

# **HISTORIC PRESERVATION COMMISSION MINUTES**

**City Hall – Conference Room #6**

**12:00 P.M.**

**JUNE 24, 2026**

## **COMMISSIONERS PRESENT:**

Walter Burns, Chair  
Anneliese Miller, Vice Chair  
Doug Harro  
Stephen Shepperd  
Dan McCracken  
Sandy Emerson, *Emeritus*

## **STAFF MEMBERS PRESENT:**

Hilary Patterson, Community Planning Director  
Traci Clark, Administrative Assistant

## **COMMISSIONERS ABSENT:**

Rick Shaffer  
Shannon Sardell  
Danielle Rhodes  
Brian Smith

## **STATE HISTORIC PRESERVATION OFFICE (SHPO) STAFF:**

Dan Everhart (On Teams)  
Alexis Matrone (On Teams)

## **12:00 P.M CALL TO ORDER:**

The meeting was called to order by Chairman Burns at 12:00 p.m.

## **MINUTES:**

Motion by Commissioner Miller, seconded by Commissioner Shepperd, to approve May 27, 2026 Historic Preservation Commission Meeting Minutes. Motion carried.

## **PUBLIC COMMENTS:**

None.

## **STAFF COMMENTS:**

Ms. Patterson made the following statements:

### **Historic Signage Program Update (CEG Grant closeout and FY27 application)**

- We submitted everything for the grant close-out. They then informed us that we were receiving more money because we did our local in-kind match in addition to the cash match. This will allow us to do more signs. We also applied for \$2,500 as part of the 2027 CEG Grant to expand the historic signage program. I'll keep you posted on that.

### **Downtown Core Working Group Update & Next Steps**

- There is no change from last month. We are moving forward. We will be reaching out to the

stakeholders, tell them our new recommendations, get their input, and then we're going to do full joint workshops with this commission, the Design Review Commission, and Planning and Zoning Commission, get some more input, and then the goal is to start bringing forward code amendment and go through the public hearing process. We hope to have something this fall before Thanksgiving.

### **COMMISSION COMMENTS:**

Chairman Burns stated the Mayor has been promoting an Arts and Historic Preservation Foundation. It would support our commission and the Arts Commission jointly. I don't have a whole lot more information.

Ms. Patterson stated the goal is to be able to collect donations, administer the funding, and potentially take some of the load off of some of the commissions and staff. We're looking at different ways to create that kind of foundation or fund. We'll keep you updated.

Chairman Burns stated the Arts Commission has already kind of taken this ball and run with it, so we're going to have to assert our presence to make sure that our needs are equally addressed, but we also have, the Mayor behind us on this.

Commissioner Emerson asked if we would collect donations and are donations defined as cash or items?

Ms. Patterson stated that the foundation could accept donations, grants and cash. We don't know exactly what it's going to look like, but there is the Panhandle Parks Foundation that allows for donations, and it's a better system than having someone give a check to the city where we're holding it in this random restricted account that doesn't work very well when you have multiple fiscal years. Having a foundation in place is a better way to manage that. They are looking at some endowments. Ultimately it should help make it easier for us if we do get donations and grants.

### **ONGOING PROJECTS:**

#### **Local Historic Districts & Zoning Overlay Guidance**

Chairman Burns stated we're happy to have Dan Everhart and Alexis Matrone here today, and I think we certainly need to express our appreciation for all you've dealt with through the last couple of weeks. Going back to when we started out seven years ago, Commissioner's Miller and Emerson, who were with me in the original group that was part of this, they'll attest to the fact that we had no idea what we were doing. We were all here together trying to figure it out, and you, with your guidance really helped bring this whole thing together, and we've made huge strides, and we want to thank you.

Mr. Everhart said, "Thank you, and we've said this before, this bears repeating that the City of Coeur d'Alene has made great strides in their work as a Certified Local Government and Historic Preservation Commission. I'm always so impressed by the work that you've done, down to the details, I don't know that there's a single other preservation commission with merchandise and a logo. So, you need to be very proud of yourselves, not just for your accomplishments, but for making sure that the people of Coeur d'Alene understand what you do. The awards program, it's all wonderful. Find me a commission that has made more progress on historic preservation work in such a short time. I don't think you can find one. I've so appreciated working with you, and like I say, I have always been impressed by the work that you've done, and I'm proud of our accomplishments together."

Ms. Patterson stated the reason why we invited the both of you here today is because with the new legislation that came into effect for cities that are 10,000 and greater in population, there is starter home subdivisions, and accessory dwelling units. The legislation has exemptions for historic districts and for historic properties, and we have been working with one neighborhood, the Government Way Corridor Neighborhood trying to figure out a path forward. They have some interest in maybe creating their own zoning overlay that has potentially some more design standards and parameters for possibly the design

and style and placement of accessory dwelling units, etc. We wanted to better understand from you what that looks like for creating a local historic district, so that we could help them get on a path forward. We have looked at the state statutes and it doesn't appear that there's not a lot of specificity for how we do this. It looks like we need to do some kind of survey, the commission would make a recommendation, and council ultimately creates the district. When we talked about the zoning overlay tool before we were looking at more like the National Register of Historic Places guidance for the 50% plus one in opposition, and just wondered if you have other jurisdictions in the state have done this type of thing, and if you could help provide some guidance to us as we move forward on potentially creating one or more local districts, and then if we did a zoning overlay for historic preservation, what that might look like.

Mr. Everhart stated, "Let's address that. I heard it all, but I picked out something very specific that you said, which was sort of reflective of the National Register programs, 50% plus one statistic to either oppose or not oppose the creation of a National Register district, that is true. Whether it's the Garden District or Downtown Coeur d'Alene, or if you get more than 50% of your property owners to object to a designation, the Park Service says that you cannot move forward with listing the district and the National Register of Historic Places, but that is strictly a requirement of the National Register program. You, as a local government, implementing a design review program, however you choose to do it comes that you have no such restriction. You could, in fact, have a signed letter from every single affected property owner saying we oppose this, and your council could still implement a new design overlay. That is inadvisable, because, of course, your elected officials can be unelected, and it's never a good idea to fully fly in the face of every property owner and their vocal opposition to your plans, but this state does not require you to seek and secure the 'permission of your property owners' to do that. So, let's just put that there, so that we're not, confusing this with the concepts outlined in the National Register process. I know you've read this, and I'm just going to briefly remind everyone, this is State Law, Title 67 Chapter 46. This is the governance of most historic preservation efforts, whether they're by local government or by the state itself. You probably know this all already. Idaho is a state, in which local government may not take an action if it is not expressly permitted by the state legislature, as opposed to other states where you can do anything as long as the state legislature doesn't forbid it, and that's an important distinction, but in this case the state legislature, through Title 67 chapter 46 has given its local governments the authority to designate historic properties and perform some level of design review for those historic properties based on their historic significance. So again, forgive me if this is all redundant information, but the law essentially gives you three options. The first is the creation of a local historic district, in which you provide boundaries, and you designate properties within that boundary as contributing and non-contributing, and you require the property owners to seek a certificate of appropriateness for some very specific things, including alterations to their property, but it also outlines in the law some landscaping elements that have to be reviewed. It's pretty specific. That is the creation of a local district, and that is allowable in most of our cities to choose this option, the option of historic design review. There is another option, which is the designation of a local landmark. The city may choose to designate individual landmarks not to be constrained by boundary of a district, but instead hopscotch around town, identifying individual landmark places that you are going to designate, but what the law says, and this is in Idaho Code 67-4614. This basically says you have limitations to what you can do when you designate a landmark in this way. You can call a meeting of your commission, you can bring the property owner to that meeting when they propose demolition or alteration, but ultimately you cannot prevent them from demolishing or altering their property. You can delay their demolition or alteration, but you cannot prevent it, which is distinct from and different from what you're allowed to do under 67-4607 which is the creation of the local district. With a local district, you can prevent alteration and demolition through the certificate of appropriateness. Local landmarks, according to 67-4614, you can designate them, but you can delay them, but you cannot ultimately prevent their alteration or harm done to those resources, and then as I read the law, and as others who are probably better suited to it have interpreted it as well. There is a third option under 67-4612, and that I'm just going to read it as a whole, because it is not that long, and it's important for what you're talking about here. It says, 'Special restrictions, in addition to any power or authority of a county or city to regulate by planning or zoning laws and regulations, or by local laws and regulations. Government, this is important. The governing body of any County or municipality is empowered to provide special conditions or restrictions for the protection, enhancement, and preservation of historic properties.' It goes on, 'provided, however, that nothing in this chapter shall authorize or can be construed to allow the

designation, regulation, and condition, or restriction by organization or other means of any property or facility owned by the state of Idaho.' They went in sometime after the law was initially passed to exclude state properties from control by county and municipal governments, so that's why they add that clause at the end. But the important part is that the governing body of any county or municipality is empowered to provide by ordinances special conditions or restrictions for the protection, enhancement, or preservation of historic properties, and that is, as I read it, the third option, which is the most broad authority to be granted, and I would call it tongue in cheek the choose your own adventure, you can either do district, you can do a local landmark, or you can do whatever you want to protect historic properties, as long as, and I read this elsewhere in the law, as long as you go through a process. As Ms. Patterson notes, to study the resources that will be so affected, and you properly process the ordinance or zoning language that would protect and or restrict those properties, so that you know that means the proper processes through this body, through planning and zoning, through the council itself, all of which has to be handled in a straightforward way, but essentially, and this is, and no other city does it this way, with one exception, and that's the city of Ketchum. The city of Ketchum decided that they would choose their own adventure, and they said they don't have enough of a concentration of historic buildings in one area to designate a district, they don't have a boundary in which most things are historic and eligible, and so instead they decided to designate local landmarks. But while the law allows that and disallows them from protecting them, they decided that they would both designate local landmarks and put in place a process to protect them through a certificate of appropriateness and design review authority to say yes or no to propose changes up to and including demolition, so they definitely aren't following word for word 67-4614, because that doesn't allow them to prevent alteration or demolition, so they're doing something differently, and that means, in my opinion, that they're following what's allowed under 67-4612 the sort of choose your own adventure option, and I think what you're talking about for Government Way, you could put in place a design review overlay that protects certain historic attributes or the placement and location of accessory dwelling units while not putting in place the firm regulation outlined under the local district requirements that include additions or alterations to landscaping. Essentially you could work with your community and your neighborhood to formulate a design review process that works for them and you and comply with state law, you could do that. In the way I see it, if you have the authority to choose your own adventure in this way, and do it as you will, in the interest of protecting, as it says, the protection, enhancement, or preservation of historic properties."

Ms. Patterson stated this is very helpful. Thank you. You were right. What we had discussed before was those design review components under the historic district. We didn't want to get into reviewing landscaping, and if someone is changing their concrete walkway to pavers as it goes up to their front door, and what color of paint they are using. We would want something that gives us authority that is a little broader, but we would use it to be more narrow working with Government Way residents.

Mr. Everhart stated there is no reason why you can't choose the same option, or tweak it or change it, or increase or decrease what's reviewed, depending upon which neighborhood you're talking about, or what you think the neighborhood property owners or the city itself has the political will to allow and enforce. This is in the law discussing what I would call the more standardized traditional historic local historic district, and this is outlined in section 67-4608. It says a certificate of appropriateness shall be required, and then it says for the purposes of this chapter, exterior features shall include the architectural style, general design, arrangement of the exterior of the building or other structures, including the color, the kind and texture of the building materials, the type and style of all windows, doors, light fixtures, signs, other pertinent fixtures, and natural features such as trees or shrubbery. It's pretty specific that you would have to require a certificate of appropriateness for quite a number of things if you chose to implement the law exactly in the form outlined under 4608 and not to confuse things, but I do think that there are cities that believe they are using 4608 as their guidance, but in fact they're actually using 4612 the choose your own adventure. The City of Boise is one of them. They don't require certificate of appropriateness for paint color, except for the painting of unpainted brick and stone, which is what national guidance and the guidance of our office would be. They don't require certain changes to landscaping to be reviewed and approved by their preservation process. While I think they would tell you they're actually following the local district guidance in the law, if I were to read it more closely, I'd say they're choosing what their own adventure under 4612 as the legislature allows them to do, and choosing which things there will require a

certificate of appropriateness for.

Ms. Patterson asked for clarification on Boise's historic districts. When they created them as local and national register historic districts, did they do that at the same time as they brought forward those design guidelines? Additionally, how did they address the zoning? Is it in the zoning code as a zoning overlay? Do you know that process they used?

Mr. Everhart stated, "That's a good question to ask, but your premises are not correct. The city of Boise does not have automatic overlay of national register and local historic districts. Most of them are. But there are large portions of the north end on the north side of downtown that are not listed in the national register, but are protected through a local historic district. There seems to have been some confusion, even confusion in this office, even confusion of my own before a handful of years ago, when I read this all in more detail, I too thought there might be a requirement under the law for a direct corollary between a district boundary listed in the National Register and a district for local designation. I can't find any such requirement in the law after reading it more closely. You could use your local Garden District boundaries and directly overlay a local district on top of it, or you could restrict your local district boundaries to a smaller subset of that national register boundary or expand it beyond the boundaries of the national register listed district. As I can see it, as long as you're following the requirements under 4612 you should be able to designate local districts and local processes with or without their tie to the National Register of Historic Places program. Government Way is not listed in the National Register, but you could choose tomorrow to create a local district to put in place certain design review requirements, and you would be within your rights. Please talk to your city attorney and make sure that non-legal perspective is in fact defensible, but others seem to have found it to be defensible. Large portions are not listed in the national registered, most historic districts are local. I encourage you to talk to your city attorney."

Ms. Patterson stated she did talk to him a couple of years ago when we were exploring this from a slightly different angle, and he agreed with the ability to craft local regulations. In light of the new legislation, she will check in with him and make sure we understand our abilities and limitations.

Mr. Everhart commented, "As it appears to me, your only limitations are the limitations that you or your constituents put on yourselves. If you wish to do it, color it in this particular way, call out these features to have design review of specific things. I think you're within your right to do almost anything that you and the attorney find defensible, and that ultimately will be supported by mayor and council and the constituents who hold them accountable."

Ms. Patterson stated that's helpful, and in creating that certificate of appropriateness, we can create our own system for that as well, right? If we follow that section of the code or choose our own adventure,

Mr. Everhart stated, "Absolutely. If, because, I think it's quite clear, as I read in 4608 you have very specific things for a certificate of appropriateness under that section, but if you choose your own method, then you can, create, as I read it, your own certificate of appropriateness that selects certain attributes or features to restrict, protect, however you want to say it."

Ms. Patterson commented that if we add design review authority that maybe it could be done by a subcommittee versus the full commission. We have to be mindful of the process and timing of someone submitting a permit to do an accessory dwelling in their yard, and we have to wait until this commission gets together. If there was a way to kind of expedite the review through a smaller committee. But I want to make sure we have that same ability through the state statutes to form our own process.

Chairman Burns asked, let me make sure I understand this. If we call it a local historic district, we must put those restrictions on it. Is that correct?

Mr. Everhart stated "No, I think you have a lot of latitude to call it what you will. I don't think the state statute prevents you from calling it a local historic district, even if you're not going to follow the specific things out during code. I think you could still call it a local historic district as long as you're clear, in your

ordinances why and what you're referencing, but I don't know why you couldn't call it a local historic district and just use different parameters. This is how I'm reading the city of Boise implements their now 40-year-old design historic design review program. They call them local historic districts, but they are not following the letter of the law as outlined, according to my reading of Idaho Code."

Commissioner McCracken asked if anyone has ever tried to challenge something that the Historic Preservation Commission has determined something did not meet Idaho Code, because someone has said they were not following what the statute says you're supposed to do?

Mr. Everhart stated, "There should be an allowance under your ordinance for exactly these purposes, and this is a quasi-judicial process in which your decision making as a lower body of city government should be appealable to the city council. I would encourage you not to make many other platforms for review, I would suggest, Ms. Patterson, that the design decisions by the Preservation Commission aren't appealable to planning and zoning. I would just appeal to them right to council. You might have to, according to your code and according to state law, you might have to get planning and zoning involved when you craft and designate this new zone, but you shouldn't have to require the preservation commissions' decisions to go to other bodies in government before they make it to the council. So to answer your question, yes, there should be, and can be appeals of decisions made by the Preservation Commission in the quasi-judicial process. They would appeal to City Council if the applicant or property owner does not feel that they have been served by the Council's decision on the matter. Then it is appealable to the court, and that's how all of these processes should work across the state, whether they're preservation specific or, you know, the sitting of a hog farm. It shouldn't differ. There should be an appealable process ultimately to the courts. The question is do people appeal? Well, absolutely, people appeal to council all the time. My experience has been that more often than not, the council finds in favor of the appellant, and, and you know, probably too often disregards the opinions of the preservation commission. That's been my experience, but, but so far, knock on wood, we have not seen a major appeal by a disgruntled property owner that would elevate the question in such a way as to challenge state law, so these state laws are on the books in one version or another across the entire country and we're not coloring outside the lines here in Idaho by putting in place these processes, so if our law is at risk and anything's possible. I would say we're in good company with our peers across the nation to have a design review authority for historic preservation, yes, appeals happen, they generally stay within the city government itself, probably too often appeals or grant, you know, reversed by the council, that's been my experience, but there is a process to go beyond the council to the court system and seek redress that way, that does not happen very often. It's my experience that doesn't happen very often, for all the reasons that you can imagine. You have to make certain that you are treating your applicants fairly and uniformly under your code. Don't give your property owners a reason to challenge your decision making or the process that you came that you put in place to come to that decision."

Ms. Matrone stated, "I think that's when the clear guidelines come into place, as clear as you could possibly make them, and consistency of decision making."

Mr. Everhart stated, "If we could expand on that, it's one thing to have an ordinance. You have to have an ordinance and craft the legal language that allows the city to do whatever it is you're going to do, but if not at the same time, then pretty quickly after you pass a design review ordinance for historic preservation, you need to craft and adopt design guidelines that are clear and concise. We heard from our speaker at the CAMP training that the lay person should be able to grab your copy of design guidelines without any legal or preservation background or knowledge and should be able to clearly read and understand what it is that you are going to allow as a city and what you're going to disallow. It doesn't do anyone any good if you've put in place an ordinance that is confusing and unclear, It needs to be well illustrated. It needs to be understandable by the layperson."

Chairman Burns commented, "This has all been extremely helpful. You've given us a lot to think about. In some ways, I'm hearing that we really have more latitude than we thought we did. We've done that to be very purposeful in how we pursue this, but I think this is great. I really appreciate you taking the time to explain all this. How are we going to be able to contact you? We know we can't use your old email

address.”

Mr. Everhart shared his email address and said he is happy to get your emails. “When I say that you can choose your own adventure, you can basically do all of this, in my opinion, without too much reliance on what others have done. At the same time, there's no reason why you shouldn't refer to what Ketchum has done, or even what the city of Boise does, as you consider how you're going to craft your ordinances and your processes. You're not alone. There are other city governments who do this, and you don't have to be totally out there on your own. I'm happy to offer advice. This is the best thing that you can do to ensure the long-term protection of historic resources in your community. Whatever level of design review you put on properties or districts, whether you go hardcore and look at everything, or give them a little softer landing for historic design review, there is no better mechanism to protect historic places in the state of Idaho than through local district and landmark ordinances and designation. So you, like 99.9% of other Idaho communities right now, don't have the tools to ensure the protection of your historic places efficiently and effectively, and so if you were to give yourself that authority as allowed under state law, you would be doing as much for historic places as you possibly could, and I would just encourage you as you consider it, that it is the best tool that we have, the most effective way to ensure the survival of historic resources that relate to Idaho.”

Chairman Burns stated this has been very enlightening. Thank you so very much for taking the time to explain all this to us. And again, thank you for all the help and guidance you have provided us with over the many years. And of course, we'll look forward to continuing to work with you.

#### Government Way Corridor Focus Group Efforts & Local Historic Districts

Chairman Burns stated the Government Way project, and the focus group, did have a meeting that was sparsely attended. None of us were able to attend.

Commissioner Emerson stated he did speak with Scott Cranston and Lisa Fehling. They were disappointed with the turn out, but they thought that they could use what they learned with the core group and just keep moving with that group, and they do have a couple other folks who are interested who also live in the neighborhood.

#### America250 in Idaho Celebration – Logistics & Participation

Chairman Burns commented the America 250 Idaho celebration is nine days away. It's getting real, this is an all-hands-on deck project. Anybody who could be there to help with the set up would be very helpful. We're setting up at 10 o'clock. The County Historic Preservation Commission will be there as well. If you look through the paperwork, we will finalize this on Friday. There are some things here that are going to change. There will be six easels to set up, this will be for the photos taken of the contents of the time capsule. We are also going to have a table, a historic preservation table, both combined city and county, and we'll have our usual things that we have on there. The county will have a couple of things that will need to be manned throughout the event. We'll just need somebody to be there, and you could be there for 10 minutes and rotate off however you want to do it. We have will have musicians, all of the equipment, and the rentals we're going to hopefully have the old fire truck there. We don't know that yet, but we are going to have some model T's and model A's. There's a whole bunch of decorations. commissioner Shepperd is working on a slideshow, which is going to be fascinating. Please feel free to invite people. Let them know that it's a county holiday and parking will be available.

Ms. Patterson commented that we have received some coloring pages for the coloring contest.

Chairman Burns stated we have received many items to be put in the new time capsule. The Masons will be doing a rededication of the courthouse and the time capsule during the celebration. The time capsule will be buried at a later date.

Commissioner Emerson commented regarding the tugboat operators and log towers on the lake barging people, because the museum does a great job with steamboats, but we've lost the log storage and the

sawmills, and so we're trying to resurrect that a little bit, use of history. Fred Murphy wrote a book, and he brought some books in today to share.

Chairman Burns suggested putting one of the books in the time capsule.

DRAFT

Tracking Time:

Chairman Burns reminded the commission to track their time.

**ADJOURNMENT:**

Motion by Commissioner Shepperd, seconded by Commissioner McCracken, to adjourn. Motion approved.

The meeting was adjourned at 1:14 p.m.

Submitted by Traci Clark, Administrative Assistant

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