

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

May 18, 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 May 18, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

Dan English) Members of Council absent

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

INVOCATION: The invocation was given by Steve Findley of the Church of Christ of Coeur d'Alene.

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

PROCLAMATION OF THE WEEK OF MAY 22-28, 2021, AS NATIONAL SAFE BOATING WEEK- Mayor Widmyer proclaimed the week of May 22, 2021, as National Safe Boating Week in support of the goals of the North American Safe Boating Campaign. Immediate Past District Commodore of the USCG Auxiliary Kathleen Goodwin accepted the proclamation and thanked the City for their support. She said this Friday was wear your life jacket to work day with the spotlight on recreational boating safety. This year's message was "wear your life jackets-life jackets save lives."

COUNCIL COMMENTS: Councilmember Miller thanked everyone for their kind wishes and said her son was recovering well. She stated she gave a presentation at the Joint Government North Idaho Building Contractors Association Meeting on behalf of the Regional Housing and Growth Issues Partnership and reminded everyone that all information of the meetings were being hosted on Kootenai Metropolitan Planning Organization's (KMPO) website. She stated the Library Trustees were reviewing satellite library opportunities that were available and would be discussing the feasibility of the project. She mentioned one part of the Housing & Growth Issues that came up was in relation to the vacation rental ordinance and how it was affecting housing growth. She stated she would like a report brought back to Council on the short-term rental ordinance based on rental data to include the number of permits, code enforcement issues, and needed code updates. Mayor Widmyer stated the trend was down this year as the City has

issued 190 permits in each of the previous two years, with a decline to 172 permits this year. Councilmember Miller inquired if the numbers represented non-permitted rentals as well, with Mayor Widmyer stating it did not include non-permitted numbers. The Mayor concurred that there should be an update on the vacation rentals.

Mayor Widmyer asked for the confirmation of the following appointments: Brad Jordan and Don Walters to the Parking Commission.

MOTION: Motion by Gookin, seconded by Evans, to appoint Brad Jordan and Don Walters to the Parking Commission.

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

CONSENT CALENDAR:

1. Approval of Council Minutes for the May 4, 2021, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the May 10, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, May 24, 2021, at 12:00 noon.
6. Approval SS-21-02, Neider Conference Center First Addition to CD'A: Final Plat.
7. **Resolution No. 21-031** -A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: APPROVAL OF A FILM PRODUCTION PERMIT AND HOLD HARMLESS AGREEMENT WITH HENRY WOLSTEN DBA NETSLOW PRODUCTIONS; A SOLE SOURCE CONTRACT WITH WESTERN SYSTEMS OF EVERETT, WASHINGTON, AND BLANKENSHIP & ASSOCIATES OF SPOKANE, WASHINGTON, TRAFFIC SIGNAL DETECTION CAMERAS AND ASSOCIATED EQUIPMENT AND SIEMENS – TRAFFIC SIGNAL CONTROLLER AND ASSOCIATED EQUIPMENT AND VALMONT – TRAFFIC SIGNAL POLES AND ASSOCIATED EQUIPMENT

MOTION: Motion by McEvers, seconded by Gookin, to approve the Consent Calendar as presented, including **Resolution No. 21-031**.

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

APPROVING AMENDMENTS TO THE MUNICIPAL CODE SECTION 5.08.170 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY A NON-PROFIT THEATER AND TO REMOVE THE RESTRICTION RELATED TO PROXIMITY TO A PARK.

COUNCIL BILL NO. 21-1010

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 5.08.170 OF THE COEUR D'ALENE MUNICIPAL CODE RELATED TO BEER; LIMITS ON AREAS OF SALE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Municipal Services Director/City Clerk Renata McLeod stated that Municipal Code § 5.08.170 establishes proximity limits on the sale of beer to be consumed on the premises. Currently, such sale is prohibited within three hundred feet (300') of any park, school or church, and within six hundred feet (600') of any R-1, R-3, R-5, R-8 or R-12 zone, nursing home or hospital. Establishments within the prescribed areas are exempt only if such sale is incidental to the operation of an eating establishment. Ms. McLeod said Lake City Playhouse had contacted the City with a request to amend the code to allow for their non-profit to do fundraising through the sale of beer and wine during events. She stated non-profit theaters provide a benefit to the community both in terms of tourism and culture. As a practical matter, theaters are, and may be located, within the prescribed distance from parks, schools, churches, residential areas, nursing homes, and/or hospitals. The sale of alcoholic beverages provides an important source of revenue for non-profit theaters. It was the opinion of staff that the sale of beer for consumption on the premises of a theater will not create enforcement issues or disturb the surrounding areas. In addition, the City's restriction on such sales within three hundred (300') of a park was not found in the corresponding state law. In fact, alcohol was now permitted in City parks for certain special events with a permit. Increasingly, businesses are being established within the restricted area and the service of beer for consumption within those businesses would violate the unique City ordinance. For these reasons, the proximity restriction related to parks was believed to be inconsistent with current circumstances and practices.

The Police Department noted that they would support the theater use, while it is incidental to the operation of the non-profit theater, as proposed; however, they were not in support of the removal of the 300' from a park rule.

DISCUSSION: Councilmember Gookin asked about the code language which specifically references that no sales of beer is allowed and if wine was implied, and did this remove the restriction around any park. Ms. McLeod stated it does include wine, as the code requires the sale of beer with wine and alcohol, so this section applies to all licenses. There would still be restrictions in relation to commercial business having to be in a commercial zone, and keeps the 600' buffer from a residential zone. Police Chief White stated a bar next to a playground didn't sound like a good idea, yet he didn't have any objection to the current non-profit theater request. Councilmember Wood stated they would like to clean-up some of the code language to be more consistent with current permits and practices. Councilmember McEvers asked if the code

restriction language was remaining which stated 300' from a school or church, with Ms. McLeod stating it would remain as the language came from state code.

MOTION: Motion by McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 21-1010** once by title only.

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

MOTION: Motion by McEvers, seconded by Miller, to adopt **Council Bill No. 21-1010**.

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

APPROVAL OF AN AGREEMENT WITH NORTH IDAHO COLLEGE FOR DAYTIME USE RV PARKING ON CAMPUS LOT.

RESOLUTION NO. 21-032

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PARKING LOT LEASE AGREEMENT WITH NORTH IDAHO COLLEGE FOR USE OF A NIC OWNED PARKING LOT, KNOWN AS PARKING LOT "A," LOCATED ON HUBBARD AVENUE, FOR DAYTIME USE PARKING.

STAFF REPORT: City Administrator Troy Tymesen stated North Idaho College (NIC) owns Parking Lot A located east of 781 W. Hubbard Avenue, across from the City of Coeur d'Alene's (City) Wastewater Treatment Plant, and would like to partner with the City in an effort to help with the increased demand for oversized large vehicle (i.e., RVs) parking during the summer months between Memorial Day and Labor Day. Mr. Tymesen said currently, the upper parking lot at City Hall was the only location that provided free day-use for oversized parking, and the upper parking lot at City Hall was intended for boat and trailer parking. He mentioned it is not convenient for large RVs and fills up quickly. He said the City of Coeur d'Alene would pay NIC \$1.00 dollar per season, with payment made prior to the start of the season. The City's Streets and Engineering Department would post adequate signage and sweep and stripe Parking Lot A upon approval of the agreement. The City would also provide and maintain a garbage receptacle at the location. No overnight parking would be permitted, and all vehicles would have to be removed by 10:00 P.M. He said the City would enforce the 10:00 P.M. lot closure. NIC would reserve the full rights of Parking Lot A for special events such as Ironman and Art on the Green.

DISCUSSION: Councilmember Wood asked who would enforce the lot closure at 10:00 p.m., with Mr. Tymesen stating a security person would patrol the lot and if needed CDA Police would enforce the 10:00 p.m. closure. Councilmember Miller asked how the public would know parking was available at the lot, with Mr. Tymesen responding the Downtown Association would help get the word out and signage would be posted in multiple locations including the upper parking lot at City Hall.

MOTION: Motion by Gookin, seconded by McEvers to approve **Resolution No. 21-032**, Approving an Agreement with North Idaho College for daytime use RV Parking on the campus lot.

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

QUASI-JUDICIAL HEARING-ZC-1-21- A PROPOSED ZONE CHANGE FROM R-12 TO R-17; LOCATED AT 2ND STREET, SOUTH OF NEIDER AVENUE, HICKMAN PLACE LOT 2, BLOCK 1; APPLICANT: HABITAT FOR HUMANITY OF NORTH IDAHO.

COUNCIL BILL NO. 21-2011

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 1.52 ACRES OFF OF 2ND STREET SOUTH OF NEIDER AVENUE, LEGALLY DESCRIBED AS HICKMAN PLACE, LOT 2, BLOCK 1; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

STAFF REPORT: Community Planning Director Hilary Anderson gave an overview of the zone change requested by Habitat for Humanity of North Idaho. The 1.52-acre property is located off of 2nd Street south of Neider Avenue and has a small connection east to 4th Street. Habitat for Humanity of North Idaho purchased the property in 2019 with the intent to build for-sale affordable housing units. The property previously included the home to the east. That was split off through a short plat in October 2019 resulting in a 2-lot residential subdivision, Hickam Place (SS-19-08). The infrastructure had been previously installed and accepted by the appropriate departments. The property is largely vacant, other than an abandoned structure, and suitable for development.

The project will result in affordable for-sale townhouses that will be available for low-to-moderate income persons in Coeur d'Alene. The goal is to provide 24-25 units if possible. The City Council recently approved a \$120,000 Community Opportunity Grant for Habitat for Humanity of North Idaho using CDBG (Community Development Block Grant) funds, which will be used will be utilized for Phase 1 Project Planning which consists of Sight Design, Design Development. Code Analysis, Schematic Design and Construction Documentation for the project. The project will help the City meet the Affordable Housing Goal in the 5-year CDBG Consolidated Plan and meet the National Objective to serve low-to-moderate income persons by building the affordable homes for low- and moderate-income families. The requested zone change is necessary to build the multi-family townhouse project. R-12 zoning does not permit multi-family residential. The zone change also allows for a few additional units, helping make the project work financially.

Habitat for Humanity will be creating a land trust as part of the project. The housing units will be built on property that is part of a land trust. Families will own their homes, but not the land itself. The underlying land will be owned by Habitat for Humanity of North Idaho and will be permanently reserved to create a long-term affordable housing stock. Recently, through research and discovery, Habitat for Humanity of North Idaho has shifted their home building model from building one (1) house at a time to building multi-family condo style units built on a land trust.

Ms. Anderson discussed the four (4) findings that must be met in order to approve a zone change. Finding #B8, the proposal is in conformance with the Comprehensive Plan, Finding #B9, the proposal has adequate public facilities for proposed use, Finding #B10, the proposal meets the physical characteristics suitable for the lot, and Finding #B11, the proposal would not adversely affect the surrounding neighborhood with regard to traffic, character, or existing land uses.

DISCUSSION: Councilmember McEvers asked what the main purpose of the zone change was, with Ms. Anderson responding to allow the type of use (townhomes) and to add a few additional units. Councilmember Gookin commented he appreciated the police report as part of the presentation and asked if the schools had responded. Ms. Anderson said the schools inquired on the project but did not supply any comments.

Mayor Widmyer opened the public testimony portion of the meeting.

APPLICANT: Executive Assistant Sherrie Badertscher swore in the applicant James Casper, Executive Director of Habitat for Humanity of North Idaho. Mr. Casper spoke to the project explaining there would be four (4) buildings with a total of 21 units. Councilmember Wood asked about the affordability of the proposed housing, with Mr. Casper replying the affordable housing program require applicants to have a consistent work history, decent credit score, and as an example, Habitat for Humanity prioritizes those who earn less than 60% median income for a family of four, which was \$39,788 as of April 2021. By retaining ownership through the land trust, the property would be better managed in partnership through the Condo Owners Association. The finished construction cost for the Fruitland Lane project would be approximately \$600,000, and the average cost to homeowners for a three bedroom unit would be on average \$700 month. Councilmember McEvers asked if Habitat for Humanity were still building single family home projects, with Mr. Casper stating it had become too expensive. Councilmember McEvers asked if they would wait for building material costs to come down, with Mr. Casper stating they would not as it was difficult to time the market fluctuations. Councilmember Miller asked if the condo model still includes sweat equity, with Mr. Casper stating 250 hours per adult were still required. Councilmember Miller asked if it was the same with single family homes, with Mr. Casper responding it was the same. Councilmember Miller asked how long the waiting list was, with Mr. Casper stating they do not have a waiting list and choose roughly 10 applicants for each project. Mayor Widmyer stated the land use trust was a good option as the affordability issues in housing were growing and he commended Mr. Casper and Habitat for Humanity for the work they were doing in the City.

Mayor Widmyer closed the public testimony portion of the hearing.

MOTION: Motion by McEvers, seconded by Evans, to dispense with the rule and read **Council Bill No. 21-1011** once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt **Council Bill No. 21-1011.**

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

QUASI-JUDICIAL HEARING- ZC-4-21- A PROPOSED ZONE CHANGE FROM R-1 TO R-3; LOCATED AT 3395 E. FERNAN HILL ROAD; APPLICANT: JANET DAILY.

COUNCIL BILL NO. 21-2012

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-1 TO R-3, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 1.57 ACRE PARCEL LOCATED AT 3395 E FERNAN HILL ROAD, LEGALLY DESCRIBED AS LOT 3, BLOCK 1, SCHWARTZ ADDITION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Councilmember Miller recused herself from the discussion and vote, noting that she does not have a financial interest in the project; however, this is a neighbor's request.

STAFF REPORT: Associate Planner Mike Behary gave an overview of the zone change request. Mr. Behary said the property is located off of Fernan Hill Road approximately 180 feet east of Frosty Pine Trail. The property was annexed into the City in 1990 in item A-2-90. At that time the property was brought into the city with an R-1 zoning designation. The applicant indicated that they intend to build a multi-generational house on the parcel for the mother and daughter to live in. The applicant indicated that this type of home would allow her mom to age in her home and maintain some independence while having her (daughter) nearby for assistance. Multigenerational homes are specifically designed to provide space for multiple generations to live under one roof. Multigenerational homes are also financed as a single-family home. The communities that do allow them under the single-family definition, include a clear definition in their zoning codes about multiple generations living together as a family unit, they have parking requirements to ensure there is adequate parking based on the total number of bedrooms, and they require a deed restriction so that the house functions as a single-family unit. Deed restrictions may also be imposed regarding the use of the unit as a short-term rental. Coeur d'Alene does not have such a definition in the Zoning Code. As such, they look at each unit to determine if it meets the definition of a residence with separate sleeping, eating/cooking, sanitation, and living spaces or if it falls under a single-family with an accessory dwelling unit

(ADU) or a duplex definition. Coeur d'Alene's Zoning Code defines a "Dwelling Unit" as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The Zoning Code defines a "Duplex" as a two-family dwelling, each with a private exterior entrance, sharing common supporting structural elements. In this case, the request fits under two single-family dwelling units because Coeur d'Alene hasn't yet addressed multigenerational housing in the code. Staff plans to bring forward an amendment to the Zoning Code to allow multigenerational housing later this year if time permits. R-1 and R-3 lots allow for a maximum of two houses to be built it so long it has the minimum lot area for each house, which is 34,500 SF for the R-1. This lot is 68,345 SF and is short by 655 SF in order to be allowed to build a second residence on this parcel. The R-3 require a minimum lot area of 11,500 SF for each home. The proposed rezone to R-3 would allow the applicants to build a multi-generational home on the subject parcel because it would allow for two single-family homes to be constructed and meet the minimum lot area per home. It was noted that this lot could not be split into more lots in either the R-1 or the R-3 due to the minimum lot frontage requirement of 75 feet. The lot has 68 feet of frontage and was approved in Schwartz Addition Subdivision in 1992.

Mr. Behary explained that there are four (4) findings that must be met in order to approve a zone change. Finding #B8, the proposal is in conformance with the Comprehensive Plan, Finding #B9, the proposal has adequate public facilities for proposed use, Finding #B10, the proposal meets the physical characteristics suitable for the lot, and Finding #B11, the proposal would not adversely affect the surrounding neighborhood with regard to traffic, character, or existing land uses.

DISCUSSION: Councilmember McEvers asked what was considered a dwelling unit, with Mr. Behary responding a unit providing complete independent living facilities for one or more persons, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Councilmember Gookin stated multigenerational housing was not defined in the code, however, the code allows a house with two (2) kitchens and two (2) bathrooms with two (2) separate living areas, with Mr. Behary explaining it would be a duplex or two (2) houses. Councilmember Gookin asked City Attorney Mike Gridley if it could be addressed in our code. Mr. Gridley stated Council could create the definition they wanted; however, they would want to be careful of unintended consequences of redefining the code. Councilmember Gookin asked if it would be in the upcoming Comprehensive Plan update, with Mr. Behary stating it would; however, in the updated Comprehensive Plan a code amendment would still be required. Councilmember Wood asked if they could build a large home with two (2) kitchens, with Mr. Behary stating the applicants were wanting to build two (2) separate units attached with a breezeway which is not allowed in the R-1 zone because of the lot size. Councilmember McEvers asked if the multigenerational unit could be rented out, with Mr. Behary responding the City does not police them unless there was a short term rental permit. Councilmember Evans asked for clarification of the definition of multigenerational housing, with Mr. Behary responding it was two complete independent living facilities for one or more persons in one building. Councilmember Gookin stated there was one (1) sewer hookup, one (1) water hookup, one (1) electrical hookup and it seemed like it would be considered one unit. Councilmember Wood commented that this wasn't a stretch to approve this project, and she was in support.

Mayor Widmyer opened the public testimony portion of the meeting.

APPLICANT: Executive Assistant Sherrie Badertscher swore in the applicant's consultant Rex Anderson, Architect of Fusion Architecture, PLLC. Mr. Anderson spoke in regard to the project. He stated the Planning Division was proactive in trying to help the applicant, Janet Daily, find a strategic way to accomplish the project. Mr. Anderson stated the reason for the zone change would be to allow for a multigenerational home on the property in order for Ms. Daily, the mother, to live close by to her daughter, while maintaining independence. He stated the house would appear as one structure, and conversion to the R-3 zone would not allow any additional units to be built on the lot. He said there were no objections from fire, police, sewer, water, or traffic.

DISCUSSION: Councilmember McEvers asked if there would be any impacts to the other nearby R-1 properties if this zone change was approved, with Mr. Anderson responding the footprint for the current proposed house is 3,000 square feet and would not be a larger dwelling than on surrounding properties. Councilmember Gookin asked about the east parcel and wanted to know if the parcel could be rezoned to R-3, with Mr. Behary responding he wasn't certain if it had enough feet of frontage on the lot to be considered for a R-3 zone, and that they look at each zone change individually.

Mayor Widmyer closed the public testimony portion of the hearing.

MOTION: Motion by Wood, seconded by Evans, to dispense with the rule and read **Council Bill No. 21-1012** once by title only.

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

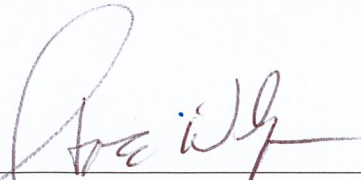
MOTION: Motion by Wood, seconded by Evans, to adopt **Council Bill No. 21-1012.**

DISCUSSION: Councilmember Gookin stated he would not support this zone change and would like to have it brought back as a different option to allow the second kitchen. Councilmember McEvers stated he felt it should be allowed without the zone change. Councilmember Wood stated she felt they should encourage everyone to follow the zoning rules.

ROLL CALL: Wood Aye; Evans Aye; McEvers Nay; Gookin Nay.
Mayor Widmyer; Aye. **Motion carried.**

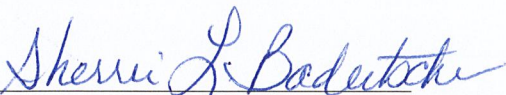
ADJOURNMENT: Motion by Gookin, seconded by Evans that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:21 p.m.



Steve Widmyer, Mayor

ATTEST:



Sherrie L. Badertscher,
Executive Assistant