. Mr. Snyder clarified that it was Ann Melbourn. Councilmember Mill asked if there were existing Bed and Breakfast uses in the neighborhood. Mr. Snyder stated that there are no existing Bed and Breakfast establishments. Councilmember Miller asked what the Association can do if someone altered their home to remove it from the National Historic Registry. Mr. Snyder stated that it is voluntary, so the Association would take no action.

Councilmember McEvers asked if the City to weigh in the issue of property value. Mr. Wilson states that he would not be qualified to answer that question. Councilmember McEvers asked if this is a property rights issue. Mr. Wilson explained that with governmental action there is some impact to the property use; for example downzones can be done and would change property rights under zoning uses. He emphasized that uses are subject to change, the protection one has is to speak up during the public process. Councilmember Adams asked if there was a difference between an overlay and a Special Use Permit. Mr. Wilson stated that the Special Use Permit act as an overlay. Councilmember McEvers asked for clarification for those owning double lots and the effect of the Special Use Permit. Mr. Wilson clarified that they could split a lot; however, if some cases if the existing home crosses the lot line, it would have to be moved to be within one lot. The Special Use Permit would require that any new construction would have to be single family in nature. Councilmember McEvers asked where the protection of the historic nature fits in. Mr. Wilson stated that the decision is for the City Council to determine the Findings elements out of Comprehensive Plan and if the use is consistent. Councilmember Evans asked if the map presented regarding how many properties can be developed into multifamily dwellings was accurate. Mr. Wilson stated that he reviewed the map and felt it was accurate in indicating what lot could have two or more units, and confirmed it could change with acquisition of neighboring lots. Councilmember Evans asked if there were other options available for dealing with the issues concerning the neighborhood that were brought forward such as McMansions. Mr. Wilson stated that there would need to be new tools created such as a true overlay, standalone zoning district, and potentially the F.A.R. basis for maximum lot coverage. Councilmember Edinger stated that as he tracked the testimony eh found 8 people spoke in opposition and 34 people in favor. He stated that he has lived in Coeur d'Alene for 59 years and he always thought of the Fort Grounds neighborhood as a historical area. Councilmember Adams stated that he is a huge property rights person and gets stuck on rule of law, and that the City has a provision in the code for process and criteria for this Special Use Permit and all of that was met. He believes that 24 lots should not be considered as a few and that 68 historic homes is a substantial amount. Councilmember Adams stated that if there is a neighborhood that deserves protection in the City it is the Fort Grounds as it is the founding neighborhood of the City.

Councilmember McEvers admitted he was going back and forth during the testimony and in the end he felt that Pinegrove set the precedent. He believes the neighborhood has a bigger responsibility to protect the neighborhood through CC&R's as the Special Use Permit is only a step. Councilmember Miller agrees the neighbors will work it out and wish the City Council could mandate CC&R's and fears the Special Use Permit will not solve the problems described tonight. She felt that the lots outlined in yellow on the map are owned by people who do not

want to develop other than single family, so that would lower the number of concerning lots form 24. Councilmember Miller stated that she agrees with Ms. Bell's comments about their future and financial plans being taken away from them which she does not feel is fair. This is a special area to Coeur d'Alene but she does not feel this solves the problem of the fear that the Norman Rockwell look will go away, as that could still go away regardless of the Council's actions tonight. Councilmember Evans stated that she wished they could do more to protect the neighborhood as she does not feel the permit will solve all the problems for the Fort Grounds and encouraged the association to work toward additional solutions.

MOTION: Motion by Edinger, seconded by Adams, to approve the appeal of the denial of the Fort Grounds request for R-8 Single Family designation and to direct staff to create the Findings and Order

ROLL CALL: Evans Aye; Edinger Aye; McEvers Aye; Adams Aye; Miller No. **Motion Carried.**

ADJOURNMENT: **Motion** by Edinger, seconded by McEvers that there being no further business before the Council that this meeting is adjourned. **Motion Carried.**

The meeting recessed at 10:58 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk