

# Coeur d'Alene

## CITY COUNCIL MEETING

*April 15, 2014*

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**MEMBERS OF THE CITY COUNCIL:**

**Steve Widmyer, Mayor**

**Councilmen Adams, Edinger, Evans, Gookin, McEvers, Miller**

# PRESENTATIONS

PROCLAMATION

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

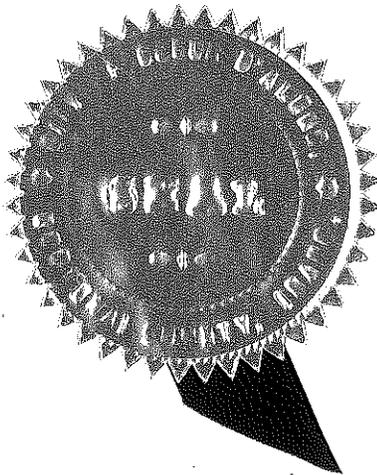
WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

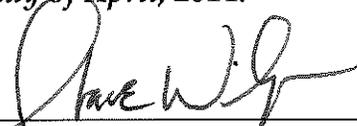
WHEREAS, Coeur d'Alene has been recognized as Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways; and

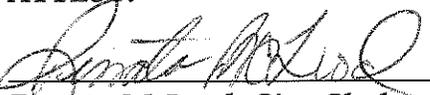
NOW, THEREFORE, I STEVE WIDMYER, Mayor of the City of Coeur d'Alene, Idaho, do hereby proclaim the week of April 20<sup>th</sup> to April 26<sup>th</sup>, 2014 as

**"CELEBRATION OF ARBOR DAY WEEK"**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of Coeur d'Alene to be affixed this 15th day of April, 2014.



  
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Steve Widmyer, Mayor

ATTEST:  
  
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Renata McLeod, City Clerk

# CONSENT CALENDAR

MINUTES OF A CONTINUED MEETING OF THE  
COEUR D'ALENE CITY COUNCIL  
HELD IN THE OLD COUNCIL CHAMBERS  
ON MARCH 25, 2014 AT 12:00 P.M.

The City Council of the City of Coeur d'Alene met in a continued session in the Old Council Chambers located at 710 E. Mullan Avenue held at 12:00 P.M. on March 25, 2014, there being present upon roll call a quorum.

Steve Widmyer, Mayor

Dan Gookin ) Members of Council Present  
Kiki Miller via Phone )  
Loren "Ron" Edinger )  
Steve Adams )  
Woody McEvers )  
Amy Evans )

**STAFF PRESENT:** Wendy Gabriel, City Administrator; Renata McLeod, City Clerk; Troy Tymesen, Finance Director; Mike Gridley, City Attorney; Gordon Dobler, City Engineer; Tim Martin, Street Superintendent; Ed Wagner, Building Official; Melissa Tosi, Human Resource Director; Katie Kosanke, Urban Forestry Coordinator; Warren Wilson, Interim Planning Director; Bill Greenwood, Interim Parks Director, and Keith Erickson, Public Information Coordinator.

**CALL TO ORDER:** Mayor Widmyer called the meeting to order and stated that the purpose of the workshop was to provide an opportunity for staff and the City Council to discuss the various codes and policies related to the sidewalks.

City Administrator Wendy Gabriel stated that the City has many aspects to management of sidewalks and asked staff to provide details. City Engineer Gordon Dobler stated that there are several ordinances related to sidewalks, the first of which provides authority to the City Engineer to demand sidewalks be repaired and/or replaced, which would only be invoked if there was a severe safety issue. He provided a review of the various Municipal Code sections, some pertaining directly to Americans with Disability Act requirements. Mr. Dobler clarified that when a person pulls a building permit they are required to repair the abutting sidewalks. If the valuation of the building permit is for more than \$30,000, then new sidewalks would be required. There are some exceptions to the code including extreme grade changes and lot frontages without sidewalks within 400 feet. Discussion took place regarding annexations such as Indian Meadows that do not have to install sidewalks as they continue to meet the exceptions. There are additional requirements/exceptions for LID areas and portable classrooms. Mr. Dobler clarified that sidewalks are installed with road projects such as Government Way and 15<sup>th</sup> Street. He reiterated that federal grants are an option, but often add cost, so he would only recommend seeking grants for very large projects. He stated that they recently applied for a Community Choices grant for Seltice Way. In the past there was very little development along Seltice Way, and the the developments that occurred were not required to put in sidewalks as there was no

curb along the roadway. A larger project would be the point to move forward with a sidewalk project, as Seltice way is designed and rebuilt. Mr. Dobler estimated the Seltice Way rebuild will be \$3 to \$5 million. He clarified that as subdivisions come in they pay a fee for curb and sidewalks and those funds and urban renewal funds could be added to the Seltice Way rebuild. Councilmember Adams asked if the City was in total ownership of Seltice Way. Mr. Dobler clarified that as the City annexed properties it gained ownership and that there is one small area past Grand Mill Boulevard that is still under Lakes Highway District. Councilmember Adams asked if the City could bond for roadway projects like Seltice Way. Mr. Dobler stated that bonding was an option.

City Finance Director Troy Tymesen stated that City has an ADA abatement program and a homeowner incentive program. Last year the incentive program was used more than any prior year, which provided \$15,430 in incentives. Street Superintendent Tim Martin oversees the \$200,000 ADA abatement program which includes a five year plan for City repair/replacement sidewalk areas. City Attorney Mike Gridley gave an update regarding the ADA and the case law related to overlaying a street and the requirement to bring abutting sidewalks into compliance. He stated that the Department of Justice is the regulatory agency over ADA requirements and that the City needed to make movement in meeting the sidewalk requirements.

Mr. Martin stated that ADA Abatement program began in 2008 and before that street crews were conducting pilot sidewalk projects in overlay areas such as Ramsey Road (truncated domes). He utilized an Ad Hoc Committee to determine the first five year plan areas, and they recommended a focus on accessible routes, not just an entire street frontage. Since the beginning of the program they have brought 72,172 sq. ft. of sidewalk into compliance. Currently, Best Avenue is the only street left in the five year plan to complete. This year they will finalize Harrison and begin the downtown project. They were considering working around the school areas as the next focus area.

Councilmember Gookin stated that he wanted to bring this issue forward because of ADA and the downtown activity, as citizens have asked why they should update the sidewalk in front of their house. Mr. Gridley clarified that it is a liability to the homeowner.

Councilmember Gookin asked how much it would cost if the City Council wanted to maintain sidewalks as part of the transportation system. Mr. Dobler stated that he did not have a cost, but they have surveyed the sidewalks and believes most of the repair that is needed is south of the freeway. Mr. Tymesen reiterated that the City is annually spending \$248,000 on sidewalks and \$650,000 for overlays. Councilmember Gookin stated that is his point with the City fixing sidewalks systematically, why should citizens fix their abutting sidewalks. Additionally, Councilmember Gookin felt that the \$30,000 threshold seems to be an easy amount to avoid the requirement for construction of new sidewalks and wondered if it should be raised annually. Councilmember McEvers expressed frustration with the effort to corner people who are trying to avoid the rule.

Mr. Martin stated that his department will often pick up small projects that make sense, such as a small sidewalk near a school and they have flexibility to work on the list of special projects/ADA Compliance issues as they arise. Councilmember Adams suggested tree damaged sidewalks be

prioritized. Councilmember Gookin stated responding to ADA and complaints should be a priority. Mr. Tymesen stated that \$40,000 is spent on concrete with the rest of the \$240,000 being spent on labor costs, as sidewalk repair/replacement is a labor intensive process. Deputy City Attorney Warren Wilson stated that there should be three elements in a valid sidewalk compliance policy a focus on civic, to commercial, then residential areas; compliance with overlay areas; and, a complaint driven process. Mr. Martin stated he will bring an updated five year sidewalk plan forward during the strategic planning process.

Councilmember McEvers stated that he feels good about the sidewalk compliance policy. Councilman Adams stated that he had not received any feedback regarding the sidewalks since he was elected to City Council. Councilmember McEvers stated that he was frustrated that two newly constructed hotels along Seltice Way will get free sidewalks. Ms. Gabriel stated that the City anticipates Seltice Way will develop and be more pedestrian-oriented, which is why the City sought out the grant for sidewalks. She stated that if the City Council wanted to provide feedback to staff with alternatives, please let her know and it will be reviewed.

Mr. Martin provided a brief update regarding the downtown ADA sidewalk compliance project. He stated that they will be able to plant two new small trees in front of the Resort City Inn and Avista will be removing two trees on 5th Street.

**ADJOURN: Motion** by Edinger, seconded by McEvers that there being no further business, this meeting of the City Council is adjourned. **Motion carried.**

The meeting adjourned at 1:55 p.m.

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Steve Widmyer Mayor

ATTEST:

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Renata McLeod, City Clerk

**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 to treasure 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. 4<sup>th</sup> 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 5<sup>th</sup> 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](mailto: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](http://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 10<sup>TH</sup> 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 10<sup>th</sup> 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 types of uses within each zone; Principle Use allowed by right; Accessory Uses that are allowed by right; and Specially Permitted uses that require a 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 neighbor 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 rooky 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.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk



April 1, 2014

Coeur d'Alene City Council

The Coeur d'Alene Downtown Association, in partnership with the Spokane Teacher's Credit Union (STCU), would like to provide free carriage rides in the Downtown area, traveling between 1<sup>st</sup> Street, East on Sherman to 6<sup>th</sup> Street, North on 6<sup>th</sup> Street to Lakeside Avenue, West on Lakeside Avenue back to 1<sup>st</sup> Street and the circle parking lot.

These rides would be available each Friday, August 8, 15, 22 & 29 from 5 pm – 9 pm.

The agreement to provide these rides was formed on the following requirements:

- ❖ Both the STCU and the Coeur d'Alene Downtown Association maintain General Liability insurance with coverage limits of at least \$1,000,000.
- ❖ The CdA Chamber parking lot has been allocated for the loading/unloading of the animals and carriages.
- ❖ Any animal wastes to be cleaned up by the carriage operator.
- ❖ The provider/operator of the animals will have final say as to inclement/unsafe conditions for the animals.
- ❖ The carriage rides will be offered free of charge.
- ❖ The carriage rides will be promoted in all of the Downtown advertising for the general holiday events.
- ❖ The Coeur d'Alene Downtown Association reserves the right to cancel the carriage rides if at any time practices detrimental to the general well being of the Downtown are brought to the notice of, and so voted upon by, the Downtown Board of Directors (or Executive Board).

We believe these carriage rides enhance the spirit of family fun during the Holiday season Downtown.

Terry Cooper

  
Terry Cooper  
General Manager

Coeur d'Alene Downtown Association

105 N. 1<sup>st</sup> Street, Ste. 100, Coeur d'Alene, ID 83814  
208-667-5986 208-415-0116 Fax 208-667-9338  
[www.cdadowntown.com](http://www.cdadowntown.com)

**BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually**

City of Coeur d' Alene  
 Municipal Services  
 710 Mullan Avenue  
 Coeur d' Alene, Idaho 83814  
 208.769.2229 Fax 769.2237

[Office Use Only] Amt Pd 333.33  
 Rec No 071189  
 Date 04-04-2014  
 Date to City Council: 04-15-14  
 Reg No. \_\_\_\_\_  
 License No. \_\_\_\_\_  
 Rv \_\_\_\_\_

Date that you would like to begin alcohol service 5-15-14

*Check the ONE box that applies:*

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input checked="" type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only COP \$12.50 Beer- Draft, can, bottled COP \$25 Wine additional \$25 Consumed on premise yes no Transfer from _____ to _____	\$

Business Name	<u>Doghouse</u>	
Business Mailing Address	<u>12733-185th Way SE Renton, WA 98059</u>	
City, State, Zip	<u>Renton, WA 98059</u>	
Business Physical Address	<u>110 North 4th St.</u>	
City, State, Zip	<u>Coeur d'Alene</u>	
Business Contact	Business Telephone: <u>425-985-2827</u> Email address: <u>heysuzi@comcast.net</u>	Fax: _____
License Applicant	<u>Suzi O'Brien</u>	
If Corporation, partnership, LLC etc. List all members/officers		

**CITY COUNCIL  
STAFF REPORT**

**DATE:** April 15, 2014  
**FROM:** Christopher H. Bates, Engineering Project Manager   
**SUBJECT:** Downtown Miller's Addition: Final Plat Approval

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**DECISION POINT**

Staff is requesting the following:

1. Approval of the final plat document, a nine (9) lot residential development.

**HISTORY**

- a. Applicant: Chad Oakland  
Miller Development Group, LLC  
1919 N. 3<sup>rd</sup> Street  
Coeur d'Alene, ID 83814
- b. Location: North side of Indiana Avenue between 11<sup>th</sup> & 12<sup>th</sup> Streets.
- c. Previous Action:
  1. Preliminary plat approval, February 2014.

**FINANCIAL ANALYSIS**

There are no financial issues with this development.

**PERFORMANCE ANALYSIS**

All of the utility main lines surrounding the development were existing, as well as the above ground infrastructure (curb, sidewalk, paving), therefore, lateral services were the only facilities that needed to be installed. The developer has completed those installations and the plat is now ready to record.

**DECISION POINT RECOMMENDATION**

1. Approve the final plat document for recordation.

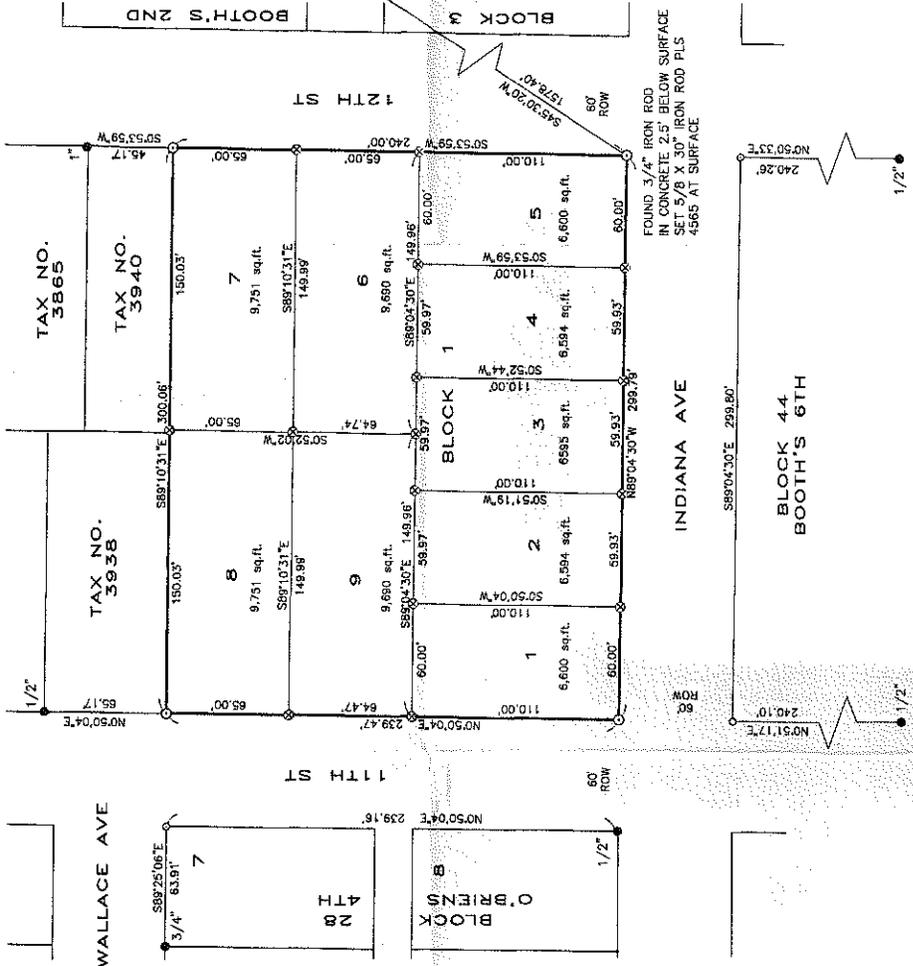
**DOWNTOWN MILLER'S ADDITION**  
 A PORTION OF THE SOUTHEAST 1/4 OF  
 SE 1/4 OF SEC. 13, TWP. 50 N., R. 4W., B.M.,  
 CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 No. \_\_\_\_\_  
 COUNTY OF KOOTENAI  
 AT THE REQUEST OF  
 TATE ENGINEERING, INC.  
 A.I. includes first o'clock \_\_\_\_\_ U  
 Date \_\_\_\_\_  
 By JIM BRAWNEN, RECORDER  
 Deputy  
 Fee \$ \_\_\_\_\_

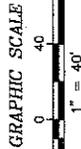


**VICINITY MAP**

FOUND 2" ALUMINUM CAP PER  
 CP&F 22440503000 FOR E 1/4  
 CORNER SECTION 13.



**GRID NORTH**



**LEGEND**

- FOUND IRON PIPE - SIZED AS NOTED
- ⊙ FOUND SECTION CORNER AS NOTED
- ⊙ SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP
- ⊙ STAMPED PLS 4565
- ⊙ SET 1/2" X 24" IRON ROD WITH YELLOW PLASTIC CAP
- ⊙ STAMPED PLS 4565
- ⊙ CALCULATED POINT
- ⊙ EXISTING FENCE

**RECORD DRAWINGS**

NUMBER	TYPE	DATE	BY
(1)	PLAT OF GARDEN PARK	BK. C PG. 138 1994	MORRIS
(2)	WPA MAP NO. 8	CITY RECORDS	
(3)	SURVEY OF TAX NO. 3938	CITY RECORDS	1963
(4)	SURVEY FOR C.A. LUNCEFORD	CITY RECORDS	1952
(5)	SURVEY OF E 1/2 OF TAX NO. 1517	CITY RECORDS	1952

**SURVEY METHODS**

GPS - TRIMBLE R8 W/GNSS USING RIK WITH  
 2 MEASUREMENTS AT EACH POSITION  
 CONVENTIONAL TRAVERSES WITH TOPCON GTS 235  
 INST.

**BASIS OF BEARING**

THE BASIS OF BEARING IS THE IDAHO WEST ZONE STATE  
 PLANE MAD 83/92 BASED ON COUNTY PUBLISHED  
 COORDINATE FOR NGS STATION K285.

**SURVEY NOTES**

1. ALL DISTANCES SHOWN ARE IN U.S.  
 SURVEY FEET.

**TATE ENGINEERING**  
 1103 N. 4TH STREET, COEUR D'ALENE, IDAHO, 83814  
 (208) 676-8708 FAX: (208) 667-2129

PROJECT #: 132277  
 DATE: 1/02/14  
 CHECKED: SWP  
 SCALE: 1"=40'  
 DRAWN BY: SON  
 PAGE 1 OF 1

*Pg 2 Submitted*

**DOWNTOWN MILLER'S ADDITION**  
**A PORTION OF THE SOUTHEAST 1/4 OF**  
**SE 1/4 OF SEC. 13, TWP. 50 N., R.4W., B.M.,**  
**CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.**

**CERTIFICATE OF OWNERS**

KNOW ALL MEN BY THESE PRESENTS: That Miller Development Group, LLC, an Idaho limited liability corporation, is the owner of the hereinabove described property and intends to include said property in this plat.

A portion of the Southeast 1/4 of the Southeast 1/4 of Section 13, Township 50 North, Range 4 West, Boise Meridian, City of Coeur d'Alene, Kootenai County, Idaho described as follows:

Commencing at a found aluminum cap monumenting the Southeast Corner of said Section 13, thence along the eastern line of said Section 13 North 00°00'00" East 1578.40 feet to a found iron rod at the intersection of the eastern right-of-way of Indian Avenue with the western right-of-way of 12th Street, said iron rod being the REAL POINT OF BEGINNING.

thence along said northerly right-of-way North 89°04'30" West, a distance of 286.75 feet to its intersection with the westerly right-of-way of 11th Street;

thence leaving said northerly right-of-way North 00°50'04" East, a distance of 236.47 feet to the Southwest Corner of that certain tract of land described in Instrument No. 1893782 (Records of Kootenai County, Idaho);

thence leaving said easterly right-of-way along the southerly line of that certain tract of land described in Instrument No. 1272863 (Records of Kootenai County, Idaho) South 89°10'31" East, a distance of 300.05 feet to a point on the westerly right-of-way of said 12th Street;

thence leaving said southerly line along said westerly right-of-way South 00°53'59" West, a distance of 240.00 feet to the REAL POINT OF BEGINNING.

Comprising 1.657 acres, more or less, being subject to all existing easements and rights-of-way of record or appearing on said tract.

Water and sewer service to be provided by the City of Coeur d'Alene.

Miller Development Group, LLC  
 By: Chad DeBarn, Managing Member

**ACKNOWLEDGMENT**

State of Idaho, }  
 County of Kootenai, } ss.  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said state, personally appeared Chad DeBarn, known or identified to me to be the Member of the limited liability company that executed the instrument of the foregoing description and acknowledged to me that such limited liability company executed the same.

Notary Public for \_\_\_\_\_  
 Reading of \_\_\_\_\_  
 Commission Expires: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, Ernest M. Warner, do hereby certify that I am a Registered Professional Land Surveyor, licensed by the State of Idaho and that this plat of Downtown Miller's Addition, as shown hereon, was prepared from an actual survey made on the ground under my supervision and accurately represents the points plotted hereon, and is in conformity with the State of Idaho Code relating to plats and surveys.

ERNEST M. WARNER, P.L.S.  
 REG. NO. 4555

**COUNTY RECORDER**

I hereby certify that this Plat of Downtown Miller's Addition was filed for record in the office of the Recorder of Kootenai County, Idaho at the request of \_\_\_\_\_ of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in Plat Book \_\_\_\_\_ at Pages \_\_\_\_\_ and \_\_\_\_\_ as Instrument Number \_\_\_\_\_.

Kootenai County Recorder

**HEALTH DISTRICT APPROVAL**

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLEPE) representing the City of Coeur d'Alene and the QLEPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this plat, the developer has not obtained a sewer easement or sewer extension from the developer. It is the responsibility of the appropriate building department to determine if the developer has obtained a sewer easement or sewer extension from the developer. In accordance with Section 50-1326, Idaho Code, if the developer fails to construct facilities then sanitary restrictions may be reimposed in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shaller requiring drinking water or sewer/septic shall be allowed.

Sanitary Restriction satisfied and lifted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 Panhandle Health District 1  
 Kootenai Health District 1

**CITY OF COEUR D'ALENE**

This plat has been examined by the Coeur d'Alene City Council and is hereby approved for filing this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and recording of this plat for Owner and/or Assignees does not guarantee availability of sewer treatment plant capacity or of subsurface treatment. Sewer treatment plant capacity is filed on a first come, first serve basis based on the time of application for building permit, unless the City of Coeur d'Alene adopts a policy modifying the same.

Mayor - City of Coeur d'Alene  
 Attest: Clerk - City of Coeur d'Alene

**CITY ENGINEER**

I hereby certify this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that I have examined this subdivision, plat and approve the same for filing.

Engineer - City of Coeur d'Alene

**COUNTY SURVEYOR**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I have examined this Plat of Downtown Miller's Addition and approved the same for filing.

Kootenai County Surveyor

**COUNTY TREASURER**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the required taxes on the herein plotted land have been paid through \_\_\_\_\_.

Kootenai County Treasurer

 <b>TATE ENGINEERING</b> 1103 N. 4TH STREET, COEUR D'ALENE, IDAHO, 83814 (208) 676-8708 FAX: (208) 687-2129		
PROJECT NO: 13227	DATE: 1/02/14	SCALE: N/A
DRAWING: 13.227PLAT	CHECKED: EMW	DRAWN BY: SDN

*Plat Submitted*



DATE: APRIL 9, 2014  
TO: MAYOR AND CITY COUNCIL  
FROM: PLANNING DEPARTMENT  
RE: SETTING OF PUBLIC HEARING DATE: MAY 20, 2014

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Mayor Widmyer,

The Planning Department has forwarded the following item to the City Council for scheduling of a public hearing. In keeping with state law and Council policy, the Council will set the date of the public hearing upon receipt of recommendation.

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
A-3-14	Proposed annexation from County I to City C-17 Applicant Rivers Edge Apartments, LLC Location: 2772 W. Seltice Way	Approve	Quasi-Judicial
0-1-14	Applicant: City of Coeur d'Alene Request: Below grade residential units in The NC (Neighborhood Commercial) and CC(Community Commercial) zoning districts	Approve	Legislative

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **MAY 20, 2014.**

# ANNOUNCEMENTS

# Memo to Council

DATE: April 9, 2014

RE: Appointments to Boards/Commissions/Committees

The following re-appointments are presented for your consideration for the April 15th Council Meeting:

JOHN "JACK" WILLIAMS  
ANN MELBOURN

PARKING COMMISSION  
PARKING COMMISSION

Copies of the data sheets are in front of your mailboxes.

Sincerely,

Amy Ferguson  
Executive Assistant

cc: Renata McLeod, Municipal Services Director  
Judy House, Parking Commission Staff Support

OTHER COMMITTEE MINUTES  
(Requiring Council Action)

Monday, April 7, 2014  
**GENERAL SERVICES COMMITTEE**  
**MINUTES**  
**12:00 p.m., Library Community Room**

**COMMITTEE MEMBERS**

Ron Edinger, Chairperson  
Steve Adams  
Amy Evans

**STAFF**

Mike Gridley, City Attorney  
Renata McLeod, City Clerk  
Steve Anthony, Recreation Director  
Kathy Lewis, Deputy City Clerk  
Wendy Gabriel, City Administrator  
Keith Erickson, Communications Coordinator  
Capt. Childers, PD  
Lt. Heintz, PD  
Capt. Clark, PD  
Juanita Knight, Senior Legal Assistant

**Item 1.           Approval of Patrol Apprehension Canine.**  
**(Agenda)**

Lt. Jay Heintz, Police Department, is requesting authorization to purchase a “Patrol Canine” with the abilities of suspect search, tracking, apprehension, handler protection, and narcotic detection for the total cost of \$21,537.00 from Alderhorst International utilizing Kootenai County Sheriff’s Office credit.

Lt. Heintz noted in his staff report that the Police Department’s canine program started in 2002 with canine Justice. A second canine was added in 2007 with canine Maxx. The purchase of a canine with apprehension capabilities is to replace canine Justice who retired in 2013. An apprehension canine with an officer brings the benefit of officer safety. Rather than risking an officer’s safety or life, deployment of an apprehension canine into a building to seek out potential threats during building searches lowers such risks. Apprehension canine teams also have the ability to provide searches for suspects which can reduce potential injury during an ambush situation or physical confrontation with suspects. Apprehension canines can do what man and his machines cannot; locate the presence of suspects by sensory means, at all times, anywhere, under some of the worst conditions. Lt. Heintz went on to explain the financial details, the training included in the proposal, as well as case study benefits of a canine as detailed in his staff report.

Councilmember Adams asked about the kennel from the previous canine. Lt. Heintz said the previous kennel was in a concrete slab and cannot be moved and they will have a new handler for this canine. Councilmember Adams asked how much money is in the asset forfeiture account. Lt. Henitz said approximately \$160,000.00.

**MOTION: by Councilmember Evans seconded by Councilmember Adams, to recommend that Council approve the acquisition of an apprehension canine from Alderhorst International as presented.**

**Item 2.           Acceptance of Art donation “The Great Escape.”**  
**(Agenda)**

Steve Anthony, Recreation Director, is requesting Council authorize the donation of the “The Great Escape Blue Heron,” by Artist Jerold Smiley for relocation to McEuen Park. Mr. Anthony further explained in his staff report that the Arts Commission began its ArtCurrents (art-on-loan) temporary art program in 2011. One of the goals of the ArtCurrents program was to encourage businesses or citizens to purchase some of the art pieces and

donate them to the city. The City's Art Commission receives a 25% commission on each piece it sells. This will be the 2<sup>nd</sup> piece that has been added to the city's collection as a result of the ArtCurrents program. The cost of the "The Great Escape Blue Heron" is \$10,500 and is being purchased and donated by Dr. Justin StormoGibson. The artist will receive \$7,875 and the remaining \$2,625 will be placed in the Arts Commission Maintenance Fund. The "Great Escape Blue Heron" will be maintained by the City in its public art collection. One of the goals of the ArtCurrents program is to have some of the art pieces on temporary display purchased and donated to the City for permanent display. "The Great Escape Blue Heron" won the 2013 People's Choice Award for best temporary art and meets all the criteria in our policy.

Councilmember Adams asked if this is the permanent placing for the art piece. Mr. Anthony said yes, however, they have a policy that states that the City can move the art piece if some unforeseen problem arises.

**MOTION: by Councilmember Adams, seconded by Councilmember Evans, to recommend that Council authorize the donation of the "The Great Escape Blue Heron," by Artist Jerold Smiley, for relocation to McEuen Park.**

**Item 3. Amendment to Childcare License regulations regarding playground requirements.**  
**(Agenda)**

Kathy Lewis, Deputy City Clerk, presented a recommendation from the Childcare Commission to amend Section 5.68.030 of the Municipal Code to adopt requirements for shade and availability of water on playgrounds. Ms. Lewis explained in her staff report that the Childcare Commission has brought this issue forward as they feel outdoor play areas have been overlooked in this area of safety and many children spend a great deal of time outdoors during the warmer temperatures. The Commissioners are concerned, as some childcare play areas contain open spaces that do not contain any trees or any form of shade. They utilize pea gravel, concrete, and other surfaces that retain additional heat in the summer months. The Commissioners also were adamant that there needs to be access to drinking water while outdoors in the sun as well to avoid dehydration and overheating.

Councilmember Adams asked if this was brought about by complaints. Ms. Lewis responded yes and that enforcement is provided by the Police Department's Code Enforcement. Ms. Lewis said when she receives a complaint she will contact the provider and generally gets compliance just from the phone call.

**MOTION: by Councilmember Evans, seconded by Councilmember Edinger, to recommend Council adopt Council Bill No. 14-1003 approving an amendment to Section 5.68.030 of Municipal Code to require shade and access to drinking water on playgrounds.**

**Item 4. Amendment to Childcare Code 5.68.140 (c) regarding violations.**  
**(Agenda)**

Kathy Lewis, Deputy City Clerk, requesting Council approve an amendment to Section 5.38.140 of the Municipal Code to read "Any facility receiving three or more violations of State of Idaho childcare health and safety regulations, international fire code, regulations, or childcare regulations of the Municipal Code, within a two year period may be subject to revocations and/or denial of renewal of license." Ms. Lewis explained in her staff report that The Childcare ordinances provide language for a misdemeanor for violations of the Municipal Code in Section 1.28.010 of the code. Chapter 5.68.140-C provides grounds for revocation if three or more violations of ratios occur within two years. Panhandle Health performs annual health inspections for the City and also responds to complaints filed with the City that regard health issues. The City receives copies of these reports. The health regulations are applied by the State through Panhandle Health with the regulations in State

Statutes and not the Municipal Code. The Fire Department also performs an annual inspection of the childcare facilities and also respond when complaints are filed that may relate to fire codes. The fire regulations are in the International Fire Code and not the City's Municipal Code. The Municipal Code for Childcare licensing needs to be expanded to not only include ratio violations but include 3 or more violations of state health and safety regulations, fire regulations, and City regulations regarding childcare facilities within a two year period.

**MOTION: by Councilmember Adams, seconded by Councilmember Evans, to recommend that Council adopt Council Bill No. 14-1004 approving an amendment to Section 5.68.140 to expand the language to not only include ratio violations but include 3 or more violations of state health and safety regulations, fire regulations, and City regulations regarding childcare facilities within a two year period.**

The meeting adjourned at 12:23 p.m.

Respectfully submitted,

*Juanita Knight*

Recording Secretary

**GENERAL SERVICES COMMITTEE  
STAFF REPORT**

DATE: March 13<sup>th</sup>, 2014

FROM: Jay C. Heintz, Police Lieutenant

SUBJECT: Patrol Apprehension Canine

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**Decision Point:** Authorization to purchase a “Patrol Canine” with the abilities of suspect search, tracking, apprehension, handler protection, and narcotic detection.

**History:** The Coeur d’Alene Police Department currently utilizes “Patrol Canines” with narcotic detection capabilities. The Police Department’s canine program started in 2002 with canine Justice. A second canine was added in 2007 with canine Maxx. The purchase of a canine with apprehension capabilities is to replace canine Justice who retired in 2013. An apprehension canine with an officer brings the benefit of officer safety. Rather than risking an officer’s safety or life, deployment of an apprehension canine into a building to seek out potential threats during building searches lowers such risks. Apprehension canine teams also have the ability to provide searches for suspects which can reduce potential injury during an ambush situation or physical confrontation with suspects. Apprehension canines can do what man and his machines cannot; locate the presence of suspects by sensory means, at all times, anywhere, under some of the worst conditions.

**Financial Analysis:** After research of several vendors, the list was narrowed down to five vendors. It was determined Kootenai County Sheriff’s Office proposal would be the most practical and financially sound choice for the purchase of an apprehension canine. KCSO has a \$10,000.00 non-refundable credit at Alderhorst International. KCSO would allow the Coeur d’Alene Police Department to use the credit to purchase an apprehension canine. The Police Department would reimburse KCSO in the amount of \$10,000.00. Working in partnership with KCSO, their proposal includes 400 hours of certification training taught by an instructor (Idaho POST certified) from KCSO. The 400 hours of training is broken down by 240 hours of apprehension training and 160 hours of narcotic detection training. KCSO also agrees to send two certified canine handlers to Alderhorst International to evaluate and select the most qualified apprehension canine available. Additional costs associated with the purchase of an apprehension canine are approximated at \$11,537.00. The additional costs include cement slab and fencing at the handler’s residence, apprehension canine equipment such as a bite suit and bite sleeve, muzzles, tracking harness, and leashes; food and veterinary care, and associated travel expenses for the canine handlers to travel to Alderhorst International. Total cost is \$21,537.00. KCSO’s proposal is the lowest cost to the Coeur d’Alene Police Department to purchase and train an apprehension canine. KCSO’s proposal saves the Police Department \$4,103.00 compared to the second lowest bid provided by Pacific Coast K9. Because of the unforeseen retirement of canine Justice, the expense of a new canine is not currently in the Police Department’s budget for 2013/2014. Funding would be accomplished by using dedicated dollars in the asset forfeiture account for this unbudgeted expense.

**Quality of Life Analysis:** Due to our changing environment, the community we serve expects their Police Department to be run as efficient as possible. Case studies have shown apprehension canine teams outperform officer only teams (consisting of 2-4 officers) during building searches

for hidden suspect(s). The case studies went further stating as the building size increases, the canine teams' time saving, accuracy and subjective reported certainty, far surpasses that of searching officers team. Coeur d'Alene Police Department's statistical categories (call volume) is much greater compared to Post Falls Police Department and Kootenai County Sheriff's Department who have a total of 5 apprehension canine teams combined. Coeur d'Alene Police Department's call volume where an apprehension canine may be used was 130.4% higher than Post Falls Police Department and 43.8 % higher than Kootenai County Sheriff's Department.

**Decision Point:** Acquisition of an apprehension canine from Alderhorst International utilizing Kootenai County Sheriff's Office credit.

## STAFF REPORT

**DATE:** April 7, 2014

**TO:** General Services Committee

**FROM:** Steve Anthony, Recreation Director

**SUBJECT:** Donation of Great Escape Blue Heron Public Art

**Decision Point:**

The Arts Commission is requesting the General Services Committee recommend the City Council authorize the donation of “The Great Escape Blue Heron,” by Artist Jerold Smiley for relocation to McEuen Park.

**History:**

The Arts Commission began its ArtCurrents (art-on-loan) temporary art program in 2011. One of the goals of the ArtCurrents program was to encourage businesses or citizens to purchase some of the art pieces and donate them to the city. The City’s Art Commission receives a 25% commission on each piece it sells. This will be the 2<sup>nd</sup> piece that has been added to the city’s collection as a result of the ArtCurrents program.

**Financial Analysis:** The cost of the “The Great Escape Blue Heron” is \$10,500 and is being purchased and donated by Dr. Justin StormoGibson. The artist will receive \$7,875 and the remaining \$2,625 will be placed in the Arts Commission Maintenance Fund. The “Great Escape Blue Heron” will be maintained by the City in its public art collection.

**Performance Analysis:** One of the goals of the ArtCurrents program is to have some of the art pieces on temporary display purchased and donated to the City for permanent display. “The Great Escape Blue Heron” won the 2013 People’s Choice Award for best temporary art and meets all the criteria in our policy.

**Decision Point:**

That the General Services Committee recommends the City Council authorize the donation of the “The Great Escape Blue Heron,” by Artist Jerold Smiley, for relocation to McEuen Park.

# PUBLIC HEARINGS

**CITY COUNCIL  
STAFF REPORT**

FRCOM: WARREN WILSON, INTERIM PLANNING DIRECTOR  
DATE: APRIL 15, 2014  
SUBJECT: A-2-14 – ZONING IN CONJUNCTION WITH ANNEXATION  
**LOCATION – +/- 13.14 ACRE PARCEL KNOWN AS 3600 W. NURSERY ROAD**

**Applicant:** U.S. Forest Service  
3815 Schreiber Way  
Coeur d'Alene, ID 83815

**DECISION POINT:**

The U.S. Forest Service is requesting approval of Zoning in Conjunction with Annexation from County Commercial to City C-17L (Commercial Limited) zoning district for a +/- 13.14 acre parcel.

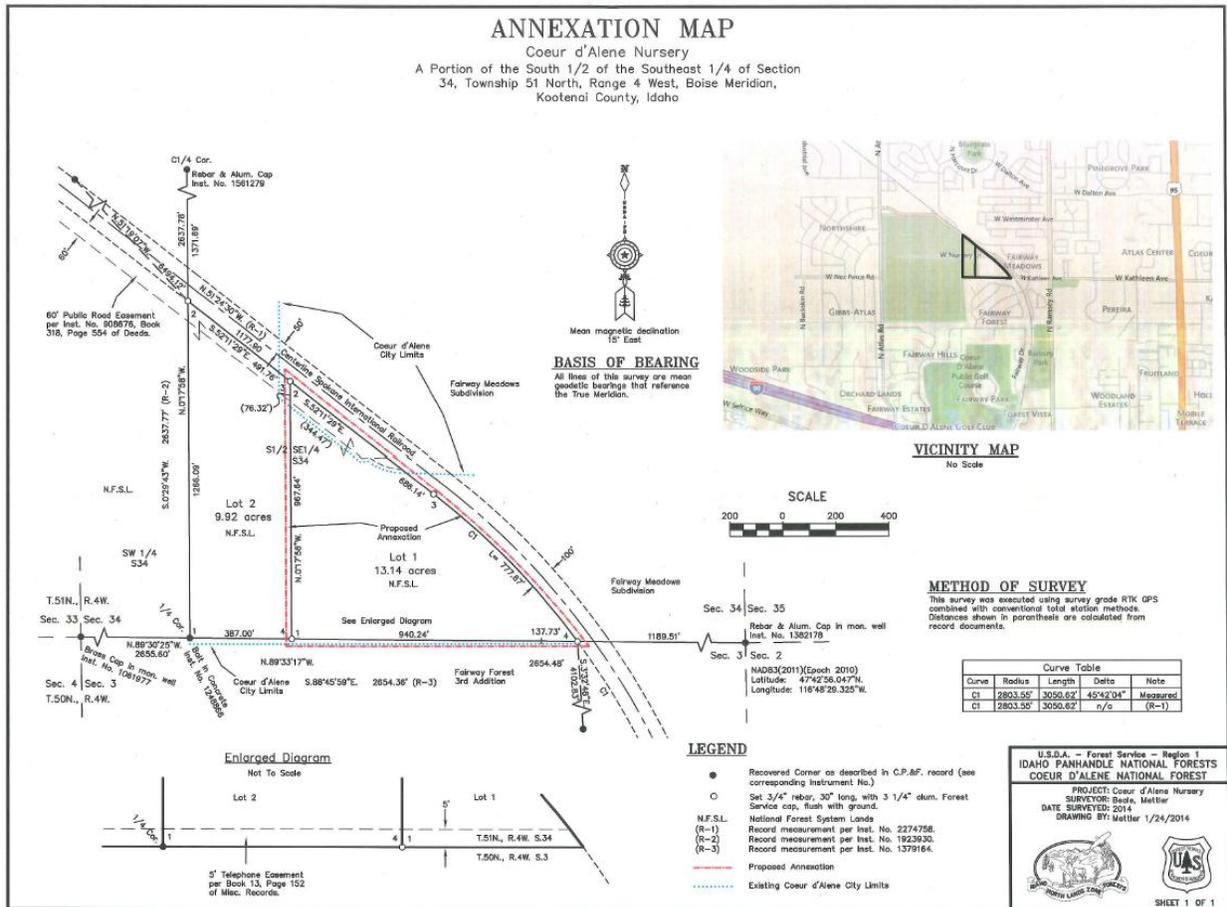
**GENERAL INFORMATION:**

The subject property is currently vacant and undeveloped. The current zoning in the county is Commercial.

**A. Aerial Photo:**



**B. Annexation Map:**



**COMPREHENSIVE PLAN AND FINDINGS ANALYSIS:**

**Finding #B8: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**

*This finding requires that the Council evaluate whether the proposed zoning is consistent with the Land Use Map of the Comprehensive Plan and generally consistent with the enumerated goals contained in the Plan.*

**A. Requested C-17L Zoning:**

The Applicant is requesting C-17L zoning upon successful annexation of the subject property. The C-17L zoning district is suitable as a transition between residential and commercial zoned areas and should be located on designated collector street or better for ease of access and to act as a residential buffer per Municipal Code (M.C. Section 17.05.570(C) this zoning district should be located adjacent to a collector street. Kathleen Avenue is designated as a collector street.

The C-17L district is intended as a low density commercial and residential mix district. This district permits residential development as specified in the R-17 zone (17 units to the acre).

The uses allowed in the C-17L district are as follows:

**PERMITTED USES; PRINCIPAL:**

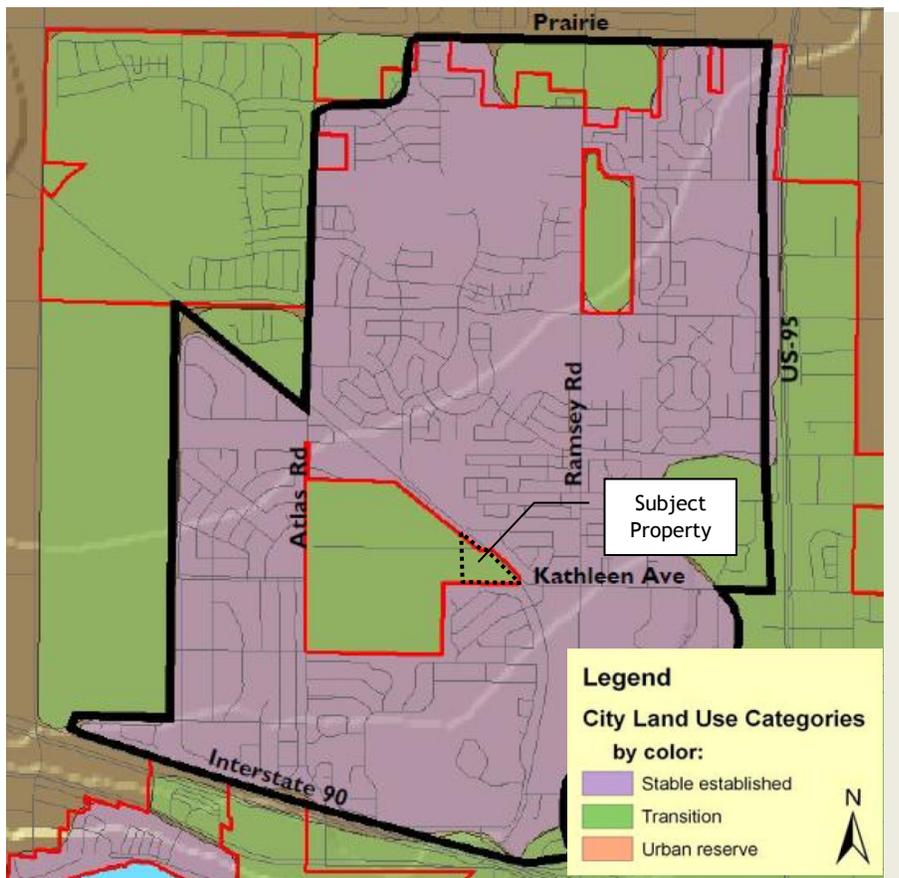
- |   |   |
|---|---|
| Administrative offices.   | Juvenile offenders facility.  |
| Automobile parking when serving an adjacent business or apartments. | Multiple-family housing (as specified by the R-17 district).        |
| Banks and financial establishments.                                 | Neighborhood recreation.  |
| Boarding house.   | Nursing/convalescent/rest homes for the aged.                       |
| Childcare facility.   | Personal service establishment.                                     |
| Commercial film production.   | Pocket residential development (as specified by the R-17 district). |
| Community assembly.   | Professional offices.   |
| Community education.  | Public recreation.  |
| Duplex housing (as specified by the R-12 district).                 | Rehabilitative facility.  |
| Essential service.  | Religious assembly.   |
| Group dwelling - detached housing.                                  | Single-family detached housing (as specified by the R-8 district).  |
| Handicapped or minimal care facility.                               |   |
| Home occupation.  |   |
| Hospitals/healthcare.   |   |

**Uses allowed by special use permit:**

- |   |  |
|---|--|
| Commercial kennel.                                    | Remaining uses, not already herein permitted, of the C-17 district principal permitted uses. |
| Commercial recreation.                                | Residential density of the R-34 district density as specified.                               |
| Community organization.                               | Veterinary office or clinic when completely indoors.   |
| Convenience sales.                                    | Wireless communication facility.   |
| Criminal transitional facility.                       |  |
| Food and beverage stores for off/on site consumption. |  |
| Hotel/motel.  |  |
| Noncommercial kennel.                                 |  |

B. **Comprehensive Plan Analysis:**

**COMPREHENSIVE PLAN MAP: RAMSEY-WOODLAND**



**Land Use Map Designation:**

As shown on the above map, the subject property is within the Area of City Impact and has been designated a Transition area within the Ramsey-Woodland land use area. **Transition areas are areas where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.**

Concerning the Ramsey – Woodland land use area the Comprehensive Plan states that the:

[c]haracteristics of the neighborhoods have, for the most part, been established and should be maintained. Development in this area will continue to grow in a stable manner. Lower density zoning districts will intermingle with the existing Coeur d’Alene Place Planned Unit Development (PUD) providing a variety of housing types. The northern boundary is the edge of the community, offering opportunities for infill.

[With additional growth] the characteristics of Ramsey - Woodland neighborhoods will be:

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Pedestrian and bicycle trails.
- Parks just a 5-minute walk away.

- Neighborhood service nodes where appropriate.
- Multi-family and single-family housing units.

**Significant Comprehensive Plan Policies:**

- Objective 1.01 - Environmental Quality:  
Minimize potential pollution problems such as air, land, water, or hazardous materials.
- Objective 1.02 – Water Quality:  
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.
- Objective 1.05 -Vistas:  
Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d’Alene unique.
- Objective 1.06 - Urban Forests:  
Enforce minimal tree removal, substantial tree replacement and suppress topping trees for new and existing development.
- Objective 1.12 - Community Design:  
Support the enhancement of existing urbanized areas and discourage sprawl.
- Objective 1.14 - Efficiency:  
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- Objective 2.01 - Business Image & Diversity:  
Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.
- Objective 2.02 - Economic & Workforce Development:  
Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.
- Objective 3.05 - Neighborhoods:  
Protect and preserve existing neighborhoods from incompatible land uses and developments.
- Objective 3.06 - Neighborhoods:  
Protect the residential character of neighborhoods by allowing residential/commercial/industrial transition boundaries at alleyways or along back lot lines if possible.
- Objective 3.16 - Capital Improvements:  
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- Objective 4.01 - City Services:  
Make decisions based on the needs and desires of the citizenry.
- Objective 4.02 - City Services:  
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).
- Objective 4.06 - Public Participation:  
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision- making process.

**Staff Evaluation:** The requested zoning is generally compatible with the, Comprehensive Plan, the existing development in the area and the Municipal Code consideration that the C-17L zoning be located adjacent to arterials.

**Finding #B9: That public facilities and utilities (are)(are not) available and adequate for the proposed use.**

*This finding requires that the Council evaluate whether public facilities and utilities in the area are available and adequate for uses allowed in the requested zone or whether they can reasonably be made available.*

**A. STREETS:**

The area proposed for annexation is only accessed by one roadway, Kathleen Avenue. This street is a paved, two lane street section without curb or sidewalk, and, it is controlled by signalized intersections at both ends, Ramsey Road., and, Atlas Road.

**Staff Evaluation:** Kathleen Avenue along the subject property is not in public right-of-way, but is situated in an easement given to the Post Falls Highway district in January 1978. The roadway however, has been previously annexed and is situated within the current City limits. Considering that the Kathleen Avenue road corridor functions as a City street, and, is maintained by the City utilizing budgeted funds, it would be reasonable to require the dedication of the roadway to the City as a component of any annexation agreement for the subject property. - *Chris Bates, Engineering Project Manager.*

**B. WATER:**

There is sufficient surrounding infrastructure to support adequate domestic, irrigation and fire flow for the proposed annexation. The proposed annexation will require the installation of additional water infrastructure such as services, fire hydrants and may include a main extension if internal fire protection is required by the Fire Department as a result of development. Any mains or fire hydrants extended to property would require dedication of a 20' public utility easement centered on the main. The applicable water infrastructure must be installed prior to acceptance of building permits. - *Terry Pickel, Assistant Water Superintendent*

**C. SEWER:**

The subject property falls within the Ramsey Road Interceptor Sewer Service Area and the 2013 Wastewater Collection System Master Plan identifies the subject property as ultimately discharging into a public sewer main at Kathleen and Player intersection. Other options may be present provided that they meet the same intent of the Master Plan. Additionally, Sewer Policy #710 requires all developments to provide sewer "to and through" the subject property without blocking public sewer access to the adjacent properties.

**Staff Evaluation:** Sewer is available for the applicant's intended uses. The applicant will need to comply with the following:

1. The Applicant is required connect and extend public sewer in accordance to the 2013 Wastewater Collection System Master Plan Update and per City of Coeur d'Alene Standards.
2. The Applicant shall extend public sewer to the western limits of the annexation in compliance to Sewer Policy #710. - *Mike Becker, Utility Project Manager.*

**D. FIRE:**

The Fire Department has no comments or condition for this annexation. For the future plans of offices for the Idaho Panhandle National Forest's Supervisors Office, the Bureau of Land Management's Coeur d'Alene Field and District Offices, and the Fish and Wildlife Service's Area Office, water supply, FD access and fire protection can be addressed at time of building permit.

- *Submitted by Bobby Gonder, Fire Inspector/Investigator*

**Finding #B10: That the physical characteristics of the site (make)(do not make) it suitable for the request at this time.**

*This Finding requires the Council to determine whether the uses allowed in the requested zoning district are consistent with the topographic features of the site.*

The subject property is essentially flat with significant native tree cover as depicted below.



**Staff Evaluation:** The site is essentially flat. As such, the topography of the site is consistent with the uses allowed in the requested zoning district.

**Finding #B11: That the proposal (would)(would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)(or) existing land uses.**

*This Finding requires the Council to evaluate whether the requested zoning district would adversely affect the surrounding area concerning traffic neighborhood character and land uses.*

**A. TRAFFIC:**

The ITE Trip Generation Manual estimates the project could generate approximately 488 daily trips, with 70 and 67 trips per day respectively during the peak a.m. and p.m. peak hour periods. These trips are based upon the stated 132 employees noted in the applicant’s justification.

**Staff Evaluation:** These trip generation numbers are based on the current ITE Trip Generation Manual assumptions, and are calculated on the proposed use as a single tenant office building. These numbers are based solely on the annexation request, and the information provided. The actual trips based upon a developed site will vary depending upon the size and number of additional buildings that may be developed, and, possible influx of seasonal or temporary employees. - *Chris Bates, Engineering Project Manager.*

**B. NEIGHBORHOOD CHARACTER AND LAND USE:**

The neighborhood character and land uses in the area show a mix of civic and residential uses surrounding the subject property. The single-family Fairway Forest development is immediately to the south of the subject property and the Fairway Meadows development is to the north of the Prairie Trail and Kathleen Avenue. The generalized land use and zoning patterns are depicted below. Land uses in the area include:

- Residential – single-family, multi-family, manufactured homes
- Commercial – mini-storage
- Vacant parcels
- Civic – Woodland Middle School, Idaho Dept. of Fish and Game offices and the Prairie Trail.

**Generalized Land Use Pattern:**



**Zoning Pattern:**



**Staff Evaluation:** The land uses identified by the applicant are generally consistent with the surrounding area. The City Council must determine what affect the proposed C-17L zoning would have on traffic, land uses and the character of the surrounding area.

Items Recommended for an Annexation Agreement are as follows:

Planned Unit Development: The Owner agree to submit a master plan to the City for approval as a Planned Unit Development (“PUD”) for the subject property.

**Ordinances and Standards Used In Evaluation:**

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

**ACTION ALTERNATIVES:**

The City Council must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.



**APPLICANT'S  
NARRATIVE**



File Code: 5500

Date: February 3, 2014

Mayor Steve Widmyer and City Council  
City of Coeur d'Alene  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

Dear Mayor Widmyer and City Council,

I am requesting annexation of a parcel of property owned by the United States of America and administered by the USDA Forest Service into the City of Coeur d'Alene. This property is described in the attached annexation application.

Annexation of this property will provide the opportunity for us to work closely with the City of Coeur d'Alene in the development of federal natural resources agency administrative offices and support facilities at this site in Coeur d'Alene. We are in the early stages of planning new construction that would house the offices for the Idaho Panhandle National Forest's Supervisors Office, the Bureau of Land Management's Coeur d'Alene Field and District Offices, and the Fish and Wildlife Service's Area Office currently located in Spokane. This facility would provide office space for over 130 employees that are local residents.

I understand that there are annexation fees and an annexation agreement will be negotiated. I am committed to reaching a mutually acceptable annexation agreement within six months from the date of City Council approval of the zoning designation.

I look forward to working with you on this project. Please contact me at 765-7210, Project Manager, Mike Shoup, at 765-7204 or Realty Specialist, Andy Schmidt, at 765-7226 for any additional information.

Sincerely,

MARY FARNSWORTH  
Forest Supervisor



**JUSTIFICATION**

Please use this space to state the reason(s) for the requested annexation and include comments on the 2007 Comprehensive Plan Category, Neighborhood Area, and applicable Special Areas and appropriate goals and policies and how they support your request.

The Annexation of 13.14 acres of National Forest System Land to be incorporated in the City of Coeur d'Alene will allow the new Forest Supervisor's Office to connect to city services.

The office will employ approximately 132 residents.

The Coeur d'Alene Comprehensive Plan (2007-2027) references Goal #1 – Natural Environment Objective 1.06 Urban Forests: Enforce minimal tree removal, substantial tree replacement and suppress topping trees for new and existing development.

The site plan for the new office compound calls for removal of minimal trees. To be a better neighbor a buffer of trees will remain between the compound and the adjoining neighborhood to the south of the forest service office.

The forest service property is located within the Ramsey-Woodland development area.

The site plan for the new office compound meets the goals of the Coeur d'Alene Comprehensive Plan Goals by retaining a large number of trees on the property. This will help contribute to the natural beauty of our city and will maintain the cities environmental and aesthetic goals.

Applicant: U.S. Forest Service  
Location: 3600 W. Nursery Road  
Request: A proposed 13.14 acre annexation from County C to City C-17  
and C-17L zoning district.  
QUASI-JUDICIAL (A-2-14)

Deputy City Attorney Wilson presented the staff report and answered questions from the commission.

There were no questions for staff.

Commissioner Ward stated that he lives near this property and would excuse himself if this is a conflict.

Deputy City Attorney Wilson questioned if Commissioner Ward feels he can be fair and not judge, then he does not need to be excused from the hearing.

Commissioner Ward stated that he can be fair and not judgmental.

Commissioner Messina inquired if this project was not approved and the property remained in the county would they be allowed to connect to our services.

Deputy City Attorney Wilson explained that they would not be allowed to connect to our services without being annexed into the city.

Commissioner Bowlby questioned if the NC (Neighborhood Commercial) zone would be an option rather than C-17.

Deputy City Attorney Wilson stated that an NC zone would not fit because that zoning district is meant to have some retail benefits for the neighborhood.

Chairman Jordan questioned if this parcel is large enough for a PUD.

Deputy City Attorney Wilson stated that he did not consider a PUD, but doubts that the requirement for open space would be met.

Commissioner Bowlby stated that by approving a C-17 zone opens up to many things that could be constructed on that parcel if the applicant decided to sell in the future.

Andy Schmidt, applicant, stated that the main reason why they are seeking annexation is that currently the Forest Service is leasing their building and the fees are high. He explained when the Forest Service sat down to discuss their options where the best place to build an office building, they choose the nursery site. The request is only for one office building that would employ 130 people. He commented that they do not plan to sell the property any time soon and understands the neighbors' concerns if that should happen. They want to be a good neighbor and feels the building would be an enhancement to the property.

Commissioner Messina explained that by approving a C-17 zone, it opens up a lot of possibilities for this parcel if the property is sold. He understands the neighbors' concerns.

Deputy City Attorney Wilson requested that the Planning Commission take a five minute recess.

**Motion by Luttropp, Seconded by Bowlby, for a five minute recess. Motion approved.**

Deputy City Attorney Wilson explained that during the recess, he had a chance to look at the requirements for the C-17L zoning district and found that this zoning district would allow an administrative building. This would eliminate all the “big box” retail that is allowed in the C-17 zoning district.

Commissioner Ingalls inquired if this is approved as C-17L, would this be included in the annexation agreement.

Deputy City Attorney Wilson explained if this is approved by the planning commission, it would go to city council as a recommendation. The City Council makes the final decision.

Commissioner Messina asked if the planning commission denies C-17 and recommends C-17L, is there enough time for everyone who lives in this area to understand what this means.

Deputy City Attorney Wilson explained that if the Planning Commission denies the requested C-17 and recommends C-17L, which goes directly to the City Council. This is a new hearing and notices will be sent out with the new recommendation.

Marilyn Reams stated recently they noticed a survey company on the Forest Service property marking trees and questioned if the applicant has a time-frame when those trees will be removed. She feels if this request is approved it will open up a Pandora's' box to the possibilities of what could be constructed on the land.

Steve Baily questioned what are the height restrictions in a C-17 zone and if this zone allows underground tanks. He stated there are 14 homes near this property and questioned if the applicant has considered other sites on the property for this building.

Ken Setty stated this is the right idea but wrong place for a building. He feels that there are better places on the property where few trees will need to be cut down and traffic will not be a problem.

Mike Martin stated he is opposed for reasons of excessive traffic that would come with the use on the property.

Ann Sedgwick stated that traffic is an issue when trying to pull out on Kathleen Avenue and if approved a traffic study should be done. She stated that the tree farm has been a great teaching service for area schools and would hate to see this go away.

Jonathan Sedgwick stated by having two schools in this area traffic is already an issue. This proposal is foolish.

Doug McInnis questioned if the Forest Service would be able to show a design of the building and questioned if they have the money budgeted for the building. They don't want this to happen.

David Robertson stated he is opposed and suggested putting the building on the northwest corner so traffic can be mitigated.

Mike Martin stated that he is concerned with the amount of trees that will need to be eliminated if this is approved. He concurs with previous testimony that traffic is an issue and if the Forest Service has looked at other locations for the building.

**Rebuttal:**

Mr. Schmidt feels that a community meeting would be a good idea to explain to the neighborhood

what the Forest Service plans to do on the property. The Forest Service wishes to be a good neighbor. He explained that the trees are being marked on the property so when it is time to place the building they know the type of every tree on the property. The Forest Service does not have the money yet for the building, but feels the process needs to be started once they do have the money. He stated that when this project was being discussed, they looked at the entire parcel for the best site. He explained that the nursery site was not an option, since it has provided the community a tool for teaching. The nursery superintendent in Spokane has brought many groups to learn about the different trees. The local agencies need to be informed, so more groups can use this tool. He stated that they are aware of the problem with traffic and if approved, is willing to work with the city to look at ways to lessen the problem. The Forest Service does not have any plans to sell the property for the purposes of a subdivision. This is for one building to be used for administrative purposes.

Commissioner Ward inquired if they have looked at a possible egress and ingress onto Atlas Road to help with traffic.

Commissioner Luttrupp questioned if this is approved, would the Forest Service be willing to have a community meeting and to save as many trees as possible.

Mr. Schmidt commented that they would be willing to have that meeting with the community and feels it would be helpful. The Forest Service wants to be a good neighbor.

Commissioner Ingalls stated that he is uncomfortable with this zone requested and questioned if this request could be continued to give the applicant a chance to have a meeting with the neighborhood.

Mr. Schmidt explained that they only have at 10% of the design finished and would like to advance to 30% finished based on the decision tonight.

Commissioner Bowlby inquired if this zone is denied, could they stay in the county and contract sewer and water from the city.

Deputy City Attorney Wilson stated that the city does not do that.

Commissioner Messina feels that he is not comfortable with C-17 or C-17L and inquired what the options are.

Deputy City Attorney Wilson explained that if this application is denied, it automatically goes forward to city council for their final decision.

**Public testimony closed:**

#### **Discussion**

Commissioner Bowlby commented that she would like to see this come back as a PUD as it has more flexibility.

**Motion by Messina, seconded by Ingalls, to deny without prejudice Item A-2-14 and to direct staff to prepare the findings. Motion approved.**

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to deny without prejudice carried by a 5 to 0 vote.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on March 11, 2014, and there being present a person requesting approval of ITEM A-2-14, a request for C-17 zoning prior to annexation.

APPLICANT: U.S. FOREST SERVICE

LOCATION: +/- 13.14 ACRE PARCEL KNOWN AS 3600 W. NURSERY ROAD

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

- B1. That the existing land uses are residential, commercial, vacant land and civic.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is County Agriculture.
- B4. That the notice of public hearing was published on February 22, 2014, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 54 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on February 21, 2014.
- B7. That public testimony was heard on March 11, 2014.
- B8. That this proposal is in conformance with the Comprehensive Plan policies.**

The applicant has requested C-17 zoning for the parcel in order to facilitate the construction on an office building. C-17 is the city's general commercial zone allowing the widest range of commercial uses. City code indicates that C-17 zoning should be located adjacent to arterial roadways and the subject site is adjacent to Kathleen Ave., which is designated as an arterial. The applicant also indicated that they would be satisfied with C-17L zoning. C-17L zoning allows fewer uses than C-17 and is intended as a low density commercial district that is suitable as a transition between residential and commercial areas.

The subject property is classified as a Transition area within the Ramsey-Woodland land use area. Transition areas are areas where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period. The Ramsey-Woodland area anticipates residential densities in growth areas of 3-4 units per acre with commercial service nodes where appropriate. Here we find that the requested zoning (either C-17 or C-17L) is consistent with the Comprehensive Plan because the subject property is a suitable location for a commercial service node since it is adjacent to a designated arterial. Further, C-17L zoning would satisfy the Comprehensive Plan since it would serve as a buffer between Kathleen Ave. and the existing neighborhoods to the south.

**B9. That public facilities and utilities are available and adequate for the proposed use.**

The public utility and facilities discussion in the staff report indicates that the necessary infrastructure to support this proposed zoning is in place or can be readily extended by the owner. This includes sewer, water and streets. There was no testimony or other evidence to contradict the conclusions contained in the staff report. As such, we find this requirement has been satisfied.

**B10. That the physical characteristics of the site do make it suitable for the request at this time.**

The staff report indicates that the site is relatively flat with significant tree cover. There are no physical impediments to development of this site. As such, we find that this requirement is satisfied.

**B11. That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses.**

There was significant testimony at the hearing that the requested zoning was incompatible with the existing residential neighborhoods surrounding the subject property because of potential traffic impacts and concern over impacts to the existing neighborhood character. Based on that testimony we find that the requested zoning would have a negative impact on the neighborhood character of the existing Fairway Forest neighborhood to the south.

**C. ORDER: CONCLUSION AND DECISION**

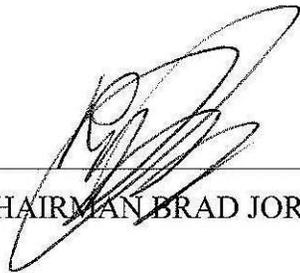
The Planning Commission, pursuant to the aforementioned, finds that the request of U.S. FOREST SERVICE for zoning prior to annexation, as described in the application should be **deny without prejudice**.

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

ROLL CALL:

Commissioner Bowlby	Voted Aye
Commissioner Ingalls	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Messina	Voted Aye
Commissioner Ward	Voted Aye

Motion to deny without prejudice carried by a 5 to 0 vote.



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CHAIRMAN BRAD JORDAN

**COEUR D'ALENE CITY COUNCIL  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the City Council on, April 15, 2014, and there being present a person requesting approval of ITEM A-2-14, a request for C-17L zoning prior to annexation.

APPLICANT: U.S. FOREST SERVICE

LOCATION: +/- 13.14 ACRE PARCEL KNOWN AS 3600 W. NURSERY ROAD

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

**(The City Council may adopt Items B1-through7.)**

- B1. That the existing land uses are residential, commercial, vacant land and civic.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is County Agriculture.
- B4. That the notice of public hearing was published on March 29, 2014, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 53 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 28, 2014.
- B7. That public testimony was heard on April 15, 2014.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use.  
This is based on

**Criteria to consider for B9:**

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available to the property?

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

**Criteria to consider for B10:**

1. Topography.
2. Streams.
3. Wetlands.
4. Rock outcroppings, etc.
5. vegetative cover.

B11. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses because

**Criteria to consider for B11:**

1. Traffic congestion.
2. Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed?
3. Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of U.S. FOREST SERVICE for zoning prior to annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement are as follows:

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

**ROLL CALL:**

Council Member Gookin	Voted _____
Council Member Edinger	Voted _____
Council Member Evans	Voted _____
Council Member McEvers	Voted _____
Council Member Adams	Voted _____
Council Member Miller	Voted _____

Mayor Widmyer Voted \_\_\_\_\_ (tie breaker)

Council Member(s) \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
MAYOR STEVE WIDMYER

CITY COUNCIL  
STAFF REPORT

**DATE:** April 15, 2014  
**FROM:** Christopher H. Bates, Engineering Project Manager   
**SUBJECT:** V-14-3, Vacation of the Utility Easement in the Neider Conference Center  
Addition to Coeur d'Alene

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**DECISION POINT**

The applicant, Leadership Circle, LLC, acting as the representative for National Retail Properties, LP, is requesting the vacation of a utility easement along the southerly boundary of Lot 2 of the Neider Conference Center Addition to Coeur d'Alene plat.

**HISTORY**

The easement on the subject property was installed with the Neider Conference Center subdivision plat in 1996. The easement contained a both a sanitary sewer and potable water main to service Lot 2, and, a through connection to the existing water main located in Conference Drive to the south. These utility lines have been recently removed and relocated due to the construction of a new retail facility on the noted Lot 2.

**FINANCIAL ANALYSIS**

There is no financial impact to the City. No additional tax revenue would be generated by the vacation because it is an easement and not property in fee

**PERFORMANCE ANALYSIS**

The easement requested for vacation has been replaced with two (2) separate utility easements that have been placed over the newly relocated sewer and water main lines. These new main lines, that were installed during the retail store construction on Lot 2, have met the City requirements, and, been accepted by the respective utility departments, and, the City Council (3/18/14).

The Public Works Committee at their regularly scheduled meeting on March 10, 2014 approved the action 3-0, and, directed staff to proceed to Council for action on the vacation.

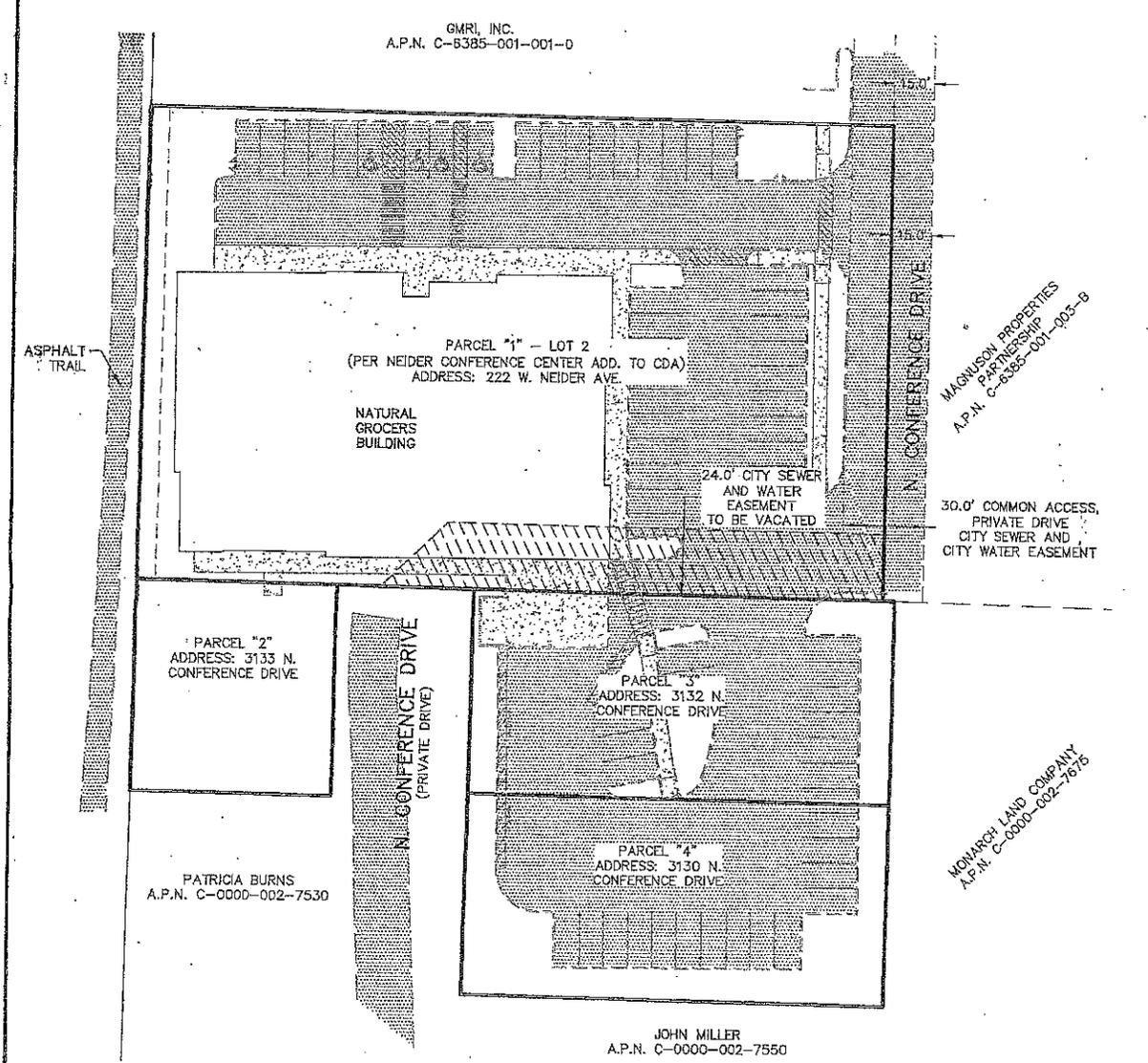
**RECOMMENDATION**

Recommendation to the City Council would be to approve the vacation action per Idaho Code Section 50-1306, and, to vacate the noted utility easement that was installed on the Neider Conference Center Addition subdivision plat.



# EASEMENT VACATION EXHIBIT

IN SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST .B.M.,  
KOOTENAI COUNTY, CITY OF COEUR D'ALENE, IDAHO



### LEGEND

- A.P.N. ASSESSOR'S PARCEL NUMBER
- ADJOINING PROPERTY LINES
- PROPERTY BOUNDARY
- ASPHALT
- CURB
- EASEMENT

CALL BEFORE YOU DIG 456-8000



DRAWN	JAM	DATE	02/13/14
CHECKED		SCALE	1" = 40'
1 OF 1			
PROJECT NUMBER	13-023.01		

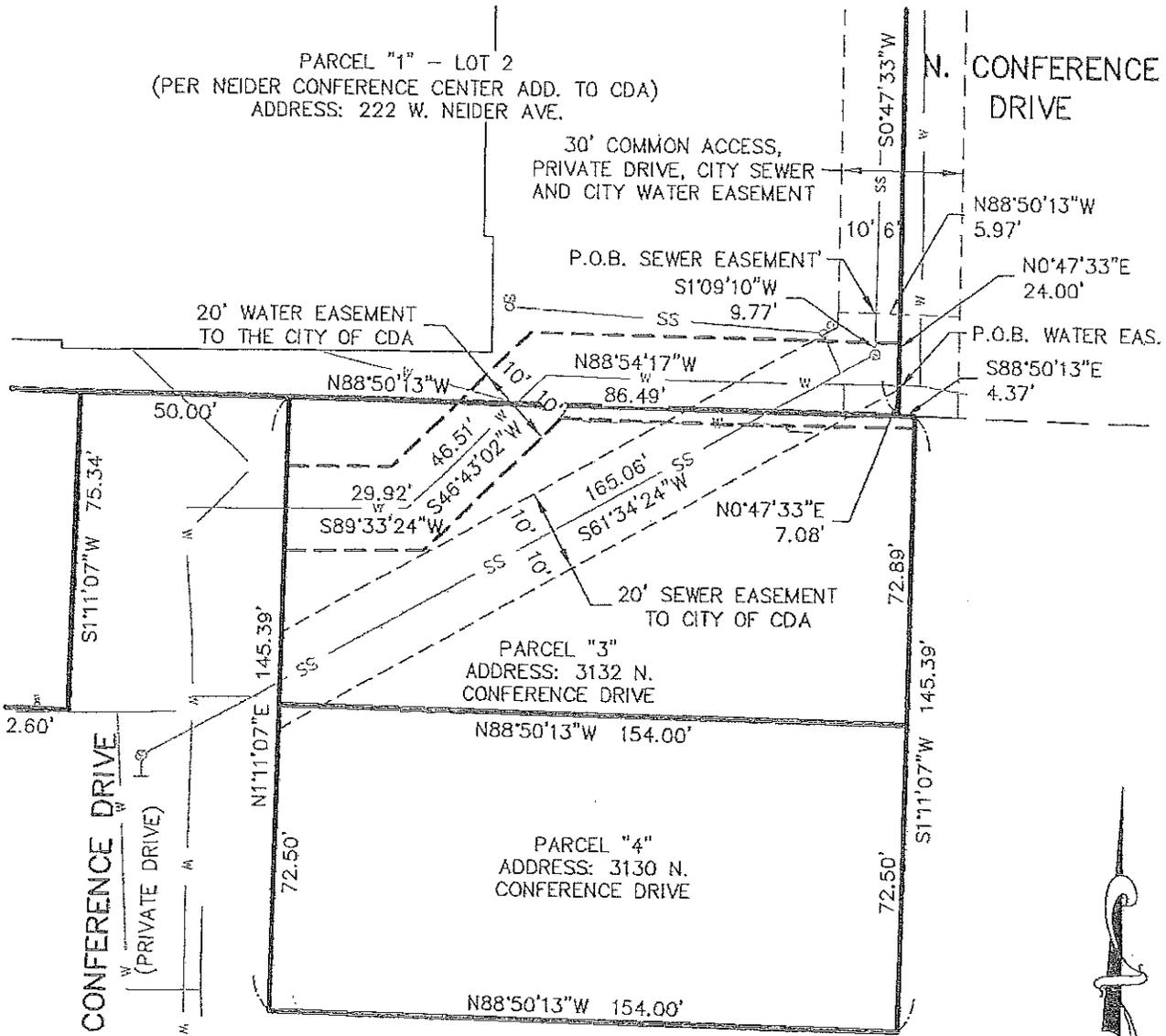
CITY SEWER AND WATER EASEMENT  
VACATION EXHIBIT  
COEUR D'ALENE, ID

**storchäug**  
civil engineering | planning  
landscape architecture | surveying

530 west third avenue | spokane, wa | 99202  
p 509.242.1000 | f 509.242.1001

# WATER AND SEWER EASEMENT EXHIBIT

IN SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST .B.M,  
KOOTENAI COUNTY, CITY OF COEUR D'ALENE, IDAHO



## LEGEND

- A.P.N. ASSESSOR'S PARCEL NUMBER
- ADJOINING PROPERTY LINES
- PROPERTY BOUNDARY
- ▨ ASPHALT
- - - CURB
- - - EASEMENT

CALL BEFORE YOU DIG 456-8000

## CITY WATER & SEWER EASEMENT

COEUR D'ALENE, ID

DRAWN	RLH	DATE	02/14/14	EXHIBIT	1
CHECKED		SCALE	1" = 40'	PROJECT	13-023.06



civil engineering | planning  
landscape architecture | surveying

510 east third avenue | spokane, washington 99202 | p-509.242.1000 f 509.242.1001

13023.01 ALTA.dwg WATER & SEWER EAS

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

**CITY OF COEUR D'ALENE**  
**Treasurer's Report of Cash and Investment Transactions**

FUND	BALANCE 2/28/2014	RECEIPTS	DISBURSE- MENTS	BALANCE 3/31/2014
<u>General-Designated</u>	\$543,169	\$47,170	\$9,894	\$580,445
<u>General-Undesignated</u>	9,928,357	2,371,024	3,738,184	8,561,197
<u>Special Revenue:</u>				
Library	315,333	15,357	118,892	211,798
CDBG	(122)	6,393	6,301	(30)
Cemetery	87,035	13,952	18,009	82,978
Parks Capital Improvements	186,465	6,028	2,395	190,098
Impact Fees	2,903,069	204,372	123,200	2,984,241
Annexation Fees	68,533	5		68,538
Insurance	(513,517)	19,728	284	(494,073)
Cemetery P/C	1,791,798	1,725	1,414	1,792,109
Jewett House	50,420	1,401	1,412	50,409
Reforestation	16,243	1,002		17,245
Street Trees	193,083	11,415		204,498
Community Canopy	2,505	380	212	2,673
CdA Arts Commission	1,789			1,789
Public Art Fund	78,563	6		78,569
Public Art Fund - LCDC	446,682	34	30,000	416,716
Public Art Fund - Maintenance	122,742	9	215	122,536
<u>Debt Service:</u>				
2002 & 2006 G.O. Bonds	963,883	11,879		975,762
LID Guarantee	37,573	719		38,292
LID 130 Lakeside / Ramsey / Industrial Park	51,564			51,564
LID 146 Northwest Boulevard	-			-
LID 149 4th Street	3,216			3,216
<u>Capital Projects:</u>				
Street Projects	(2,193)	1,185,374	65,106	1,118,075
<u>Enterprise:</u>				
Street Lights	108,367	44,073	10,251	142,189
Water	634,137	251,889	734,621	151,405
Water Capitalization Fees	3,145,639	181,996		3,327,635
Wastewater	6,071,442	551,620	1,122,830	5,500,232
Wastewater-Reserved	1,189,783	27,500		1,217,283
WWTP Capitalization Fees	3,355,775	331,460		3,687,235
WW Property Mgmt	60,668			60,668
Sanitation	(386,369)	331,071	315,240	(370,538)
Public Parking	(79,047)		14,452	(93,499)
Drainage	301,538	92,447	49,896	344,089
Wastewater Debt Service	464,392	35		464,427
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	181,338	195,606	181,338	195,606
LID Advance Payments	845			845
Police Retirement	1,409,765	15,721	14,429	1,411,057
Sales Tax	1,801	1,731	1,801	1,731
BID	126,275	3,744		130,019
Homeless Trust Fund	460	487	460	487
<b>GRAND TOTAL</b>	<b>\$33,862,998</b>	<b>\$5,927,353</b>	<b>\$6,560,836</b>	<b>\$33,229,515</b>

CITY OF COEUR D'ALENE  
 BUDGET STATUS REPORT  
 SIX MONTHS ENDED  
 31-Mar-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2014	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$212,366	\$110,909	52%
	Services/Supplies	11,840	5,857	49%
Administration	Personnel Services	319,115	163,089	51%
	Services/Supplies	69,390	12,962	19%
Finance	Personnel Services	614,642	301,556	49%
	Services/Supplies	99,060	67,091	68%
Municipal Services	Personnel Services	960,817	472,800	49%
	Services/Supplies	444,141	245,779	55%
	Capital Outlay	7,000	6,144	88%
Human Resources	Personnel Services	244,271	63,088	26%
	Services/Supplies	30,200	9,582	32%
Legal	Personnel Services	1,377,700	685,269	50%
	Services/Supplies	104,126	43,787	42%
Planning	Personnel Services	433,125	165,537	38%
	Services/Supplies	9,100	3,645	40%
Building Maintenance	Personnel Services	299,965	136,931	46%
	Services/Supplies	122,296	52,086	43%
	Capital Outlay			
Police	Personnel Services	9,640,019	4,344,764	45%
	Services/Supplies	796,950	312,296	39%
	Capital Outlay	66,372	14,550	22%
Fire	Personnel Services	7,524,974	3,926,595	52%
	Services/Supplies	405,436	222,915	55%
	Capital Outlay			
General Government	Services/Supplies	216,920	216,806	100%
	Capital Outlay			
Byrne Grant (Federal)	Personnel Services			
	Services/Supplies		21,774	
	Capital Outlay			
COPS Grant	Personnel Services	116,206		
	Services/Supplies			
CdA Drug Task Force	Services/Supplies	43,100	11,352	26%
	Capital Outlay	27,156	14,002	
Streets	Personnel Services	1,904,608	842,031	44%
	Services/Supplies	553,251	263,882	48%
	Capital Outlay		3,573	

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SIX MONTHS ENDED  
31-Mar-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2014	PERCENT EXPENDED
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CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SIX MONTHS ENDED  
31-Mar-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2014	PERCENT EXPENDED
ADA Sidewalk Abatement	Personnel Services	210,544	94,000	45%
	Services/Supplies	38,300	5,265	14%
Engineering Services	Personnel Services	523,881	263,799	50%
	Services/Supplies	741,600	213,075	29%
	Capital Outlay			
Parks	Personnel Services	1,404,361	478,366	34%
	Services/Supplies	438,300	107,089	24%
	Capital Outlay	83,000	35,000	42%
Recreation	Personnel Services	619,035	262,813	42%
	Services/Supplies	136,200	32,301	24%
Building Inspection	Personnel Services	850,588	371,544	44%
	Services/Supplies	43,258	14,084	33%
Total General Fund		<u>31,743,213</u>	<u>14,617,988</u>	<u>46%</u>
Library	Personnel Services	1,034,823	516,982	50%
	Services/Supplies	182,350	82,629	45%
	Capital Outlay	110,000	55,208	50%
CDBG	Services/Supplies	297,298	43,194	15%
Cemetery	Personnel Services	140,091	63,566	45%
	Services/Supplies	94,164	26,215	28%
	Capital Outlay	38,000		
Impact Fees	Services/Supplies	731,710	328,200	45%
Annexation Fees	Services/Supplies	14,000	14,000	100%
Parks Capital Improvements	Capital Outlay	460,800	85,934	19%
Insurance	Services/Supplies	280,000	189,158	68%
Cemetery Perpetual Care	Services/Supplies	98,000	40,471	41%
Jewett House	Services/Supplies	59,640	15,185	25%
Reforestation	Services/Supplies	2,000	714	36%
Street Trees	Services/Supplies	65,000	7,800	12%
Community Canopy	Services/Supplies	1,500	476	32%
CdA Arts Commission	Services/Supplies	6,600	33	1%
Public Art Fund	Services/Supplies	250,800	89,446	36%
Total Special Revenue		<u>3,866,776</u>	<u>1,559,211</u>	<u>40%</u>

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SIX MONTHS ENDED  
31-Mar-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2014	PERCENT EXPENDED
Debt Service Fund		<u>1,255,435</u>	<u>200,221</u>	<u>16%</u>

CITY OF COEUR D'ALENE  
 BUDGET STATUS REPORT  
 SIX MONTHS ENDED  
 31-Mar-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2014	PERCENT EXPENDED
15th Street at Cherry Hill	Capital Outlay	68,370		
Govt Way - Hanley to Prairie	Capital Outlay	1,300,000	51,210	4%
Levee Certification	Capital Outlay	260,000	158,756	61%
15th Street - Lunceford to Dalton	Capital Outlay			
3rd / Harrison signal	Capital Outlay		191,827	
Atlas Road Widening	Capital Outlay	394,000		
Kathleen Ave Widening	Capital Outlay	50,000		
Total Capital Projects Funds		2,072,370	401,793	19%
Street Lights	Services/Supplies	572,000	239,205	42%
Water	Personnel Services	1,652,706	797,521	48%
	Services/Supplies	4,219,911	634,008	15%
	Capital Outlay	2,329,900	687,511	30%
Water Capitalization Fees	Services/Supplies	1,100,000		
Wastewater	Personnel Services	2,352,374	1,088,430	46%
	Services/Supplies	6,338,854	987,520	16%
	Capital Outlay	10,160,300	3,790,153	37%
	Debt Service	2,025,641		
WW Capitalization	Services/Supplies	900,000		
Sanitation	Services/Supplies	3,499,362	1,746,841	50%
Public Parking	Services/Supplies	179,957	60,948	34%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	103,183	51,341	50%
	Services/Supplies	663,812	133,726	20%
	Capital Outlay	250,000	20,000	8%
Total Enterprise Funds		36,348,000	10,237,204	28%
Kootenai County Solid Waste		2,200,000	913,824	42%
Police Retirement		175,800	88,832	51%
Business Improvement District		186,000	40,000	22%
Homeless Trust Fund		5,900	2,150	36%
Total Fiduciary Funds		2,567,700	1,044,806	41%
<b>TOTALS:</b>		<b>\$77,853,494</b>	<b>\$28,061,223</b>	<b>36%</b>