

WELCOME

To a Regular Meeting of the
Coeur d'Alene City Council

Held in the Library Community Room (702 E. Front Avenue)

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.

NOTE: The City is utilizing Governor Little's Stage 4 Rebound Idaho guidance for its public meeting. As such, we are abiding by the social distancing guidelines of 6' within the physical meeting room, and limiting seating, seating will be first come first serve. The meeting can be viewed live through Facebook live and/or the City's YouTube channel or on Spectrum Cable Channel 1301. The meeting is rebroadcast on Spectrum Cable channel 1301 and on YouTube through a link on the city's website (www.cdaid.org).

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.

July 20, 2021: 6:00 p.m.

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Pastor Pace Hartfield Once Place Church

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.

E. PRESENTATION:

- 1. Atlas Project Presentation

**Presented by: Tony Berns, Executive Director, ignite cda
and Phil Boyd, President, Welch Comer Engineering**

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**

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 June 30, 2021 and July 6, 2021 Council Meetings.
2. Approval of General Services/Public Works Committee Minutes for the July 12, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, July 26, 2021, at 12:00 noon.
6. Setting of Public Hearings for August 3, 2021:
 - a. V-21-03 Vacation of a Ten-foot (10') Strip of Right-of-Way Adjoining the Easterly Boundary Line of Lot 22 and the South Half of Lot 21, Block 3, of the Kaesmeyer Addition Plat.
 - b. V-21-04 Vacation of a Ten-foot (10') Strip of Right-of-Way Adjoining the Easterly Boundary Line of a Portion of Lots 6, 7, and 8, Block 13 of the Kaesmeyer Addition Plat.
7. Setting of a Public Hearing for August 17, 2021 - ZC-5-21 - A proposed zone change at 3221 N. 4th from R-12 to R-17; Applicant: Escalade Properties, LLC

As Recommended by the City Clerk

8. Resolution No. 21-043

- a. Approve of a Letter of Agreement with Jace Perry D/B/A Backwoods Whiskey Bar for Commercial Use of City Streets for Recreational Transit.
- b. Approval of the purchase of One (1) Live Scan Plus Fingerprinting Machine and Related Equipment by the Municipal Services Department.

As Recommend by the General Services/Public Works Committee

I. OTHER BUSINESS:

1. **Resolution No. 21-044-** Approval of Amendment No. 4 to the Coeur d'Alene Garbage Agreement for single stream recycling for a 3-year extension.

J. PUBLIC HEARING:

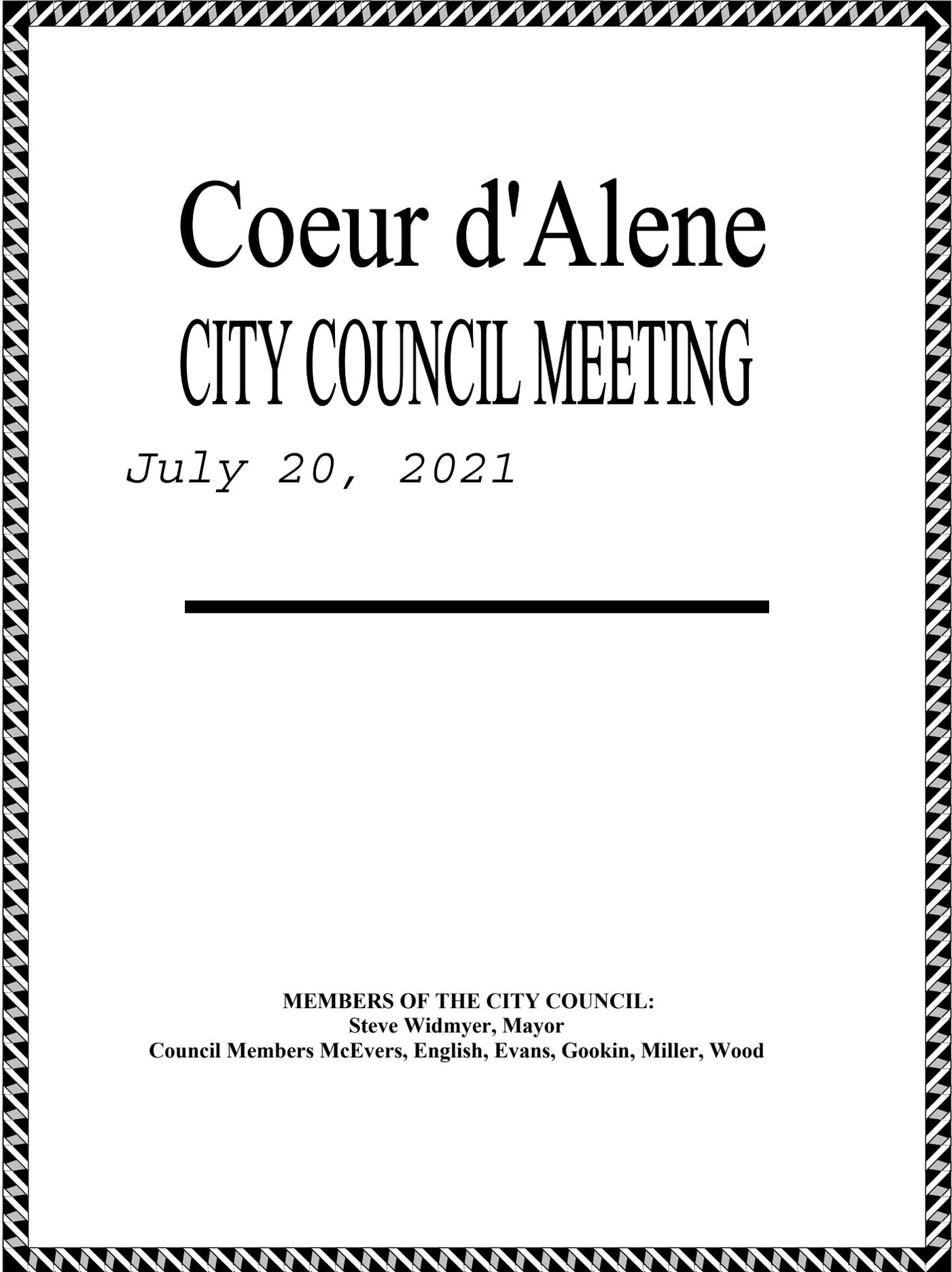
Please sign up to testify at <https://www.cdaid.org/signinpublic/Signinformlist>

1. Quasi-Judicial: A-2-21 – A proposed 3.194 Acre annexation from County Ag Suburban to City R-3, located at 2248 E. Stanley Hill Road; Applicant: Eugene & Nancy Haag Living Trust.

Staff Report by: Mike Behary, Associate Planner

- a. **Resolution No. 21-045** – Annexation Agreement with Eugene & Nancy Haag Living Trust for the annexation of 3.194 Acre annexation from County Ag Suburban to City R-3, located at 2248 E. Stanley Hill Road.
- b. **Council Bill No. 21-1016** – Ordinance approving the annexation of 3.194-acre parcel located at 2248 E. Stanley Hill Road; zoning from County Agricultural Suburban to City R-3 zoning district.

K. RECESS to July 29, 2021, at 12:00 p.m. in the Library Community Room, located at 702 E. Front Avenue for a workshop regarding the Fiscal Year 2021-2022 Budget.



Coeur d'Alene

CITY COUNCIL MEETING

July 20, 2021

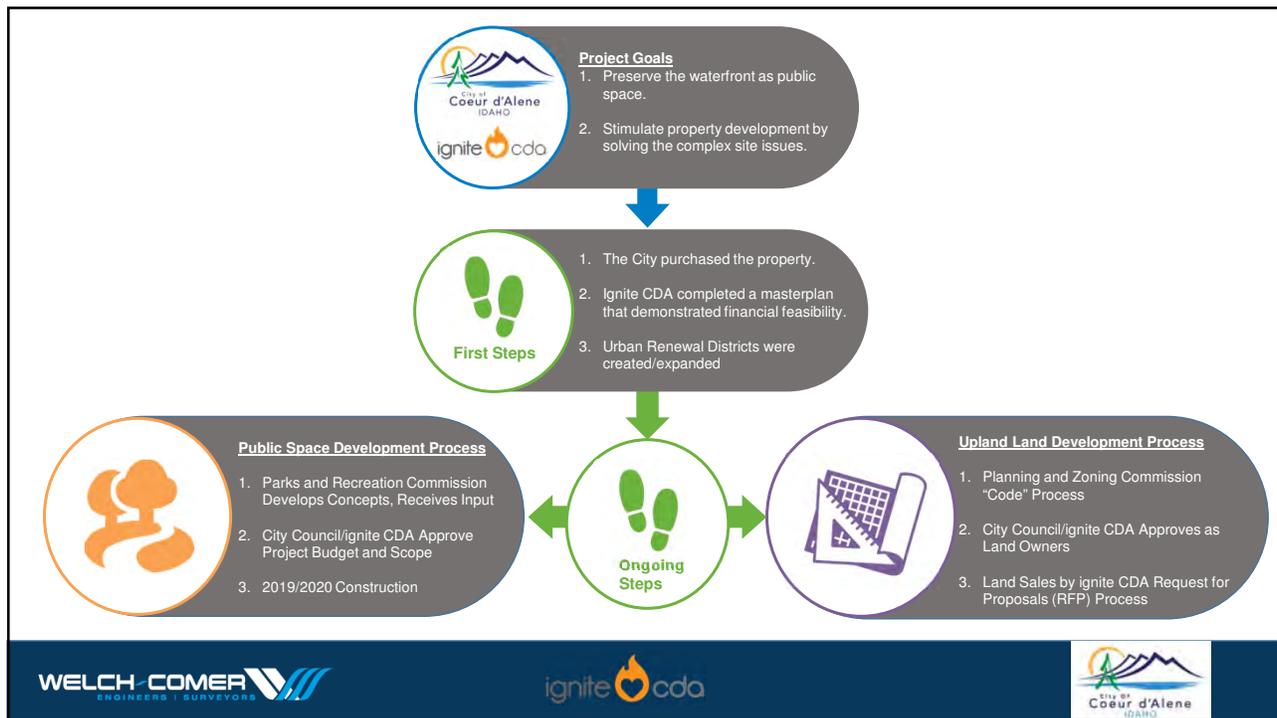
MEMBERS OF THE CITY COUNCIL:
Steve Widmyer, Mayor
Council Members McEvers, English, Evans, Gookin, Miller, Wood

PRESENTATIONS



Atlas Waterfront Project City Council Update

July 20, 2021





WELCH-COMER
ENGINEERS | SURVEYORS

ignite cda



ignite cda

Community Engagement and Project Meetings



1. COR Vision Group Meeting #1 – February 7, 2018
2. Public Presentation/Open House Meeting #2 – March 22, 2018
3. Public Presentation/Open House Meeting #3 – April 25, 2018
4. City Council/igniteCDA Workshop – Lake Coeur d'Alene Room at NIC's Student Union – April 26, 2018
5. **Agency Coordination Meeting – CDA Tribe, IDEQ, IDOL, COE – May 11, 2018**
6. **Waterfront Boat Tour – CDA Tribe, IDEQ, IDOL, COE, River's Edge Developer – June 29, 2018**
7. **Kootenai Environmental Alliance Walking Tour – July 19-20, 2018**
8. Planning and Zoning Meetings – November 13, 2018; February 28, 2019; April 4, 2019; November 6, 2019
9. Traffic Impact Study Open House – December 19, 2018
10. **Centennial Trail Meeting – January 17, 2019**
11. Parks and Recreation Commission Meeting Concept Presentation – January 28, 2019
12. **City Pedestrian and Bicycle Committee Meeting – February 13, 2019**
13. Parks and Recreation Commission Open House – February 25, 2019
14. City Council / Parks and Recreation Commission Workshop – March 15, 2019
15. Shoreline Funding Meeting – November 28, 2018 & January 18, 2019
16. Shoreline Permitting Agency Coordination Meeting – April 18, 2019
17. Developer and Builder Open house Meeting – July 17, 2019
18. City Council Meetings – 7 since 2018
19. Parks & Recreation Meetings - 7 since 2018
20. Ignite cda Meetings – 23 since 2018

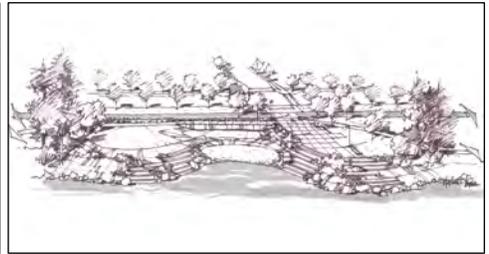
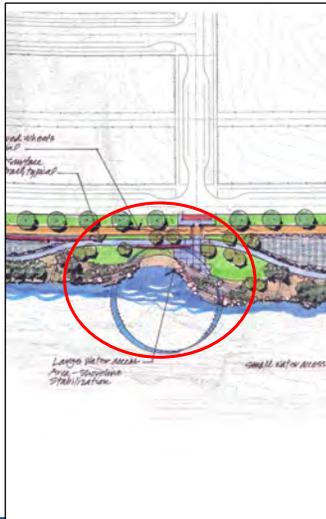
WELCH-COMER
ENGINEERS | SURVEYORS

ignite cda



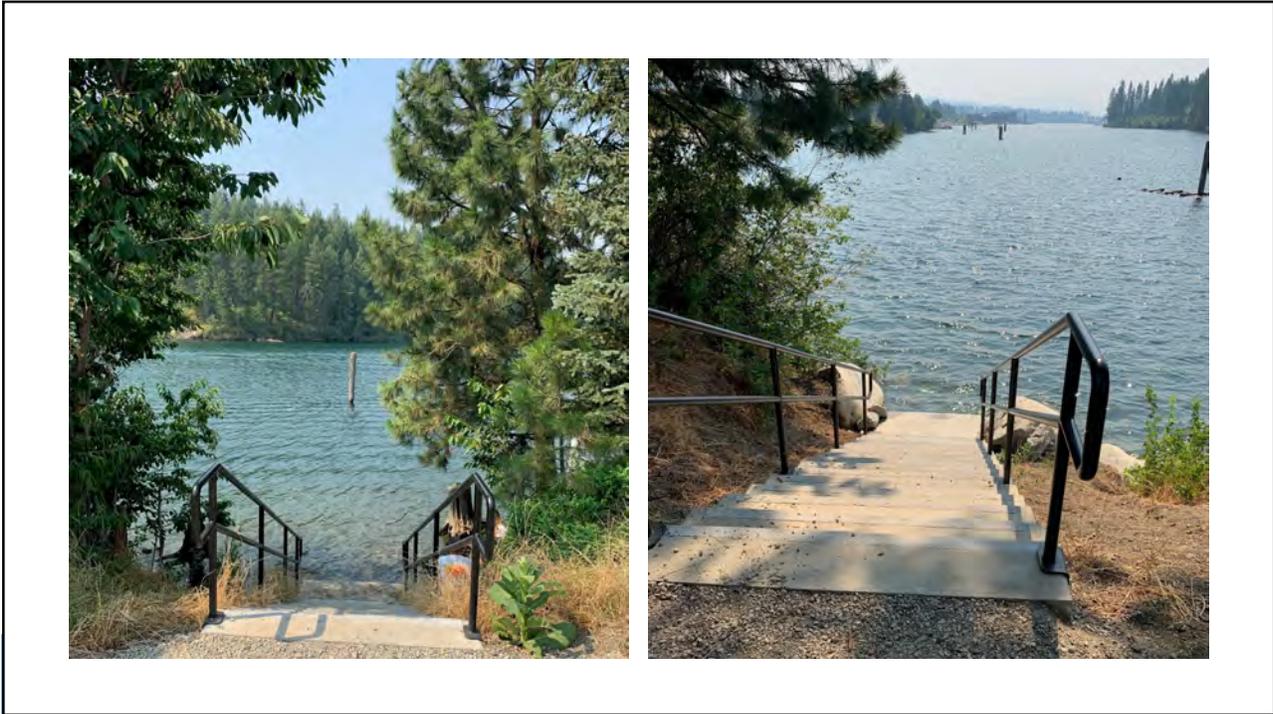


Water Access & Shoreline Stabilization

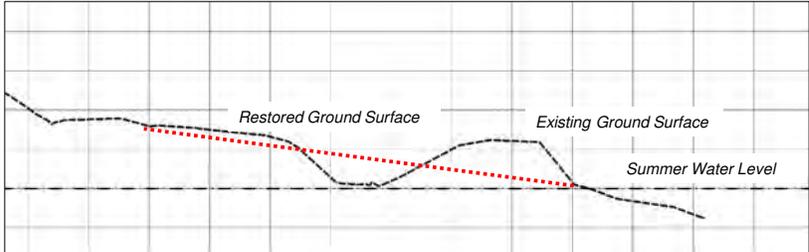
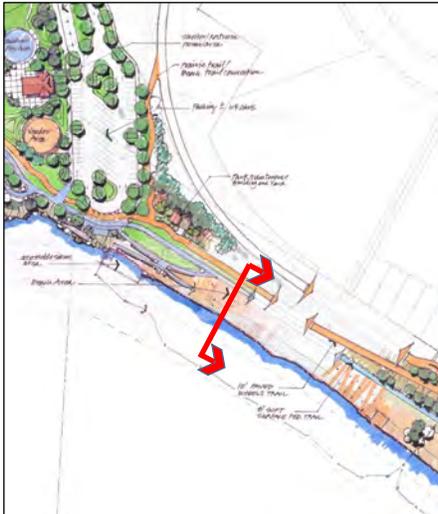


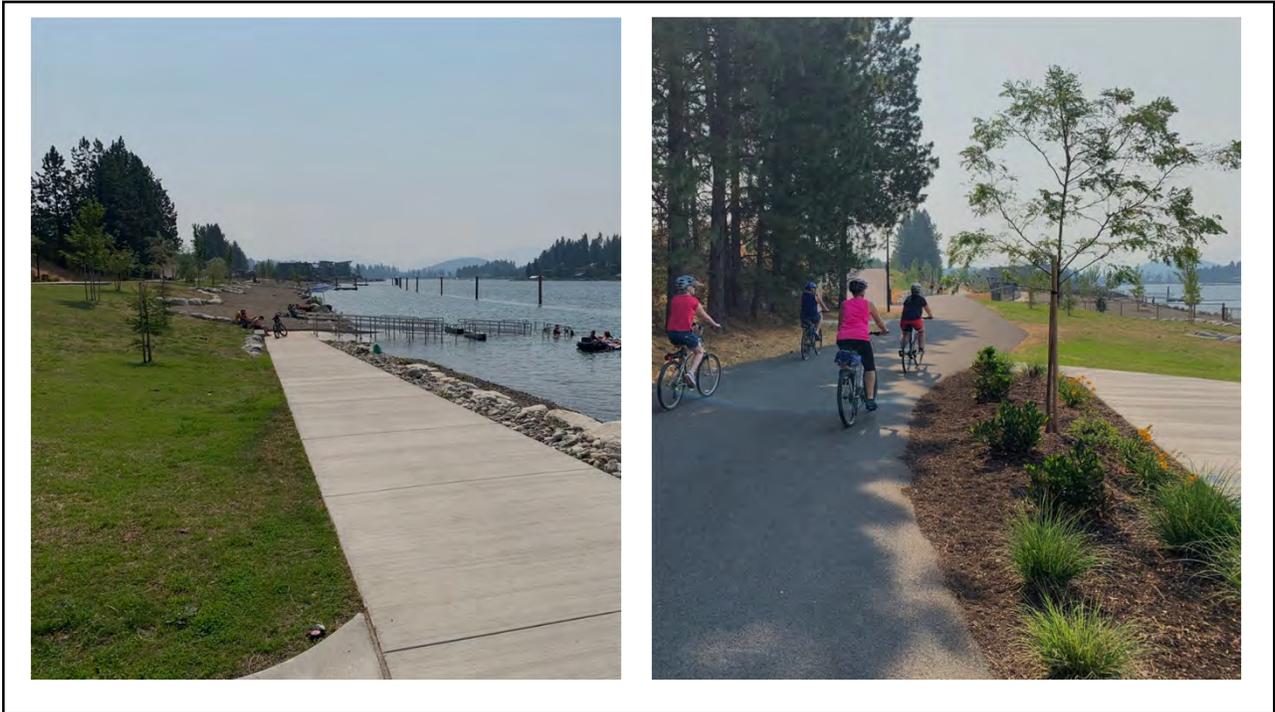






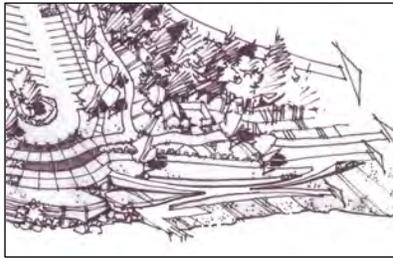
Restored Beach



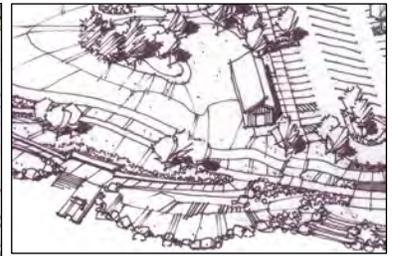




Accessible Beach

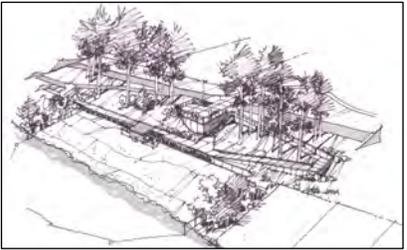


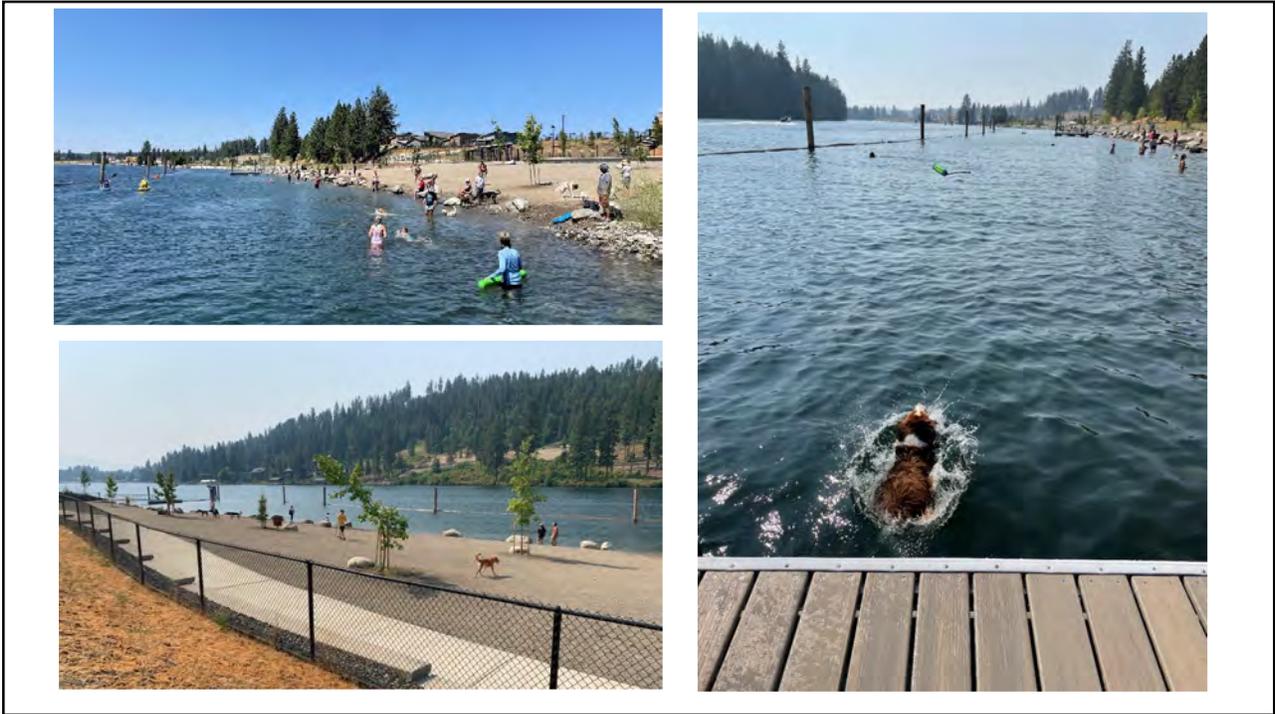
Accessible Kayak/SUP Launch





Water Access Dog Park





Playground





Land Disposition Process



Development Standards

Master Plat and PUD

RFP & Land Sales

- Create a Unique Neighborhood
- Establish Land Use Options
- Establish Development Character and Quality
- Provide ignite CDA with an Evaluation Tool

City & ignite CDA “Vehicle” to Control Overall Development Provides a Variety of Approved Development Options

- Secure necessary zoning deviations with the PUD to allow higher densities**
- Create the base for block level land sales and final plats
- Secure City approval for infrastructure improvements
- Final Block Level Plats by Developers

“T’s up” block level sales by providing developers “entitlement certainty”

- Ignite CDA Accepts Developer Proposals
- RFP’s Evaluated on a Broad Set of Criteria – not just price
- Final Agreement to Negotiate Exclusively

Provides opportunity for multiple types of developers and builders and multiple types of purchase terms and conditions.











Thank You



Memorandum

TO: MAYOR WIDMYER AND CITY COUNCIL
FROM: TONY BERNS, IGNITE CDA EXECUTIVE DIRECTOR AND PHIL BOYD, PE,
WELCH COMER ENGINEERS
SUBJECT: ATLAS WATERFRONT UPDATE
DATE: JULY 14, 2021
CC: IGNITE CDA BOARD MEMBERS

We will be presenting an Atlas Waterfront Project update at the July 20, 2021 City Council Meeting. The Mayor and Council will remember the two primary objectives of the Atlas Waterfront Project are:

1. To preserve the waterfront as public space.
2. To stimulate property development by solving complex site issues.

The Atlas Waterfront project presentation will be divided into two parts to demonstrate how the City-ignite CDA partnership is accomplishing those objectives.

Atlas Waterfront Park

The Atlas Waterfront Park is substantially complete and being enjoyed by the public. The park has over one mile of trails, five water access seat/stairs, 500 feet of beach, 3/4-acre dog park, playground, picnic shelter and restroom building that are all being heavily used by the public.

The contractor, T. LaRiviere, has several punch list items to complete including the most obvious, weed control. The topsoil manufactured using on-site "Mt. Hink" materials, while saving more than \$100,000, contained significant amounts of weed seed. The weed seed, along with the late 2020 hydroseed application allowed the weeds to take over. Under Bill Greenwood's direction, T. LaRiviere completely killed all the grass/weeds north of the gravel trail in June 2021. The entire site was then re-hydroseeded. The weeds still outran the hydroseed in June/July, so T. LaRiviere is in the process of mowing and applying broad leaf weed killer to gain control. The City will take over the grass maintenance once the new grass is established and "weed free."

A few trees and bushes have died due to extreme heat, or in-operable irrigation components (another punch list item). Rather than replacing the plants immediately, T. LaRiviere offered, and Bill Greenwood accepted, to review all the plantings in late summer and replace the dead and dying at that time to give the plants opportunity to "heal in" in the fall and be ready to go in Spring 2022.

Two unique facilities, the accessible swim access and kayak launch have received a significant amount of public use, but not the public use that was intended. The accessible swim access, intended for use by citizens with a mobility disability, is heavily used by teenagers who have damaged the railings and families with young children that use it as a wading pool. Signage will be added to educate the public of the facility's intended use, but additional in person monitoring may be necessary. The railings have been reinforced to resist damage.

The kayak launch is also an accessible facility but intended to be used by all citizens. Young people frequently use the dock as a swim platform and sun-bathing facility. Bill Greenwood is considering appropriate signage to educate the public of the facility's intended use.

The dog park, trails and water access seat steps are heavily used.

The shoreline stabilization is very effective and stopped erosion caused by the surf-boats.

The City's vision for preserving the Atlas Waterfront for public use is being realized.

Atlas Waterfront Development

The Atlas Waterfront Project site sat dormant for more than a decade while many private developers evaluated the development possibilities. The primary challenges for private developers were the cost of remediating the significant site topographic and soil issues along with working around the City's old railroad right of way bisecting the site.

The City-ignite cda partnership overcame these challenges, primarily because ignite CDA can use tax increment financing to redevelop blighted property and sell the property through a competitive request for proposal process.

ignite cda has issued three requests for proposals (RFP) to purchase land, with three more RFP's scheduled for 2022 and 2023. A selection committee that includes representation from the Council, City and ignite cda staff, and ignite cda Board, evaluate and score the RFP's with input from the consulting team (Welch Comer Engineers and Heartland Real estate Advisors). RFP scoring criteria include purchase price, product type (e.g., single-family, multi-family, mixed use), architectural style and developer track record. The ignite CDA Board considers the selection committee

Welcome to the Atlas Accessible Swim Facility

The Atlas Accessible Swim Facility is specially designed to provide citizens with a disability a dedicated access to the Spokane River. If you are without a disability that limits your access, please respect this facility and leave it open and available for those of our fellow citizens that need to use it to access the Spokane River.

Funded by the City's urban renewal agency, ignite CDA.

Operated and maintained by the City of Coeur d'Alene's Parks and Recreation Department.



recommendations for awards. The map below summarizes the RFP's areas, schedule and product type.



Atlas Waterfront's estimated fully developed property value (2021 dollars) is \$250,000,000 with a development density of six dwelling units (DU) per acre.

Summary

As anticipated, the Atlas Waterfront Project has navigated several twists and turns since its beginning in February 2018, and it has adjusted to the changing real estate and construction market. What has remained consistent throughout the project is the strong City-ignite cda partnership that has allowed the project to move steadily forward, in a fiscally responsible manner, for the benefit of the City's residents.

ANNOUNCEMENTS

CONSENT CALENDAR

MINUTES OF A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
HELD IN THE LIBRARY COMMUNITY ROOM
ON JUNE 30, 2021 AT 12:00 NOON

The City Council of the City of Coeur d'Alene met in continued session in the Library Community Room held at 12:00 NOON on June 30, 2021, there being present upon roll call a quorum.

Steve Widmyer, Mayor

Dan Gookin) Members of Council Present
Dan English)
Kiki Miller)
Christie Wood)

Amy Evans) Members of Council Absent
Woody McEvers)

STAFF PRESENT: Troy Tymesen, City Administrator; Mike Gridley, City Attorney; Renata McLeod, Municipal Services Director/City Clerk; Vonnie Jensen, Comptroller; Kenny Gabriel, Fire Chief; Melissa Tosi, Human Resource Director; Michael Priest, Library Director; Bill Greenwood, Parks & Recreation Director; Hilary Anderson, Community Planning Director; Lee White, Police Chief; Todd Feusier, Streets & Engineering Director; Mike Anderson, Wastewater Superintendent; Terry Pickel, Water Superintendent; Sherrie Badertscher, Executive Assistant; Stephanie Padilla, Accountant.

CALL TO ORDER: Mayor Widmyer called the meeting to order and noted that the purpose of the meeting was to discuss the 2022 Fiscal Year draft budget.

BUDGET DISCUSSION: Mr. Tymesen, City Administrator, thanked staff for their work on the budget. He noted that they do not have the actual revenue numbers for growth and the proposed budget shows an estimated \$2.2 Million coming from the Fund Balance. He noted that, as with any service organization, it was about the personnel costs. He noted that the intent was to confirm with Council what they wish to do in regards to property taxes. Mr. Tymesen said that a 2% property tax increase would equal roughly \$467,000 in revenue. In the proposed 2022 Fiscal Year budget, expenses exceed revenues, and includes increases in staffing, with very few capital expenditures in the General Fund for the upcoming budget year. Services and supplies were proposed to be close to where they were in the current year. Mr. Tymesen explained that he and Ms. Jensen have whittled and moved things around, but remain \$2.2 Million short. They have some solid numbers regarding medical cost increases that indicate a 2.7% increase, which was very low in comparison to other medical plans. He stated the new state rules place a cap of 8% on Urban Renewal District (URD) closure, and the example shown on the PowerPoint presentation demonstrates that the amount would previously be capped at \$1.4 Million, but under the new rules the amount would be limited to \$1 Million. Mr. Tymesen stated another change

was the 1% forgone tax limitation, and mentioned the City has a large balance in the forgone account.

Councilmember Gookin asked if the City could get its money by claiming it as forgone, with Mr. Tymesen stating they could. Councilmember Gookin then asked if current property tax payers would be paying more, with Mr. Tymesen responding that they would not. Councilmember English stated the URD concept was designed as a short-term pain for long-term gain in order to renovate the neighborhoods and felt it was wrong for the state to end the program before the City could accomplish all of the benefits of the URD. Councilmember Gookin asked about the Human Rights Education Institute (HREI) lease and asked why there were City funds allotted for capital expense, with Mr. Tymesen stating the building was in need of major roofing repairs, and HREI was currently applying for a grant which would help fund the repairs. Councilmember Miller asked about the City dipping into the Fund Balance during this fiscal year and if they were proposing to use forgone, with Mr. Tymesen responding the revenues the City took in during the year and the CARES Act funding prevented having to use the forgone funds in Fiscal Year 2021.

Mayor Widmyer said that the State of Idaho, House of Representative's (House) bill that recently passed placed an 8% cap on property tax. He mentioned the City had never gone that high, yet the URD closures would have an impact. City Attorney Mike Gridley explained that the House believes they have the authority to implement the bill. Mayor Widmyer stated the new House bill would not impact the City this year.

DEPARTMENT BUDGETS:

FINANCE - Vonnie Jensen, Comptroller, stated the Finance Department was requesting funds for a new software program which would allow for employee's to complete many self-service tasks such as accessing W-2's, viewing paystubs, and in the future the ability to make changes to W-4's and direct deposits. She noted that this software would also be a benefit to the Human Resources Department and they are in support of this request.

Councilmember Miller asked if they had done job costing analysis, with Ms. Jensen explaining the need for the software was to limit the handling of confidential documents from being accessed by those other than intended staff.

MUNICIPAL SERVICES - Renata McLeod, Municipal Services Director stated that her budget request increases included several IT related projects. She mentioned the dues and subscriptions account had an increase, which includes many city-wide memberships such as PAC and AIC, as well as the postage machine used for all city mail. She stated software licensing was increasing from 5-7%. A Windows upgrade would be completed this year, as well as the Barracuda backup system upgrade. She mentioned the City-wide automation project was the largest increase and was planned to be completed using CARES Act funds. She stated all computer system costs were increasing and additionally there were limited supplies available. Her Department has one (1) capital project request for a vehicle replacement for IT.

Mayor Widmyer asked if the \$225,000 of grant money would come off of the \$410,000 increase in line items, and Ms. McLeod responded it would, yet it had been accounted for in the revenue part of her Department's budget. Councilmember Gookin inquired if the Library reimburses the City for internet services, with Ms. McLeod stating they did not. Ms. Jensen stated the Library was funded by property taxes in the same way as the City so it would be the same revenue stream.

Councilmember Wood stated the 5-year plan for IT had intended to use URD funds, and asked if more items could be identified for use of the federal funds, with Mr. Tymesen stating they felt comfortable with the current funding amount, and they would continue to search the federal rules for where the money may be spent. Ms. Jensen stated the challenge was identifying upgrades that could be done within 3 years as the federal funds would expire in that timeframe. Councilmember Miller asked if they were still operating the Open Gov program, with Ms. McLeod responding they were not.

LEGAL - Mike Gridley, City Attorney, stated his Department's big need was personnel. He stated the Prosecution Division was a key part of law enforcement and they were requesting one (1) prosecutor and one (1) legal assistant for the prosecutor's office. He stated the need was due to increased demand for services due to the increase in law enforcement activity. He said the increase in criminal conduct has placed increased demands on staff.

Councilmember Wood stated it would be helpful to have the previous 3 years of stats for the Department, with Mr. Gridley responding he would provide them. Councilmember Miller asked if the legal assistant position would be tied to the prosecutor position, with Mr. Gridley stating they were, but the position would also provide backup to other staff. Mayor Widmyer asked if the numbers would be difficult to calculate with the court being closed for three months, with Mr. Gridley responding the closure of the courts resulted in a backlog of cases and now that the courts were open, the volume has increased exponentially. Mayor Widmyer inquired if the plan was to have everyone return back to the office, with Mr. Gridley responding at this time, everyone had returned to the office.

PARKS AND RECREATION DEPARTMENT - Bill Greenwood, Parks & Recreation Director, stated the Building Maintenance Division would like to eliminate a parttime janitorial position and use the resources to fund a fulltime building maintenance worker position to assist with building maintenance requests. They have two (2) capital requests which were for vehicles. He stated the Parks Department has a vacant maintenance position they would like to convert to a mechanic position to assist with small tools maintenance. He stated this would divert some of the maintenance duties from the Streets Department.

Councilmember Gookin stated he was in support of this conversion as he felt Streets Department staff should spend their time working on streets. Councilmember Wood stated she was not sure how they could spare the maintenance position, with Mr. Greenwood stating these changes would actually create time for other staff to work on parks. He mentioned they were unable to fill the part-time seasonal positions.

POLICE - Lee White, Police Chief, stated they currently have the same number of sergeants as in 1988. He is requesting one (1) sergeant in this budget and the position would supervise the traffic division. He said there was one (1) police officer position, which was previously approved last October and has already been funded. The addition of four (4) officers was due to the increase in call volume, and he currently has four (4) officers on overtime daily. The request for the application specialist would handle all IT needs including police vehicle needs. The Motorcycle Program increase would be to upgrade the 15-year-old equipment. He asked Council if they wish to continue to fund and upgrade the equipment, or eliminate the program. He mentioned there was an increase to the drug task force seizure funds, yet he hadn't identified an appropriate use for the funds and it was a placeholder in his budget for the time being. He stated they were also requesting funds for vehicle replacements.

Councilmember Gookin asked if the new vehicles were tied to the new officer request, with Chief White stating they were not. Councilmember Gookin also stated the City does not charge enough to cover the cost of actually providing services for events. Councilmember Wood asked if the increase represented one (1) or two (2) cars, with Chief White responding it was for four (4) patrol vehicles. Mayor Widmyer stated there were numbers on the fee levels and we could revisit them. Councilmember Wood stated the daily overtime costs (OT) would be helpful in determining the cost comparison between paying OT and hiring new officers. Councilmember Gookin concurred it would be helpful to see the OT amounts in comparison to the cost of new officers. Councilmember Miller asked the Chief to expand on the Motorcycle Program, with Chief White stating the motorcycles are leased for 6-months each year, and they were used as extra vehicles when needed as well (special events, OT officer, etc.). Councilmember Wood inquired about the air support fee decrease of \$5,000, with Chief White stating they did a cost benefit analysis and determined it was not cost efficient as it was not being utilized, and they decided not to continue to participate in the program.

FIRE - Kenny Gabriel, Fire Chief, stated their call volume was at an all-time high and he had one large request, which was the addition of three (3) firefighters. He stated his constant manning costs were over \$37,000 a month. He said they expect the constant manning cost to decrease each year as staffing numbers were increased. He mentioned another tool they would use includes rotating staff off of engines in order to give them a break from extreme incidents and allow for training, mandatory exercise time, annual physicals, etc. He stated adding the three (3) positions would be a step in the right direction.

Councilmember Wood stated the constant manning requirement was wearing down the staff and was not sustainable and she would be looking at ways to fund the additional positions.

STREETS AND ENGINEERING - Todd Feusier, Streets & Engineering Director, stated his Department was requesting one (1) assistant director position as his Department remains short staffed. He said the position would help him in the day-to-day operations of the Department and would be a resource for the supervisors as well. He stated they would also like to add one (1) additional supervisor position. He stated in addition to the normal supervisor duties, the position would also be able to assist with the operation of the heavy equipment when needed. He said they were requesting fund increases to supplies, and repair and maintenance funding as materials/supplies have gone up. He said the City's fleet was growing and they maintain over

500 large assets as well as the small equipment. He mentioned his budget request was nearly identical to his Department's 2019 budget. His capital outlay request included the purchase of a new dump truck.

Mr. Tymesen stated the Streets Department also has a revenue stream which would help offset their personnel costs. Councilmember Miller asked what the \$180,000 was for in capital outlay, with Ms. Jensen responding the increase was for future growth, with the total capital outlay \$315,000. Human Resources Director Melissa Tosi stated she spoke with AmeriBen, and they recommend an assistant director, and two (2) field supervisors in the staffing model based on the size of the Department. Water Department Director Terry Pickel, asked what the long-term goals were in regards to mechanics, and should departments have their own, with Mr. Feusier stating the number should be one (1) mechanic per 100 assets and they are close to meeting this number, but as the City grows additional mechanics would be needed.

BUILDING - Mr. Tymesen stated the Building Department was requesting one (1) additional vehicle to replace a 2005 Chevrolet Trailblazer.

LIBRARY - Mr. Tymesen said the Library had very little change over last year.

WATER - Terry Pickel, Water Department Director, stated he did a manpower analysis and it supported his Department request of two (2) additional employees. They would work on the locates program (which have doubled), Yardley services, and daily maintenance on wells.

Councilmember English asked if they were charging enough fees for the locates, with Mr. Pickel stating they are not allowed by federal law to charge for the locates. Councilmember Gookin asked how they charge for road repairs when damaged by companies working within the City, with Mr. Pickel stating they bill the contractor directly for the repairs.

WASTEWATER - Mike Anderson, Wastewater Director, stated his budget was close to last year's request. They had some increases in electricity, supplies, etc. They haven't spent all of their capital outlay funds and would roll over any remaining funds. In the next year they would be working on the Collections Building, Operations Building remodel, and the Centrifuge project. He stated next year they would be finalizing their Sewer Master Plan, and their Rate Study. He stated their O&M costs are in line with their study.

DISCUSSION - Mayor Widmyer asked what level of property tax increase did Council wish to pursue as staff needed direction on where Council would like to go. Councilmember Wood stated she would like to have proper funding for police and fire, and would propose 3%. Councilmember Gookin stated he would propose 0%. He said there are many people who work in the City that were unable to live here due the lack of affordable housing, and the City's portion of the affordable housing puzzle was the cost of government, and he wasn't comfortable raising taxes at this time. Councilmember Miller stated people who live here still require services; therefore, she would propose to offset the percentage (close to 0%) by looking at increased revenue from fees from programs such as the short-term rental program. She would also like to look at a new structure on event fees, and the out-of-state parking fee options. She noted she would like to explore the Communications position again. She said the Regional

Housing and Growth Issues Partnership finished Phase 1 of their project, and a white paper would be available soon. Information was available on Kootenai Metropolitan Planning Organization's (KMPO) website at <https://www.kmpo.net/>. Mayor Widmyer stated the short-term rental program should be examined again. Community Planning Director Hilary Anderson stated limits/restrictions could be placed on them. Councilmember Gookin stated he was in support of raising the short-term rental program permit fee. Councilmember English stated he would propose 3% for planning purposes and that other fees such as parking and/or the boat launch fee structure should be reviewed. The short-term rental fee structure should also be explored. He said the priorities should be public safety.

Mayor Widmyer stated there were two (2) councilmembers absent today and they would need to provide their input as well. He said staff would be returning in the future with additional budget deliberations. Mayor Widmyer stated the current proposed budget takes \$2.2 million out of fund balance. Councilmember Wood stated in her experience she has not seen pushback from the community on budget increase requests for fire or police services. It wasn't feasible to continue 0% year-to-year. Mayor Widmyer stated in previous years when the City took 0%, there was funding available from other sources. Ms. Jensen stated they were projecting the amount using the prior year's allocation of \$400,000, and Kootenai County would be providing actuals in the coming month.

Mayor Widmyer stated they would move forward with 2% for planning purposes, with public safety and street maintenance as the main priorities. He asked Council when they would like to meet again, with the consensus being a separate workshop at noon, in late July.

Mr. Tymesen thanked Council for their input and said staff would move forward with what was presented, and would continue to look for uses with American Recovery Act dollars .

ADJOURN: Motion by Gookin, seconded by English, that there being no other business, this meeting be adjourned. **Motion carried.**

The meeting adjourned at 2:06 p.m.

Steve Widmyer, Mayor

ATTEST:

Sherrie L. Badertscher
Executive Assistant

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

July 6, 2021

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 July 6, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

CALL TO ORDER: Mayor Widmyer called the meeting to order.

INVOCATION: Pastor Paul Van Noy with Candlelight Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Gookin led the Pledge of Allegiance.

Kootenai Metropolitan Planning Organization (KMPO) Update: Glenn Miles, KMPO Executive Director noted that the growth within Kootenai County has been 340.8% since 1969 and has topped the United States increase of 60.5%. The annual rate of growth was 3.23% from 1970 through 2016. He noted that the population in Kootenai County, according to the 2010 Census, was 138,494 and is expected to be 304,000 by 2040, and believes that is a realistic forecast. Mr. Miles reviewed the current travel demands noting we are not in bad shape currently; however, there are slow downs and stops when there are incidents. He noted that the current transportation system was most recently improved in the 1970s and system performance, resiliency and reliability has become an issue. If there is no major funding for projects by 2040 you will see a substantial difference in the number of slowdowns and stops during commutes. He noted the five (5) big regional projects needed include I-90 moved to six (6) lanes from state line to Sherman Avenue; Huetter Corridor I-90 to U.S. 95; I-90 port of entry moved to McGuire Road vicinity; creation of a regional traffic management center; and the widening of U.S. 95 Spokane River Bridge and approaches. This year they are working on U.S. 95 north from I-90 to State Highway 53 additional intersection modifications; bridge deck repairs on I-90 and U.S. 95 Spokane River Bridge; bridge resurfacing and rail repair in July and August; and environmental documents for I-90 widening and the Huetter Corridor. Next year they plan to work on new signals and timing updates at U.S. 95/I-90 to SH-53. SH-41 Corridor widening and access control will be completed. From 2023 and beyond they will be working on I-90 widening to six (6) lanes from Stateline to Sherman; U.S. 95 interchange with I-90 reconstruction; and SH-41 Corridor will see a new interchange at I-90. The projects scheduled from 2022 through 2028

will have \$332 Million in programmed funding. Mr. Miles noted that they are about 20 years behind and it will take some time to cure congestion. He further noted that the increase in travel demand from 2020-2040 will have a \$1.47 Billion cost. This year the legislature adopted House Bill 362 which included an increase from 1.5% tax to 4.5% from sales tax funding. Anything over \$80 Million will come to local jurisdictions, which is estimated to be \$4 Million, which is not much, but does provide Idaho Transportation Department (ITD) with the bonding capability of up to \$1.4 Billion.

Councilmember McEvers asked what ITD is responsible for compared to what local jurisdiction are responsible for. Mr. Miles explained that U.S. 95 is ITD's jurisdiction, but some jurisdictions help to maintain signals and bike lanes and SH-41 is another state highway. Huetter as a road is owned by the Post Falls Highway District and the corridor would be owned by ITD. Councilmember McEvers asked why frontage roads were not allowed on U.S. 95. Mr. Miles noted that most people didn't want frontage roads and with SH-41 they worked with local jurisdictions and the County to allow right in right outs, and if they want access it would have to be behind the property, so nothing was between the private parcel and the highway system. Councilmember McEvers noted that the Huetter Corridor seemed like a good idea and questioned why it was not developed. Mr. Miles noted it was adopted as a preservation program, as it was recognized that it would be needed in the future, which is now upon us and a north/south route without signals is needed. Councilmember McEvers asked for clarification regarding the term Regional Traffic Management Center. Mr. Miles explained that it is a technology to allow signals timing to be changed quickly and add messages to message board signs as items come up, all in real time. Councilmember Miller thanked KMPO and the team for housing all the information on their website for the Regional Growth Partnership Issues group.

Panhandle Area Council (PAC) Update: Wally Jacobson, Executive Director, explained that PAC is a regional economic development organization who promotes and assists economic development within the five (5) northern counties. He noted that they provide business development and loans; commercial real estate loans through SBA 504; business startup and expansion loans (as gap financing); COVID-19 revolving loan funds; startup/co-work spaces leased at their airport location; economic development planning; and public facility financing. He noted the highlights at the airport area as Empire Airline building, Stancraft, and Dauntless Air maintenance facility. He provided their budget as being funded through Federal, State, local and private funding sources at \$234,487,611 over the past 50 years, given out 292 loans, and helped to create 565 jobs.

Councilmember McEvers asked how the gap loans work. Mr. Jacobson noted that those loans are for those that can't qualify for a traditional loan from a bank. This gap financing allows them to get solvent enough to qualify for a traditional loan at some point in the future. Councilmember McEvers asked if they have experienced losses under that program. Mr. Jacobson confirmed there are losses as they take higher risks; however, with the revolving loan funds they received a substantial grant based on their past management of the high-risk loans. Councilmember McEvers asked how long companies are allowed to stay within the incubator program. Mr. Jacobson noted that it is now referred to as co-worker space and that they have had a lot of different types of businesses over the years. The plan was to provide business counseling and

review financials monthly and they would move on within two (2) years, but it is more realistic to offer six (6) years with increased rental payments.

Association of Idaho Cities Awards: Councilmember Miller noted that the City received two (2) awards at this year's Association of Idaho Cities (AIC) Conference. These awards are for city achievements and innovations, which included the stormwater outfall volume reduction program at U.S. 95 and Northwest Boulevard. This project created a swale to capture over 210 acres of surface water and filter it through three (3) tiers and reduce the quantity of water before it goes into the lake. The second award was for the Atlas Waterfront project, which was an impressive project based on community input and was a once in a lifetime park opportunity for a public waterfront. The Americans with Disabilities Act (ADA) access was a leading feature. Mr. Greenwood noted that he often talks about the vision and support of the City Council and importance of gaining this water access for the public. The public mentioned the importance of connectivity, trails, and open space which are all contained in this park and thanked the Council for their leadership.

ANNOUNCEMENTS:

Councilmember Gookin thanked Steve Wolf, who has served as the City's Street shop manager, for his years of service, as he recently left the employment of the City. He noted that Mr. Wolf always went the extra mile to save the City money, such as the used equipment program he created. He wished him luck on his new adventure.

Mayor Widmyer noted that local Pastor Craig Sumey has recently moved to Florida. He felt that he will be missed within the community due to his past years of service. An article in the Coeur d'Alene Press noted his move and provided a message from Pastor Sumey to the community, which noted that "there's much greater joy at the end of the day in caring for each other than in only caring for yourself;" and "there is greater blessing, the community is thriving and great things can get done, which benefits everyone and doesn't leave anybody out." The Mayor wished Pastor Sumey and his family the best for their future.

CONSENT CALENDAR:

1. Approval of Council Minutes for the June 15, 2021, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the June 21, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee meeting for Monday, July 12, 2021, at 12:00 noon.
5. Setting of a Public Hearings for July 20, 2021- Legislative - A-2-21 - A proposed zone change from Ag Suburban to R-3, located at 2248 E. Stanley Hill Road; Applicant: Eugene & Nancy Haag Living Trust.
6. Approval of Final Plat for SS-21-03, Shadow Wood Estates 3rd Addition.
7. **Resolution No. 21-039:** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: AMENDMENT NO. 1 TO THE AGREEMENT WITH ST. VINCENT DE PAUL OF NORTH IDAHO FOR EMERGENCY HOMELESS SHELTERING TO EXTEND THE AGREEMENT

AND REDUCE THE DOLLAR AMOUNT, AND ENTER INTO A NEW AGREEMENT USING A PORTION OF THE REMAINING FUNDS FOR AN ENTRY DOOR PROJECT, THROUGH CDBG-CV FUNDS; A CONTRACT WITH K&N ELECTRIC FOR THE REPAIR AND REBUILD OF THE TRICKLING FILTER PUMP #3 IN THE AMOUNT OF \$99,896.00 FOR THE WASTEWATER DEPARTMENT; AN AMENDMENT TO WASTEWATER SEWER POLICY #708, DEFINING INSPECTION AND APPROVAL STANDARDS FOR ALL NEW WASTEWATER SYSTEM IMPROVEMENTS OWNED, OPERATED, AND MAINTAINED BY THE CITY OF COEUR D'ALENE; AND A THREE-YEAR ENGAGEMENT AGREEMENT WITH ANDERSON BROS., CPA'S, P.A., TO PROVIDE AUDIT SERVICES FOR FISCAL YEARS 2020-21, 2021-22, AND 2022-23.

MOTION: Motion by McEvers, seconded by Gookin, to approve the Consent Calendar as presented, including **Resolution No. 21-039**.

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

RESOLUTION NO. 21-040

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A CONTRACT WITH PETRA, INC., FOR THE NEW COLLECTIONS BUILDING FOR THE WASTEWATER DEPARTMENT.

STAFF REPORT: Wastewater Capital Programs Manager Mike Becker noted that the City's Sewer Collections Division houses their wastewater apparatus vehicles, offices, and crew quarters which is currently next to the Department's Administration building at the treatment plant. Last fall, City Council approved designing a new building to be constructed within the vacant area adjacent, and south of the compost facility on City property (Res. 20-053). Once completed, the Sewer Collections Division would relocate there. This fall, under another separate project bid, the Department's current collections building was scheduled for remodel to accommodate the relocation of the Department's Treatment Plant Operations Center. After securing a building permit, the project bid opened on June 15, wherein the three (3) bids were received. Mr. Becker noted that this is a multi-year project and the Department has budget authority for this project under this FY 2020/2021, and has budgeted accordingly in the FY 2021/2022 budget. Add Alternative #1 is recommended at this time. Staff recommends the City Council accept the base bid and Add Alternative #1, and award a contract to Petra, Inc., for the New Collections Building Project in the amount of \$1,787,900.00. He noted that the Idaho Division of Building Safety is five (5) weeks behind processing public works licenses, so he needs to verify full license has been issued before finalizing the Contract.

DISCUSSION: Councilmember McEvers asked which architect was used for the project. Mr. Becker noted it was Architects West, noting that it is a basic steel building that was designed for function. Councilmember Miller noted that the Idaho State Division of Building Safety was reorganized and understands they are behind in processing license; however, wondered what would happen if you enter into a contract with an organization that has an expired license. Mr.

Becker noted that the City Attorney's office felt that the criteria included in the bid specifications was met, so they were found responsive to the bid; however, if they are unable to be licensed going forward, they would be non-responsive and the second lowest bidder could be awarded the final contract. City Attorney Mike Gridley noted that the Council could award at this point, holding off on signature of the contract until proof of license, hold off on award, or rebid. Councilmember English asked if this request could be tabled for 30 days. Mayor Widmyer asked if Petra said they have a permit in for renewal. Mr. Becker noted he had not talked to them yet and wanted to get verification from the State. Councilmember Gookin asked if this award needs to be done right away. Mr. Becker said it is holding up the next project.

MOTION: Motion by Gookin to approve an agreement with TML Construction, as the next lowest responsive bidder with a valid license. **Motion died from lack of second.**

DISCUSSION CONTINUED: Mr. Gridley noted that Petra was told the license was about to expire, but it was current when bids were open, so we don't know that they are out of compliance at this point in time. Mr. Becker noted that they were licensed at the time of submittal; however, the state is four to five weeks behind in processing. Municipal Services Director Renata McLeod noted that she collects insurances and bonds before having the Mayor sign the contracts, so there is often a delay between Council approval and when the contract is fully executed.

MOTION: Motion by Miller, seconded by English, to approve **Resolution No. 21-040**, approving a contract with Petra, Inc. for the new Wastewater Collections Building, with proof that the Public Works License renewal is intact prior to signature of the Contract.

DISCUSSION: Councilmember McEvers noted that during his driver's license experience in the last year, the County gave extensions because they were unable to process the number of renewals, which seems to be a similar situation. Mr. Becker noted that Petra was licensed at the time of submittal; however, the state is four to five weeks behind processing. Councilmember Miller felt that this is an administrative glitch and wanted assurance within the motion to make sure it is updated before the contract is signed. Councilmember Gookin stated that he does not support this motion, as he feels that the company should not be disorganized and this does not give the appearance of professionalism. The Mayor reiterated that we don't know that Petra hasn't submitted their application and we are just waiting for the state to confirm.

ROLL CALL: Evans Aye; Miller Aye, McEvers Aye; Gookin No; English Aye. **Motion carried.**

RESOLUTION NO. 21-041

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR A COMMUNITY POLICING DEVELOPMENT (CPD) MICROGRANT IN THE AMOUNT OF \$33,000.00 TO SECURE A FIVE-DAY INTENSIVE TRAINING ON THE MENTAL HEALTH/EMERGENCY RESPONDERS ASSISTANCE PROGRAM (ERAP), AND ACCEPTANCE OF GRANT FUNDS UPON AWARD.

STAFF REPORT: Police Chief White noted the Police Department is requesting permission to apply for and accept, if awarded, a Community Policing Development (CPD) Microgrant in the amount \$33,000 to secure a five-day intensive training on Mental Health/Emergency Responders Assistance Program (ERAP). The Police Department regularly trains officers in the handling of incidents involving mental illness. Officers are also involved in high stress, sometimes traumatic incidents. In the President's Task Force on 21st Century Policing, it was noted that officer wellness and safety, one of the six (6) pillars, was vital to effective policing. Sending personnel to other locales for this training is expensive and time consuming. Bringing this training to Coeur d'Alene allows officers to gain the training and knowledge to handle stressful situations, learn coping mechanisms, and give them mental health resources giving the community at large a better equipped and trained officer for years to come. This grant would secure a five-day intensive Mental Health/Emergency Responders Assistance Program (ERAP) training program for all Police Department employees. This training could be extended to other surrounding agencies should training spots become available. All program material will be available to surrounding agencies. ERAP is a nationally recognized program dedicated to providing emotional support to emergency responders who experience psychological trauma following critical incidents.

DISCUSSION: Councilmember McEvers asked if this training would include EMS/Fire. Chief White noted that this grant is specific to police personnel. Councilmember English asked if there was a target number of people to receive the training. Chief White noted that training will be provided to all sworn personnel in the Police Department.

MOTION: Motion by Evans, seconded by McEvers, to approve **Resolution No. 21-041**, approving the Police Department to apply for and accept, if awarded, a Community Policing Development (CPD) Microgrant in the amount \$33,000 to secure a five-day intensive training on Mental Health/Emergency Responders Assistance Program (ERAP).

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

LEGISLATIVE - COMMUNITY DEVELOPMENT BLOCK GRANT YEAR END CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER).

STAFF REPORT: CDBG Community Development Specialist Chelsea Nesbit explained that the City of Coeur d'Alene receives an annual direct allocation of HUD Community Development Block Grant (CDBG) funds. Every year the City is required to complete a Consolidated Annual Performance Evaluation Report (CAPER), allowing the public two (2) weeks to share public comment. The CAPER provides an overview of past year project outcomes and spending priorities. The 2020 CAPER highlights accomplishments that took place April 1, 2020, to March 31, 2021, including funds from Plan Year (PY) 2020, and previous years. The 2020 CAPER was posted to the City's website on June 17, 2021, with a two-week public comment period. Today's public hearing was advertised to the public in the following ways: Coeur d'Alene Press notice, website updates, and emails to our community stakeholders. The main national objective used by the City is the benefit to low-to-moderate income citizens. The total grant allocation for PY

2020 was \$339,375, with an annual allocation to the Lake City Center in the amount of \$10,000, which benefits 67 seniors through the Meals on Wheels program monthly. \$5,000 was funded toward sidewalk improvements, but the accomplishment data will be reported when the sidewalk project is complete. Each year the budget includes \$50,000 toward Emergency Minor Home Repairs (EMRAP), which assisted 17 homes this year, that included several re-roofs, ADA enhancements, sewer lateral line, and HVAC repairs. In the PY 2020 \$206,500 was awarded in Community Opportunity Grants. However, two (2) grants funded with PY 2019 funds were completed this year, so they are included in this report. The PY 2019 projects were a Lake City Center restroom remodel, which brought it into compliance with ADA Standards. The second project from PY 2019 was an HVAC upgrade for St. Vincent de Paul's Help Center. The PY 2020 Community grant funded projects are still underway and will be reported with the 2021 CAPER. This year the City is able to report the completion of the Fernan Elementary sidewalk project, which included funds from PY 16, 17, and 18. Ms. Nesbitt noted the City was allocated additional CDBG-CV (COVID-19) funds through the CARES Act in the amount of \$321,092.92 that were designated for urgent needs to low-to-moderate income citizens. She presented a list of funded programs, noting many were still underway. Highlights included a food pantry at the Boys and Girls Club; Emergency Housing funding to Safe Passage; and a freezer for the Lake City Center. There is a balance of \$66,346.28 remaining for other COVID-19 related items that may arise. Ms. Nesbitt noted that no public comments have been received to date.

Mayor Widmyer opened public testimony, hearing none, public comment was closed.

MOTION: Motion by English, seconded by McEvers, to approve the CAPER for the Plan Year 2020. **Motion carried.**

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

LEGISLATIVE HEARING- FEE INCREASES AS FOLLOWS: THE BUILDING DEPARTMENT IS CLARIFYING FEES RELATED TO WORK WITHOUT A PERMIT; ADDITIONAL PLAN SUBMITTALS; UPDATING FEES RELATED TO MOBILE HOME SETTING PERMITS; MINI-SPLITS; AND REROOF PERMITS. THE FINANCE DEPARTMENT IS PROPOSING AN INCREASE TO STREET LIGHTING OVER A TWO-YEAR PERIOD; THE PARKS AND RECREATION DEPARTMENT ARE REVISING FEES BASED ON STAFFING COSTS AND PROVIDING CLARIFICATION REGARDING FEES NO LONG APPLICABLE; AND HAVE ADDED FEES FOR EVENTS IN THE PARKS. THE WATER DEPARTMENT IS SETTING A MINIMUM FEE FOR BULK WATER USE; UPDATING HOOKUP FEES; AND RADIO READ EQUIPMENT.

STAFF REPORT: Municipal Services Director Renata McLeod noted there were proposed fee increases from several departments. She stated that the notice of the public hearing was posted in the newspaper and the fee list was posted to the City's website on June 22, 2021. No public comments had been received. She reviewed highlights of clarifications made to the Building Department fees, noting the street light fee 5% increase is proposed for a two-year period, the Parks and Recreation fees have been increased by 5%. However, there are some newly proposed

event fees that are specific to Ramsey, Memorial, Sunset, and Coeur d'Alene Soccer Complex. The Water Department has experienced an increase in the cost of materials and have proposed increases to cover their costs.

Mayor Widmyer opened public testimony, hearing none, public comment was closed.

DISCUSSION: Councilmember Miller asked if the event fees for recreation are new fees and are the users aware of these fees. Ms. McLeod confirmed they were new. Parks and Recreation Director Bill Greenwood confirmed the user groups do know about the fees and they are reasonable in comparison with other area tournament fees. He noted that he predicts some revenue but doesn't have last year to compare with. Councilmember McEvers asked if the building permit fee was due to the inspections required. Ms. McLeod clarified that the permit fee includes plan review and several inspections dependent upon the type of project. Councilmember McEvers asked specifically about the re-roof and does it change if one was to do the work themselves. Ms. McLeod explained that the re-roof fee has been changed to be based on the valuation of the project.

RESOLUTION NO. 21-042

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING AND AMENDING CERTAIN CITY FEES.

MOTION: Motion by McEvers, seconded by Evans, to approve **Resolution No. 21-042**, approving fees for the Building, Finance, Parks and Recreation and Water Departments.

DISCUSSION: Councilmember Miller asked if the street light fee can be approved for two years at a time. Ms. McLeod confirmed they could approve based on this hearing and it would mesh with the previously approved water fee increase that are in effect each April. Councilmember English noted that it is important to remember that user fees are appropriate and should be increased base on increase in costs or we end up subsidizing the fees using property taxes.

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

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

The meeting adjourned at 7:42 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC
City Clerk

July 12, 2021
GENERAL SERVICES/PUBLIC WORKS COMMITTEE
MINUTES
12:00 p.m., Library Community Room

COMMITTEE MEMBERS

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

STAFF

Juanita Knight, Senior Legal Assistant
Dennis Grant, Engineering Project Manager
Kelley Setters, Deputy City Clerk
Renata McLeod, Municipal Services Director
Michael Priest, Library Director
Randy Adams, Chief Civil Deputy City Attorney
Troy Tymesen, City Administrator

Item 1. V-21-03 Vacation of a Ten-foot (10') Strip of Right-of-Way Adjoining the Easterly Boundary Line of Lot 22 and the South Half of Lot 21, Block 3, of the Kaesmeyer Addition Plat.
(Consent Calendar)

Dennis Grant, Engineering Project Manager, explained that the applicant, Todd Butler, is requesting the vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary line of Lot 22 and the south half of Lot 21, Block 3, of the Kaesmeyer Addition plat (401 S. 18th Street). The requested row was originally dedicated to the Public in 1907. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 600 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. This portion of 18th Street has an eighty (80') right-of-way. By vacating the requested ten-foot (10') strip of right-of-way, it would be more consistent with the typical 60' right-of-way of a street south of Sherman Avenue. 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.

Councilmember English said he assumes these vacations come up because the homeowner wants to add on and needs more right of way or wants to add more land to improve the sale price of the property. Mr. Grant said on this particular one the homeowner is looking to expand his residence and this would help with setback requirements. Councilmember English asked if there is a requirement in the city code for justification this type of vacation request. Mr. Grant said the only justification needed is that the city does not need this right of way.

MOTION: by English, seconded by Evans, to recommend that Council Proceed with the vacation process, as outlined in Idaho Code Section 50-1306, and set a public hearing for August 3, 2021.
Motion Carried.

Item 2. V-21-04 Vacation of a Ten-foot (10') Strip of Right-of-Way Adjoining the Easterly Boundary Line of a Portion of Lots 6, 7, and 8, Block 13 of the Kaesmeyer Addition Plat.
(Consent Calendar)

Dennis Grant, Engineering Project Manager, explained that the applicant, Todd Butler, on behalf of Savannah Hill, is requesting the vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary line of a portion of Lots 6,7, and 8, Block 13 of the Kaesmeyer Addition plat (1724 E. Young Avenue). The requested right-of-way was originally dedicated to the Public in 1907. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 1,150 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. This portion of 18th Street has an eighty-foot (80') right-of-way. By vacating the requested ten-foot (10') strip of right-of-way, it would be more consistent with the typical sixty-foot (60') right-of-way of a street south of Sherman Avenue. 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.

MOTION: by English, seconded by Evans, to recommend that Council Proceed with the vacation process, as outlined in Idaho Code Section 50-1306, and set a public hearing for August 3, 2021. Motion Carried.

**Item 3. Request Approval of Letter of Agreement with Jace Perry D/B/A Backwoods Whiskey Bar for Commercial Use of City Streets for Recreational Transit.
(Consent Calendar Resolution)**

Kelley Setters, Deputy Clerk, is requesting Council approve a Letter of Agreement with Jace Perry d/b/a Backwoods Whiskey Bar for commercial use of the City of Coeur d'Alene ("City") streets for recreational transit? Ms. Setters explained in her staff report that in 2014, the City approved a request to operate a non-motorized vehicle within the City limits for commercial purposes through a Letter of Agreement. To stay consistent with the processing of recreational transit requests upon City streets that may impede traffic, staff is recommending approval of the request for pedi-cab services by Backwoods Whiskey Bar through the attached Letter of Agreement. The City received a request from Mr. Perry with the attached business plan on June 2, 2021. Mr. Perry affirmed there will be no alcohol on the bike carriage at all. It is just for transportation for clients to go from the main downtown Coeur d'Alene area, 0.5 mile up East Sherman to Hog Fish (which has now been renamed the Backwoods Whiskey Bar). It will only be for going back and forth from 20th Street to 1st Street. Hours of operation would be 3:00 pm to 1:00 am Wednesday – Saturday. The bike is an electric assist and goes up to 15 mph. Municipal Code Chapter 5.18 outlines the allowable commercial use of City streets, sidewalks, and rights-of-way and requires Council consent for such use. Staff believes the proposed Letter of Agreement provides the method of Council consent. The Agreement sets forth the terms and standards for the operation of the commercial recreational vehicle upon City streets, including the clause that the City may add conditions or revoke the permit if it is deemed necessary to maintain the safety of the City. Liability insurance is required. The fee for this Agreement is \$150.00, which is the same fee amount charged for outdoor food seating encroachment permits.

Councilmember Evans noted that each City Department was contacted to see if there were any concerns or requests for conditions with the Police Department noting they had no issues.

Councilmember English asked if the only points for loading and unloading will be at the end points of the route. Mr. Perry responded saying that the goal is to reduce drinking and driving. The plan is to work similar to a taxi or uber by pulling to the curb anywhere along the route and boarding anyone who may want a ride.

MOTION: by English, seconded by Evans, to recommend that Council approve the Letter of Agreement with Jace Perry D/B/A Backwoods Whiskey Bar for commercial use of city streets for recreational transit. Motion Carried.

**Item 4. Request Authorization to Purchase One (1) Live Scan Plus Fingerprinting Machine and Related Equipment.
(Consent Calendar)**

Renata McLeod, Municipal Services Director, is requesting Council authorize the Municipal Services Department to purchase one (1) Live Scan Plus fingerprinting machine and related equipment. Mrs. McLeod explained in her staff report that the City Clerk is responsible for the issuance of business licenses and permits. There are several that require fingerprint background checks before approval can occur. Our current process requires that the permittee make an appointment and travel to the Police Department to be printed at their facility. The records are transferred from the state electronically to our staff for review and approval. During COVID-19 and a recent remodel at the Police facility, the fingerprint services were not available. This meant that approval of business licenses were delayed and some daycare providers were unable to start their employment. We have issued 626 licenses/permits that require fingerprinting this fiscal year, which include daycare providers (403), massage facility owners (34), door-to-door sales (46), private detectives (37), security (64), and used merchandise dealers (42). As we continue to grow and more licenses are issued, it will be better customer service to offer the ability to obtain the prints at City Hall, and would have the added benefit of providing a backup option if the police machine is down. This will also save Police staff time in obtaining our license fingerprints going forward. The cost of machine and equipment will be approximately \$12,000. The Police Department has agreed to provide the needed training, saving us \$1,000.00. The department has budget capacity in this fiscal year's budget to fund this purchase due to savings in personnel and services.

MOTION: by English, seconded by Evans, to recommend that Council Approve the Purchase of One (1) Live Scan Plus Fingerprinting Machine and Related Equipment. Motion Carried.

Item 5. PRESENTATION – Library

Michael Priest, Library Director, described the Mission of the Library as “...committed to excellence in library services. Dedicated to lifelong learning, the library provides free and equal access to a full range of historical, intellectual, and cultural resources.”

Mr. Priest's presentation included the following discussion points.

- The Organizational Chart / positions within the library. The library has 13 full-time employees and 17 part-time employees
- 2020 in review – Impact of Covid-19/stats vs previous years
 - The 2020 Visitors stats (door count)
 - The 2020 Physical items checkout stats
 - The 2020 eBooks and eAudiobook stats
 - The 2020 Program attendance
- Music on Mondays Concerts
- Pumpkin Giveaway and Decorating Contest

- Visual Programs
- Stats so far in 2021
- Summer Reading Program
- Story times
- Outreach visits
- Goals for FY 2021-22
- Comparison with other Idaho Libraries

Councilmember Evans asked Mr. Priest for an update on the Lake City High School branch of the library. Mr. Priest said that the School District ended all 'third party vendors' during Covid-19. Now they are planning to wrap up services at LCHS and refocus their efforts into outreach. They are going to add another outreach person. They are receiving quite a number of requests from various schools, individually, to come and do programs, presentations, information assistance, etc. Mr. Priest noted that even before Covid, the LCHS location was not achieving the goals they had hoped it would.

Councilmember English asked for clarification regarding the Library budget. Mr. Priest said the Library Board presents a budget and then the City Council approves the budget. Once approved the Board has authority on how the funds are spent. Councilmember English also asked if they've had any recent request for censorship of any material. Mr. Priest said they do have a review procedure if someone has concerns about certain material the library has. Staff will review the request then the Library Board will review it. Mr. Priest said he's not received any requests as of yet.

A link to the full meeting and presentation can be found here: <https://youtu.be/TErRIVukveo>

The meeting adjourned at 12:34 p.m.

Respectfully submitted,
[Juanita Knight](#)
Recording Secretary

RECEIVED

JUL 09 2021

CITY CLERK

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

FUND	BALANCE 5/31/2021	RECEIPTS	DISBURSE- MENTS	BALANCE 6/30/2021
General-Designated	\$1,925,084	\$3,880	\$20,370	\$1,908,594
General-Undesignated	13,303,091	4,885,872	6,531,339	11,657,624
<u>Special Revenue:</u>				
Library	255,054	53,307	146,548	161,813
CDBG	(11,862)	24,355	44,596	(32,103)
Cemetery	152,360	40,873	26,318	166,915
Parks Capital Improvements	461,528	10,471	21,207	450,792
Impact Fees	4,732,979	72,112		4,805,091
Annexation Fees	329			329
American Recovery Plan	4,329,664			4,329,664
Cemetery P/C	1,260,208	10,626	18,159	1,252,675
Jewett House	138,554	3,153	1,432	140,275
Reforestation	29,068	6	54	29,020
Street Trees	174,195	6,036	12,876	167,355
Community Canopy	2,898			2,898
Public Art Fund	54,560	11	3,000	51,571
Public Art Fund - ignite	598,246	1,121	3,000	596,367
Public Art Fund - Maintenance	128,318	26	91	128,253
<u>Debt Service:</u>				
2015 G.O. Bonds	597,356	28,635		625,991
<u>Capital Projects:</u>				
Street Projects	682,564	139	2,000	680,703
<u>Enterprise:</u>				
Street Lights	151,151	55,937	56,570	150,518
Water	175,712	493,382	973,624	(304,530)
Water Capitalization Fees	7,974,933	48,292		8,023,225
Wastewater	10,214,852	1,107,585	812,656	10,509,781
Wastewater - Equip Reserve	1,337,253	27,500		1,364,753
Wastewater - Capital Reserve	2,500,000			2,500,000
WWTP Capitalization Fees	3,993,645	159,150		4,152,795
WW Property Mgmt	60,668			60,668
Sanitation	1,729,638	532,065	536,677	1,725,026
Public Parking	420,305	68,721	77,060	411,966
Drainage	1,451,703	92,035	231,966	1,311,772
Wastewater Debt Service	2,352,617	476	264,561	2,088,532
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	233,752	237,848	233,752	237,848
Police Retirement	677,374	14,605	29,860	662,119
Sales Tax	2,098	1,892	2,098	1,892
BID	227,622	5,842		233,464
Homeless Trust Fund	641	871	641	871
GRAND TOTAL	\$62,318,158	\$7,986,824	\$10,050,455	\$60,254,527

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

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

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
NINE MONTHS ENDED
June 30, 2021

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JUL 09 2021

CITY CLERK

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 6/30/2021	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$243,342	\$178,957	74%
	Services/Supplies	8,400	3,618	43%
Administration	Personnel Services	214,699	160,411	75%
	Services/Supplies	3,000	1,140	38%
Finance	Personnel Services	695,484	507,278	73%
	Services/Supplies	539,300	549,022	102%
Municipal Services	Personnel Services	1,278,345	899,509	70%
	Services/Supplies	516,561	581,873	113%
	Capital Outlay	10,000	9,715	97%
Human Resources	Personnel Services	342,230	253,764	74%
	Services/Supplies	76,595	55,851	73%
Legal	Personnel Services	1,265,260	917,785	73%
	Services/Supplies	48,153	21,362	44%
Planning	Personnel Services	641,592	468,513	73%
	Services/Supplies	85,300	72,734	85%
	Capital Outlay			
Building Maintenance	Personnel Services	336,901	200,674	60%
	Services/Supplies	210,625	151,609	72%
	Capital Outlay			
Police	Personnel Services	14,988,826	10,580,611	71%
	Services/Supplies	1,619,594	881,145	54%
	Capital Outlay	117,738	200,832	171%
Fire	Personnel Services	10,068,973	7,717,342	77%
	Services/Supplies	633,838	367,916	58%
	Capital Outlay	8,000	15,989	200%
General Government	Services/Supplies	153,050	1,298,704	849%
	Capital Outlay			
Police Grants	Personnel Services		50,039	
	Services/Supplies	6,000	47,864	798%
	Capital Outlay			
CdA Drug Task Force	Services/Supplies		1,868	
	Capital Outlay			
Streets	Personnel Services	3,073,344	2,201,334	72%
	Services/Supplies	1,772,853	704,779	40%
	Capital Outlay	135,000	137,964	102%
Parks	Personnel Services	1,751,110	1,123,712	64%
	Services/Supplies	697,620	296,014	42%
	Capital Outlay			

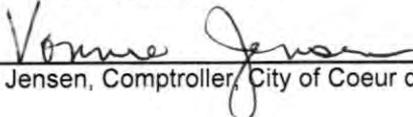
CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 NINE MONTHS ENDED
 June 30, 2021

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 6/30/2021	PERCENT EXPENDED
Recreation	Personnel Services	561,328	374,855	67%
	Services/Supplies	183,880	60,654	33%
	Capital Outlay			
Building Inspection	Personnel Services	918,356	677,539	74%
	Services/Supplies	40,129	15,363	38%
	Capital Outlay			
Total General Fund		<u>43,245,426</u>	<u>31,788,344</u>	<u>74%</u>
Library	Personnel Services	1,330,045	940,365	71%
	Services/Supplies	226,000	143,798	64%
	Capital Outlay	180,000	95,288	53%
CDBG	Personnel Services	74,754	50,135	67%
	Services/Supplies	620,278	284,509	46%
Cemetery	Personnel Services	200,837	138,214	69%
	Services/Supplies	105,950	68,814	65%
	Capital Outlay			
Impact Fees	Services/Supplies	450,000		
Annexation Fees	Services/Supplies	195,000	184,000	94%
Parks Capital Improvements	Capital Outlay	323,260	576,892	178%
Cemetery Perpetual Care	Services/Supplies	166,500	123,819	74%
Jewett House	Services/Supplies	26,353	(104,926)	-398%
Reforestation	Services/Supplies	6,500	242	4%
Street Trees	Services/Supplies	112,000	54,261	48%
Community Canopy	Services/Supplies	1,500	365	24%
Public Art Fund	Services/Supplies	271,300	48,010	18%
		<u>4,290,277</u>	<u>2,603,787</u>	<u>61%</u>
Debt Service Fund		<u>876,281</u>	<u>42,342</u>	<u>5%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
NINE MONTHS ENDED
June 30, 2021

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 6/30/2021	PERCENT EXPENDED
LaCrosse Ave / NW Blvd	Capital Outlay	1,200,000		
Seltice Way Sidewalks	Capital Outlay			
Traffic Calming	Capital Outlay	15,997	2,000	
Kathleen Avenue Widening	Capital Outlay	885,635	37,135	4%
US 95 Upgrade	Capital Outlay			
15th Street	Capital Outlay		11,070	
Industrial Park Loop & Atlas	Capital Outlay			
Downtown Signal Imprvmnts	Capital Outlay	100,000		
Atlas Waterfront Project	Capital Outlay			
NW Blvd Traffic Signals	Capital Outlay		5,351	
		2,201,632	55,556	3%
Street Lights	Services/Supplies	733,250	453,123	62%
Water	Personnel Services	2,315,352	1,601,412	69%
	Services/Supplies	4,952,518	1,456,324	29%
	Capital Outlay	7,298,500	2,559,650	35%
Water Capitalization Fees	Services/Supplies	5,300,000		
Wastewater	Personnel Services	2,959,700	2,116,988	72%
	Services/Supplies	7,242,415	2,186,040	30%
	Capital Outlay	7,205,000	801,616	11%
	Debt Service	2,704,263	3,443,150	127%
WW Capitalization	Services/Supplies	1,484,809		
Sanitation	Services/Supplies	4,215,002	3,056,153	73%
Public Parking	Services/Supplies	1,600,036	520,539	33%
	Capital Outlay	40,000		
Drainage	Personnel Services	222,668	169,555	76%
	Services/Supplies	944,195	298,305	32%
	Capital Outlay	535,000	241,745	45%
Total Enterprise Funds		49,752,708	18,904,599	38%
Kootenai County Solid Waste		2,800,000	1,903,267	68%
Police Retirement		188,132	140,285	75%
Business Improvement District		176,000	40,000	23%
Homeless Trust Fund		5,300	6,063	114%
Total Fiduciary Funds		3,169,432	2,089,615	66%
TOTALS:		\$103,535,756	\$55,484,242	54%

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

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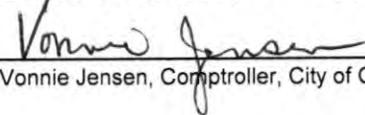
JUL 09 2021

CITY CLERK

City of Coeur d Alene
Cash and Investments
6/30/2021

Description	City's Balance
U.S. Bank	
Checking Account	1,105,521
Checking Account	53,688
Checking Account	62,739
Investment Account - Police Retirement	657,652
Investment Account - Cemetery Perpetual Care Fund	1,223,101
Idaho Central Credit Union	
Certificate of Deposit	274,490
Idaho State Investment Pool	
State Investment Pool Account	55,592,631
Spokane Teacher's Credit Union	
Certificate of Deposit	257,722
Numerica Credit Union	
Certificate of Deposit	1,024,933
Cash on Hand	
Finance Department Petty Cash	500
Treasurer's Change Fund	1,350
Library Change fund	180
Cemetery Change Fund	20
Total	60,254,527

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



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

**General Services/Public Works
STAFF REPORT**

DATE: July 12, 2021

FROM: Dennis J. Grant, Engineering Project Manager

SUBJECT: V-21-03, Vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary line of Lot 22 and the south half of Lot 21, Block 3, of the Kaesmeyer Addition plat

DECISION POINT:

The applicant, Todd Butler, is requesting the vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary line of Lot 22 and the south half of Lot 21, Block 3, of the Kaesmeyer Addition plat (401 S. 18th Street).

HISTORY:

The requested row 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 600 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:

This portion of 18th Street has an eighty (80') right-of-way. By vacating the requested ten-foot (10') strip of right-of-way, it would be more consistent with the typical 60' right-of-way of a street south of Sherman Avenue. 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:

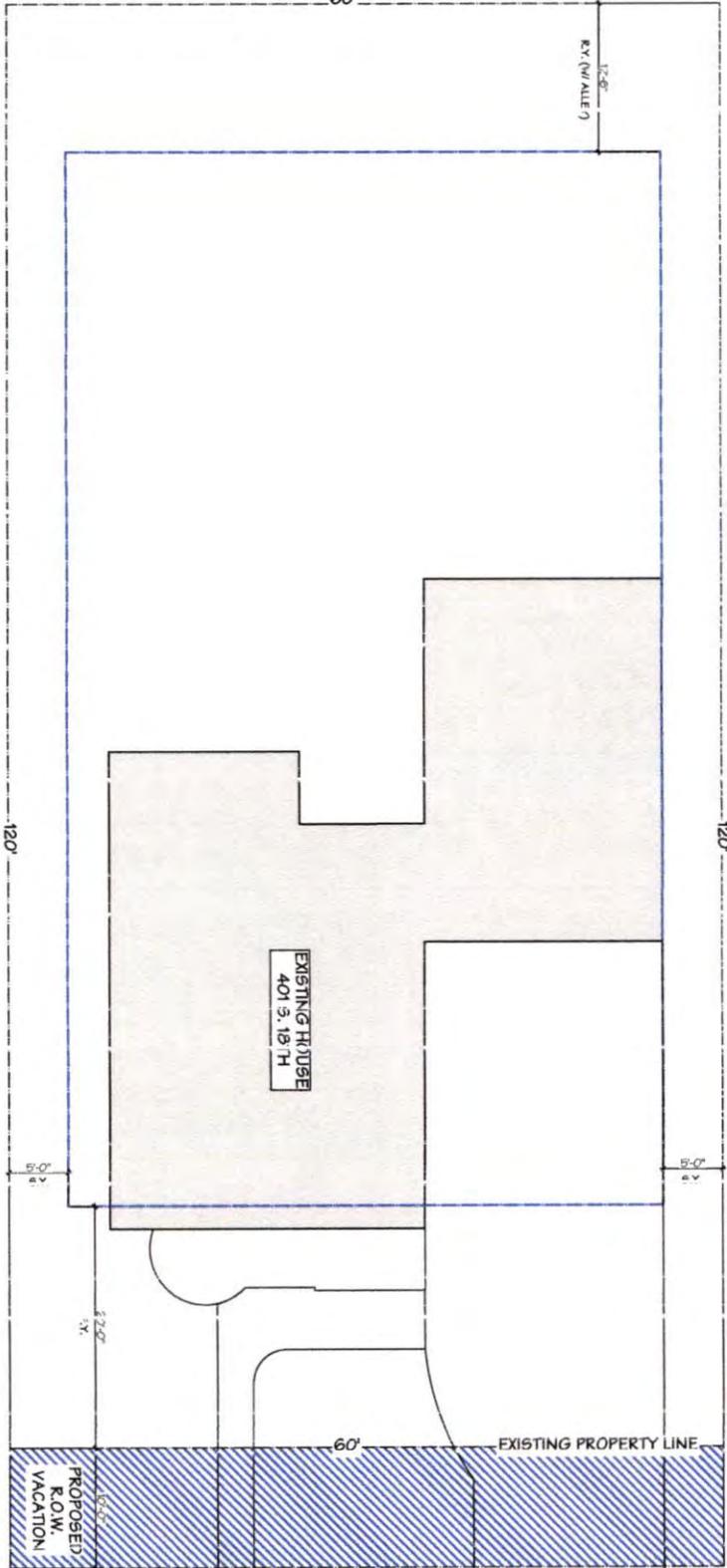
Staff recommends that Council proceed with the vacation process as outlined in Idaho Code Section 50-1306 and recommends setting August 3, 2021, as the date for a public hearing on the item.



ALLEY

6'0"

1'-6"
KEY (W/ ALLEY)



401 S. 18TH



5'-0"

5'-0"

16'-0"

6'0"

EXISTING PROPERTY LINE

PROPOSED
R.O.W.
VACATION

EXISTING CURB

18TH STREET

**General Services/Public Works
STAFF REPORT**

DATE: July 12, 2021

FROM: Dennis J. Grant, Engineering Project Manager

SUBJECT: V-21-04, Vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary line of a portion of Lots 6,7, and 8, Block 13 of the Kaesmeyer Addition plat

DECISION POINT:

The applicant, Todd Butler, on behalf of Savannah Hill, is requesting the vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary line of a portion of Lots 6,7, and 8, Block 13 of the Kaesmeyer Addition plat (1724 E. Young 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 1,150 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:

This portion of 18th Street has an eighty-foot (80') right-of-way. By vacating the requested ten-foot (10') strip of right-of-way, it would be more consistent with the typical sixty-foot (60') right-of-way of a street south of Sherman Avenue. 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:

Staff recommends that Council proceed with the vacation process as outlined in Idaho Code Section 50-1306 and recommends setting August 3, 2021, as the date for a public hearing on the item.



1724

YOUNG AVE.

1724
E. YOUNG

18TH STREET

E. LOST AVE

1718

1728

1717

510

515

512

516

518

520

522

E. 18TH ST

DATE: JULY 14, 2021
TO: MAYOR AND CITY COUNCIL
FROM: PLANNING DEPARTMENT
RE: SETTING OF PUBLIC HEARING DATE: AUGUST 17, 2021

Mayor Widmyer,

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

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
ZC-5-21	Applicant: Escalade Properties, LLC Location: 3221 N. 4th Request: A proposed zone change from R-12 to R-17	Recommended approval	LEGISLATIVE

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **August 17, 2021**

RESOLUTION NO. 21-043

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH JACE PERRY, D/B/A BACKWOODS WHISKEY BAR, FOR COMMERCIAL USE OF CITY STREETS FOR RECREATIONAL TRANSIT AND THE PURCHASE OF ONE (1) LIVE SCAN PLUS FINGERPRINTING MACHINE AND RELATED EQUIPMENT BY THE MUNICIPAL SERVICES DEPARTMENT.

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

- A) Agreement with Jace Perry, d/b/a Backwoods Whiskey Bar, for commercial use of City streets for recreational transit; and
- B) The purchase of one (1) Live Scan Plus Fingerprinting Machine and related equipment by the Municipal Services Department;

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 agreement and take the other action;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreement and take the other action for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A" and "B" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement and the other action documents, so long as the substance of the agreement and the other action remains intact.

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

DATED this 20th day of July, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER MILLER	Voted
COUNCIL MEMBER ENGLISH	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: JULY 12, 2021

FROM: KELLEY SETTERS, DEPUTY CITY CLERK

SUBJECT: REQUEST TO APPROVE A LETTER OF AGREEMENT WITH JACE PERRY D/B/A BACKWOODS WHISKEY BAR FOR COMMERCIAL USE OF THE CITY STREETS FOR RECREATIONAL TRANSIT.

=====

DECISION POINT: Should Council approve a Letter of Agreement with Jace Perry d/b/a Backwoods Whiskey Bar for commercial use of the City of Coeur d’Alene (“City”) streets for recreational transit?

HISTORY: In 2014, the City approved a request to operate a non-motorized vehicle within the City limits for commercial purposes through a Letter of Agreement. To stay consistent with the processing of recreational transit requests upon City streets that may impede traffic, staff is recommending approval of the request for pedi-cab services by Backwoods Whiskey Bar through the attached Letter of Agreement. The City received a request from Mr. Perry with the attached business plan on June 2, 2021. Mr. Perry affirmed there will be no alcohol on the bike carriage at all. It is just for transportation for clients to go from the main downtown Coeur d’Alene area, 0.5 mile up East Sherman to Hog Fish (which has now been renamed the Backwoods Whiskey Bar). It will only be for going back and forth from 20th Street to 1st Street. Hours of operation would be 3:00 pm to 1:00 am Wednesday – Saturday. The bike is an electric assist and goes up to 15 mph.

Additionally, each City Department was contacted to see if there were any concerns or requests for conditions, with the Police Department noting they had no issues. Additionally, in the past, other recreational transportation uses, such as the Socially Geared Cycle Pub and horse drawn carriages, were in operation, had been widely accepted, and have not impeded traffic.

Municipal Code Chapter 5.18 outlines the allowable commercial use of City streets, sidewalks, and rights-of-way and requires Council consent for such use. Staff believes the proposed Letter of Agreement provides the method of Council consent. The Agreement sets forth the terms and standards for the operation of the commercial recreational vehicle upon City streets, including the clause that the City may add conditions or revoke the permit if it is deemed necessary to maintain the safety of the City. Liability insurance is required.

FINANCIAL ANALYSIS: The fee for this Agreement is \$150.00, which is the same fee amount charged for outdoor food seating encroachment permits.

DECISION POINT/RECOMMENDATION: Council should approve a Letter of Agreement with Jace Perry d/b/a Backwoods Whiskey Bar for commercial use of the City streets for recreational transit.



LETTER OF AGREEMENT

July 20, 2021

Jace Perry dba Backwoods Whiskey Bar
1920 E Sherman Avenue
Coeur d'Alene, ID 83814

Dear Mr. Perry:

This letter shall serve as the Agreement for the commercial use of the City streets for recreational transit. This Agreement contains the terms and conditions of the permit.

Attached and incorporated herein as Exhibit A is an application for a recreational transit permit, which includes Backwoods Whiskey Bar contact information. Mr. Perry agrees he will pay a permit fee of \$150.00, provide Proof of Liability Insurance with minimum limits of \$500,000, provide the hours of operation, and a map of intended route(s) prior to the issuance of the permit.

In addition, Backwoods Whiskey Bar shall:

1. Comply with all laws for all slow-moving vehicles (i.e., lighting, reflectors, etc.); and
2. Comply with all other applicable local, state, and federal laws and regulations.

The City reserves the right to add to or modify the conditions at any time as deemed necessary in order to maintain peace, order, and safety within the City limits. Failure to comply with all conditions imposed by this permit may result in the immediate suspension or revocation of the permit by the City Clerk or designee, or by any law enforcement Officer.

Steve Widmyer, Mayor
City of Coeur d'Alene

Jace Perry
Owner, Backwoods Whiskey Bar

ATTEST

Renata McLeod, City Clerk

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

DATE: JULY 12, 2021

FROM: RENATA MCLEOD, MUNICIPAL SERVICES DIRECTOR

**SUBJECT: AUTHORIZATION TO PURCHASE ONE (1) LIVE SCAN PLUS
FINGERPRINTING MACHINE AND RELATED EQUIPMENT**

DECISION POINT:

Should Council authorize the Municipal Services Department to purchase one (1) Live Scan Plus fingerprinting machine and related equipment?

HISTORY:

The City Clerk is responsible for the issuance of business licenses and permits. There are several that require fingerprint background checks before approval can occur. Our current process requires that the permittee make an appointment and travel to the Police Department to be printed at their facility. The records are transferred from the state electronically to our staff for review and approval. During COVID-19 and a recent remodel at the Police facility, the fingerprint services were not available. This meant that approval of business licenses were delayed and some daycare providers were unable to start their employment. We have issued 626 licenses/permits that require fingerprinting this fiscal year, which include daycare providers (403), massage facility owners (34), door-to-door sales (46), private detectives (37), security (64), and used merchandise dealers (42). As we continue to grow and more licenses are issued, it will be better customer service to offer the ability to obtain the prints at City Hall, and would have the added benefit of providing a backup option if the police machine is down. This will also save Police staff time in obtaining our license fingerprints going forward.

FINANCIAL ANALYSIS:

The cost of machine and equipment will be approximately \$12,000. The Police Department has agreed to provide the needed training, saving us \$1,000.00. The department has budget capacity in this fiscal year's budget to fund this purchase due to savings in personnel and services.

DECISION POINT/RECOMMENDATION:

Council should authorize the Municipal Services Department to purchase one (1) Live Scan Plus fingerprinting machine and related equipment with existing budget savings.

OTHER BUSINESS

**CITY COUNCIL
STAFF REPORT**

DATE: July 20, 2021
FROM: Troy Tymesen, City Administrator
SUBJECT: Coeur d’Alene Garbage Contract

DECISION POINT: Should the City Council approve Amendment No. 4 to the Solid Waste Services Contract with Northern State PAK, LLC, d/b/a Coeur d’Alene Garbage Services, as a response to the calming of the volatile recycling market?

HISTORY: The Solid Waste Services Contract (hereinafter “Contract”) with Northern State PAK, LLC, d/b/a Coeur d’Alene Garbage Services (hereinafter “CDA Garbage”), was effective July 1, 2016, and CDA Garbage has fully performed in accordance with terms and conditions of the Contract since then. In May 2018, CDA Garbage requested an increase in the fees for single stream recycling and a modification in the type of recycling which must be accepted under the Contract. The City Council approved amendments to the Contract for a period of one year. The amendments were continued for two addition twelve (12) month periods. Now, three (3) years later, the recycling market appears to be calming. CDA Garbage is willing to continue to operate under the terms of the Contract and Amendment No. 1, as extended by Amendment Nos. 2 and 3.

FINANCIAL ANALYSIS: Over the last seven (7) months, the cost to recycle has averaged \$10,062 per month. This is down from an average of over \$15,000 per month for the prior twelve (12) months. Due to savings experienced, no rate increase to the customers will be required. The recycling fee will be paid from the solid waste fund.

PERFORMANCE ANALYSIS: The Amendment No. 4 encompasses the following terms:

1. The City will pay CDA Garbage an additional fee for the disposal of recyclables. That fee will be CDA Garbage’s net cost per ton (including hauling and MRF fees) in excess of \$20 per ton (i.e., CDA Garbage will pay the first \$20 per ton). In addition, the City’s monthly fee is capped at \$25,000. If the fee equals or exceeds \$20,000 per month for four consecutive months, the parties will meet to discuss adjustments in the program to ensure the City’s obligation will not exceed \$25,000 each month. The “net cost” will take into consideration any payments to CDA Garbage by the MRFs for the recyclables.
2. This provision will continue to be in effect until for 36 months, as opposed to the three previous one-year terms, and the parties will meet prior to the expiration of the term to negotiate any adjustment to the fee and the program itself.

DECISION POINT/RECOMMENDATION: Council should approve the Amendment No. 4 and authorize the Mayor to sign the Amendment.

RESOLUTION NO. 21-044

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AMENDMENT NO. 4 TO THE SOLID WASTE SERVICES CONTRACT WITH NORTHERN STATE PAK, LLC, D/B/A COEUR D'ALENE GARBAGE.

WHEREAS, the City of Coeur d'Alene approved a contract with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Service, for Solid Waste and Single Stream Recycling Collection per Resolution No. 16-020 on April 19, 2016, and the parties entered into Amendment No. 1 to the Contract per Resolution No. 18-037 on July 17, 2018, Amendment No. 2 to the Contract per Resolution No. 19-019 on June 4, 2019, and Amendment No. 3 to the Contract per Resolution No. 20-042 on August 4, 2020; and

WHEREAS, the City Administrator of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene extend the terms of Amendment No. 1 to the contract with Coeur d'Alene Garbage for recycling services, pursuant to terms and conditions set forth in Amendment No. 4 to the Contract, a copy of which is attached hereto as Exhibit "A" and by reference made a part hereof; 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 Amendment;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into Amendment No. 4 to the Solid Waste Services Contract with Coeur d'Alene Garbage, in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said Amendment to the extent the substantive provisions of the Amendment remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such Amendment No. 4. on behalf of the City.

DATED this 20th day of July, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

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

_____ was absent. Motion _____.

**AMENDMENT NO. 4
TO
SOLID WASTE SERVICES CONTRACT**

This Amendment No. 4 to the Solid Waste Services Contract (hereinafter referred to as the “Contract”) is entered into this 20th day of July, 2021, by the parties to said Contract, the City of Coeur d’Alene, 710 E. Mullan Rd., Coeur d’Alene, Idaho, hereinafter referred to as the “City,” and Northern State PAK, LLC, d/b/a Coeur d’Alene Garbage Service, hereinafter referred to as the “Contractor.” The City and the Contractor are hereinafter jointly referred to as the “Parties.”

WHEREAS, on April 19, 2016, the Parties entered into the Contract for the purpose of providing solid waste collection and recycling for residents of the City, which Contract was amended on July 17, 2018, June 4, 2019, and August 4, 2020, due to significant changes in the recycling industry; and

WHEREAS, Amendment Nos. 2 and 3 continued certain modified terms and fees established under Amendment No. 1 to the Contract; and

WHEREAS, Amendment No. 3 was to be in effect for twelve (12) months from July 1, 2020, and provided that the Parties would meet prior to the expiration of the twelve (12) month period to negotiate any adjustments to the fee and/or the single stream recycling program; and

WHEREAS, the Parties have met in accordance with Amendment No. 3 to the Contract; and

WHEREAS, the conditions of the recycling market have improved in some respects, but have remained the same or deteriorated in other respects; and

WHEREAS, the additional cost for recycling was not reasonably foreseeable at the time the Contract was originally negotiated; and

WHEREAS, recycling is important to the citizens of the City and the City is committed to ensuring that single stream recycling continues in the City to the greatest extent possible; and

WHEREAS, the Contract allows for amendments upon agreement by the parties in writing; and

WHEREAS, it is in the best interests of the City to enter into this Amendment No. 4 for the purpose of facilitating single stream recycling in the City in an efficient, responsible, and economical manner.

NOW, THEREFORE, the Parties agree to amendments to Amendment No. 3 of the Contract as follows:

1. Paragraph 4.3 of the Contract, as amended by Amendment No. 3, is amended as follows:

City shall ensure that Contractor will be paid monthly, within thirty (30) days after an invoice is received by City Finance, for the number of accounts serviced and level of service provided according to service costs defined in Schedule "C" (Schedule Rate), and for any other costs due hereunder, including cost of recycling bins as provided in Schedule B. Payments will be based on the total amount billed by service level for the applicable month(s). The actual number of each type of account will be determined from the billing records, and may vary from the estimates given in the bid. Payment to Contractor will be based on a computation of the amount due, based on the most recent records of service levels.

In addition, City shall pay to Contractor the actual net cost in excess of twenty dollars (\$20.00) per ton, and not to exceed twenty-five thousand dollars (\$25,000.00) per month, incurred by Contractor for handling the materials in the single stream recycling program, including hauling and MRF fees. The term "net cost" shall account for payment by the MRF to Contractor, if any, for recycled materials.

The monthly fee set forth in the paragraph above shall be in effect for thirty-six (36) months from the effective date of this Amendment, which shall be July 1, 2021. The parties agree to meet no earlier than six months or later than two months prior to the expiration of this thirty-six (36) month term to negotiate any adjustments to this fee and/or the single stream recycling program which may be required or advisable based on the state of the recycling market; PROVIDED, the Parties shall meet sooner to negotiate necessary adjustments to this fee and/or the single stream recycling program if the City's monthly obligation equals or exceeds twenty thousand dollars (\$20,000.00) in four consecutive months, in order to effectuate the City's intent that it not incur a monthly obligation in excess of twenty-five thousand dollars (\$25,000.00).

2. In all other respects, the Contract, and Amendment Nos. 1, 2, and 3 thereto, shall remain in full force and effect.

DATED this 20th day of July, 2021.

CITY OF COEUR D'ALENE

NORTHERN STATE PAK, LLC

Steve Widmyer, Mayor

Philip L. Damiano, Manager

ATTEST:

City Clerk

PUBLIC HEARINGS

CITY COUNCIL STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: JULY 20, 2021

SUBJECT: A-2-21: ZONING PRIOR TO ANNEXATION OF 3.19 ACRES FROM COUNTY AG SUBURBAN TO R-3

LOCATION: PROPERTY IS LOCATED AT 2248 E. STANLEY HILL ROAD

APPLICANT:
Eugene and Nancy Haag Living Trust
2248 E Stanley Hill Road
Coeur d'Alene, ID 83814

ENGINEER:
Dobler Engineering
P.O. Box 3181
Hayden, ID 83835

DECISION POINT:

The applicant is requesting the annexation of 3.19 acres in conjunction with zoning approval from County Agricultural-Suburban to the City R-3 zoning district in the Hillside Overlay.

PLANNING COMMISSION RECOMMENDATION:

At their regular monthly meeting on June 8, 2021, the Planning Commission held a public hearing on this item and made a recommendation to approve this annexation request.

BACKGROUND INFORMATION:

This is the second time that the subject property is requested to be annexed into the city. In 2005, the applicant requested annexation into the city in conjunction with zoning to the R-3 zoning district in item A-7-05.

The Planning Commission held a public hearing on this matter on August 9, 2005 and subsequently made a recommendation to City Council to deny the annexation request. City Council held a public hearing on October 4, 2005 and denied the request for annexation into the City.

The three findings that the City Council made in denying the A-7-05 annexation request without prejudice in October 2005 were as follows:

1. That the proposal is not in conformance with the Comprehensive Plan policies.
 - a. "Promote orderly development of land use at locations that are compatible with public facilities and adjacent lands" -- Neighborhood development, topography, and the development pattern are not compatible with adjacent land uses;

- b. “Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects.” – The request is not in compliance with this policy for the previously stated reasons.
2. That the physical characteristics of the site do not make it suitable for the request at this time because the steep topography, stormwater, drainage, and existing spring on the property make the subject property unsuitable for R-3 zoning.
3. That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because if the property were developed to its full potential, R-3 zoning would be detrimental to the neighborhood character and the surrounding land uses.

PLEASE NOTE: At the Planning Commission hearing, it was stated that the Hillside Ordinance was adopted after the 2005 annexation request was denied. Staff looked into the matter after the hearing and discovered that the Hillside Overlay Ordinance was adopted in 2003. It applies to all land within the Hillside Overlay and to all lands annexed into the city limits after May 1, 2005.

Notable differences between this annexation request (2021) and the 2005 request:

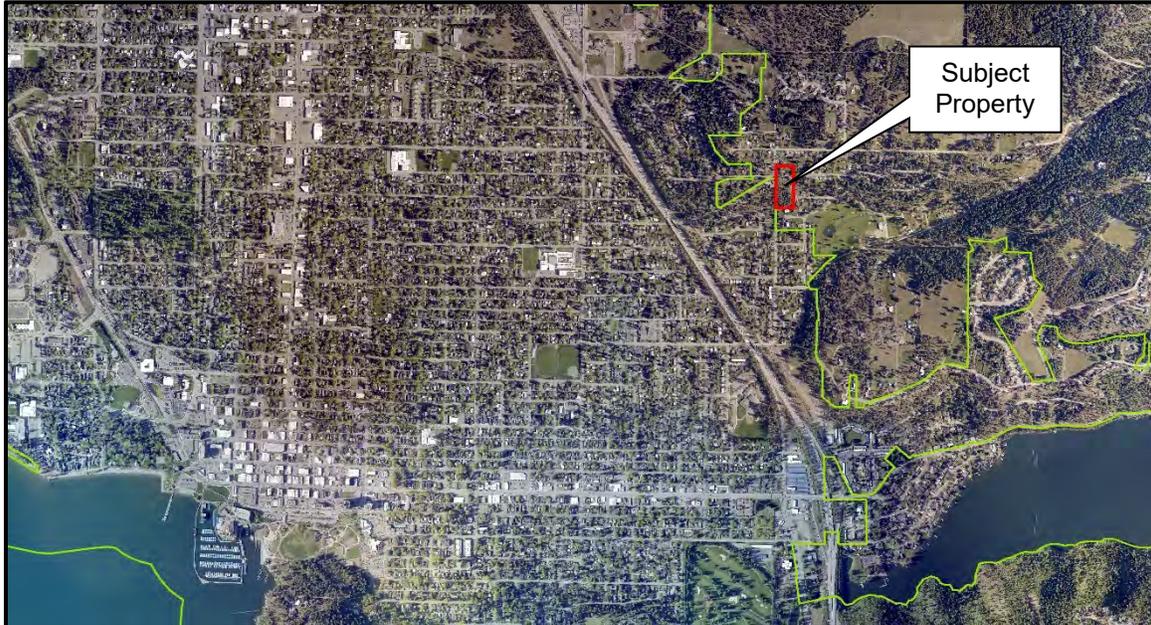
- Private driveway access rather than a public through street.
 - (Connection of Lilly Drive through subject site)
- PUD with 10% open space rather than no open space.

Currently the subject property has a single-family residence on 3.19 acres. The applicant is requesting to split the lot up and create four additional residential buildable lots. The subject site is adjacent to the city limits along its west property line. The property is currently zoned Agricultural-Suburban in the county. The subject site is located within the City's Area of City Impact (ACI).

The property has significant slope and will be located in the Hillside Overlay if the annexation of this site is approved. The applicant's Engineer had indicated that the slopes on the south portion of the property range from 20 to 25 percent. The applicant is aware that all development must adhere to the Hillside Overlay requirements. See the attached Narrative/Justification by the applicant at the end of this report for a complete overview of this request (Attachment 1).

The applicant is proposing two additional access points to the subject site, both from Lilly Drive, one on the west, and the other on the east side of the subject property. The existing house is served from Stanley Hill Road. The four proposed buildable lots will have access off of the existing streets in addition to access from within the property from a proposed common driveway placed in a common tract.

PROPERTY LOCATION MAP:



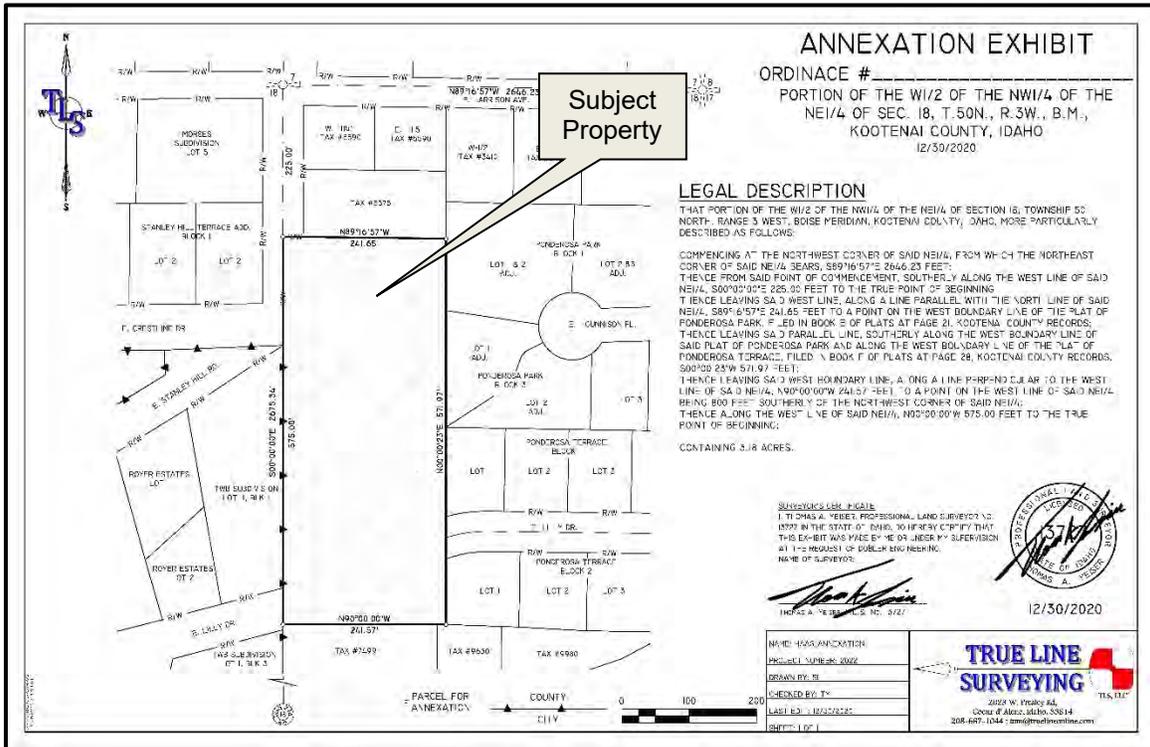
AERIAL PHOTO:



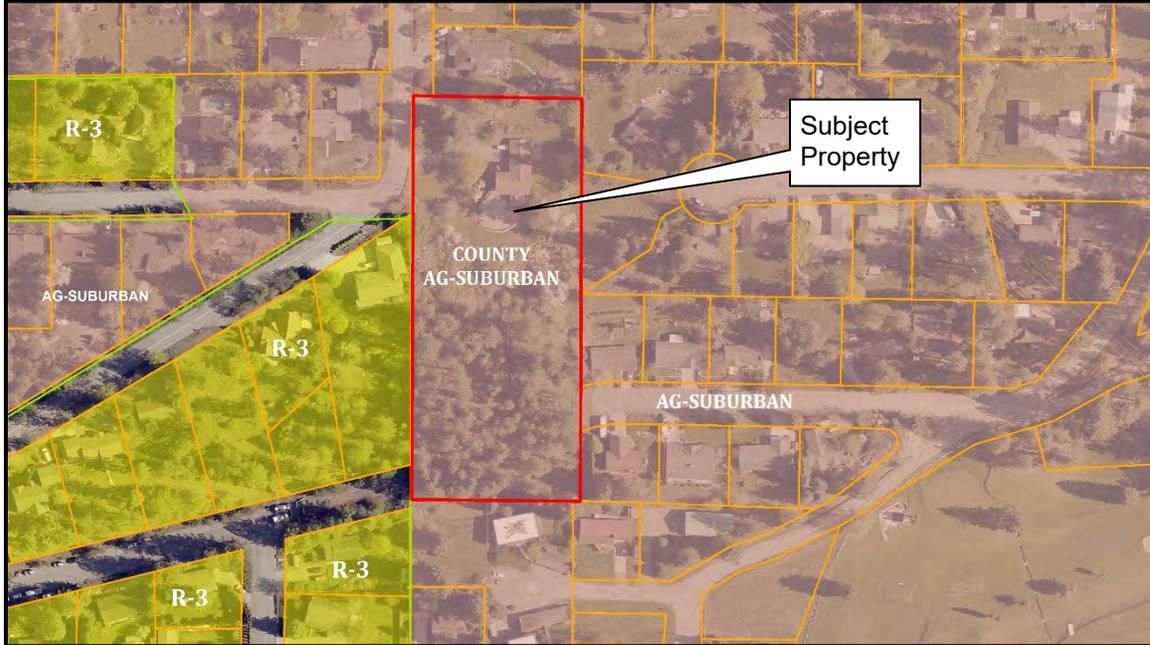
BIRDS EYE AERIAL:



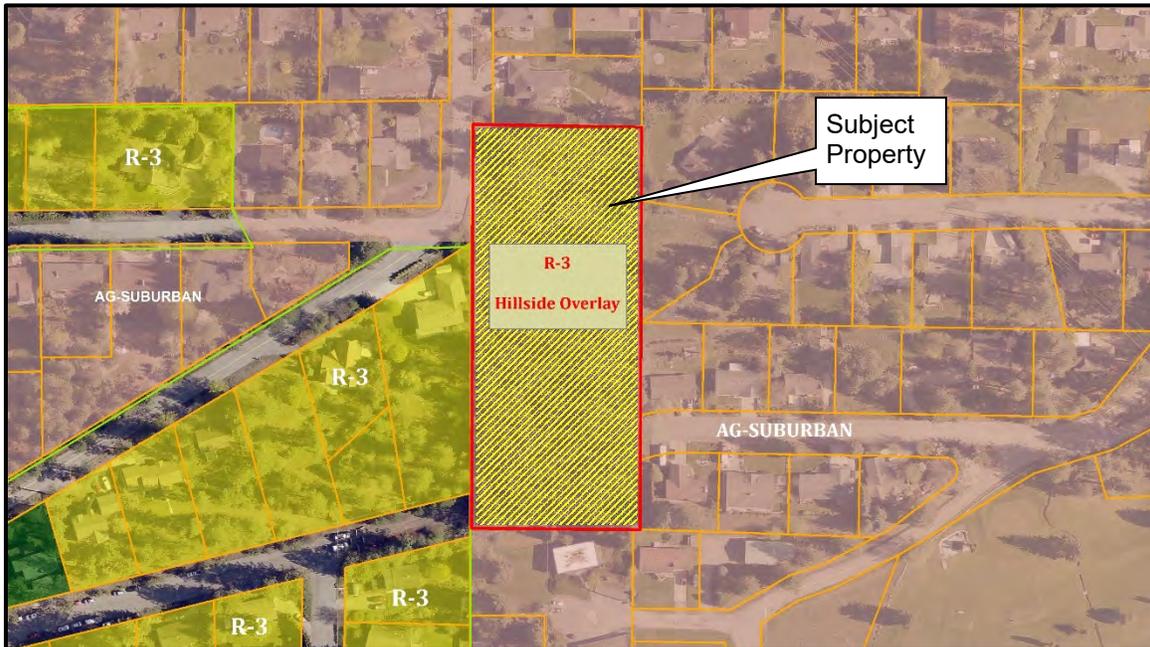
ANNEXATION MAP:



EXISTING ZONING MAP: County Zoning Districts



PROPOSED ZONING MAP:



The proposed R-3 zoning and Hillside Overlay are shown on the map above. The proposed zoning district is consistent with the existing zoning of the surrounding properties in the vicinity of the subject property to the west within the Coeur d'Alene city limits. The property is surrounded by County Ag-Suburban zoning to the northwest, north, east and south. Approval of the

requested R-3 zoning in conjunction with annexation would allow the following potential uses of the property.

Proposed R-3 Zoning District:

This district is intended as a residential area that permits single family detached housing at a density of 3 dwelling units per gross acre. This district is intended for those areas of the city that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard and landslide hazard.

R-3 Zoning District:

Principal permitted uses in an R-3 district shall be as follows:

- single family housing
- home occupations as defined in Sec. 17.06.705
- essential services (underground)
- civic administrative offices
- neighborhood recreation
- public recreation

Permitted uses by special use permit in an R-3 district shall be as follows:

- community assembly
- community education
- community organization
- convenience sales
- essential service (above ground)
- noncommercial kennel
- religious assembly
- bed & breakfast facility
- per. 17.08.500
- commercial film production

Accessory Uses:

- carport, garage and storage structures (attached or detached)
- private recreation facility (enclosed or unenclosed)
- outside storage when incidental to the principal use.
- temporary construction yard.
- temporary real estate office.
- accessory dwelling unit

17.05.050: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in an R-3 District shall be as follows:

Structure Type	Structure Location	
	In Buildable Area For Principal Facilities	In Rear Yard
Principal structure	32 feet 1	n/a
For public recreation, community education or religious assembly activities	45 feet1	n/a

Detached accessory building including garages and carports	32 feet ¹	With low or no slope roof: 14 feet With medium to high slope roof: 18 feet
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17.05.075: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

- A. Minimum yard requirements for residential activities in an R-3 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
- B. There will be no permanent structures erected within the corner cutoff areas.
- C. Extensions into yards are permitted in accordance with section 17.06.495 of this title.

Proposed Hillside Overlay:

17.08.900: TITLE AND PURPOSE:

The title of this article shall be the HILLSIDE OVERLAY ORDINANCE. The purpose of these regulations is to establish a Hillside Overlay Zone and to prescribe procedures whereby the development of lands within the Hillside Overlay Zone occurs in such a manner as to protect the natural and topographic development character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by ensuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, that it prevents surface water degradation, severe cutting or scarring, and to reduce the risk of catastrophic wildfire in the wildland-urban interface. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the visual character and the nature of the City. (Ord. 3091 §2, 2003)

17.08.905: APPLICABILITY:

The provisions of this article shall apply to all land within the Hillside Overlay Zone as shown in exhibit A of this section and to all lands annexed into the City limits after May 1, 2005. Lands with an average slope of less than fifteen percent (15%), within the Hillside Overlay Zone, are exempt from these regulations.

17.08.915: GENERAL REQUIREMENTS:

A. Geotechnical Studies: Prior to development a geotechnical study indicating that the site is suitable for the proposed use and development shall be prepared by a geotechnical engineer and shall be submitted and approved by the city. The study shall include the following information:

- 1. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods, if any.
- 2. Site geology, to include site geologic maps, description of bedrock and surface materials, including artificial fill, locations of any faults, folds, etc., and geologic structural data including bedding, jointing and shear zones, soil depth and soil structure. The analysis shall indicate the degree of risk for landslides and/or slumping.
- 3. Discussion of any off site geologic conditions that may pose a potential hazard to the site, or that may be affected by on site development.

4. Suitability of site for proposed development from a geotechnical standpoint.
5. Specific recommendations for site preparation, foundation design and construction, slope stability, potential for slope sloughing and raveling, ground water, surface and subsurface drainage control, fill placement and compaction, retaining walls, and other design criteria necessary to mitigate geologic hazards.
6. Additional studies and supportive data shall include cross sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory tests and references, if deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable.
7. Signature and registration number of the engineer.
8. Additional information or analyses as necessary to evaluate the site.
9. Recommendations for inspections during construction by the geotechnical engineer.

B. Wildland-Urban Interface: Wildfire mitigation goals for each development shall be determined by the city prior to development, and shall be achieved using the applicable sections of the Kootenai County wildland-urban interface fire mitigation plan, 2000 urban-wildland interface code and National Fire Protection Association (NFPA) standards as guidelines. (Ord. 3160 §2, 2003: Ord. 3091 §5, 2003)

17.08.920: GRADING AND EROSION CONTROL:

Prior to development, grading and erosion control plans conforming to the following requirements shall be submitted and approved by the city. Erosion control measures conforming to best management practices (BMPs) approved by the city, or identified in the DEQ manual entitled "Catalog Of Storm-Water Best Management Practices For Idaho Cities And Counties", shall be required.

- A. Plans: All grading and erosion control plans shall include the following:
 1. Property boundaries.
 2. All existing natural and manmade features and facilities within twenty feet (20') of the area to be disturbed, including, but not limited to, streets, utilities, easements, topography, structures, and drainage channels.
 3. Existing and proposed finish contours of the areas to be disturbed, at two foot (2') vertical intervals. However, this requirement can be waived when the finished ground surface elevation does not vary by more than two feet (2') from the ground surface elevation prior to the proposed development.
 4. Location of all proposed improvements, including paving, structures, utilities, landscaped areas, flatwork, and storm water control facilities.
 5. Existing and proposed drainage patterns, including ridgelines and tributary drainage areas.
 6. Storm water control facilities, including invert elevations, slopes, length, cross sections, and sizes. Construction details shall be shown for grassed infiltration areas, and/or detention/retention facilities.
 7. Existing and proposed drainage easements.
 8. Details for temporary and permanent erosion control measures.
 9. Revegetation measures.

10. Plans shall be stamped and signed by a professional engineer or landscape architect, licensed in the state of Idaho. However, plans for public improvements shall be stamped and signed by a professional engineer licensed in the state of Idaho.

B. Review By Geotechnical Engineer: The project geotechnical engineer shall provide written proof of review and compliance to all grading plans. All grading shall conform to the most current adopted building code and the recommendations of the geotechnical engineer.

C. Installation Of Temporary Erosion Control: Temporary erosion control measures shall be installed and functional prior to start of any grading and/or land disturbing activity. They shall be maintained in a functional condition until the permanent measures are installed.

D. Retention In Natural State: All development shall retain an area or areas equal to twenty five percent (25%) of the total parcel plus the percentage figure of the average slope of the total parcel, in its natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent.

For example, on a twenty-five thousand (25,000) square foot lot with an average slope of twenty nine percent (29%), $25\% + 29\% = 54\%$ of the total lot area shall be retained in a natural state. In this example a maximum of eleven thousand five hundred (11,500) square feet could be disturbed. Also, see exhibit 17.08.940A of this chapter.

Lots less than twenty-five thousand (25,000) square feet, legally created prior to adoption of this article, shall be required to retain an area equal to fifty percent (50%) of the area calculated by the above formula. In the above example, on a lot created prior to this article, a twenty-four thousand nine hundred ninety-nine (24,999) square foot lot would need to leave twenty seven percent (27%) retained in the natural state. The area that could be disturbed would be a maximum of eighteen thousand two hundred forty-nine (18,249) square feet.

E. Grading: All cut slopes shall be constructed in such a manner so that sloughing or raveling is minimized. The maximum allowable vertical height of any cut or fill slope shall be thirty feet (30'). The maximum inclination of fill slopes shall be two to one (2:1) (horizontal to vertical). For public roadways, the maximum allowable vertical height for cut and fill slopes in combination shall be sixty feet (60').

F. Temporary Erosion Control For Slopes With Erodable Surface Materials: All slopes with erodable surface material shall be protected with erosion control netting, blankets, or functional equivalent. Netting or blankets shall only be used in conjunction with organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations. Temporary slope erosion control measures shall be installed upon completion of slope grading if permanent erosion control measures are not completed at the same time.

G. Revegetation Requirements: All areas with erodable surface materials that are graded and not paved shall be revegetated. The vegetation used for these areas shall be native or similar species that will reduce the visual impact of the slope and provide long term slope stabilization. All revegetation measures shall be installed, inspected by the city, and approved prior to the issuance of a certificate of occupancy, or other time as determined by the city. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

H. Maintenance Of Erosion Control Measures: All measures installed for the purposes of long term erosion control, including, but not limited to, vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights of way. The applicant shall indicate the mechanisms in place to ensure maintenance of these measures.

I. Security: After an erosion control plan for a building site is approved by the city and prior to issuance of a building permit, the applicant shall provide a performance bond or other security in the amount of one hundred fifty percent (150%) of the value of the erosion control measures shown on the approved plan. The city attorney shall approve all security. The financial guarantee instrument shall be in effect for a period of at least one year from the project completion date. All or a portion of the security retained by the city may be withheld for a period up to three (3) years beyond the one-year maintenance period if it has been determined by the city that the site has not been sufficiently stabilized against erosion.

J. Inspections And Final Report: Prior to the acceptance of a subdivision by the city or issuance of a certificate of occupancy for individual structures, the project geotechnical engineer shall provide a final report indicating that the project was constructed in accordance with their recommendations, and that all recommended inspections were conducted by the project geotechnical engineer.

K. Protecting Bare Soil During Development: All surfaces where bare soil is exposed during clearing and grading operations, including spoil piles, shall be covered or otherwise protected from erosion.

L. Construction Ways And Vehicles: Stabilized construction entrances and driveways shall be required for all construction sites to minimize sediment tracking onto roadways. Parking of vehicles shall be restricted to paved or stabilized areas. (Ord. 3160 §3, 2003: Ord. 3091 §6, 2003)

A-2-21 ANNEXATION FINDINGS:

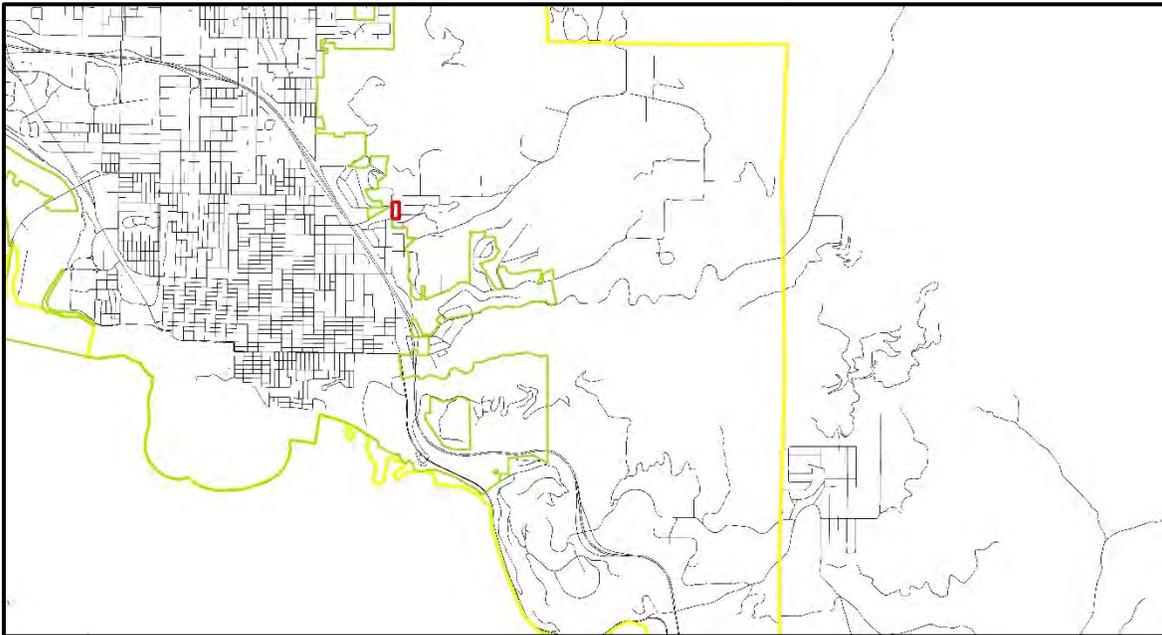
REQUIRED FINDINGS FOR ANNEXATION:

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

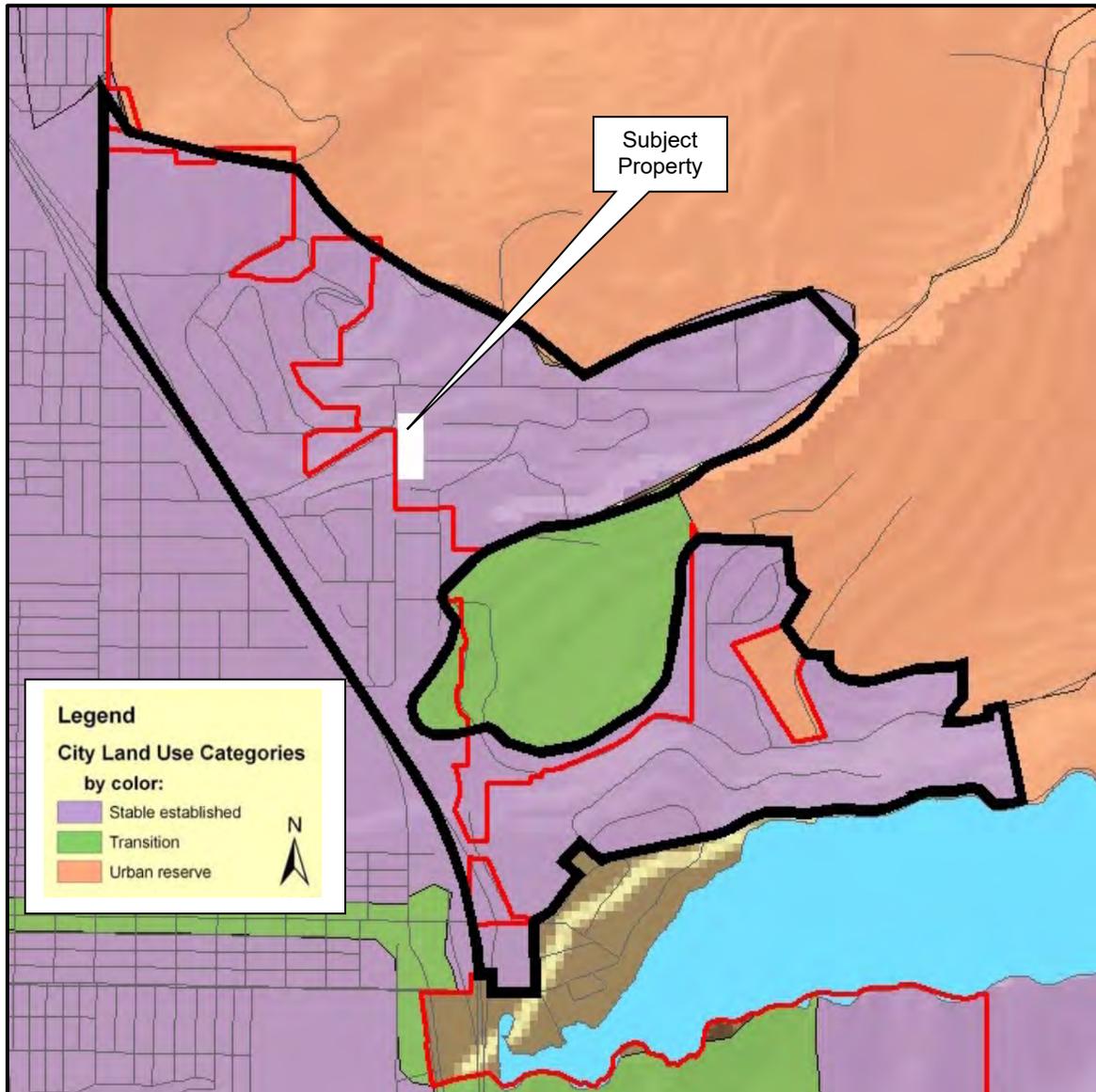
2007 COMPREHENSIVE PLAN LAND USE CATEGORY:

- The subject property is not within the existing city limits.
- The City's Comprehensive Plan designates this property within the Cherry Hill area.
- The subject site lies within the City's Area of City Impact (ACI)

AREA OF CITY IMPACT MAP:



COMPREHENSIVE PLAN MAP: Cherry Hill



Stable Established:

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.

Cherry Hill Today:

This area is actually comprised of two hillsides, Cherry/ Stanley Hill and Fernan Hill, as well as surrounding lands with less challenging slopes. Deer, elk, and bear frequent the area. These characteristics provide a very pleasant environment, but combined with clay soils, can provide development challenges.

The majority of this area is already inside city boundaries with the exception of the eastern part of the Cherry/Stanley Hill area.

Development in this area is typically single-family with densities ranging between one and three units per acre. Sewer is provided to all areas within city limits, but developments in unincorporated areas use septic tanks. Coeur d'Alene's Sewer Master Plan shows that sewer service can be provided to this area in the future.

Water is provided to most of the developed area by the city's water system, which was acquired by the city from the Idaho Water Company in the 1970s. A unique aspect of the water system in the Cherry/Stanley Hill area that has a major impact on the development of the area is that, although this area is served by the city water system, generally, new water hookups are not allowed unless the property is within city boundaries. The Coeur d'Alene Water Master Plan indicates that this area can be served with water, with the exception of those areas above elevation contour 2,240 feet (the maximum water service elevation for the city).

Cherry Hill Tomorrow:

This area will continue to develop as a lower density single-family residential area with care taken to preserve natural vegetation, views, and open space on steeper slopes. Future development will present challenges in preserving open space and tree cover, and providing necessary infrastructure in the context of hillside development. As this area continues to develop, parcels not suitable for development should be preserved as open space through conservation easements, clustering, and acquisitions.

The characteristics of the Cherry Hill will be:

- That overall density in this area will be approximately one dwelling unit per acre. However, in any given development, higher densities, up to three units per acre are appropriate where site access is gained without significant disturbance, terrain is relatively flat, natural landforms permit development, and where development will not significantly impact views and vistas.
- Limited opportunity for future development.
- Developments within the Fernan Lake Watershed should reflect careful consideration of the impacts of the development on water quality in Fernan Lake.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering.

SPECIAL AREAS: Hillside Landmarks (Policy & Methods)

The City of Coeur d'Alene enjoys a rich topography of mountains, hills, rivers, streams, flatlands, and lakes. This terrain frames the setting where we live and recreate. Because some of this rich land surface is often fragile, and because so much of the city's ambiance depends on its health and stability, it must be preserved for the entire community.

The protection of hillsides is particularly important to the community because of their panoramic prominence.

Best Hill, Canfield Mountain, and Tubbs Hill are recognized as unique landmarks for the City of Coeur d'Alene and its neighbors. Lakeview Hill, Blackwell Hill and the slopes above Fernan Lake within our planning area also contribute to the setting and help define our physical image.

Policy:

- We will protect the natural ecology and visual beauty of all hillsides.

Methods:

- Monitor the health and beauty of the city's hillsides to ensure that the Hillside Ordinance is sufficient to maintain our environmental and aesthetic goals.
- Encourage development that works in a cooperative effort to accomplish these public goals
- Work with land owners, citizens' groups, and governmental agencies to acquire additional lands or development rights for use as a city park or open space (also see Parks and Open Space Plan).
- Work with land owners, citizens' groups, and governmental agencies to establish and maintain trails linking the city property to the established US Forest Service recreational trail system.
- Encourage jurisdictions with control of hillside landmarks outside of our Area of City Impact (ACI) to protect the mountains' visual quality.

2007 Comprehensive Plan Goals and Objectives that apply:

Objective 1.05 - Vistas:

Protect key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.

Objective 1.06 - Urban Forests:

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

Objective 1.08 – Forests and Natural Habitats:

Preserve native tree cover and natural vegetative cover as the city's dominant characteristic.

Objective 1.10 – Hillside Protection:

Protect the natural and topographic character, identity, and aesthetic quality of hillsides.

Objective 1.11 - Community Design:

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

Objective 1.12 - Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.13 – Open Space:

Encourage all participants to make open space a priority with every development and annexation.

Objective 1.14 - Efficiency:

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

Objective 1.15 – Natural Terrain:

Whenever possible, the natural terrain, drainage, and vegetation should be preserved with superior examples featured within parks and open space.

Objective 1.17 – Hazardous Areas:

Areas susceptible to hazardous conditions (e.g. flooding, landslides, earthquakes, etc.) should be left in a natural state unless impacts are mitigated.

Objective 3.01 - Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05 - Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.08 - Housing:

Design new housing areas to meet the needs for quality neighborhoods for all income and family status categories.

Objective 3.10 - Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

Objective 3.16 - Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).

Objective 4.06 - Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision-making process.

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 as the area proposed for annexation develops. All stormwater must be contained on-site. With this being in a hillside area, stormwater management will be more challenging, both during construction and post-construction. 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 subject site is currently undeveloped aside from one existing residence. The site has frontage on Lilly Drive, both to the west and the east. This City does not wish to connect Lilly Drive through this property, so driveway approaches will need to be created at each terminus. The property also has frontage on Stanley Hill Road. No improvements will be required for Stanley Hill Road. Any necessary improvements to the Lilly Drive frontage would be addressed during future construction. The Streets and Engineering Department has no objection to this annexation request.

-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 annexation. There is an existing 6” main in E Lilly Drive.

-Submitted by Kyle Marine, Assistant Water Superintendent

SEWER:

The nearest public sanitary sewer is located on Lily Drive to the west of subject property. At no cost to the City, a public 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 with the corrections to the below conditions.

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

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.*

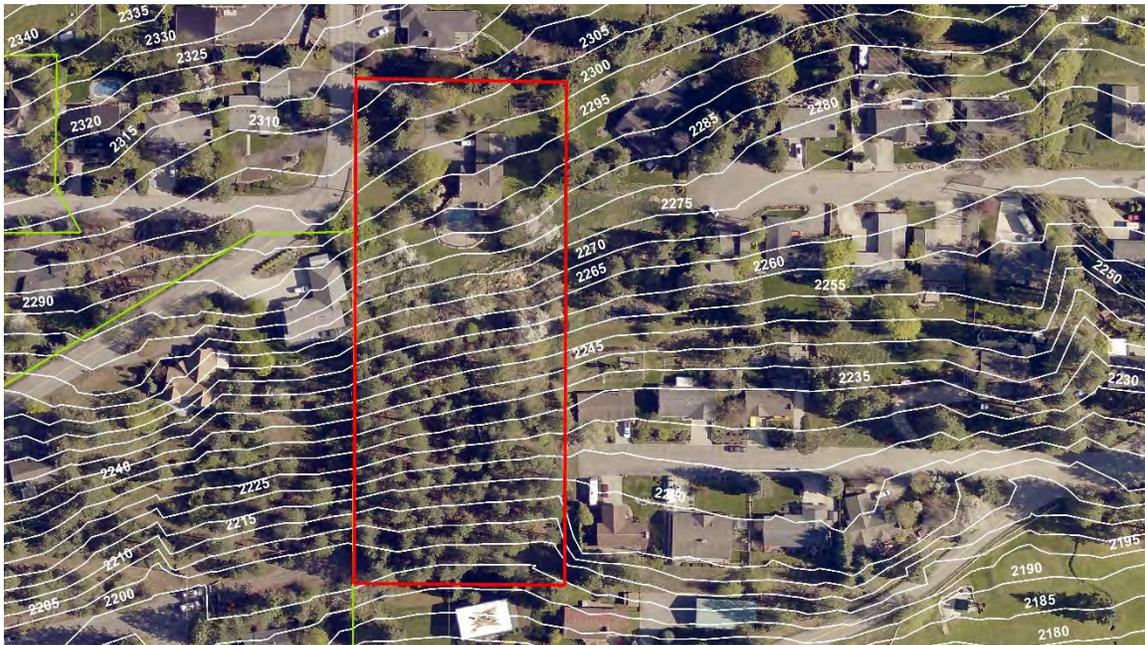
- C. **Finding #B10:** That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

PHYSICAL CHARACTERISTICS:

The site slopes to the south and there is an approximately a one hundred and twenty-foot drop in elevation on the subject property (See topography map on page 17). Site photos are provided on the next few pages showing the existing conditions.

The subject property would be annexed into the city under the city's Hillside Regulations with potential development requiring average lot slope for determination of validity. The site is currently densely treed.

TOPOGRAPHIC MAP:



SITE PHOTO - 1: View from the north part of property looking south toward existing dwelling



SITE PHOTO - 2: View from Lilly Drive on the west side of subject site looking east



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



SITE PHOTO - 4: View from Lilly Drive on the east side of subject site looking west



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



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:

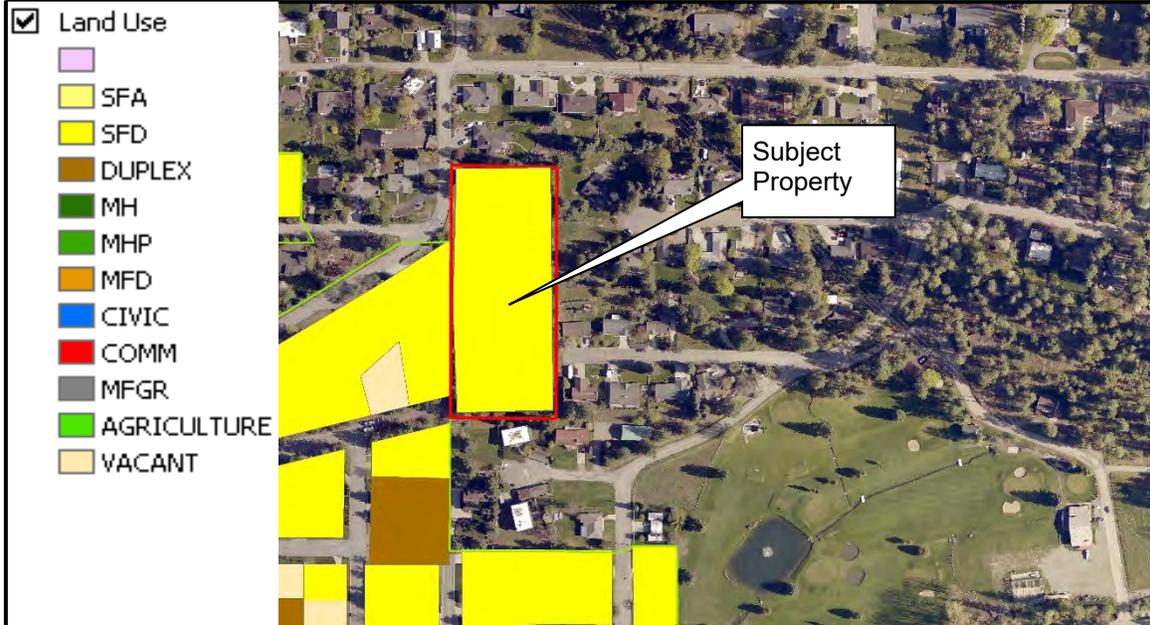
The proposed annexation itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from an annexation alone. The Streets & Engineering Department has no objection to the annexation as proposed.

-Submitted by Chris Bosley, City Engineer

NEIGHBORHOOD CHARACTER:

See the “Cherry Hill Today” descriptions from the 2007 Comprehensive Plan listed in finding #B8 as well as the photos of subject property. The surrounding properties to the north, east, south, and west have residential uses located on them.

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:

2007 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, PUD, AND SUBDIVISION CONDITIONS:

1. The applicant will be required to record on the final plat that Lot One, or an HOA, is responsible for the perpetual maintenance of the open space tract and provide functional and legal access for all users of the development. A decision as to maintenance responsibility will need to be determined prior to final plat, and the Planning Department will need to be notified and the maintenance has to be approved by staff.
2. The applicant will be required to record on the final plat and provide the City with a copy of the road maintenance agreement for the common driveway serving Lots 2, 3, and 5.
3. Prior to approval of the final development plan for the PUD and the subdivision improvement plans, whichever comes first, the owner shall provide documentation to the Planning Department showing for each of the four new lots: the size, slope, and disturbance associated with the subdivision improvements. This condition is required to show the developable calculation of each lot per the Hillside Ordinance in order to ensure that the platted lots will allow for viable home sites.
4. No site development permits shall be applied for or issued before condition #3 has been met.
5. An Open Space Plan must be submitted as part of the site development permit. The Open space plan must include the rest station area with a bench, and a 5-foot-wide gravel trail connecting the common driveway to the open space area.
6. The Open Space tract shall be completed and all amenities installed prior to the issuance of any building permits.
7. A tree removal plan must be submitted and approved by the city prior to the installation of streets, driveways, parking areas, water, sewer, and other utilities, per 17.08.930.
8. Maximum grade for FD access is 8%.

9. Maximum width for FD access is 20 feet or 26 feet where there is a hydrant or ladder truck placement/use.
10. Dead-end FD access over 150 feet requires an approved turn-around.
11. This project will require the extension of public sewer "To and Through" this annexation as proposed.
12. An extension of a City approved public sanitary sewer "To and Through" the subject property and conforming to City Standards and Policies shall be required prior to building permits.
13. A utility easement for the public sewer shall be dedicated to the City prior to building permits.
14. An unobstructed City approved "all-weather" access shall be required over all public sewers.
15. Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) public sewer connection.
16. This PUD shall be required to comply with the City's One Lot-One Lateral Rule.
17. All public sewer plans require IDEQ or QLPE Approval prior to construction.
18. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
19. Any additional service will have cap fees due at building permitting.

ACTION ALTERNATIVES:

City Council will need to consider this request for annexation and make findings to approve, deny, or deny without prejudice.

Attachment: Applicants Narrative

Applicant: Eugene and Nancy Haag Living Trust
Location: 2248 E. Stanley Hill Road
Request: A proposed 3.194-acre annexation from County Agricultural Suburban to City R-3 LEGISLATIVE, (A-2-21)

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

- This is the second time that the subject property is requested to be annexed into the city.
- In 2005, the applicant requested annexation into the city in conjunction with zoning to the R-3 zoning district in item A-7-05. The Planning commission held a public hearing on this matter on August 9, 2005 and subsequently made a recommendation to City Council to deny the annexation request. City Council held a public hearing on October 4, 2005 and denied the request for annexation into the city.
- The three findings that the City Council made in denying the A-7-05 annexation request without prejudice in October 2005 were as follows:
 1. That the proposal is not in conformance with the Comprehensive Plan policies.
 - a. "Promote orderly development of land use at locations that are compatible with public facilities and adjacent lands" -- Neighborhood development, topography, and the development pattern are not compatible with adjacent land uses;
 - b. "Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects." – The request is not in compliance with this policy for the previously stated reasons.
 2. That the physical characteristics of the site do not make it suitable for the request at this time because the steep topography, stormwater, drainage, and existing spring on the property make the subject property unsuitable for R-3 zoning.
 3. That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because if the property were developed to its full potential, R-3 zoning would be detrimental to the neighborhood character and the surrounding land uses.
- Currently the subject property has a single-family residence on 3.19 acres.
- The applicant is requesting to split the lot up and create four additional residential buildable lots.
- The subject site is adjacent to the city limits along its west property line.
- The property is currently zoned Agricultural-Suburban in the county.

- The subject site is located within the City's Area of City Impact (ACI).
- The property has significant slope and will be located in the Hillside Overlay if the annexation of this site is approved. The applicant's Engineer has indicated that the slopes on the south portion of the property range from 20 to 25 percent. The applicant is aware that all development must adhere to the Hillside Overlay requirements. See the attached Narrative/Justification by the applicant at the end of this report for a complete overview of this request (Attachment 1).
- The applicant is proposing two additional access points to the subject site, both from Lilly Drive, one on the west, and the other on the east side of the subject property.
- The existing house is served from Stanley Hill Road.
- The four proposed buildable lots will have access off of the existing streets in addition to access from within the property from a proposed common driveway placed in a common tract.
- He stated that the City's Comprehensive Plan designates this property within the Cherry Hill area.
- He stated if approved there are 19 conditions for consideration.

Mr. Behary concluded his presentation

Commission Comments:

Chairman Messina inquired if the style of the houses will be tied into the design if this project is approved.

Mr. Behary stated that's correct.

Commissioner Ingalls stated to the east and at the west there is 10' to 20' between the edge of the end of Lily Drive and this property and questioned if the city has reached out or the applicant to the Eastside Highway District for the approval to extend the road 20' including putting in the improvements and also if they approve the driveways coming off the dead end or would they want to see a cul-de-sac.

Mr. Behary stated that Chris Bosley, City Engineer reviewed this and that Mr. Bosley is here who would be able to address those questions.

Commissioner Ingalls noted on page 2 of the staff report states "That the Planning Commission stated that this site back in 2006 "The physical characteristics of the site don't make it suitable for the request at this time because of the steep topography, stormwater, drainage and existing spring on the property make the subject property unsuitable for R-3 zoning" and that is what the Planning Commission and City Council said in 2005 and some of the comments we received talked about water, ground water and spring water and questioned for clarity.

Mr. Behary stated that he is aware of the concerns from the neighbors about the spring and that the engineer for this project stated that this will be addressed through stormwater and any additional questions will be addressed during his presentation.

Commissioner Ingalls inquired that there were numerous architectural styles showed and inquired if one of those styles was chosen.

Mr. Behary believes that it is their way of saying that they aren't sure what the style would be which will be chosen by the buyer who buys the lot.

Commissioner Luttropp inquired what has changed with this property since 2005 to now.

Mr. Behary stated the Comprehensive Plan and the conditions.

Commissioner Luttropp commented that many of the policies in the Comprehensive Plan haven't changed and inquired if this area has changed because of the newer Comprehensive Plan and questioned if nothing has changed with the criteria in the previous Comprehensive Plan from 2005 to now, how can this be approved. He questioned on the graphic submitted by the applicant shows where the houses are built and if approved at the time of permit, questioned if the applicant will have to prove that these houses can be built.

Mr. Behary stated if they can't get it done, they won't be built.

Commissioner Mandel stated since 2005 we do have more criteria to use with the approval of the Hillside Ordinance in 2006 and is a change since the denial in 2005. She explained at the last hearing the applicant tabled this so he could come back with something different that meets the current criteria.

Gordon Dobler applicant representative provided the following statements:

- He stated that he is concerned that there is a comparison to a decision made in 2005 that was denied for various reasons and explained that he was the City Engineer at that time and that this current proposal doesn't resemble what was denied in 2005 and what is presented tonight should stand on its own merits.
- He stated we are proposing an R-3 that matches the surrounding zoning with an overall density would be is 1.5 dwelling units per acre. He noted on the map showing the surrounding properties who have the similar densities, so the density we are proposing is less than the surrounding neighbors.
- He stated one of the comments from staff at the last meeting that the open space tracts need to be accessible to all the lots so we revised the plat and noted on the map how access will be provided to these lots.
- He stated the open space plan will be a passive use accessible to all lots.
- He explained on the last plat submitted had a street that connected through and this plat we are presenting tonight that was omitted.

- He commented on this revision we have two access points including Stanley Hill that should not be omitted and noted on the map where access will be obtained.
- He stated that Eastside Highway District was aware about this project and had no comments for this project. He added that the pavement doesn't go to the property line with a 10–20-foot piece so we will pave that piece.
- He explained that sewer and water are in W. Lily and will extend the sewer main along the southerly boundary and up to E. Lilly following the city policy to bring it through the property.
- He added that water already exists on both sides and we will extend it from W. Lily through and that the Water Department didn't require a "loop" so we will provide three water services coming off of existing water main in W. Lily.
- He noted where the sewer main is on the lot that will service to the other lots with a sewer lateral.
- He explained that we need a Planned Unit Development (PUD) because the existing lots don't have the required frontage on a public street for an R-3.
- He noted how access will be obtained to the other lots by using a 10' access to come down to the driveway tract to allow the lots to use that to get to the open space tract.
- He commented that we meet the 10% requirement for a PUD with the open space tract being a 1/3rd of an acre. He apologized to staff that he didn't get the open space plan submitted in time for this hearing. He noted on this plan will be a gravel path that will have a "rest station" with a bench making this a passive use with minimal land disturbance
- He addressed views/vistas he explained that minimal disturbance will be made to the construction of the lots and utilities and stated that the Hillside Ordinance will govern the development of the lots.
- He stated the Land Disturbing exhibits presented in the staff report are used to show different configurations that would disturb less than 50% of the lot and was submitted to show that this can be done to put in a house minus the grading associated with the placement of foundations with minimal land disturbance.
- He included the sewer easement needed for lot 3 that will be disturbed once we put the sewer in which will be impacted on lot three and this can be done to build these homes and stay within the 50% preservation for the Hillside Ordinance.
- He commented with the R-3 we are proposing feel that we will be compatible with other surrounding properties.
- He stated fire access will be from both sides of Lilly which is better than other subdivisions and by approving this will give 3 points of access to the lots.

- He addressed the physical characteristics of the property and doesn't understand previous issues that they aren't adequate and noted the topo lines on the plat comparing to the existing subdivisions were built on steeper slopes than what we are proposing.

Chairman Messina inquired what is the difference of elevation from the open space down to the southern portion of the property.

Mr. Dobler estimated the elevation to be 30-40 feet.

Commissioner Fleming inquired if there are 50' drops associated with those lots.

Mr. Dobler commented that is correct and not much different slope differences between these lots and the surrounding properties.

Mr. Dobler continued his presentation and made the following statements:

- He referenced the spring on the lot and doesn't know how this came about especially in 2005 when this annexation was first presented. He explained that it's not a spring, but a foundation drain that is contained in a 4-inch PVC and explained that this is a pipe in a gravel bed that collects any water that is around a basement buried into the slope that collects the water and any water accumulated it goes to a drywell. He felt that it was good to mention this since it came up in the past from area residents that had concerns. He explained that to solve the issue will intercept the drain back to the property and put it into a drywell and swale that will need to be constructed when we put in the common drive way.
- He noted that traffic should not be a concern with the addition of three homes that would generate two trips in the peak hour 4-6 p.m.
- He stated they provided various home styles that might be considered for these lots which will be sold separately.
- He stated that they have seen the conditions with no objection.

Mr. Dobler concluded his presentation.

Commission Comments

Chairman Messina stated when you are digging on a piece of property sometimes you will hit some water and deal with it by adding a drywell and questioned if a Geotech report has been done on this property.

Mr. Dobler explained that he has done an informal report, but will be doing the formal Geotech Report that will be required with the submittal plans for a building permit.

Mr. Behary added that a Geotech report will be required before any site development work.

Commissioner Ingalls stated that the City Council hearing in 2005 when this project was denied for the first time was denied commented that this is a request for an annexation and questioned what are the benefits to the city if this property is annexed and in the 2005 request Lily drive

was propose to be extended and after reading all the comments submitted with this request people don't want to see Lilly connected. He stated if this was denied and the county doesn't have a Hillside Ordinance and one of the benefits to the city is going to handle this with "kid gloves" and would that be considered a benefit to the city.

Mr. Dobler stated he works in other jurisdictions and the benefit to the city controls how the property is being developed and if it doesn't get annexed a false statement saying it won't be developed which is untrue. He stated that Coeur d'Alene is unique with these requirements to develop which are very strict on how you develop in the Hillside and once you apply for a building permit the first thing that happens is to show staff all the grading meets the 50% preservation criteria and if that isn't met will have to reduce the footprint and make the adjustments to fit the lot. He added there are requirements for tree preservation and in other areas if you remove trees they have to be replaced. He explained that staff will require a tree survey to see what trees will be removed and the trees selected to stay per the Hillside Ordinance requires that those trees saved be fenced off.

Commissioner Ingalls explained the main comment heard for this request that the surrounding neighbors object to the connection of Lily Drive and questioned if this was denied again and the applicant decided to develop in the County, the project would look different.

Mr. Dobler concurred with the elimination of the street the East Side Highway district would make that decision for the connection of Lily Drive and explained if the applicant decided to split the lot in half that would be possible.

Commissioner Ingalls stated other comments were that the neighbors would love to see the site stay in its natural state.

Mr. Dobler stated he is not surprised people like it but unfortunately that won't happen.

Commissioner Rumpler noted that there are 19 conditions and are you willing to comply with those conditions. Mr. Dobler stated that the applicant doesn't have any objection to the conditions and confident we can build quality homes meeting all the city requirements.

Commissioner Luttrupp inquired when was the Hillside Ordinance approved by City Council.

Mr. Dobler stated was approved in 2006.

Commissioner Luttrupp commented so the Hillside Ordinance was approved after the original annexation was denied.

Mr. Dobler stated that is correct.

Commissioner Luttrupp inquired if this is approved will the future owners be aware of the conditions on these lots.

Mr. Adams explained that the conditions of approval are of record and will not be binding on any future owners.

Mr. Dobler added that the conditions will be on the face of the plat that says "the development has to conform to the Hillside Development Code".

Lauren Hayden stated that she has been a resident in this area for 17 years and is opposed. She stated the findings in 2005 have not changed and denied in 2005 because of the impact it will have on the surrounding neighbors. She stated the majority of homes in this area are modest and don't represent the examples of the homes provided by the applicant. She referenced City Engineer, Chris Bosley's comments that traffic will not be impacted and doesn't agree with that comment since traffic is already bad in this area. She added that the only benefits for annexation is for the applicants and the elimination of wildlife in this area. She noted in the applicant's narrative referencing the 2'inch PVC pipe and that earlier Mr. Dobler referenced this pipe as a "foundation drain" and has never seen a copy of a report stating that and most people living in this area of the amount of water on the property.

Dorothy McNeel stated that she is opposed to the request for the reason of lack of notification for this hearing and explained after receiving her notice by mail she called her adjoining neighbor on Gunnison Place and she didn't receive the notice and didn't know anything about it. She added that 15 years ago she attended the meeting in 2005 where she spoke and prior to that meeting we knew about the hearing and got together to support our community. She stated that she has lived on Gunnison Drive for many years and that there is a lot of natural springs in the area that has done damage to many of the homes in the area.

Armand Gagne stated he agrees with all comments and has lived in the area for 10 years and is aware of the problem with underground water and recommends a Geotech report available for the public to review. He stated that he is opposed to the project.

Janis Houghton stated that she lives on East Lily drive and bought the house because it's on a dead-end road and happy to hear the road isn't going through which was a big concern at the hearing in 2005. She stated you have a right to do with the property and knows the applicant wants to make money and sees the impact it has on the neighbors but to deny wouldn't be right. She is concerned about access to the three homes. She added water is a concern and that there is a spring on the property and surprised to hear the applicant say it was a drain because it looks like a spring. She stated that they had a dog that fell into the spring and was rescued by an adjoining neighbor who heard the dog barking. She added when she went to the spot the next day that the water depth could have been over her head and that a dead deer was in the water and was how the dog survived. She approached Mr. Haag and was told to mind my own business and stay off the property.

Judy Hughes stated she lives on East Lilly and is concerned about traffic and is concerned traffic from those three properties will be going onto the county road which is dangerous.

Rebuttal:

Mr. Dobler provided the following statements.

- He stated traffic generated will be minimal and the reason traffic will be directed to the east is because the grades on the property in order to provide access from any upper lot would have been a lot of land disturbing to get a driveway down to the Lily West because of the grade difference and would have exceeded the 8% grade and wouldn't have met the Fire Code.

- He commented that we have standard construction techniques that are proven to address ground water when/if it is found and foundation drains is one of them which is very effective in collecting water for basements and houses built in cuts to intercept/dispose of ground water. He added that there won't be any impact of ground water if found on site to the surrounding neighborhood it will be dealt with onsite. He added that you look at the surrounding development that have similar cuts in the hillside that are stable homes and if there is groundwater it has been dealt with and that this property can be built on with these issues.

Commissioner Luttropp inquired if a Geotech is required and what is the purpose of that report.

Mr. Behary explained that the purpose is to show if the lots are buildable and that the report is available to the public upon request.

Commissioner Luttropp inquired about notices and that last time there were a couple people on Zoom who wanted to attend the hearing but was told lack of space. He inquired if this hearing was noticed.

Mr. Behary explained that the notice was in the Coeur d'Alene Press and mailed to property owners within 300' of the site.

Public testimony closed.

Discussion:

Commissioner Rumpler stated we have heard complex cases and this is one of those where there is a challenge between neighborhood needs and wants and property owners right to develop. He stated that we have an important consideration in developing additional homes. He added a challenge is when a proposal comes before us that is defensible and conforming and hard to deny and that the developer has made a strong case to address many of the comments as they could with 19 conditions to comply with and is in support of this project.

Commissioner Mandel concurred and added the way she evaluates these projects is what could be done now and is there a way for us and the city to manage that by controlling how development happens and how we protect are environment and this is an opportunity under the current idea could be worse and see an opportunity to how we want our area developed and approves this request.

Commissioner Ingalls stated traffic is not a concern and that this property will be developed if not in the city in the county and since 2007 the city has adopted a Comprehensive Plan and the Hillside Ordinance that is very demanding and will have four houses well "seated" into the hill and tastefully done and developed in the county would be a big question mark and recommends this project for approval.

Commissioner Luttropp stated things have changed since this was originally heard regarding the adoption of the Hillside Ordinance and will support this request.

Motion by Fleming, seconded by Rumpler, to approve Item A-2-21. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Rumpler	Votes	Aye

Motion to approve carried by a 5 to 0 vote.

City Council Meeting



July 20, 2021

A-2-21: Zoning prior to Annexation +/- 3.19 acres

APPLICANT:

Eugene and Nancy Haag Living Trust
2248 E Stanley Hill Road
Coeur d'Alene, ID 83814

ENGINEER:

Dobler Engineering
P.O. Box 3181
Hayden, ID 83835

A-2-21: Zoning prior to Annexation +/- 3.19 acres

REQUEST

The applicant is requesting approval of the annexation of 3.19 acres in conjunction with zoning approval from County Agricultural-Suburban to the R-3 zoning district in the Hillside Overlay.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

LOCATION:

Located at 2248 E. Stanley Hill Road

LEGAL NOTICE:

Published in the CDA Press on July 3, 2021.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

Location Map



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Aerial Photo



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Birdseye Photo



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Birdseye Photo



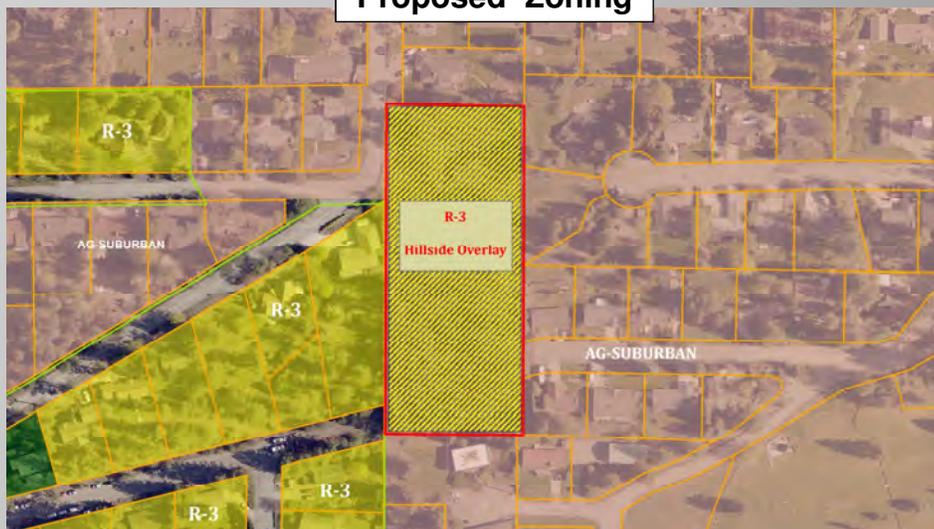
A-2-21: Zoning prior to Annexation +/- 3.19 acres

Existing Zoning Map



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Proposed Zoning



A-2-21: Zoning prior to Annexation +/- 3.19 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-2-21: Zoning prior to Annexation +/- 3.19 acres

Finding #B8:

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



2007 Comprehensive Plan: Cherry Hill

Stable Established:

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

COMPREHENSIVE PLAN OBJECTIVES:

Objective 1.10 – Hillside Protection:

Protect the natural and topographic character, identity, and aesthetic quality of hillsides.

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 3.05 - Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

A-2-21: Zoning prior to Annexation +/- 3.19 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, 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-3.
- Staff has recommended 16 conditions as part of this Annexation, PUD, and Subdivision request.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

Finding #B10:

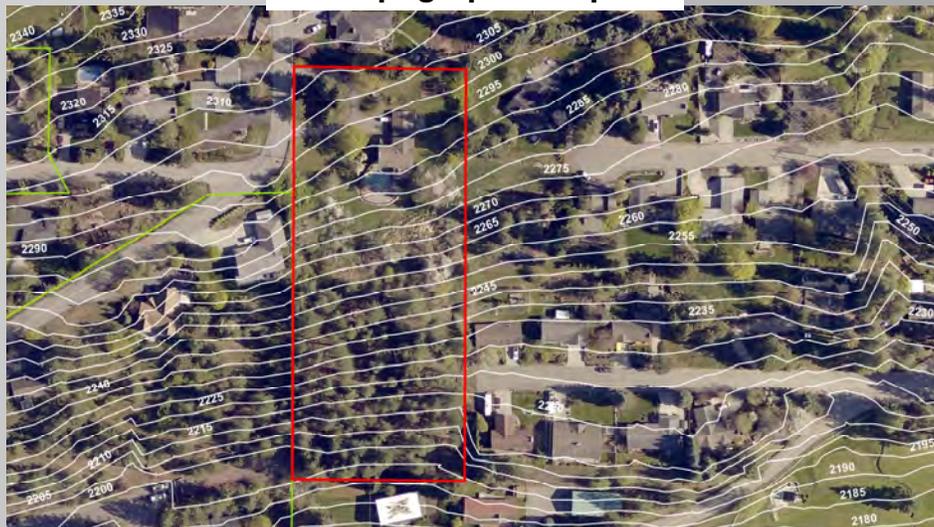
That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

- The site slopes to the south and there is an approximately a 120 foot drop in elevation on the subject property
- The site is currently densely treed.
- The subject property would be annexed into the city under the city's Hillside Regulations

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

A-2-21: Zoning prior to Annexation +/- 3.19 acres

Topographic Map



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Site Photo - 1



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Site Photo - 2



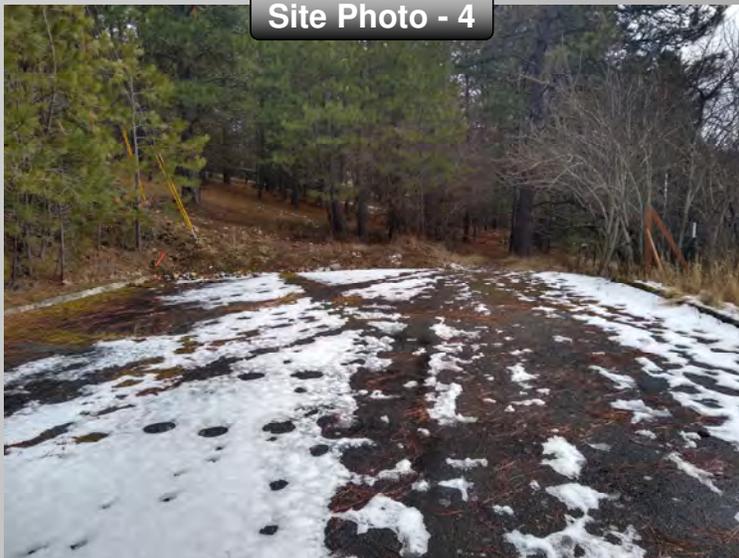
A-2-21: Zoning prior to Annexation +/- 3.19 acres

Site Photo - 3



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Site Photo - 4



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Site Photo - 5



A-2-21: Zoning prior to Annexation +/- 3.19 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 proposed annexation itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from an annexation alone. The Streets & Engineering Department has no objection to the annexation as proposed.

-Submitted by Chris Bosley, City Engineer

A-2-21: Zoning prior to Annexation +/- 3.19 acres

Proposed R-3 Zoning District:

The R-3 district is intended as a residential area that permits single family detached housing at a density of 3 dwelling units per gross acre.

This district is intended for those areas of the city that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard and landslide hazard.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

Land Use Map

- Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULTURE
- VACANT



A-2-21: Zoning prior to Annexation +/- 3.19 acres

Recommended Items to include in the Annexation Agreement:

4. No site development permits shall be applied for or issued before condition #3 has been met.
5. An Open Space Plan must be submitted as part of the site development permit. The Open space plan must include the rest station area with a bench, and a 5 foot wide gravel trail connecting the common driveway to the open space area.
6. The Open Space tract shall be completed and all amenities installed prior to the issuance of any building permits.
7. A tree removal plan must be submitted and approved by the city prior to the installation of streets, driveways, parking areas, water, sewer, and other utilities, per 17.08.930.
8. Maximum grade for FD access is 8%.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

Recommended Items to include in the Annexation Agreement:

9. Maximum width for FD access is 20 feet or 26 feet where there is a hydrant or ladder truck placement/use.
10. Dead-end FD access over 150 feet requires an approved turn-around.
11. This project will require the extension of public sewer "To and Through" this annexation as proposed.
12. An extension of a City approved public sanitary sewer "To and Through" the subject property and conforming to City Standards and Policies shall be required prior to building permits.
13. A utility easement for the public sewer shall be dedicated to the City prior to building permits.
14. An unobstructed City approved "all-weather" access shall be required over all public sewers.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

Recommended Items to include in the Annexation Agreement:

- 15. Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) public sewer connection.
- 16. This PUD shall be required to comply with the City's One Lot-One Lateral Rule.
- 17. All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 18. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
- 19. Any additional service will have cap fees due at building permitting.

A-2-21: Zoning prior to Annexation +/- 3.19 acres

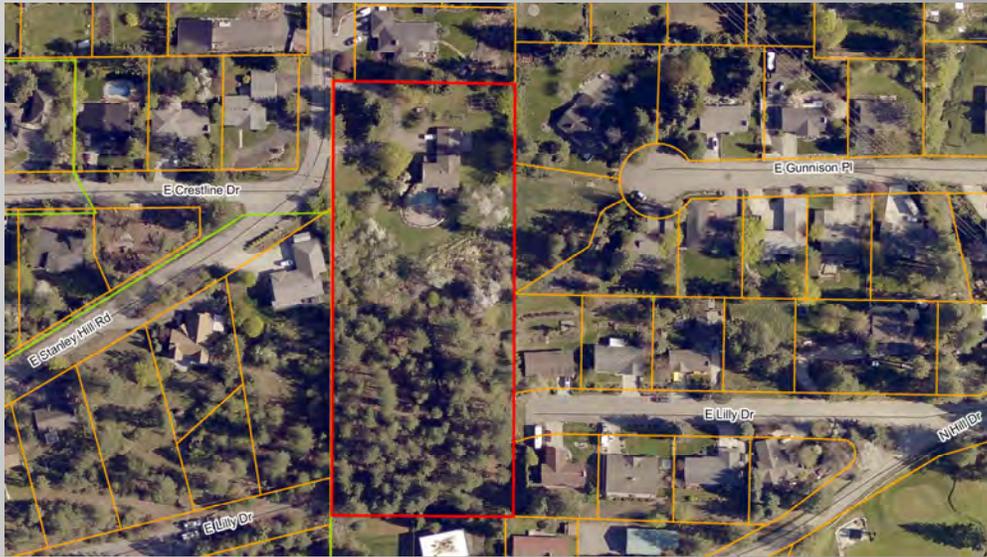
ACTION ALTERNATIVES:

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

- Approve
- Deny
- Deny without prejudice.



A-2-21: Zoning prior to Annexation +/- 3.19 acres



Members of The Commission,

My name is Bruce Deming and I, along with my wife Mary Deming live at 2487 Lilly Drive, Coeur d'Alene, Idaho. Our house and property are directly adjacent to the proposed "Haag Estates" development proposed for annexation at 2248 E, Stanley Hill Road. We adamantly oppose the annexation and development for a number of reasons.

We have lived in our home since the fall of 1991. We chose this location mostly based on the dead end/cul-de-sac and have enjoyed a relatively quiet neighborhood in that time. We also chose our home for the "country" atmosphere outside the city limits. Throughout the seasons we are visited by turkeys, deer, elk, raccoons, and an occasional skunk. As a lifelong Idahoan, recently retired, we hope to spend the rest of our lives enjoying the surroundings I grew up with as a boy.

This parcel at 2248 E. Stanley Hill Drive was presented for annexation/development in 2005 by the current owners. That request was denied. Since then, not much has changed. I have attached the findings of the CdA Planning Commission and the CdA City Council staff report from that request. Three items from the 2005 request are still at the top of the list of our objections, I've copied them from the reports below.

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

The subject property has an approximately 19% slope and could only be developed in compliance with the City's Hillside Development Regulations. (See contour map page 3)

- B10. That the physical characteristics of the site do not make it suitable for the request at this time because the steep topography, stormwater drainage, and existing spring on the property make the subject property unsuitable for R-3 zoning.
- B11. That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because if the property were developed to its full potential, R-3 zoning would be detrimental to the neighborhood character and the surrounding land uses.

The flowing ground water is especially concerning to me as an adjacent landowner. Any mitigation that could redirect the flow could be potentially harmful to my property/home. The previous request also provided an estimate of an additional traffic impact of 86 visits per day on my street. In the last 30 years traffic has been just us and our neighbors, and any increase would be unacceptable.

We respectfully ask that this project "Haag Estates", at 2248 East Stanley Hill road from agricultural to suburban R-3 be denied.

Thank you for your consideration.

Bruce & Mary Deming

STUHMILLER, SHANA

From: Deena Youngman <youngfinns8@yahoo.com>
Sent: Sunday, March 7, 2021 2:45 PM
To: STUHMILLER, SHANA
Subject: Annexation of Haag Estates

Follow Up Flag: Follow up
Flag Status: Flagged

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Members of the commission

My name is James Finnegan and I, along with my wife and mother-in-law live at 2543 Lilly Dr Cda ID. We live 3 houses away from the proposed "Haag Estates" which is the property located at 2248 E Stanley Hill Rd. In regards to annexation, we are strongly opposed to the development of this property.

My wife and I purchased this house 15 years ago, after searching for the perfect location that fits our families needs and convenient country lifestyle. The dead end road with minimal traffic was crucial for raising our children and is still crucial for our grandchildren and the other small children who call this dead end road home. The increase of traffic from Lilly drive becoming a through street would forever change this neighborhood.

Moving here we were told that this parcel had just been through an annexation process and was denied due to various reasons which our neighbor, Bruce Deming forwarded to you earlier this week. As a whole this is a quiet neighborhood where the neighbors look out for each other and annexation would change the feeling of our home.

Thank you for your time and consideration James and Deena Finnegan

Sent from my iPad

STUHMILLER, SHANA

From: Ishayden <Ishayden3@gmail.com>
Sent: Monday, June 07, 2021 1:48 PM
To: PlanningDiv
Subject: Item: A-2-21, PUD-2-21&S-2-21; "Haag Estates"

Follow Up Flag: Follow up
Flag Status: Flagged

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Sent from [Mail](#) for Windows 10

I am opposed to the above referenced application. After reading the entire packet, it is my opinion that the application fails to conform to the Comprehensive Plan policies regarding neighborhood development and topography, particularly, environmental considerations. The physical characteristics of the site do not make it suitable for R-3 zoning. Further, the proposal is incompatible with the neighborhood character.

Lauren Hayden
2500 E. Harrison Ave.
Coeur D'Alene, Idaho 83814

STUHMILLER, SHANA

From: John Sahlin <johnhsahlin@gmail.com>
Sent: Tuesday, June 01, 2021 1:49 PM
To: STUHMILLER, SHANA; PlanningDiv
Subject: Haag Estates ITEM: A-2-21, PUD-2-21 & S-2-21

Follow Up Flag: Follow up
Flag Status: Flagged

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I am writing to comment on the above-referenced proposal by Eugene and Nancy Haag.

I am opposed to the request for annexation from County Ag Suburban to City R-3 because the proposal contains no information about the intention of the developer with regard to density of housing, access routes, and other information essential to have a cogent understanding of what the development is for, how it impacts surrounding property owners and traffic and what the schedule for development is.

If these items are addressed, it would be more conducive to understanding the real nature of the proposal and its impact.

John Sahlin
1215 E Royal Anne
CdA, ID 83814

STUHMILLER, SHANA

From: Armand & Barbara <gagne.barbara@yahoo.com>
Sent: Sunday, February 28, 2021 3:53 PM
To: STUHMILLER, SHANA
Subject: Haag Estates PUD

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

We, as residents near the proposed Haag Estates PUD, oppose the proposal of the Planning Commission regarding this matter. We oppose any development of these woods. We oppose any roads being constructed to join the two sections of Lilly Drive. We oppose any new development of homes in these woods. We prefer that this street and this area be forever undisturbed and that the natural beauty be preserved. We further prefer that this undeveloped area be kept as a sanctuary for the deer, owls, turkeys and other wildlife indigenous to this area.

Armand & Barbara Gagne'
2509 E Lilly Drive
Coeur d'Alene, Idaho 83814

Armand & Barbara Gagne'
God Bless the United States of America
One Nation, Under God
Live - Laugh - Love

STUHMILLER, SHANA

From: Suzan Rheault <yakersuz@gmail.com>
Sent: Monday, March 01, 2021 5:38 PM
To: PlanningDiv; shanna@cdaid.org
Subject: Eugene and Nancy Haag request for annexation to City R-3

Follow Up Flag: Follow up
Flag Status: Flagged

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I am a neighbor that lives at 2514 Lilly Drive, nearby the parcel of land proposed for city annexation. I am strongly opposed to this change from County Agricultural suburban to the City R-3. I am confused as to why this request was allowed, since it was already denied 15 years ago. Many of the same circumstances still exist.

According to the Kootenai County's Comprehensive Plan, the goal is to protect the public's health, safety, the general welfare and natural resources. If this zoning is changed the neighborhood's character would certainly change and have a negative impact. No longer would our neighborhood be a quiet street with rural character. I moved to the area for the location which provided a quiet lifestyle, but not too far from the city for errands and essentials. My home on Lilly Drive is on a cul de sac with minimal traffic. If this zoning change occurs, it is likely going to place a through street with increased traffic of vehicles. The quiet would be gone along with any wildlife that frequent the area. My safety and welfare will both be jeopardized due to the traffic and inability to safely walk on my street due to lack of sidewalks. The nearby intersection of Lilly and Hill drive has poor visibility, and it would be unwise to increase the number of vehicles using this unsafe intersection. Lastly, the property value will decline for all the homes in the area because this will no longer be a peaceful and relaxing environment that people desire.

Thank you for taking my comments,

Suzan Rheault
Judy Hughes

STUHMILLER, SHANA

From: Donna <jandrung@roadrunner.com>
Sent: Sunday, February 21, 2021 8:05 PM
To: STUHMILLER, SHANA
Cc: Donna
Subject: RE: request from Haag Estates to annex into city

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Comment from Jim and Donna Runge re: request to annex Haag property into city

We feel there is not enough information provided to us in the "invite for participation" to be able to approve of annexing of this property. Therefore, **we vote against the annexation.**

The information we received seems incomplete and leaves too many questions unanswered: 1). Road access (Stanley Hill Road is dangerous where their driveway connects as it is on the sharp curve of the road). 2). What type of development. 3) Do the property owners who are in the county have any right to decline or approve the development once it is in the city



DOBLER ENGINEERING

**ANNEXATION / SUBDIVISION / PUD
NARRATIVE (revised)
FOR
Haag Estates
2248 E Stanley Hill Rd**

PROJECT DESCRIPTION

Dobler Engineering is requesting the annexation / subdivision / PUD of the subject parcel into the City of Coeur d'Alene. The parcel is approximately 3.19 acres, located on Stanley Hill approximately 1500' east of the I-90 under. The parcel is currently zoned Agricultural Suburban, and the existing land use is residential, with a single family residence located on the site. The parcel is located within the Area of City Impact.

The property abuts Stanley Hill Rd on the north, where the access to the residence is located, and Lilly Dr abuts both the east and west sides on the southern portion of the property. The northerly portion of the property is landscaped, and the southern portion is natural vegetation consisting of mature pine and fir trees. The southern portion of the site, where development is proposed, slopes down to the south with grades in the range of 20% to 25%.

The proposal is to annex the property into the city and subdivide it into 5 estate lots and an open space tract. The northerly lot will contain the existing residence and the four southerly lots will be developed for single family residential use. The four lots to be developed will range in size from about 14,000 sf to just under 16,000 sf and the remaining lot containing the existing residence will be approximately 1.40 acres. Three of the lots will be accessed from a common driveway connecting to Lilly Dr on the east side of the property and a fourth lot will access Lilly Dr on the west. The remaining lot containing the existing residence will continue to access Stanley Hill Rd.

We are requesting a PUD in order to allow deviations from the requirement to have all lots front on public streets and the requirement for 75' of frontage in the R-3 zone. Lot 5 will not have any frontage on a public street, and lots 2, 3, and 4 will have less than the required 75'.

ANNEXATION

We are requesting annexation with a zoning of R-3 for the entire property. The current zoning in the county is Agricultural Suburban and the surrounding zoning is the same for the abutting property in the county and R-3 for the abutting property in the City. The surrounding existing



DOBLER ENGINEERING

land use is single family with the majority of lot size in $\frac{1}{4}$ acre in size. The proposed lots are over $\frac{1}{3}$ acre in size.

COMPREHENSIVE PLAN

This request provides for the orderly and efficient expansion of the City of Coeur d'Alene that will be a benefit to the community. The property is currently within the ACI and served by city roads and emergency services. Annexation into the City would be more efficient in terms of providing public services such as police, fire, sewer, etc. and would facilitate the orderly expansion and growth management. Annexation is consistent with other relevant goals of the Comprehensive Plan as summarized below.

Natural Environment

Goal: *Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene*

Objective 1.08, Forests and Natural Habitats: *Preserve native tree cover and natural vegetative cover as the City's dominant characteristic.*

Objective 1.10, Hillside Protection: *Protect the natural and topographic character, identity, and aesthetic quality of hillsides.*

Objective 1.14, Efficiency: *Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.*

Development of his property will retain much of the natural environment through the requirements of the Hillside Ordinance. There are many mature pine trees and fir trees that enhance the beauty of the property as well as provide a buffer to the adjacent neighborhood. In addition, incorporating a private driveway for access to 3 of the lots instead of extending Lilly Dr minimizes the necessary infrastructure and reduces the impacts.

Home Environment

Goal: *Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.*

Objective 3.05, Neighborhoods: *Protect and preserve existing neighborhoods from incompatible land uses and developments.*

The proposed project is compatible with the surrounding residential zoning and land use. It will preserve the character of the surrounding neighborhood and environment.

Special Areas- Hillside

Policy: *We will protect the natural ecology and visual beauty of all hillsides*

The proposal works in concert with the Hillside ordinance to preserve the natural beauty of the area. The use of a smaller private driveway versus extending a city street reduces



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impacts. The proposed PUD creates a significant open space area that provides additional protection and preservation of the natural hillside beauty while serving as a buffer and passive use area.

SUBDIVISION

We are requesting approval of a 5-lot subdivision as shown on the preliminary plat. The proposal makes provision for the extension of utilities, access, drainage, and fire protection. The proposed facilities meet or exceed the design standards set forth in the code. All lots meet or exceed the minimum size for the R-3 zone and deviations are being requested through the PUD process where the proposal varies from these standards.

Water

The proposed subdivision will be served by City water. Services will be extended to each lot from existing water mains in Lilly Dr. Extension of the water main through the site is not required because adequate looping is provided off-site. Fire flows in the existing mains are adequate to serve the project and there is an existing fire hydrant on Lilly Dr abutting the east side of the property.

Sewer

City Sewer will be extended from Lilly Dr on the west, through the property to the east. Services are provided to all the lots including the existing residence. Two of the sewer services cross intervening lots and easements for them will be dedicated on the plat.

Access

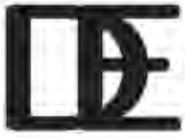
Access to the existing residential lot 1 will continue as it currently exists from Stanley Hill Rd. Access to the Proposed lot 4 will be from Lilly drive on the west. Access to lots 2, 3, and 5 will be from a common driveway connecting to Lilly Dr on the east side of the property. Design of the driveway will meet the requirements of city code and the current fire code. Stormwater runoff from the driveway will be managed within the common driveway tract. The design and construction of the proposed common driveway will meet the standards set forth in section 17.44.280

Topography

The development will conform to the requirements of the Hillside ordinance. The area of disturbance for the subdivision is limited to the construction of the common driveway, extension of the sewer, and individual lot services.

Phasing

The project is planned to be developed in one phase. Construction of the subdivision improvements is expected to start this summer and be completed by late fall.



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PLANNED UNIT DEVELOPMENT

The proposal will require deviations from the following standard.

- ❖ Lots fronting on public streets, and
- ❖ Lot frontage length

Section 16.15.160 requires all lots to have frontage on public streets. We are proposing that lot 5 not front a city street but instead be accessed solely by a common driveway. The required frontage in the R-3 zone is 75'. Lot 4 will have about 54' of frontage on Lilly Dr, where it will take access from. Lots 2 and 3 will have about 30' of frontage on Lilly Dr but will be accessed internally from the private driveway. The remaining Lot 1 will meet the requirement.

The common driveway will be placed in a tract commonly owned by Lots 2, 3, and 5. A road maintenance agreement for the common driveway and stormwater facilities will be recorded with the final plat.

Open Space

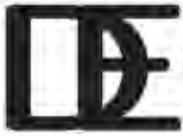
We are proposing an open space area of 13,900 sf which will slightly exceed the required 13,855 sf. The open space is intended as a passive use area for the residents and pets, with access from all the lots. The area is configured so that there will be direct access from the abutting lots or from the common driveway tract via a 5' gravel path in that portion of the open space extending down the east side of the property. The open space tract will be owned and maintained by the owner of Lot 1 or the HOA. In addition to a gravel path, there will be a rest station with a bench.

Architectural Styles.

The owners will not be building on the lots but selling them for development. However, we anticipate that the structures will be one to two story. We are proposing a variety of architectural styles that compliment the character of the property and are compatible with the surrounding neighborhood. These are shown on separate exhibits included with our submittal. In addition, the structures will comply with the applicable requirements in section 17.08.935 of the hillside overlay zone for building roof material, foundations, architectural features, and color.

HILLSIDE OVERLAY

The project lies within the hillside overlay zone and must comply with those requirements. The following is a discussion of and how this project will comply with the relevant requirements.



DOBLER ENGINEERING

Geotechnical Study

Prior to development a Geotechnical study will be prepared by a qualified licensed engineer and submitted to the city for review and approval. It will provide an evaluation of the site and specific recommendations for development and construction of the residences. A preliminary review of the site by Dobler engineering indicates that site is suitable for the proposed uses.

Site grading and erosion control

The proposed work for the subdivision generally consists of installation of the public and private utilities to serve the new lots and construction of the common driveway and related stormwater treatment facilities. Improvement plans for the public utilities and driveway will be prepared and submitted to the City for approval. These plans will specify temporary and permanent erosion control, stormwater treatment, and construction Best Management Practices. Development of the individual lots will require submittal of a proposed grading plan addressing the same issues.

Retention and protection of natural undisturbed areas

Section 17.08.920 D requires development to retain an area equal to 25% plus the average slope of the site, in a natural undisturbed state. The average slope of the site is 25%, so an area equal to 50% of the total parcel must remain in an undisturbed condition. Exhibits have been prepared for each lot demonstrating one of many possible configurations that comply with this requirement. The areas depicted are not intended to define the exact areas of disturbance, but to demonstrate that ample area is available for construction of a residential structure and driveway on each lot. These calculations have included the utility easements in the disturbed area calculations.

Protection of the undisturbed areas shall be accomplished by installation of temporary construction fencing at the interface with the areas to be disturbed to prevent encroachment into the undisturbed areas, per the requirements of 17.08.920 D. For the subdivision improvements, temporary fencing will be installed along the easement lines. For the individual lots, temporary fencing will be installed at the limits of the disturbed areas shown on the approve site disturbance or building permits.

Surface and Groundwater Drainage

A stormwater management plan for the common driveway will be submitted as part of the subdivision improvement plans. Stormwater runoff from the driveway will be directed to an underground injection well. It is not anticipated that construction of the common driveway will exceed 3000 square feet of impervious area and trigger the requirement for treatment. However, should it exceed that amount, a grassed infiltration area will be constructed to treat the runoff prior to injection.

Stormwater management plans for the individual lots will be submitted with the site development permit and/or the building permit.



DOBLER ENGINEERING

There is an existing 2” poly pipe present in the central portion of the property that seasonally discharges water to the surface. Its origin is unknown as well as where the water is originating from. When the subdivision improvements are constructed, the pipe will be redirected to stormwater runoff facilities constructed for the common driveway.

Tree Preservation

Trees removed with the installation of streets, driveways, parking areas, water, sewer, and other utilities do not have to be replaced, per 17.08.930. However, reasonable care will be taken to minimize the removal of trees during construction of these facilities. Individual lots will conform to the preservation and protection requirements of this section through the submittal and approval of a site development/building permit. Generally, trees designated to remain are to be clearly marked and fenced outside the dripline.

CONCLUSION

Based on the evaluation outlined above, the annexation and subdivision of this property as proposed is in keeping with the goals and policies of the Comprehensive plan, it would provide for orderly and efficient expansion of the City, it would preserve the character of the existing neighborhood and the natural beauty and environment of the hillside. For this reason, and those outlined above, we respectfully request approval of the annexation, subdivision, and planned unit development.

RESOLUTION NO. 21-045

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN ANNEXATION AGREEMENT WITH THE EUGENE AND NANCY HAAG LIVING TRUST FOR PROPERTY WITH THE ADDRESS OF 2248 E. STANLEY HILL ROAD, COEUR D'ALENE, IDAHO.

WHEREAS, an annexation agreement has been negotiated between the City of Coeur d'Alene and Eugene and Nancy Haag, as trustees of the Eugene and Nancy Haag Living Trust, pursuant to the terms and conditions set forth in said agreement, a copy of which is attached hereto as Exhibit "1" and by this reference made a part hereof; 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 agreement.

NOW, THEREFORE,

BE IT RESOLVED that the City enter into an annexation agreement with the Eugene and Nancy Haag Living Trust in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such agreement on behalf of the City of Coeur d'Alene.

DATED this 20th day of July, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

_____ was absent. Motion _____.

ANNEXATION AGREEMENT

A-2-21

THIS AGREEMENT, made and dated this 20th day of July, 2021, by and between the *City of Coeur d'Alene*, a municipal corporation organized pursuant to the laws of the state of Idaho, hereinafter termed the "City," and *Eugene and Nancy Haag Living Trust*, an Idaho Trust, with an address of *2248 E. Stanley Hill Road, Coeur d' Alene, ID 83814*, hereinafter referred to as the "Owners,"

W I T N E S S E T H:

WHEREAS, the Owners own a parcel of land adjacent to the City limits of the City, which the Owners wish to develop, and the Owners have applied for annexation to the City, and said property to be annexed is more particularly described in Exhibit "A" attached hereto (hereinafter referred to as "the Property") and incorporated by reference into the substantive portion of this Agreement; and

WHEREAS, the Coeur d'Alene Planning and Zoning Commission has approved, subject to the successful completion of the annexation process, zoning for the Property. A copy of the approved Findings and Order are attached hereto as Exhibit "B" and are incorporated by reference into the substantive portion of this Agreement; and

WHEREAS, the Mayor and City Council of the City have determined that it would be in the best interests of the City and the citizens thereof to annex the Property subject to the Owners performing the conditions hereinafter set forth.

NOW, THEREFORE,

IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

ARTICLE I: LEGAL DESCRIPTION

1.1. Legal description: Tax No. 916 as described in Instrument No. 2498129000, Records of Kootenai County, Idaho, being a portion of the W1/2 of the NW1/4 of the NE1/4 of Section 18, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, Idaho

ARTICLE II: STANDARDS

2.1. Applicable standards: The Owners agree that all laws, standards, policies and procedures regarding public improvement construction that the Owners are required to comply with or otherwise meet pursuant to this Agreement or City Code shall be those in effect at the time of plan approval. The Owners further waive any right the Owners may have regarding the

date used to determine what public improvements; construction laws, standards, policies and procedures shall apply.

ARTICLE III. UTILITIES

3.1. Water and sewer: The Owners agree to use the City's water and sanitary sewer systems for this development. The Owners will extend, at its own cost, the water and sanitary sewer systems and further agrees to fully comply will all City policies for its water and wastewater systems.

3.2. Water rights: Prior to the recordation of any plat on the Property or any other transfer of an ownership interest in the Property, the Owners will grant to the City, by warranty deed in a format acceptable to the City, all water rights associated with the Property. The parties expressly agree that the Owners are conveying the water rights to the City so that the City will have adequate water rights to ensure that the City can provide domestic water service to the Property.

3.3. Garbage collection: The Owners agree that upon the expiration of the existing term of any contract to provide garbage collection services to the Property, that the Owners will begin using the garbage collection service in effect within the City of Coeur d'Alene, which garbage collection service shall be identified by the City.

3.4. Street lights: The Owners agree to adhere to City policies and standards for street light design and construction.

3.5. Street Trees: The Owners agree to adhere to City policies and standards for street trees.

ARTICLE IV: PUBLIC IMPROVEMENTS

4.1. Installation of public improvements: The Owners further agree prior to occupancy of the Property, and prior to issuance of any building permits for the Property, the Owners shall submit plans for approval and construct and install, or otherwise secure the required construction and installation in a manner acceptable to the City, of all improvements required by this Agreement or by City Code including but not limited to sanitary sewer improvements, storm water disposal, water lines, hydrants, monumentation, grading, subbase, paving, curbs, dry utility conduit, street lights, pedestrian/bicycle paths, and sidewalks. The City shall have no obligation, if any exists, for maintenance of improvements until such time as the City formally accepts the improvements.

4.2. Compliance with conditions of approval: The conditions of approval, attached as Exhibit "B," are expressly incorporated into this Agreement as binding provisions of this Agreement. As such, the Owners specifically agree to fulfill each condition of approval as if each condition was specifically enumerated in this Agreement.

4.3. Any future changes to the lot configuration shall be required to meet all Subdivision Standards.

ARTICLE V: FEES

5.1. Consideration: The Owners agree to provide specific consideration in the amount of Three Thousand and Seven Hundred and Fifty Dollars (\$3,750.00) to the City at the times specified in Section 5.3 below. This amount is based on the policy adopted by the City Council by Resolution 98-112 and represents a fee of Seven Hundred Fifty Dollars (\$750.00) per residential lot in the approved R-3 zone on the approved plat. The sum provided for by this Agreement is deemed by the parties to be a reasonable fee for City benefits and services to the Owners' Property, including but not limited to public safety and other services. The Owners will remain responsible for all other costs and fees required by City Code.

5.2. No extension of credit: The parties, after careful consideration of the actual burdens on the City, have agreed to a specific dateline in which those burdens will occur. This section anticipates specific payment at a specific date and is in no manner a loan of services or an extension of credit by the City.

5.3. Payment of annexation fees: On or before the date of the publication of the ordinance annexing the Property into the City, the Owners will pay the required fee for each lot contained in the final plat. The Owners expressly agree that the City may withhold final plat approval or building permit issuance until such time as the required fees are paid.

5.4. Other fees: Additionally, the Owners shall be responsible for all required fees and charges including but not necessarily limited to water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s), building permit fees, and any applicable impact fees that may be imposed. Fees referred to in this paragraph, are set forth by Municipal Ordinance and/or resolution and arise independent of this Agreement.

5.5. The Owner's reimbursement to the City: The Parties further agree that the City has utilized substantial staff time to prepare the Annexation Agreement that will benefit the Owners. The Parties further agree the City shall be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee shall be in the amount of Eight Hundred Dollars (\$800.00).

ARTICLE VI. MISCELLANEOUS

6.1. Deannexation: The Owners agree that in the event the Owners fail to comply with the terms of this Agreement, defaults, is otherwise in breach of this Agreement, the City may deannex and terminate utility services without objection from the Owners, or their assigns or successors-in-interest of such portions of the Owners' Property as the City in its sole discretion decides.

6.2. The Owners to hold the City harmless: The Owners further agree it will indemnify, defend and hold the City harmless from any and all causes of action, claims and damages that arise, may arise, or are alleged, as a result of the Owner's development, operation, maintenance, and use of the Property described in Exhibit "A." The Owners further agree to pay the City's legal costs, including reasonable attorney fees, in the event this annexation is challenged in a court of law. Payment for the City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses.

6.3. Time is of the essence: Time is of the essence in this Agreement.

6.4. Merger: The representations, warranties, covenants, conditions and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements.

6.5. Recordation; Merger; Amendment: The Owners further agree this Agreement shall be recorded by the City at the Owners' expense. All promises and negotiations of the parties merge into this Agreement. The parties agree that this Agreement shall only be amended by a writing signed by both parties. The parties agree that this Agreement shall not be amended by a change in any law. The parties agree this Agreement is not intended to replace any other requirement of City Code.

6.6. Section headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the respective sections to which they pertain.

6.7. Compliance with applicable laws: The Owners agree to comply with all applicable laws.

6.8. Covenants run with land: The covenants herein contained to be performed by the Owners shall be binding upon the Owners and the Owners' heirs, assigns and successors-in-interest, and shall be deemed to be covenants running with the land.

6.9. Publication of ordinance: The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owners' Property shall occur. Upon proper execution and recordation of this Agreement, the City will, to the extent lawfully permitted, adopt and thereafter publish an ordinance annexing the Owners' Property.

6.10. Promise of cooperation: Should circumstances change, operational difficulties arise, or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action, or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement.

STATE OF IDAHO)
) ss.
County of Kootenai)

On this _____ day of July, 2021, before me, a Notary Public, personally appeared **Eugene and Nancy Haag**, husband and wife, Trustees for the **Eugene and Nancy Haag Living Trust**, known to me to be the Trustees whose names are subscribed herein, who executed the foregoing instrument and acknowledged that they voluntarily executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission expires: _____

EXHIBIT "A"

HAAG PLAT ANNEXATION LEGAL

Tax No. 916 as described in Instrument No. 2498129000, Records of Kootenai County, Idaho, being a portion of the W1/2 of the NW1/4 of the NE1/4 of Section 18, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the northwest corner of said NE1/4, from which the northeast corner of said NE1/4 bears, S89°16'57"E 2646.23 feet;

thence from said point of commencement, southerly along the west line of said NE1/4, S00°00'00"E 225.00 feet to the **TRUE POINT OF BEGINNING**

thence along the boundary of said Tax No. 916 the following five (5) courses;

1) leaving said west line, along a line parallel with the north line of said NE1/4, S89°16'57"E 241.65 feet to a point on the west boundary line of the Plat of Ponderosa Park, filed in Book E of Plats at Page 21, Kootenai County Records;

2) leaving said parallel line, southerly along the west boundary line of said Plat of Ponderosa Park and along the west boundary line of the Plat of Ponderosa Terrace, filed in Book F of Plats at Page 28, Kootenai County Records, S00°00'23"W 571.97 feet;

3) leaving said west boundary line, along a line perpendicular to the west line of said NE1/4, N90°00'00"W 241.57 feet to a point on the west line of said NE1/4 and City Boundary lying 800 feet southerly of the northwest corner of said NE1/4;

4) along the west line of said NE1/4 and City Boundary, N00°00'00"W 413.89 feet to an angle point in the City Boundary;

5) continuing along the west line of said NE1/4, N00°00'00"W 161.11 feet to the **TRUE POINT OF BEGINNING**;

Containing 3.18 acres.



EXHIBIT "B"

COEUR D'ALENE PLANNING COMMISSION FINDINGS AND ORDER

A-2-21

A. INTRODUCTION

This matter having come before the Planning Commission on June 8, 2021, and there being present a person requesting approval of ITEM A-2-21, a request for zoning prior to annexation from County AG Suburban to City R-3.

APPLICANT: EUGENE AND NANCY HAAG LIVING TRUST

LOCATION: 2248 E. STANLEY HILL ROAD

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 multi-family.
- B2. That the Comprehensive Plan Map designation is Cherry Hill – Stable Established
- B3. That the zoning is County Agricultural.
- B4. That the notice of public hearing was published on May 22, 2021, 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 June 8, 2021.

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

Objective 1.06 Urban Forests: Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

Objective 1.10 – Hillside Protection:

Protect the natural and topographic character, identity, and aesthetic quality of hillsides.

Objective 1.13 Open Space:

Encourage all participants to make open space a priority with every development and annexation.

Objective 1.14 Efficiency:

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

Objective 3.05 Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 4.01 City Services:

Make decisions based on the needs and desires of the citizenry.

B9. That public facilities and utilities are available and adequate for the proposed use. This is based on input from all city departments and adequate sewer and water available at the most southern lot.

B10. That the physical characteristics of the site do make it suitable for the request at this time because with the dedication of the Hillside Ordinance which will protect that hillside area.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses because its compatible with the surrounding properties and that traffic will be minimal based on the three upper lots.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of EUGENE AND NANCY HAAG LIVING TRUST for zoning prior to annexation, as described in the application should be approved.

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

1. The applicant will be required to record on the final plat that Lot One, or an HOA, is responsible for the perpetual maintenance of the open space tract and provide functional and legal access for all users of the development. A decision as to maintenance responsibility will need to be determined prior to final plat, and the Planning Department will need to be notified and the maintenance has to be approved by staff.

2. The applicant will be required to record on the final plat and provide the City with a copy of the road maintenance agreement for the common driveway serving Lots 2, 3, and 5.
3. Prior to approval of the final development plan for the PUD and the subdivision improvement plans, whichever comes first, the owner shall provide documentation to the Planning Department showing for each of the four new lots: the size, slope, and disturbance associated with the subdivision improvements. This condition is required to show the developable calculation of each lot per the Hillside Ordinance in order to ensure that the platted lots will allow for viable home sites.
4. No site development permits shall be applied for or issued before condition #3 has been met.
5. An Open Space Plan must be submitted as part of the site development permit. The Open space plan must include the rest station area with a bench, and a 5 foot wide gravel trail connecting the common driveway to the open space area.
6. The Open Space tract shall be completed and all amenities installed prior to the issuance of any building permits.
7. A tree removal plan must be submitted and approved by the city prior to the installation of streets, driveways, parking areas, water, sewer, and other utilities, per 17.08.930.
8. Maximum grade for FD access is 8%.
9. Maximum width for FD access is 20 feet or 26 feet where there is a hydrant or ladder truck placement/use.
10. Dead-end FD access over 150 feet requires an approved turn-around.
11. This project will require the extension of public sewer "To and Through" this annexation as proposed.
12. An extension of a City approved public sanitary sewer "To and Through" the subject property and conforming to City Standards and Policies shall be required prior to building permits.
13. A utility easement for the public sewer shall be dedicated to the City prior to building permits.
14. An unobstructed City approved "all-weather" access shall be required over all public sewers.
15. Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) public sewer connection.
16. This PUD shall be required to comply with the City's One Lot-One Lateral Rule.
17. All public sewer plans require IDEQ or QLPE Approval prior to construction.
18. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
19. Any additional service will have cap fees due at building permitting.

Motion by Fleming, seconded by Rumpler, 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 Rumpler	Voted Yes

Commissioner Ward was absent.

Motion to approve carried by a 5 to 0 vote.


CHAIRMAN TOM MESSINA

ORDINANCE NO. _____
COUNCIL BILL NO. 21-1016

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 18, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; 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 property be annexed.

NOW, THEREFORE,

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

SECTION 1. That the property as set forth in Exhibit "A," attached hereto and incorporated herein, contiguous and adjacent to the City of Coeur d'Alene, Kootenai County, Idaho, be and the same is hereby annexed to and declared to be a part of the City of Coeur d'Alene, Kootenai County, Idaho, and the same is hereby zoned as R-3 (Residential at 3 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, be and the same is hereby amended as set forth in the preceding section hereof.

SECTION 3. That the Planning Director be and she is hereby instructed to make such change and amendment on the official Zoning Map of the City of Coeur d'Alene.

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 July 20, 2021.

APPROVED by the Mayor this 20th day of July, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
A-2-21 at 2248 E. Stanley Hill Road; Eugene and Nancy Haag Living Trust

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 18, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; 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 a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, A-2-21, annexation of property known as 2248 E. Stanley Hill Road, owned by the Eugene and Nancy Haag Living Trust, 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 20th day of July, 2021.

Randall R. Adams, Chief Deputy City Attorney

EXHIBIT "A"

HAAG PLAT ANNEXATION LEGAL

Tax No. 916 as described in Instrument No. 2498129000, Records of Kootenai County, Idaho, being a portion of the W1/2 of the NW1/4 of the NE1/4 of Section 18, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the northwest corner of said NE1/4, from which the northeast corner of said NE1/4 bears, S89°16'57"E 2646.23 feet;

thence from said point of commencement, southerly along the west line of said NE1/4, S00°00'00"E 225.00 feet to the **TRUE POINT OF BEGINNING**

thence along the boundary of said Tax No. 916 the following five (5) courses;

1) leaving said west line, along a line parallel with the north line of said NE1/4, S89°16'57"E 241.65 feet to a point on the west boundary line of the Plat of Ponderosa Park, filed in Book E of Plats at Page 21, Kootenai County Records;

2) leaving said parallel line, southerly along the west boundary line of said Plat of Ponderosa Park and along the west boundary line of the Plat of Ponderosa Terrace, filed in Book F of Plats at Page 28, Kootenai County Records, S00°00'23"W 571.97 feet;

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4) along the west line of said NE1/4 and City Boundary, N00°00'00"W 413.89 feet to an angle point in the City Boundary;

5) continuing along the west line of said NE1/4, N00°00'00"W 161.11 feet to the **TRUE POINT OF BEGINNING**;

Containing 3.18 acres.



