

**WELCOME**  
To a Regular Meeting of the  
**Coeur d'Alene City Council**  
Held in the Library Community Room at 6:00 P.M.  
**AGENDA**

**VISION STATEMENT**

Our vision of Coeur d'Alene is of a beautiful, safe city that promotes a high quality of life and sound economy through excellence in government.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when **Item F - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

**May 17, 2022**

**A. CALL TO ORDER/ROLL CALL**

**B. INVOCATION:** Pastor Steven Findley with the Church of Christ at Coeur d'Alene.

**C. PLEDGE OF ALLEGIANCE**

**D. AMENDMENTS TO THE AGENDA:** Any items added less than forty-eight (48) hours prior to the meeting are added by Council motion at this time. Action Item.

**E. PRESENTATION:**

1. Elevate Academy North Opening

**Marita Diffenbaugh, Principal and Tony Prka, Vice-Principal with Elevate Academy**

**F. PUBLIC COMMENTS:** (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items listed on the agenda.)

**\*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS**

**G. ANNOUNCEMENTS:**

1. City Council
2. Mayor – Appointment of Shannon Sardell to the Historic Preservation Commission and Mary Lee Ryba to the Arts Commission.

**H. CONSENT CALENDAR:** Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the May 3, 2022, Council Meeting.
2. Approval of Minutes from the May 9, 2022, General Service/Public Works Committee Meeting.
3. Setting of the General Service/Public Works Committee Meeting for May 23, 2022.
4. Approval of Bills as Submitted.
5. Approval of Financial Report.
6. **Resolution No. 22-023:**
  - a. Approval of the Destruction of Records in Accordance with the City's Records Retention Schedule from the Police and Municipal Services Departments.
  - b. Approval of the Purchase of a Lemur S Drone.
  - c. Approval of Change Orders #1, and #3-5, with Petra, Inc., for the New Sewer Collections Building, in the Amount of \$196,027.86.  
**As Recommended by the General Services/Public Works Committee**
  - d. Grant of Easement to Bear Waterfront, LLC, for a Road and Parking Easement for Ingress, Egress, and Parking, Over and Under City Property Near Tilford Lane and N. Beebe Boulevard.

**As Recommended by the City Attorney**

**I. PUBLIC HEARINGS:**

*Please sign up to testify at <https://www.cdaid.org/signinpublic/Signinformlist>*

1. (Quasi-Judicial) A-3-22 - A +/- 3.2 Acre Proposed Annexation from County Ag Suburban to City R-12; Location: 3511 & 3522 N. 15th; Applicant: 15th Street Investments, LLC.

**Staff Report by: Mike Behary, Associate Planner**

2. (Quasi-judicial) ZC-1-22 - A Proposed Zone Change from R-12 to R-17; Location: 525 E. McFarland Avenue; Applicant: Bethel Baptist Church, Inc.

**Staff Report by: Sean E. Holm, Senior Planner**

- a. **Council Bill No. 22-1004** – Approving ZC-1-22 - A Proposed Zone Change at 525 E. McFarland Avenue from R-12 to R-17.
3. (Legislative) V-22-02, Vacation of a portion of Mountain Avenue right-of-way adjoining the northerly boundary line of Lot 13, Block 24 of the Lake Shore Addition plat.

**Staff Report by: Chris Bosley, City Engineer**

- a. **Council Bill No. 22-1005**– Approving the V-22-02, Vacation of a portion of Mountain Avenue right-of-way adjoining the northerly boundary line of Lot 13, Block 24 of the Lake Shore Addition plat.

4. (Legislative) V-22-03, Vacation of a portion of Veneer Road right-of-way adjoining the southwesterly boundary line of Lot 1, Block 4 of the Atlas Waterfront First Addition, and Lots 5, 6 & 7, Block 6 of the Atlas Waterfront Second Addition.

**Staff Report by: Chris Bosley, City Engineer**

- a. **Council Bill No. 22-1006**– Approving the V-22-03, Vacation of a portion of Veneer Road right-of-way adjoining the southwesterly boundary line of Lot 1, Block 4 of the Atlas Waterfront First Addition, and Lots 5, 6 & 7, Block 6 of the Atlas Waterfront Second Addition
5. (Legislative) V-22-04, Vacation of a portion of Atlas Road right-of-way adjoining the easterly boundary line of Lot 1 & 2, Block 1 of the Atlas Waterfront First Addition.

**Staff Report by: Chris Bosley, City Engineer**

- a. **Council Bill No. 22-1007**– Approving the V-22-04, Vacation of a portion of Atlas Road right-of-way adjoining the easterly boundary line of Lot 1 & 2, Block 1 of the Atlas Waterfront First Addition.

**J. RECESS:** To June 2, 2022, at 9:00 A.M. in the Library Community Room, located at 702 E. Front Avenue for a Pre-Budget Workshop.

# Coeur d'Alene CITY COUNCIL MEETING

*May 17, 2022*

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**MEMBERS OF THE CITY COUNCIL:**

**Jim Hammond, Mayor**

**Council Members McEvers, English, Evans, Gookin, Miller, Wood**

## ANNOUNCEMENTS

# Memo to Council

DATE: April 29, 2022

RE: Appointment to Boards/Commissions/Committees

The following appointment is presented for your consideration for the May 17, 2022, Council Meeting:

SHANNON SARDELL                      Historic Preservation Commission (Appointment)

The data sheet is attached and a hard copy has been placed by your mailboxes.

Sincerely,

Sherrie Badertscher  
Executive Assistant

cc:     Renata McLeod, City Clerk  
        Hilary Anderson, Historic Preservation Commission Liaison

# Memo to Council

DATE: May 3, 2022

RE: Appointment to Boards/Commissions/Committees

The following appointment is presented for your consideration for the May 17, 2022, Council Meeting:

MARY LEE RYBA

Arts Commission (re-appointment)

The data sheet is attached and a hard copy has been placed by your mailboxes.

Sincerely,

Sherrie Badertscher  
Executive Assistant

cc: Renata McLeod, City Clerk

## CONSENT CALENDAR

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

May 3, 2022

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 May 3, 2022, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

|               |                              |
|---------------|------------------------------|
| Dan Gookin    | ) Members of Council Present |
| Dan English   | )                            |
| Woody McEvers | )                            |
| Amy Evans     | )                            |
| Christie Wood | )                            |
| Kiki Miller   | )                            |

**CALL TO ORDER:** Mayor Hammond called the meeting to order.

**INVOCATION:** John Pulsipher of The Church of Jesus Christ of Latter-day Saints led the invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember McEvers led the pledge of allegiance.

**AMENDMENT TO THE AGENDA:** Mayor Hammond noted the presentation on the Annual Audit Report had been moved to the May 17, 2022, meeting.

**MOTION:** Motion by Gookin, seconded by Wood, to remove item Other Business I.-4 - Approval of the purchase of a dump truck for the Streets and Engineering Department through ARPA funds.

**DISCUSSION:** Councilmember Gookin stated he felt the item should be presented at a workshop, along with the list of other needed requests to use American Rescue Plan Act (ARPA) funds, with Councilmember Wood concurring. Councilmember Miller noted she felt the request wasn't a budgeted item and would prefer to see it with other ARPA requests, unless it was time sensitive. City Administrator Troy Tymesen explained that staff had previously presented a list of requests including the dump truck, noting that the reason it was brought forward at this time was due to timing of the order as if it was not placed soon, it would not arrive by snow season. Councilmember Gookin asked if any of the other items requested to use ARPA funds were also time sensitive, with Mr. Tymesen responding that the dump truck purchase was a priority due to ongoing price increases and the short supply. Streets and Engineering Director Todd Feusier stated the price had increased by \$20,000 in the past four-months and if not ordered now, they would be required to order a truck which would not be delivered for 18-months. Councilmember Gookin clarified his motion was to remove the item from the agenda, urge staff to hold a workshop as soon

as possible in order to address the ARPA items, not to debate the need for the dump truck. Councilmember English asked if the dump truck was on the original list of ARPA funded requests, with Mr. Tymesen responding it was. Councilmember English was in agreement that another ARPA workshop was warranted. Mayor Hammond asked if there were other funds available, other than ARPA monies which may be used to purchase the dump truck, with Mr. Tymesen responding fund balance could be used, yet in order to use it, approval was needed by Council. Mayor Hammond stated he had committed to Council that no ARPA funds would be spent, except the funds previously approved for the Police Department Substation expansion, in order to give Council the opportunity to hear priorities and give their input. Councilmember Gookin then withdrew the motion.

**PRESENTATION:** Mayor Hammond proclaimed May 2022, as Mental Health Awareness Month with Clark Richman, CDA NAMI Board President accepting the proclamation.

### **PUBLIC COMMENTS:**

Debra Rose, Athol, stated she had investment property in Coeur d'Alene and noted she was concerned with the lack of civility and disruptive behavior she had witnessed at Council meetings and encouraged Council to restrict public commenting to items on the agenda.

### **ANNOUNCEMENTS:**

Councilmember Miller noted the Library's new hours of operation were working well. She also wished her Mother, and all the other mothers, a "Happy Mother's Day."

Councilmember Evans announced the City's Arts Commission had openings and encouraged anyone interested in serving the community to apply and information on the Arts Commission was available on the City's website at [www.cdavid.org/arts](http://www.cdavid.org/arts).

Councilmember Gookin mentioned he had been approached by community members who were not in favor of meeting invocations and had asked Mayor Hammond to reopen discussions regarding them. He noted he would like to explore other denominations providing the invocations and would like the City's legal staff to research the legality of conducting invocations at the meetings. Mayor Hammond directed staff to place the invocation discussion on a June Council meeting agenda.

Councilmember Wood noted today was her last day on North Idaho College Board of Trustees and she looked forward to having more time to spend on City of Coeur d'Alene business. Mayor Hammond thanked Councilmember Wood for her many years of service.

Councilmember English noted he looked forward to discussions on the invocations and public comment policy.

Mayor Hammond recognized National Teacher's Week, thanked all teachers, and personally wished to thank TJ, Jessica, and Virginia. He mentioned the teaching profession could be difficult at times, and applauded all teachers who serve in the community.

Mayor Hammond requested the appointments of Mahlon “Skip” Priest to the Design Review Commission, and Amy Evans to the ignite CDA Board.

**MOTION:** Motion by McEvers, seconded by Wood, to appoint Mahlon “Skip” Priest to the Design Review Commission, and Amy Evans to the ignite CDA Board. **Motion carried.**

**CONSENT CALENDAR:**

1. Approval of Council Minutes for the April 19, 2022, Council Meeting.
2. Setting of the General Service/Public Works Committee Meeting for May 9, 2022.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of a Public Hearings for May 17, 2022:
  - a. V-22-02, Vacation of a portion of Mountain Avenue right-of-way adjoining the northerly boundary line of Lot 13, Block 24 of the Lake Shore Addition plat.
  - b. V-22-03, Vacation of a portion of Veneer Road right-of-way adjoining the southwesterly boundary line of Lot 1, Block 4 of the Atlas Waterfront First Addition, and Lots 5, 6 & 7, Block 6 of the Atlas Waterfront Second Addition.
  - c. V-22-04, Vacation of a portion of Atlas Road right-of-way adjoining the easterly boundary line of Lot 1 & 2, Block 1 of the Atlas Waterfront First Addition.
6. Approval of the Outdoor Seating Permit for 401 E. Sherman and 108 N. 4<sup>th</sup>, the addition of the Goat Lounge to the Moose Lounge; owner Dave Pulis.

**MOTION:** Motion by Gookin, seconded by Evans, to approve the Consent Calendar as presented.

**ROLL CALL:** Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye.  
**Motion carried.**

**RESOLUTION NO. 22-018**

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT WITH SELLAND CONSTRUCTION, INC., FOR THE KATHLEEN AVENUE IMPROVEMENTS

**STAFF REPORT:** City Engineer Chris Bosley requested Council approve change order #1 to the Kathleen Avenue Improvement project contract with Selland Construction, Inc. He stated as part of Idaho Transportation Department’s (ITD) Fastlane project, intersection improvements were made to US-95 at its intersection with Kathleen Avenue which included two (2) left turn lanes from southbound US-95 onto eastbound Kathleen Avenue. ITD chose to keep only one (1) left turn lane in operation until the southernmost eastbound lane could be extended to Government Way. He noted in January 2022, Council approved a contract with Selland Construction, Inc., to complete the construction. Construction began in April, and because the more recently placed asphalt near US-95 was showing signs of distress, staff was requesting the use overlay funds to extend the project, providing a new asphalt surface over the entire road segment. The cost of the change order is \$100,473.56, and funding was available within the approved Streets & Engineering budget. Approval of the change order would enable the City to provide a new asphalt surface over

the entire road segment under the existing construction contract. Paving would be completed at night.

**DISCUSSION:** Councilmember McEvers asked where the funding would come from, with Mr. Bosley responding it would come from the overlay fund. Mayor Hammond asked if there were cost sharing opportunities with ITD, with Mr. Bosley responding their jurisdiction ended at the crosswalks. Councilmember Gookin stated he was pleased the intersection was getting the much-needed improvements.

**MOTION:** Motion by McEvers, seconded by English, to approve **Resolution No. 22-018**, approving Change Order #1 to the Agreement with Selland Construction Inc., for the Kathleen Avenue Widening Project.

**ROLL CALL:** Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye.  
**Motion carried.**

#### **RESOLUTION NO. 22-019**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT FOR CONSTRUCTION AND COST SHARING FOR LACROSSE AVENUE SWALE CONSTRUCTION AND MATERIAL SHARING WITH ACTIVE WEST, LLC

**STAFF REPORT:** City Engineer Chris Bosley requested the approval of an agreement with Active West, LLC, for construction of the Lacrosse Avenue swale. He said in October of 2020, ignite CDA approved a contribution of up \$1.8 Million for the design and construction of Lacrosse Avenue. As a part of the construction, approximately 5,500 cubic yards of excess material were to be excavated from the site. He noted in order to avoid expenses related to hauling and disposing of the material, staff worked with the owner of an adjacent property, Active West, LLC, to create an agreement to sell the fill material to them. City Council approved the agreement in April of 2021. He said as the project nears completion, the City had an opportunity to utilize remaining ignite CDA funding from the \$1.8 Million, along with a contribution from Active West, LLC, to create a large swale, removing stormwater from an outfall to the Spokane River. He stated the funding for the swale had been approved by ignite CDA, and the additional \$50,000 from Active West, LLC, would fill the funding gap, allowing for the construction of the swale. As part of the agreement, Active West, LLC, would be allowed to drain stormwater from their future development to the swale, which would partially lie on an unusable part of their property. The swale construction would also create a more aesthetic use of the railroad corridor which was desired by Active West, LLC. Staff requests approval of the second agreement with Active West, LLC, for construction of the Lacrosse Avenue swale.

**DISCUSSION:** Councilmember McEvers asked if it would be a grassy swale, with Mr. Bosley responding it would be dryland grassy and low maintenance. Councilmember Gookin asked for more information relating to the ignite CDA funding. Mr. Bosley stated they had not used all of the \$1.8 million previously approved by ignite CDA for the project. Mayor Hammond stated constructing the swale was a good project and it would also help divert stormwater from the north

along Northwest Boulevard. Councilmember English stated the Lacrosse project was progressing very well.

**MOTION:** Motion by English, seconded by Wood, to approve **Resolution No. 22-019**, approving an Agreement with Active West, LLC, for the Lacrosse Avenue swale construction.

**ROLL CALL:** Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye.  
**Motion carried.**

#### **RESOLUTION NO. 22-020**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO  
AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT WITH LARIVIERE, INC., FOR  
THE LACROSSE AVENUE IMPROVEMENTS

**STAFF REPORT:** City Engineer Chris Bosley requested Council approve a change order with LaRiviere, Inc., for construction of the Lacrosse Avenue swale. He said in October 2020, ignite cda approved a contribution of up \$1.8 Million for the design and construction of the Lacrosse Avenue extension. Additional funding for this project was being provided by the City's Wastewater Department (\$31,856.00), Water Department (\$162,227.08), and Streets & Engineering's Stormwater fund (\$50,943.00), and a prior agreement with Active West, LLC (\$68,285.00). He stated the total funding identified for the project was \$2,113,311.08. He noted as a part of the City's Stormwater Outfall Volume Reduction Program, an opportunity was identified to construct a large swale and redirect stormwater that was piped through the site, removing approximately 60 acres (40 million gallons) of stormwater basin from draining to the Spokane River. He said although the swale construction was part of a proposed agreement with Active West, LLC modifications to the existing storm system were required to make the swale functional. He stated without the change order to the contract, the swale would be constructed but no water would be redirected to it until a future project made the connection. He stated staff recommended the approval of the change order with LaRiviere, Inc. for construction of the Lacrosse Avenue swale.

**DISCUSSION:** Councilmember Miller noted she had concerns with change orders in general and felt the projects should be sent out to bid. She said funding on the project was from ignite CDA, and they had approved the change order, therefore she could support it. Councilmember English noted change orders often times had saved substantial dollars for projects, as the contractor and their equipment were already on-site, and could quickly make the desired changes.

**MOTION:** Motion by English, seconded by Wood, to approve **Resolution No. 22-020**, Approving a Change Order with LaRiviere, Inc., for the Lacrosse Avenue Swale Construction.

**ROLL CALL:** McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye.  
**Motion carried.**

## **RESOLUTION NO. 22-021**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH T-O ENGINEERS FOR CONCEPTUAL DESIGN VALIDATION FOR THE 15<sup>TH</sup> STREET RECONSTRUCTION PROJECT

**STAFF REPORT:** City Engineer Chris Bosley requested Council approve the contract with T-O Engineers for concept validation for the 15<sup>th</sup> Street Reconstruction project. He said in 2011, Lake City Engineering was awarded a preliminary design contract to design the reconstruction of 15<sup>th</sup> Street, between Best Avenue and Harrison Avenue. In 2017, they were awarded the final design contract to complete the construction drawings, and in 2021, they contacted the City and stated they were unable to complete the project. He stated that in order to validate the design that had been completed to date, and seeing an opportunity to provide better stormwater management than what was previously designed, staff would like to sign a contract with T-O Engineers to begin design on the project. He noted T-O Engineers was on the City's on-call list for professional services. He said the new design would also look for opportunities to capture and dispose of stormwater with swales, rather than piping to the existing outfall. He said upon completion of the contract, City staff would decide on the remainder of the design, depending on what funding was available, which may decide which design standards and procedures must be followed. He said the cost of the contract was \$49,900.00, and funding was available from City impact fees.

**DISCUSSION:** Mayor Hammond asked how much had been paid to the previous consultant, with Mr. Bosley responding \$120,000 had been paid and clarified that the City would receive the work completed by the previous consultant. Councilmember McEvers noted he appreciated staff looking into better options for stormwater diversion.

**MOTION:** Motion by McEvers, seconded by Evans, to approve **Resolution No. 22-021**, Approving an Agreement with T-O Engineers for the Conceptual Design Validation for Reconstruction of 15th Street.

**ROLL CALL:** English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye.  
**Motion carried.**

## **RESOLUTION NO. 22-022**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE PURCHASE OF A 2023 WESTERN STAR DUMP/PLOW TRUCK FROM FREIGHTLINER NORTHWEST FOR THE STREETS AND ENGINEERING DEPARTMENT USING ARPA FUNDING

**STAFF REPORT:** Streets and Engineering Director Todd Feusier requested Council approve the purchase of a 2023 Western Star dump/plow truck for the Streets & Engineering Department (Department). He said dump trucks utilized by the Department were an essential and critical tool that were used daily. He said the Department currently had eight (8) trucks, with the newest being 14-years old. He said increasing maintenance costs and the availability of parts for the aging fleet

were a constant challenge in their commitment to provide quality service. He noted that Idaho Code allowed the City to piggyback onto a state/political subdivision bid, and in this case, the bid obtained by the City of Coeur d'Alene Drainage Utility allowed the City to purchase the dump truck at a competitive cost without having to conduct a separate bid. He said the cost of the dump truck was \$247,086.11 which would be funded by utilizing American Rescue Plan Act (ARPA) funds. He stated these types of purchases were requiring exceptionally long lead times as dealer inventory was low. He noted if Council were to approve the purchase at this time, the expected delivery date was January 2023. He said equipment pricing was increasing rapidly and the quote given expires on May 6, 2022. He mentioned the Western Star dump/plow truck offered as the low bid by Freightliner Northwest had been analyzed and determined to meet the City's specifications. He said if the City didn't order the truck by Friday, May 6, it would be released for sale to others and they would have to order one at a higher price and wait 18 months for delivery. He asked Council to approve the purchase from Freightliner Northwest for one (1) 2023 Western Star dump/plow truck in the amount of \$247,086.11.

**DISCUSSION:** Mayor Hammond asked if Council approved the purchase, what would the financial liability be at this time, with Mr. Feusier responding payment would be due within 30-days from truck delivery. Councilmember Wood asked if they would still have an opportunity to approve other ARPA funded projects, with Mayor Hammond responding in the affirmative. Councilmember McEvers said he appreciated the Streets Department working with the City during lean times and getting the most out of their equipment. Councilmember Gookin asked Mr. Feusier about finding used trucks, with Mr. Feusier responding there was used inventory available, yet they were not in good condition and he wouldn't recommend purchasing one of them. Councilmember Miller asked for confirmation if the purchase was approved tonight, and at a later ARPA workshop the funding was not approved, the funds would then need Council approval to come from fund balance. Mr. Tymesen confirmed that was the appropriate process. Councilmember Gookin asked City Attorney Randy Adams if it was an obligation council would be setting for next year's budget, with Mr. Adams responding it could be considered a budget obligation and the contract would have to have a non-appropriation clause in it. He said Council could authorize the signing of the contract with the non-appropriation clause and appropriate the funds at a later date prior to the due date of the contract. Councilmember Gookin stated he thought the economy was in a long recession and felt pricing would decrease in the future yet he was not comfortable taking a wait and see approach at this time. Mayor Hammond stated it was a substantial obligation in the Streets Department to be holding on to old equipment and as budget talks continued the issue would need to be addressed.

**MOTION:** Motion by Wood, seconded by McEvers, to approve **Resolution No. 22-022**, approving the purchase of a Dump Truck for the Streets and Engineering Department using future appropriations.

**ROLL CALL:** Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye.  
**Motion carried.**

**J. ADJOURNMENT:** Motion by McEvers, seconded by Wood, that there being no other business, this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:14 p.m.

ATTEST:

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James Hammond, Mayor

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Sherrie L. Badertscher  
Executive Assistant

DRAFT

May 9, 2022  
**GENERAL SERVICES/PUBLIC WORKS COMMITTEE**  
**MINUTES**  
**12:00 p.m., Library Community Room**

**COMMITTEE MEMBERS**

Council Member Amy Evans, Chairperson  
Council Member Christie Wood  
Council Member Dan English

**STAFF**

Juanita Knight, Senior Legal Assistant  
Renata McLeod, Municipal Services Director  
Randy Adams, City Attorney  
Captain Dave Hagar, Police Department  
Mike Becker, Capital Program Manager, Wastewater  
Troy Tymesen, City Administrator

**Item 1.           Request Approval of the Destruction of Records in Accordance with the City's Records Retention Schedule.**  
**(Consent Resolution)**

Municipal Services Director Renata McLeod is requesting Council authorize the destruction of certain public records in accordance with the City's records retention schedule. Mrs. McLeod explained in her staff report that the Police Department is requesting the destruction of temporary records that have surpassed the retention period. Records to be destroyed include vehicle sale logs from 2015 through 2019 and electronic records requests from 2018 and 2019. The Municipal Services Department is requesting the destruction of video redaction records, which are temporary records, created prior to 2020. The destruction of these files will also free up needed storage space.

**MOTION: by English, seconded by Wood, to recommend that Council approve the Destruction of Records in accordance with the City's Records Retention Schedule. Motion Carried.**

**Item 2.           Request approval of a Public Comment Policy.**  
**Information Only**

Municipal Services Director Renata McLeod is requesting (1) Council approve a policy for governing public comment at meetings of Council and other City commissions and committees; (2) establish a policy of procedure that every motion made at City meetings requires a second in order to move it forward for further discussion and a vote. Mrs. McLeod explained in her staff report that in December 2020, staff presented a proposed policy for public comment to both Council sub-committees. Feedback at that time requested additional clarity in the policy that comments be focused on current meeting agenda items or matters of public interest, confirmation of a 3-minute maximum, and application to all public meetings where public comments are allowed. At the second sub-committee meeting, requests were made to remove the requirement that public comment must be related to the current agenda, and that proposed rules relating to back and forth discussions and complaints be further developed. Concern was expressed about preventing relevant public comment. Council took no final action on the proposed policy. Mayor Hammond has requested a policy be brought back for discussion. In looking back in the City records, no policy regarding public comments has ever been adopted. In consultation with the City Attorney's office, it is recommended that the City should have a formal policy if the City wants to impose any restrictions and/or limitations on public comment. There were no examples of such a policy in other communities in north Idaho. However, there are several examples throughout the United States.

Councilmember Wood said she would not support *Rule 2 – A Public Comment period shall be no longer than 30 minutes per meeting. The Mayor or chair may allow additional time.* She said sometimes people want to talk longer than 30 minutes and, if you cut it off, someone does not get the opportunity to speak. *Rule 3 - Public comment will only be accepted from City of Coeur d'Alene residents.* She feels there is going to be times when people outside of the City limits will need the opportunity to speak at public comments so she's not keen on restricting that. *Rule 4 - Public comment may also be accepted on matters of current City business. Public comment is not allowed on matters of personal or commercial business.* She said she supports keeping public comment discussions to the agenda. She added that the Council should have Town Hall meetings to give citizens the opportunity to talk about anything. She also said that any resident, at any time, can contact the Mayor or Council via email, letter, phone call, etc. They can also request the Mayor place an item on the agenda.

Councilmember English supports having a policy on these matters. He does support *Rule 3 - comments only be accepted from city residents.* He is not entirely supportive of *Rule 4 - restricting comments to agenda items only.* He supports *Rule 9 - Prior to speaking, a member of the public shall state his/her true name and address for the record. Refusal to provide the name or address shall be grounds for denying an opportunity to address Council.* If someone provides false information when providing their name and address, he believes there should be consequences. He said *Rule 2 – 30 minutes per meeting* would be sufficient most of the time. However, there needs to be flexibility with hot-topic agenda items.

Councilmember Evans said *Rule 2 – 30-minute comments* are a bit strict, though she likes that the rule includes "The Mayor or chair may allow additional time." She said that *Rule 3 – comments by CDA resident only* is also too restrictive. She is in support of *Rule 9 – providing name and address*, she said this comes down to respect and respect for the process. *Rule 14 – Complaints about staff or others...*, she suggested 'slander' also be added to that section to capture some of the recent comments and behaviors during public comments.

#### **ITEM FORWARDED TO THE MAY 23<sup>RD</sup> GS/PW MEETING FOR FURTHER DISCUSSION.**

##### **Item 3.           Request approval of the purchase of a Lemur S Drone. (Consent Resolution)**

Captain Dave Hagar, Police Department, is requesting Council approve a request to purchase a Lemur S drone. Captain Hagar explained in his staff report that the Police Department utilizes "slow and deliberate" tactics when contacting potentially armed suspects inside of structures. These tactics limit dynamic interactions between officers and suspects by using means other than rushing into a structure. "Slow and deliberate" tactics have proven to be safer for officers and less likely to result in a use of force than other barricade response tactics. When they are able, they will deploy a robot into a structure to locate a suspect and communicate with them in an attempt to get them to surrender. In many cases, disarray in the home and obstacles on the floor will render the robot useless to conduct the search which then forces the need to put officers into the structure, which leads to a higher risk for both the officers and the suspect. The Lemur S Drone was developed for law enforcement use for the sole purpose of searching structures and avoiding ground level obstacles. It is not designed to fly very far in an outdoor setting because it is not governed by GPS location like a traditional drone, but can be flown indoors and is even recommend to be flown while touching a wall without having a negative impact on performance. The device provides for video and two-way audio communication. The drone was developed in a partnership with a private entity and a municipal SWAT Team and has proven to be very effective. The total cost of the drone and the accessories to make it operational is \$14,995. The Police Department has

adequate budget capacity due to savings from vacancies in officer positions to cover the cost of this purchase. The drone requested could have been deployed on at least three (3) incidents already in 2022, that would have reduced the risk to both the officers and the suspects alike. This tool can be used to reduce liability to the City of Coeur d'Alene.

Councilmember English said he can definitely see the value in this. He asked City Attorney Randy Adams where this purchase fits in the bid process, i.e., requests for 3 quotes. Mr. Adams said this is well below the requirement for any bids or quotes. Captain Hagar said they have a price reasonableness form where they can list that this product is the only one that meets their criteria and there are no other competitors that can meet the need. Councilmember English asked how PD came across this particular drone, with Captain Hagar responding it was developed by a young teen from Western Washington who was very interested in drones. The teen went to his local SWAT team and asked them what he could build to meet their needs. The teen, along with some investors, developed the drone. The drone was brought out to Kootenai County Fairgrounds for a demonstration and staff was very impressed.

Councilmember Wood asked if PD has someone in SWAT already trained on drone technology. Captain Hagar said there are other officers, outside of SWAT, that are trained on drones that will work with the SWAT Team.

**MOTION: by English, seconded by Wood, to recommend that Council approve the purchase of a Lemur S Drone. Motion Carried.**

**Item 4.           Request approval of Change Orders #1, and #3-5, with Petra, Inc., for the new sewer collections building, in the amount of \$196,027.86.**  
**(Consent Resolution)**

Wastewater Capital Program Manager Mike Becker is requesting Council approve Change Orders 1, and 3-5 for the New Sewer Collection Building Contract with Petra, Inc., in the amount of \$196,027.86. Mr. Becker explained in his staff report that last June, the City approved a bid to construct the new Sewer Collections Building at the north end of Julia Street and adjacent to the new Water Department Building. The building is intended to facilitate the Sewer Collections offices, apparatus vehicles, equipment storage, and workshop. Mr. Becker explained the justifications for CO #1 and #4 is the excavation and removal of additional undocumented fill material across the entire improvements site beyond that defined in the site's Geotechnical Report. This CO should minimize differential settlement across the project site. CO #3 Material and Labor Escalations account for the increased costs associated with the scarcity of materials, fluctuating steel prices, increased shipping costs, unstable fuel prices, local labor shortages and additional administration time. CO #5 is for a City request for conduits for future security devices located at the gates prior to asphaltting the site. Since CO #2 is not a Certificate of Occupancy issue and can be done for less internally (City work), it was rejected and the work deferred to a later date. Mr. Becker said this project is a multi-year project and will extend into FY 2022/2023. Wastewater has budgeted \$1,600,000 and plans to remain within this budget for this fiscal year. WW will budget the remaining \$563,000 next year (FY 22/23) for a total project cost of \$2,163,000. Based on this Budget Plan, WW has budget to cover this first set of change orders.

Councilmember Wood reiterated that all of these projects have come before Council and have been approved, and what is before them today are simply additional needs that have come up and price changes. Mr. Becker confirmed that is correct. He said an honest attempt is made to forecast what these projects will cost, however, needs and prices change.

**MOTION: by Wood, seconded by English, to recommend that Council approve Change Orders #1, and #3-5, with Petra, Inc., for the new sewer collections building, in the Amount of \$196,027.86. Motion Carried.**

The meeting adjourned at 12:31 p.m.

Respectfully submitted,  
Juanita Knight  
Senior Legal Assistant  
Recording Secretary

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SEVEN MONTHS ENDED  
April 30, 2022

RECEIVED

MAY 9 2022

CITY CLERK

| FUND OR<br>DEPARTMENT | TYPE OF<br>EXPENDITURE | TOTAL<br>BUDGETED | SPENT THRU<br>4/30/2022 | PERCENT<br>EXPENDED |
|-----------------------|------------------------|-------------------|-------------------------|---------------------|
| Mayor/Council         | Personnel Services     | \$260,153         | \$143,278               | 55%                 |
|                       | Services/Supplies      | 9,692             | 3,434                   | 35%                 |
| Administration        | Personnel Services     | 220,154           | 128,218                 | 58%                 |
|                       | Services/Supplies      | 2,920             | 362                     | 12%                 |
| Finance               | Personnel Services     | 719,191           | 402,951                 | 56%                 |
|                       | Services/Supplies      | 579,455           | 555,523                 | 96%                 |
| Municipal Services    | Personnel Services     | 1,289,332         | 742,385                 | 58%                 |
|                       | Services/Supplies      | 931,896           | 415,498                 | 45%                 |
|                       | Capital Outlay         |                   |                         |                     |
| Human Resources       | Personnel Services     | 356,011           | 201,825                 | 57%                 |
|                       | Services/Supplies      | 78,871            | 49,575                  | 63%                 |
| Legal                 | Personnel Services     | 1,256,687         | 785,163                 | 62%                 |
|                       | Services/Supplies      | 56,853            | 18,661                  | 33%                 |
| Planning              | Personnel Services     | 657,218           | 377,413                 | 57%                 |
|                       | Services/Supplies      | 57,300            | 41,778                  | 73%                 |
|                       | Capital Outlay         |                   |                         |                     |
| Building Maintenance  | Personnel Services     | 368,824           | 180,060                 | 49%                 |
|                       | Services/Supplies      | 239,075           | 144,229                 | 60%                 |
|                       | Capital Outlay         | 95,000            | 75,200                  | 79%                 |
| Police                | Personnel Services     | 15,896,728        | 8,584,317               | 54%                 |
|                       | Services/Supplies      | 1,768,232         | 887,147                 | 50%                 |
|                       | Capital Outlay         | 329,840           | 209,079                 | 63%                 |
| Fire                  | Personnel Services     | 10,829,600        | 6,609,085               | 61%                 |
|                       | Services/Supplies      | 692,976           | 372,267                 | 54%                 |
|                       | Capital Outlay         | 25,000            |                         |                     |
| General Government    | Services/Supplies      | 47,180            | 50,977                  | 108%                |
|                       | Capital Outlay         |                   | 711                     |                     |
| Police Grants         | Personnel Services     | 77,961            | 42,060                  | 54%                 |
|                       | Services/Supplies      |                   | 30,848                  |                     |
|                       | Capital Outlay         |                   |                         |                     |
| CdA Drug Task Force   | Services/Supplies      | 35,000            | 1,560                   | 4%                  |
|                       | Capital Outlay         |                   |                         |                     |
| Streets               | Personnel Services     | 3,220,429         | 1,858,196               | 58%                 |
|                       | Services/Supplies      | 1,860,134         | 611,180                 | 33%                 |
|                       | Capital Outlay         | 90,000            | 70,552                  | 78%                 |
| Parks                 | Personnel Services     | 1,919,367         | 891,177                 | 46%                 |
|                       | Services/Supplies      | 698,100           | 285,343                 | 41%                 |
|                       | Capital Outlay         |                   |                         |                     |

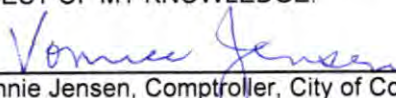
CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SEVEN MONTHS ENDED  
April 30, 2022

| FUND OR<br>DEPARTMENT      | TYPE OF<br>EXPENDITURE | TOTAL<br>BUDGETED | SPENT THRU<br>4/30/2022 | PERCENT<br>EXPENDED |
|----------------------------|------------------------|-------------------|-------------------------|---------------------|
| Recreation                 | Personnel Services     | 574,567           | 322,642                 | 56%                 |
|                            | Services/Supplies      | 180,850           | 74,949                  | 41%                 |
|                            | Capital Outlay         |                   |                         |                     |
| Building Inspection        | Personnel Services     | 964,436           | 553,619                 | 57%                 |
|                            | Services/Supplies      | 39,928            | 11,732                  | 29%                 |
|                            | Capital Outlay         |                   |                         |                     |
| Total General Fund         |                        | <u>46,428,960</u> | <u>25,732,994</u>       | <u>55%</u>          |
| Library                    | Personnel Services     | 1,388,065         | 785,481                 | 57%                 |
|                            | Services/Supplies      | 228,000           | 119,603                 | 52%                 |
|                            | Capital Outlay         | 180,000           | 66,145                  | 37%                 |
| CDBG                       | Personnel Services     | 72,250            | 41,272                  | 57%                 |
|                            | Services/Supplies      | 478,122           | 185,966                 | 39%                 |
| Cemetery                   | Personnel Services     | 209,640           | 109,583                 | 52%                 |
|                            | Services/Supplies      | 117,400           | 60,303                  | 51%                 |
|                            | Capital Outlay         | 87,000            | 50,601                  | 58%                 |
| Impact Fees                | Services/Supplies      | 769,000           | (216,435)               | -28%                |
| Annexation Fees            | Services/Supplies      | 175,000           | 175,000                 | 100%                |
| Parks Capital Improvements | Capital Outlay         | 465,460           | 105,733                 | 23%                 |
| Cemetery Perpetual Care    | Services/Supplies      | 166,500           | 96,110                  | 58%                 |
| Jewett House               | Services/Supplies      | 26,353            | 5,627                   | 21%                 |
| Reforestation              | Services/Supplies      | 6,500             |                         |                     |
| Street Trees               | Services/Supplies      | 112,000           | 12,543                  | 11%                 |
| Community Canopy           | Services/Supplies      | 1,500             | 180                     | 12%                 |
| Public Art Fund            | Services/Supplies      | 461,300           | 106,422                 | 23%                 |
|                            |                        | <u>4,944,090</u>  | <u>1,704,132</u>        | <u>34%</u>          |
| Debt Service Fund          |                        | <u>878,408</u>    | <u>34,228</u>           | <u>4%</u>           |

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SEVEN MONTHS ENDED  
April 30, 2022

| FUND OR<br>DEPARTMENT         | TYPE OF<br>EXPENDITURE | TOTAL<br>BUDGETED    | SPENT THRU<br>4/30/2022 | PERCENT<br>EXPENDED |
|-------------------------------|------------------------|----------------------|-------------------------|---------------------|
| LaCrosse Ave / NW Blvd        | Capital Outlay         |                      | 4,757                   |                     |
| Seltice Way Sidewalks         | Capital Outlay         |                      |                         |                     |
| Traffic Calming               | Capital Outlay         | 40,000               | 9,496                   |                     |
| Kathleen Avenue Widening      | Capital Outlay         | 755,000              | 181,896                 | 24%                 |
| US 95 Upgrade                 | Capital Outlay         |                      |                         |                     |
| 15th Street                   | Capital Outlay         |                      | 2,275                   |                     |
| LHTAC Pedestrian Safety       | Capital Outlay         | 605,000              |                         |                     |
| Downtown Signal Imprvmnts     | Capital Outlay         |                      |                         |                     |
| Atlas Waterfront Project      | Capital Outlay         |                      |                         |                     |
| NW Blvd Traffic Signals       | Capital Outlay         |                      |                         |                     |
|                               |                        | <u>1,400,000</u>     | <u>198,424</u>          | <u>14%</u>          |
| Street Lights                 | Services/Supplies      | 658,900              | 344,299                 | 52%                 |
| Water                         | Personnel Services     | 2,497,479            | 1,274,317               | 51%                 |
|                               | Services/Supplies      | 5,095,931            | 902,601                 | 18%                 |
|                               | Capital Outlay         | 4,713,500            | 1,707,975               | 36%                 |
| Water Capitalization Fees     | Services/Supplies      | 2,650,000            |                         |                     |
| Wastewater                    | Personnel Services     | 3,034,430            | 1,605,382               | 53%                 |
|                               | Services/Supplies      | 7,949,068            | 1,716,817               | 22%                 |
|                               | Capital Outlay         | 9,735,000            | 738,833                 | 8%                  |
|                               | Debt Service           | 4,194,992            | 1,346,470               | 32%                 |
| WW Capitalization             | Services/Supplies      | 3,840,853            |                         |                     |
| WW Property Management        | Services/Supplies      |                      | 26,098                  |                     |
| Sanitation                    | Services/Supplies      | 4,562,297            | 2,354,406               | 52%                 |
| Public Parking                | Services/Supplies      | 1,718,619            | 532,976                 | 31%                 |
|                               | Capital Outlay         |                      |                         |                     |
| Drainage                      | Personnel Services     | 229,876              | 133,655                 | 58%                 |
|                               | Services/Supplies      | 1,001,862            | 246,104                 | 25%                 |
|                               | Capital Outlay         | 890,000              | 82,292                  | 9%                  |
| Total Enterprise Funds        |                        | <u>52,772,807</u>    | <u>13,012,226</u>       | <u>25%</u>          |
| Kootenai County Solid Waste   |                        | 2,900,000            | 1,492,682               | 51%                 |
| Police Retirement             |                        | 192,235              | 111,407                 | 58%                 |
| Business Improvement District |                        | 176,000              |                         |                     |
| Homeless Trust Fund           |                        | 8,000                | 4,822                   | 60%                 |
| Total Fiduciary Funds         |                        | <u>3,276,235</u>     | <u>1,608,911</u>        | <u>49%</u>          |
| TOTALS:                       |                        | <u>\$109,700,500</u> | <u>\$42,290,915</u>     | <u>39%</u>          |

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

  
\_\_\_\_\_  
Vonnice Jensen, Comptroller, City of Coeur d'Alene, Idaho

RECEIVED


MAY 9 2022

CITY CLERK

City of Coeur d'Alene  
Cash and Investments  
4/30/2022

| Description                                       | City's<br>Balance        |
|---|--------------------------|
| <b>U.S. Bank</b>                                  |                          |
| Checking Account                                  | 4,622,462                |
| Checking Account                                  | 72,772                   |
| Checking Account                                  | 64,231                   |
| Investment Account - Police Retirement            | 499,954                  |
| Investment Account - Cemetery Perpetual Care Fund | 1,133,265                |
| <b>Idaho Central Credit Union</b>                 |                          |
| Certificate of Deposit                            | 279,746                  |
| <b>Idaho State Investment Pool</b>                |                          |
| State Investment Pool Account                     | 65,164,958               |
| <b>Spokane Teacher's Credit Union</b>             |                          |
| Certificate of Deposit                            | 258,642                  |
| <b>Numerica Credit Union</b>                      |                          |
| Certificate of Deposit                            | 1,000,000                |
| <b>Cash on Hand</b>                               |                          |
| Treasurer's Change Fund                           | 1,350                    |
| <b>Total</b>                                      | <u><u>73,097,380</u></u> |

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE  
ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

  
\_\_\_\_\_  
Vonnie Jensen, Comptroller, City of Coeur d'Alene, Idaho

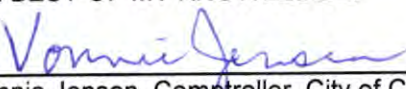
MAY 9 2022

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

CITY CLERK

| FUND                                | BALANCE<br>3/31/2022 | RECEIPTS           | DISBURSE-<br>MENTS | BALANCE<br>4/30/2022 |
|-------------------------------------|----------------------|--------------------|--------------------|----------------------|
| <u>General-Designated</u>           | \$7,435,366          | \$30,799           | \$8,840            | \$7,457,325          |
| <u>General-Undesignated</u>         | 11,108,436           | 7,045,365          | 6,504,531          | 11,649,270           |
| <u>Special Revenue:</u>             |                      |                    |                    |                      |
| Library                             | 436,208              | 19,577             | 138,021            | 317,764              |
| CDBG                                | (26,343)             |                    | 30,898             | (57,241)             |
| Cemetery                            | 238,346              | 38,499             | 29,720             | 247,125              |
| Parks Capital Improvements          | 629,104              | 46,641             | 16,522             | 659,223              |
| Impact Fees                         | 6,288,364            | 22,987             |                    | 6,311,351            |
| Annexation Fees                     | 356,249              | 88                 |                    | 356,337              |
| American Recovery Plan              | 4,124,925            |                    |                    | 4,124,925            |
| Cemetery P/C                        | 1,162,341            | 11,253             | 32,867             | 1,140,727            |
| Jewett House                        | 141,678              | 3,265              | 1,062              | 143,881              |
| Reforestation                       | 24,025               | 6                  |                    | 24,031               |
| Street Trees                        | 189,753              | 3,947              | 392                | 193,308              |
| Community Canopy                    | 2,719                | 1                  |                    | 2,720                |
| Public Art Fund                     | 64,141               | 16                 |                    | 64,157               |
| Public Art Fund - ignite            | 587,921              | 146                | 34,440             | 553,627              |
| Public Art Fund - Maintenance       | 134,711              | 33                 | 1,022              | 133,722              |
| <u>Debt Service:</u>                |                      |                    |                    |                      |
| 2015 G.O. Bonds                     | 603,352              | 9,892              |                    | 613,244              |
| <u>Capital Projects:</u>            |                      |                    |                    |                      |
| Street Projects                     | 446,552              | 111                | 15,311             | 431,352              |
| <u>Enterprise:</u>                  |                      |                    |                    |                      |
| Street Lights                       | 142,549              | 52,106             | 58,570             | 136,085              |
| Water                               | 1,952,037            | 329,228            | 815,479            | 1,465,786            |
| Water Capitalization Fees           | 6,483,015            | 58,868             |                    | 6,541,883            |
| Wastewater                          | 11,785,065           | 966,190            | 771,678            | 11,979,577           |
| Wastewater - Equip Reserve          | 1,381,698            | 27,500             |                    | 1,409,198            |
| Wastewater - Capital Reserve        | 3,500,000            |                    |                    | 3,500,000            |
| WWTP Capitalization Fees            | 5,675,464            | 70,524             | 942                | 5,745,046            |
| WW Property Mgmt                    | 217,092              |                    | 161,689            | 55,403               |
| Sanitation                          | 1,729,906            | 481,475            | 477,965            | 1,733,416            |
| Public Parking                      | 613,791              | 39,327             | 14,791             | 638,327              |
| Drainage                            | 1,579,003            | 85,679             | 98,506             | 1,566,176            |
| Wastewater Debt Service             | 2,919,833            | 725                |                    | 2,920,558            |
| <u>Fiduciary Funds:</u>             |                      |                    |                    |                      |
| Kootenai County Solid Waste Billing | 236,731              | 230,713            | 236,848            | 230,596              |
| Police Retirement                   | 506,818              |                    | 21,110             | 485,708              |
| Sales Tax                           | 3,375                | 4,359              | 3,375              | 4,359                |
| BID                                 | 314,158              | 3,578              |                    | 317,736              |
| Homeless Trust Fund                 | 844                  | 678                | 844                | 678                  |
| <b>GRAND TOTAL</b>                  | <b>\$72,989,227</b>  | <b>\$9,583,576</b> | <b>\$9,475,423</b> | <b>\$73,097,380</b>  |

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

  
 Vonnie Jensen, Comptroller, City of Coeur d'Alene, Idaho

RESOLUTION NO. 22-023

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING THE FOLLOWING: A REQUEST TO APPROVE THE DESTRUCTION OF RECORDS OF THE POLICE AND MUNICIPAL SERVICES DEPARTMENT IN ACCORDANCE WITH THE CITY'S RECORDS RETENTION SCHEDULE; THE PURCHASE OF A LEMUR S DRONE FOR THE POLICE DEPARTMENT; CHANGE ORDER NOS. 1, 3, 4, AND 5 TO THE AGREEMENT WITH PETRA, INC., FOR THE NEW SEWER COLLECTION BUILDING FOR THE WASTEWATER DEPARTMENT AND GRANT OF EASEMENT TO BEAR WATERFRONT, LLC, FOR A ROAD AND PARKING EASEMENT FOR INGRESS, EGRESS, AND PARKING, OVER AND UNDER CITY PROPERTY NEAR TILFORD LANE AND N. BEEBE BLVD.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the agreements and take the other action listed below, pursuant to the terms and conditions set forth in the agreements and other action documents attached hereto as Exhibits "A" through "C" and by reference made a part hereof as summarized as follows:

- A) Destruction of Records of the Police and Municipal Services Department in accordance with the City's Records Retention Schedule;
- B) Purchase of a Lemur S Drone for the Police Department;
- C) Change Orders #1, 3, 4, and 5 to the agreement with Petra, Inc., (pursuant to Resolution No. 21-040 entered into on July 6, 2021) for the New Sewer Collections Building for the Wastewater Department in the amount of \$196,027.86;
- D) Grant of Easement to Bear Waterfront, LLC, for a road and parking easement for ingress, egress, and parking, over and under City property near Tilford Lane and N. Beebe Blvd; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements and take the other action for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A" through "C" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby

authorized to modify said agreements and the other action, so long as the substantive provisions of the agreements and the other action remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such agreements or other documents as may be required on behalf of the City.

DATED this 17<sup>th</sup> day of May, 2022.

---

James Hammond, Mayor

ATTEST:

---

Renata McLeod, City Clerk

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, to adopt the foregoing resolution.

ROLL CALL:

|                        |       |
|------------------------|-------|
| COUNCIL MEMBER ENGLISH | Voted |
| COUNCIL MEMBER MILLER  | Voted |
| COUNCIL MEMBER GOOKIN  | Voted |
| COUNCIL MEMBER EVANS   | Voted |
| COUNCIL MEMBER MCEVERS | Voted |
| COUNCIL MEMBER WOOD    | Voted |

\_\_\_\_\_ was absent. Motion \_\_\_\_\_.

**GENERAL SERVICES/PUBLIC WORKS COMMITTEE  
STAFF REPORT**

**DATE: MAY 9, 2022**

**FROM: RENATA MCLEOD, MUNICIPAL SERVICES DIRECTOR/CITY CLERK**

**SUBJECT: REQUEST THE DESTRUCTION OF RECORDS**

---

**DECISION POINT:**

Should Council authorize the destruction of certain public records in accordance with the City's records retention schedule?

**HISTORY:**

The Police Department is requesting the destruction of temporary records that have surpassed the retention period. Records to be destroyed include vehicle sale logs from 2015 through 2019 and electronic records requests from 2018 and 2019. The Municipal Services Department is requesting the destruction of video redaction records, which are temporary records, created prior to 2020. The destruction of these files will also free up needed storage space. Documentation from the departments is attached.

**PERFORMANCE ANALYSIS:**

Because of the limits on storage space, records are routinely reviewed to determine if retaining the record is warranted. The records on the attached list are classified as temporary records and are only required to be retained for two-years. These records have been retained in excess of the required time frame and they are no longer useful for public purposes. In addition, it is necessary to purge these files in order to free up storage space for future records. This request is in accordance to the approved Records Retention Policy approved pursuant to Resolution No. 16-056.

**DECISION POINT:**

Council should authorize staff to proceed with the destruction of records from the Police and Municipal Services Departments, as listed, pursuant to I.C. 50-907 and the City's adopted Records Retention Schedule.

REQUEST FOR DESTRUCTION OF RECORDS

DEPARTMENT: Police / Municipal Services

DATE: May 2022

| RECORD DESCRIPTION                           | TYPE OF RECORD<br>(Perm./Semi-P/Temp) | DATES OF RECORDS<br>(From - To) |
|--|---------------------------------------|---------------------------------|
| VEHICLE SALE LOGS - Police                   | TEMP                                  | 2015 THRU 2019                  |
| Electronic Public Records Requests - Police  | Temp                                  | 2018 & 2019                     |
| Video redaction records – Municipal Services | Temp                                  | Prior to 2020                   |

## **CITY COUNCIL STAFF REPORT**

**DATE:** MAY 17, 2022

**FROM:** DAVE HAGAR, POLICE DEPARTMENT

**SUBJECT:** PURCHASE OF AN INDOOR DRONE FOR SWAT USE

---

**DECISION POINT:** Should Council approve a Police Department request to purchase a Lemur S drone?

**HISTORY:** The Police Department utilizes “slow and deliberate” tactics when contacting potentially armed suspects inside of structures. These tactics limit dynamic interactions between officers and suspects by using means other than rushing into a structure. “Slow and deliberate” tactics have proven to be safer for officers and less likely to result in a use of force than other barricade response tactics. When we are able, we will deploy a robot into a structure to locate a suspect and communicate with them in an attempt to get them to surrender. In many cases, disarray in the home and obstacles on the floor will render the robot useless to conduct the search which then forces the need to put officers into the structure, which leads to a higher risk for both the officers and the suspect. The Lemur S Drone was developed for law enforcement use for the sole purpose of searching structures and avoiding ground level obstacles. It is not designed to fly very far in an outdoor setting because it is not governed by GPS location like a traditional drone, but can be flown indoors and is even recommend to be flown while touching a wall without having a negative impact on performance. This device provides for video and two-way audio communication. This drone is not intended for general use and observation, but for specific interior tasks. The drone was developed in a partnership with a private entity and a municipal SWAT Team and has proven to be very effective.

**FINANCIAL ANALYSIS:** The total cost of the drone and the accessories to make it operational is \$14,995. The Police Department has adequate budget capacity due to savings from vacancies in officer positions to cover the cost of this purchase.

**PERFORMANCE ANALYSIS:** The drone requested could have been deployed on at least three (3) incidents already in 2022, that would have reduced the risk to both the officers and the suspects alike. This tool can be used to reduce liability to the City of Coeur d’Alene.

**DECISION POINT:** Council should approve the Police Department request to purchase the Lemur S Drone.

**GENERAL SERVICES/PUBLIC WORKS  
STAFF REPORT**

**DATE: MAY 9, 2022**

**FROM: MIKE BECKER, CAPITAL PROGRAMS MANAGER, WW  
DEPARTMENT**

**SUBJECT: NEW SEWER COLLECTIONS BUILDING – CHANGE ORDERS**

---

**DECISION POINT:**

Should City Council approve Change Orders 1, and 3-5 for the New Sewer Collection Building Contract with Petra, Inc., in the amount of \$196,027.86?

**HISTORY:**

Last June, the City approved a bid to construct the new Sewer Collections Building at the north end of Julia Street and adjacent to the new Water Department Building. This building is intended to facilitate the Sewer Collections offices, apparatus vehicles, equipment storage, and workshop.

As shown in the table below, Petra, Inc., has presented the following five (5) Change Orders to the City:

|                            |   |                      |
|----------------------------|---|----------------------|
| CO #1                      | Additional Site Clearing (Undocumented Fill)      | \$ 56,928.19         |
| CO #2                      | Additional Concrete Work (REJECTED BY CITY)       | \$ 0                 |
| CO #3                      | Material and Labor Escalation Costs               | \$ 126,422.30        |
| CO #4                      | Additional Unsuitable Material Removal            | \$ 1,241.96          |
| CO #5                      | Additional Security Gate Access Conduits (Future) | \$ 10,435.41         |
| <b>Change Order Total:</b> |   | <b>\$ 196,027.86</b> |

Justifications for CO #1 and #4 is the excavation and removal of additional undocumented fill material across the entire improvements site beyond that defined in the Site's Geotechnical Report. This CO should minimize differential settlement across the project site. CO #3 Material and Labor Escalations account for the increased costs associated with the scarcity of materials, fluctuating steel prices, increased shipping costs, unstable fuel prices, local labor shortages and additional administration time. CO #5 is for a City request for conduits for future security devices

located at our gates prior to asphaltting the site. Since CO #2 is not a Certificate of Occupancy issue and can be done for less internally (City work), it was rejected and the work deferred to a later date.

### **FINANCIAL ANALYSIS:**

The following is a financial breakdown of the WW Department's multi-year budget for this project.

|   |                     |
|---|---------------------|
| Architect's Construction Estimate:            | \$ 1,755,725        |
|   |                     |
| Contractor (Petra, Inc.) Bid with Add Alt #1: | \$ 1,787,900        |
| City Management Reserve (contingency):        | \$ 218,929          |
| A/E Fees:                                     | \$ 124,038          |
| City Fees:                                    | \$ 32,133           |
| <b>Total Project Cost:</b>                    | <b>\$ 2,163,000</b> |

This project is a multi-year project and will extend into FY 2022/2023. Under #031-022-4352-7310, WW has budgeted \$1,600,000 and plans to remain within this budget for this fiscal year. WW will budget the remaining \$563,000 next year (FY 22/23) for a total project cost of \$2,163,000. Based on this Budget Plan, WW has budget to cover this first set of change orders.

### **PERFORMANCE ANALYSIS:**

Since the Project Start-up on March 14<sup>th</sup> and despite numerous manufacturer/supplier delays, Petra has aggressively adjusted their schedule to accommodate the WW Department's amended substantial completion date of December 31, 2022. Their performance to date has been satisfactory.

### **DECISION POINT/RECOMMENDATION:**

City Council should approve Change Orders 1, and 3-5 for the New Sewer Collection Building Contract with Petra, Inc., for \$196,027.86.

**PCO #001**

Idaho  
1097 North Rosario Street - Suite 200  
Meridian, Idaho 83642  
Phone: (208) 323-4500

Project: 21-21-0038 - Coeur d'Alene Collection Bldg  
3500 N Julia  
Coeur d'Alene, Idaho 83814

## Prime Contract Potential Change Order #001: CE #009 - Additional Site Excavation

|                        |  |                                    |   |
|------------------------|--|------------------------------------|---|
| TO:                    | City of Coeur D'Alene<br>765 W. Hubbard Ave.<br>Coeur d'Alene, Idaho 83814 | FROM:                              | Petra, Inc.<br>1097 North Rosario Street - Suite 200<br>Meridian, Idaho 83642 |
| PCO NUMBER/REVISION:   | 001 / 0  | CONTRACT:                          | 21-21-0038 - VVV Dept New Collections Bldg                                    |
| REQUEST RECEIVED FROM: |  | CREATED BY:                        | Gabrielle Palazzolo (Petra, Inc.)   |
| STATUS:                | Pending - In Review  | CREATED DATE:                      | 4/8/2022  |
| REFERENCE:             |  | PRIME CONTRACT CHANGE ORDER:       | None  |
| FIELD CHANGE:          | No   |                                    |   |
| LOCATION:              |  | ACCOUNTING METHOD:                 | Amount Based  |
| SCHEDULE IMPACT:       |  | PAID IN FULL:                      | No  |
| EXECUTED:              | No   | SIGNED CHANGE ORDER RECEIVED DATE: |   |
|                        |  | TOTAL AMOUNT:                      | \$56,928.19   |

POTENTIAL CHANGE ORDER TITLE: CE #009 - Additional Site Excavation

CHANGE REASON: Existing Condition

**POTENTIAL CHANGE ORDER DESCRIPTION:** *(The Contract Is Changed As Follows)*

**CE #009 - Additional Site Excavation**

Strata Geotechnical Report, dated 12/22/20, indicates potential removal of undocumented fill. In order to provide the Owner with the lowest cost possibility, a conservative assumption was made for undocumented fill removal. Per Geotech direction included within Architect's Field Report dated 3.23.22, an additional 12" of material removal throughout the entire site was requested. In addition to removal of trash throughout the site footprint. The additional material removal was not accounted for within establishment of the original project budget.

Due to the volatile fuel industry, there was also an increase in the price of fuel and aggregate effective 4/1/22. The additional pricing is captured within the change order.

As calculated in the attached document titled 'PCO #01 - Additional Site Excavation Pricing Calculation', Petra is requesting additional compensation to cover the cost of undocumented soil and trash removal, as well as fuel/aggregate escalation.

**ATTACHMENTS:**

PCO #01 - Added Site Excavation Pricing Calculation.pdf

| #            | Budget Code                                | Description                | Amount      | Contractor Fee (7.00% Applies to all line item types.) | Insurance (0.27% Applies to all line item types.) | Bond (0.92% Applies to all line item types.) | Procure (≈ 0.12% Applies to all line item types.) | Subtotal    |
|--------------|--|----------------------------|-------------|--|---|--|---|-------------|
| 1            | 31-2000.S Earthwork & Clearing.Subcontract | Additional Site Excavation | \$52,520.00 | \$3,676.40   | \$151.73  | \$518.40                                     | \$61.66   | \$56,928.19 |
| Subtotal:    |  |                            | \$52,520.00 | \$3,676.40   | \$151.73  | \$518.40                                     | \$61.66   | \$56,928.19 |
| Grand Total: |  |                            |             |  |   |  |   | \$56,928.19 |

Scott Fischer (Architects West)  
210 E Lakeside Ave.  
Coeur d'Alene, Idaho 83814

City of Coeur D'Alene  
765 W. Hubbard Ave.  
Coeur d'Alene, Idaho 83814

Petra, Inc.  
1097 North Rosario Street - Suite 200  
Meridian, Idaho 83642

 04.29.22  
SIGNATURE DATE

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SIGNATURE DATE

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SIGNATURE DATE

**CdA Wastewater - Additional Site Excavation Cost**

| MACHINES         | RATES PER HR | TOTAL HRS    |                 |
|------------------|--------------|--------------|-----------------|
| MEDIUM EXCAVATOR | \$200        | 40           | \$8,000         |
| MINI EXCAVATOR   | \$150        | 8            | \$1,200         |
| SKID STEER       | \$150        | 8            | \$1,200         |
| DOZER            | \$150        | 24           | \$3,600         |
| OPERATOR COST    | \$80         | 80           | \$6,400         |
|                  |              | <b>TOTAL</b> | <b>\$20,400</b> |

| VEHICLES                  | ON SITE DROP | NUMBER OF LOADS |         |
|---------------------------|--------------|-----------------|---------|
| DUMP TRUCK EXPORT 1334YDS | \$50         | 75              | \$3,750 |

| MATERIAL DELIVERED             | QUANTITY       | COST PER YD     |                    |
|--------------------------------|----------------|-----------------|--------------------|
| SUITABLE IMPORT GSB            | 1334 CU YDS    | \$6,363.00      | \$6744+TAX \$6,744 |
| TRUCKING 24YD SUPERDUMP        | 88             | \$160           | \$14,080           |
| COMPACTION                     | 30,000 SQ. FT. | PLATE COMPACTOR | \$3,000            |
| COMPACTION                     | 30,000 SQ. FT. | VIB ROLLER      | \$5,000            |
|                                |                | <b>TOTAL</b>    | <b>\$28,824.00</b> |
| April 1st possible pr increase |                | fuel & GSB      | \$3,706            |
|                                |                | Total Cost      | \$56,680.00        |
|                                |                | Less Credit     | <b>\$52,520.00</b> |

| Onsite Stockpiling Credit |       |          |           |              |
|---------------------------|-------|----------|-----------|--------------|
| Yardage/Load              | Loads | Total CY | \$/truck  | Total Credit |
| 13                        | 40    | 520      | \$ 104.00 | \$ 4,160.00  |

Idaho  
1097 North Rosario Street - Suite 200  
Meridian, Idaho 83642  
Phone: (208) 323-4500

Project: 21-21-0038 - Coeur d'Alene Collection Bldg  
3500 N Julia  
Coeur d'Alene, Idaho 83814

### Prime Contract Potential Change Order #003: Escalation Costs

|                        |  |                                    |   |
|------------------------|--|------------------------------------|---|
| TO:                    | City of Coeur D'Alene<br>765 W. Hubbard Ave.<br>Coeur d'Alene, Idaho 83814 | FROM:                              | Petra, Inc.<br>1097 North Rosario Street - Suite 200<br>Meridian, Idaho 83642 |
| PCO NUMBER/REVISION:   | 003 / 0  | CONTRACT:                          | 21-21-0038 - WW Dept New Collections Bldg                                     |
| REQUEST RECEIVED FROM: |  | CREATED BY:                        | Gabrielle Palazzolo (Petra, Inc.)   |
| STATUS:                | Pending - In Review  | CREATED DATE:                      | 4/8/2022  |
| REFERENCE:             |  | PRIME CONTRACT CHANGE ORDER:       | None  |
| FIELD CHANGE:          | No   |                                    |   |
| LOCATION:              |  | ACCOUNTING METHOD:                 | Amount Based  |
| SCHEDULE IMPACT:       |  | PAID IN FULL:                      | No  |
| EXECUTED:              | No   | SIGNED CHANGE ORDER RECEIVED DATE: |   |
|                        |  | TOTAL AMOUNT:                      | \$126,422.30  |

POTENTIAL CHANGE ORDER TITLE: Escalation Costs

CHANGE REASON: Material Price Increase

#### POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

##### CE #008 - Escalation Costs

Due to metal building material availability, initial delivery of the metal building was pushed to June 24, 2022. The delivery shift subsequently pushed NTP from 8/2/21 to 3/11/22. As the budget was initially finalized for a start date of August 2021, the current volatile market brought forth material and labor escalation not captured in the original budget.

The first tab of the attached spreadsheet outlines subcontractor escalation experienced between budget establishment and subcontractor buy-out accounting for the newly established NTP.

In addition, increased Petra personnel hours were required to account for the extended preliminary planning and coordination period. The attached spreadsheet depicts the logic for calculating incurred GC personnel and meeting costs. With the delay of the metal building, there is now 2 months of Petra management hours not originally captured.

The third tab of the attached spreadsheet summarizes storage container costs. Releasing material and equipment for fabrication and delivery to site immediately minimizes the risk of potential escalation.

As the Contractor entrusted to provide the City of Coeur D'Alene with a product that is on schedule, and at the lowest cost, Petra will continue to provide transparency and educated judgement within the current volatile market.

#### ATTACHMENTS:

CDA VVW - Escalation CO.xlsx

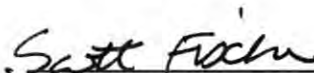
| # | Budget Code                                     | Description  | Amount     | Contractor Fee (7.00% Applies to all line item types.) | Insurance (0.27% Applies to all line item types.) | Bond (0.92% Applies to all line item types.) | Procure (0.12% Applies to all line item types.) | Subtotal   |
|---|---|--|------------|--|---|--|---|------------|
| 1 | 09-2100.S Gypsum Board.Subcontract              | Metal Framing, Gypsum Board, ACT, and Paint Escalation | \$1,530.00 | \$107.10   | \$4.42  | \$15.10                                      | \$1.99  | \$1,658.61 |
| 2 | 10-2800.S Toilet & Bath Accessories.Subcontract | Specialties Escalation                                 | \$1,159.00 | \$81.13  | \$3.35  | \$11.44                                      | \$1.51  | \$1,256.43 |

| #            | Budget Code                             | Description   | Amount       | Contractor Fee (7.00% Applies to all line item types.) | Insurance (0.27% Applies to all line item types.) | Bond (0.92% Applies to all line item types.) | Procure (0.12% Applies to all line item types.) | Subtotal     |
|--------------|---|---|--------------|--|---|--|---|--------------|
| 3            | 23-0100.S HVAC.Subcontract              | HVAC Escalation   | \$2,138.00   | \$149.66   | \$6.18  | \$21.10                                      | \$2.78  | \$2,317.72   |
| 4            | 03-3000.S Slab on Grade-SOG.Subcontract | Concrete Escalation   | \$46,569.39  | \$3,259.86   | \$134.54  | \$459.67                                     | \$60.51   | \$50,483.97  |
| 5            | 05-1050.S Steel Erection.Subcontract    | Metal Building Erection Escalation  | \$44,823.00  | \$3,137.61   | \$129.49  | \$442.43                                     | \$58.24   | \$48,590.77  |
| 6            | 01-3003.L Project Manager.Labor         | GC cost for additional time required due to extensive metal building delivery delay | \$8,800.00   | \$616.00   | \$25.42   | \$86.86                                      | \$11.43   | \$9,539.71   |
| 7            | 01-3004.L Project Engineer.Labor        | GC cost for additional time required due to extensive metal building delivery delay | \$6,400.00   | \$448.00   | \$18.49   | \$63.17                                      | \$8.32  | \$6,937.98   |
| 8            | 01-3002.L Project Superintendent.Labor  | GC cost for additional time required due to extensive metal building delivery delay | \$5,200.00   | \$364.00   | \$15.02   | \$51.33                                      | \$6.76  | \$5,637.11   |
| Subtotal:    |   |   | \$116,619.39 | \$8,163.36   | \$336.91  | \$1,151.10                                   | \$151.54  | \$126,422.30 |
| Grand Total: |   |   | \$126,422.30 |  |   |  |   |              |

Scott Fischer (Architects West)  
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Coeur d'Alene, Idaho 83814

City of Coeur D'Alene  
765 W. Hubbard Ave.  
Coeur d'Alene, Idaho 83814

Petra, Inc.  
1097 North Rosario Street - Suite 200  
Meridian, Idaho 83642

 04.27.22  
SIGNATURE DATE

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SIGNATURE DATE

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SIGNATURE DATE

# PCO-03 - Escalation Costs Calculation

| Coeur D'Alene Wastewater - Subcontractor Escalation Tracking |              |   |  |
|--|--------------|---|--|
| Subcontractor  | Escalation   | Notes   |  |
| Specialty Construction                                       | \$ 1,530.00  | Escalation for: ACT, Gypsum board, paint, and non-structural metal  |  |
| Dupree Building Specialties                                  | \$ 344.00    | Toilet Compartment Escalation   |  |
|  | \$ 790.00    | Locker Escalation   |  |
|  | \$ 25.00     | Bike Racks Escalation   |  |
|  | \$ 490.00    | CU-1 Split System Escalation  |  |
| Airtech  | \$ 239.00    | Ductless Split Units Escalation   |  |
|  | \$ 725.00    | HV-1 Heating and Ventilating Unit Escalation  |  |
|  | \$ 145.00    | Exhaust Fans Escalation   |  |
|  | \$ 112.00    | Louvers Escalation  |  |
|  | \$ 89.00     | GRD Escalation  |  |
|  | \$ 163.00    | Ductwork & Accessories Escalation   |  |
|  | \$ 175.00    | Duct Insulation Escalation  |  |
| A&R Construction   | \$ 46,569.39 | Escalation due to delayed metal building delivery, between initially budgeted subcontractor (Evan Ferguson) and newly established subcontractor (A&R Construction). Evan Ferguson dropped out of project due to original pricing not holding in the volatile market. Petra had to obtain new pricing from other subcontractors. |  |
| West Valley Complex  | \$ 44,823.00 | Higher demand due to saturated market and labor increases. Due to metal building delivery delay, subcontractors were not agreeable to sign a contract scheduled so far in the future.   |  |
|  | \$ 96,219.39 |   |  |

| GC Cost Calculation |           |          |        |          |              |
|---------------------|-----------|----------|--------|----------|--------------|
| Personnel           | Hours/Day | Hours/mo | Months | Rate     | Total        |
| Project Manager     | 4         | 80       | 2      | \$ 55.00 | \$ 8,800.00  |
| Project Engineer    | 4         | 80       | 2      | \$ 40.00 | \$ 6,400.00  |
| Superintendent      | 2         | 40       | 2      | \$ 65.00 | \$ 5,200.00  |
|                     |           |          |        |          | \$ 20,400.00 |

| Total Escalation CO Costs      |                      |
|--------------------------------|----------------------|
| Subcontractor Escalation Costs | \$ 96,219.39         |
| GC Costs                       | \$ 20,400.00         |
| <b>TOTAL</b>                   | <b>\$ 116,619.39</b> |

Idaho  
1097 North Rosario Street - Suite 200  
Meridian, Idaho 83642  
Phone: (208) 323-4500

**Project:** 21-21-0038 - Coeur d'Alene Collection Bldg  
3500 N Julia  
Coeur d'Alene, Idaho 83814

### Prime Contract Potential Change Order #004: Trash Pocket Excavation

|                               |  |   |   |
|-------------------------------|--|---|---|
| <b>TO:</b>                    | City of Coeur D'Alene<br>765 W. Hubbard Ave.<br>Coeur d'Alene, Idaho 83814 | <b>FROM:</b>                              | Petra, Inc.<br>1097 North Rosario Street - Suite 200<br>Meridian, Idaho 83642 |
| <b>PCO NUMBER/REVISION:</b>   | 004 / 0  | <b>CONTRACT:</b>                          | 21-21-0038 - WW Dept New Collections Bldg                                     |
| <b>REQUEST RECEIVED FROM:</b> |  | <b>CREATED BY:</b>                        | Gabrielle Palazzolo (Petra, Inc.)   |
| <b>STATUS:</b>                | Pending - In Review  | <b>CREATED DATE:</b>                      | 4/21/2022   |
| <b>REFERENCE:</b>             |  | <b>PRIME CONTRACT CHANGE ORDER:</b>       | None  |
| <b>FIELD CHANGE:</b>          | No   |   |   |
| <b>LOCATION:</b>              | SITE   | <b>ACCOUNTING METHOD:</b>                 | Amount Based  |
| <b>SCHEDULE IMPACT:</b>       |  | <b>PAID IN FULL:</b>                      | No  |
| <b>EXECUTED:</b>              | No   | <b>SIGNED CHANGE ORDER RECEIVED DATE:</b> |   |
|                               |  | <b>TOTAL AMOUNT:</b>                      | \$2,241.96  |

**POTENTIAL CHANGE ORDER TITLE:** Trash Pocket Excavation

**CHANGE REASON:** Client Request

**POTENTIAL CHANGE ORDER DESCRIPTION:** *(The Contract Is Changed As Follows)*

CE #010 - Trash Pocket Excavation - 4/15/22

Misc. trash pockets around the job site above and beyond what was provided in the Geo-Tech report.

**ATTACHMENTS:**

[Trash Pocket Excavation 4.15.22.pdf](#)

| #                   | Budget Code                                | Description           | Amount            | Contractor Fee (7.00% Applies to all line item types.) | Insurance (0.27% Applies to all line item types.) | Bond (0.92% Applies to all line item types.) | Procure (≈ 0.12% Applies to all line item types.) | Subtotal          |
|---------------------|--|-----------------------|-------------------|--|---|--|---|-------------------|
| 1                   | 31-2000.S Earthwork & Clearing.Subcontract | Trash Vane Excavation | \$2,070.00        | \$144.90   | \$5.59  | \$19.04                                      | \$2.43  | \$2,241.96        |
| <b>Subtotal:</b>    |  |                       | <b>\$2,070.00</b> | <b>\$144.90</b>  | <b>\$5.59</b>                                     | <b>\$19.04</b>                               | <b>\$2.43</b>                                     | <b>\$2,241.96</b> |
| <b>Grand Total:</b> |  |                       |                   |  |   |  |   | <b>\$2,241.96</b> |

**Scott Fischer (Architects West)**  
210 E Lakeside Ave.  
Coeur d'Alene, Idaho 83814

**City of Coeur D'Alene**  
765 W. Hubbard Ave.  
Coeur d'Alene, Idaho 83814

**Petra, Inc.**  
1097 North Rosario Street - Suite 200  
Meridian, Idaho 83642

 05.04.22  
SIGNATURE DATE

\_\_\_\_\_  
SIGNATURE DATE

\_\_\_\_\_  
SIGNATURE DATE

Sammies Excavation & Landscape Inc.

10300 E. Howard rd  
Athol, ID 83801  
208-755-4700

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 4/17/2022 | 1571      |

| Bill To   |
|---|
| Petra Inc.<br>1097 N.Rosario St<br>Meridian, ID 83642 |

| Description   | Amount            |
|---|-------------------|
| Laborer, 9 man hours. Digging out trash holes in front of building foot print       | 720.00            |
| Mini Excavator, digging out trash holes   | 450.00            |
| skidsteer, loading dump truck with trash piles                                      | 450.00            |
| Hauling 12 Yard Dump Truck, hauling off trash from trash piles in front of building | 450.00            |
| T & M from chasing trash vans in front of building foot print. 4/15/2022            |                   |
| <b>Total</b>  | <b>\$2,070.00</b> |

Idaho  
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Project: 21-21-0038 - Coeur d'Alene Collection Bldg  
3500 N Julia  
Coeur d'Alene, Idaho 83814

### Prime Contract Potential Change Order #005: WCD NO-001C - Revised Site Electrical

|                        |  |                                    |   |
|------------------------|--|------------------------------------|---|
| TO:                    | City of Coeur D'Alene<br>765 W. Hubbard Ave.<br>Coeur d'Alene, Idaho 83814 | FROM:                              | Petra, Inc.<br>1097 North Rosario Street - Suite 200<br>Meridian, Idaho 83642 |
| PCO NUMBER/REVISION:   | 005 / 0  | CONTRACT:                          | 21-21-0038 - WWV Dept New Collections Bldg                                    |
| REQUEST RECEIVED FROM: |  | CREATED BY:                        | Gabrielle Palazzolo (Petra, Inc.)   |
| STATUS:                | Pending - In Review  | CREATED DATE:                      | 4/27/2022   |
| REFERENCE:             |  | PRIME CONTRACT CHANGE ORDER:       | None  |
| FIELD CHANGE:          | No   |                                    |   |
| LOCATION:              |  | ACCOUNTING METHOD:                 | Amount Based  |
| SCHEDULE IMPACT:       |  | PAID IN FULL:                      | No  |
| EXECUTED:              | No   | SIGNED CHANGE ORDER RECEIVED DATE: |   |
|                        |  | TOTAL AMOUNT:                      | \$10,435.41   |

POTENTIAL CHANGE ORDER TITLE: WCD NO-001C - Revised Site Electrical

CHANGE REASON: Design Development

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

WCD NO-001C - Revised Site Electrical

Please see attached pricing for WCD NO-001C - Revised Site Electrical with: added handhole, pull box, and conduit for future gate operators.

ATTACHMENTS:

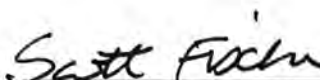
PCO #05 - WCD NO-001C Attachment.pdf

| #            | Budget Code                              | Description                           | Amount     | Contractor Fee (7.00% Applies to all line item types.) | Insurance (0.27% Applies to all line item types.) | Bond (0.92% Applies to all line item types.) | Procure (= 0.12% Applies to all line item types.) | Subtotal    |
|--------------|--|---------------------------------------|------------|--|---|--|---|-------------|
| 1            | 26-0100.S Electrical Systems.Subcontract | WCD NO-001C - Revised Site Electrical | \$9,635.00 | \$674.45   | \$26.01   | \$88.64                                      | \$11.31   | \$10,435.41 |
| Subtotal:    |  |                                       | \$9,635.00 | \$674.45   | \$26.01   | \$88.64                                      | \$11.31   | \$10,435.41 |
| Grand Total: |  |                                       |            |  |   |  |   | \$10,435.41 |

Scott Fischer (Architects West)  
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City of Coeur D'Alene  
765 W. Hubbard Ave.  
Coeur d'Alene, Idaho 83814

Petra, Inc.  
1097 North Rosario Street - Suite 200  
Meridian, Idaho 83642

 04.27.22  
SIGNATURE DATE

\_\_\_\_\_  
SIGNATURE DATE

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SIGNATURE DATE

**Gabrielle Palazzolo**

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**From:** Heather <Heather@thorcocda.com>  
**Sent:** Wednesday, April 27, 2022 11:59 AM  
**To:** Gabrielle Palazzolo  
**Cc:** Rob Cook  
**Subject:** Conduits for future gate operators CO

P.O. Box 2167  
4950 N. Manufacturing Way  
Coeur d'Alene, ID 83816  
(208) 765-0648  
Fax (208) 664-6890  
Email: Info@thorcocda.com



**TO:** Petra, Inc. **DATE:** 04/27/22  
**ATTN:** Gaby Palazzolo **FAX #**  
**JOB:** CDA Wastewater Admin Bldg.

**JOB LOCATION:**

**BID DATE:** NA **TIME:** NA  
**DIVISION OF WORK:** **ADDENDA RECEIVED:** NA  
**SALES TAX INCLUDED:** Yes **BOND INCLUDED:** NA

**BID ITEMS:**

Run 2-1' conduits from new bldg. to two future gate operator locations. Includes conduit, boxes and pull string in this quote.

Material: \$ 4,990.00  
Labor: \$ 3,910.00  
Equipment: \$ 735.00  
TOTAL: \$ 9,635.00

COMMENT QUALIFICATION FORM ATTACHED: YES NO XX  
IDAHO ELECTRICAL CONTRACTORS LICENSE 3102-C  
IDAHO CONTRACTORS LICENSE RCE-2268  
IDAHO PUBLIC WORKS NO. PWC-C-10130-UNLIMITED-1-4  
WASHINGTON CONTRACTORS LICENSE-THORCI\*182DN

**Heather Duff**  
**President**

**THORCO INC.**  
ELECTRICAL CONSTRUCTION  
PO Box 2167

**AFTER RECORDING, PLEASE RETURN TO**

**Wolff, Hislop & Crockett, PLLC  
12209 E. Mission Ave., Suite 5  
Spokane Valley, WA 99206-4824  
(509) 927-9700**

**EASEMENT AGREEMENT  
(For Access)**

**Grantor:** CITY OF COEUR D'ALENE, an Idaho Municipality  
**Grantee:** BEAR WATERFRONT, LLC, an Idaho Limited Liability Company  
**Assessor's Tax Parcel Nos:** C-L519-000-001-D and C-L519-000-001-G

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This Easement Agreement (for Access) is entered into this \_\_\_\_ day of April, 2022, by and between **CITY OF COEUR D'ALENE**, an Idaho Municipality ("Grantor"), and **BEAR WATERFRONT, LLC**, an Idaho Limited Liability Company ("Grantee") (collectively referred to as the "Parties").

**RECITALS**

**WHEREAS**, Grantor is the owner of that certain real property located in Kootenai County, Idaho and legally described in ***Exhibit A*** (the "Grantor's Property")

**WHEREAS**, Grantee is the owner of that certain real property located in Kootenai County, Idaho and legally described in ***Exhibit B*** (the "Grantee's Property");

**WHEREAS**, Grantor desires to grant and Grantee desires to receive a road easement and parking easement for ingress, egress, and parking, over and under, that portion of Grantor's Property as legally described in ***Exhibit C*** and as depicted and highlighted in Green on ***Exhibit E*** ("Easement Area 1") under the terms and conditions outlined hereafter;

**WHEREAS**, Grantor also desires to grant and Grantee desires to receive an easement for ingress, egress, airspace and drainage, over and under, that portion of Grantor's Property as legally described in ***Exhibit D*** and as depicted and highlighted in Brown on ***Exhibit E*** ("Easement Area 2") under the terms and conditions outlined hereafter;

## GRANT OF EASEMENT

**NOW, THEREFORE**, in consideration of the promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the following terms:

1. Grant of Easement & Easement Location: Grantor hereby grants and conveys to Grantee, its successors and assigns, a non-exclusive easement for ingress, egress, and parking, over, on, across, and under, the Easement Area 1 on Grantor's Property as legally described in **Exhibit C** and as depicted and highlighted in Green on **Exhibit E**. Grantor also hereby grants and conveys to Grantee its successors and assigns, an exclusive easement for ingress, egress, airspace and drainage, over, on, across, and under, the Easement Area 2 on Grantor's Property as legally described in **Exhibit D** and as depicted and highlighted in Brown on **Exhibit E**.

2. Purpose of Easement: Easement Area 1 shall be used for ingress, egress, and parking purposes for the benefit of Grantee's Property. This shall include but not be limited to use for pedestrian and vehicular travel as well as parking of vehicles and other mechanisms of transportation, by Grantee, its guests, invitees, licensees, representatives, and agents, and future owners of any portion of Grantee's Property and their guests, invitees, licensees, representatives and agents. Easement Area 2 shall be used for ingress, egress, airspace and drainage, for the benefit of Grantee's Property. This shall include but not be limited to use for pedestrian and small vehicular travel, by Grantee, its guests, invitees, licensees, representatives, and agents, and future owners of any portion of Grantee's Property and their guests, invitees, licensees, representatives and agents. This shall also include but not be limited to use for windows opening into the area, drainage apparatuses extending into the area, and drainage into the area, by Grantee, its representatives and agents, and future owners of any portion of Grantee's Property and their representatives and agents.

3. Improvement and Maintenance of Easement Area: Grantee shall have the right to construct a roadway, parking, sidewalks, and improvements upon Easement Area 1 for the purposes set forth herein. Grantee shall have the right to construct sidewalks, drainage apparatuses, and improvements upon Easement Area 2 for the purposes set forth herein. In the event a roadway, sidewalks, drainage apparatuses, or other improvement(s) are constructed or installed within Easement Area 1 and/or Easement Area 2 (collectively "Easement Areas") by Grantee for purposes of serving the real property described upon **Exhibit B**, Grantee shall pay all costs associated with installing, maintaining, or repairing the same. Grantor shall have no obligation to pay for installation, maintenance, or repair of any road, sidewalks, drainage apparatuses, parking spots, or improvements located within the Easement Areas, except for repairs necessitated to fix damage caused by the Grantor or the Grantor's agents, invitees, or licensees. Grantee shall not be responsible for the negligent acts of Grantor in, on or affecting the easement areas.

4. Easement Obstructions. Grantor shall not cause any fence or other barrier to be erected or permitted within or across the Easement Areas which would prevent or obstruct the passage of pedestrian or vehicular travel or otherwise disturb Grantee's use of the Easement Areas.

Easement Agreement (For Access) - Page 2 of 10

5. Consideration. This Easement is granted in consideration of \$1.00 and other good and valuable consideration, including but not limited to the satisfaction of conditions precedent to the completion of Grantee's PUD application, the receipt and sufficiency of which is hereby acknowledge.

6. Ownership. Grantor represents and warrants that it owns the property over which it is granting the easement contained herein.

7. Counterparts. This Easement Agreement may be executed in counterparts, each part being considered an original document, all parts being but one document.

8. Binding Effect. The rights, conditions, and provisions of this Easement Agreement inure to the benefit of and are binding upon the heirs, executors, administrators, successors, and assigns of the respective Parties hereto. This Easement Agreement and the rights and obligations granted herein run with the land and are perpetual in duration (unless sooner terminated by the terms of this Easement Agreement). The land owned by the Grantee, to which this easement is appurtenant is described on the attached ***Exhibit B.***

9. Recording. Upon signing, this Easement Agreement (for Access) shall be recorded with the Kootenai County Auditor's Recording Office and indexed against the Parties' respective properties described in ***Exhibit A*** and ***Exhibit B.***

10. Dispute Resolution. In the event that a dispute arises concerning this Easement Agreement, the parties to the dispute shall first attempt to resolve the dispute through good faith negotiation prior to pursuing any further remedies. Jurisdiction and venue shall be proper in Kootenai County Superior Court and the substantially prevailing party shall recover its attorney fees and litigation expenses incurred in such action (including but not limited to attorney fees and litigation expenses incurred on any appeal).

CITY OF COEUR D'ALENE

By \_\_\_\_\_  
James Hammond, Mayor

ATTEST:

By \_\_\_\_\_  
Renata McLeod, City Clerk

STATE OF IDAHO                    )  
  ) ss.  
County of KOOTNAI                )

On this \_\_\_\_ day of May 2022, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn personally appeared James Hammond and Renata McLeod, to me known to be the Mayor and City Clerk of the **CITY OF COEUR D'ALENE**, the municipality that executed the within and foregoing instrument, and acknowledged it to be their free and voluntary act and deed and on oath stated they are authorized to sign on behalf of the municipality.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

\_\_\_\_\_  
NOTARY PUBLIC for the State of Idaho  
residing at Coeur d'Alene  
My commission expires\_\_\_\_\_

***Exhibit A***  
Grantor's Property

Situate in the County of Kootenai, State of Idaho

Abbreviated Legal: ATLAS WATERFRONT 1ST ADD, PTN TR 1 [IN TCA 001-019] LAKE  
DISTRICT URD 1997 1050N04W

Tax Account No. C-L519-000-001-D

***Exhibit B***  
Grantee's Property

That portion of Tract 1 of Atlas Waterfront First Addition recorded in Book L of Plats, Pages 519, 519A through 519I, records of Kootenai County, Idaho described as follows:

**COMMENCING** at the southernmost corner of said Tract 1, thence along the southwesterly line of said Tract 1, North 57°58'09" West a distance of 10.29 to an angle point of said southwesterly line; Thence along said southwesterly line, North 57°57'32" West a distance of 70.43 feet to the **TRUE POINT OF BEGINNING:**

Thence along said southwesterly line, North 57°57'32" West a distance of 913.89 feet to an angle point on said southwesterly line;

Thence North 57°58'57" West a distance of 457.83 feet;

Thence North 32°01'03" East a Distance of 59.57 feet;

Thence South 58°00'49" East a distance of 457.76 feet;

Thence South 57°58'09" East a distance of 908.37 feet;

Thence South 26°41'44" West a distance of 60.24 feet to the **TRUE POINT OF BEGINNING:**

Containing 81,910 Square feet or 1.88 acres more or less.

Situate in the County of Kootenai, State of Idaho

Abbreviated Legal: ATLAS WATERFRONT 1ST ADD, TAX#26688 IN PTN TR 1 [IN TCA 001-019] LAKE DISTRICT URD 1997 1050N04W

Tax Parcel No. C-L519-000-001-G

***Exhibit C***

**Easement Area 1**

A TRACT OF LAND BEING A PORTION OF TRACT 1, ATLAS WATERFRONT FIRST ADDITION, AS RECORDED IN BOO PLATS AT PAGE 519, RECORDS OF KOOTENAI COUNTY AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID TRACT 1; THENCE, NORTH 26°41'28" EAST, 60.26 FEET ANGLE POINT ON THE WEST BOUNDARY OF SAID TRACT 1; THENCE, NORTH 57°57'34" WEST, 1.92 FEET TO AN A POINT ON THE EASTERLY BOUNDARY OF SAID TRACT 1; THENCE LEAVING SAID EASTERLY BOUNDARY, NORTH 57°58'22" WEST, 78.80 FEET; THENCE, NORTH 57°58'12" WEST, 178.34 FEET TO THE TRUE **POINT-OF-BEG**

THENCE, NORTH 57°58'12" WEST, 111.00 FEET;

THENCE, NORTH 31°59'57" EAST, 20.44 FEET;

THENCE, SOUTH 57°57'51" EAST, 22.50 FEET;

THENCE, NORTH 31°59'57" EAST, 39.28 FEET;

THENCE, SOUTH 57°57'51" EAST, 30.00 FEET;

THENCE, SOUTH 31°59'57" WEST,

39.28 FEET; THENCE, SOUTH 57°57'51" EAST,

58.50 FEET;

THENCE, SOUTH 31°59'57" WEST, 20.43 FEET RETURNING TO THE POINT-OF-BEGINNING.

CONTAINING 3446 SQUARE FEET, MORE OR LESS;



***Exhibit D***

**Easement Area 2**

**DEPOT BUILDING SETBACK EASEMENT, SIDEWALK,  
STORMWATER & UTILITY EASEMENT ON A PORTION OF  
TRACT 1, ATLAS WATERFRONT FIRST ADDITION**

A TRACT OF LAND BEING A PORTION OF TRACT 1, ATLAS WATERFRONT FIRST ADDITION, AS RECORDED IN BOOK "L" OF PLATS AT PAGE 519, RECORDS OF KOOTENAI COUNTY AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID TRACT 1; THENCE, NORTH 26°41'28" EAST, 60.26 FEET TO AN ANGLE POINT ON THE WEST BOUNDARY OF SAID TRACT 1; THENCE, NORTH 57°57'34" WEST, 1.92 FEET TO AN ANGLE POINT ON THE EASTERLY BOUNDARY OF SAID TRACT 1; THENCE LEAVING SAID EASTERLY BOUNDARY, NORTH 57°58'22" WEST, 78.80 FEET TO THE TRUE **POINT-OF-BEGINNING**

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID TRACT 1, NORTH 57°58'12" WEST,  
178.34 FEET; THENCE, NORTH 31°59'57" EAST, 20.43 FEET;

THENCE, NORTH 57°57'51" EAST, 58.50 FEET; THENCE, NORTH 31°59'57" EAST, 12.00 FEET;

THENCE, SOUTH 57°57'51" EAST, 200.00 FEET; THENCE, SOUTH 15°02'40" EAST, 18.35 FEET;

THENCE, SOUTH 57°57'51" EAST, 21.56 FEET;

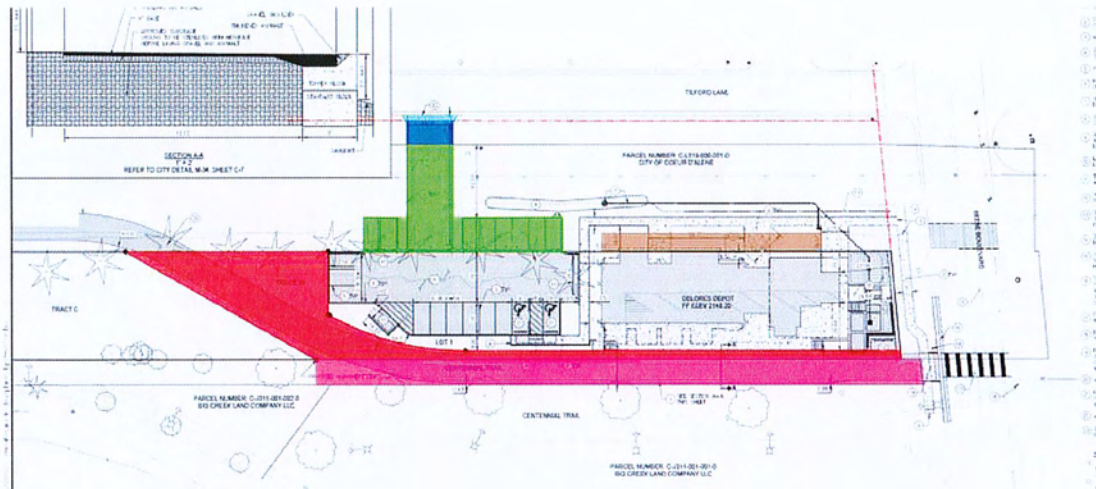
THENCE, SOUTH 26°41'42" WEST, 20.00 FEET RETURNING TO THE POINT-OF-BEGINNING.

CONTAINING 6088 SQUARE FEET, MORE OR LESS;





*Exhibit E*



## PUBLIC HEARINGS

## **CITY COUNCIL STAFF REPORT**

**FROM:** MIKE BEHARY, ASSOCIATE PLANNER

**DATE:** MAY 17, 2022

**SUBJECT:** A-3-22: ZONING PRIOR TO ANNEXATION OF 3.91 ACRES FROM  
COUNTY AG SUBURBAN TO R-12

**LOCATION:** PROPERTY IS LOCATED AT 3511 & 3525 N 15<sup>th</sup> STREET

**APPLICANT:**  
15<sup>th</sup> Street Investments, LLC / Terence Alling  
3511 N 15<sup>th</sup> Street  
Coeur d'Alene, ID 83815

**ENGINEER:**  
Lake City Engineering  
126 Poplar Avenue  
Coeur d'Alene, ID 83815

### **DECISION POINT:**

The applicant is requesting approval of the annexation of 3.19 acres in conjunction with zoning approval from County Agricultural-Suburban to the R-12 zoning district.

### **BACKGROUND INFORMATION:**

Currently the subject property is located in the unincorporated area of the county and consists of two parcels that have single family dwellings located on them. The subject site is 3.19 acres in area and is relatively flat. The site is adjacent to the city limits along its east and west property line.

The property is currently zoned Agricultural-Suburban in the county. As part of the annexation request the applicant is proposing the R-12 zoning district be applied to the subject site. The subject site is located within the City's Area of City Impact (ACI) (see ACI Map on page 8).

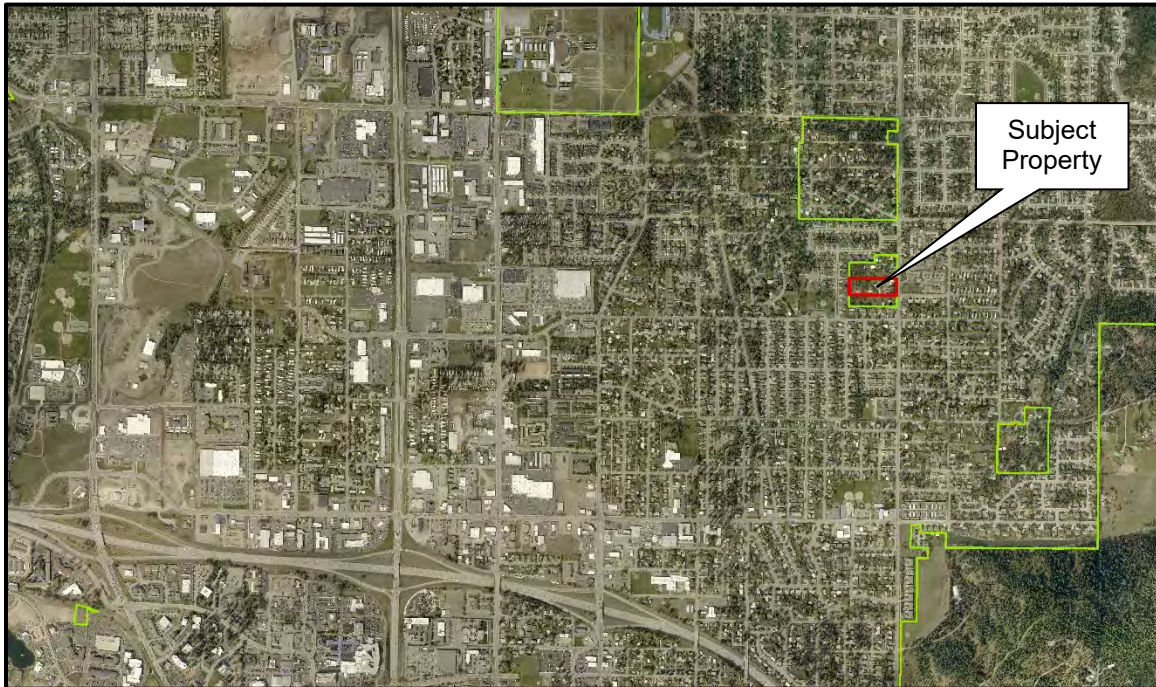
The applicant has made a formal request for a planned unit development (PUD) and 16 lot subdivision that will be heard before the planning commission on June 14, 2022. The proposed PUD will consist of 16 lots, three open space tracts, and one tract that will contain the private road. The applicant has indicated that the 16 lots are designed for duplex units. The 16 proposed buildable lots will have access to a private road within the development and the private road will have a single access connection to 15th Street.

The applicant has indicated that this project will be completed in one phase with construction beginning in summer of 2022. See the attached Narrative by the applicant at the end of this report for a complete overview of their annexation, and proposed development.

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission recommended approval of this annexation request at their regularly scheduled hearing on April 12, 2022 by a unanimous vote of 6-0.

**PROPERTY LOCATION MAP:**



**AERIAL PHOTO:**

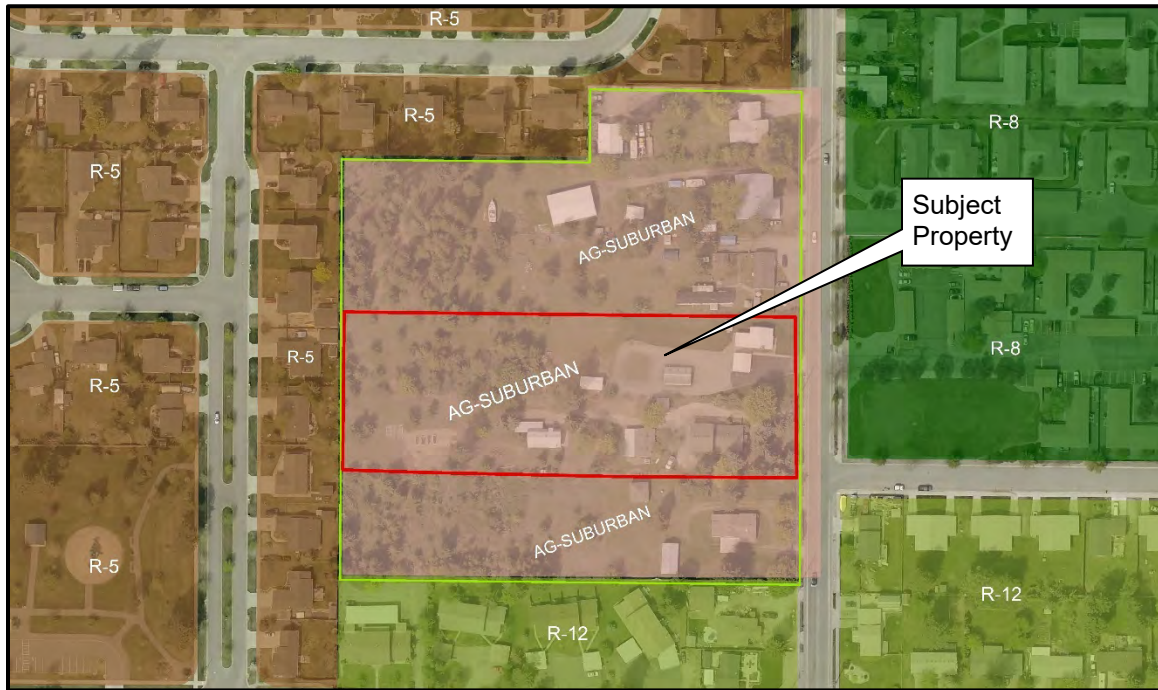


Subject Property

North Pines Park

[illegible]

**EXISTING ZONING MAP: County Zoning Districts**



**PROPOSED ZONING MAP:**



The proposed R-12 zoning district is consistent with the existing zoning of the surrounding properties in the vicinity of the subject property to the east and west within the Coeur d'Alene city limits. The property is adjacent by County Ag-Suburban zoning to the north and south. Approval of the requested R-12 zoning in conjunction with annexation would allow the following potential uses of the property.

**Proposed R-12 Zoning District:**

The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of twelve (12) units per gross acre.

**17.05.180: PERMITTED USES; PRINCIPAL:**

Principal permitted uses in an R-12 district shall be as follows:

- Administrative Office
- Duplex housing
- Essential service
- Home occupation
- Neighborhood recreation
- Public recreation
- Single-family detached housing

**17.05.190: PERMITTED USES; ACCESSORY:**

Accessory permitted uses in an R-12 district shall be as follows:

- Accessory dwelling unit.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed).

**17.05.200: PERMITTED USES; SPECIAL USE PERMIT:**

Permitted uses by special use permit in an R-12 district shall be as follows:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation
- Community assembly
- Community education
- Community organization
- Convenience sales
- Essential service
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Noncommercial kennel
- Religious assembly
- Restriction to single-family only
- Two (2) unit per gross acre density increase

**17.05.240: SITE PERFORMANCE STANDARDS; MINIMUM YARD:**

Minimum yard requirements for residential activities in an R-12 District shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

**17.05.245: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:**  
Minimum yard requirements for nonresidential activities in an R-12 district shall be as follows:

- A. Front: The front yard requirement shall be twenty feet (20').
- B. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
- C. Side, Street: The street side yard requirement shall be twenty five feet (25').
- D. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space.

## A-3-22 ANNEXATION FINDINGS:

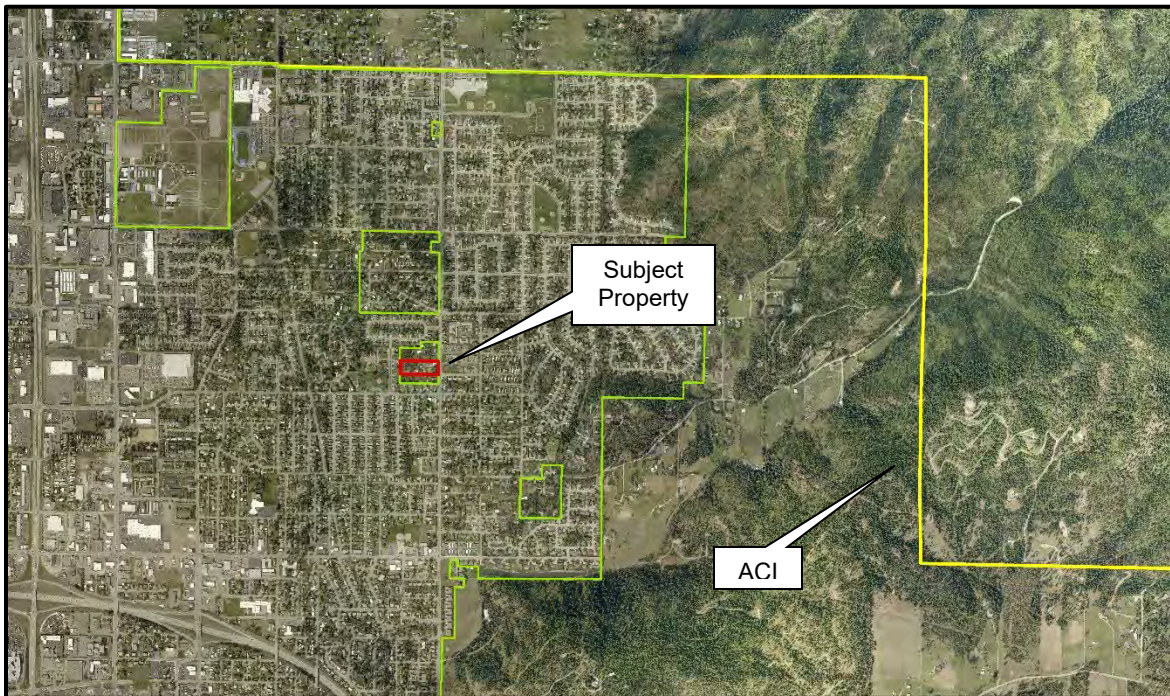
### REQUIRED FINDINGS FOR ANNEXATION:

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

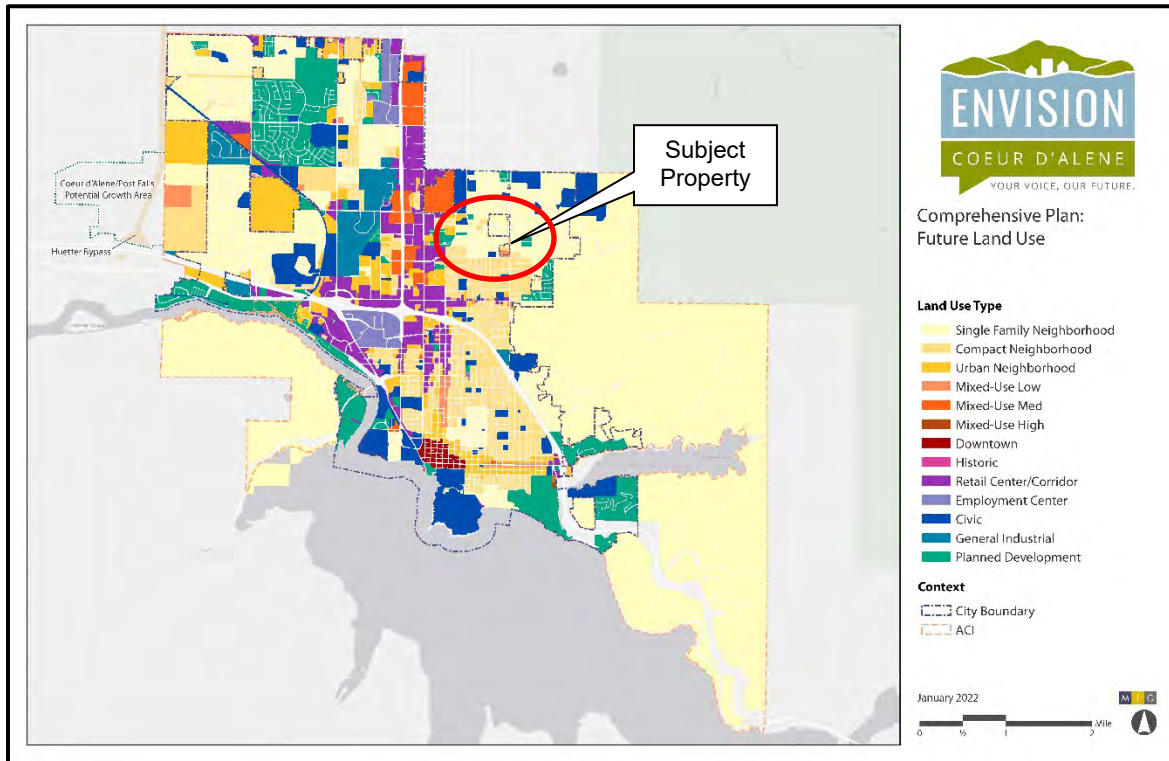
### 2042 COMPREHENSIVE PLAN LAND USE:

- The subject property is not within the existing city limits.
- The subject site lies within the City's Area of City Impact (ACI)
- The City's Comprehensive Plan designates the subject property within two land use areas.
  1. Compact Neighborhood
  2. Mixed Use-Low

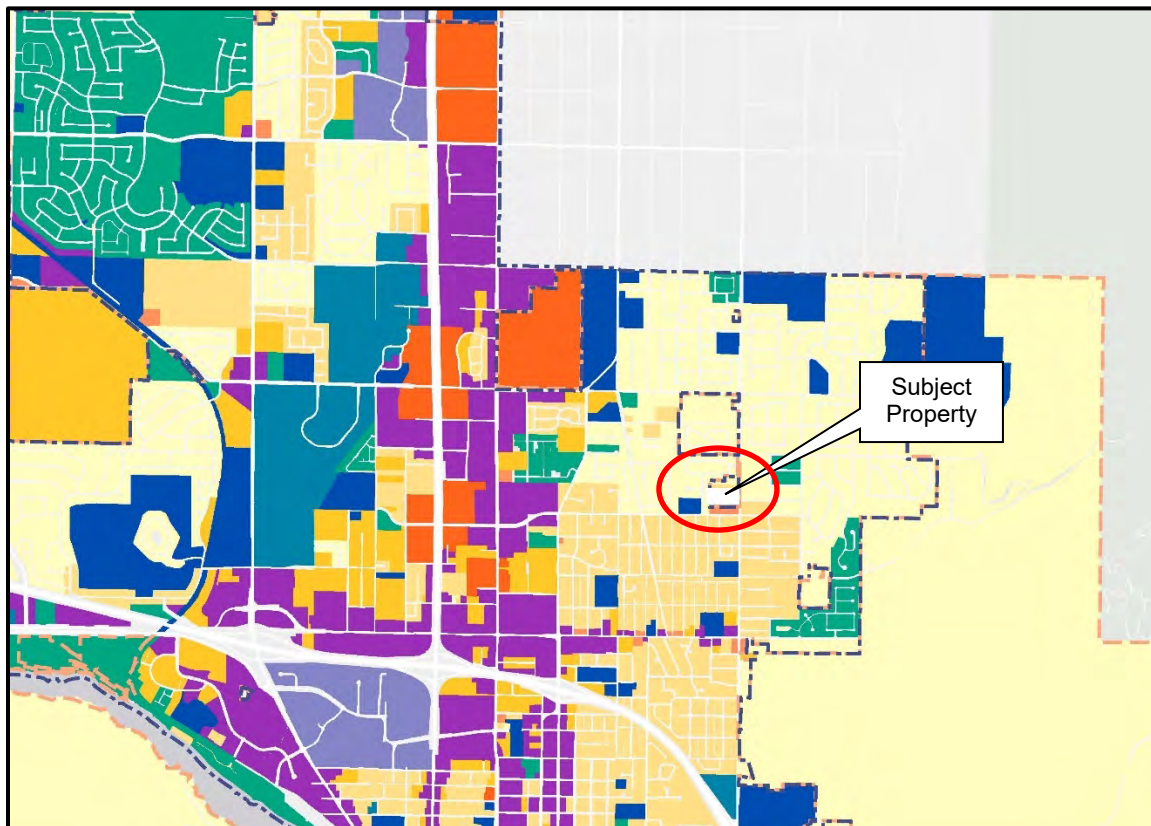
### AREA OF CITY IMPACT MAP:



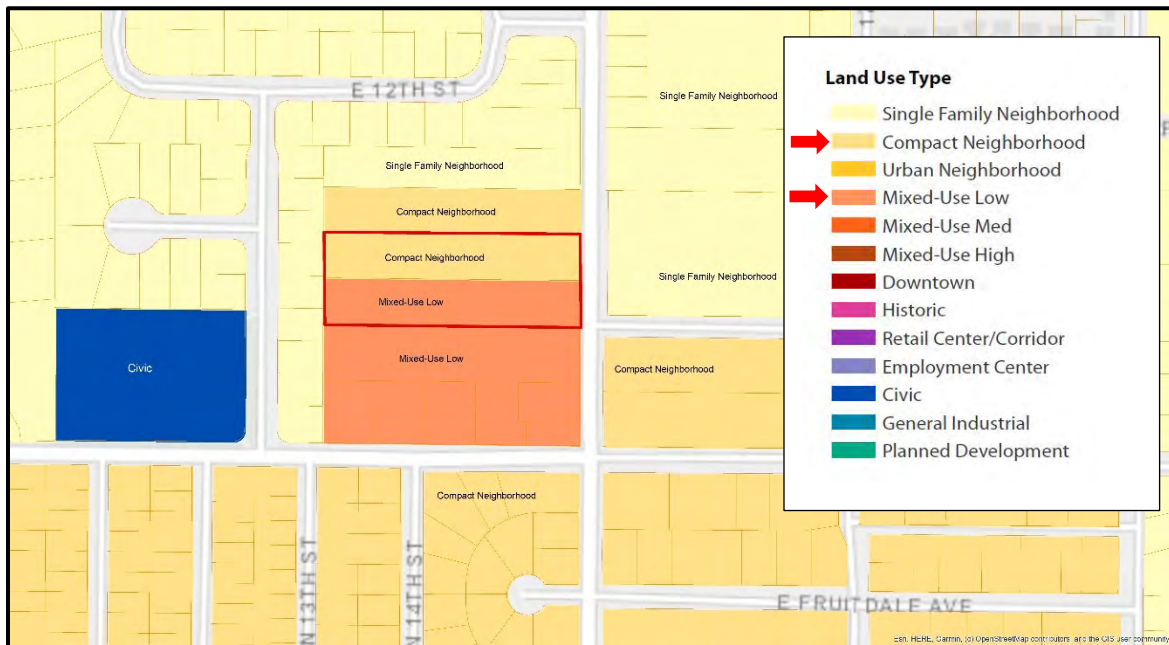
**2042 COMPREHENSIVE PLAN LAND USE MAP:**



**2042 COMPREHENSIVE PLAN LAND USE MAP:**



## 2042 COMPREHENSIVE PLAN LAND USE MAP: Site Location



The subject site lies within two place types as designation in the 2042 Comprehensive Plan. The two place types are Compact Neighborhood and Mixed Use-Low.

### 2042 Comprehensive Plan Place Types:

The Place Types in this plan represent the form of future development, as envisioned by the residents of Coeur d'Alene. These Place Types will in turn provide the policy level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.

#### Place Type -1: Compact Neighborhood

Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d'Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family homes, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

#### Compatible Zoning Districts within the "Compact Neighborhood" Place Type:

- R-12, R-17, MH-8, NC and CC Zoning Districts.

## Key Characteristics of “Compact Neighborhood” Place Type:

### Compact Neighborhood



#### Key Characteristics

Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d'Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

#### Transportation

- Gridded street pattern with pedestrian and bicycle facilities

#### Typical Uses

- Primary: Single and mixed residential
- Secondary: Neighborhood parks and recreation facilities, parking

#### Building Types

- Single-family, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts

#### Compatible Zoning

- R-12 and R-17; MH-8; NC and CC



## Place Type -2: Mixed-Use Low

Mixed-Use Low places are highly walkable areas typically up to four-stories. Development types are primarily mixed-use buildings, with retail, restaurants on corners or along the entire ground floor frontage, but could also include townhomes and multifamily housing. Floors above are residential, office, or a combination of those uses. Multifamily residential development provides additional housing options adjacent to mixed-use buildings. This place type is typically developed along a street grid that has excellent pedestrian and bike facilities, with mid-block crossings, as needed, to provide pedestrian access.

### Compatible Zoning Districts within the “Mixed-Use Low” Place Type:

- C-17, C-17L, NC, and CC Zoning Districts.

### Key Characteristics of the “Mixed-Use Low” Place Type:

#### Mixed-Use Low



#### Key Characteristics

Mixed-Use Low places are highly walkable areas typically up to four-stories. Development types are primarily mixed-use buildings, with retail, restaurants on corners or along the entire ground floor frontage, but could also include townhomes and multifamily housing. Floors above are residential, office, or a combination of those uses. Multifamily residential development provides additional housing options adjacent to mixed-use buildings. This place type is typically developed along a street grid that has excellent pedestrian and bike facilities, with mid-block crossings, as needed, to provide pedestrian access.

#### Transportation

- Gridded main streets and mid-block pedestrian connections
- High ease-of-use pedestrian and bicycle facilities



#### Typical Uses

- Primary: Retail, commercial, office, restaurant, multifamily residential
- Secondary: Civic uses, parking

#### Building Types

- Up to four stories, retail and commercial on the ground floor, with residential units above

#### Compatible Zoning

- C17 and C17L; NC and CC

Although the subject property lies within two Land Use Place Types, the “Compact Neighborhood” place type is compatible with the proposed annexation with R-12 zoning. The proposal best aligns with the “Compact Neighborhood” place type.

## **2042 Comprehensive Goals and Objectives that apply:**

### **Community & Identity**

#### **Goal CI 1**

Coeur d’Alene citizens are well informed, responsive, and involved in community discussions.

##### **OBJECTIVE CI 1.1**

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

#### **Goal CI 3**

Coeur d’Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

##### **OBJECTIVE CI 3.1**

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

### **Environment & Recreation**

#### **Goal ER 1**

Preserve and enhance the beauty and health of Coeur d’Alene’s natural environment.

##### **OBJECTIVE ER 1.4**

Reduce water consumption for landscaping throughout the city.

#### **Goal ER 2**

Provide diverse recreation options.

##### **OBJECTIVE ER 2.2**

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

**OBJECTIVE ER 2.3**

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

**Growth & Development****Goal GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

**OBJECTIVE GD 1.1**

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

**OBJECTIVE GD 1.3**

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

**OBJECTIVE GD 1.5**

Recognize neighborhood and district identities.

**Goal GD 2**

Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

**OBJECTIVE GD 2.1**

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

**OBJECTIVE GD 2.2**

Ensure that City and technology services meet the needs of the community.

**Goal GD 3**

Support the development of a multimodal transportation system for all users.

**OBJECTIVE GD 3.1**

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

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

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

**STORMWATER:**

Stormwater will be addressed with project development. All stormwater must be contained on-site. Stormwater swales for the development shall not be constructed within City Right-of-Way as depicted in the preliminary plans. A stormwater management plan, conforming to all requirements of the City, shall be submitted and approved prior to the start of any construction.

**STREETS:**

The site has frontage on 15th St. Any necessary improvements to the frontages, including the required addition of sidewalk, would be addressed during construction. Ten feet of right-of-way along 15th Street shall be deeded to the City. The narrow streets, limited on-street parking, and limited snow storage areas are expected to cause complaints for future residents. However, since the streets are proposed to be private, the impacts will likely be isolated to the residents. It is also worth noting that only eight of the 32 units will have sidewalk access to their homes, but it is proposed as a private street. The Streets and Engineering Department has no objection to the proposed development.

*-Submitted by Chris Bosley, City Engineer*

**WATER**

The property for proposed annexation lies within the City of Coeur d'Alene water service area. There is sufficient capacity within the public water system to provide adequate domestic, irrigation and fire flow service to the subject parcel at High Zone service elevation. Services currently exist to 3511 and 3525 N 15th St. respectively. If those services are not used and properly abandoned, credit may be granted in kind for replacement services.

*-Submitted by Terry Pickel, Water Department Director*

**SEWER:**

The nearest public sanitary sewer is located in 15<sup>th</sup> Street to the east of subject property. At no cost to the City, a sewer extension conforming to City Standards and Policies will be required prior issuance of any building permits. The Subject Property is within the City of Coeur d'Alene Area of City Impact (ACI) and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this annexation request as proposed.

*-Submitted by Larry Parsons, Utility Project Manager*

**FIRE:**

The Fire Department works with the Engineering, Water, and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals. The Fire Department has no objection to the proposed annexation and development.

*-Submitted by Bobby Gonder, Fire Inspector / MIAAI – CFI*

**POLICE:**

The Police Department does not have an issue with the annexation and the proposed development.

*-Submitted by Lee White, Chief of Police*

**Evaluation:** *The City Council will need to determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

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

**PHYSICAL CHARACTERISTICS:**

The site is general flat and has a slight slope to the southwest to the south. (See topography map on page 16). There are two single family dwelling located on the eastern portion of the site. The western portion of the site is vacant of buildings and is in a natural state with grass and trees located on it. Site photos are provided on the next few pages showing the existing conditions.

**TOPOGRAPHIC MAP:**



**SITE PHOTO - 1:** View from the east part of property looking south on 15<sup>th</sup> Street.



**SITE PHOTO - 2:** View from 15<sup>th</sup> Street looking west.



**SITE PHOTO - 3:** View from the center of property looking north



**SITE PHOTO - 4:** View from the center of property looking west



**SITE PHOTO - 5:** View from the center of property looking south



**Evaluation:** *The City Council will need to determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

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

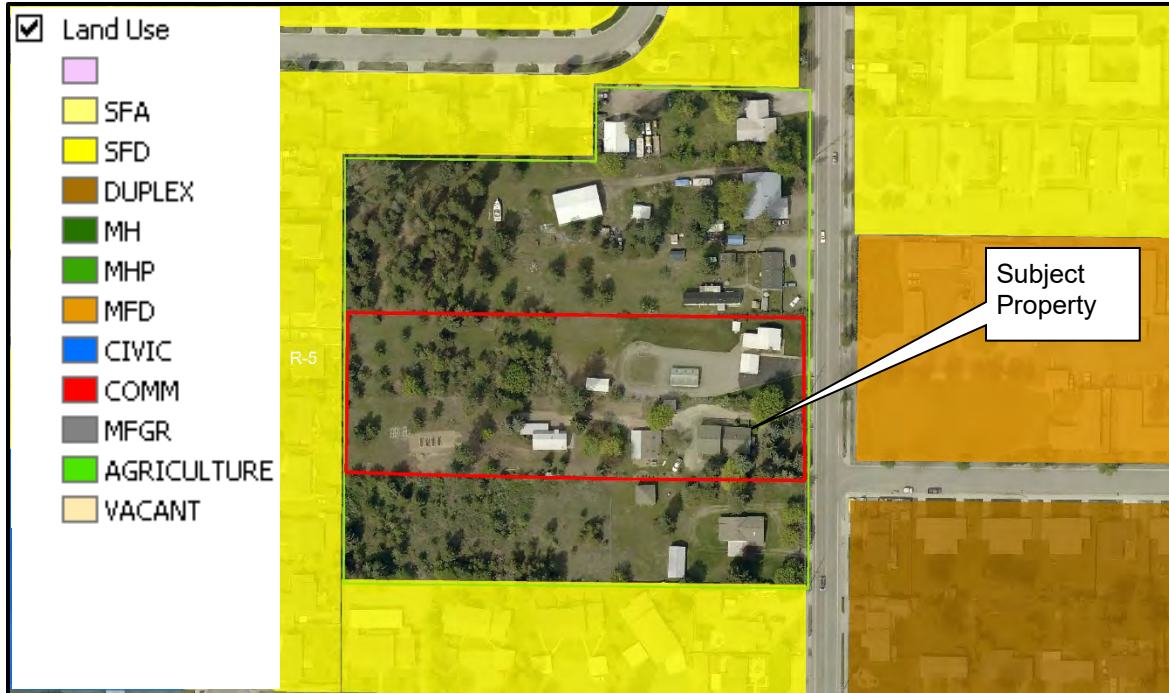
**TRAFFIC:**

As noted above, the subject property is bordered by 15th Street, which is a major collector street. Traffic from the proposed residential development is estimated to generate approximately 21 am peak hour and 25 pm peak hour trips per day. 2018 traffic counts indicate 15th Street experiences an average of 770 PM peak hour trips. The estimated traffic was derived from Land Use Code 231 – Low-Rise Residential Condominium/Townhouse in the ITE Trip Generation Manual. The Streets & Engineering Department has no objection to the subdivision plat and planned unit development as proposed.

*-Submitted by Chris Bosley, City Engineer*

**NEIGHBORHOOD CHARACTER:**

The neighborhood is predominantly single family. To the east, across 15<sup>th</sup> Street there is a multi-family apartment complex along with some duplex housing units. The surrounding properties to the north, east, south, and west have residential uses located on them (See existing land use map located on page 20).

**GENERALIZED LAND USE PATTERN:**

**Evaluation:** *The City Council will need to determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

**ORDINANCES & STANDARDS USED FOR EVALUATION:**

2042 Comprehensive Plan  
Transportation Plan  
Municipal Code  
Idaho Code  
Wastewater Treatment Facility Plan  
Water and Sewer Service Policies  
Urban Forestry Standards  
Transportation and Traffic Engineering Handbook, I.T.E.  
Manual on Uniform Traffic Control Devices  
2018 Coeur d'Alene Trails Master Plan

**RECOMMENDATIONS FOR ITEMS TO INCLUDE ANNEXATION AGREEMENT:**

None

**ACTION ALTERNATIVES:**

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

Attachments: Applicant's Narrative

# **15<sup>th</sup> STREET ANNEXATION**

## **PROJECT NARRATIVE**

*Coeur d'Alene, Idaho*

*January 26, 2022*



*126 E. Poplar Avenue  
Coeur d'Alene, Idaho 83814  
Phone: 208-676-0230*

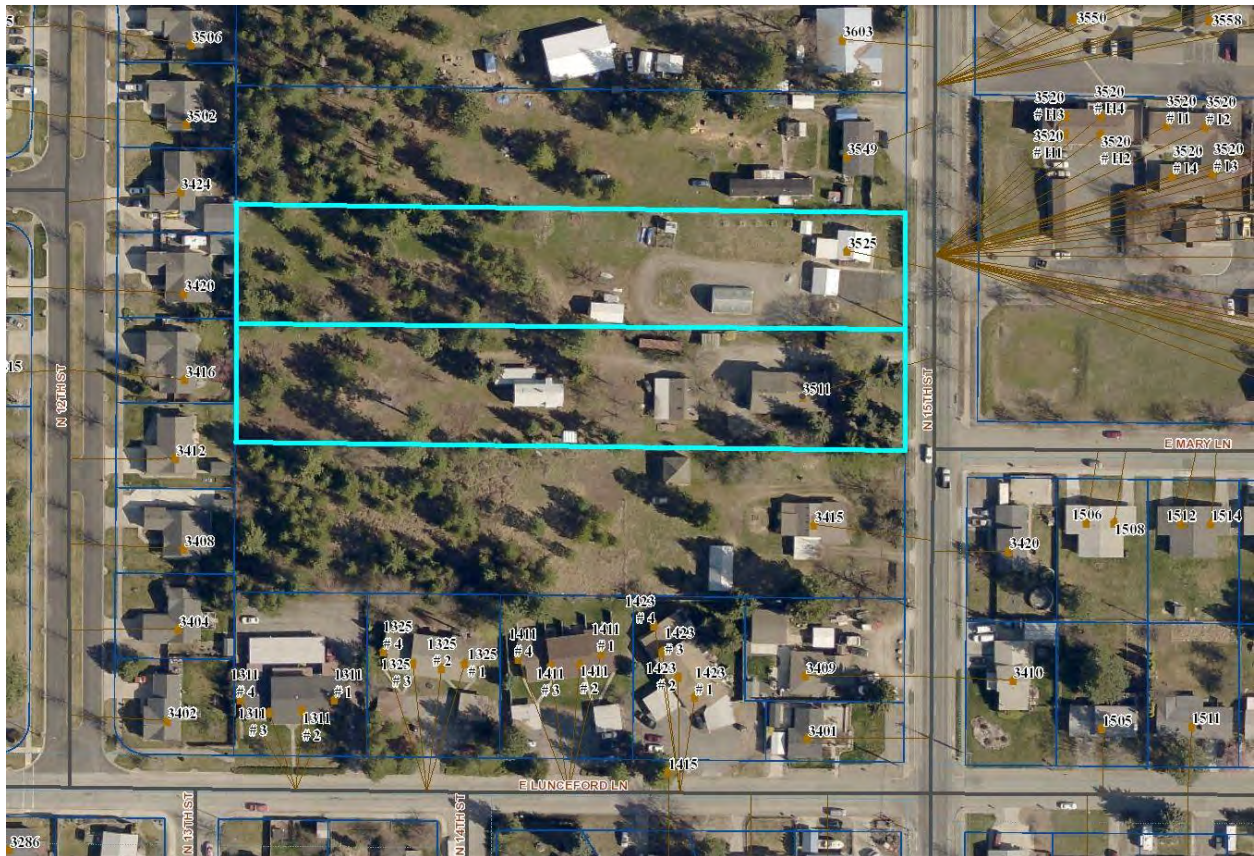
## INTRODUCTION

This request is for the annexation of approximately 3.2 acres into the City of Coeur d'Alene. The subject property is located approximately 0.1 miles North of the intersection of Lunceford Lane and 15<sup>th</sup> Street, on the West side.

## SUBJECT PARCEL

The property being requested for annexation is as follows:

|                    |                                   |
|--------------------|-----------------------------------|
| Parcel #:          | 50N04W-01-2270 and 50N04W-01-2280 |
| Annexation Area:   | 3.2 acres                         |
| Current Zoning:    | Ag-Suburban (County)              |
| Proposed Zoning:   | R-12 Residential Mixed-Used Low   |
| Legal Description: | Tax #3793 and Tax #3792           |



*Figure 1: Vicinity Map*

## PRE-DEVELOPMENT CONDITIONS

The subject parcels each currently contain a residence and several outbuildings. As part of the development process, all structures on the northern parcel will be removed, and all structures

Frontage improvements on 15<sup>th</sup> Street, including sidewalks, swales and curb & gutter, will be completed in conjunction with the construction of the new road into the subdivision.

## ZONING CLASSIFICATION

3

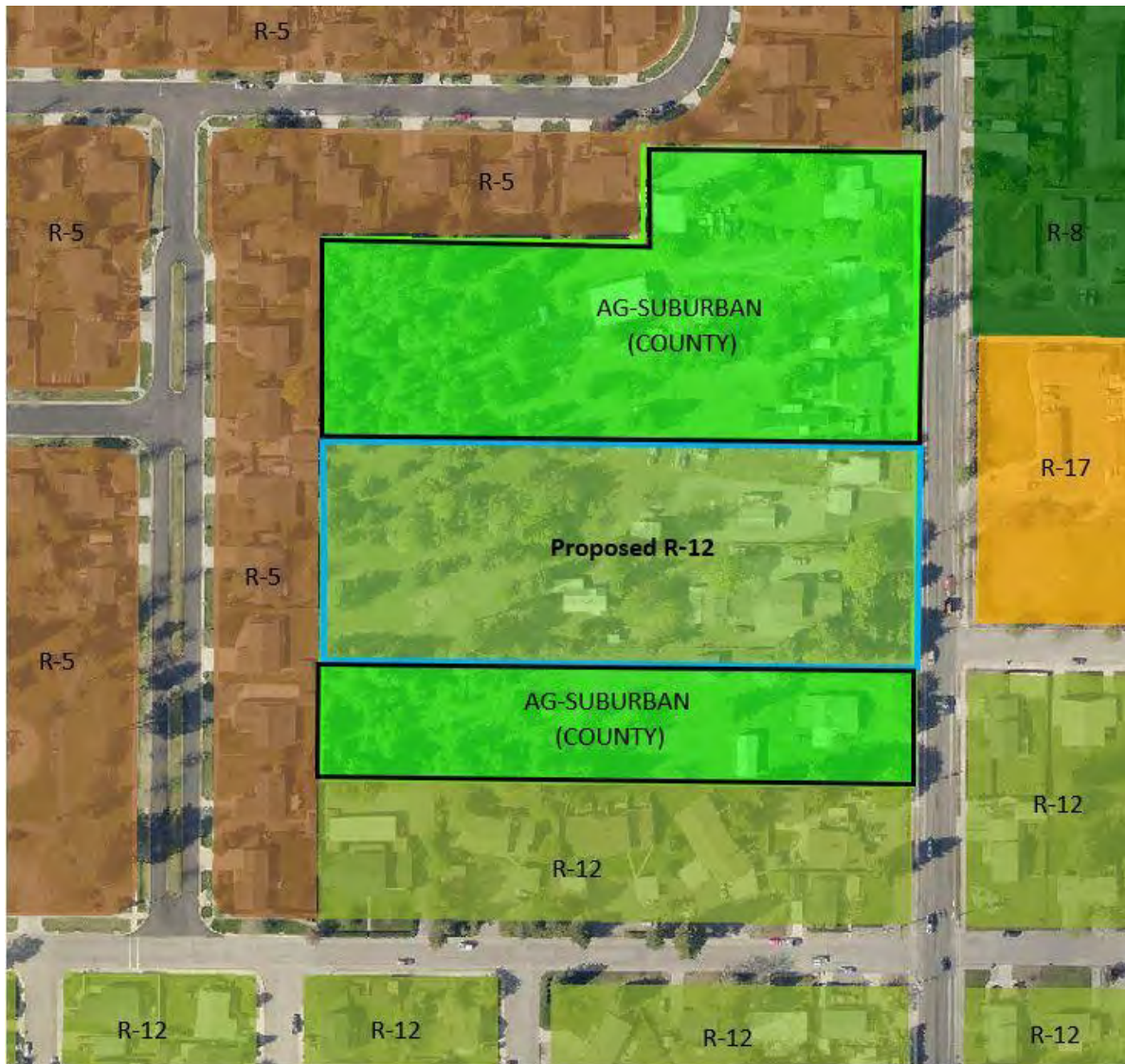


Figure 3: Proposed Zoning

## COMPREHENSIVE PLAN ANALYSIS

The current *City of Coeur d'Alene 2007 Comprehensive Plan* designates the subject property as Stable Established within the NE Prairie area. The new *Land Use and Design* document associated with the draft *Envision Coeur d'Alene Comprehensive Plan Update through 2040* designates the northern parcel of this project as Compact Neighborhood and the southern parcel as Mixed-Use Low. The *Envision Coeur d'Alene Comprehensive Plan Update through 2040* will become the guiding document for all future annexation and zoning classification requests. It is important that land use decisions meet, or exceed, the goals, objectives and actions as outlined in this Comprehensive Plan.

The project proponent is requesting a zoning classification of R-12, which, considering the surrounding nearby low-density residential uses, appears appropriate for the subject property. This project will provide additional workforce housing options for existing and incoming residents

to the City of Coeur d’Alene. The project proponent believes that the following goals and objectives (shown in *italics*) as outlined in the draft Comprehensive Plan’s *Policy Framework* and *Land Use and Design* documents, are applicable to the requested annexation and zone classification. Additional commentary is located below each objective as appropriate.

### Growth and Development

*Goal GD 1 Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.*

*Objective GD 1.1 Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.*

This project is considered in-fill and is located in one of the few remaining County-zoned areas on the East side of Coeur d’Alene. The proposed zoning for this project will provide additional residential housing for the growing community that meshes well with the existing adjacent product types and price points, without creating a noticeable increase in traffic or an impact on the surrounding property owners.

*Objective GD 1.5 Recognize neighborhood and district identities.*

The residential lots proposed in this project will align with the Compact Neighborhood place type described in the *Envision Coeur d’Alene Land Use and Design* document. This project is located in an older section of the City and is just East of the established North Pines Park on the corner of 12<sup>th</sup> Street and Lunceford Avenue. The interior of the subdivision will contain sidewalks and street trees that will contribute to the neighborhood feel of the project.

### Community and Identity

*Objective CI 3.1 Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.*

The development of this land according to the proposed R-12 zoning classification will provide the City with much needed workforce housing options. Residents of this new neighborhood will enjoy the benefits of a quiet, dead-end street with easy access to 15<sup>th</sup> Street and the surrounding neighborhoods.

### Environment and Recreation

*Objective ER 3.1 Preserve and expand the number of street trees within city right-of-way.*

As part of the development process for this project, street trees will be planted in the front of each lot, providing residents with shade, beautification, and a quaint, neighborhood feel.

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

**A-3-22**

**A. INTRODUCTION**

This matter having come before the Planning Commission on April 12, 2022 and there being present a person requesting approval of ITEM A-3-22 , a request for zoning prior to annexation of 3.91 acres from County Ag Suburban to City R-12.

APPLICANT: 15<sup>TH</sup> STREET INVESTMENTS, LLC / TERENCE ALLING

LOCATION: PROPERTY IS LOCATED AT 3511 & 3525 N 15<sup>th</sup> STREET

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON The Planning Commission adopts Items B1 to B7.**

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Compact Neighborhood and Mixed Use-Low.
- B3. That the zoning is County Ag Suburban.
- B4. That the notice of public hearing was published on March 26, 2022, 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 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on April 12, 2022

B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

**Community & Identity**

**Goal CI 1**

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

**OBJECTIVE CI 1.1**

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

**Goal CI 3**

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

**OBJECTIVE CI 3.1**

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

**Environment & Recreation**

**Goal ER 1**

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

**OBJECTIVE ER 1.4**

Reduce water consumption for landscaping throughout the city.

**Goal ER 2**

Provide diverse recreation options.

**OBJECTIVE ER 2.2**

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

**OBJECTIVE ER 2.3**

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

**Growth & Development**

**Goal GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

**OBJECTIVE GD 1.1**

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

**OBJECTIVE GD 1.3**

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

**OBJECTIVE GD 1.5**

Recognize neighborhood and district identities.

**Goal GD 2**

Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

**OBJECTIVE GD 2.1**

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

**OBJECTIVE GD 2.2**

Ensure that City and technology services meet the needs of the community.

**Goal GD 3**

Support the development of a multimodal transportation system for all users.

**OBJECTIVE GD 3.1**

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on page 15 and 16 of the staff report stating that all public facilities and utilities are available.
- B10. That the physical characteristics of the site do make it suitable for the request at this time because the applicant and staff report indicate no physical constraints since the lot is flat and easy to develop.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses because there is no objections from the city engineer regarding traffic and that the property is surrounded by similar residential homes making R-12 a good fit.

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of 15<sup>TH</sup> STREET INVESTMENTS, LLC / TERENCE ALLING for zoning prior to annexation, as described in the application should be approved.


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

**ROLL CALL:**

|                        |           |
|------------------------|-----------|
| Commissioner Fleming   | Voted Yes |
| Commissioner Ingalls   | Voted Yes |
| Commissioner Luttrupp  | Voted Yes |
| Commissioner Mandel    | Voted Yes |
| Commissioner McCracken | Voted Yes |
| Chairman Messina       | Voted Yes |

Commissioner Ward was absent.

Motion to approve carried by a 6 to 0 vote.

  
CHAIRMAN TOM MESSINA

Mike Behary, Associate Planner presented the staff report for the annexation (A-3-22) and stated:

The applicant is requesting approval of the following:

- The annexation of 3.19 acres in conjunction with zoning approval from County Agricultural-Suburban to the R-12 zoning district.
- Currently the subject property is located in the unincorporated area of the county and consists of two parcels that have single family dwellings located on them. The subject site is 3.19 acres in area and is relatively flat. The site is adjacent to the city limits along its east and west property line.
- The property is currently zoned Agricultural-Suburban in the county. As part of the annexation request the applicant is proposing the R-12 zoning district be applied to the subject site. The subject site is located within the City's Area of City Impact.
- The City's Comprehensive Plan designates the subject property within two land use areas Compact Neighborhood, Mixed Use-Low

Mr. Behary concluded his presentation

**Commission Comments:**

Commissioner Luttrupp asked what is the current properties zoned surrounding this property. Mr. Behary replied they are R-12.

**Public testimony open.**

Drew Dittman applicant representative provided the following statements:

- He stated that he is here representing two properties.
- He explained originally planned to do an PUD and Subdivision but some last-minute housekeeping issues came up as it relates to the PUD and Subdivision and didn't want to give out wrong information so he asked staff to table these items to the next Planning Commission meeting on June 14<sup>th</sup> to have time to resolve the issues.
- He explained this request is for 3.2 acres as noted in the staff report and that the right of way was not added so it would be 3.3 acres.
- He stated that the property is currently zoned Ag Suburban and asking for R-12 zoning which is a good fit for this property that is surrounded by R-12.
- He explained based on the new Comprehensive Plan this property is split in two different land designations which are Compact neighborhood and mixed-use low which is centered toward the intersection off of Lunceford and based on the surrounding uses commercial would not work and why we have proposed R-12.
- He noted the property is flat with several out buildings with a house on each parcel and later when the PUD and Subdivision come back will explain what will be done with those homes.
- He stated that a benefit to the city for annexation is the parcel is surrounded by residential and will be a good fit for the area.

The applicant concluded his presentation.

**Commission Comments:**

There were no questions for the applicant.

Kathryn Taylor stated she lives on 12<sup>th</sup> street with her property backing up to this property who is concerned that this developer is going to get the other property owners to join in with the

annexation to provide dense housing. She noticed that in the staff report there are a lot of exemptions for this property if approved. Chairman Messina explained that the applicant has requested at the start of the hearing to table the PUD and Subdivision to the next Planning Commission meeting on June 14<sup>th</sup>.

**Rebuttal:**

Mr. Dittman stated that the R-12 is surrounding this property and will fit well for this property.

Commissioner Luttrupp commented that he looks forward to the discussion on the PUD and Subdivision.

**Public testimony closed.**

**Discussion:**

Commissioner Fleming requested that the city engineer attend the Planning Commission meeting on June 14<sup>th</sup> to address various traffic issues.

Commissioner Ingalls stated he is in favor of this project and that the R-12 is compatible with the surrounding neighborhood.

Commissioner Mandel concurs and nice to have a Land use map as a reference to make decisions.

Commissioner Luttrupp commented that he is looking at annexations as a "business proposition" which is an economic benefit to the property owner and to the city. He added that he would suggest the city put in an annexation agreement thing reflected that reference the comprehensive plan and housing.

**Motion by Ingalls, seconded by Mandel, to approve Item A-3-22. Motion approved.**

**ROLL CALL:**

|                        |       |     |
|------------------------|-------|-----|
| Commissioner Fleming   | Voted | Aye |
| Commissioner Ingalls   | Voted | Aye |
| Commissioner Mandel    | Voted | Aye |
| Commissioner McCracken | Voted | Aye |
| Commissioner Luttrupp  | Voted | Aye |
| Chairman Messina       | Voted | Aye |

Motion to approve carried by a 6 to 0 voted

# *City Council Meeting*



*May 17, 2022*

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**APPLICANT:**

15<sup>th</sup> Street Investments, LLC /  
Terence Alling  
3511 N 15<sup>th</sup> Street  
Coeur d'Alene, ID 83815

**ENGINEER:**

Lake City Engineering  
126 Poplar Avenue  
Coeur d'Alene, ID 83815

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**REQUEST**

The annexation of 3.91 acres in conjunction with zoning approval from County Agricultural-Suburban to the R-12 zoning district.

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**LOCATION:**

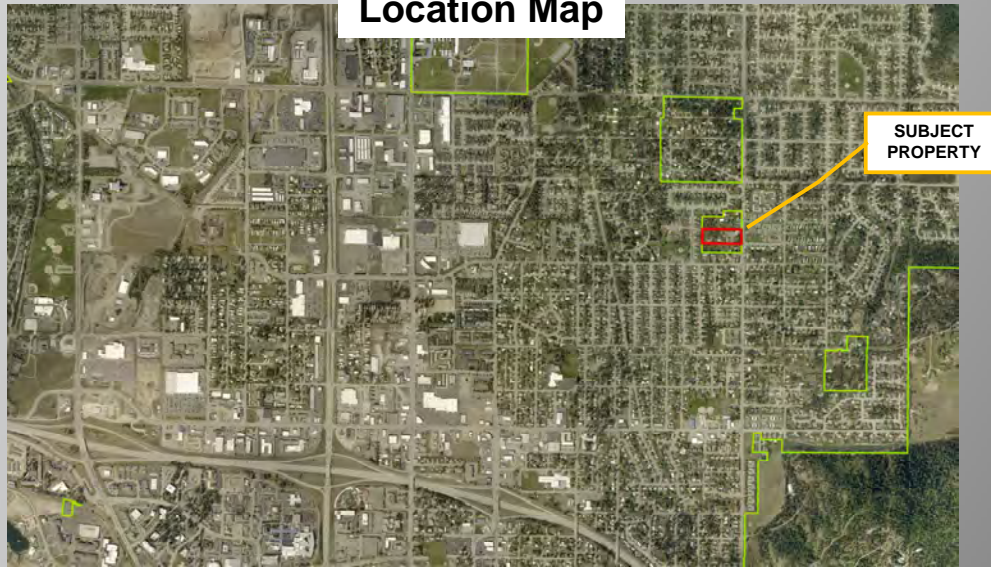
Located at 3511 & 3525 N 15<sup>th</sup> Street

**LEGAL NOTICE:**

Published in the CDA Press on April 30, 2022.

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Location Map**



**SUBJECT  
PROPERTY**

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Aerial Photo**



**SUBJECT  
PROPERTY**

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Birdseye Photo**

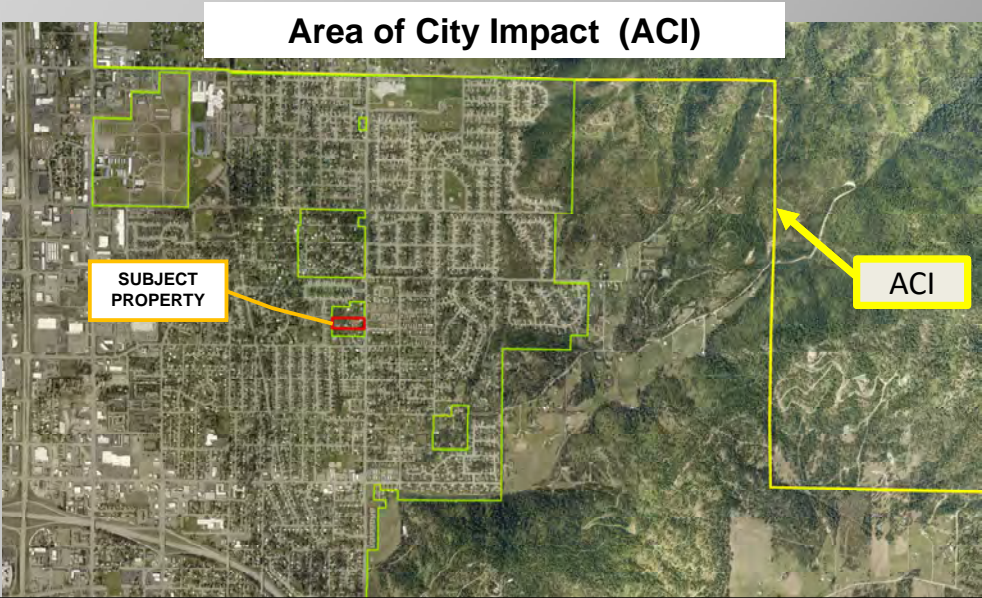


A-3-22: Zoning prior to Annexation +/- 3.91 acres

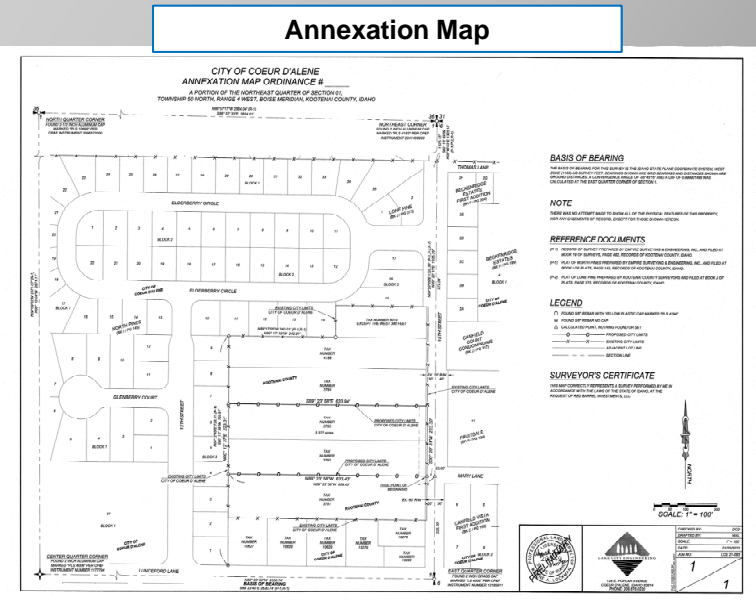
**Birdseye Photo**



A-3-22: Zoning prior to Annexation +/- 3.91 acres

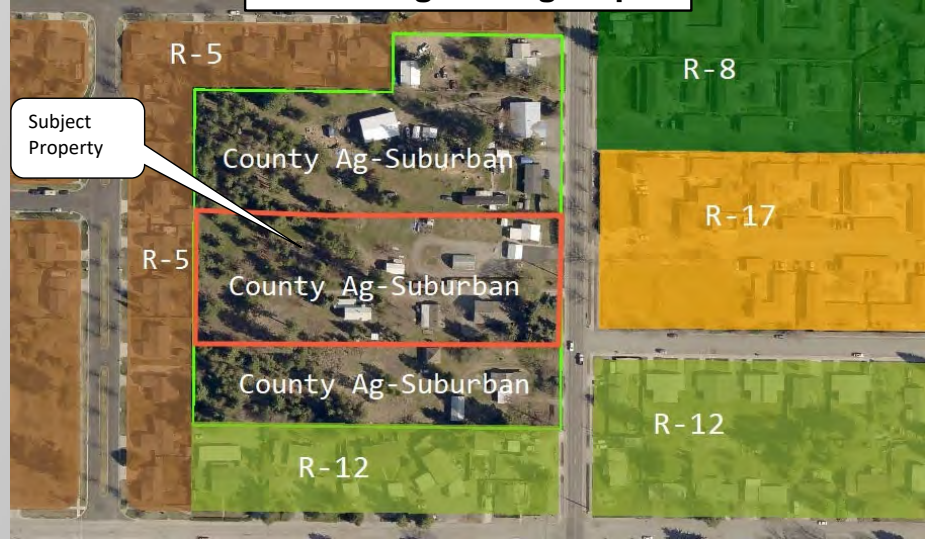


A-3-22: Zoning prior to Annexation +/- 3.91 acres



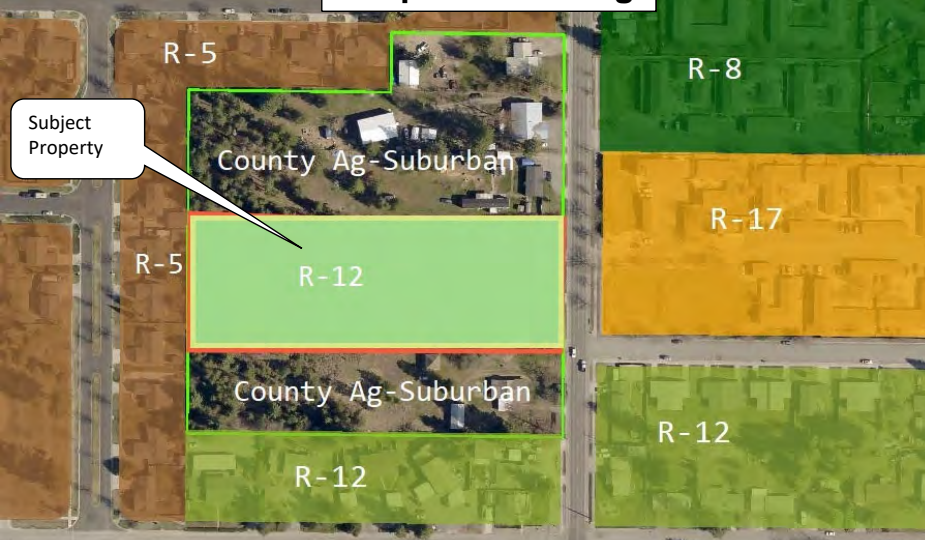
A-3-22: Zoning prior to Annexation +/- 3.91 acres

Existing Zoning Map



A-3-22: Zoning prior to Annexation +/- 3.91 acres

Proposed Zoning



## A-3-22: Zoning prior to Annexation +/- 3.91 acres

### **Proposed R-12 Zoning District:**

The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of twelve (12) units per gross acre.

Principal permitted uses in an R-12 District are as follows:

- Administrative.
- Duplex housing.
- Essential service (underground).
- Home occupation
- Neighborhood recreation.
- Public recreation.
- Single-family detached housing.

## A-3-22: Zoning prior to Annexation +/- 3.91 acres

### **Finding #B8:**

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

### **Finding #B9:**

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

### **Finding #B10:**

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

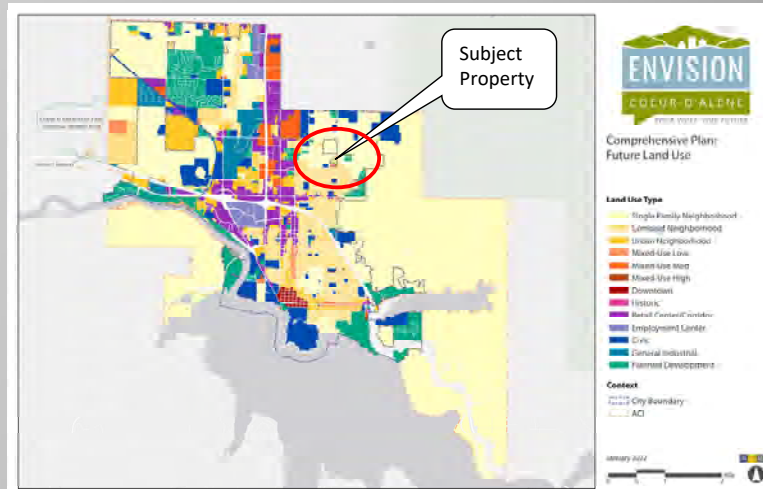
### **Finding #B11:**

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

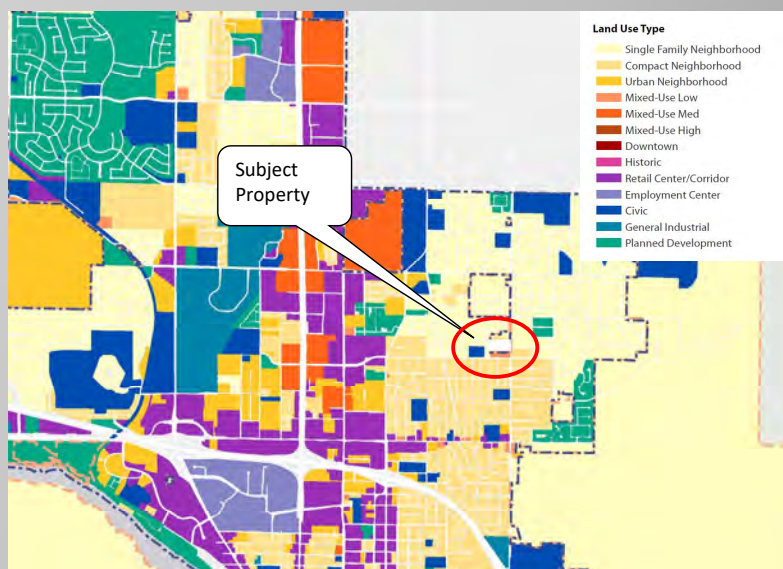
A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Finding #B8:**

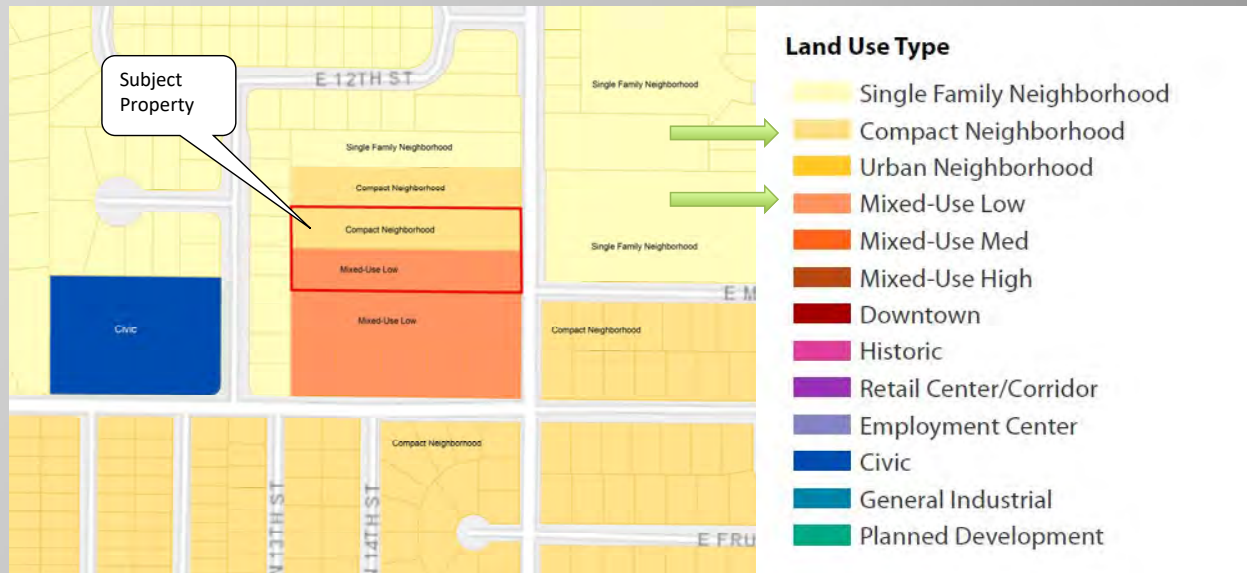
***That this proposal (is) (is not) in conformance with the Comprehensive Plan.***



A-3-22: Zoning prior to Annexation +/- 3.91 acres



### A-3-22: Zoning prior to Annexation +/- 3.91 acres



### A-3-22: Zoning prior to Annexation +/- 3.91 acres

#### 2042 Comprehensive Plan Place Types

Place Types represent the form of future development, as envisioned by the residents of Coeur d'Alene. Place Types will in turn provide the policy level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.

A-3-22: Zoning prior to Annexation +/- 3.91 acres

### 2042 Comprehensive Plan Place Type:

#### Place Type -1: Compact Neighborhood

Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d'Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family homes, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

#### Compatible Zoning Districts within the "Compact Neighborhood" Place Type:

- R-12, R-17, MH-8, NC and CC Zoning Districts.

A-3-22: Zoning prior to Annexation +/- 3.91 acres

### 2042 Comprehensive Plan Place Type:

#### Place Type -2: Mixed-Use Low

Mixed-Use Low places are highly walkable areas typically up to four-stories. Development types are primarily mixed-use buildings, with retail, restaurants on corners or along the entire ground floor frontage, but could also include townhomes and multifamily housing. Floors above are residential, office, or a combination of those uses. Multifamily residential development provides additional housing options adjacent to mixed-use buildings. This place type is typically developed along a street grid that has excellent pedestrian and bike facilities, with mid-block crossings, as needed, to provide pedestrian access.

#### Compatible Zoning Districts within the "Mixed-Use Low" Place Type:

C-17, C-17L, NC, and CC Zoning Districts.

*\* Although the subject property lies within two Land Use Place Types, the "Compact Neighborhood" place type is compatible with the proposed annexation with R-12 zoning.*

A-3-22: Zoning prior to Annexation +/- 3.91 acres

## 2042 Comprehensive Plan Goals and Objectives

### Environment & Recreation

#### **Goal ER 2**

Provide diverse recreation options.

#### **OBJECTIVE ER 2.2**

Encourage publicly-owned and/or private recreation facilities for citizens of all ages. This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

A-3-22: Zoning prior to Annexation +/- 3.91 acres

## 2042 Comprehensive Plan Goals and Objectives

### Growth & Development

#### **Goal: GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

#### **OBJECTIVE: GD 1.1**

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

*\* See pages 13 and 14 of staff report for full list of Comprehensive Plan Goals and Objectives*

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Finding #B9:**

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

- City staff from Streets and Engineering, Water, Fire, Parks, Police, and Wastewater departments have reviewed the application request in regards to public utilities and public facilities.
- Each department has indicated that there are public facilities and public utilities available and adequate for the proposed annexation with zoning to R-12.

A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Finding #B10:**

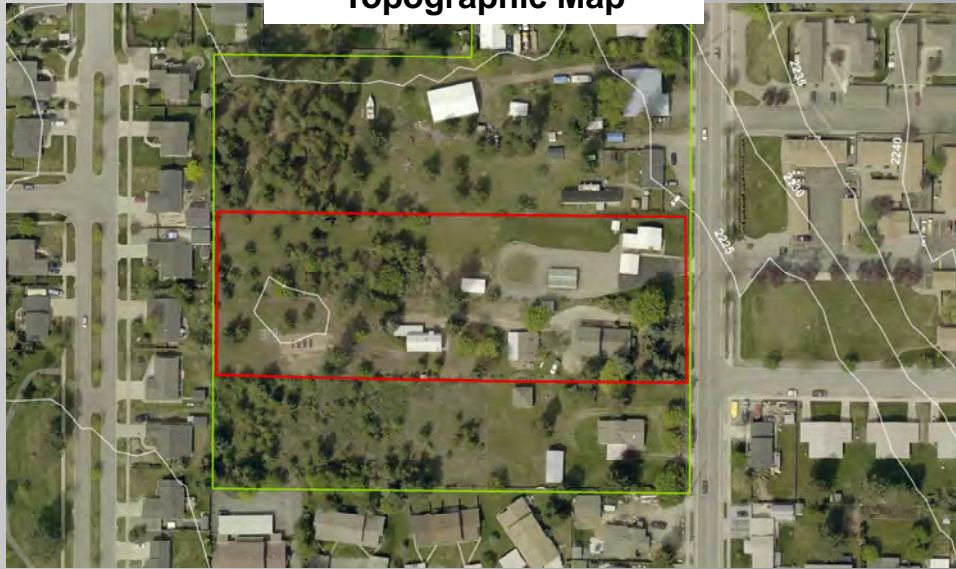
***That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.***

- The site is general flat and has a slight slope to the southwest.
- The western portion of the site is vacant of buildings and is in a natural state with grass and trees located on it.

*Topographic map and site photos are provided on the next few slides*

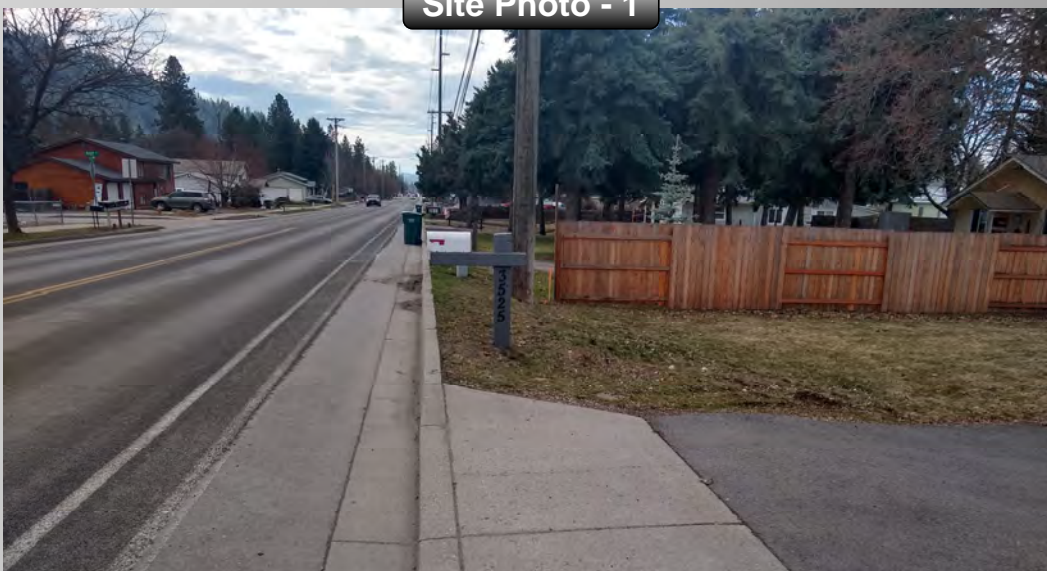
A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Topographic Map**



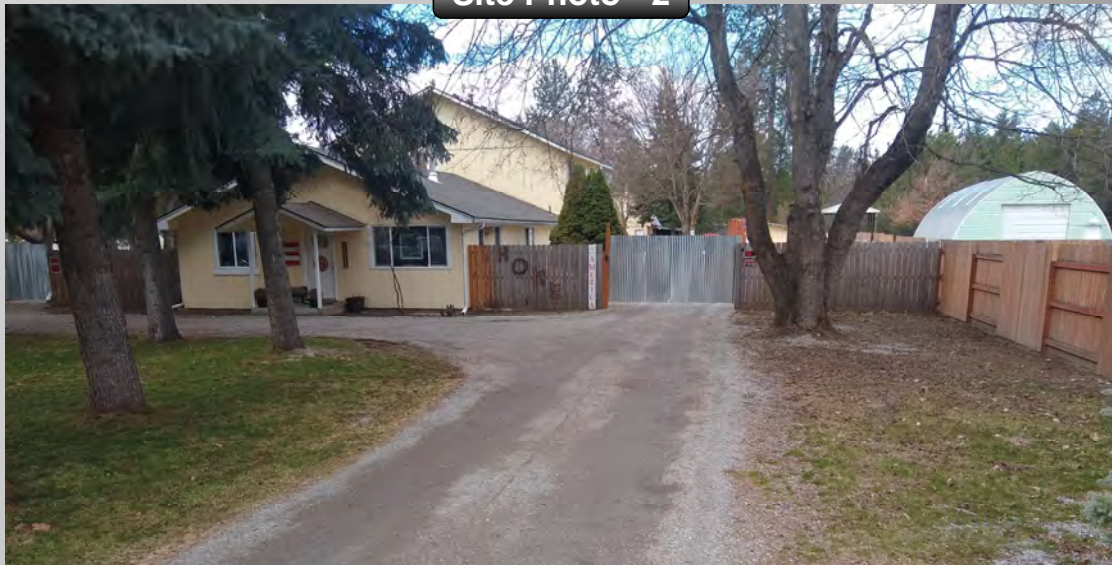
A-3-22: Zoning prior to Annexation +/- 3.91 acres

**Site Photo - 1**



A-3-22: Zoning prior to Annexation +/- 3.91 acres

Site Photo - 2



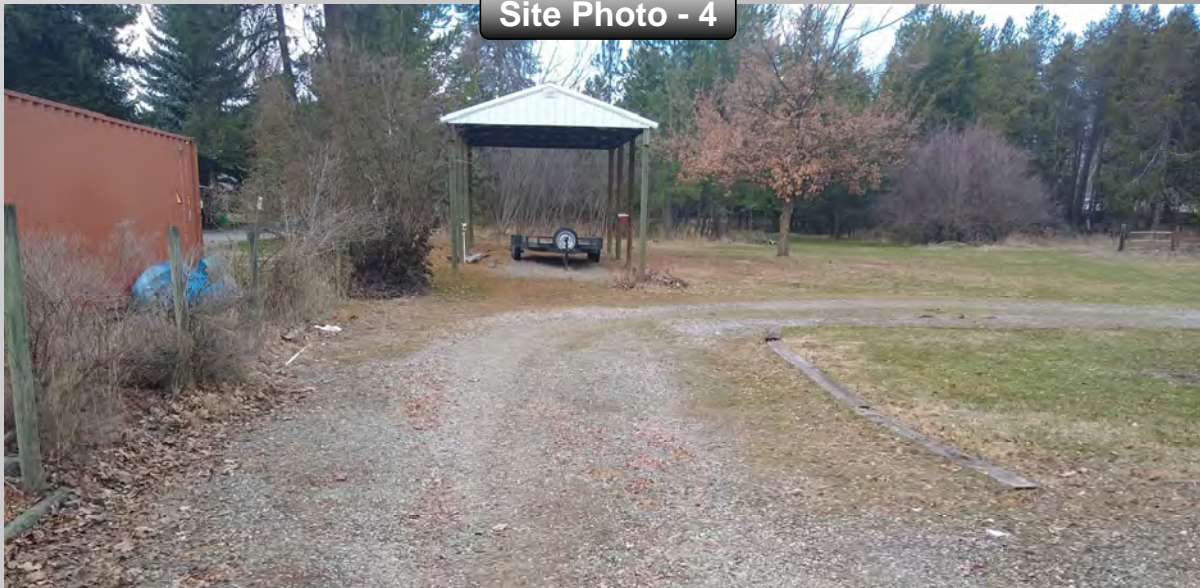
A-3-22: Zoning prior to Annexation +/- 3.91 acres

Site Photo - 3



A-3-22: Zoning prior to Annexation +/- 3.91 acres

Site Photo - 4



A-3-22: Zoning prior to Annexation +/- 3.91 acres

Site Photo - 5



## A-3-22: Zoning prior to Annexation +/- 3.91 acres

### Finding #B11:

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

- The subject property is bordered by 15th Street, which is a major collector street. Traffic from the proposed residential development is estimated to generate approximately 21 am peak hour and 25 pm peak hour trips per day. 2018 traffic counts indicate 15th Street experiences an average of 770 PM peak hour trips. The Streets & Engineering Department has no objection to the annexation, subdivision plat, and planned unit development as proposed.

*-Submitted by Chris Bosley, City Engineer*

## A-3-22: Zoning prior to Annexation +/- 3.91 acres

### Land Use Map





# Decision Points & Findings

A-3-22: Zoning prior to Annexation +/- 3.91 acres

## **FINDINGS:**

**A-3-22:** The annexation of 3.91 acres in conjunction with zoning approval from County Agricultural-Suburban to the R-12 zoning district.

## A-3-22: Zoning prior to Annexation +/- 3.91 acres

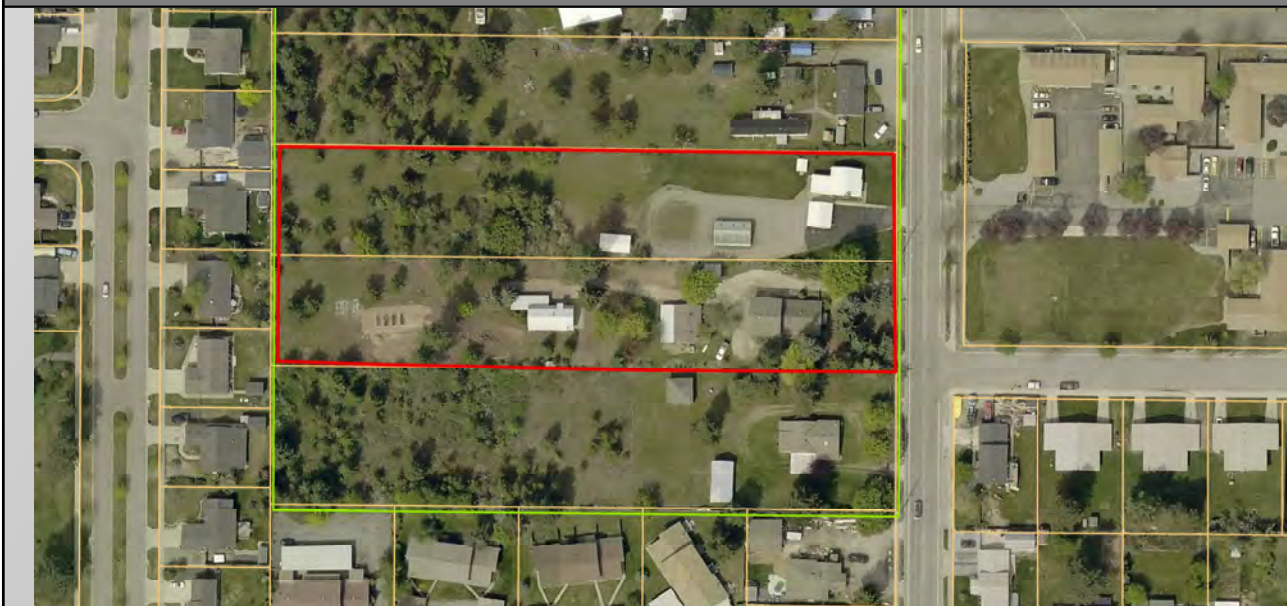
### **ACTION ALTERNATIVES:**

City Council will need to consider this request and make findings to:

- ☐ Approve
- ☐ Deny
- ☐ Deny without prejudice.



## A-3-22: Zoning prior to Annexation +/- 3.91 acres



## BIRKDALE COMMONS

### City of Coeur d'Alene Planning Commission

April 12, 2022



## BIRKDALE COMMONS

### ANNEXATION MAP

#### SUBJECT PROPERTY

##### PARCEL #

50N04W-01-2270  
50N04W-01-2280

##### AREA

3.3 ac

##### ZONING

Current: Ag-Suburban  
Proposed: R-12



## BIRKDALE COMMONS

### ZONING MAP

#### SUBJECT PROPERTY

##### PARCEL #

50N04W-01-2270  
50N04W-01-2280

##### AREA

3.3 ac

##### ZONING

Current: Ag-Suburban  
Proposed: R-12



## BIRKDALE COMMONS

### ANNEXATION

- Finding #B8:** That the proposal is in conformance with the Comprehensive Plan
- Finding #B9:** That public facilities and utilities are available and adequate for the proposed use.
- Finding #B10:** That the physical characteristics of the site do make it suitable for the request at this time
- Finding #B11:** That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses

## BIRKDALE COMMONS

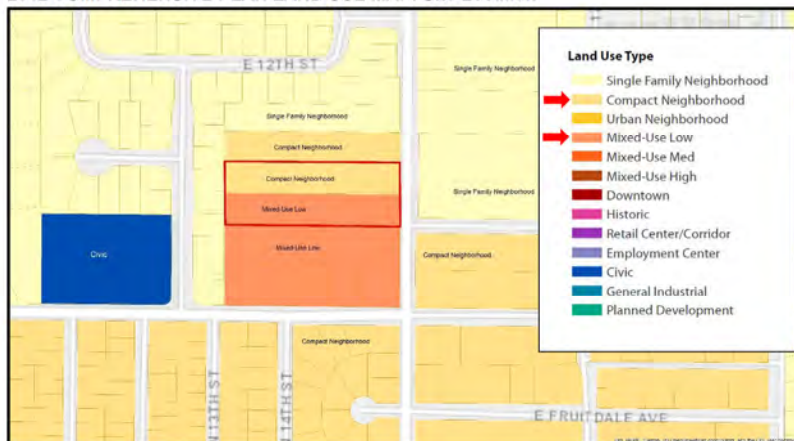
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## BIRKDALE COMMONS

### COMPREHENSIVE PLAN

2042 COMPREHENSIVE PLAN LAND USE MAP: Site Location



### COMPACT NEIGHBORHOOD

- Medium Density Residential
- Older locations of City
- Housing types:
  - Single-family
  - Duplexes
  - Tri- & four-plex
  - Townhomes
  - Incl. neighborhood parks

### MIXED-USE LOW

- Walkable areas
- Typical uses:
  - Retail
  - Multi-family
  - Townhomes

## BIRKDALE COMMONS

### ANNEXATION

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## BIRKDALE COMMONS

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## BIRKDALE COMMONS

### ANNEXATION



## BIRKDALE COMMONS

### ANNEXATION

**Finding #B8:** *That the proposal is in conformance with the Comprehensive Plan*

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

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

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

## BIRKDALE COMMONS

### ANNEXATION



## BIRKDALE COMMONS

### PRELIMINARY PLAT



#### SITE MATRIX

|                      |                 |
|----------------------|-----------------|
| PROJECT AREA :       | 2.71 Acres      |
| # OF LOTS :          | 16              |
| # OF UNITS :         | 32              |
| # TRACTS :           | 4               |
| MINIMUM LOT AREA :   | 4545 sf         |
| MAXIMUM LOT AREA :   | 4816 sf         |
| AVERAGE LOT AREA :   | 4615 sf         |
| DENSITY :            | 11.8 du/ac      |
| OPEN SPACE :         | 12,510 sf (11%) |
| PRIVATE ROAD TRACT : | 29327 sf        |

**CITY COUNCIL  
STAFF REPORT**

**FROM:** SEAN E. HOLM, SENIOR PLANNER

**DATE:** MAY 17, 2022

**SUBJECT:** ZC-1-22 A ZONE CHANGE REQUEST FROM R-12 TO R-17 ON TWO CONTIGUOUS PARCELS MEASURING 0.65 & 0.67 OF AN ACRE (1.32 ACRES TOTAL)

**LOCATION:** PROPERTY NORTH OF 4TH STREET I-90 OFF-RAMP, WEST OF 7<sup>TH</sup> STREET, SOUTH OF BORAH ELEMENTARY SCHOOL, COMMONLY KNOWN AS 525 E. MCFARLAND AVENUE

**APPLICANT:**  
Neal McClellan  
12426 N. Kensington Ave.  
Hayden, ID 83835

**OWNER:**  
Bethel Baptist Church, Inc.  
18488 S. Watson Rd.  
Coeur d'Alene, ID 83814

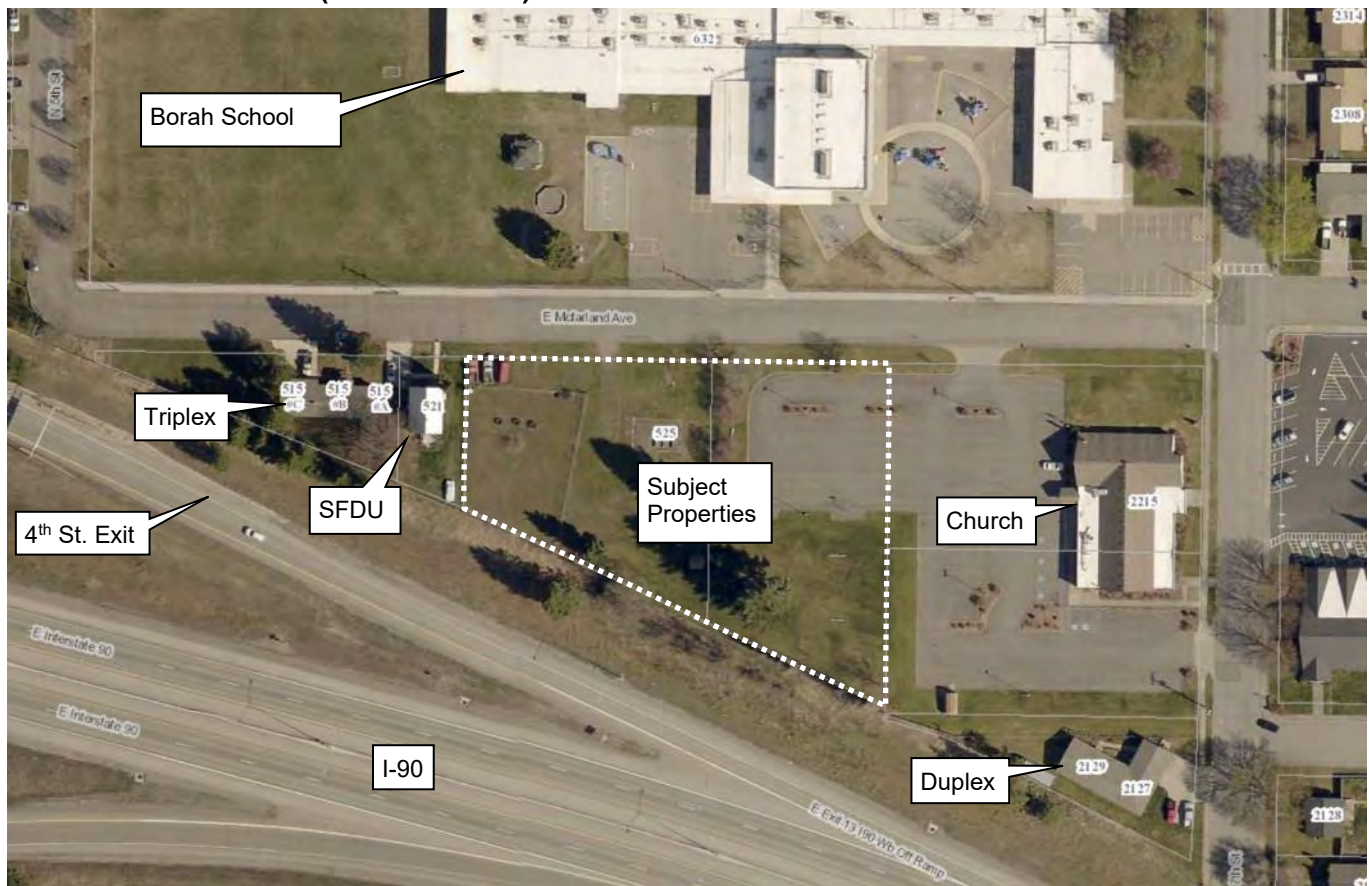
**DECISION POINT:**

Neal McClellan, on behalf of Bethel Baptist Church, Inc., is requesting a zone change of property within in city limits. The request is to allow a change of zoning from R-12 (Residential at 12 units/acre) to R-17 (Residential at 17 units/acre).

**AERIAL PHOTO (AREA CONTEXT):**



### AERIAL PHOTO (SITE CONTEXT):



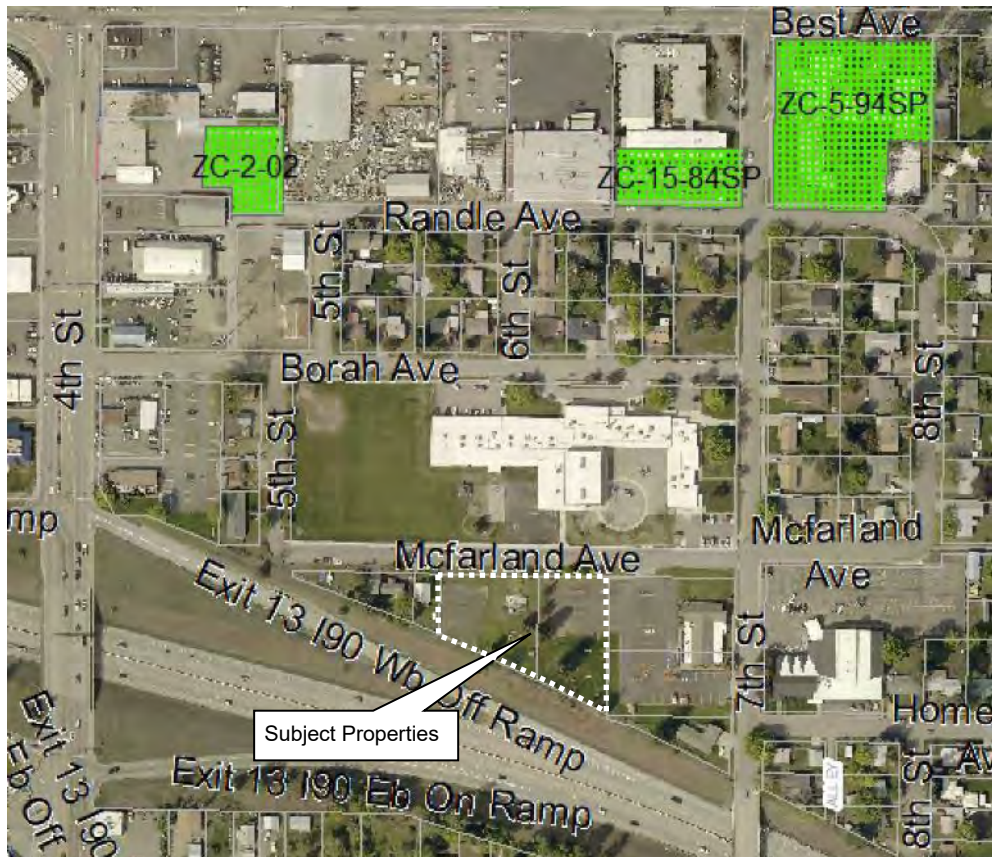
### BACKGROUND INFORMATION:

Bethel Baptist Church, Inc. currently owns the subject properties as well as the two adjacent parcels to the east that contain the Religious Assembly facility and supporting parking lot. A portion of the existing parking lot is located within the requested zone change. Parking Code for a Religious Assembly requires 1 parking stall per 10 seats (1:10) in the largest worship hall. The existing church has 150 seats which necessitates 15 stalls. If the zone change request is approved, the church site would retain 82 stalls, 67 in excess of the current parking requirement. A single-family home has been removed on the western most parcel with the foundation remaining.

### PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended approval of this zone change request with no conditions at their regularly scheduled hearing on April 12, 2022 by a unanimous vote of 6-0.

**PRIOR ZONE CHANGE REQUESTS NEAR SUBJECT PROPERTY:**



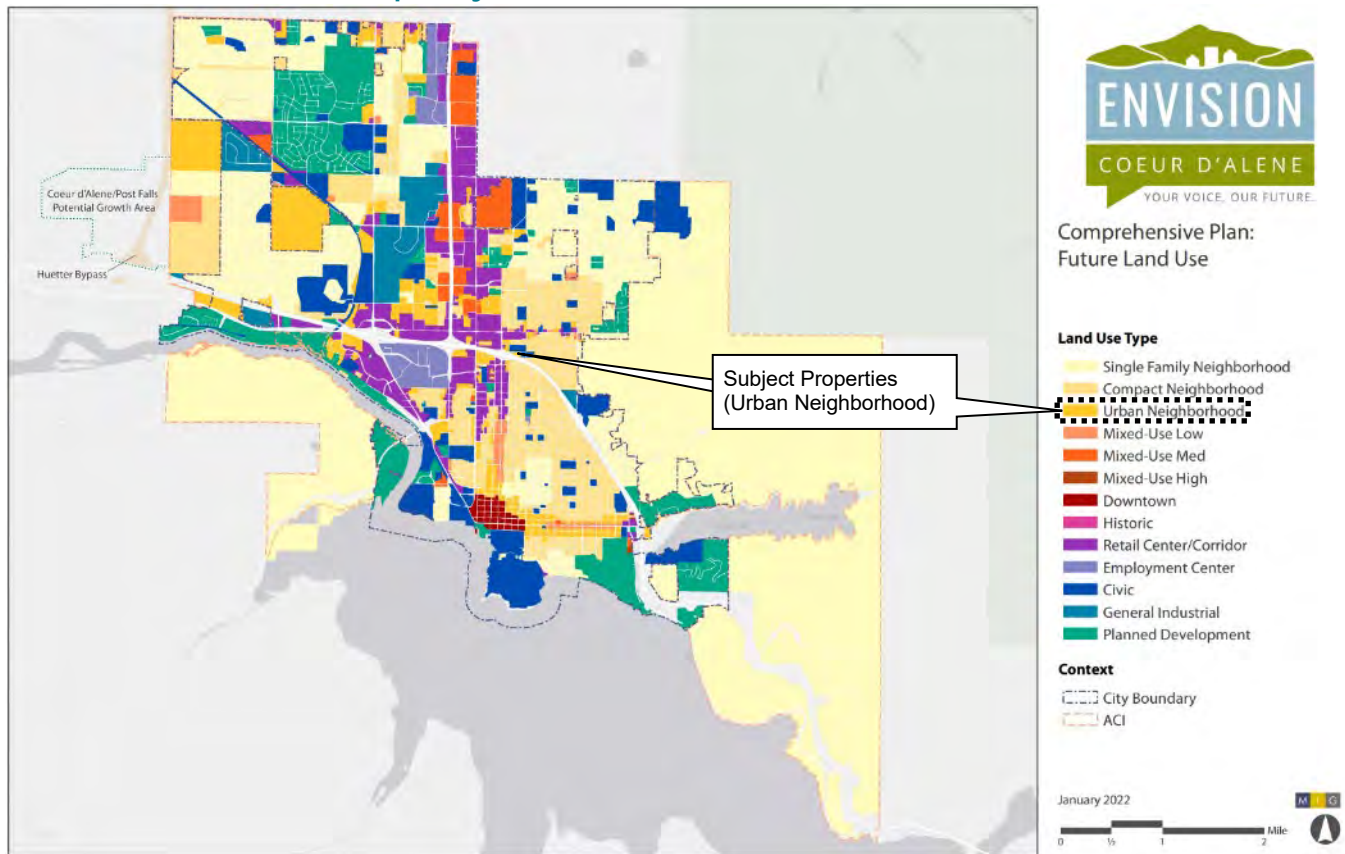
| Hearing    | Request                  | City Council |
|------------|--------------------------|--------------|
| ZC-15-84SP | R-12 to R-17 (+R-34 SUP) | Approved     |
| ZC-5-94SP  | R-12 to R-17             | Approved     |
| ZC-2-02    | R-17 to C-17             | Approved     |

**REQUIRED ZONE CHANGE FINDINGS:**

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

1. The subject property is within city limits.
2. The City's 2022-2042 Comprehensive Plan categorizes this area as Urban Neighborhood Place Type:

## Future Land Use Map (City Context):



## Future Land Use Map (Neighborhood Context):



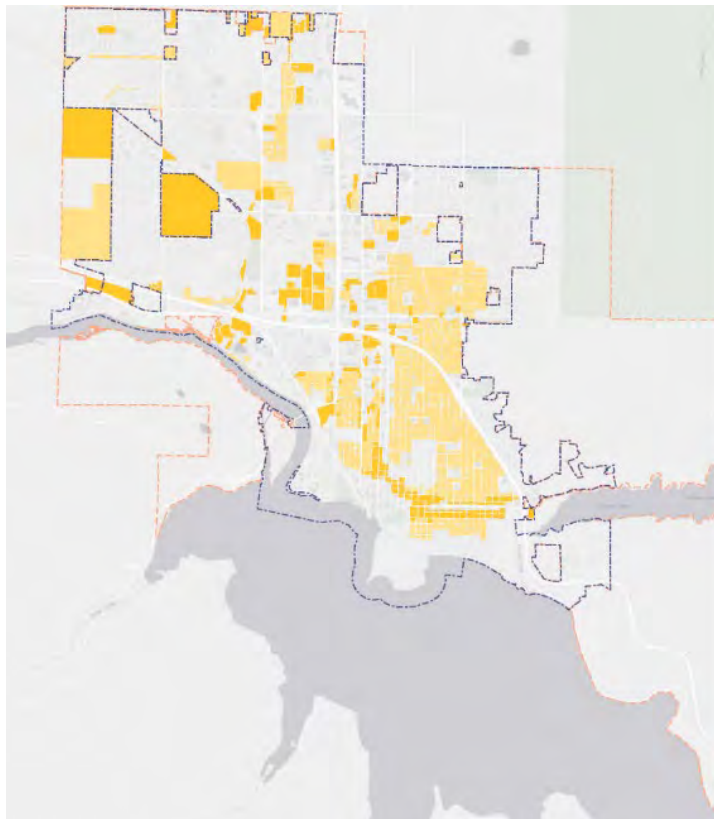
## Place Types

Place Types represent the form of future development, as envisioned by the residents of Coeur d'Alene. These Place Types provide the policy-level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.

### Urban Neighborhood

Urban Neighborhood places are highly walkable neighborhoods with larger multifamily building types, shared greenspaces and parking areas. They are typically served with gridded street patterns, and for larger developments, may have an internal circulation system. Development typically consists of townhomes, condominiums, and apartments, with convenient access to goods, services, and dining for nearby residents. Supporting uses include neighborhood parks and recreation facilities, parking, office and commercial development.

**Compatible Zoning: R-17 and R-34SUP; NC, CC, C17, and C17L**



### Urban Neighborhood



#### Key Characteristics

Urban Neighborhood places are highly walkable neighborhoods with larger multifamily building types, shared greenspaces and parking areas. They are typically served with a gridded street pattern, and for larger developments, may have an internal circulation system. Development typically consists of townhomes, condominiums, and apartments, often adjacent to mixed-use districts. Supporting uses include neighborhood parks and recreation facilities, parking, office and commercial development.

#### Transportation

- Gridded street pattern with internal streets in building complexes
- Should include high ease-of-use pedestrian and bicycle facilities

#### Typical Uses

- Primary: Multifamily residential
- Secondary: Neighborhood parks and recreation facilities, parking, office, commercial

#### Building Types

- Apartments, condominiums, townhomes

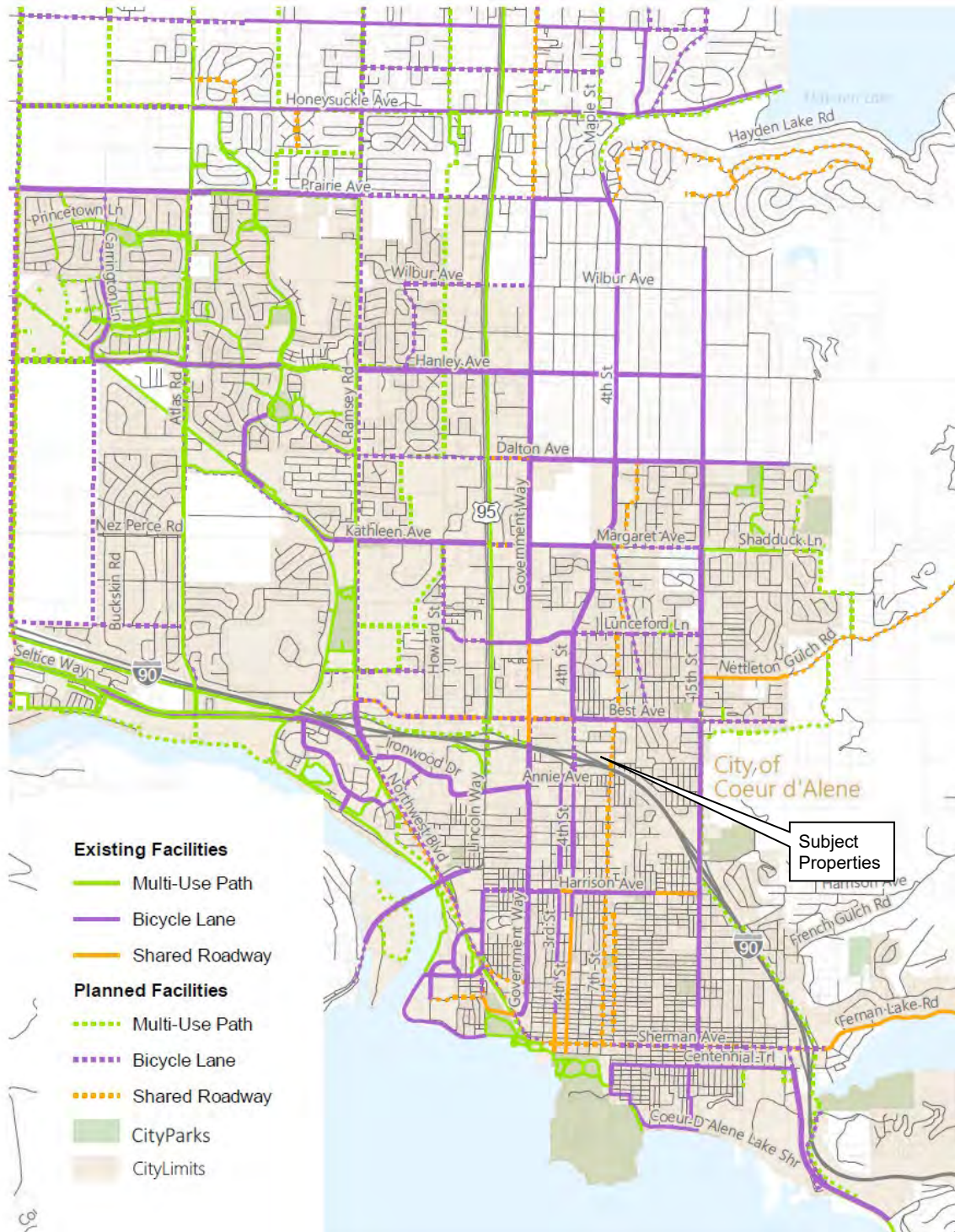
#### Compatible Zoning

- R-17 and R-34SUP; NC, CC, C17, and C17L

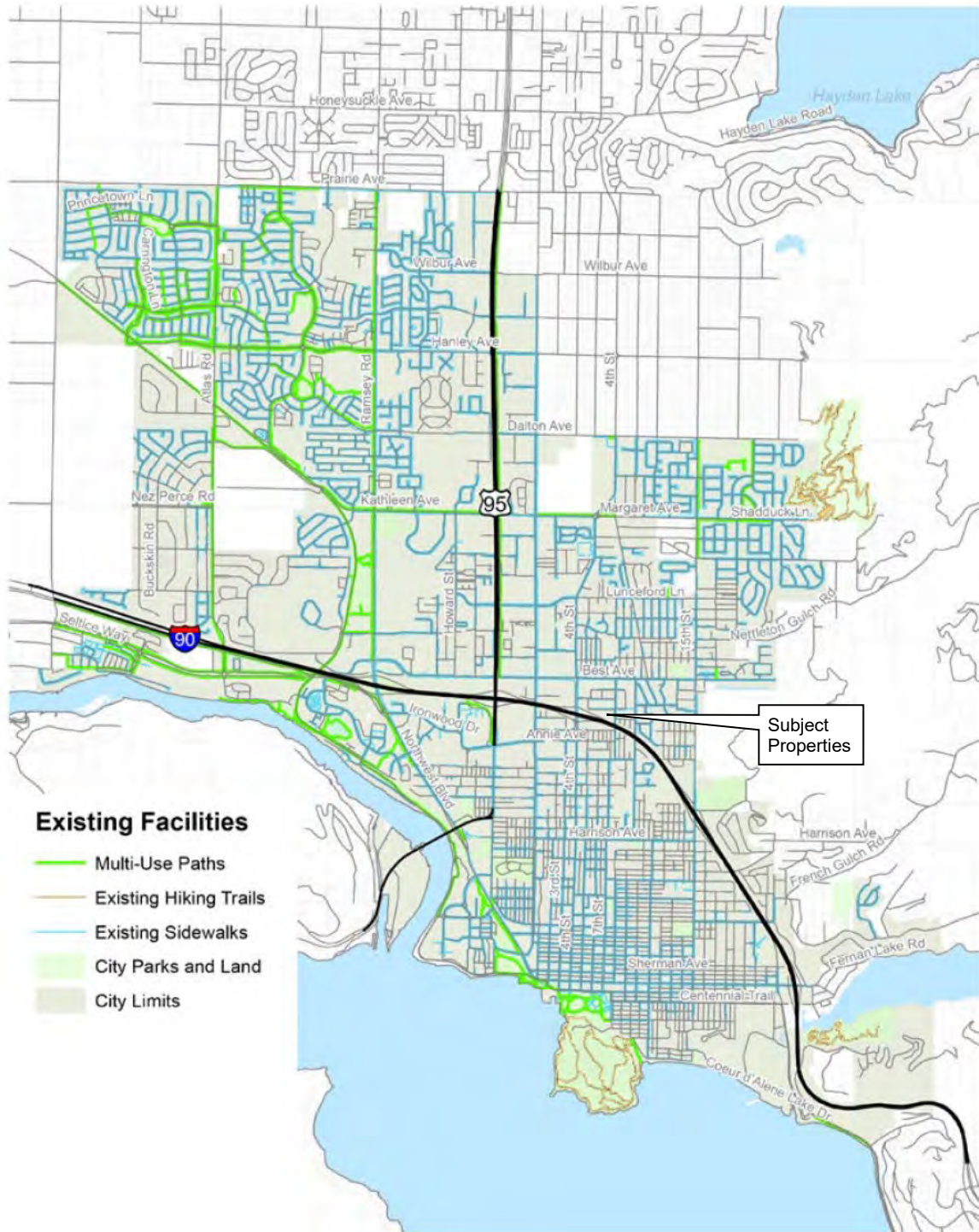


## Transportation

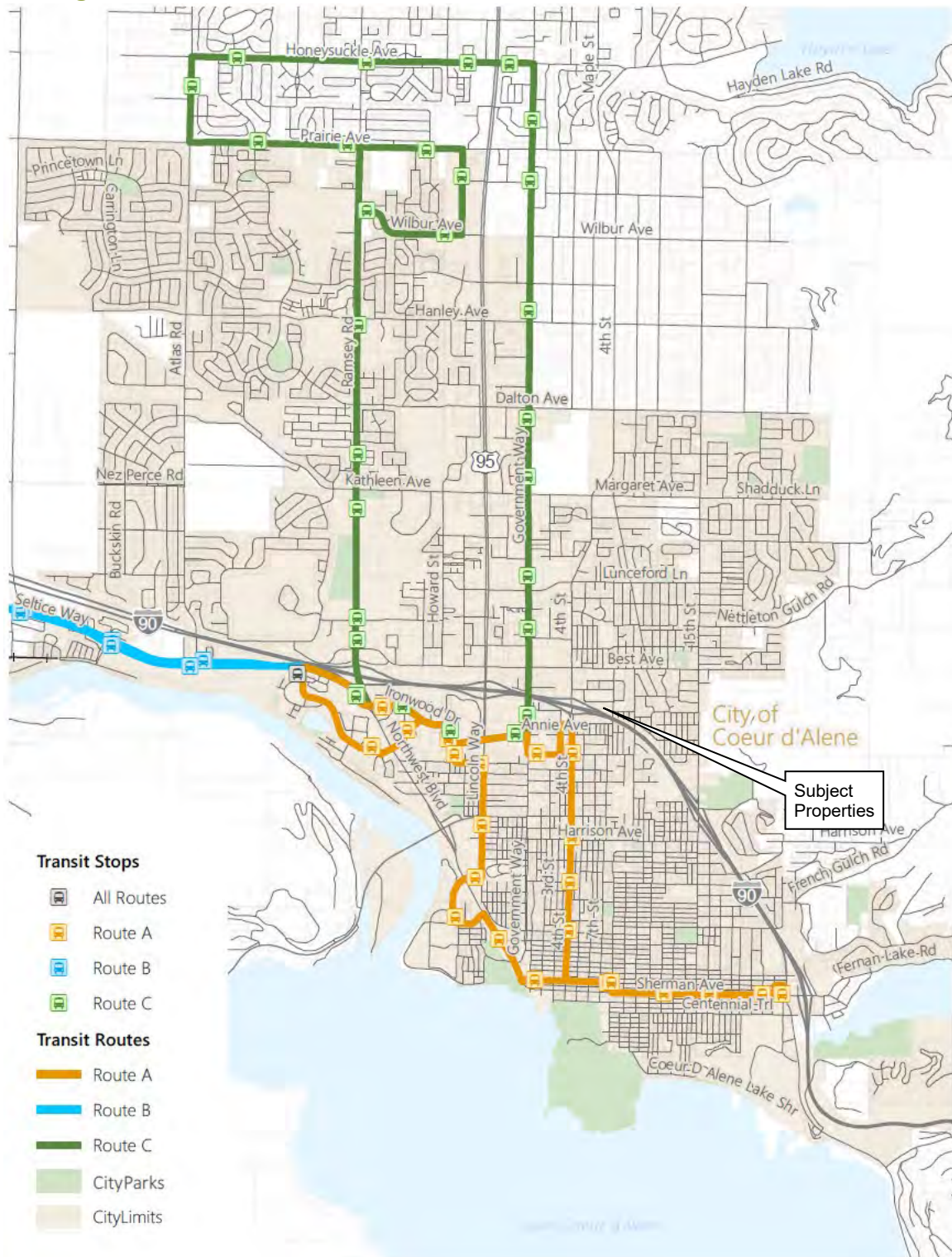
### Existing and Planned Bicycle Network:



## Existing and Planned Walking Network:



## Existing Transit Network:



## Comprehensive Plan Policy Framework:

### Community & Identity

**Goal CI 1:** Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

**Objective CI 1.1:** Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

**Goal CI 3:** Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

**Objective CI 3.1:** Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

### Growth & Development

**Goal GD 1:** Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

**Objective GD 1.1:** Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

**Objective GD 1.5:** Recognize neighborhood and district identities.

**Goal GD 2:** Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

**Objective GD 2.1:** Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

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

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

#### **STORMWATER:**

City Code requires that all stormwater remain on the property and for a stormwater management plan to be submitted and approved prior to any construction activity on the site.

*-Submitted by Chris Bosley, City Engineer*

#### **STREETS:**

The subject property is bordered by McFarland Avenue to the north. Frontage improvements, including sidewalk, will be required along the property to meet City standards at the time of subdivision or building permit.

*-Submitted by Chris Bosley, City Engineer*

**WATER:**

There is adequate capacity in the public water system to support domestic, irrigation and fire flow for the proposed Zone Change. Any required water main extensions, additional fire hydrants, and new services required for construction will be installed by the developer at their expense. One residential service current exists to the subject property.

*-Submitted by Terry Pickel, Water Superintendent*

**WASTEWATER:**

Public sewer is available to this property via an existing sewer line in East McFarland Avenue. City Wastewater Policy #716 states only one appropriately sized sewer lateral is allowed to serve each legally recognized parcel. "One parcel, One Lateral". Currently there are no known downstream conditions or capacity issues.

*-Submitted by Larry parsons, Utility Project Manager*

**FIRE:**

The Fire Department works with the Engineering, Water and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents:

Fire department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The CD'A FD can address all concerns at site and building permit submittals.

*-Submitted by Bobby Gonder, Fire Inspector*

**Evaluation:** *The City Council must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

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

**PHYSICAL CHARACTERISTICS:**

The site is vacant and predominantly flat with mature trees, grassy areas, a portion of an existing parking lot, a garden shed and basketball hoop, and a fenced area that appears to be a fallow garden area. A church, duplex, tri-plex, single-family home and an elementary school are nearby. There are no topographical or other physical constraints that would make the subject property unsuitable for the request.

To the rear of the property I-90 sits below the grade of subject property. There is an existing fence to prevent pedestrian/animal access to the freeway. A few feet into the state's right-of-way the grade drops to the level of the 4<sup>th</sup> Street off-ramp. Site photos are on the following pages.

**SITE PHOTOS:**

*Photo of McFarland Ave. looking west showing church parking lot and Borah Elementary:*



*Church parking lot looking SW from McFarland Ave. (note property corner stake showing east limit of parcel):*



*Interior of subject property looking southwest:*



*SFDU and tri-plex west of subject property (looking SW):*



*Triplex showing I-90 signs (4<sup>th</sup> Street Exit) in the background:*



*State ROW fencing looking east showing grade change to I-90 (4<sup>th</sup> Street exit below):*



**Evaluation:** *The City Council must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

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

#### TRAFFIC:

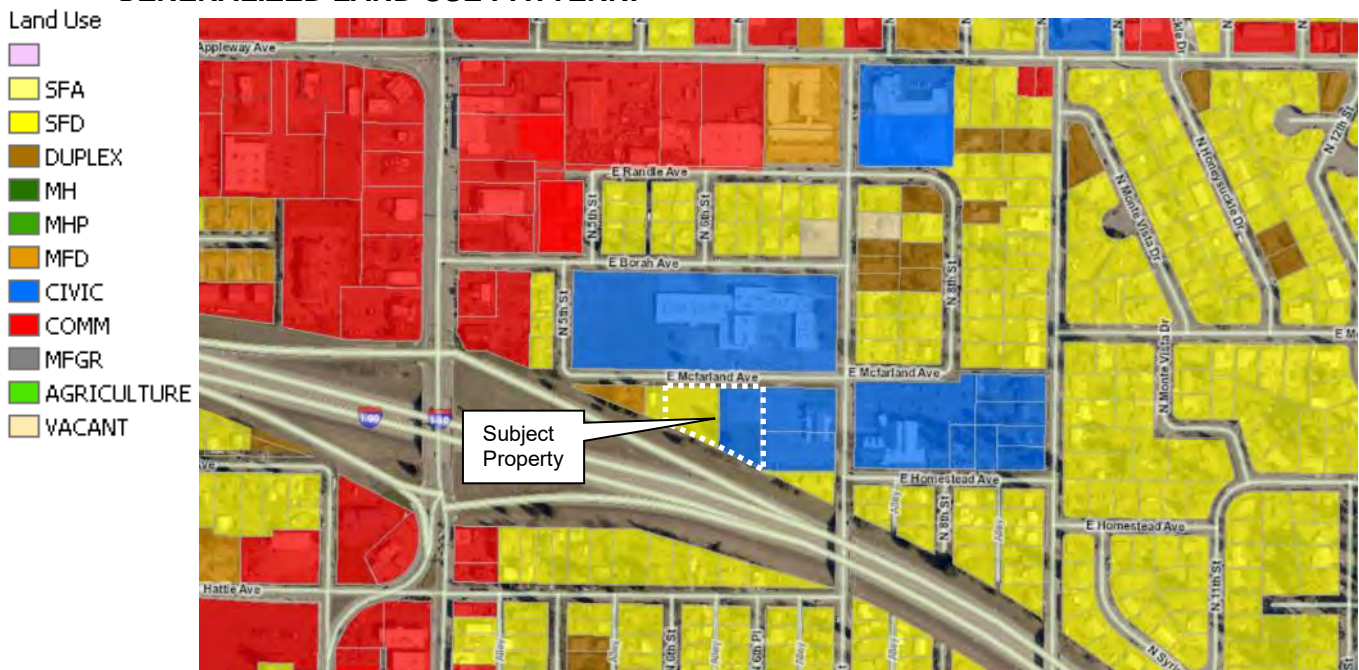
The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. However, the applicant states that the subject property will be used for construction of apartments. With the combined area of 1.32 acres for the two parcels and an R-17 zoning, apartments could generate an estimated 149 vehicle trips per day, or 11 am peak hour and 14 pm peak hour trips. The estimated traffic was derived from Land Use Code 220 – Apartment in the ITE Trip Generation Manual. Streets & Engineering has no objections to the proposed annexation.

*-Submitted by Chris Bosley, City Engineer*

#### NEIGHBORHOOD CHARACTER:

The subject property is located in an area bound on the south by I-90, and between two north/south elevated crossings at 4<sup>th</sup> Street and 7<sup>th</sup> Street. The neighborhood is served by civic uses: Borah Elementary, two Religious Assemblies (Churches), and an Assisted Care Facility nearby. There are a mix of residential uses in the area including: single-family homes, duplexes, a tri-plex, and a senior living facility. Commercial uses exist flanking both N. 4<sup>th</sup> Street and Appleway/Best Avenues to the north.

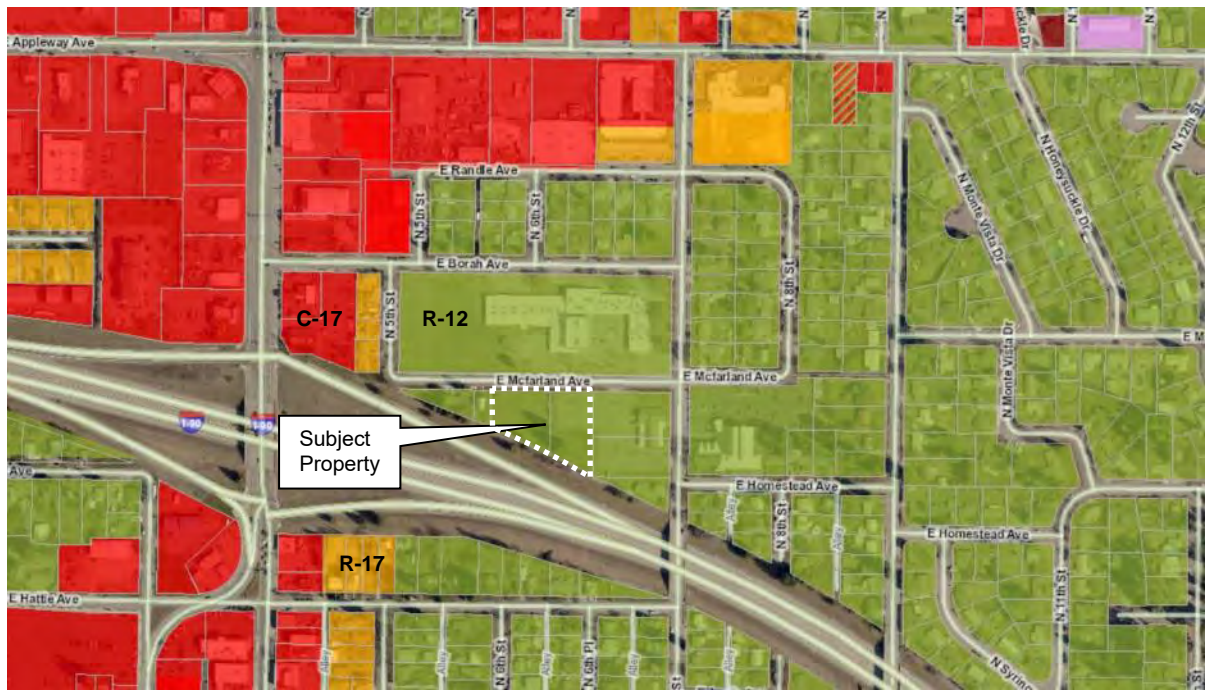
#### GENERALIZED LAND USE PATTERN:



## ZONING:

zoning

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



### Existing R-12 Zoning District:

#### 17.05.170: GENERALLY:

- A. The R-12 District is intended as a residential area that permits a mix of housing types at a density not greater than twelve (12) units per gross acre.
- B. In this district a special use permit, as prescribed in chapter 17.09, article III of this title, may be requested by neighborhood sponsor to restrict development for a specific area in single-family detached housing. To constitute neighborhood sponsor, sixty six percent (66%) of the people who own at least sixty six percent (66%) of the property involved must be party to the request. The area of the request must be at least one and one-half (1 1/2) gross acres bounded by streets, alleys, rear lot lines or other recognized boundary. Side lot lines may be used for the boundary only if it is also the rear lot line of the adjacent property.
- C. Project review (see chapter 17.07, article IV of this title) is required for all subdivisions and for all residential, civic, commercial, service, and industry uses except residential uses for four (4) or fewer dwellings.
- D. A maximum of two (2) dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two (2) units and each dwelling unit meets the minimum yard (setback) requirements.
  1. For the purposes of this section, the term "two dwelling units" shall mean two (2) single family dwelling units, one single family dwelling unit and one accessory dwelling unit (ADU), or one duplex.

**17.05.180: PERMITTED USES; PRINCIPAL:**

Principal permitted uses in an R-12 District shall be as follows:

- Administrative.
- Duplex housing.
- Essential service (underground).
- "Home occupation", as defined in this title.
- Neighborhood recreation.
- Public recreation.
- Single-family detached housing.

**17.05.190: PERMITTED USES; ACCESSORY:**

Accessory permitted uses in an R-12 District shall be as follows:

- Accessory dwelling units.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed).

**Proposed R-17 Zoning District:****17.05.250: GENERALLY:**

The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre.

**17.05.260: PERMITTED USES; PRINCIPAL:**

Principal permitted uses in an R-17 district shall be as follows:

- |                       |   |
|-----------------------|---|
| • Administrative      | • Neighborhood recreation   |
| • Childcare facility  | • Pocket residential development                                  |
| • Community education | • Public recreation   |
| • Duplex housing      | • Single-family detached housing as specified by the R-8 district |
| • Essential service   |   |
| • Home occupation     |   |
| • Multiple-family     |   |

**17.05.270: PERMITTED USES; ACCESSORY:**

Accessory permitted uses in an R-17 District shall be as follows:

- |  |  |
|--|--|
| • Accessory dwelling units.  | • Outside area or building for storage when incidental to the principal use. |
| • Garage or carport (attached or detached).                            | • Private recreation facility (enclosed or unenclosed).                      |
| • Mailroom and/or common use room for or multiple-family developments. |  |

**17.05.280: PERMITTED USES; SPECIAL USE PERMIT:**

Permitted uses by special use permit in an R-17 district shall be as follows:

- |   |  |
|---|--|
| • Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used | for the parking of commercial vehicles |
|   | • Boarding house                       |
|   | • Commercial film production           |
|   | • Commercial recreation                |
|   | • Community assembly                   |

- Community organization
- Convenience sales
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Ministorage facilities
- Mobile home manufactured in accordance with section 17.02.085 of this title
- Noncommercial kennel
- Nursing/convalescent/rest homes for the aged
- Rehabilitative facility.
- Religious assembly
- Residential density of the R-34 district as specified
- Three (3) unit per gross acre density increase

Approval of the zone change request will intensify the potential of the property by increasing the allowable uses and density by right from R-12 to R-17 (with includes multi-family use). Theoretically, the following density would be allowed under each zoning district:

***R-12 (current zone): 6 Duplex Lots due to frontage limitation, yielding 12 units***

***R-17 (proposed zone): Consolidated lot with 23 total multi-family units***

**Evaluation:** *The City Council must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

#### **PROPOSED CONDITIONS:**

None.

#### **ORDINANCES & STANDARDS USED FOR EVALUATION:**

2022-2042 Comprehensive Plan  
 Transportation Plan  
 Municipal Code  
 Idaho Code  
 Wastewater Treatment Facility Plan  
 Water and Sewer Service Policies  
 Urban Forestry Standards  
 Transportation and Traffic Engineering Handbook, I.T.E.  
 Manual on Uniform Traffic Control Devices  
 2021 Parks Master Plan  
 2017 Trails and Bikeways Master Plan

#### **ACTION ALTERNATIVES:**

The City Council must consider this request and make separate findings to approve, deny or deny without prejudice. This recommendation will be forwarded onto City Council for final determination. Your findings worksheet is attached.

## NARRATIVE

The properties in question are adjacent to 3 Churches to the East .

Borah elementary to the North, with the I-90 freeway to south.

Location is highly walkable with convenient access to goods and services by foot. There is also Freeway entrance within a block of the properties. The downtown corridor as well as Lake access are 14 minutes away by bike the Kootenai Hospital is 7 min by car.

This neighborhood is consistent with the 2022-2042 Comprehensive plan under the category of Urban Neighborhood , R-17 zoning, and suitable for a small apartment complex, with gridded street patterns, with parking areas, convenient access to goods, services, and nearby dining for residents, by foot, bike, automobile. The neighborhood is also supported by nearby parks and commercial development, as well as an Elementary school across the street which is also consistent with the comprehensive plan. The goal is to allow for affordable housing in a low density neighborhood which is close to all the necessities and fits the prescribed criteria of Urban Neighborhood.

Rezoning to R-17 is the highest and best use of the property at a time when housing is crucial, the rezoning would help to address this issue with a very low impact to the neighborhood.

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

**ZC-1-22**

**A. INTRODUCTION**

This matter having come before the Planning Commission on, April 12, 2022, and there being present a person requesting approval of ZC-1-22 , a request for a zone change from R-12 to R-17 zoning district

APPLICANT: NEAL MCCLELLAN

LOCATION: PROPERTY NORTH OF 4TH STREET I-90 OFF-RAMP, WEST OF 7<sup>TH</sup> STREET, SOUTH OF BORAH ELEMENTARY SCHOOL, COMMONLY KNOWN AS 525 E. MCFARLAND AVENUE

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

**The Planning Commission adopts Items B1 to B7.**

- B1. That the existing land uses are Residential, Civic and Commercial.
- B2. That the Comprehensive Plan Map designation is Urban Neighborhood.
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on, March 26, 2022 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on March 28, 2022, ,which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on April 12, 2022.

- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

### **Community & Identity**

**Goal CI 1:** Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

**Objective CI 1.1:** Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

**Goal CI 3:** Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

**Objective CI 3.1:** Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

### **Growth & Development**

**Goal GD 1:** Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

**Objective GD 1.1:** Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

**Objective GD 1.5:** Recognize neighborhood and district identities.

**Goal GD 2:** Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

**Objective GD 2.1:** Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on that there were no objections from the various city departments.
- B10. That the physical characteristics of the site do make it suitable for the request at this time because the property is flat, vacant and provides mixed housing located near a school which is a huge asset.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses because this will provide 23 total multifamily homes with 149 vehicle trips scattered throughout this footprint.

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of BETHEL BAPTIST CHURCH, INC for a zone change, as described in the application should be approved. Special conditions applied are as follows


Motion by Fleming, seconded by McCracken, to adopt the foregoing Findings and Order

**ROLL CALL:**

|                        |           |
|------------------------|-----------|
| Commissioner Fleming   | Voted Yes |
| Commissioner Ingalls   | Voted Yes |
| Commissioner Luttrupp  | Voted Yes |
| Commissioner Mandel    | Voted Yes |
| Commissioner McCracken | Voted Yes |
| Chairman Messina       | Voted Yes |

Commissioner Ward was absent.

Motion to approve carried by a 6 to 0 vote.

  
CHAIRMAN TOM MESSINA

2.      Applicant:        Bethel Baptist Church, Inc.  
         Location:        525 E. McFarland  
         Request:        A proposed zone change from R-12 to R-17  
                                 QUASI-JUDICIAL, (ZC-1-22)

Mike Behary, Associate Planner presented the staff report and stated:

- Bethel Baptist Church, Inc. currently owns the subject properties as well as the two adjacent parcels to the east that contain the Religious Assembly facility and supporting parking lot.
- A portion of the existing parking lot is located within the requested zone change. Parking Code for a Religious Assembly requires 1 parking stall per 10 seats (1:10) in the largest worship hall.
- The existing church has 150 seats which necessitates 15 stalls.
- If the zone change request is approved, the church site would retain 82 stalls, 67 in excess of the current parking requirement. A single-family home has been removed on the western most parcel with the foundation remaining.

Mr. Behary concluded his presentation.

**Commission Comments:**

Commissioner McCracken inquired when doing the calculation of units is the number based on the combination of the lots. Mr. Behary explained that duplex lots require 50 feet of frontage and that there isn't enough frontage to maximize the lot.

**Public testimony open.**

Neal McClellan applicant representative provided the following statements:

- He stated that he wanted to clarify that he isn't the owner of the church and is a representative of the church
- He thanked the city and staff for the report.
- He noted that this property is located to various services by walking and located a mile from Cherry Hill and is 2 miles to downtown.
- He stated there is a desperate need for housing and by approving this project will be minimal impact to the neighborhood and is consistent with the neighborhood.
- He has seen many young families moving into this neighborhood since its close to many services.
- He added that there is no opposition and is the best use for the property.

The applicant concluded his presentation.

**Commission Comments:**

**Public testimony closed.**

**Discussion:**

Commissioner Fleming commented this property will generate low traffic and be a great asset.

Commissioner McCracken concurs that this will be a great use for this property.

**Motion by Fleming, seconded by McCracken , to approve Item ZC-1-22 Motion approved.**

ROLL CALL:

|                        |       |     |
|------------------------|-------|-----|
| Commissioner Fleming   | Voted | Aye |
| Commissioner Ingalls   | Voted | Aye |
| Commissioner Mandel    | Voted | Aye |
| Commissioner McCracken | Voted | Aye |
| Commissioner Luttrupp  | Voted | Aye |
| Chairman Messina       | Voted | Aye |

Motion to approve carried by a 6 to 0 vote.

# *City Council Meeting*



*May 17, 2022*

ZC-1-22: Zone change from R-12 to R-17  
525 E. McFarland Ave. (1.32 Acres)

**APPLICANT:**

Neal McClellan  
12426 N. Kensington Ave.  
Hayden, ID 83835

**OWNER:**

Bethel Baptist Church, Inc.  
18488 S. Watson Rd.  
Coeur d'Alene, ID 83814

**DECISION POINT:**

Neal McClellan, on behalf of Bethel Baptist Church, Inc., is requesting a zone change of property within the city limits. The request is to allow a change of zoning from R-12 (Residential at 12 units/acre) to R-17 (Residential at 17 units/acre).



ZC-1-22: Zone change from R-12 to R-17  
Description & Notice

**SIZE / LOCATION:**

Two contiguous parcels measuring 0.65 & 0.67 acres (1.32 ac. total) north of the 4<sup>th</sup> Street I-90 off-ramp, west of 7<sup>th</sup> Street, and south of Borah Elementary School, commonly known as 525 E. McFarland Avenue.

**LEGAL NOTICE:**

Published in the CDA Press on April 30, 2022, the subject property posted April 29, 2022, and mailings sent to owners within 300' of the subject property, per the legal noticing requirements.



ZC-1-22: Zone change from R-12 to R-17  
Planning Commission Hearing April 12, 2022

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission recommended approval of this zone change request with no conditions at their regularly scheduled hearing on April 12, 2022 by a unanimous vote of 6-0.



ZC-1-22: Zone change from R-12 to R-17  
Aerial Photo (Area Context)



ZC-1-22: Zone change from R-12 to R-17  
Aerial Photo (Site Context)



## ZC-1-22: Zone change from R-12 to R-17

### Prior Zone Change Requests



| Hearing    | Request                  | City Council |
|------------|--------------------------|--------------|
| ZC-15-84SP | R-12 to R-17 (+R-34 SUP) | Approved     |
| ZC-5-94SP  | R-12 to R-17             | Approved     |
| ZC-2-02    | R-17 to C-17             | Approved     |

## ZC-1-22: Zone change from R-12 to R-17

### Required Findings

#### Finding #B8:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.

#### Finding #B9:

That public facilities and utilities (are) (are not) available and adequate for the proposed use.

#### Finding #B10:

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

#### Finding #B11:

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

## ZC-1-22: Zone change from R-12 to R-17 Comprehensive Plan

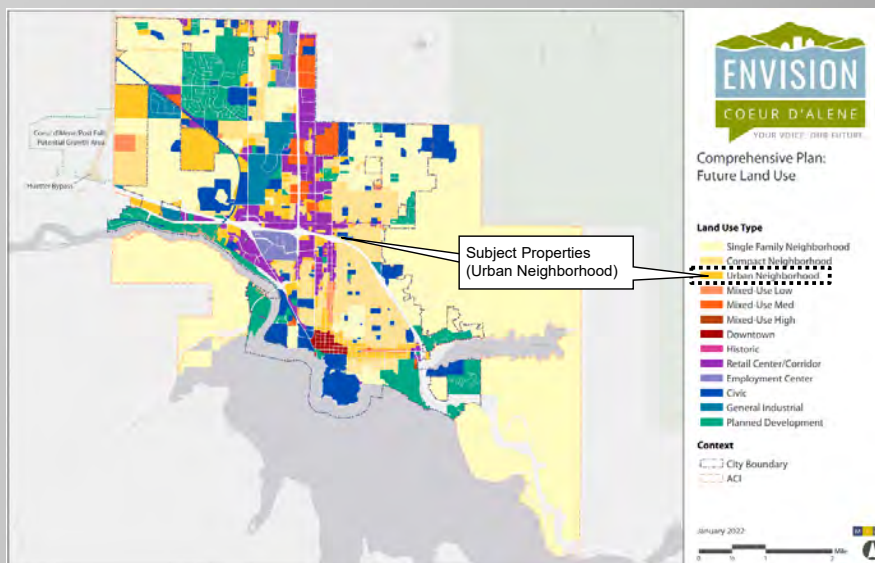
### Finding #B8:

That this proposal (is) (is not) in conformance with the **Comprehensive Plan**.

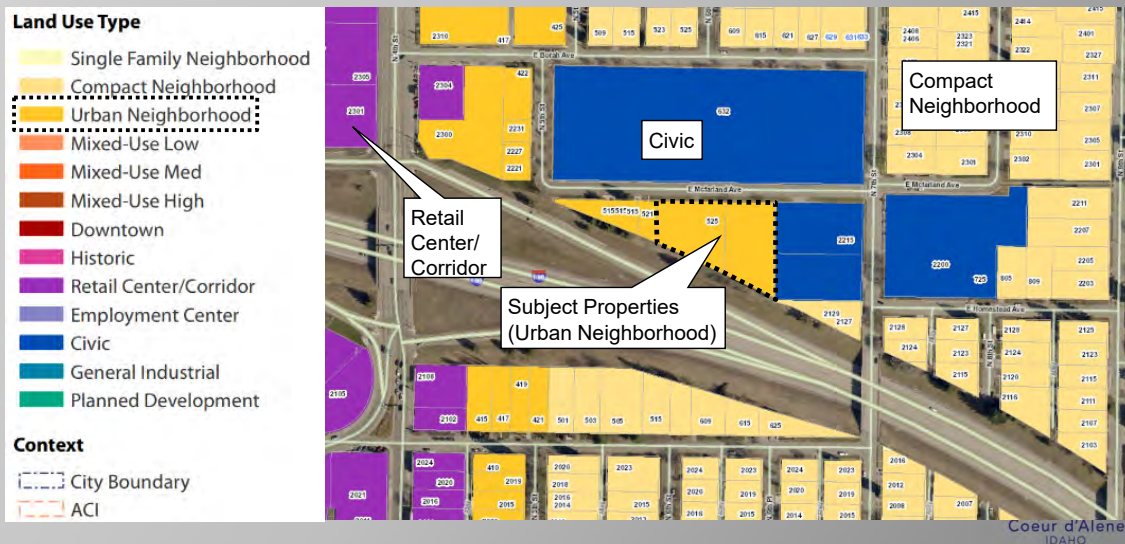
1. The subject property is within city limits.
2. The City's 2022-2042 Comprehensive Plan categorizes this area as:
  - **Urban Neighborhood Place Type**



## ZC-1-22: Zone change from R-12 to R-17 Future Land Use Map (City Context)



## ZC-1-22: Zone change from R-12 to R-17 Future Land Use Map (Neighborhood Context)



## ZC-1-22: Zone change from R-12 to R-17 Urban Neighborhood

Urban Neighborhood places are highly walkable neighborhoods with larger multifamily building types, shared greenspaces and parking areas. They are typically served with gridded street patterns, and for larger developments, may have an internal circulation system. Development typically consists of townhomes, condominiums, and apartments, with convenient access to goods, services, and dining for nearby residents. Supporting uses include neighborhood parks and recreation facilities, parking, office and commercial development.

**Compatible Zoning: R-17 and R-34SUP; NC, CC, C17, and C17L**



## ZC-1-22: Zone change from R-12 to R-17 Urban Neighborhood

### Urban Neighborhood



#### Transportation

- Gridded street pattern with internal streets in building complexes
- Should include high ease-of-use pedestrian and bicycle facilities

#### Typical Uses

- Primary: Multifamily residential
- Secondary: Neighborhood parks and recreation facilities, parking, office, commercial

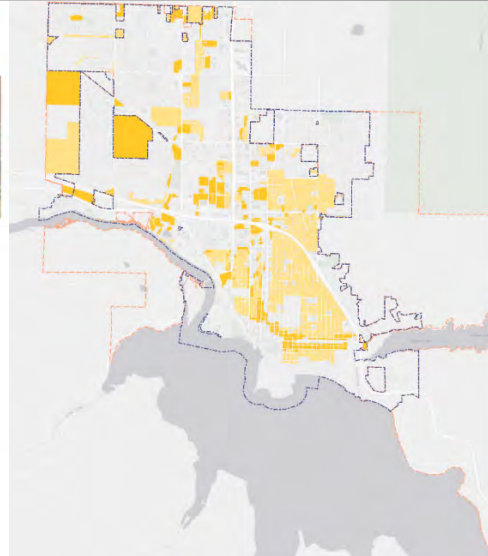


#### Building Types

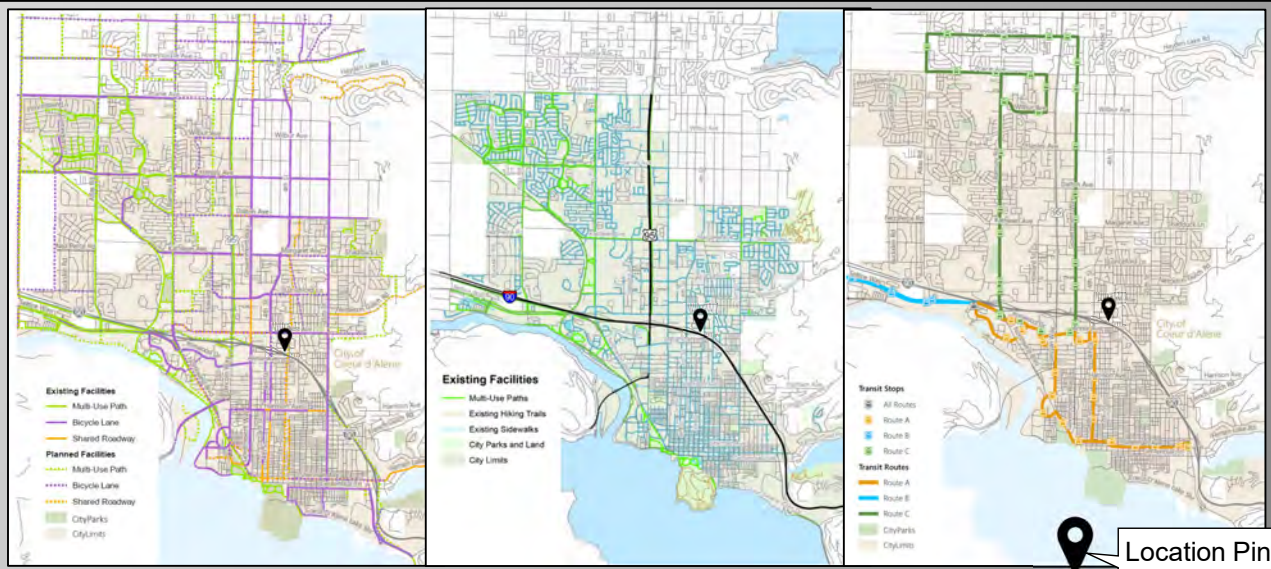
- Apartments, condominiums, townhomes

#### Compatible Zoning

- R-17 and R-34SUP; NC, CC, C17, and C17L



## ZC-1-22: Zone change from R-12 to R-17 Bicycle Network - Walking Network - Transit Network



## ZC-1-22: Zone change from R-12 to R-17 Comprehensive Plan Policy Framework

### Community & Identity

**Goal CI 1:** Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

**Objective CI 1.1:** Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

**Goal CI 3:** Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

**Objective CI 3.1:** Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.



## ZC-1-22: Zone change from R-12 to R-17 Comprehensive Plan Policy Framework

### Growth & Development

**Goal GD 1:** Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

**Objective GD 1.1:** Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

**Objective GD 1.5:** Recognize neighborhood and district identities.

**Goal GD 2:** Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

**Objective GD 2.1:** Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.



## ZC-1-22: Zone change from R-12 to R-17

### Staff Comments (Public Facilities & Utilities)

#### **Finding #B9:**

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

- City staff from Stormwater, Streets, Water, Fire, and Wastewater Departments have reviewed the application request in regards to public utilities and public facilities.
- Each department has indicated that there are adequate public facilities and public utilities available to serve the proposed request.
- No objection to this zone change request was raised. Department comments may be found on pages 9-10 of the staff report.



## ZC-1-22: Zone change from R-12 to R-17

### Physical Characteristics

#### **Finding #B10:**

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

The site is vacant and predominantly flat with mature trees, grassy areas, a portion of an existing parking lot, a garden shed and basketball hoop, and a fenced area that appears to be a fallow garden area. A church, duplex, tri-plex, single-family home and an elementary school are nearby. There are no topographical or other physical constraints that would make the subject property unsuitable for the request. The 4<sup>th</sup> Street exit from I-90 abuts the southern property line.



ZC-1-22: Zone change from R-12 to R-17  
Site Photos

*McFarland Ave. looking west showing church parking lot and Borah Elementary:*



ZC-1-22: Zone change from R-12 to R-17  
Site Photos

*Church parking lot looking SW from McFarland Ave. (note property corner stake showing east limit of parcel):*



ZC-1-22: Zone change from R-12 to R-17  
Site Photos

*Interior of subject property  
looking southwest:*



ZC-1-22: Zone change from R-12 to R-17  
Site Photos

*SFDU and tri-plex west of  
subject property (looking SW):*



ZC-1-22: Zone change from R-12 to R-17  
Site Photos

*Triplex showing I-90 signs (4th Street Exit) in the background:*



ZC-1-22: Zone change from R-12 to R-17  
Site Photos

*State ROW fencing looking east showing grade change to I-90 (4th Street exit below):*



## ZC-1-22: Zone change from R-12 to R-17

### General Comparison of Zones

#### **Existing R-12 Zoning District:**

##### 17.05.170: GENERALLY:

The R-12 District is intended as a residential area that permits a mix of housing types at a density not greater than twelve (12) units per gross acre.

#### **Proposed R-17 Zoning District:**

##### 17.05.250: GENERALLY:

The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre.



## ZC-1-22: Zone change from R-12 to R-17

### Comparison of Principal Uses

Approval of the zone change request will intensify the potential of the property by increasing the allowable uses and density by right from R-12 to R-17.

*Theoretically, the following density would be allowed under each zoning district:*

**R-12 (current zone):** 6 Duplex Lots due to frontage limitation, yielding 12 units

**R-17 (proposed zone):** Consolidated lot with 23 total multi-family units



ZC-1-22: Zone change from R-12 to R-17  
Traffic, Character, & Land Uses

**Finding #B11:**

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

**TRAFFIC:**

The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. However, the applicant states that the subject property will be used for construction of apartments. With the combined area of 1.32 acres for the two parcels and an R-17 zoning, apartments could generate an estimated 149 vehicle trips per day, or 11 am peak hour and 14 pm peak hour trips. The estimated traffic was derived from Land Use Code 220 – Apartment in the ITE Trip Generation Manual. Streets & Engineering has no objections to the proposed annexation.

*-Submitted by Chris Bosley, City Engineer*

ZC-1-22: Zone change from R-12 to R-17  
Neighborhood Character

The subject property is located in an area bound on the south by I-90, and between two north/south elevated crossings at 4<sup>th</sup> Street and 7<sup>th</sup> Street. The neighborhood is served by civic uses: Borah Elementary, two Religious Assemblies (Churches), and an Assisted Care Facility nearby. There are a mix of residential uses in the area including: single-family homes, duplexes, a tri-plex, and a senior living facility. Commercial uses exist flanking both N. 4<sup>th</sup> Street and Appleway/Best Avenues to the north.



ZC-1-22: Zone change from R-12 to R-17  
525 E. McFarland Ave. (1.32 Acres)

**ACTION ALTERNATIVES:**

City Council will need to consider this request and make appropriate findings to:

- ☐ Approve
- ☐ Deny
- ☐ Deny without prejudice



ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 22-1004

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: 525 E. MCFARLAND AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing on the hereinafter provided amendments, and after recommendation by the Planning Commission, it is deemed by the Mayor and City Council to be for the best interests of the City of Coeur d'Alene, Idaho, that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

**SECTION 1.** That the following described property, to wit:

That portion of the North half of the Northwest quarter of Section 12, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, described as follows:

COMMENCING 396 feet west of the Southeast corner of said North half of the Northwest quarter of Section 12;

thence North 280 feet to the South line of tract Conveyed to State of Idaho for access road, being one TRUE POINT OF BEGINNING;

thence, West 183.6 feet, more or less, to the east line of the tract of land conveyed to Howard K. Justus by Warranty Deed recorded in Book 175 of Deeds at page 259:

thence, South along the East line of the Justus tract, to the Northerly right of way of the highway as surveyed and shown on the official plat of U.S. No. 10 Project No. IN-5041 (7) Highway Survey;

thence, South 68° 36' East along said Highway right of way line to a point directly South of the Place of Beginning;

thence, North to the PLACE OF BEGINNING.

is hereby changed and rezoned from R-12 (Residential at 12 units/acre) to R-17 (Residential at 17 units/acre).

**SECTION 2.** That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

**SECTION 3.** That the Planning Director is hereby instructed to make such change and amendment on the official Zoning Map of the City of Coeur d'Alene, and shall make an electronic copy available on the City's website.

**SECTION 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

*Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on May 17, 2022.*

APPROVED this 17<sup>th</sup> day of May 2022.

\_\_\_\_\_  
James Hammond, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_

**Zone Change – ZC-1-22**  
**525 E. McFarland Avenue**

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: 525 E. MCFARLAND AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

---

Renata McLeod, City Clerk

### **STATEMENT OF LEGAL ADVISOR**

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, ZC-1-22 521 E. McFarland Avenue, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 17<sup>th</sup> day of May, 2022.

---

Randall R. Adams, City Attorney

# **CITY COUNCIL MEETING**

## **STAFF REPORT**

**DATE:** MAY 17, 2022

**FROM:** DENNIS J. GRANT, ENGINEERING PROJECT MANAGER

**SUBJECT:** V-22-02, VACATION OF A PORTION OF MOUNTAIN AVENUE  
RIGHT-OF-WAY ADJOINING THE NORTHERLY BOUNDARY  
LINE OF LOT 13, BLOCK 24 OF THE LAKE SHORE ADDITION  
PLAT

---

### **DECISION POINT:**

The applicants, Mathew and Nichole Piekarski, are requesting the vacation of a portion of right-of-way adjoining the northerly boundary line of Lot 13, Block 24 of the Lake Shore Addition plat (1104 E. Mountain Avenue).

### **HISTORY:**

The requested right-of-way was originally dedicated to the Public in 1907.

### **FINANCIAL ANALYSIS:**

The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 852 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property.

### **PERFORMANCE ANALYSIS:**

The purpose of this request is to be able to meet set back requirement to accommodate a future remodel of the existing garage. The right-of-way can be incorporated into the development of the adjoining property. All utilities are existing and in place, and there is no foreseeable use for this right-of-way. The Development Review Team was informed about this vacation.

### **RECOMMENDATION:**

City Council should approve the vacation action per Idaho Code Section 50-1306 and to vacate the property to the applicants, Mathew and Nichole Piekarski.

DATE  
4/28/2022  
JOB #  
2021-114

RIGHT-OF-WAY VACATION EXHIBIT  
KOOTENAI COUNTY, IDAHO

MOUNTAIN AVENUE

RIGHT-OF-WAY VACATION  
843 SQ. FT. / 0.019 ACRES

N84°56'18"E  
110.43

110.12  
N89°16'08"W

56.73  
S00°45'19"E

ALLEY

110.06  
S89°12'16"E

BLOCK 24

12

11TH STREET

48.52  
S00°49'34"E  
BASIS OF BEARINGS

45.03

3.48

11.82

44.91

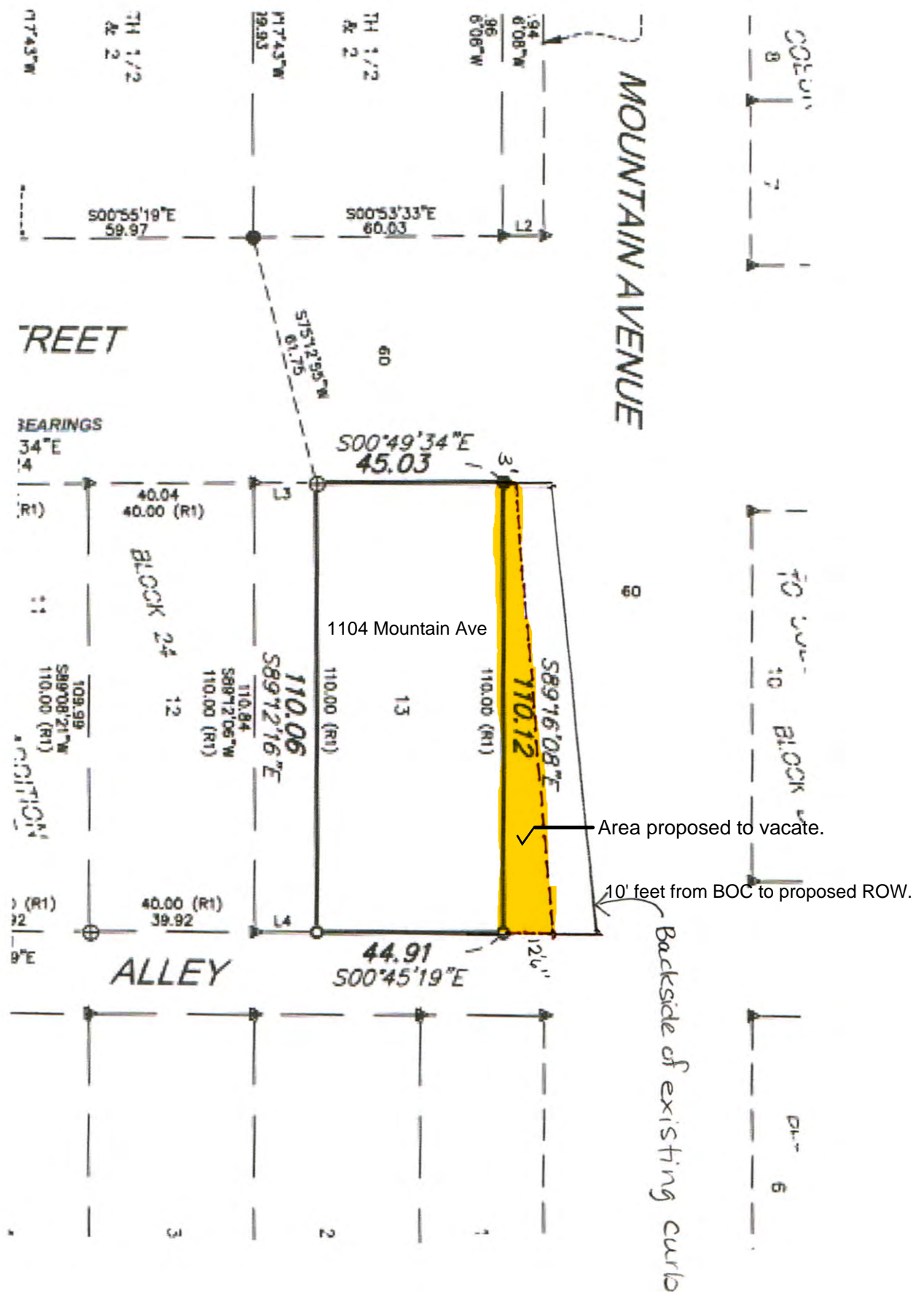
13  
LAKE SHORE ADDITION  
TO COEUR D'ALENE



SCALE IN FEET  
0 20 40



4/28/22



ORDINANCE NO. \_\_\_\_  
COUNCIL BILL NO. 22-1005

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF MOUNTAIN AVENUE RIGHT-OF-WAY LOCATED IN THE LAKE SHORE ADDITION AS RECORDED IN BOOK "B" OF PLATS, PAGE 128, INSTRUMENT #27341, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS THAT STRIP OF LAND ADJOINING THE NORTHERLY BOUNDARY OF LOT 13, BLOCK 24 OF THE LAKE SHORE ADDITION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said portion of right-of-way be vacated;

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. That the following described property, to wit:

Legal Description and Drawing, attached as Exhibits "A" & "B"

be and the same is hereby vacated.

SECTION 2. That said vacated right-of-way shall revert to the adjoining property owner to the south.

SECTION 3. That the existing right-of-way, easements, and franchise rights of any lot owners, public utility, or the City of Coeur d'Alene shall not be impaired by this vacation, as provided by law, and that the adjoining property owner shall in no manner place any obstruction over any public utilities.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an ordinance of the City of Coeur d' Alene at a regular session of the City Council on May 17, 2022.

APPROVED by the Mayor this 17<sup>th</sup> day of May, 2022.

---

James Hammond, Mayor

ATTEST:

---

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_  
V-22-02, MOUNTAIN AVENUE RIGHT-OF-WAY VACATION

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. \_\_\_\_, vacating a portion of Mountain Avenue right-of-way located in the Lake Shore Addition.

Such right-of-way is more particularly described as follows:

Legal Description and Drawing, Exhibits “A” & “B”, are on file in the City Clerk’s office.

The ordinance further provides that the ordinance shall be effective upon publication of this summary. The full text of the summarized Ordinance No. \_\_\_\_ is available at Coeur d'Alene City Hall, 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

---

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_, V-22-02, Mountain Avenue right-of-way vacation, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 17<sup>th</sup> day of May, 2022.

---

Randall R. Adams, City Attorney

**Right-of-Way Vacation  
Legal Description  
Exhibit "A"**

A parcel of land located in Government Lot 5, Section 24, Township 50 North, Range 4 West, Boise Meridian, City of Coeur d'Alene, Kootenai County, Idaho, more particularly described as follows:

**Beginning** at the northwest corner Lot 13, Block 24, LAKE SHORE ADDITION TO COEUR D'ALENE, as recorded in Book "B" of Plats, at Page 128, Instrument #27341, records of Kootenai County, Idaho, from which the southwest corner of said Lot 13 bears South 00°49'34" East, a distance of 45.03 feet;

Thence North 00°49'34" West, a distance of 3.48 feet;

Thence North 84°56'18" East, a distance of 110.43 feet;

Thence South 00°45'19" East, a distance of 11.82 feet to the northeast corner of said Lot 13;

Thence North 89°16'08" West along the north line of said Lot 12, a distance of 110.12 feet to the northwest corner of said Lot 12, and the **Point of Beginning**;

Containing 843 square feet or 0.019 acres, more or less.

**SUBJECT TO:**

Existing rights-of-way and easements of record and or appearing on said above described parcels.

**END OF DESCRIPTION**

Prepared by this office:  
h2 Surveying, LLC



*4/28/22*



# EXHIBIT "B"

DATE  
4/28/2022  
JOB #  
2021-114



MOUNTAIN AVENUE

RIGHT-OF-WAY VACATION EXHIBIT  
KOOTENAI COUNTY, IDAHO

RIGHT-OF-WAY VACATION  
843 SQ. FT. / 0.019 ACRES

N84°56'18"E  
110.43

110.12  
N89°16'08"W

11TH STREET

48.52  
S00°49'34"E  
BASIS OF BEARINGS

56.73  
S00°45'19"E

ALLEY

110.06  
S89°12'16"E

BLOCK 24

12

13



CB 22-1006

V-22-02

# **CITY COUNCIL MEETING**

## **STAFF REPORT**

**DATE:** May 17, 2022

**FROM:** DENNIS J. GRANT, ENGINEERING PROJECT MANAGER

**SUBJECT:** V-22-03, VACATION OF A PORTION OF VENEER ROAD RIGHT-OF-WAY ADJOINING THE SOUTHWESTERLY BOUNDARY LINE OF LOT 1, BLOCK 4 OF THE ATLAS WATERFRONT FIRST ADDITION, AND LOTS 5, 6 & 7, BLOCK 6 OF THE ATLAS WATERFRONT SECOND ADDITION

---

### **DECISION POINT:**

The applicant, Ignite CDA, is requesting the vacation of a portion of right-of-way adjoining the southwesterly boundary line of Lot 1, Block 4 of the Atlas Waterfront First Addition, and Lot 5, 6 & 7, Block 6 of the Atlas Waterfront Second Addition.

### **HISTORY:**

The requested right-of-way was originally dedicated to the public in 2020.

### **FINANCIAL ANALYSIS:**

The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 946 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lots adjoin this strip of usable property.

### **PERFORMANCE ANALYSIS:**

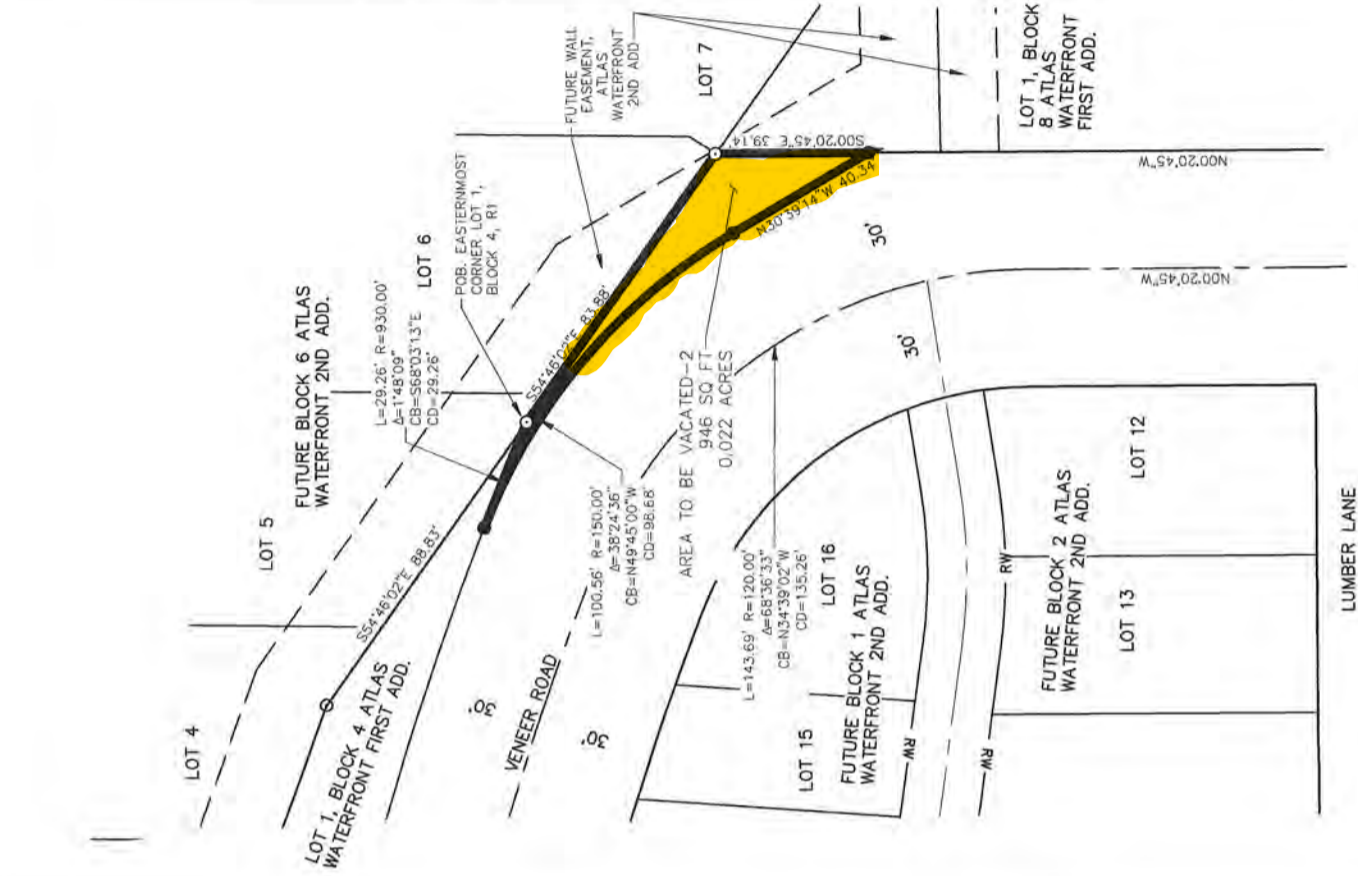
Due to the planned wall construction that is a part of the Atlas Waterfront Second Addition, the wall would be located in the Veneer Road right-of-way. This would have been addressed during the Atlas Waterfront First Addition plat, but the property to the northeast was not a part of the original plat. This proposed right-of-way configuration is more practical and symmetrical now that this area, to the northeast, has been added to the Atlas Waterfront Second Addition Plat. An easement will be granted to the City of Coeur d'Alene for future construction of the wall and the maintenance of the wall will be the responsibility of the Homeowners Association. The right-of-way can be incorporated into the development of the adjoining property. All utilities are existing and in place, and there is no foreseeable use for this right-of-way. The Development Review Team was informed about this vacation.

### **RECOMMENDATION:**

City Council should approve the vacation action per Idaho Code Section 50-1306 and to vacate the property to the applicant, Ignite CDA.

INSTRUMENT NO. \_\_\_\_\_  
BK. \_\_\_\_\_ PG. \_\_\_\_\_

RIGHT OF WAY VACATION  
A PORTION OF ATLAS WATERFRONT FIRST ADDITION  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 10  
OF TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE  
MERIDIAN, CITY OF COEUR D'ALNE, KOOTENAI COUNTY, IDAHO



( IN FEET )

## LEGEND

- SET 5/8" x 30" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"

## BASIS OF BEARING

S 05°56'42" E ALONG THE CENTER LINE OF ATLAS ROAD PER R1.

## SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NEWLY VACATED ROAD RIGHT OF WAY, RECORDS USED DURING THE COURSE OF THIS SURVEY ARE IDENTIFIED IN REFERENCES.

**REFERENCES:** RECORDS OF KOOTENAI COUNTY

R1) PLAT OF ATLAS WATERFRONT FIRST ADDITION, RECORDED IN BOOK L OF PLATS, PAGE 519  
 R2) PLAT OF ATLAS WATERFRONT SECOND ADDITION, RECORDED IN BOOK      OF PLAT, PAGE       
 R3) ROW VACATION DEEDS RECORDED AS INSTRUMENT NUMBER     

# SURVEYOR'S CERTIFICATE

I, MICHAEL LYNN HATHAWAY, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, LICENSE NUMBER 12318, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS IN CONFORMANCE WITH STATE OF IDAHO CODES.

Michael L Hathaway  
Digitally signed by  
Michael L Hathaway  
Date: 2022.04.11  
13:18:46-07'00'

MICHAEL LYNN HATHAWAY PLS NO. 12318

THIS RECORD OF SURVEY WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF  
KOOTENAI COUNTY, IDAHO AT THE REQUEST OF WELCH CORMER & ASSOC., INC.,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M., AND DULY RECORDED  
IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ AS INST. NO. \_\_\_\_\_  
KOOTENAI COUNTY CLERK: \_\_\_\_\_  
KOOTENAI COUNTY DEPUTY CLERK: \_\_\_\_\_



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ENGINEERS | SURVEYORS

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Coeur d'Alene, ID 83814  
(208-664-9382)  
(toll free) 877-815-5672  
(fax) 208-664-5946

KOOTENAI COUNTY DEPUTY CLERK:

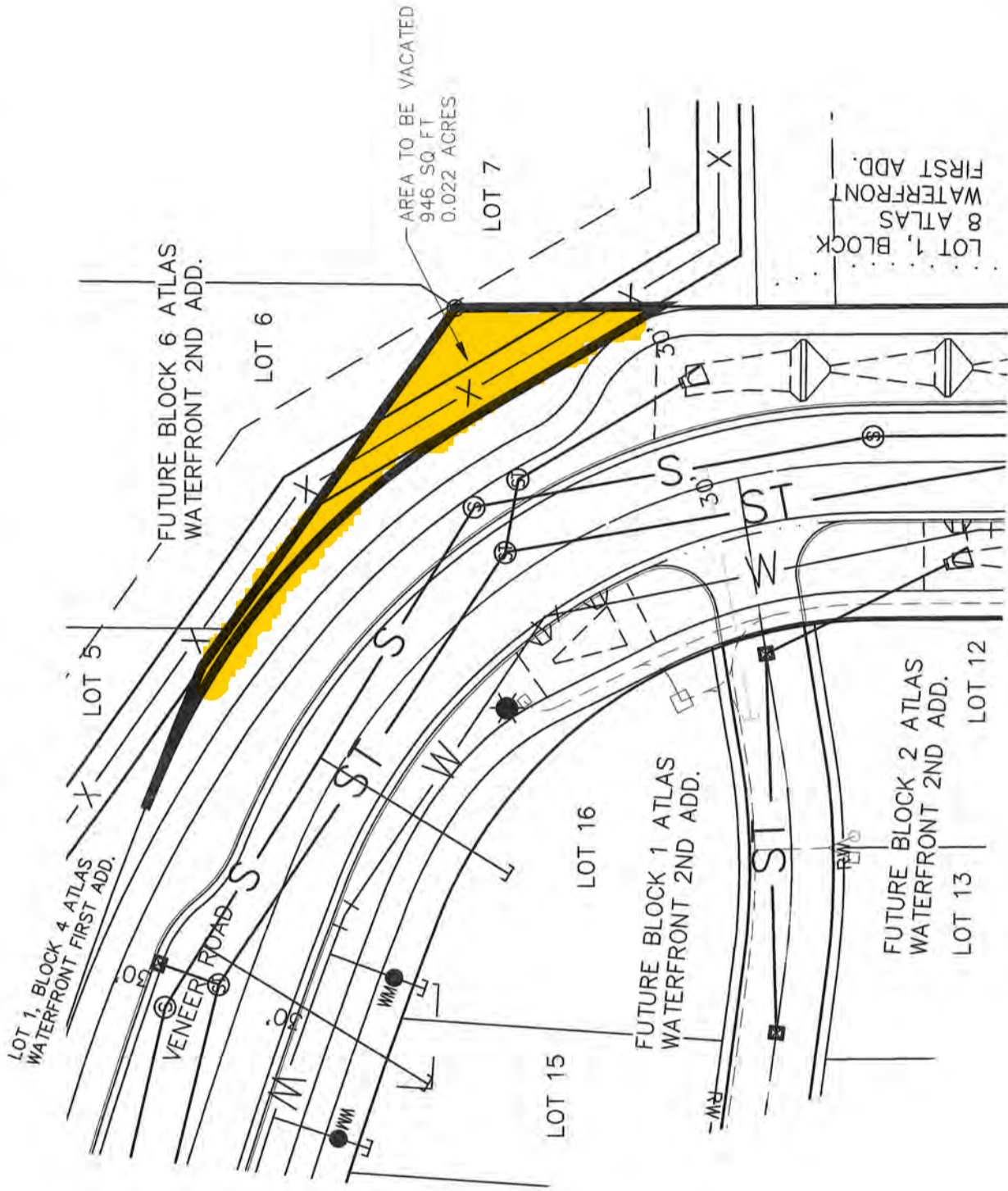
PROJECT NO.: 41292.03.0  
DESIGNED BY: M.L.H.  
DRAWN BY: T.J.T.  
CHECKED BY: M.L.H.  
NAME: 41292.FROW2  
DATE: 2/27/2022  
SCALE: 1" = 30'  
SHEET NO:

# EXHIBIT

## RIGHT OF WAY VACATION

### A PORTION OF ATLAS WATERFRONT FIRST ADDITION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE  
MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



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part for any other project without the  
written authorization of Welch-Comer  
& Associates, Inc.

## EXHIBIT

### RIGHT OF WAY VACATION

IN THE NW 1/4 OF SEC. 10, T50N, R4W, B.M.  
ATLAS WATERFRONT FIRST ADDITION

PROJECT NUMBER: 41292  
DESIGNED BY: MLH  
DRAWN BY: TJT  
DRAWING NAME: 41292ROW2.DWG  
DATE: 2/3/2022  
SHEET NO:

ORDINANCE NO. \_\_\_\_  
COUNCIL BILL NO. 22-1006

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF VENEER ROAD RIGHT-OF-WAY LOCATED IN THE ATLAS WATERFRONT FIRST ADDITION AS RECORDED IN BOOK L OF PLATS, PAGE 519, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS THAT STRIP OF LAND ADJOINING THE SOUTHWESTERLY BOUNDARY OF LOT 1, BLOCK 4 OF THE ATLAS WATERFRONT FIRST ADDITION, AND LOTS 5, 6, AND 7, BLOCK 6 OF THE ATLAS WATERFRONT SECOND ADDITION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said portion of right-of-way be vacated;

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. That the following described property, to wit:

Legal Description and Drawing, attached as Exhibits "A" & "B"

be and the same is hereby vacated.

SECTION 2. That said vacated right-of-way shall revert to the adjoining property owner:

That portion of said vacated right of way lying west of the extension of the east line of Lot 5, Block 5 of Atlas Waterfront Second Addition as recorded at Plat Book L, Page 708 Kootenai County Records shall attach to Lot 1, Block 4 of Atlas Waterfront First Addition as recorded at Plat Book L, Page 519 Kootenai County Records, and

That portion of said vacated right of way lying between the extension of the east line of said Lot 5, Block 5 and the extension of the common line between lots 6 and 7, Block 5 of said Atlas Waterfront Second Addition (shown as bearing S33°08'34" W) shall attach to said Lot 6, Block 5, and

That portion of said vacated right of way lying east of said extended common line between Lots 6 and 7, Block 5 shall attach to said Lot 7, Block 2.

SECTION 3. That the existing right-of-way, easements, and franchise rights of any lot owners, public utility, or the City of Coeur d'Alene shall not be impaired by this vacation, as provided by law, and that the adjoining property owner shall in no manner place any obstruction over any public utilities.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an ordinance of the City of Coeur d' Alene at a regular session of the City Council on May 17, 2022.

APPROVED by the Mayor this 17<sup>th</sup> day of May, 2022.

\_\_\_\_\_  
James Hammond, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_  
V-22-03, VENEER ROAD RIGHT-OF-WAY VACATION

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. \_\_\_\_, vacating a portion of Veneer Road right-of-way located in the Atlas Waterfront First Addition.

Such right-of-way is more particularly described as follows:

Legal Description and Drawing, Exhibits “A” & “B”, are on file in the City Clerk’s office.

The ordinance further provides that the ordinance shall be effective upon publication of this summary. The full text of the summarized Ordinance No. 37\_\_ is available at Coeur d'Alene City Hall, 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

\_\_\_\_\_  
Renata McLeod, City Clerk

## STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_, V-22-03, Veneer Road right-of-way vacation, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 17<sup>th</sup> day of May, 2022.

---

Randall R. Adams, City Attorney

## LEGAL DESCRIPTION

### VENEER ROAD - RIGHT OF WAY VACATION

That portion of Veneer road right of way located in Atlas Waterfront First Addition as recorded in Book L of Plats, page 519, records of Kootenai County, Idaho, described as follows:

**BEGINNING** at the easternmost corner of Lot 1, Block 4 of said Atlas Waterfront, said point being coincident with the right of way of said Veneer Road; Thence along said right of way S 54° 46' 02" E a distance of 83.88 feet to an angle point in said right of way;

Thence along said right of way, S 00° 20' 45" E a distance of 39.14 feet;

Thence N 30° 39' 14" W a distance of 40.34 feet to the beginning of a non-tangent curve to the left, having a radius of 150.00 feet;

Thence northwesterly along said curve, through an arc length of 100.56 feet, through a central angle of 38° 24' 36", a chord bearing of N 49° 45' 00" W and a chord distance of 98.68 feet to said right of way, said point being the beginning of a non-tangent compound curve to the right, having a radius of 930.00 feet;

Thence southeasterly along said curve, through an arc length of 29.26 feet, through a central angle of 01° 48' 09", a chord bearing of S 68° 03' 13" E and a chord distance of 29.26 feet to the **POINT OF BEGINNING**.

Containing 946 square feet or 0.022 acres more or less.

Michael L Hathaway

Digitally  
signed by  
Michael L  
Hathaway  
Date:  
2022.04.11  
13:25:33-07'00'

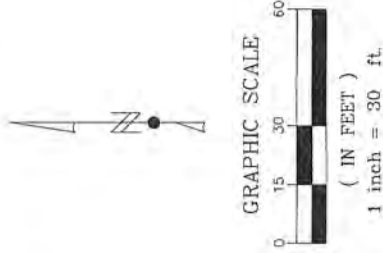


RECORD OF SURVEY

RIGHT OF WAY VACATION

A PORTION OF ATLAS WATERFRONT FIRST ADDITION  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 10  
OF TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE  
MERIDIAN, CITY OF COEUR D'ALNE, KOOTENAI COUNTY, IDAHO

INSTRUMENT NO. \_\_\_\_\_  
BK \_\_\_\_\_ Pg. \_\_\_\_\_



LEGEND

- SET 5/8" x 30" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"

BASIS OF BEARING

S 05°56'42" E ALONG THE CENTER LINE OF ATLAS ROAD PER R1.

SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NEWLY VACATED ROAD RIGHT OF WAY. RECORDS USED DURING THE COURSE OF THIS SURVEY ARE IDENTIFIED IN REFERENCES.

REFERENCES: RECORDS OF KOOTENAI COUNTY

R1) PLAT OF ATLAS WATERFRONT FIRST ADDITION, RECORDED IN BOOK L OF PLATS, PAGE 519  
R2) PLAT OF ATLAS WATERFRONT SECOND ADDITION, RECORDED IN BOOK \_\_\_\_\_ OF PLATS, PAGE \_\_\_\_\_  
R3) ROW VACATION DEEDS RECORDED AS INSTRUMENT NUMBER \_\_\_\_\_

SURVEYOR'S CERTIFICATE

I, MICHAEL LYNN HATHAWAY, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, LICENSE NUMBER 12318, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS IN CONFORMANCE WITH THE STATE OF IDAHO CODES.

Digitally signed by  
Michael L Hathaway  
Date: 2022.04.11  
13:18:46-0700'

MICHAEL LYNN HATHAWAY PLS NO. 12318



THIS RECORD OF SURVEY WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF KOOTENAI COUNTY, IDAHO AT THE REQUEST OF WELCH-COMER & ASSOC., INC., ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ AS INST. NO. \_\_\_\_\_

KOOTENAI COUNTY CLERK: \_\_\_\_\_

KOOTENAI COUNTY DEPUTY CLERK: \_\_\_\_\_



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(cell) 877-815-5872  
www.welchcomer.com  
330 E Lakeside Ave, Suite 101  
Coeur d'Alene, ID 83314

RECORD OF SURVEY  
RIGHT OF WAY VACATION

IN THE NW 1/4 OF SEC. 10,  
T.50N., R.4W., B.M.,  
ATLAS WATERFRONT FIRST ADD.

# **CITY COUNCIL MEETING**

## **STAFF REPORT**

**DATE:** MAY 17, 2022

**FROM:** DENNIS J. GRANT, ENGINEERING PROJECT MANAGER

**SUBJECT:** V-22-04, VACATION OF A PORTION OF ATLAS ROAD  
RIGHT-OF-WAY ADJOINING THE EASTERLY BOUNDARY LINE  
OF LOT 1 & 2, BLOCK 1 OF THE ATLAS WATERFRONT FIRST  
ADDITION

---

### **DECISION POINT:**

The applicant, Atlas Mill 10/12 Investment LLC, is requesting the vacation of a portion of right-of-way adjoining the easterly boundary line of Lot 1 & 2, Block 1 of the Atlas Waterfront First Addition.

### **HISTORY:**

The requested right-of-way was originally dedicated to the public in 2020.

### **FINANCIAL ANALYSIS:**

The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 4,142 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lots adjoin this strip of usable property.

### **PERFORMANCE ANALYSIS:**

The purpose of this request is to vacate the unused portion of right-of-way along the west side of Atlas Road. This vacation allows the developer to construct concrete stairs and a retaining wall on private property, rather than within the City right-of-way. The right-of-way can be incorporated into the development of the adjoining property. All utilities are existing and in place, and there is no foreseeable use for this right-of-way. The Development Review Team was informed about this vacation.

### **RECOMMENDATION:**

City Council should approve the vacation action per Idaho Code Section 50-1306 and to vacate the property to the applicant Atlas Mill 10/12 Investment LLC.

# EXHIBIT

RIGHT OF WAY VACATION  
A PORTION OF ATLAS WATERFRONT FIRST ADDITION  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 10  
OF TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE  
MERIDIAN, CITY OF COEUR D'ALNE, KOOTENAI COUNTY, IDAHO

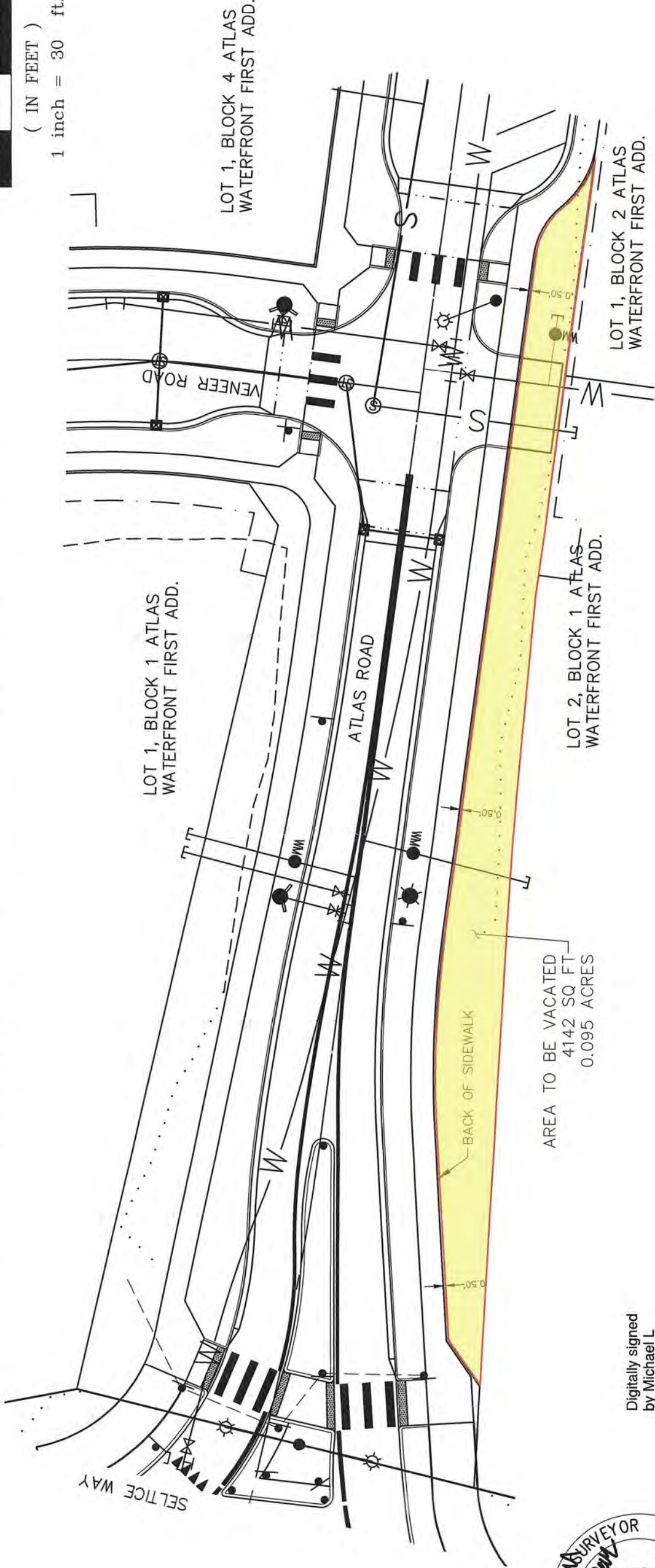


GRAPHIC SCALE



( IN FEET )

1 inch = 30 ft.



Digitally signed  
by Michael L  
Hathaway  
Date:  
2022.04.11  
12:51:51-0700'



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& Associates, Inc.

EXHIBIT  
RIGHT OF WAY VACATION  
IN THE NW 1/4 OF SEC. 10, T50N, R4W, B.M.  
ATLAS WATERFRONT FIRST ADDITION

PROJECT NUMBER: 41292  
DESIGNED BY: MLH  
DRAWN BY: TJT  
DRAWING NAME: 41292ROW-VACATE2.DWG  
DATE: 2/3/2022  
SHEET NO: EX 1

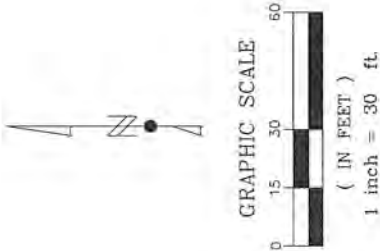
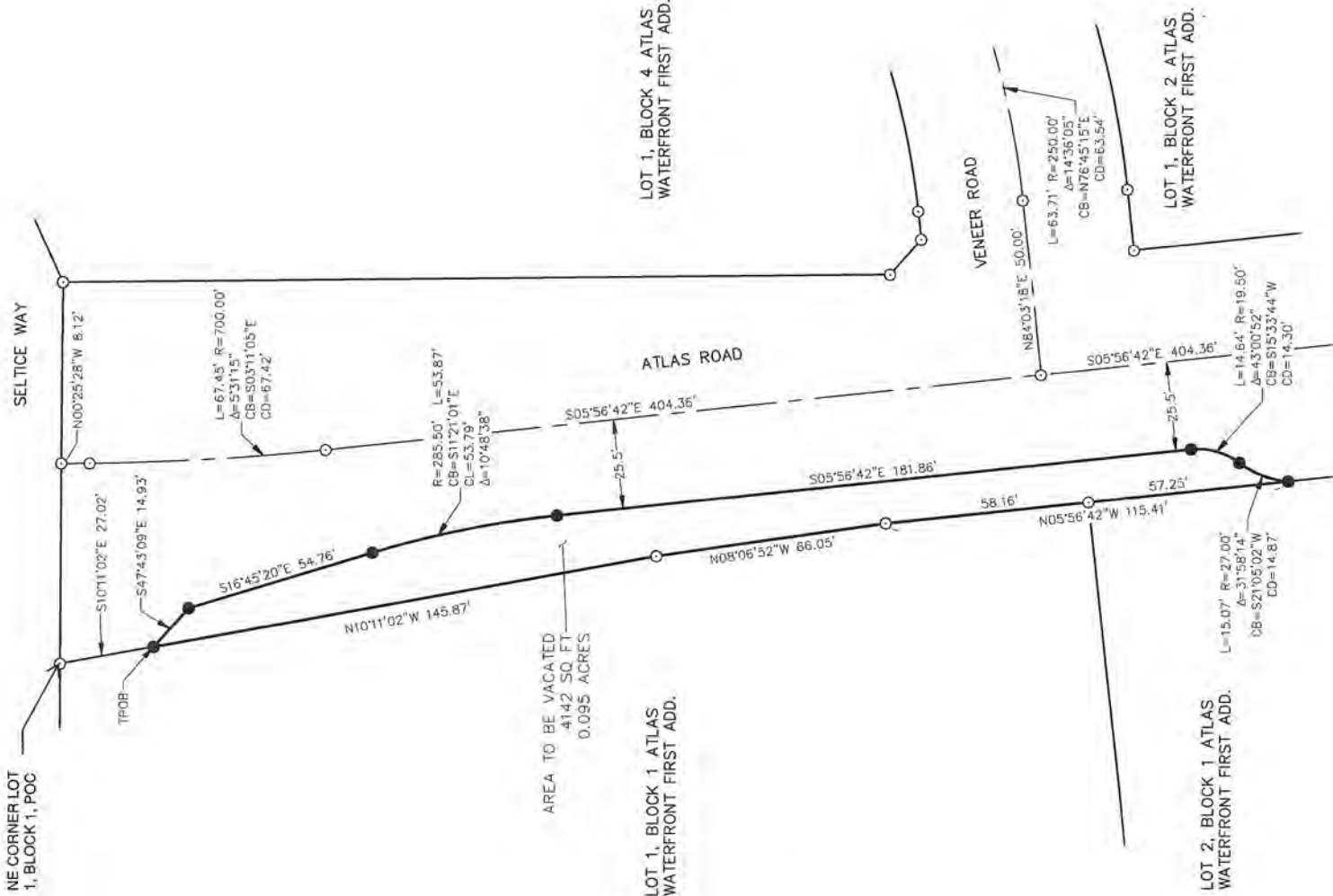
# RECORD OF SURVEY

RIGHT OF WAY VACATION  
A PORTION OF ATLAS WATERFRONT FIRST ADDITION  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 10  
OF TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE  
MERIDIAN, CITY OF COEUR D'ALNE, KOOTENAI COUNTY, IDAHO

INSTRUMENT NO.

BK.

PG.



## LEGEND

- SET 5/8" x 30" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"

## BASIS OF BEARING

S 05°56'42" E ALONG THE CENTER LINE OF ATLAS ROAD. BEARINGS ARE BASED ON THE IDAHO COORDINATE SYSTEM, WEST ZONE, NAD83 (2011)(EPOCH 2010.000).

## SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NEWLY VACATED ROAD RIGHT OF WAY. RECORDS USED DURING THE COURSE OF THIS SURVEY ARE IDENTIFIED IN REFERENCES.

## REFERENCES:

R1) PLAT OF ATLAS WATERFRONT FIRST ADDITION, RECORDED IN BOOK L OF PLATS, PAGE 519

## SURVEYOR'S CERTIFICATE

I, MICHAEL LYNN HATHAWAY, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, LICENSE NUMBER 12318, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS IN CONFORMANCE WITH STATE OF IDAHO CODES.



Digitally signed by  
Michael L Hathaway  
Date: 2022.04.11  
12:48:21-0700'

MICHAEL LYNN HATHAWAY PLS NO. 12318

THIS RECORD OF SURVEY WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF KOOTENAI COUNTY, IDAHO AT THE REQUEST OF WELCH COMER & ASSOC., INC.

ON THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ AT \_\_\_\_ M., AND DULY RECORDED  
IN BOOK \_\_\_\_ AT PAGE \_\_\_\_ AS INST. NO. \_\_\_\_

KOOTENAI COUNTY CLERK: \_\_\_\_\_

KOOTENAI COUNTY DEPUTY CLERK: \_\_\_\_\_



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(cell) 877-815-5672  
(fax) 208-664-5946

RECORD OF SURVEY  
RIGHT OF WAY VACATION

IN THE NW 1/4 OF SEC. 10,  
T.50N., R.4W., B.M.,  
ATLAS WATERFRONT FIRST ADD.

PROJECT NO.: 41292.03.0  
DESIGNED BY: MLH  
DRAWN BY: TJT  
CHECKED BY: MLH  
NAME: 41292ROW-VACATE2  
DATE: 2/22/2022  
SCALE: 1" = 30'  
SHEET NO:

ORDINANCE NO. \_\_\_\_  
COUNCIL BILL NO. 22-1007

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF ATLAS ROAD RIGHT-OF-WAY LOCATED IN THE ATLAS WATERFRONT FIRST ADDITION AS RECORDED IN BOOK L OF PLATS, PAGE 519, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS THAT STRIP OF LAND ADJOINING THE EASTERLY BOUNDARY OF LOT 1 AND LOT 2, BLOCK 1 OF SAID PLAT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said portion of right-of-way be vacated;

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. That the following described property, to wit:

Legal Description and Drawing, attached as Exhibits "A" & "B"

be and the same is hereby vacated.

SECTION 2. That said vacated right-of-way shall revert to the adjoining property owner to the west.

SECTION 3. That the existing right-of-way, easements, and franchise rights of any lot owners, public utility, or the City of Coeur d'Alene shall not be impaired by this vacation, as provided by law, and that the adjoining property owner shall in no manner place any obstruction over any public utilities.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an ordinance of the City of Coeur d' Alene at a regular session of the City Council on May 17, 2022.

APPROVED by the Mayor this 17<sup>th</sup> day of May, 2022.

---

James Hammond, Mayor

ATTEST:

---

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_  
V-22-04, ATLAS ROAD RIGHT-OF-WAY VACATION

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. \_\_\_\_, vacating a portion of Atlas Road right-of-way located in the Atlas Waterfront First Addition.

Such right-of-way is more particularly described as follows:

Legal Description and Drawing, Exhibits "A" & "B", are on file in the City Clerk's office.

The ordinance further provides that the ordinance shall be effective upon publication of this summary. The full text of the summarized Ordinance No. \_\_\_\_ is available at Coeur d'Alene City Hall, 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

---

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_, V-22-04, Atlas Road right-of-way vacation, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 17<sup>th</sup> day of May, 2022.

---

Randall R. Adams, City Attorney

# EXHIBIT "A"

## LEGAL DESCRIPTION

### RIGHT OF WAY VACATION

That portion of Atlas Road right of way located in Atlas Waterfront First Addition as recorded in Book L of Plats, page 519, records of Kootenai County, described as follows:

**COMMENCING** at a 5/8" rebar with plastic cap marked PLS 12318 at the northeast corner of Lot 1, Block 1, of said Atlas Waterfront First Addition, said point being on the westerly right of way of said Atlas Road, thence South 10° 11' 02" East a distance of 27.02 feet, to the **TRUE POINT OF BEGINNING**;

Thence along said westerly right of way, South 47° 43' 09" East a distance of 14.93 feet;

Thence South 16° 45' 20" East a distance of 54.76 feet to the beginning of a curve to the right having a radius of 285.50 feet;

Thence along said curve, through an arc length of 53.87 feet, through a central angle of 10° 48' 38", a chord bearing of South 11° 21' 01" East and a chord distance of 53.79 feet;

Thence South 05° 56' 42" East a distance of 181.86 feet to the beginning of a curve to the right having a radius of 19.50 feet;

Thence along said curve, through an arc length of 14.64 feet, through a central angle of 43° 00' 52", a chord bearing of South 15° 33' 44" West and a chord distance of 14.30 feet to the beginning of a tangent compound curve to the left, having a radius of 27.00 feet;

Thence along said curve, through an arc length of 15.07 feet, through a central angle of 31° 58' 14", a chord bearing of South 21° 05' 02" West and a chord distance of 14.87 feet to said westerly right of way;

Thence along said westerly right of way North 05° 56' 42" West a distance of 115.41 feet to a 5/8" rebar with plastic cap marked PLS 12318;

Thence along said westerly right of way North 08° 06' 52" West a distance of 66.05 feet to a 5/8" rebar with plastic cap marked PLS 12318;

Thence along said westerly right of way North 10° 11' 02" West a distance of 145.87 feet to the **POINT OF BEGINNING**.

Containing 4,142 square feet, or 0.095 acres, more or less.

Michael L Hathaway

Digitally signed  
by Michael L  
Hathaway  
Date:  
2022.04.11  
12:44:09-07'00'



EXHIBIT "B"

RECORD OF SURVEY

RIGHT OF WAY VACATION

A PORTION OF ATLAS WATERFRONT FIRST ADDITION

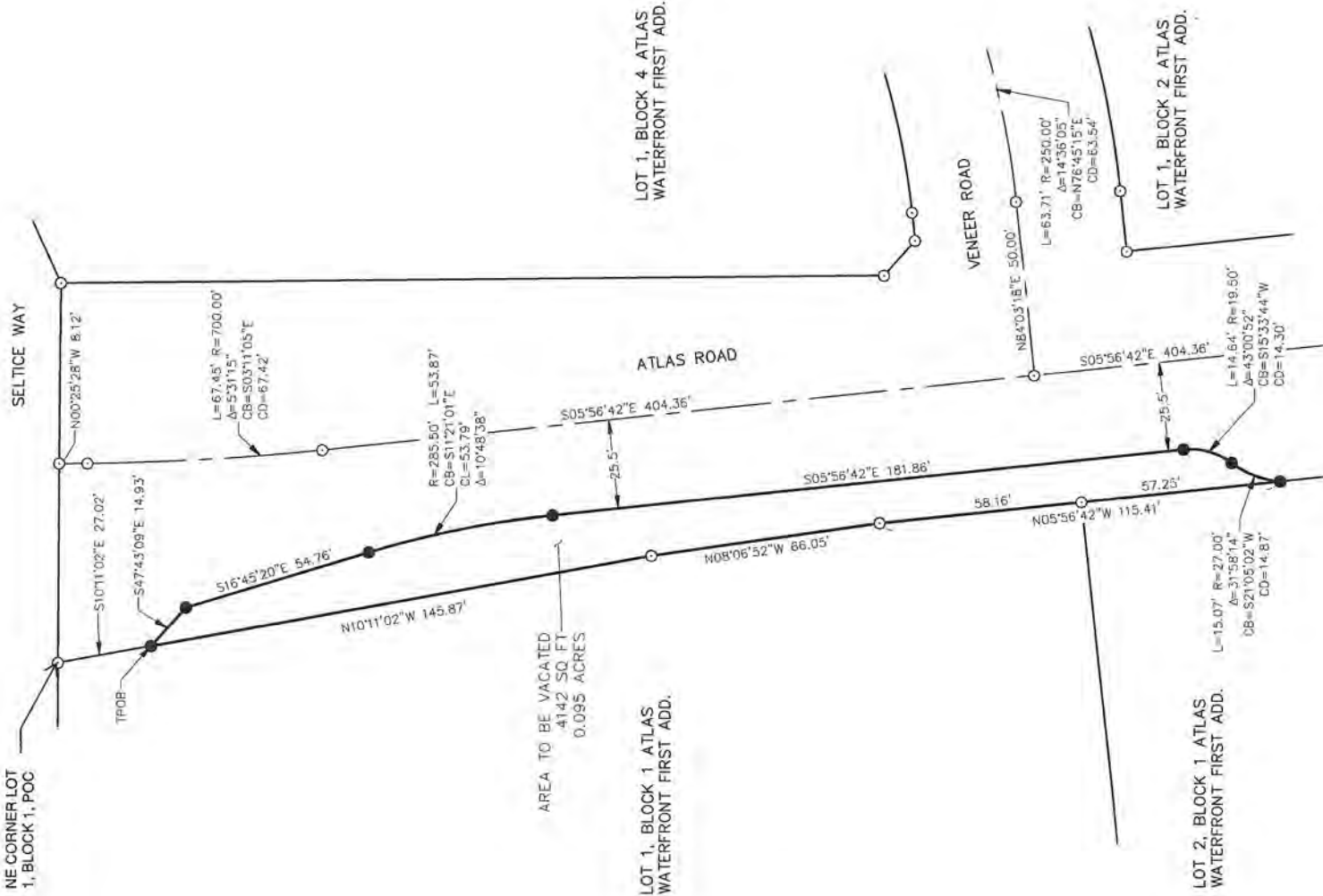
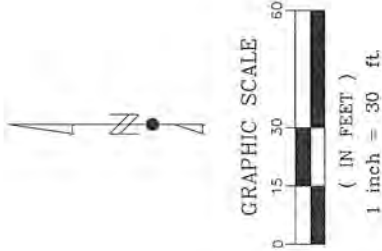
LOCATED IN THE NORTHWEST QUARTER OF SECTION 10

OF TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE

MERIDIAN, CITY OF COEUR D'ALNE, KOOTENAI COUNTY, IDAHO

INSTRUMENT NO. \_\_\_\_\_

BK. \_\_\_\_\_ PG. \_\_\_\_\_



LEGEND

- SET 5/8" x 30" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "WELCH COMER PLS 12318"

BASIS OF BEARING

S 05°56'42" E ALONG THE CENTER LINE OF ATLAS ROAD. BEARINGS ARE BASED ON THE IDAHO COORDINATE SYSTEM, WEST ZONE, NAD83 (2011)(EPOCH 2010.000).

SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NEWLY VACATED ROAD RIGHT OF WAY, RECORDS USED DURING THE COURSE OF THIS SURVEY ARE IDENTIFIED IN REFERENCES.

REFERENCES: RECORDS OF KOOTENAI COUNTY

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Date: 2022.04.11  
12:48:21-0700'

MICHAEL LYNN HATHAWAY PLS NO. 12318

THIS RECORD OF SURVEY WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF KOOTENAI COUNTY, IDAHO AT THE REQUEST OF WELCH COMER & ASSOC., INC., ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ AS INST. NO. \_\_\_\_\_

KOOTENAI COUNTY CLERK: \_\_\_\_\_

KOOTENAI COUNTY DEPUTY CLERK: \_\_\_\_\_



WELCH-COMER  
ENGINEERS & SURVEYORS

208-664-8982  
(cell) 877-815-5672  
(fax) 208-664-3546

www.welchcomer.com  
330 E. Lakeside Ave. Suite 101  
Coeur d'Alene, ID 83814

RECORD OF SURVEY  
RIGHT OF WAY VACATION

IN THE NW 1/4 OF SEC. 10,  
T.50N., R.4W., B.M.,

ATLAS WATERFRONT FIRST ADD.

PROJECT NO.: 41292.03.0  
DESIGNED BY: MLH  
DRAWN BY: JLT  
CHECKED BY: MLH  
NAME: MICHAEL LYNN HATHAWAY  
DATE: 2/2/2022  
SCALE: 1" = 30'  
SHEET NO: \_\_\_\_\_