

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room at **5:00 P.M.**
AGENDA

VISION STATEMENT

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

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

March 21, 2023

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Pastor Chris Lauri with Anthem CDA

C. PLEDGE OF ALLEGIANCE

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

E. ANNOUNCEMENTS

1. City Council
2. Mayor

*****ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS, UNLESS NOTED OTHERWISE**

F. 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 March 7, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Meeting Minutes for March 13, 2023.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for March 27, 2023.

6. Cemetery Lot Repurchase from Alan and Nancy Larsen for Section Riv, Block N6B, Niche 76, Forest Cemetery Annex in the amount of \$900.00.

As Recommended by the City Clerk

7. Resolution No. 23-019

- a. Approval of an Agreement with Davis Enterprises, Inc., dba Live After 5 for the McEuen Park Concert Series.
- b. Approval of a Contract with LaRiviere, Inc., for the Open Trench Pipe Construction (C-2) project, in the amount of \$1,088,674.50.
- c. Approval of a Contract to Dardan Enterprises, Inc., for the Operations Building Remodel project, in the amount of \$1,636,702.00.
- d. Acceptance of the low bid of, and Approval of a Contract with, North Fork Land Development LLC, for the Riverstone Water Loop Improvements Project, in the amount of \$56,243.18.

Pursuant to the Procurement Policy adopted via Res. 17-061

- e. Purchase of a ChemScan UV-4200 Process Analyzer from ChemScan, Inc., in the amount of \$58,106. ***Pursuant to the Procurement Policy adopted via Res. 17-061 Recommended by the General Services/Public Works Committee***
- f. Acceptance of the low bid of, and Approval of a Contract to North Fork Land Development LLC, for a Storm Sewer Improvement Project on West Fairway Drive and West Vista Drive, in the amount of \$61,135.31. ***Pursuant to the Procurement Policy adopted via Res. 17-061***

As Recommended by the Water Department Director

G. PUBLIC COMMENTS: Non-action item (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.)

H. OTHER BUSINESS:

1. **Resolution No. 23-020** - Approval of a Lease Agreement with Scenic Adventure Flights LLC., and No Limits Aviation Inc., d/b/a Brooke's Seaplane Service.

Staff Report by: Bill Greenwood, Parks and Recreation Director

I. PUBLIC HEARING:

*Please feel free to sign up in advance of the meeting to testify at
<https://www.cdavid.org/signinpublic/Signinformlist>
prior to 3:00 p.m. the day of the hearing.*

1. (Quasi-judicial) –A-4-22- Annexation of +/- 440 Acres from County AG Suburban to City R-3, R-8, R-17, C-17L, & C-17 (Commonly Known as Coeur Terre) plus Approval of an Annexation and Development Agreement. Location: N. of I-90, S. of W. Hanley Ave, E. of Huetter Rd.; Applicant: Kootenai County Land Company, LLC
 - a. **Council Bill No. 23-1002** – Ordinance Approving the Annexation of +/- 440 Acres from County AG Suburban to City R-3, R-8, R-17, C-17L, & C-17 (Commonly Known as Coeur Terre). Location: N. of I-90, S. of W. Hanley Ave, E. of Huetter Rd.
 - b. **Resolution No. 23-012:** Approval of Annexation and Development Agreement for Coeur Terre (A-4-22).

J. ADJOURN



Coeur d'Alene CITY COUNCIL MEETING

March 21, 2023

MEMBERS OF THE CITY COUNCIL:

Jim Hammond, Mayor

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

CONSENT CALENDAR

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

March 7, 2023

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 on March 7, 2023, at 5:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

EXECUTIVE SESSION (*Action Item*)- Pursuant to Idaho Code 74-206(1)(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.

MOTION: Motion by Gookin, seconded by Wood, to enter into Executive Session pursuant to Idaho Code 74-206(1)(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.

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

The City Council entered Executive Session at 5:00 p.m. Those present were the Mayor, City Council, and City Administrator. Council returned to regular session at 5:58 p.m.

INVOCATION: Bob Rinehart of the Baha'i Faith led the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Evans led the pledge of allegiance.

Mayor Hammond said an allegation of an Open Meeting law violation had been made by a member of the public which said internal City staff meetings conducted after the February 7, Council meeting and before the February 21, Council meeting regarding the Coeur Terre Annexation request violated the Open Meeting law. These meetings did not involve members of the City

Council or the Planning and Zoning Commission, therefore, were not subject to Open Meeting law, Pursuant to Idaho Code 74-208.

PRESENTATIONS:

PRESENTATION OF THE HEART OF HISTORY AWARD - Councilmember Miller thanked everyone who worked on the Historic Preservation Commission and the award committee and introduced Historic Preservation Commission Chair Walter Burns, and Heart of History Award Subcommittee Chairman Sandy Emerson. Mr. Burns said the Historic Preservation Commission was established in 2020, with the goal of accelerating and preserving the city's rich heritage, and since its creation had adopted a Historic Preservation Plan which they used as a blueprint on how to move forward with the Commission's work. He said they were currently working on a nomination of the downtown Garden District to the National Register of Historic Places. Mr. Emerson introduced Commission members who had assisted with the award. He thanked Don "Pepper" Smock and former Mayor Steve Widmyer for purchasing the home and saving it from demolition, and to all those who were involved in the preservation efforts. Mr. Burns said the home was recognized on the National Register of Historic Places, and was the current home of the Music Conservatory of Coeur d'Alene. Julienne Dance of the Music Conservatory, thanked local Eagle Scout Alex Kaschube and his Troop, along with Kent Kimble, who had completed the rock bedding in the landscape, and the Hawkins Family of Boise, Idaho, who had worked and contributed funds to make the house look as it did today. She noted there were many others who had contributed time and money in restoring the home. Mr. Burns presented the "Heart of History" award to those who had participated in the amazing effort. Mayor Hammond said he and Council were appreciative of all of the efforts to preserve Coeur d'Alene's history, were very thankful for all the hard work and planning that went into the award, and congratulated the "Heart of History" award recipients.

PROCLAIMING MARCH 2023 RED CROSS MONTH – Mayor Hammond read and presented the proclamation to Tina Piaskowski, Red Cross Lead Volunteer of the Greater Inland Northwest Chapter of the American Red Cross.

MID-YEAR BUDGET UPDATE – Comptroller Vonnie Jensen gave an overview of the current budget status. She explained the definitions of Fund Balance (difference between assets and liabilities) and Unassigned Fund Balance (residual classification for the government's fund which included all spendable amounts not contained in other classifications). She said the Unassigned Fund Balance as of September 20, 2022, was \$11,880,092 which represented 24.5% of budgeted expenses. She noted the Government Finance Officers Association recommended at a minimum that agencies maintain a balance of no less than two-months regular general fund operating expenses which equaled 16.7%. She said the difference between 24.5% and 16.7% was a depletion of \$3.8 million, and the current budget included a depletion of \$1,998,625 to fund capital purchases. She gave an overview of the revenue history in the General Fund from Fiscal Years (FY) 2019, 2020, 2021, and 2022, and the projected revenue in FY24 of \$51,810,428. She said projected General Fund expenses in FY24 were \$52,851,600. She noted expenses included COLAs for Police and Fire contracts, merit increases, but did not include a COLA for Lake City Employees Association (LCEA) or any increases to health insurance premiums. She said there were six (6)

positions (Electrician Apprentice, Heavy Equipment Operator, Communications Specialist, Department Support, IT Technician, and Applications Analyst) budgeted in FY23 which had not been filled and if remained vacant would equal a savings of \$436,354, and recommended they not be filled in FY23 or FY24. Ms. Jensen noted a budget amendment was not needed as no new revenues had been received, and recommended waiting until the end of the fiscal year to make any amendments, if needed. She mentioned General Fund department budgets were tracking well and within the approved FY23 budgeted amounts.

DISCUSSION: Councilmember Gookin asked if the 0% COLA for LCEA had already been negotiated, with Ms. Jensen responding it had not. Councilmember Gookin asked if the merit increases included employees from the Water and Wastewater Departments, with Ms. Jensen responding they were not, as those included in the presentation were related to the General Fund. Councilmember Wood asked why wait to amend the budget as she would prefer an accurate historic budget, with Ms. Jensen responding it would require a public hearing and that there was no need to amend it at this time as there were no new revenues to report. Councilmember McEvers asked since there was a budget shortage, was the recommendation to save money and not make purchases such as tires, with Ms. Jensen responding fund balance was in a good position and employee costs were the issue, not the purchase of needed supplies, as ongoing revenue was needed to support employee wages which is why she did not recommend filling the new positions which had been budgeted in FY23. Councilmember McEvers said he appreciated staff's conservative estimates when preparing the City's departmental budgets. Councilmember Gookin asked if the City was upside down for the current or next year's budget, with Ms. Jensen explaining the shortage would be for the next year's budget. She noted the current vacancies would provide salary savings which would see the City through the current fiscal year. Councilmember Wood reiterated that a budget amendment should be made in order to show an accurate historic budget, with Councilmember Gookin also in support of the request.

ANNOUNCEMENTS:

Councilmember Gookin read an email provided by Suzanne Knutson regarding March as National Disabilities Awareness Month, which asked to increase public awareness of the needs and potential of those with developmental disabilities, and to encourage the citizens of Coeur d'Alene to recognize and celebrate the attributes and contributions of those with disabilities. This year's theme was "Through my Eyes," which asked the community to see the world through the viewpoint of those with disabilities.

Councilmember Wood mentioned an incident that had happened at Lake City High School. She asked Police Chief White and Deputy Chief Bill Deruyter to report on the incident. Chief White said last Wednesday they had an unplanned drill of their plans and procedures. He said a school resource officer stationed at the school was alerted to an active shooter threat, and was able to look at the cameras, many officers responded to the school within 2 minutes, and roughly 15-20 officers were on-site within 4 minutes. He said the Fire Department set up the unified command. They determined the alert was most likely a hoax as similar threats had been received in other states, yet as a precaution, decided to have officers search the school. He said they used the time to run a drill of their unified incident command procedures. Deputy Chief Deruyter said they train for

incidents which they hope never happen and the procedures they had in place worked. He said he was impressed with the response of the Police and Fire Departments, along with the response of other public safety organizations. Councilmember Wood said it was a frightening event and it was a comfort to the community to know how prepared the City's Public Safety Departments were.

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 February 21, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Meeting Minutes for February 27, 2023.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee Meeting for March 13, 2023.
5. Setting of a Public Hearing for March 21, 2023; 5:00 P.M.: A-4-22- Annexation of +/- 440 Acres from County AG Suburban to City R-3, R-8, R-17, C-17L, & C-17 (Commonly Known as Coeur Terre) plus Approval of an Annexation and Development Agreement. Location: N. of I-90, S. of W. Hanley Ave, E. of Huetter Rd.; Applicant: Kootenai County Land Company, LLC
6. Approval of SS-22-10 – Final Plat for Woodman Acres; 3829 N. Schreiber Wy (East side of the West entrance of Schreiber Way, South of Kathleen Avenue).
7. **Resolution No. 23-017-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING THAT A 2002 CHEVROLET TAHOE AND A 2005 CHEVROLET IMPALA FROM THE POLICE DEPARTMENT ARE SURPLUS AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY AT AUCTION; AUTHORIZING A REFUND PAYMENT TO THE CITY OF DALTON GARDENS IN THE AMOUNT OF \$233,691.80 FOR THE EXCESS SANITARY SEWER FUNDING ASSOCIATED WITH THE GOVERNMENT WAY WIDENING PROJECT; AMENDING PERSONNEL RULE 27, FLSA EXEMPT EMPLOYEES, TO ADD THE DEPUTY FIRE CHIEFS INTO THE RULE; AND APPROVING THE POLICE CAPTAINS MEMORANDUM OF UNDERSTANDING (MOU) FOR THE TERM OF OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented, including **Resolution No. 23-017**.

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

PUBLIC COMMENTS:

Brian Rogers, Post Falls, spoke about Milgram experiments and outcomes.

Katherine Hall, Coeur d'Alene, stated she had concerns about those impacted by the Coeur Terre project. She requested Council preserve her Indian Meadows neighborhood.

Mark Jacobi, Post Falls, spoke about the Coeur Terre annexation proposal, the Planning Department's land use handbook, and noted the current zoning of the surrounding property wasn't a good match to the project's proposed R-17 zone. He suggested the developer donate property in order that Huetter Road be expanded.

Ron McGhie, Post Falls, stated the City of Hayden had just realigned their zoning code in their neighborhood context in order to add a fair and balanced approach for both developers and current property owners. He noted the 300' noticing requirement of surrounding property owners was not adequate and to consider further outreach.

RESOLUTION NO. 23-018

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CITY OF COEUR D'ALENE PERSONNEL RULE 11: UNPAID LEAVE OF ABSENCE.

STAFF REPORT: Human Resources Director Melissa Tosi said the proposed amendments to Rule 11 required additional explanation from the employee of the reason for the leave and length of the leave, why it was necessary, and any additional information that would be helpful in making a final determination on the request. She mentioned the main amendment to the current language changed the approval process for unpaid leave beyond twelve weeks, from City Council approval to being approved by the City Administrator, after conferring with the applicable Department Head and Human Resources Director. She said the proposed change would be a more standard internal approval process for employees related to leave and also protect any discussions that are related to protected medical/health information. She noted one change to the policy was the City Administrator, along with Human Resources, and the Department Director would approve the leave request instead of it coming before the City Council. She noted the proposed amendments had been discussed by the Executive Team and posted for all employees to review. She said additionally, the Lake City Employees Association (LCEA), Police Association, and Fire Union were notified of the changes and had no concerns. She said there were no hard costs associated with the amendments to Rule 11, and they were necessary to provide consistent and clear policies with up-to-date, relevant information to staff.

DISCUSSION: Councilmember Wood said she didn't have any issues with the additional information being added, yet was not in favor of removing Council's authority. Councilmember Gookin agreed that Council should remain a part of the approval process, and would like it to remain the way it was. Ms. Tosi said she had researched other cities and counties' policies and did not find another policy at any other agency in which Council was an approver or decision maker in similar policies. Mayor Hammond said it wasn't something that should come before Council as it was part of the city's daily operations of managing staff, rather than a policy decision.

MOTION: Motion by Evans, seconded by Miller, to approve **Resolution No. 23-018** – Approval of Amendments to Personnel Rule 11, Unpaid Leave of Absence.

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

(LEGISLATIVE) MODIFICATIONS TO MUNICIPAL CODE CHAPTER 13.08 AND 13.16 FOR THE PURPOSE OF ESTABLISHING NEW WASTEWATER USER CHARGES AND FEES. RATE AND CAPITALIZATION FEE STUDY

STAFF REPORT: Wastewater Superintendent Mike Anderson said he had brought the proposed modifications to Chapters 13.08 and 13.16 of the Municipal Code for the purpose of establishing new wastewater user charges and capitalization fees. He said the modifications would establish the new wastewater user charges and capitalization fees for the five-year period from April 1, 2023, through March 31, 2028. He noted the new charges and fees would replace those defined in the 2017 Comprehensive Wastewater Rate Study. He introduced Shawn Koorn of HDR Engineering who said the recent rate study by HDR Engineering had taken into account the numerous operational and capital improvements made to the wastewater collection, treatment, and compost facilities during the past five years, as well as anticipated future expenditures. He said the rate study performed revenue requirement analysis, cost of service analysis, and rate design analysis to develop user rates and fees that adequately met the wastewater utility's operating and capital expenses with revenues from customers. The study also addressed the fairness and equity of the current and proposed rates among the various customer classes. He noted Fernan customers should be transitioned over a five-year period to the actual cost of providing the service. He said other costs were identified in the 2018 Facility Plan Update and included planning, design, and construction of repairs to the secondary treatment process and expansion of the tertiary treatment process. He mentioned the proposed modifications would provide the revenue required for the continued efficient operation of the facilities and enable the City to meet the discharge permit requirements through the City's Advanced Wastewater Treatment Facility. Mr. Anderson noted major changes between 2017 and now were a water volume increase of 2%, underground pipe footage increased by 4%, and there was a 12% increase in pounds of waste coming into the facility. He said in 2017 effluent going out of the plant was 200,000 pounds and in 2022 it was 6,000 pounds which equaled a reduction of effluent of 97% being discharged into the river.

DISCUSSION: Councilmember McEvers asked the difference between rates and capitalization fees, with Mr. Anderson responding rates paid for the cost to collect, treat, and discharge the wastewater. He explained capitalization fees were a one-time charge for a residential or commercial building's connection to the system. Councilmember McEvers asked what would happen to capitalization fees when growth stopped, with Mr. Koorn responding staff had been looking at the issue and it was included in long-term planning. Councilmember McEvers asked if Covid had impacted the five-year plan, with Mr. Koorn responding it did play into the study yet there were no major shifts from prior studies. Councilmember McEvers asked if the City's high-tech treatment system made it more expensive to treat the wastewater, with Mr. Koorn responding a higher level of treatment normally made it more expensive, yet City staff had looked at the issue and past investment and management had kept the city fees at a lower amount. Councilmember Miller asked if the proposal and rates had been made public to the local building industry, with Mr. Anderson responding staff had made it available to the building industry and had received no comments from them. Councilmember Miller mentioned in the past, an issue had been brought up regarding a separate meter for irrigation in a commercial/residential building, with Mr. Anderson responding the only way to do it would be installing the separate meter for irrigation, yet it was challenging to determine commercial classes within residential as there were many

variances and difficult to establish a flat rate. Councilmember English noted the capitalization fees were reasonable when placed in context of the cost of providing the service.

Mayor Hammond opened the public testimony portion of the hearing, and hearing none, closed public testimony.

COUNCIL BILL 23-1004

AN ORDINANCE REPEALING SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D'ALENE MUNICIPAL CODE; ADOPTING NEW SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D'ALENE MUNICIPAL CODE, TO ESTABLISH USERS CHARGES AND THE CAPITALIZATION FEE SCHEDULE FOR THE COEUR D'ALENE PUBLIC WASTEWATER COLLECTION AND TREATMENT WORKS; AMENDING SECTION 13.16.30 OF THE COEUR D'ALENE MUNICIPAL CODE TO CLARIFY ADJUSTMENTS TO THE POPULATION EQUIVALENT CHARGE; 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

MOTION: Motion by McEvers, seconded by Evans, to dispense with the rule and read **Council Bill No. 23-1004** once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt **Council Bill No. 23-1004**.

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

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

The meeting adjourned at 7:44 p.m.

ATTEST:

James Hammond, Mayor

Sherrie L. Badertscher
Executive Assistant

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March 13, 2023

GENERAL SERVICES/PUBLIC WORKS COMMITTEE MINUTES

12:00 p.m., Library Community Room

COMMITTEE MEMBERS

~~Council Member Amy Evans, Chairperson~~ ABSENT
Council Member Christie Wood
~~Council Member Dan English~~ ABSENT
Council Member Kiki Miller, Chairperson
Council Member Woody McEvers

STAFF

Juanita Knight, Senior Legal Assistant
Randy Adams, City Attorney
Troy Tymesen, City Administrator
Bill Greenwood, Parks and Recreation Director
Larry Parsons, Utility Project Manager, Wastewater
Mike Becker, Capital Program Manager, Wastewater
Ben Martin, Assistant Superintendent, Wastewater
Terry Pickel, Superintendent, Water

Item 1. Approval of an Agreement with the Davis Enterprise dba Live After 5 Events for the McEuen Park Concert Series.

(Consent)

Bill Greenwood, Parks & Recreation Director, is requesting Council approve a five-year agreement with Davis Enterprises Inc., d/b/a Live After 5, for the Live After 5 Concerts at McEuen Park. Mr. Greenwood explained in his staff report that Davis Enterprises Inc., d/b/a Live After 5, has been operating and producing Live After 5 concerts in McEuen Park since 2017 with great success and the concerts have been well received by the community. The concert performances are on Wednesday evenings beginning the first week of June through the first Wednesday in September. The City does not have any financial outlay for Live After 5 concerts. Thirty days prior to the first concert, Davis Enterprise will pay the City \$1,200.00 for each of thirteen (13) concerts for a total of \$15,600.00, together with an annual \$5,000 security deposit for the years 1-5. The fee will increase each subsequent year of the contract to account for inflation. The funds received for the concerts go into Parks Capital Improvements. The negotiated agreement spells out the responsibilities and expectations for Live After 5 and the City.

Councilmember Miller asked when the proposed contract will come up for renewal and what is the term of the contract. Mr. Greenwood said the current contract is a 3-year contract, the proposed contract is a 5-year contract. However, either party can request modification any time during those 5 years. Mr. Greenwood said the vendor has one season remaining on the current contract but they agreed to renegotiate after the vendor was shown the City's profit/loss statements.

MOTION: by McEvers, seconded by Wood, to recommend that Council approve the agreement with Davis Enterprise dba Live After 5 Events for the McEuen Park Concert Series. Motion Carried.

Item 2. Approval of a Lease Agreement with Scenic Adventure Flights LLC., dba Brooke's Seaplane Service (Shane Rogers).

(Agenda)

Bill Greenwood, Parks & Recreation Director, is requesting Council approve a Lease Agreement with Scenic adventure flights LLC and No Limits Aviation Inc., d/b/a Brooke's Seaplane Service, (Shane Rogers). Mr. Greenwood explained in his staff report that Brooke's Seaplane Service has been leasing Bay 5 on the

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commercial dock and providing plane rides over our region for over 30 years and is a favorite attraction with our community and visitors alike. The company has changed hands from the Lunts to No Limits Aviation Inc., d/b/a Brooke's Seaplane Service, and Scenic Adventure Flights, LLC. The Lessee agrees to pay as rental for the right of such moorage space and the use of said portion of said dock for the first year of the lease, the sum of Seven Thousand Ninety-Nine and 08/100 Dollars (\$7,099.08) payable on April 1, 2023 as follows: Six Thousand Nine Hundred Fifty-Nine and 88/100 Dollars (\$6,959.88), based on a monthly rental of Five Hundred Seventy-Nine and 99/100 Dollars (\$579.99), and One Hundred Thirty-Nine and 20/100 Dollars (\$139.20) which is the 2% fee assessed by the Department of Lands as identified in Section 4, for the period of April 1, 2023, through March 31, 2024. Annual fee increases will be calculated based on the previous years' fee plus the Consumer Price Index (CPI) Western for all urban consumers for the year prior to the lease year. Brooke's Seaplane Service has an existing lease in place through 2022. The new lease with Scenic Adventure Flights and No Limits Aviation is a five (5) year lease commencing April 1, 2023, and ending March 31, 2028. The Lessee may request in writing a five (5) year extension of the agreement for the period from April 1, 2028, to March 31, 2033, by submitting to Lessor a written request for extension after April 1, 2027, and prior to September 1, 2027.

Councilmember Miller asked Mr. Greenwood if he has a regular cycle of reviewing the rates. Mr. Greenwood said that at each contract renewal they review the rates and adjust them as needed. He believes the rates the City is charging are good rates and the services provided by the vendors are good for the community. Councilmember Miller asked how many flights per day are conducted. Mr. Greenwood said he does not have that number and the flights per day are not considered in the contract.

FORWARDED, without recommendation, to the full City Council for consideration.

Item 3. Acceptance of Bid and Award a Contract to LaRiviere, Inc., for the Open Trench Pipe Construction (C-2) project, in the amount of \$1,088,674.50.

(Consent)

Larry Parsons, Utility Project Manager, Wastewater, is requesting Council accept and award the Open Trench Pipe Construction for 2022/2023 Wastewater Collection System Capital Improvement Project (C-2 Project) contract to the apparent low bidder. Mr. Parsons explained in his staff report that each year, the Wastewater Utility prioritizes and budgets for the replacement and/or rehabilitation of the City's aging sewage collection infrastructure. At the top of this year's list is an open trench project on Mullan Ave at 16th Street going east to 19th Street, as well Young Ave from 17th Street east to 19th Street. The upgrade will alleviate an existing sewer capacity bottleneck that was identified in the 2013 Sewer Master Plan. Also included in the project will be waterline upgrade modifications in the same area. The completion of this project not only alleviates a sewer bottleneck and capacity issue but also updates the Water Department's infrastructure in this area creating a much more efficient and safe system for the public.

Councilmember Wood said the funding for this project is part of the ongoing strategic plan and these are this years budget dollars. Mr. Parsons said that is correct. It is budgeted by Wastewater and previously approved by the full City Council.

Councilmember McEvers asked about the impact of the construction on the neighborhoods and who that responsibility falls on. Mr. Parsons said it falls on the City, the contractor, and J.U.B. They do their best to work with the neighborhoods and to finish the project in a condition better than it was before they started.

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MOTION: by McEvers, seconded by Wood, to recommend that Council accept the Bid and award a Contract to LaRiviere, Inc., for the Open Trench Pipe Construction (C-2) project, in the amount of \$1,088,674.50. Motion Carried.

Item 4. Acceptance of Low Bid and Award a Contract to Dardan Enterprises, for the Operations Building Remodel project, in the amount of \$1,636,702.00.

(Consent)

Mike Becker, Capital Program Manager, Wastewater, is requesting Council accept the low bid and award a contract to Dardan Enterprises, for the City Wastewater Department's remodel of the operations building in the amount of \$1,636,702.00. Mr. Becker explained in his staff report that the current Wastewater Operations Building was designed to facilitate a treatment facility one-fourth the size it is today. After several design iterations, in 2020, the City approved remodeling the old Collections Building instead of rebuilding the existing Treatment Operations Building. Last November, bids for this remodel project exceeded the current budget of \$1.2M and City approved Staff's recommendation to reject all bids, reduce the General Contractor's work scope, and rebid the project at a later date. The breakdown of the bids received for this project are Dardan Enterprises, Post Falls, Idaho \$1,636,702 and Apollo, Inc. Kennewick, Washington \$1,771,100. The responsive and apparent low bidder is Dardan Enterprises. This is a planned multi-year project and the Department has budgeted \$1.2M for this project under this FY 2022/2023, and will budget accordingly in the following FY 2023/2024.

Councilmember McEvers said the original project was \$1.2M and now its \$1.6, he asked Mr. Becker to explain that. Mr. Becker said the bid that come in last November was actually \$1.78M and staff had budgeted \$1.2M knowing that it was going to be a multi-year project. So, they will budget approximately \$600,000.00 next year. Mr. Becker added that the 2019 original budget for this project was \$2.3M.

MOTION: by Wood, seconded by McEvers, to recommend that Council accept the Low Bid and Award a Contract to Dardan Enterprises, for the Operations Building Remodel project, in the amount of \$1,636,702.00. Motion Carried.

Item 5. Approval of the Purchase of a ChemScan UV-4200 Process Analyzer from ChemScan, Inc., in the amount of \$58,106.00.

(Consent)

Ben Martin, Assistant Director, Wastewater Department, is requesting Council accept the quote from ChemScan, Inc., and authorize staff to move forward with the purchase of a new ChemScan UV-4200 Process Analyzer for the quoted amount of \$58,106.00. Mr. Martin explained in his staff report that the Wastewater Treatment Facility has benefitted from the analysis performed by a ChemScan unit for the last 15 years. The unit has reached the end of its service life and needs to be replaced. The Department solicited quotes from reputable analyzer suppliers and received 3 quotes. The lowest quote to replace our analyzer was from ChemScan, Inc., in the amount of \$58,106.00. The other quotes received were for \$102,710.00 and \$105,507.00. ChemScan has proven technology that the Wastewater Department has relied on for years. ChemScan is able to provide the analysis at a lower price because they are the only supplier to combine all of the instruments into one unit. Their technical support has also been great and has kept the equipment running long past the expected service life.

Councilmember McEvers asked why there is such a price difference for the 3 quotes and asked if the chemicals are included in the price. Mr. Martin said the chemicals are not included in the price. He said Wastewater will

DRAFT

make the chemicals in house. The main reason for the price difference is the amount of equipment provided by the other two companies where ChemScan provides only one piece of equipment.

Councilmember Miller asked if a lot of training is required for staff to run this equipment. Mr. Martin said all 3 of the quotes include start-up where they send out a technician to install the unit and do training of all staff.

MOTION: by McEvers, seconded by Wood, to recommend that Council approve the Purchase of a ChemScan UV-4200 Process Analyzer from ChemScan, Inc., in the amount of \$58,106.00. Motion Carried.

Item 6. Acceptance of Low Bid and Award a Contract to North Fork Land Development, LLC., for the Riverstone Water Loop Improvements project, in the amount of \$56,243.18.

(Consent)

Terry Pickel, Superintendent, Water Department, is requesting Council approve the low bid and award a contract to North Fork Land Development LLC, for the Riverstone Water Looping Improvements project, in the amount of \$56,243.18. It is explained in the staff report that the Water Department has continued to work on hydraulic flows throughout the city to help eliminate dead-end water mains, restricted flows, and pressure issues. As the Riverstone development continues to grow the Water Department has identified several areas where there are bottlenecks in the hydraulic system that help move water across the city. Looping the water main on the end of Bellerive to W. Lima Pl. will create an added loop in the system that would further add to the system's redundancy to this area. This is part of our Water Comprehensive Plan schedule for Zone enhancement to help water flows. Funding of \$750,000.00 is included in the 2022-23 FY budget for the proposed project. Staff solicited the assistance of Olsen Engineering to evaluate and design the transmission main project in accordance with the 2012 Water Comprehensive Plan recommendations. The consultant completed the design and staff received two (2) responses with the lowest responsive bid submitted by North Fork Land Development in the total bid amount of \$56,243.18.

Councilmember McEvers said when Riverstone was originally being developed there was not an overall plan for Water lines and asked Mr. Pickel if this is why these lines are not already connected. Mr. Pickel said there were so many developers with their fingers in the pie that things went side-ways from the original plans back in 2000. He noted that Bellerive has been reconstructed 3 times. He said this line was originally supposed to go down the SW side of the bike trail and over to Mill River but with the changes in the land development it didn't make it. So, this is an attempt to reroute it and get it where it should be.

MOTION: by McEvers, seconded by Wood, to recommend that Council accept the Low Bid and Award a Contract to North Fork Land Development, LLC., for the Riverstone Water Loop Improvements project, in the amount of \$56,243.18. Motion Carried.

Recording of the meeting can be found at:
https://www.youtube.com/live/2xR_aRXSTDQ?feature=share

The meeting adjourned at 12:37 p.m.

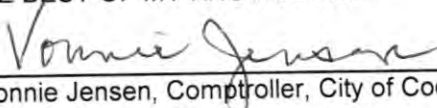
Respectfully submitted,
Juanita Knight
Senior Legal Assistant
Recording Secretary

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

CITY CLERK

FUND	BALANCE 1/31/2023	RECEIPTS	DISBURSE- MENTS	BALANCE 2/28/2023
<u>General-Designated</u>	\$4,268,954	\$24,836	\$6,295	\$4,287,495
<u>General-Undesignated</u>	19,239,225	4,141,060	6,336,288	17,043,997
<u>Special Revenue:</u>				
Library	656,446	52,080	133,155	575,371
CDBG	(30,076)	19,113	5,902	(16,865)
Cemetery	230,281	23,704	18,641	235,344
Parks Capital Improvements	1,997,181	50,994	52,152	1,996,023
Impact Fees	6,041,846	43,554	7,170	6,078,230
Annexation Fees	41,089	140		41,229
American Recovery Plan	8,454,589			8,454,589
Cemetery P/C	1,108,104	6,456	20,154	1,094,406
Jewett House	132,948	952	1,816	132,084
Reforestation	23,171	79	270	22,980
Street Trees	160,467	2,346	1,200	161,613
Community Canopy	2,756	10		2,766
Public Art Fund	115,432	13,820	60,000	69,252
Public Art Fund - ignite	447,844	1,523		449,367
Public Art Fund - Maintenance	124,099	422	21	124,500
<u>Debt Service:</u>				
2015 G.O. Bonds	623,057	25,052	25,926	622,183
<u>Capital Projects:</u>				
Street Projects	782,195	52,308	87,599	746,904
<u>Enterprise:</u>				
Street Lights	119,126	51,649	59,202	111,573
Water	3,220,833	364,095	415,787	3,169,141
Water Capitalization Fees	5,565,612	133,192		5,698,804
Wastewater	17,154,157	1,093,915	1,473,415	16,774,657
Wastewater - Equip Reserve	1,132,062	27,500		1,159,562
Wastewater - Capital Reserve	4,500,000			4,500,000
WWTP Capitalization Fees	3,575,246	80,965		3,656,211
WW Property Mgmt	55,403			55,403
Sanitation	1,629,875	475,794	557,377	1,548,292
Public Parking	736,698	34,467	7,517	763,648
Drainage	1,229,690	100,773	30,983	1,299,480
Wastewater Debt Service	651,897	853,937	852,970	652,864
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	277,716	223,452	277,716	223,452
Police Retirement	462,188	15,285	26,688	450,785
Sales Tax	1,804	2,555	1,804	2,555
BID	351,649	5,051		356,700
Homeless Trust Fund	652	507	652	507
GRAND TOTAL	<u>\$85,084,216</u>	<u>\$7,921,586</u>	<u>\$10,460,700</u>	<u>\$82,545,102</u>

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


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

CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 FIVE MONTHS ENDED
 February 28, 2023

RECEIVED
 MAR 9 2023
CITY CLERK

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 2/28/2023	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$249,035	\$96,310	39%
	Services/Supplies	10,128	2,103	21%
Administration	Personnel Services	317,916	93,989	30%
	Services/Supplies	2,570	21	1%
Finance	Personnel Services	765,897	308,868	40%
	Services/Supplies	632,500	312,068	49%
Municipal Services	Personnel Services	1,469,170	520,118	35%
	Services/Supplies	1,531,715	575,752	38%
	Capital Outlay			
Human Resources	Personnel Services	366,503	137,744	38%
	Services/Supplies	85,918	45,110	53%
Legal	Personnel Services	1,225,988	483,486	39%
	Services/Supplies	135,450	10,092	7%
Planning	Personnel Services	697,216	277,541	40%
	Services/Supplies	62,050	15,209	25%
	Capital Outlay			
Building Maintenance	Personnel Services	320,137	126,225	39%
	Services/Supplies	284,500	105,247	37%
	Capital Outlay	90,000	19,450	22%
Police	Personnel Services	16,880,007	6,631,366	39%
	Services/Supplies	1,867,520	534,651	29%
	Capital Outlay	3,280,000	1,261,827	38%
Fire	Personnel Services	11,465,359	5,249,989	46%
	Services/Supplies	873,192	285,621	33%
	Capital Outlay	986,610	758,247	77%
General Government	Services/Supplies	626,300	608,668	97%
	Capital Outlay			
Police Grants	Personnel Services	84,594	32,432	38%
	Services/Supplies			
	Capital Outlay		33,980	
CdA Drug Task Force	Services/Supplies		5,600	
	Capital Outlay			
Streets	Personnel Services	3,534,437	1,345,553	38%
	Services/Supplies	2,872,401	472,053	16%
	Capital Outlay	1,452,000	325,273	22%
Parks	Personnel Services	2,112,826	681,107	32%
	Services/Supplies	734,550	199,787	27%
	Capital Outlay	194,000	78,076	40%


CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 FIVE MONTHS ENDED
 February 28, 2023

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 2/28/2023	PERCENT EXPENDED
Recreation	Personnel Services	599,865	246,321	41%
	Services/Supplies	180,350	41,791	23%
	Capital Outlay	35,000	35,000	100%
Building Inspection	Personnel Services	1,019,158	411,181	40%
	Services/Supplies	42,078	6,924	16%
	Capital Outlay	62,000	60,742	98%
Total General Fund		<u>57,148,940</u>	<u>22,435,520</u>	<u>39%</u>
Library	Personnel Services	1,528,445	564,607	37%
	Services/Supplies	230,000	73,762	32%
	Capital Outlay	190,000	45,463	24%
CDBG	Personnel Services	79,894	30,873	39%
	Services/Supplies	700,349	59,625	9%
Cemetery	Personnel Services	224,911	75,587	34%
	Services/Supplies	138,800	35,378	25%
	Capital Outlay		1,650	
Impact Fees	Services/Supplies	554,446	7,170	1%
Annexation Fees	Services/Supplies	355,000	355,000	100%
Parks Capital Improvements	Capital Outlay	463,614	76,885	17%
Cemetery Perpetual Care	Services/Supplies	86,000	35,157	41%
Jewett House	Services/Supplies	139,700	39,181	28%
Reforestation	Services/Supplies	6,500	2,261	35%
Street Trees	Services/Supplies	112,000	11,708	10%
Community Canopy	Services/Supplies	1,500		
Public Art Fund	Services/Supplies	468,500	99,979	21%
		<u>5,279,659</u>	<u>1,514,287</u>	<u>29%</u>
Debt Service Fund		<u>880,083</u>	<u>25,926</u>	<u>3%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
FIVE MONTHS ENDED
February 28, 2023

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 2/28/2023	PERCENT EXPENDED
LaCrosse Ave / NW Blvd	Capital Outlay		48,455	
Wilbur / Ramsey Signal	Capital Outlay	400,000		
Traffic Calming	Capital Outlay	65,064	(209)	0%
Kathleen Avenue Widening	Capital Outlay		14,265	
Ramsey Road Rehabilitation	Capital Outlay	588,000		
15th Street	Capital Outlay	49,900	49,813	100%
LHTAC Pedestrian Safety	Capital Outlay	605,000	37,353	6%
Atlas Waterfront Project	Capital Outlay			
Govt Way - Hanley to Prairie	Capital Outlay		(15,784)	
		<u>1,707,964</u>	<u>133,892</u>	<u>8%</u>
Street Lights	Services/Supplies	760,130	222,207	29%
Water	Personnel Services	2,777,800	934,380	34%
	Services/Supplies	5,399,475	742,037	14%
	Capital Outlay	6,149,400	678,338	11%
Water Capitalization Fees	Services/Supplies	3,850,000		
Wastewater	Personnel Services	3,216,082	1,209,093	38%
	Services/Supplies	8,477,348	1,605,332	19%
	Capital Outlay	8,532,000	692,682	8%
	Debt Service	3,513,441	322,420	9%
WW Capitalization	Services/Supplies	2,777,660		
WW Property Management	Services/Supplies			
Sanitation	Services/Supplies	5,520,365	1,773,499	32%
Public Parking	Services/Supplies	1,864,965	532,821	29%
	Capital Outlay			
Drainage	Personnel Services	243,712	98,313	40%
	Services/Supplies	1,046,146	110,781	11%
	Capital Outlay	1,215,000	359,125	30%
Total Enterprise Funds		<u>55,343,524</u>	<u>9,281,029</u>	<u>17%</u>
Kootenai County Solid Waste		3,110,000	1,059,024	34%
Police Retirement		196,454	57,787	29%
Business Improvement District		176,000		
Homeless Trust Fund		10,000	2,934	29%
Total Fiduciary Funds		<u>3,492,454</u>	<u>1,119,746</u>	<u>32%</u>
TOTALS:		<u>\$123,852,624</u>	<u>\$34,510,399</u>	<u>28%</u>

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



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

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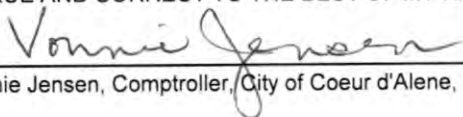
MAR 9 2023

CITY CLERK

**City of Coeur d Alene
Cash and Investments
2/28/2023**

Description	City's Balance
U.S. Bank	
Checking Account	3,731,745
Checking Account	90,540
Checking Account	68,176
Investment Account - Police Retirement	430,505
Investment Account - Cemetery Perpetual Care Fund	1,089,513
Idaho Central Credit Union	
Certificate of Deposit	283,957
Idaho State Investment Pool	
State Investment Pool Account	74,830,808
Spokane Teacher's Credit Union	
Certificate of Deposit	1,012,029
Numerica Credit Union	
Certificate of Deposit	1,006,479
Cash on Hand	
Treasurer's Change Fund	1,350
Total	<u>82,545,102</u>

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



CEMETERY LOT TRANSFER / SALE / REPURCHASE ROUTING FORM

REQUEST RECEIVED BY:

Municipal Services Department Name Kelley Setters Employee 3-13-23 Date

REQUESTED BY:

Alan & Nancy Larsen Name

Address _____ Phone _____

Request is for: Repurchase of Lot(s)
 Transfer of Lots(s) from _____ to _____

Section: RIV Block: NGB Niche(s): 76 Lots(s): _____

Lot(s) are located in: Forest Cemetery Forest Cemetery Annex. (Riverview)
Copy must be attached: Deed Certificate of Sale
Requester is: owner executor other **Note: If "executor" or "other", affidavits of authorization must be attached.*

Title Transfer Fee: \$ _____ Receipt No: _____

ACCOUNTING DEPARTMENT completes the following: Attach original contract.

Accountant Signature Vonnie Jensen Date: 3/15/2023

CEMETERY SUPERVISOR completes the following:

The above-referenced Lot(s) is/are certified to be vacant: Yes No
The owner(s) of record of the Lot(s) in the Cemetery Book of Deeds is listed as: Alan + Nancy Larsen
The purchase price of the Lot(s) when sold to the owner of record was \$ 900 per lot.

Supervisor's Signature M Brandt Date: 3/13/2023

LEGAL/RECORDS completes the following:

Certificate of Conveyance/Transfer received: Yes No
Requester is authorized to execute certificate: Yes No

I certify that all requirements for the transfer/sale/repurchase of cemetery lot(s) have been met and recommend that the transaction be completed.

City Clerk's Signature _____ Date: _____

Council approved transfer/sale/repurchase of above-referenced Lots(s) in regular session on. Date: _____

CEMETERY SUPERVISOR completes the following:

Change of ownership noted in Book of Deeds: Yes No
Cemetery copy filed original and supporting documents returned to City Clerk: Yes No

Cemetery Supervisor's Signature _____ Date: _____

**CERTIFICATE OF CONVEYANCE
CEMETERY LOT**

In consideration of the payment of the fee established by resolution of the City Council, the City of Coeur d'Alene does hereby convey to Alan & Nancy Larsen (the "Owner") the following lot(s) in the Riverview Annex Cemetery:
Section(s) R1V, Block(s) NCB,
Niche(s) 76, Lot(s) _____
according to the plat thereof, now on file and of record in the office of the Kootenai County Recorder, state of Idaho.

This Certificate vests in the Owner, and his or her heirs or assigns, a right in fee simple to said lot(s) for the sole purpose of interment, under the ordinances and regulations adopted by the City Council as authorized by Idaho Code § 50-320.

DATED this ____ day of _____, 20__.

By _____
Mayor

ATTEST:

Renata McLeod, City Clerk

RESOLUTION NO. 23-019

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: AN AGREEMENT WITH DAVIS ENTERPRISES INC., D/B/A LIVE AFTER 5, FOR THE MCEUEN PARK CONCERT SERIES; A CONTRACT WITH LARIVIERE, INC., FOR THE OPEN TRENCH PIPE CONSTRUCTION (C-2) PROJECT IN THE AMOUNT OF \$1,088,674.50; A CONTRACT WITH DARDAN ENTERPRISES FOR THE WASTEWATER DEPARTMENT OPERATIONS BUILDING REMODEL PROJECT IN THE AMOUNT OF \$1,636,702.00; ACCEPTANCE OF THE LOW BID OF, AND AWARD OF A CONTRACT TO, NORTH FORK LAND DEVELOPMENT, LLC, FOR THE RIVERSTONE WATER LOOP IMPROVEMENTS PROJECT IN THE AMOUNT OF \$56,243.18; THE PURCHASE OF A CHEMSCAN UV-4200 PROCESS ANALYZER FROM CHEMSCAN, INC., FOR THE WASTEWATER DEPARTMENT IN THE AMOUNT OF \$58,106.00; AND ACCEPTANCE OF THE LOW BID OF, AND AWARD OF A CONTRACT TO, NORTH FORK LAND DEVELOPMENT, LLC, FOR A STORM SEWER IMPROVEMENT PROJECT ON WEST FAIRWAY DRIVE AND WEST VISTA DRIVE IN THE AMOUNT OF \$61,135.31.

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

- A) Agreement with Davis Enterprises Inc., d/b/a Live After 5 Events for the McEuen Park Concert Series;
- B) Contract with LaRiviere, Inc., for the Open Trench Pipe Construction (C-2) project in the amount of \$1,088,674.50;
- C) Contract with Dardan Enterprises for the Wastewater Department Operations Building Remodel project in the amount of \$1,636,702.00;
- D) Acceptance of low bid and award of a contract to North Fork Land Development, LLC for the Riverstone Water Loop Improvements Project in the amount of \$56,243.18;
- E) Purchase of a ChemScan UV-4200 Process Analyzer from ChemScan, Inc. for the Wastewater Department in the amount of \$58,106.00;
- F) Acceptance of low bid and award of a contract to North Fork Land Development, LLC, for a Storm Sewer Improvement Project on West Fairway Drive and West Vista Drive in the amount of \$61,135.31;

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 and contracts, and take the other actions.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur dAlene that the City enter into agreement and contracts, and take the other actions for the subject matter as set forth in substantially the form attached hereto as Exhibits "A" through "F" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement and contracts, and the other actions, so long as the substantive provisions of the agreement, contracts, and other actions remain intact.

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

DATED this 21st day of March, 2023.

James Hammond, 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 _____.

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

DATE: MARCH 13, 2023

FROM: BILL GREENWOOD, PARKS & RECREATION DIRECTOR

**SUBJECT: DAVIS ENTERPRISE INC., D/B/A LIVE AFTER 5, AGREEMENT
(CITY COUNCIL ACTION REQUIRED)**

DECISION POINT:

Should the General Services Committee recommend that Council approve this five-year agreement with Davis Enterprises Inc. d/b/a Live After 5, for the Live After 5 Concerts at McEuen Park?

HISTORY:

Davis Enterprises Inc., d/b/a Live After 5, has been operating and producing Live After 5 concerts in McEuen Park since 2017 with great success and the concerts have been well received by the community. The concert performances are on Wednesday evenings beginning the first week of June through the first Wednesday in September.

FINANCIAL ANALYSIS:

The City of Coeur d'Alene does not have any financial outlay for Live After 5 concerts. Thirty days prior to the first concert, Davis Enterprise will pay the Parks and Recreation Department \$1,200.00 for each of thirteen (13) concerts for a total of \$15,600.00, together with an annual \$5,000 security deposit for the years 1-5. The fee will increase each subsequent year of the contract to account for inflation. The funds received for the concerts go into parks capital improvements.

PERFORMANCE ANALYSIS:

Attached is the agreement for Live After 5. The agreement spells out the responsibilities and expectations and responsibilities for Live After 5 and the City. With the success of the concerts, the Parks Department is comfortable entering into this updated agreement. Davis Enterprises will comply with all Police and Fire Department requirements.

RECOMMENDATION:

The General Services Committee recommends to City Council to approve this five-year agreement with Davis Enterprise Inc., d/b/a Live After 5, for the Live After 5 Concerts at McEuen Park.

WEEKLY CONCERT SERIES AGREEMENT

THIS WEEKLY CONCERT SERIES AGREEMENT is made and entered into this 21st day of March, 2023, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under the laws of the State of Idaho, hereinafter called the "City," and **DAVIS ENTERPRISES INC., d/b/a LIVE AFTER 5**, an Idaho corporation with its principal place of business at 4576 West Greenchain Loop, #7, Coeur d'Alene, Idaho 83814.

WITNESSETH:

WHEREAS, Davis Enterprises Inc., d/b/a Live After 5, (hereinafter "Davis Enterprises") owns and operates "Live After Five," which has been held at McEuen Park (the "Park") for several years; and

WHEREAS, Davis Enterprises' Live After Five may include, but will not be limited to, arts and craft vendors, alcohol vendors, food vendors, and entertainers; and

WHEREAS, Davis Enterprises' Live After Five is a weekly concert series held during the summer on Wednesday evenings at the Park; and

WHEREAS, three of Davis Enterprises' Live After Five concerts in 2023 may be ticketed events with a maximum occupancy of 6,000 attendees. Entertainers for the large ticketed events must have prior approval by the Parks & Recreation Department. For these ticketed concerts Davis Enterprises may begin setting up in the Park on Tuesdays at 8:00 a.m. and have until Thursdays at 5:00 p.m. for tear down.

NOW, THEREFORE, IT IS AGREED that, for and in consideration of the covenants and agreements set forth herein, Davis Enterprises is awarded this Agreement according to the terms set forth herein and under the penalties expressed herein.

Section 1. Recitals Incorporated and Definition: The parties agree the Recitals set forth above are accurate and are hereby incorporated as part of this Agreement. For purposes of this Agreement, the parties agree that the term "employee" shall include owners and board members of Davis Enterprises, subcontractors, and any volunteers that would assist them during the event.

Section 2. Community Relations: Davis Enterprises agrees that they, their employees and/or subcontractors will be courteous and informed about the community and will assist with questions from tourists and other Park users.

Section 3. Appropriate Attire: Davis Enterprises agrees its employees and/or subcontractors shall be appropriately dressed in either an approved T-shirt or polo shirt with identifying logo. Approval of dress must be received from the Parks & Recreation Director. The Parks & Recreation Director's approval will not be unreasonably withheld. This requirement does not apply to entertainers, food vendors, arts and craft vendors, and alcohol vendors.

Section 4. Staffing: Davis Enterprises agrees the event will be staffed by at least six employees and/or subcontractors from set up through tear down of equipment. There will be one legitimate, licensed and bonded security personnel for every 250 attendees. For each larger concert, Davis Enterprises will meet with city staff and provide a city approved safety plan.

Section 5. Health Permit: Davis Enterprises agrees that all food vendors are to obtain a health permit as required by law for a food concession that may be part of the event. The permit must be placed in a conspicuous place on the concession. The permit number must correspond to the number on the trailer. The intentional or reckless failure of Davis Enterprises to require all food vendors to obtain the required health permit may result in the City revoking the permit for one or more events. The purpose of the permit is to protect the public.

Section 6. Food and Alcohol: Davis Enterprises may allow the sale of all foods within the scope of any required health permit. Alcohol service must end by 8:30 pm, unless otherwise permitted for larger acts.

Section 7. Non-food Items: Davis Enterprises agrees to review all requests for items to be sold at the event and not allow items that may be deemed to be dangerous or illegal.

Section 8. Waiver: Davis Enterprises understands and agrees that, during the term of this agreement, the City or agents of the City may commence projects or may need to undertake unforeseen or emergency repairs involving downtown public properties, including the Park and/or its amenities, that may require the City to cancel one or more concerts, pursuant to the notice provision in Section 20 below entitled "Notice." In such event, the City will make every reasonable effort to determine an alternate venue for the event or concert(s) affected thereby. Davis Enterprises specifically waives any claim as to lost profits or business interruption, or consequential damages, while such work is being performed, and shall hold the City harmless from any claim by a third party arising out of the cancellation or moving of a concert caused by unforeseen or emergency work.

Section 9. Negligent or Wrongful Acts: Davis Enterprises agrees to indemnify and hold harmless the City from any and all liability, loss or damage which the City may suffer arising out of, or in connection with the negligent or wrongful acts, errors and omissions of Davis Enterprises, its agents, employees, or subcontractors. Davis Enterprises further agrees, at Davis Enterprises' sole cost, to defend the City against all claims arising out of this Agreement, including any claims resulting from the operation of Davis Enterprises or in connection with the negligent or wrongful acts, errors and omissions of Davis Enterprises, its agents or employees.

Section 10. Site Specifications: Davis Enterprises agrees to the following site specifications, in the area noted on Exhibit A:

- A. Arts and craft booth size is 10 ft. X 10 ft.
- B. Allowed heat source: propane or whisper quiet generator.

- C. At least 4 porta-potties are required to be onsite throughout the concert series.
- D. Allowed cooling source: battery, ice, propane, or whisper quiet generator.
- E. All food concessions must be self-contained. Ice chests, canisters, etc., cannot be stored next to cart.
- F. All food concessions must be maintained according to Panhandle Health sanitation standards throughout the event.
- G. Food concession booth size is 10 ft. X 20 ft.
- H. Davis Enterprises and all vendors are responsible for cleanup of their area prior to and after the event.

Section 11. Term: The City shall grant an event permit to Davis Enterprises for every Wednesday, beginning the first Wednesday in June and ending the first Wednesday of September, for events to be held in McEuen Park for the years 2023-2027, (the “Initial Term”). At the conclusion of the Initial Term, Davis Enterprises may, at its option, renew this Agreement for an additional period of five (5) years, for the years 2028-2032 (the “Renewal Term”). The Initial Term and the Renewal Term are collectively referred to as the “Term.” The use of Davis Enterprises of McEuen Park, except for the area indicated on Exhibit “A” shall not be exclusive.

Section 12. Consideration: Davis Enterprises shall, in consideration of the permit to operate and maintain said event at the Park, pay the Parks & Recreation Department an annual refundable deposit of Five Thousand and no/100 Dollars (\$5,000.00) each year prior to the start of the season, and One Thousand Two Hundred and no/100 Dollars (\$1,200.00) per concert (the “Permit Fee”), and, for the three big ticketed shows annually, an additional impact fee of \$5 per ticket sold. Consideration after the initial five (5) years will increase in year six (6) and seven (7) to One Thousand Five Hundred and no/100 Dollars (\$1,500.00) per concert, and to Two Thousand and no/100 Dollars (\$2,000.00) in years eight (8), nine (9), and ten (10), plus the same impact fee for the big ticketed shows. The Permit Fee includes Park use, staff time, and required alcohol permit; alcohol security is to be paid for and obtained by Davis Enterprises for each concert. The permit fee and refundable deposit must be paid in full within 30 days before the first event each year. The additional impact fee collected per ticket will be held in escrow by the ticketing company and paid to the Parks & Recreation Department upon completion of the event. The deposit is fully refundable if no additional fees or penalties are assessed during the Live After Five concert series, and if there is no damage to City property, normal wear and tear excepted. Davis Enterprises also agrees to cover porta-potty fees as they relate to use of the Park on Wednesday evenings during the concert series.

Section 13. Other Laws: Davis Enterprises agrees that, in its exercise of its rights and performance of its duties under this Agreement, it shall comply with all local, state, and federal laws, statutes, rules and regulations, including agency rules and regulations that may apply to Davis Enterprises’ use of the Park. As a part of this Agreement, the City will disclose all local laws

that pertain to Davis Enterprises' use of the Park under this Agreement, but the City's failure to disclose will not excuse or waive compliance with City Code.

Section 14. Fire Protection: All tents, canopies or membrane structures must be certified flame resistant where food is being prepared and all food vendors must have a fire extinguisher and comply with the Coeur d'Alene Fire Department Permit for Temporary Tents and other Membrane Structures. An annual \$100 Fire Department inspection fee will be charged to Davis Enterprises for booth inspection, including food and non-food booths.

Section: 15. Glass Containers: Davis Enterprises agrees not to dispense drinks in glass containers or allow vendors to dispense drinks in glass containers.

Section 16. Non-transferable: Davis Enterprises also agrees and understands this Agreement cannot be transferred to another host/sponsor without permission of the City.

Section 17. Parking: Davis Enterprises agrees to park in lawfully designated parking spaces. With the exception of five (5) approved vehicles, neither Davis Enterprises nor its agent(s) or vendors shall park vehicles adjacent to the concessions, arts and craft booths, or entertainment areas for longer than 90 minutes; PROVIDED, this restriction shall not apply to food trucks or display vehicles operating for purposes of a concert.

Section 18. Event Information: Davis Enterprises agrees it will meet with the Parks & Recreation Department at least 60 days prior to the first event in each calendar year, and at other times as may be requested by the Parks & Recreation Department, to review access for the vendors, entertainers, site layout, and any potential changes in the event venue. Access generally relates to vehicle access prior to the event for setting up and taking down. Specific access points will be identified and monitored by the Parks & Recreation Department so the event does not cause unnecessary damage or wear and tear to the Park. Davis Enterprises will meet with the Parks & Recreation Department at least one week before the first event in each calendar year to review final details. Except for the ticketed events, Davis Enterprise may begin setting up for the event as early as 8:00 a.m., each Wednesday and the event shall be open to the public by 5:00 p.m. each Wednesday. Music and amplification of sound must end by 9 pm. Fencing and larger items may be removed from the Park the next morning. Failure to comply to sound/amplification ending by 9 pm, may result in the assessment of a civil penalty of Five Hundred and no/100 Dollar (\$500.00) per occurrence. Amplification for large ticketed events may go until 10 pm. If Davis Enterprises hosts an act/artist that is known to draw a large audience (and is not considered one of the big ticketed shows) of 2,500 or more spectators, the City may assess a large event impact fee not to exceed One Thousand and no/100 Dollars (\$1,000.00).

Section 19. Forfeiture of Permit: It is understood that time is of the essence and, should Davis Enterprises fail to perform any of the material covenants herein required of it, the City may declare the permit forfeited. However, before declaring such forfeiture, the City shall notify Davis Enterprises in writing of the particulars in which the City deems Davis Enterprises to be in default and Davis Enterprises will have seven (7) days to remedy the default.

Section 20. Notice: Any notice, including notice of default resulting from failure to perform, shall be made in writing and delivered via Certified United States Mail addressed to Davis Enterprises at the address above, with proper postage affixed; notice shall be deemed received upon actual receipt by Davis Enterprises. Any notice required herein to be given to City shall be written and deemed received by City when personally delivered to the office of the City Clerk, 710 Mullan Avenue, Coeur d'Alene, Idaho 83814. In lieu of service by mail, a notice of default and/or of termination may be served in the manner provided for the service of process under the Idaho Rules of Civil Procedure, Rule 5(b).

Section 21. Confidentiality: The City acknowledges it may have access to Davis Enterprises' business information, strategies, and concert schedules ("Confidential Information"). The City agrees that its access to Davis Enterprises' Confidential Information will be used only for permitting and scheduling purposes. All such information will be treated in a strictly confidential manner and will only be disclosed to City employees or contractors on a need-to-know basis. The City further agrees that it shall not disclose Davis Enterprises' Confidential Information to any third party.

Section 22. Exclusivity. The City agrees that during the Term of this Agreement, Davis Enterprises shall have the sole and exclusive right to produce and host a weekly concert series in McEuen Park on Wednesday evenings. Nothing herein shall prevent the City from permitting a one-time event, including a concert, to be held in McEuen Park other than on a Wednesday from June through the first week in September. Further, nothing herein shall prevent the City from permitting regular or weekly events in McEuen Park, other than on Wednesday evenings, which are not concerts, which are community events sponsored by the City or a non-profit organization, or which otherwise do not conflict with Davis Enterprises' use of the Park.

Section 23. Entire Agreement: This document constitutes the entire agreement between the parties with respect to Property and may not be amended or otherwise modified except by the express written agreement of the parties. Any future agreements between the parties related to Davis Enterprises' use of the Park shall be incorporated as addenda to this Agreement.

Section 24. Attorney Fees: If any party commences an action to enforce any term or condition of this Agreement, the prevailing party to such action shall be entitled to recover a reasonable additional sum as and for its attorney's fees and costs, said sum to be fixed by a court of competent jurisdiction.

Section 25. Insurance: Davis Enterprises, shall maintain liability and property damage insurance during the term of this Agreement, and shall provide a Certificate of Insurance, identifying the City as an additional named insured, to the City upon execution of this Agreement. The limits of said insurance shall be at least the minimum required by Idaho Code § 6-924.

Section 26. Governing Law, Jurisdiction, and Venue: This Agreement shall be interpreted under the laws of the State of Idaho. Any action to enforce or interpret any provision of this Agreement shall be commenced and completed in the First Judicial District, District Court in Kootenai County, Idaho. Each party specifically submits themselves to the jurisdiction to said Court and waives any objection to venue.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this Agreement on behalf of said City, and Davis Enterprises have caused the same to be signed, the day and year first above written.

CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO

DAVIS ENTERPRISES INC.

By: _____
James Hammond, Mayor

By: _____
President

ATTEST:

ATTEST:

By: _____
Renata McLeod, City Clerk

By: _____
Secretary

Exhibit A

Live After Five Concert Series will operate within the boundaries of the grassy area marked below in red.



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

DATE: MARCH 13, 2023

FROM: LARRY PARSONS, WW UTILITY PROJECT MANAGER

**SUBJECT: OPEN TRENCH PIPE CONSTRUCTION FOR 2022/2023 WASTEWATER
COLLECTION SYSTEM CAPITAL IMPROVEMENT PROJECT (C-2
Project)**

=====

DECISION POINT:

Should the City Council accept the low bid of and award the Open Trench Pipe Construction for 2022/2023 Wastewater Collection System Capital Improvement Project (C-2 Project) contract to LaRiviere, Inc.?

HISTORY:

Each year, the Wastewater Utility prioritizes and budgets for the replacement and/or rehabilitation of the City's aging sewage collection infrastructure. At the top of this year's list is an open trench project on Mullan Ave. at 16th Street going east to 19th Street, as well Young Ave. from 17th Street east to 19th Street. This will alleviate an existing sewer capacity bottleneck that was identified in the 2013 Sewer Master Plan. Also included will be waterline upgrade modifications in the same area. The completion of this project not only alleviates a sewer bottleneck and capacity issue but also updates the Water Department's infrastructure in this area creating a much more efficient and safe system for the public.

FINANCIAL ANALYSIS:

The Wastewater Utility budgeted \$1,600,000.00 in the Fiscal Year 2022/2023 Budget for constructing the aforementioned Capital Improvement Project. The following is a tabulation of the contractor's bid results:

BIDDER	BASE BID (SCHEDULE A)	ADD. ALT. (SCHEDULE B)	ADD. ALT. (SCHEDULE C)	ADD. ALT. (SCHEDULE D)	TOTAL (SCHEDULE A+B+C+D)
LaRiviere, Inc.	\$544,051.50	\$281,473.50	\$80,682.50	\$182,467.00	\$1,088,674.50
Big Sky ID, Corp.	\$622,513.00	\$376,733.00	\$60,327.00	\$175,984.00	\$1,235,557.00
Stewart Contracting, Inc.	\$757,507.00	\$426,620.00	\$84,710.00	\$202,518.00	\$1,471,355.00
Terra Underground, LLC	\$808,048.50	\$408,507.50	\$72,072.50	\$219,381.00	\$1,508,009.50
S&L Underground, Inc.	\$816,157.00	\$442,521.00	\$133,475.00	\$290,843.00	\$1,682,996.00

The Basis of Award is defined within the Documents to Bidders as the Bidder with the lowest responsive Bid for Schedules A, B, C and D. The lowest responsive Bid was submitted by **LaRiviere, Inc.**

PERFORMANCE ANALYSIS:

The Wastewater Utility planned for Schedules A, B, C and D during the FY 2022/2023 budget year and has the available funds for this project. **LaRiviere, Inc.**, has successfully completed previous open trench projects.

RECOMMENDATION:

Council should award the Open Trench Pipe Construction for 2022/2023 (C-2 Project) contract to **LaRiviere, Inc.**, for the Total Bid price of \$1,088,674.50.

**CITY OF COEUR D'ALENE WASTEWATER UTILITY
C.2 PROJECT**

CONTRACT

THIS CONTRACT is made and entered into this 21st day of March, 2023, between the CITY OF COEUR D'ALENE, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as "CITY," and **LARIVIERE, INC.**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at 17564 N Dylan Ct., Rathdrum, ID 83858, hereinafter referred to as the "CONTRACTOR."

WITNESSETH:

WHEREAS the CONTRACTOR has been awarded the Contract for the C.2 Project in Coeur d'Alene, according to the contract documents, and the plans and specifications on file in the office of the City Clerk of the CITY, which plans and specifications are entitled:

City of Coeur d'Alene – Wastewater Utility – C.2 Project

NOW, THEREFORE,

IT IS AGREED that, for and in consideration of the covenants and agreements to be made and performed by the CITY OF COEUR D'ALENE, as hereinafter set forth, the CONTRACTOR shall perform the work as set forth in the said contract documents, and the plans and specifications described above, in said City, furnishing all labor and materials therefor according to said contract documents, and the plans and specifications and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said contract documents, and the plans and specifications are hereby declared and accepted as parts of this Contract. All material shall be of the high standard required by the contract documents, and the plans and specifications and approved by the Wastewater Superintendent or designee, and all labor performed shall be of first-class workmanship.

The CONTRACTOR shall employ appropriate means to prevent accidents and defend the CITY from all claims for injury to person or property resulting from the CONTRACTOR's actions or omissions in performance of this Contract, and to that end shall maintain insurance of the type and in the amount specified in the Contract Documents. Certificates of Insurance, providing at least thirty (30) days' written notice to the City prior to cancellation of the policy, shall be filed in the office of the City Clerk.

The CONTRACTOR agrees to maintain Worker's Compensation coverage on all employees, including employees of subcontractors, during the term of this Contract as required by Idaho Code §§ 72-101 through 72-806. Should the CONTRACTOR fail to maintain such insurance during the entire term hereof, the CONTRACTOR shall indemnify the CITY against any loss resulting to the CITY from such failure, either by way of compensation or additional premium liability. The CONTRACTOR shall furnish to the CITY, prior to commencement of the work,

such evidence as the CITY may require guaranteeing contributions which will come due under the Idaho Worker's Compensation Law including, at the option of the CITY, a surety bond in an amount sufficient to make such payments.

The CONTRACTOR shall furnish the CITY certificates of all insurance coverages required herein, which certificates must be approved by the City Attorney.

The CITY shall pay to the CONTRACTOR, for the work, services and materials herein provided to be done and furnished by it, a sum not to exceed One Million Eight-eight Thousand Six Hundred Seventy-four and 50/100 Dollars (**\$1,088,674.50**), as provided in the Unit Price Schedule. Partial payment shall be made by the end of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%) provided that the estimate is submitted to the CITY by the first Tuesday of the month. Final payment shall be made within thirty (30) days after completion of all work and acceptance by the City Council, provided that the CONTRACTOR has obtained from the Idaho State Tax Commission and submitted to the CITY a release of liability for taxes (Form EFO00234).

Base Bid – Schedule A	\$544,051.50
Add Alternate – Schedule B	\$281,473.50
Add Alternate – Schedule C	\$80,682.50
Add Alternate – Schedule D	\$182,467.00
TOTAL	\$1,088,674.50

The Work shall be substantially complete within the calendar days listed below (for the Contract Award, as applicable) after the date when the Contract Times commence to run, as provided in Paragraph 2.03 of the Standard General Conditions, and completed and ready for final payment in accordance with Paragraph 14.07 of the Standard General Conditions within **thirty (30) calendar days** after the date of substantial completion.

CONTRACT TIME	CONTRACT AWARD	CALENDAR TIME (DAYS)
Substantial Completion	Base Bid (Schedule A)	45 calendar days
Substantial Completion	Add. Alt. (Schedule B, Schedule C and Schedule D)	Additional 60 calendar days shall be added to Base Bid Contract Times
Final Completion	any	30 calendar days

The CITY and the CONTRACTOR recognize that time is of the essence and failure of the CONTRACTOR to complete the work within the time allowed shall result in damages being sustained by the CITY. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the CONTRACTOR shall fail to complete the work within the above time limit, the CONTRACTOR shall pay to the CITY or have withheld from

moneys due, liquidated damages at the rate of **\$500.00** per calendar day, which sums shall not be construed as a penalty.

IT IS AGREED that the CONTRACTOR must employ ninety-five percent (95%) bona fide Idaho residents as employees on any job under this Contract except where under this Contract fifty (50) or fewer persons are employed by the CONTRACTOR, in which case the CONTRACTOR may employ no more than ten percent (10%) nonresidents; PROVIDED, however, in all cases the CONTRACTOR must give preference to the employment of bona fide Idaho residents in the performance of said work pursuant to Idaho Code § 44 – 1002.

The CONTRACTOR further agrees that, in consideration of securing the business of constructing the works to be constructed under this Contract, recognizing the business in which it is engaged is of a transitory character and that in the pursuit thereof, its property used therein may be outside the state of Idaho when taxes, excises or license fees to which it is liable become payable:

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this Contract, whether or not the same shall be payable at the end of such term; and
2. If the taxes, excises and license fees are not payable at the end of said term, but liability for said payment thereof exists, even though the same are or become liens upon its property, to secure the same to the satisfaction of the respective officers charged with the collection thereof; and
3. In the event of its default in the payment or securing of such taxes, excises and license fees, to consent that the department, officer, board or taxing unit entering into this Contract may withhold from any payment due it thereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said CONTRACTOR is liable.

IT IS FURTHER AGREED that, for additions or deductions to the plans and specifications, the unit prices as set forth in the written proposal of the CONTRACTOR are hereby made a part of this Contract.

For the faithful performance of this Contract in accordance with the plans and specifications and payment for all labor and materials, the CONTRACTOR shall execute a good and sufficient performance bond and a payment bond, each in the amount of one hundred percent (100%) of the total amount of the bid as herein before stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, sexual orientation, and/or gender identity/expression. The Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color,

religion, sex, national origin, sexual orientation, and/or gender identity/expression. Such actions shall include, but not be limited to the following: employment, upgrading, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; selection for training, including apprenticeship; and participation in recreational and educational activities. The Contractor agrees to post in conspicuous places available for employees and applicants for employment notices to be provided setting forth the provisions of this nondiscrimination clause. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, sexual orientation, and/or gender identity/expression. The Contractor will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each sub-Contractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

The Contractor shall keep such records and submit such reports concerning the racial and ethnic origin of applicants for employment and employees as the City may require.

The term "CONTRACT DOCUMENTS" are defined in "Standard General Conditions of the Construction Contract" ISPWC Division 100.

THIS CONTRACT, with all of its forms, specifications and stipulations, shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the Mayor and City Clerk of the CITY OF COEUR D'ALENE have executed this Contract on behalf of said CITY and the CONTRACTOR has caused the same to be signed by its President, the day and year first above written.

CITY OF COEUR D'ALENE

LARIVIERE, INC.

By _____
James Hammond, Mayor

By _____

(printed name)

(title)

ATTEST:

ATTEST:

Renata McLeod, City Clerk

Corporate Secretary

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

DATE: MARCH 13, 2023

FROM: MIKE BECKER, CAPITAL PROGRAMS MANAGER,
WASTEWATER DEPARTMENT

SUBJECT: ACCEPT THE LOW BID AND AWARD A CONTRACT TO
DARDAN ENTERPRISES FOR THE REMODEL OF THE
OPERATIONS BUILDING

DECISION POINT: Should City Council accept the low bid and award a contract to Dardan Enterprises for the City of Coeur d’Alene (City) Wastewater Department’s (Department) remodel of the operations building in the amount of \$1,636,702.00?

HISTORY: The current Wastewater Operations Building was designed to facilitate a treatment facility one-fourth the size it is today. After several design iterations, in 2020, the City approved remodeling the old Collections Building (Res 20-053) instead of rebuilding the existing Treatment Operations Building. Last November, bids for this remodel project exceeded the budget of \$1.2M and City approved Staff’s recommendation to reject all bids, reduce the General Contractor’s work scope, and rebid the project at a later date.

FINANCIAL ANALYSIS: The following is a breakdown of the bids received for this project:

Bidder	Lump Sum Bid
<i>Dardan Enterprises, Post Falls, Idaho</i>	<i>\$1,636,702</i>
Apollo, Inc. Kennewick, Washington	\$1,771,100

The responsive low bidder is Dardan Enterprises based out of Post Falls, Idaho. This is a planned multi-year project and the Department has budgeted \$1.2M for this project under this FY 2022/2023, and will budget the remainder of the cost in the following FY 2023/2024.

PERFORMANCE ANALYSIS: This is the first time the Department has worked with Dardan. They are in Good Standing with the Idaho Secretary of State and hold a current Public Works License. Their list of subcontractors are all local contractors. The Department finds their bid proposal complete and in order.

DECISION POINT/RECOMMENDATION: City Council should accept the low bid and award a contract to Dardan Enterprises for the City of Coeur d’Alene (City) Wastewater Department’s remodel of the operations building in the amount of \$1,636,702.00.

CONTRACT

THIS Contract is made and entered into this 21st day of March, 2023, between the CITY OF COEUR D'ALENE, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as the "City," and **DARDAN ENTERPRISES, INC.**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at 23567 W. Highway 53, Post Falls, ID 83854, hereinafter referred to as the "Contractor."

WITNESSETH:

WHEREAS, the Contractor has been awarded the contract for the Remodel for Operations Building in the City of Coeur d'Alene, according to the contract documents, and plans and specifications on file in the office of the City Clerk of the City, which contract documents, and plans and specifications are entitled:

**City of Coeur d'Alene
Wastewater Department
Remodel for Operations Building**

NOW, THEREFORE,

IT IS AGREED that, for and in consideration of the covenants and agreements to be made and performed by the City, as hereinafter set forth, the Contractor shall perform all of the work as set forth in the said contract documents, and the plans and specifications described above, furnishing all labor and materials therefor according to said the plans and specifications and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said contract documents, and the plans and specifications are hereby declared and accepted as parts of this Contract. All material shall be of the high standard required by the said contract documents, and the plans and specifications, and approved by the Wastewater Director or designee, and all labor performed shall be of first-class workmanship.

The Contractor shall employ appropriate means to prevent accidents and defend the City from all claims for injury to person(s) or property(ies) resulting from the Contractor's actions or omissions in performance of this Contract, and to that end shall maintain insurance of the type and in the amount specified in the contract documents. Certificates of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policy shall be filed in the office of the City Clerk.

The Contractor agrees to maintain Worker's Compensation coverage on all employees, including employees of subcontractors, during the term of this Contract as required by Idaho Code Sections 72-101 through 72-806. Should the Contractor fail to maintain such insurance during the entire term hereof, the Contractor shall indemnify the City against any loss resulting

to the City from such failure, either by way of compensation or additional premium liability. The Contractor shall furnish to the City, prior to commencement of the work, such evidence as the City may require guaranteeing contributions which will come due under the Idaho Worker's Compensation Law including, at the option of the City, a surety bond in an amount sufficient to make such payments.

The Contractor shall furnish the City certificates of the insurance coverages required herein, which certificates must be approved by the City Attorney.

The City shall pay to the Contractor for the work, services and materials herein provided to be done and furnished by it, a sum not to exceed **One Million, Six Hundred Thirty-Six Thousand, Seven Hundred Two dollars and no/100's (\$1,636,702.00)**, as provided in the Lump Sum Bid hereinafter referred to as Exhibit A. Partial payment shall be made by the end of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%). The certified estimate of work completed must be submitted by the 10th of each month for payment to be made by the end of the month. Final payment shall be made thirty (30) calendar days after completion of all work and acceptance by the City Council, provided that the Contractor has obtained from the Idaho State Tax Commission and submitted to the City a release of liability for taxes (Form EFO00234).

The Work shall be substantially complete within three hundred (300) days (from the Contract Award, as applicable) after the date when the Contract Times commence to run or by the start date given in the Notice to Proceed issued by the City, as provided in the General Conditions, and completed and ready for final payment in accordance with the General Conditions within thirty (30) days after the date of substantial completion. All work shall be fully completed with the City's final approval and acceptance prior to the final payment request.

The City and the Contractor recognize that time is of the essence and failure of the Contractor to complete the work within the time allowed shall result in damages being sustained by the City. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the Contractor shall fail to complete the work within the above time limit, the Contractor shall pay to the City or have withheld from moneys due, liquidated damages at the rate of One Thousand Five Hundred and no/100 Dollars (\$1,500.00) per calendar day, which sums shall not be construed as a penalty.

IT IS AGREED that the Contractor must employ ninety-five percent (95%) bona fide Idaho residents as employees on any job under this Contract except where for this Contract fifty (50) or fewer persons are employed by the Contractor, in which case the Contractor may employ ten percent (10%) nonresidents; provided, however, in all cases the Contractor must give preference to the employment of bona fide residents of Idaho in the performance of said work. (Idaho Code § 44-1002).

The Contractor further agrees, in consideration of securing the business of constructing the works to be constructed under this Contract, and recognizing the business in which it is

engaged is of a transitory character and that in the pursuit thereof, its property used therein may be outside the state of Idaho when taxes, excises or license fees to which it is liable become payable:

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this Contract, whether or not the same shall be payable at the end of such term;
2. That if the said taxes, excises and license fees are not payable at the end of said term, but liability for said payment thereof exists, even though the same constitutes liens upon his property, to secure the same to the satisfaction of the respective officers charged with the collection thereof; and
3. That in the event of his default in the payment or securing of such taxes, excises and license fees, to consent that the department, officer, board or taxing unit entering into this Contract may withhold from any payment due him thereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said Contractor is liable.

For the faithful performance of this Contract in accordance with the plans and specifications and payment for all labor and materials, the Contractor shall execute good and sufficient performance bond and payment bond each in the amount of one hundred percent (100%) of the total amount of the bid as herein before stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, sexual orientation, and/or gender identity/expression. The Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, national origin, sexual orientation, and/or gender identity/expression. Such actions shall include, but not be limited to the following: employment, upgrading, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; selection for training, including apprenticeship; and participation in recreational and educational activities. The Contractor agrees to post in conspicuous places available for employees and applicants for employment notices to be provided setting forth the provisions of this nondiscrimination clause. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, sexual orientation, and/or gender identity/expression. The Contractor will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each sub-Contractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

The Contractor shall keep such records and submit such reports concerning the racial and ethnic origin of applicants for employment and employees as the City may require.

The term "CONTRACT DOCUMENTS" are defined in "Standard General Conditions of the Construction Contract" ISPWC Division 100.

THIS Contract, with all of its forms, specifications and stipulations, shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the Mayor and City Clerk of the CITY OF COEUR D'ALENE have executed this Contract on behalf of said City, and the Contractor has caused the same to be signed by its President, the day and year first above written.

**CITY OF COEUR D'ALENE:
KOOTENAI COUNTY, IDAHO**

**CONTRACTOR:
DARDEN ENTERPRISES, INC.**

By: _____
James Hammond, Mayor

By: _____

ATTEST:

Renata McLeod, City Clerk

ATTEST:

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

DATE: MARCH 13, 2023

FROM: KYLE MARINE, WATER DEPARTMENT ASSISTANT DIRECTOR

SUBJECT: RIVERSTONE LOOPING PROJECT

=====

DECISION POINT:

Should Council approve the low bid (per Public Works Procurement Policy Resolution No. 17-061) and award a contract to North Fork Land Development LLC, for the Riverstone Water Looping Improvements project, in the amount of \$56,243.18?

HISTORY:

The Water Department has continued to work on hydraulic flows throughout the City to help eliminate dead-end water mains, restricted flows, and pressure issues. As the Riverstone development continues to grow, the Water Department has identified several areas where there are bottlenecks in the hydraulic system that help move water across the city. Looping the water main on the end of Bellerive to W. Lima Pl. will create an added loop in the system that would further add to the system's redundancy in this area.

FINANCIAL ANALYSIS:

Funding in the amount of \$750,000.00 was included in the 2022-23 FY budget and will pay for the proposed project. This is part of our Water Comprehensive Plan schedule for Zone enhancement to help water flows.

PERFORMANCE ANALYSIS:

Staff solicited the assistance of Olsen Engineering to evaluate and design the transmission main project in accordance with the 2012 Water Comprehensive Plan recommendations. The consultant completed the design and staff received two (2) responses, with the lowest responsive bid submitted by North Fork Land Development in the total bid amount of \$56,243.18.

DECISION POINT/RECOMMENDATION:

City Council should accept the low bid and award a contract to North Fork Land Development LLC, for the Riverstone Water Loop Improvements project in the amount of \$56,243.18.



3-21-2023

North Fork Land Development LLC
2468 W Poleline Ave
Post Falls, ID 83854

Dear Mr. Pat Berger

The purpose of this letter is to confirm our agreement regarding the **Water Loop Improvements** at Riverstone for the City of Coeur d'Alene. We have agreed that starting on or about March 15, 2023, work will commence and be completed by May 15, 2023. The scope of work includes the installation of approximately 370 feet of 12-inch C 900. It is further agreed that North Fork Land Development LLC will indemnify, defend and hold the City harmless for any and all causes of action arising from any tortious act or omission by North Fork Land Development LLC in performing this job. Payment will be made only after completion of the work and acceptance by the City, and after the City has received satisfactory evidence that all due or delinquent taxes have been paid (Form EFO00234). Invoices should be mailed to this office's address.

The total amount to be paid for the work shall be an amount not to exceed **\$56,243.18**. Unless otherwise agreed in writing, the City shall not pay any cost or expense in excess of that amount.

Before commencing work, the following must be provided to this office: (1) this completed and signed Letter of Agreement, (2) a completed W9, (3) a copy of a liability insurance policy naming the City as an additional insured with minimum policy amount of \$500,000 for bodily or personal injury, death, or property damage or loss as a result of any one accident or occurrence, (4) proof of worker's compensation insurance, if required, and (5) proof of Public Works Contractor's license (6) completion and return of the State of Idaho Tax Commission Public Works Contract Report.

Sole proprietors who do not have a current worker's compensation policy may not use any other workers to perform the duties under this agreement. Further, a sole proprietor assumes the entire responsibility and liability for any claims or actions based on or arising out of injuries, including death, to persons or damages to or destruction of property, sustained or alleged to have been sustained in connection with or to have arisen out of or incidental to the performance of this agreement, except for such claims or actions which are founded upon the sole negligence of the City of Coeur d'Alene, or the City's representatives, or employees, agents, invitees, or licensees.

Additionally, Idaho law (I.C. § 44-1001) requires that, for all construction, repair or maintenance work performed for the City, the contractor employ 95% bona fide Idaho residents on the job unless the contractor employs fewer than 50 people. In that case, up to 10% nonresidents may be employed on the job.

The Contractor affirmatively acknowledges that no person shall be discriminated against on the grounds of race, color, sex, sexual orientation, gender identity, or national origin in employment on this project.

Please acknowledge this agreement and return to this office.

Sincerely,

James Hammond, Mayor

ATTEST

Renata McLeod, City Clerk

CONTRACTOR ACCEPTANCE OF TERMS

Date: _____

Name (individual or company): _____

Authorized Signature: _____

Printed Name and Title: _____

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

DATE: MARCH 13, 2023

**FROM: BEN MARTIN, ASSISTANT DIRECTOR, WASTEWATER
DEPARTMENT**

SUBJECT: CHEMSCAN REPLACEMENT OPTIONS

DECISION POINT:

Should City Council accept the quote from ChemScan, Inc., and authorize the City of Coeur d'Alene Wastewater Department (Department) to move forward with the purchase of a new ChemScan UV-4200 Process Analyzer for the amount of \$58,106.00?

HISTORY:

The Wastewater Treatment Facility has benefitted from the analysis performed by a ChemScan unit for the last 15 years. Our skilled operators utilize this analyzer to determine changes in nutrient levels going into and out of the tertiary membrane filter. This information is used to make decisions on process control including the amount of air supplied to tanks and the amount of chemical added to capture phosphorus or change the pH of the water. That unit has reached the end of its service life and needs to be replaced.

FINANCIAL ANALYSIS:

In compliance with the City's Purchasing/Procurement Policies, the Department solicited quotes from reputable analyzer suppliers and received 3 quotes.

The lowest quote to replace our analyzer was from ChemScan, Inc., in the amount of \$58,106.00. The other quotes received were for \$102,710.00 and \$105,507.00.

PERFORMANCE ANALYSIS:

Chemscan is proven technology that the Department has relied on for years. They are able to provide this analysis at a lower price because they are the only supplier to combine all of the instruments into one unit. Their technical support has also been great and has kept us running long past the expected service life

DECISION POINT/RECOMMENDATION:

City Council should accept the quote from Chemscan, Inc., and authorize Department to purchase the ChemScan UV-4200 Process Analyzer unit for the amount of \$58,106.00.



**PERSONAL PROPERTY & SERVICES PRICE
REASONABLENESS FORM**

To: Finance Department

From: Wastewater Dept

Date: 03/03/23

Required Action: Complete for procurements of:

- Any titled or rolling stock for not more than \$50,000;
- Property with a useful life of one year and more that cost between \$20,000 - 50,000
- All property between \$50,000 and \$100,000;

Personal property or Service Description: Online analyzer to monitor wastewater nutrient levels to include phosphorus, ammonia, nitrate, and nitrite. This instrument will replace one that has been in use for 15 years.

Purchase in financial plan? Yes No If yes, budget amount in financial plan - \$ 60000

If non-budgeted – Date Council approved: _____

Competitive Quotes Obtained:

1st vendor name and price: Chemscan, \$58,106

2nd vendor name and price: Hach, \$105,507

3rd vendor name and price: Endress Hauser, \$102,710

If Competitive Quotes not obtained, provide Price Reasonableness Analysis: The Chemscan unit meets all the needs required for analysis and is all contained in one cabinet. The other vendors use multiple analyzers and are more expensive.

Vendor Awarded: Chemscan Date: 03/03/23

New vendor to the City? Yes No If yes, attach a completed W-9

Department Head Signature: _____

Department: Wastewater Date: 3/3/23

Comptroller Approval Signature: Vonnie Juven



ChemScan[®] Budget Proposal

ChemScan, Inc. (the Company) agrees to sell and deliver to the purchaser and the purchaser agrees to buy and accept from the Company the ChemScan products and services as described in this proposal.

Log No.:
Q-100314

Proposal Date:
January 11, 2023

Project Name:
Replacement UV4200

Bid Date:
TBC

Submitted to: City of Coeur D' Alene, ID
Andrew Ruiz
710 E Mullan Avenue
Coeur D Alene, Idaho 83814
Phone: 2087692300
Email: aruiz@cdaid.org

Manufacturer's Rep: MISCO Water
Nate Miller

Factory: ChemScan, Inc.
2325 Parklawn Drive, Suite I
Waukesha, WI 53186
Phone: (262) 717-9500

ChemScan Contact: Zachary Stone
Regional Sales Manager - Chemscan West
Phone:
Email: zachary@chemscan.com



⋮

- Item 1: Wall-Mounted ChemScan Model UV-4200 Process Analyzer for WasteWater Effluent or Raw Drinking Water applications, including, main power connection, control circuit board, network communications board and associated software for instrument control, internal memory with lithium battery backup, light source module, spectrograph module with 256 element array detector and cabinet mounted touchscreen graphical HM and USB port. Flow-cell module consisting of extended path-length, injection-type flow-cell, reagent injectors, internal manifold including auto zero and clean functions, with the capability of analyzing up to one (1) sample stream, additional calibration (grab-sample) port, peristaltic analyzer pump for zeroing and cleaning solutions plus grab samples and NEMA-3R enclosure.
- Item 2: NEMA-4 Electronics module enclosure and NEMA-3R lower enclosure for Reagents and pumping array.
- Item 3: 120 VAC Input required - Analyser will provide 24VDC to external EIE communication module.
- Item 4: Wall mounted ChemScan Electrical Interface Enclosure (EIE) including NEMA-4X FRP enclosure, systems communication module and 8 analog (4-20mA) outputs.
- Item 5: None - Wall
- Item 6: Flowcell - 13 mm x 10 mL
- Item 7: ChemScan UV Series Parameter Ammonia (NH3-N) (0.2-20 mg/L)
- Item 8: ChemScan UV Series Parameter Nitrate (NO3-N) (0.1-30.0 mg/L)
- Item 9: ChemScan UV Series Parameter Nitrite (NO2-N) (0.1-5.0 mg/L)
- Item 10: ChemScan UV Series Parameter OrthoPhosphate (PO4-P) (0.05-5.00 mg/L)
- Item 11: **Sample Line - 1**
- Item 12: Waste Water - None
- Item 13: Sample Tubing, 50 Ft, 3/8 Inch OD
- Item 14: **Sample Line - 2**
- Item 15: Waste Water - None
- Item 16: Sample Tubing, 50 Ft, 3/8 Inch OD
- Item 17: Reagent Kit, Startup, UV-Series Wastewater, Phosphate and Ammonia
Field Service Includes: On-Site Commissioning, Start-Up and Calibration of the system (Electrical and Plumbing Installation by Others), Operation and Maintenance
- Item 18: Training - 4 hours, Recipe instructions to allow on-site preparation of reagents where required.
- Item 19: Includes all Field Service travel expenses

Price: : \$58,106.00

Notes:

1. Mount Analyzer indoors or in sheltered location, no direct sunlight. Sunscreens or shelters, if required are by Others, unless specifically offered above. Operating temperature range shall 41 °-95° (preferred) ambient, (113° F maximum) and 50-140°F (10° - 60°C) for sample liquid.

2. Refer to the Analyzer and/or Sample Accessory Technical Specification for the appropriate sample pressure and flow requirements.
3. For ChemScan UV-Series Analyzers, UL, CSA or third party NRTL listing is not provided in the price stated in this proposal. If required, an adder price for all systems to be field inspected or inspected at the factory in Waukesha, WI shall be provided upon request.
4. Owner/Contractor shall provide a minimum of four weeks' notice before start-up for chemical reagents shipment to plant site. The Company will provide a pre-startup checklist in advance to be completed by the Owner/Contractor after installation and returned with several photos of the installation. A ChemScan Service Associate will coordinate with the Owner/Contractor to schedule a start-up date to coincide with process stabilization, project schedule and ChemScan Service availability
5. Only equipment and services included in this proposal shall be supplied. Additional equipment and services are available for additional cost. Consult Factory for adders.
6. Storage: ChemScan UV-Series Analyzers and related equipment is typically shipped in wooden crates with engineered, poly-foam packaging, suitable to protect the equipment during transportation to the installation site. The equipment should remain crated until the time of installation to protect the equipment from damage and reduce the chance of misplacing components. Store the crated equipment in a sheltered location protected from precipitation and within a temperature range of 35 F and 110 F (2 - 43 C). Store the crate(s) in an area protected from precipitation if reuse (for storage or transport) is expected.

Exclusions: This quote is for ChemScan's standard offering of products, accessories, consumables, submittals, documentation, training, and service. Any additional requests or requirements, whether verbal or included in an external document, that are beyond ChemScan's standard offering, as expressly described above, are not included in ChemScan's scope of supply or pricing.

The following items are not furnished under this proposal unless specifically listed in the product description: Installation labor; mounting hardware or anchor bolts; analyzer shelters or sunscreens; electrical connections and/or power wiring; UPS, Lightning or Surge protection; connection to or interface with external data logging, recording, alarm, control or SCADA devices; sample lines, including any necessary valves, manifolds, flow or pressure regulators, heat trace or insulation; control algorithms for process equipment or systems; actuators or chemical feed systems for external processes or systems; or spare parts for ChemScan instruments.

Price Policy: This price assumes that an acceptance of this offer or a valid purchase order will be furnished to ChemScan within 60 days of the date of this proposal, that ChemScan will furnish a submittal package for approval within 30 days following receipt of a valid order and that an approved submittal package and authorization to fabricate will be returned to ChemScan within 30 days after submission for approval.

If the order date or submittal approval date is later than the time period shown above, ChemScan reserves the right to adjust the price and/or delivery date for the items to be furnished under this proposal and any resulting agreement.

Submittals: ChemScan shall supply electronic copies of standard Submittal. Any requirements outside standards may be satisfied for additional compensation. Example of Standard Submittal for similar

Analyzer is available upon request. Job specific Operation and Maintenance manuals **will be** furnished during on-site operator training. The submittal package will include the following items:

1. Outline drawing of ChemScan® Process Analyzer system and accessories manufactured by ChemScan.
2. Top-level schematics and wiring diagrams showing ChemScan® power and data connections.
3. Installation instructions showing mounting and sample line connection details.
4. Equipment specifications for ChemScan® instruments and accessories.
5. Manufacturer's literature for ancillary items not manufactured by ChemScan but furnished with the ChemScan® system.

Terms: 20% upon presentation of submittal package for approval.
70% upon shipment of ChemScan® instrument and accessories.
10% upon startup or 60 days from date of shipment, whichever occurs first.

NOTE: Warranties shall apply only if payment is made in full and in conformance to the above schedule.

The above pricing is expressly contingent upon the items in this proposal and are subject to the Standard Terms and Conditions of Sale detailed herein.

Unless other terms are specified, all payments shall be in United States dollars, and pro rata payments shall become due as deliveries are made. If delivery is delayed by Purchaser, date of readiness for delivery shall be deemed to be date of delivery for payment purposes. If manufacture is delayed by Purchaser, a payment shall be made based on purchase price and percentage of completion, balance payable in accordance with the terms as stated.

Cancellation: Prior to Shipment - In the event that Purchaser cancels the order prior to shipment of the instrument and accessories, all amounts previously paid by Purchaser shall be retained by ChemScan. Purchaser may be responsible for payment of a cancellation fee equal to 20% of the total purchase order if no prior payments have been made. ChemScan will invoice Purchaser within 10 days of cancellation and Purchaser shall pay the invoice within 20 days.

Shipping: 60 days or less after delivery date confirmed by ChemScan.

Delivery: FOB factory, freight allowed to jobsite.

Validity: This proposal is valid for a period of 60 days from the date of the proposal shown above.

STANDARD TERMS AND CONDITIONS OF SALE

1. Terms

Delivery to the transporting carrier shall constitute delivery to the Purchaser and title shall pass at that point, except that a security interest in the product(s) shall remain in ChemScan, Inc. (Company) regardless of mode of attachment to realty or other property, until the full price has been paid in cash. The Purchaser agrees to do all acts necessary to perfect and maintain said security interest, and to protect Company's interest by adequately insuring the product(s) against loss or damage from any external cause with Company named as insured or co-insured.

Partial shipments may be made and proportionate payments shall become due and payable on partial shipments. Company shall select method of transportation and route. When delivery terms are FOB destination or freight allowed to destination, "destination" means common carrier terminal point (within the continental United States, excluding Alaska and Hawaii) nearest the final destination.

The target shipment date is subject to change due to delay on the part of the Purchaser in supplying the Company with necessary data or any changes therein at the Purchaser's instance, and to delays caused by fires, floods, strikes, accidents, civil or military authority, delays by suppliers of material and any other cause beyond the Company's reasonable control. Delay in delivery for any cause shall in no event subject the Company to any special or consequential damages.

If at any time in Company's judgment Purchaser may be or may become unable or unwilling to meet the payment terms specified, Company may require satisfactory assurances of full or partial payment as a condition to commencing or continuing manufacture or payment in advance of shipment, or may, if shipment has been made, recover the product(s) from the carrier.

If payments are not made in conformance with the terms specified herein, the contract price shall, without prejudice to the company's right to immediate payment, be increased by 1% per month on the unpaid balance, but not to exceed the maximum amount permitted by law.

A credit card processing fee of 4% will be added to any orders paid by credit card exceeding \$5,000.

Taxes - Any applicable Duties or Sales, Use, Excise or similar taxes will be added to the price and invoiced separately (unless acceptable exemption certificate is furnished).

Cancellation After Shipment – In the event that Purchaser cancels the order following the shipment, Purchaser shall pay to Company the full amount of the price set forth in this agreement.

The cancellation fees set forth above shall be deemed to be liquidated damages and not a penalty, the parties acknowledging that actual monetary damages that may be incurred by Company in the event of cancellation by Purchaser are very difficult to ascertain.

2. **Warranty**

The Company warrants the product(s) on date of delivery to Purchaser to be of the kind and quality described herein, merchantable, and free of defects in workmanship and material.

There are no warranties, express or implied, except the foregoing. The provisions in specifications hereto attached, if any, are descriptive. There is no warranty as to the performance of the product(s) except as may be set forth in a separate performance warranty attached to this proposal.

The foregoing warranties are expressly conditioned upon the ambient operating temperature at no time exceeding 120oF. If temperature at any time shall exceed 120oF, all warranties shall be null and void and the Company shall have no responsibility or liability with respect to the product(s).

The Company shall not be responsible for the deterioration of any kind of the product(s) to corrosion, erosion, or any other cause, regardless of when such deterioration occurs after leaving the Company's premises.

Any item of the product(s) which has not been manufactured by the Company shall be covered only by the express warranty of the manufacturer thereof.

THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS CONTRACT. THE EXCLUSIVE REMEDY FOR ANY BREACH OF WARRANTY OR CLAIM IN TORT OR CONTRACT IS AS STATED HEREINAFTER.

IF PAYMENTS ARE NOT MADE ON TIME AND IN FULL, ALL WARRANTIES SHALL BE NULL AND VOID AND THE COMPANY SHALL HAVE NO RESPONSIBILITY OR LIABILITY WITH RESPECT TO THE PRODUCTS.

IF THE PRODUCT(S) ARE NOT INSTALLED, OPERATED AND MAINTAINED IN CONFORMANCE WITH THE COMPANY'S INSTRUCTIONS, ALL WARRANTIES SHALL BE NULL AND VOID AND THE COMPANY SHALL HAVE NO RESPONSIBILITY OR LIABILITY WITH RESPECT TO THE PRODUCTS.

If, within one year from the date of initial operation, but not more than 18 months from date of shipment by Company of any item of the product(s), Purchaser discovers that such item was not as warranted and that such defect interferes with the mechanical operation of the product(s), and promptly notifies the Company in writing thereof, the

Company shall remedy such nonconformance (but only if the Company, in its sole judgment, determines that such item or product(s) was not as warranted and that such defect interferes with the mechanical operation of the item or product(s), and in the event of a dispute, the Company's decision shall be final) by, at Company's option, adjustment of the purchase price or furnishing or repairing, depending upon which alternative is most in accord with scientific or engineering principles, without charge, FOB origin, a similar part to replace any part of the product(s). Purchaser shall assume all responsibility and expense for removal, reinstallation, and freight in connection with the foregoing remedies. The Company shall have the option of requiring the return of the product(s), transportation prepaid by purchaser, to establish the claim, or to make repairs or replace parts, or both. No allowance will be made for repairs or alterations unless made with the Company's consent or approval. Company will not be responsible for work done, apparatus furnished or repairs made by others, without prior authorization by the Company.

Replacement parts furnished by the Company shall be warranted as new parts are herein warranted. The same conditions and limitations with respect to the repair or replacement of such replacement item or product(s), as apply to new product(s), shall apply to such replacement parts. Company shall have the right of disposal of parts replaced by it. Unused spare or replacement parts may be returned FOB factory for credit less a 25% handling and restocking charge.

Company's liability to Purchaser relating to the product(s), whether in contract or in tort, arising out of warranties, representations, instructions, installations, or defects from any cause, shall be limited exclusively to adjusting the purchase price or correcting the product(s) and under the conditions as aforesaid. The Company shall not be liable for any special or consequential damages resulting in any manner from the furnishing or use of the product(s), whether in connection with any erosive or corrosive gases or liquid or otherwise.

3. Patents

Company shall pay costs and damages finally awarded in any suit against Purchaser or its vendees to the extent based upon a finding that the design or construction of the product(s) as furnished infringes a United States patent (except infringement occurring as a result or incorporating a design or modification at Purchaser's request) provided that Purchaser promptly notifies Company of any charge of such infringement, and Company is given the right at its expense to settle such charge and to defend or control the defense of any suit based upon such charge. This paragraph sets forth Company's exclusive liability with respects to patents.

4. Confidential Information and Improvements

Purchaser will keep confidential and will not use or reproduce any information received from Company in connection with the Proposal or the use, operation nor maintenance of the product(s) except with the written consent of Company. Purchaser will not copy or otherwise reproduce any written or printed material or drawings furnished to Purchaser by Company in connection with the product(s). Purchaser will return all such material to Company if the Proposal is not accepted. Purchaser will not copy the product(s) or make any design drawings of the product(s) and will not permit others to copy or make design drawings of the product(s). Company shall have a royalty-free license to make, use and sell, any changes or improvements in the product(s) invented or suggested by Purchaser or its employees.

5. General

Company shall not in any event be liable for indirect, special, incidental, or consequential damages, or penalties, nor does it assume any liability of Purchaser or others for injury to persons or property.

The laws of the State of Wisconsin shall govern the validity, interpretation and enforcement of this contract.

This document and the other document specifically referred to as being a part thereof, constitute the entire contract on the subject matter, and it shall not be modified except in writing signed by both parties. Assignment may be made only with written consent to the other party.

Maintenance Agreement; Authorized Contracting Party

1. Purchaser acknowledges that where this contract contains In-Situ Care Plans and where the Purchaser is not the ultimate beneficiary of those agreements, the products subject to this contract must be covered by a prepaid, 3-year maintenance agreement (a copy of which is included with this quote/proposal).
2. In the event that the products subject to this contract were obtained by Purchaser on behalf of an end-user customer (including by acting as prime contractor or subcontractor engaged to complete a larger project on behalf of the end-user customer), Purchaser acknowledges that Purchaser must, within ten (10) days of acceptance of this quote/proposal by Purchaser, either (i) obtain the end-user customer's signature on the Maintenance Agreement or (ii) if specifically authorized by the end-user customer, execute the Maintenance Agreement on behalf of the end-user customer and deliver to the end-user customer a copy of the Maintenance Agreement.
3. In the event that Purchaser is executing Maintenance Agreement on behalf of the end-user customer, Purchaser represents and warrants that it has the full right and authority to bind the end-user customer to the terms of the Maintenance Agreement and will inform the end-user customer that the fees pursuant to the Maintenance Agreement have been prepaid and that the Maintenance Agreement is non-cancellable and the fees are non-refundable.

**CITY COUNCIL
STAFF REPORT**

DATE: MARCH 21, 2023

FROM: KYLE MARINE, WATER DEPARTMENT ASSISTANT DIRECTOR

SUBJECT: STORM SEWER IMPROVEMENT

DECISION POINT:

Should Council approve the low bid (per Public Works Procurement Policy Resolution No. 17-061) and award a contract to North Fork Land Development LLC, for the Storm Sewer Improvement Project on West Fairway Drive and West Vista Drive, in the amount of \$61,135.31?

HISTORY:

The Water Department has continued to work on hydraulic flows throughout the city to upgrade water transmission mains for increased and steady flow and pressure issues. As development continues to grow, the Water Department identified the existing storm sewer system was not adequate and conflicted with the installation of the Centennial Trails water transmission main. Updating the storm sewer line and adding new dry wells on W Fairway Dr. and W Vista Dr. will be adequate replacement for the original storm sewer line that is proposed to be abandoned.

FINANCIAL ANALYSIS:

Funding for the proposed project is included in the 2022-23 FY budget at \$1,500,000.00. This is part of our Water Comprehensive Plan schedule for Zone enhancement to help water flows.

PERFORMANCE ANALYSIS:

Staff solicited the assistance of Welch-Comer Engineering to evaluate and design the Storm Sewer Improvement project in accordance with the 2012 Water Comprehensive Plan recommendations. The Consultant completed the design and staff received two (2) responses, with the lowest responsive bid submitted by North Fork Land Development at a total bid of \$61,135.31.

DECISION POINT/RECOMMENDATION:

Council should approve the low bid (per Public Works Procurement Policy Resolution No. 17-061) and award a contract to North Fork Land Development LLC, for the Storm Sewer Improvement Project on West Fairway Drive and West Vista Drive, in the amount of \$61,135.31.



PUBLIC WORKS CONTRUCTION PRICE REASONABLENESS UNDER \$50,000

To: Finance Department
From: Water Department
Date: 3-15-23

Required Action: For all public works projects this form needs to have the Finance Directors approval prior to the beginning of the project.

Scope: This policy applies to the selection and hiring of contractors for public works construction projects, which includes any construction, repair and/or reconstruction of buildings, roads, facilities and other improvements on City-owned property paid for with public funds.

Service Description: Storm Sewer Improvement on W Fairway Dr. and W Vista Dr. project coincides with the Centennial Trails Water Transmission main project.

Purchase in financial plan? **Yes** No If yes, budget amount in financial plan - \$ 1,500,000 4347-7618

If non-budgeted – Date Council approved: _____

Competitive Quotes Obtained:

1st vendor name and price: \$61,135.31 North Fork Land Development

2nd vendor name and price: \$67,098.31 Big Sky Corporation

3rd vendor name and price: \$117,921.75 Terra Underground

If Competitive Quotes not obtained, provide Price Reasonableness Analysis: _____

Comptroller Approval Signature: _____

Documentation to be submitted with invoice for payment

Vendor Awarded: North Fork Land Development Date: _____

Contractor registration # _____

Attach Simple contract: Yes No Copy to legal for review: Yes No

Insurance Agent: _____ Current workers comp Yes No

Workers Comp Required - except Sole Proprietor (who agrees to no helpers on City property)

Is the City additionally insured for \$500,000 - Yes No If No, is there liability exposure to City? Yes No

Date received Use Tax or Sales tax paperwork: _____ (please attach)

Date received State Tax Commission notice (Release WH-5) _____ (please attach)

New vendor to the City? Yes **No** If yes, attach a completed W-9

Department Head Signature: _____

All documents attached, invoice/contract ready for payment – AP initials: _____



3-21-2023

North Fork Land Development LLC
2468 W Poleline Ave
Post Falls, ID 83854

Dear Mr. Pat Berger

The purpose of this letter is to confirm our agreement regarding the **Storm Sewer Improvement Project** on West Fairway Drive and West Vista Drive for the City of Coeur d'Alene Water Department. We have agreed that work will commence as soon as possible and be completed by April 21, 2023. The scope of work includes the installation of seven (7) double stacked dry wells, four (4) catch basins, and two storm sewer manholes. It is further agreed that North Fork Land Development LLC will indemnify, defend and hold the City harmless for any and all causes of action arising from any tortious act or omission by North Fork Land Development LLC in performing this job. Payment will be made only after completion of the work and acceptance by the City, and after the City has received satisfactory evidence that all due or delinquent taxes have been paid (Form EFO00234). Invoices should be mailed to this office's address.

The total amount to be paid for the work shall be an amount not to exceed **\$61,135.31**. Unless otherwise agreed in writing, the City shall not pay any cost or expense in excess of that amount.

Before commencing work, the following must be provided to this office: (1) this completed and signed Letter of Agreement, (2) a completed W9, (3) a copy of a liability insurance policy naming the City as an additional insured with minimum policy amount of \$500,000 for bodily or personal injury, death, or property damage or loss as a result of any one accident or occurrence, (4) proof of worker's compensation insurance, if required, and (5) proof of Public Works Contractor's license.

Sole proprietors who do not have a current worker's compensation policy may not use any other workers to perform the duties under this agreement. Further, a sole proprietor assumes the entire responsibility and liability for any claims or actions based on or arising out of injuries, including death, to persons or damages to or destruction of property, sustained or alleged to have been sustained in connection with or to have arisen out of or incidental to the performance of this agreement, except for such claims or actions which are founded upon the sole negligence of the City of Coeur d'Alene, or the City's representatives, or employees, agents, invitees, or licensees.

Additionally, Idaho law (I.C. § 44-1001) requires that, for all construction, repair or maintenance work performed for the City, the contractor employ 95% bona fide Idaho residents on the job unless the contractor employs fewer than 50 people. In that case, up to 10% nonresidents may be employed on the job.

The Contractor affirmatively acknowledges that no person shall be discriminated against on the grounds of race, color, sex, sexual orientation, gender identity, or national origin in employment on this project.

Please acknowledge this agreement and return to this office.

Sincerely,

James Hammond, Mayor

ATTEST

Renata McLeod, City Clerk

CONTRACTOR ACCEPTANCE OF TERMS

Date: _____

Name (individual or company): _____

Authorized Signature: _____

Printed Name and Title: _____

OTHER BUSINESS

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

DATE: MARCH 13, 2023
FROM: BILL GREENWOOD, PARKS & RECREATION DIRECTOR
SUBJECT: BROOKE'S SEAPLANE LEASE AGREEMENT
(CITY COUNCIL ACTION REQUIRED)

DECISION POINT:

Should the General Services Committee approve this lease with Scenic Adventure Flights LLC and No Limits Aviation Inc., d/b/a Brooke's Seaplane Service, (Shane Rogers)?

HISTORY:

Brooke's Seaplane Service has been leasing Bay 5 on the commercial dock and providing plane rides over our region for over 30 years and is a favorite attraction with our community and visitors alike. The company has changed hands from the Lunts to No Limits Aviation Inc., d/b/a Brooke's Seaplane Service, and Scenic Adventure Flights LLC.

FINANCIAL ANALYSIS:

The Lessee agrees to pay as rental for the right of such moorage space and the use of said portion of said dock for the first year of the lease, the sum of Seven Thousand Ninety-Nine and 08/100 Dollars (\$7,099.08) payable on April 1, 2023 as follows: Six Thousand Nine Hundred Fifty-Nine and 88/100 Dollars (\$6,959.88), based on a monthly rental of Five Hundred Seventy-Nine and 99/100 Dollars (\$579.99), and One Hundred Thirty-Nine and 20/100 Dollars (\$139.20) which is the 2% fee assessed by the Department of Lands as identified in Section 4, for the period of April 1, 2023, through March 31, 2024. Annual fee increases will be calculated based on the previous years' fee plus the Consumer Price Index (CPI) Western for all urban consumers for the year prior to the lease year. The rent will be payable on or before the first day of April in each succeeding year of the lease.

PERFORMANCE ANALYSIS:

Brooke's Seaplane Service has an existing lease in place through 2022. This new lease with Scenic Adventure Flights and No Limits Aviation is a five (5) year lease commencing April 1, 2023, and ending March 31, 2028. The Lessee may request in writing a five (5) year extension of this agreement for the period from April 1, 2028, to March 31, 2033, by submitting to Lessor a written request for extension after April 1, 2027, and prior to September 1, 2027.

DECISION POINT / RECOMMENDATION:

The General Services Committee recommends approval of this lease with Scenic Adventure Flights LLC and No Limits Aviation Inc., d/b/a Brooke's Seaplane Service.

RESOLUTION NO. 23-020

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A LEASE AGREEMENT WITH SCENIC ADVENTURE FLIGHTS LLC AND NO LIMITS AVIATION INC., d/b/a BROOKE'S SEAPLANE SERVICE, FOR BAY 5 ON THE COMMERCIAL DOCK.

WHEREAS, the General Services/Public Works Committee and the Parks and Recreation Director of the City of Coeur d'Alene have recommended that the City of Coeur d'Alene enter into a Lease Agreement with Scenic adventure flights LLC and No Limits Aviation Inc., d/b/a Brooke's Seaplane Service, Inc., pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "1" 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 agreement.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a lease agreement with Scenic adventure flights LLC and No Limits Aviation Inc., d/b/a Brooke's Seaplane Service, 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.

DATED this 21st day of March, 2023.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

_____ was absent. Motion _____.

LEASE AGREEMENT

THIS LEASE is entered into this 21st day of March, 2023, by and between the **CITY OF COEUR D'ALENE**, a municipal corporation organized and existing under the laws of the state of Idaho, whose address is 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814, hereinafter referred to as the "Lessor," and **SCENIC ADVENTURE FLIGHTS LLC and NO LIMITS AVIATION INC., d/b/a BROOKE'S SEAPLANE SERVICE**, with its mailing address as 10390 North Sensor Avenue, Hayden, Idaho 83835, hereinafter referred to as the "Lessee."

W I T N E S S E T H:

That the Lessor, for and in consideration of the rents and covenants hereinafter mentioned to be paid and performed by the Lessee, does hereby lease and let unto the Lessee the following described moorage on the South side of the City Dock, to wit:

THAT SPACE DESCRIBED AS BAY 5 ON THE SOUTH SIDE
OF THE CITY DOCK.

Said bay is depicted on the attached drawings identified as Exhibit "A," and by this reference incorporated herein.

Section 1. Term: The term of this lease shall be five (5) years commencing April 1, 2023, and ending March 31, 2028. Any property left beyond March 31, 2028, will be impounded and returned to the Lessee only upon payment of reasonable impounding costs, fees, and storage. All rent is to be paid in advance as described below.

Section 2. Rental: The Lessee agrees to pay as rental for the right of such moorage space and the use of said portion of said dock for the first year of the lease, the sum of Seven Thousand Ninety-Nine and 99/100th Dollars (\$7,099.08) payable as follows: Six Thousand Nine Hundred Fifty-Nine and 88/100 Dollars (\$6,959.88), based on a monthly rental of Five Hundred Seventy-Nine and 99/100 Dollars (\$579.99), payable on April 1, 2023, for the period of April 1, 2023, through March 31, 2024, and One Hundred Thirty-Nine and 20/100 Dollars (\$139.20) which is the 2% fee assessed by the Department of Lands as identified in Section 4. Annual fee increases will be figured based on the previous years' fee plus Consumer Price Index (CPI) Western for all urban consumers for the year prior to the lease year. The rental will be payable on or before the first day of each succeeding year of the lease.

Section 3. Renegotiation: Lessee may request in writing a five (5) year extension of this agreement for the period from April 1, 2028, to March 31, 2033, by submitting to Lessor a written request for extension after April 1, 2027, and prior to September 1, 2027. Upon receipt of such request, the Lessor will consider whether it will grant an additional five (5) year extension and if so, the parties may mutually renegotiate terms applicable to said extension.

If the parties are unable to negotiate terms mutually agreeable to both parties within sixty (60) days of the date of receipt of the request from Lessee for an extension of the original

agreement or extension of the extended agreement, then no extension shall occur and the lease shall expire according to previously agreed upon terms.

Section 4. Additional Rental: The State of Idaho Land Board has initiated a fee or other charge against the Lessor, during the term of this lease, for maintenance, operation, placement, and use of the City Dock, the Lessee shall pay to the Lessor its proportionate share of such rental or fee which for the first year of this lease is \$131.69, or 2% of the annual fee. This fee is included in Section 2 and, should the State of Idaho charge any other or additional fee, Lessee shall be responsible for a proportionate share.

Section 5. Utilities: The Lessee agrees to pay all electrical services and other utility costs incurred at said dock.

Section 6. Maintenance: The Lessee agrees at Lessee's sole cost within 5 five days to repair any damage done to the City Dock, including but not limited to decking, railings, pilings, walkways, and float logs, caused by the Lessee, Lessee's employees, agents, customers, or equipment and to promptly notify the City Parks Director of any such damages. Lessee is expected to not conduct any activity, or operate equipment in any manner that could potentially cause damage to the City Dock, including but not limited to decking, railings, pilings, walkways, and float logs.

Section 7. Improvements or Construction: The Lessee shall not construct anything on or about said dock without the written consent of the Director of Parks. The Lessee agrees that City has the right to reconstruct and modify, including expansion of the dock, at any time during the term of the Lease. Lessee further agrees that it shall have no claim against Lessor for any inconvenience or lost income that may result from reconstruction, modification, or expansion of the dock.

Section 8. Signs: Except as set forth in this section and in Section 10, entitled "Souvenir Sales," no signs for advertising purposes or otherwise shall be attached to the dock or affixed in the area adjacent to the dock, except a small sign designating the owner or the name of the boat and its location, which sign must be approved by the Director of Parks and be in conformance with the Municipal Sign Code.

Section 9. Alcoholic Beverages: The Lessee shall not dispense by gift, sale or otherwise, or allow anyone else on the deck or watercraft for which the space is leased, to dispense by gift or sale, or otherwise, any alcoholic beverage, including but not limited to beer and wine, within the City limits of the City of Coeur d'Alene which extends 1,000 feet from the shoreline. The Lessee shall not permit any person to debark from the watercraft to the City dock with any opened, sealed or unsealed container of any alcoholic beverage.

Section 10. Souvenir Sales: The Lessee may sell from the dock non-food items directly related to its business, with the following conditions. The only items that may be sold are hats, t-shirts, sweatshirts, mugs, drinking cups, bumper stickers, and pennants provided such items either bear the Lessee vendor's logo or some other mark indicating a relation to the Lessee vendor's business. Provided, however, that sales and display of the items are to be confined to the interior

of their respective booths, which booths and location must be approved in writing by the Parks Director prior to placement and must be removed from the premises at the close of each day. Signs advertising the items for sale must be approved by the Parks Director and be in conformance with the Municipal Sign Code. The City reserves the right to direct Lessee to immediately cease the sale of souvenir items if in the City's sole discretion, the continued sale of souvenir items creates an unsafe condition upon the City's dock. In such event, Lessee shall have no claim for damages against Lessor.

Section 11. Use of Leased Premises: It is understood and agreed that the Lessee will use the leased premises and any dock extension owned by the Lessee only for the moorage of his seaplanes, to offer rides in seaplanes to the public, and to student fliers participating in his seaplane flying school, to sell gasoline to other seaplanes and, when necessary in emergencies caused by weather conditions or the condition of visiting seaplanes, to allow such seaplanes to be moored or stored on or at the part of the dock being leased by the Lessee. The Lessee shall make no sales from the dock of merchandise of any type including but not limited to watercraft, food, beverages, except the sale of gasoline to other seaplanes and souvenir sales as allowed by Section 10 entitled "Souvenir Sales." It is further understood and agreed that the general public shall at all times be invited to patronize the Lessee and shall have free access to and from the dock and the use thereof without charge by the Lessee. Lessor, or its Parks Director, shall approve the manner of the moorage of the seaplanes or of the dock extension. Due to increased water activity on the 4th of July, access to the dock will be restricted for commercial activity from 6:00 p.m. to the following morning.

Section 12. Liability: The Lessee covenants to defend, indemnify, and hold the Lessor harmless from any and all demands, loss or liability resulting at any time or times from injury to or the death of any person or persons and/or from damage to any and all property occurring from the negligence or other fault or omission of the Lessee, Lessee's agents, employees and/or patrons in and about the leased premises, on or about or during cruises, flights, other activities associated with Lessee's use, or resulting from noncompliance with any law, ordinance, or regulation respecting the condition, use, occupation, sanitation or safety of the leased premises or any part thereof. The phrase in and about the leased premises shall mean the City Dock and all other areas owned, maintained, or regulated by Lessor upon which Lessee's customers and potential customers, invitee's, employees, and agents utilize in the course of his/her cruise, flights, other activities associated with Lessee's use, or inquiry about the same on Lessee's watercraft or in the course of access to or egress from Lessee's watercraft, including specifically, but not limited to, the waters surrounding the dock, the beach, sidewalks, ramp, parking areas, and other amenities and structures whether natural or manmade in the vicinity of the City Dock upon which or by which a customer, potential customer, invitee, employee, and agent of Lessee crosses until that person has left City property. To this end, the Lessee shall at its own expense obtain a policy or contract of insurance or comprehensive liability plan naming the Lessor as an additional insured, which policy, contract or plan shall insure against loss for personal injury or death or property damage in an amount of at least One Million Dollars (\$1,000,000). Insurance coverage shall include coverage for those claims which arise in and about the leased premises as defined above. A copy of such policy shall be filed in the office of the City Clerk together with a certificate of insurance showing such policy to be in effect at all times during the term of this lease. The certificate of insurance in a form acceptable to the City shall provide at least thirty (30) days written

notice to the Lessor prior to cancellation of the policy. This policy must run for the entire period of this lease.

Section 13. Assignability: Lessee shall not assign the lease or sublet the bay, or any part thereof, during the term hereof, without first having obtained the written consent of the Lessor to do so.

Section 14. Filing of Charges and Schedules: The Lessee shall at all times during the term hereof keep on file with the City Clerk of Coeur d'Alene a current schedule of its hours of operation and charges to the public.

Section 15. Interference with Use by Other Lessees: The Lessee shall not hamper or interfere with the use of the dock or other moorage spaces leased by the Lessor to other lessees.

Section 16. Removal in Emergency: Should it appear to the Lessor that because of flooding or other danger, the property of the Lessor is endangered by the mooring of watercraft, the Lessee shall, immediately after receiving notice, remove the watercraft from the leased premises until the danger has ceased as determined by Lessor.

Section 17. Other Laws: Lessee agrees it shall comply with all local, state, and federal laws, statutes, rules and regulations, including agency rules and regulations, which may apply to Lessee's use of the leased premises.

Section 18. Underground Fuel Tanks(s): Lessee agrees to provide all inspection reports and documents to the Parks & Recreation Director with 5 business days of receipt.

Section 19. Default: In the event that the Lessee fails, neglects, or refuses to perform any covenant or condition required of Lessee herein, Lessor may terminate this lease and reenter and retake possession of the leased space, retaining any and all payments made by the Lessee as liquidated damages, or the Lessor may, at its option, enforce the specific performance of the terms hereof, or take such other recourse as may be open to it in law or in equity. In any of such events, the Lessee agrees to pay all expenses, including a reasonable attorney's fee, in any suit or action brought by the Lessor.

Lessee further agrees, in the event of default, that Lessor may impound property moored at or on the dock and store the same at Lessee's expense at a location chosen by Lessor.

Section 20. Notice: Provided, however, that before declaring such default, the Lessor shall notify the Lessee in writing of the particulars in which it deems the Lessee to be in default, and the Lessee shall have seven (7) days from the time such written notice has been placed in the United States Mail addressed to the Lessee at the last address the Lessee has left with the Lessor, with proper postage affixed, within which to remedy the default. Any notice required herein to be given to City shall be written and deemed received by City when personally delivered to the office of the City Clerk, 710 Mullan Avenue, Coeur d'Alene, Idaho 83814. Any notice required herein to be given to Lessee shall be written and deemed received by Lessee when addressed to 10390 North Sensor Avenue, Hayden, Idaho 83835, and deposited in the United States mail with proper postage

affixed thereto. In lieu of service by mail, a notice of default or of termination may be served in the manner provided for the service of process under the Idaho Rules of Civil Procedure, Rule 5(b).

Section 21. Lessor's Option to Terminate Lease: The Lessor may at any time after ten (10) day's written notice terminate this lease, retake possession of the leased space upon payment to the Lessee of the prorated, unearned portion of the lease payment. The notice of the exercise by the Lessor of its option to terminate the lease will identify any infraction in this agreement that causes termination, or the city may terminate the agreement for construction, access, or other needs or uses of said lease site.

Section 22. Time of the Essence: Time is of the essence of this Lease.

Section 23. Parking: The parties recognize that the city is involved in a process of developing a downtown public properties plan that may modify, move or eliminate some parking in the present downtown public parking lots. Lessee acknowledges and agrees that this may occur and may affect the parking areas presently used by Lessee's customers. In the event of said occurrence Lessee hereby releases, holds harmless and waives any claim whatsoever Lessee may have against the Lessor its employees, agents, elected and appointed officials in the event parking is modified.

The terms and provisions hereof shall extend to and be binding upon the heirs, executors, administrators, and assigns of the respective parties.

IN WITNESS WHEREOF, the Lessor has caused this lease to be executed by its Mayor and attested by its City Clerk, and the corporate seal hereunto affixed, and the Lessee has signed the same, the day and year first above written.

LESSOR:
CITY OF COEUR D'ALENE

LESSEE:
SCENIC ADVENTURE FLIGHTS LLC

By: _____
James Hammond, Mayor

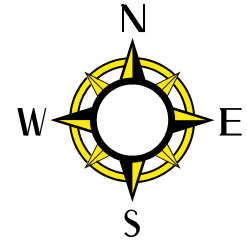
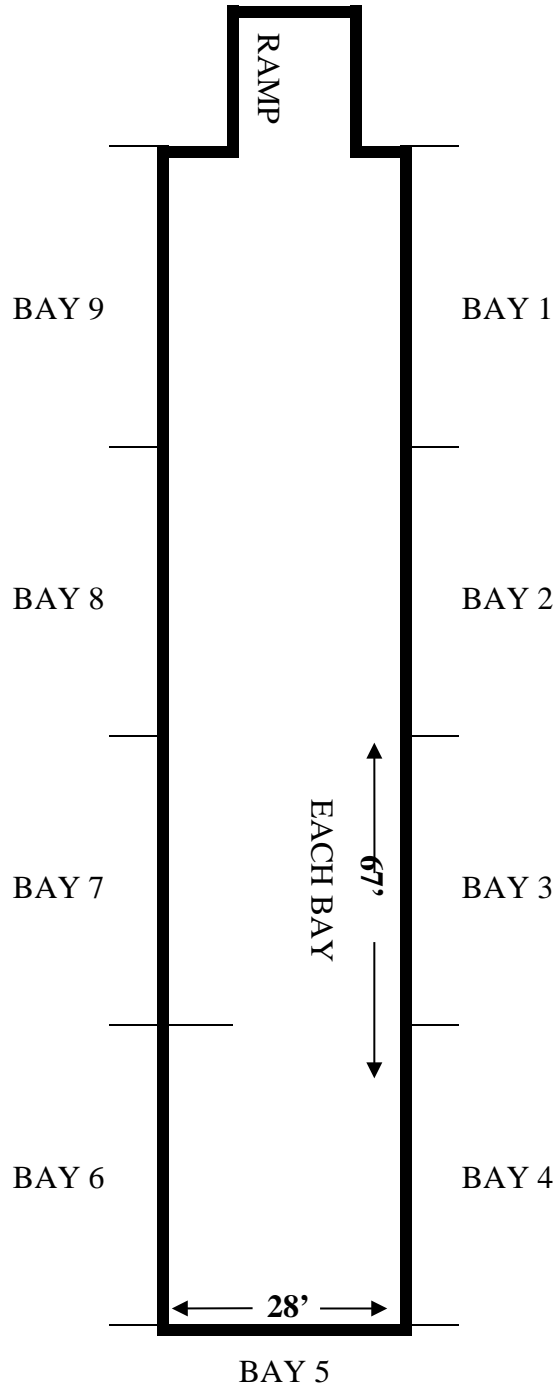
By: _____
Shane Rogers, Manager

By: _____
Renata McLeod, City Clerk

**NO LIMITS AVIATION INC., d/b/a
BROOKE'S SEAPLANE SERVICE**

By: _____
Shane Rogers, President

EXHIBIT "A"



BAY 5
*Scenic adventure
flights, LLC*

PUBLIC HEARINGS

**CITY COUNCIL
STAFF REPORT**

DATE: MARCH 21, 2023

FROM: HILARY PATTERSON, COMMUNITY PLANNING DIRECTOR,
SEAN HOLM, SENIOR PLANNER, AND RANDY ADAMS, CITY
ATTORNEY/LEGAL SERVICES DIRECTOR

SUBJECT: A-4-22 – COEUR TERRE CONTINUED PUBLIC HEARING – ANNEXATION
REQUEST AND REVISED ANNEXATION & DEVELOPMENT AGREEMENT

DECISION POINT: Should the City Council approve the annexation request (A-4-22) of Kootenai County Land Company, LLC, and the revised Annexation and Development Agreement for Coeur Terre?

HISTORY:

Kootenai County Land Company, LLC, through its representative Connie Krueger, is requesting annexation of a +/- 440-acre parcel in Kootenai County, currently zoned AG-Suburban, to be incorporated into city limits with a mix of zoning designations including: R-3, R-8, R-17, C-17L, and C-17. A hearing on this application was held before the Planning Commission on October 11, 2022, as a request for zoning prior to annexation. A Motion was made by Commissioner Ingalls, seconded by Commissioner Fleming, to recommend annexation, zoning, and a development agreement. The motion to approve was carried by a 6 to 0 vote (Commissioner Luttrupp being absent). The City Council first conducted a public hearing on the annexation request along with the Annexation and Development Agreement on February 7, 2023. After presentations from the staff and the applicant, and testimony from members of the public, the City Council voted 6 to 0 to defer the decision on A-4-22 to the February 21, 2023, meeting. Council directed staff to negotiate with the applicant/developer to revise the Annexation and Development Agreement to address the concerns of individual Council members. The Mayor and City Council members subsequently provided their comments to City staff in order to negotiate with the applicant team. The applicant team agreed with the Council requests and the Agreement was revised consistent with the expressed needs of the Police, Fire, and Streets Departments, as well as the Water and Wastewater Departments. The revised Annexation and Development Agreement reflects the combined efforts of Planning staff, the Police, Fire, and Streets Departments, the Water and Wastewater Departments, the Legal Department, Administration, the Mayor, and the applicant team to meet the concerns and comments expressed by Council.

After much discussion on February 21, the City Council voted 6-0 to re-open the public hearing and schedule it for the next available meeting date, in order to allow the public to provide additional testimony. The Mayor indicated that the re-opened public hearing should be limited to addressing the new information and changes to the Agreement since the original February 7 public hearing. See attached meeting minutes for more details.

FINANCIAL ANALYSIS:

As noted in the Annexation and Development Agreement, the Owners agree to provide, as an annexation fee, a total cash payment in the amount of Two Million Dollars (\$2,000,000.00). One Million Dollars (\$1,000,000.00) of this will be paid to the City at the time of recordation of the Annexation ordinance and this Agreement, and One Million Dollars (\$1,000,000.00) will be paid to the City no later than two (2) years after the date of recordation of the annexation agreement. All other applicable fees would be assessed at the time of development consistent with the City Code. The consideration and payment provisions were not affected by new information and was not changed in the revised Agreement.

PERFORMANCE ANALYSIS:

Requests

The requests before you this evening are to make a decision on the ordinance approving the annexation request (A-4-22) (Council Bill No. 23-1002), with the addition of the R-3 zoning designation, and whether to approve the Annexation and Development Agreement (Resolution 23-012).

Applicable Statutes, Procedure and Findings for Annexation

Idaho Code

Idaho Code § 50-222 governs the annexation process. Per I.C. § 50-222(1) “... *cities of the state should be able to annex lands, which are reasonable necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.*”

The requested annexation qualifies as a Category A Annexation in that “all private landowners have consented to annexation.”

The City Council must make written findings supporting its decision. Idaho Code § 67-6535(2) states: “*The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.*” Additionally, the Code states: “*Whenever, the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision.*”

There are four required findings for an annexation:

Finding #B8: That this proposal is or is not in conformance with the Comprehensive Plan.

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

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

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

Requested Zoning Districts Include R-3, R-8, R-17, C-17L, and C-17 as defined below:

R-3: (NEW)

- Buffer Area
 - 47.053 acres

R-8: (REDUCED IN SIZE)

- Main District
 - ~~234.152 acres more or less~~
 - 187.099 acres

R-17:

- North District
 - 114.941 acres more or less
- Middle District
 - 6.076 acres more or less
- South District
 - 30.519 acres more or less

C17L:

- Existing Water Tower Site: To be dedicated to City
 - 0.517 acres more or less
- Future Well Site: To be dedicated to City
 - 0.517 acres more or less

C-17:

- North District
 - 12.239 acres more or less
- South District
 - 39.158 acres more or less

R-3 (Residential at 3 units/acre) Zoning Information:

17.05.010: GENERALLY:

- A. The R-3 District is intended as a residential area that permits single-family detached housing at a density of three (3) units per gross acre (i.e., the density for an acre of unsubdivided land, regardless of where streets, etc., may or may not be located, will be calculated at a minimum of 3 units).
- B. The gross acre calculation is intended to provide the subdivider flexibility, so when dedicating land for public use, the density may be made up elsewhere in the subdivision as long as the other site performance standards are met.
- C. This district is intended for those areas of the City that are developed at this density because of factors such as vehicular access, topography, flood hazard and landslide hazard.
- D. A maximum of two (2) dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two (2) units and each dwelling unit meets the minimum yard (setback) requirements.
 1. For the purposes of this section, the term "two (2) dwelling units" shall mean two (2) single family dwelling units or one single family dwelling unit and one accessory dwelling unit.

17.05.020: PERMITTED USES; PRINCIPAL:

- Principal permitted uses in an R-3 District shall be as follows:
- Administrative.
- Essential service (underground).
- "Home occupation", as defined in this title.
- Neighborhood recreation.
- Public recreation.
- Single-family detached housing. (Ord. 3332 §4, 2008; Ord. 2049 §20, 1987; Ord. 1691 §1(part), 1982)

17.05.030: PERMITTED USES; ACCESSORY:

- Accessory permitted uses in an R-3 District shall be as follows:
- Accessory dwelling units.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed). (Ord. 3288 §7, 2007; Ord. 1691 §1(part), 1982)

Development Agreement Ordinance

The City Council adopted the new Development Agreement Ordinance (Chapter 17.50) on July 5, 2022. Some excerpts from the code are provided below:

17.50.020: DEVELOPMENT AGREEMENTS

D. If a development agreement is included as a condition for approval of an application by the Planning and Zoning Commission, the Community Planning Director, in consultation with the City Attorney, shall prepare the development agreement. The development agreement shall thereafter be presented to City Council for review. After reviewing the development agreement, City Council may approve, approve with

modifications, or reject it, together with any associated conditions contained in the approval of an application by the Planning and Zoning Commission.
A development agreement shall not be effective until approved by City Council.

E. The development agreement shall constitute a binding contract between the developer and/or owner of property and the City, and their successors-in-interest, and shall contain at least those terms and conditions required by this Chapter.

Additional Staff Comments Regarding Street Connections to Existing Subdivisions:

Police, Fire, and Streets and Engineering have provided important details on public safety and service requirements related to connections to the east of the proposed annexation. These comments were utilized to draft Section 4.3 of the revised Annexation and Development Agreement.

Police

“For the Police Department, there is a direct correlation between density and the need for access. In other words, if this development was zoned R1 or even R4, we would not need the access we are proposing; however, with approximately 8,000 residents (this number was provided by the applicant), two schools and a large commercial area, we need to be able to access this area quickly in an emergency. Since we work off a “beat” principle, wherein our officers are encouraged to stay in their assigned area to the extent practicable, having a place to write a report and use the restroom without driving 15 minutes back to the station is important, and that is why we asked for a very small office in the commercial development when it is built. But, an emergency would likely need more than two officers and with the eastern access points being over 4 miles apart (presuming access only off of Hanley or Huetter), our response times to an emergency would be extremely delayed.

Police would prefer an access at least every ½ mile but we recognize that there is no natural access through Industrial Loop. Straight, wide roads such as Nez Perce and Appaloosa are most useful to us and since they are ½ mile apart, it makes the most sense to Police. Access through narrow residential roads with many turns such as Spiers is not useful for improving response times. Having every available road connect to the new development is not necessary for PD.

We need at least one point of access from the east with the proposed zoning, and two would be preferred. We may need to re-evaluate that if zoning/ density is adjusted downward.”

- *Lee White, Police Chief*

Fire

“In my professional opinion, if this project moves forward, it would be prudent to provide additional access to this area in addition to Hanley. We feel comfortable having 2 access points from the east in addition to Hanley. Nez Perce makes sense since it is in the middle with the second one maybe near the school at the south end. Like I have stated earlier, we anticipate our next fire station somewhere on the Seltice corridor which will help with this entire zone into the future. I have provided response standards to support this below.

The fire service emphasizes its service delivery on the following items: response times,

resource deployment (apparatus/ equipment) and staffing levels. Our response standards are driven by the National Fire Protection Association, ISRB and the American Heart Association. With that being said, we strive to meet these standards and use them for the planning of future stations and addition of new resources, defining response zones for resource deployment and run cards for cover units when the closest fire station is unavailable.

Currently, the majority of our run volume are EMS responses at approximately 80%. When sudden cardiac arrest occurs, irreversible brain damage begins to occur between 6-9 minutes. This is where we begin to establish our response standards for EMS responses:

- 5 minutes for the first BLS Engine to arrive
- 9 minutes for the first ALS unit to arrive
- Time sensitive patients (cardiac, stroke and traumas) require transport to the nearest hospital within 10 minutes of initial patient contact.
- Our current response for cardiac arrest patients includes (2) Engines, and ambulance and a Battalion Chief

With structure fires, the standard is similar to EMS Standards:

- Initial Engine arrival standard (5 minutes/ 20 seconds)
- Full 1st alarm response (9 minutes/ 20 seconds) which includes: (2) engines, (1) ladder truck, (2) ambulances and (1) Battalion Chief.

When the closest or primary station is unavailable, we utilize “cover units” which would be the next closest resource. This could be from our own department or from a neighboring agency. With your fire department running approximately 10,000 responses a year, cover units are utilized multiple times each day. With limited access from the east, it would ultimately result in extended response times for both Fire and EMS responses.

I have to remain objective and provide guidance as it relates to the future service delivery for any and all new residents within our jurisdictional boundaries. Any additional access provided from the east will only improve FD response times to this new sub-division.

The Fire Department and neighboring agencies would also utilize connections to respond to fires and other emergencies in the neighborhoods to the east and south. We utilize “cover units” every day from other CDA FD units as well as units from KCFR (Kootenai County Fire and Rescue) and the NLFD (Northern Lakes Fire District). Any of these units could be responding from the Post Falls area, Rathdrum and eastside of CDA. Having the ability to use access roads from Huetter to the east and Atlas to the west will only help reduce response times in both directions for both Fire and EMS responses in these situations.

We would emphasize response times and access to any occupancies that are considered “moderate to high hazard” as a higher priority and those would include schools, multi-family occupancies and some commercial.

The additional time it would take to access this new area (without access to the east) would exceed the standards listed above. Our current response times in the neighboring zone is already nearing the 7 minute mark which is served by the fire station at Atlas & Hanley. We currently have a GIS study being conducted by the IAFF and this annexation was included to hopefully provide a more objective measurement.”

- *Tom Greif, Fire Chief*

Streets and Engineering

“As we have discussed, Streets and Engineering will need at least two points of access into the proposed development. Because of the planned buildout, we will need access to each phase. It will become very difficult for us to provide the level of service that our citizens expect.

We will need permission from other jurisdictions to run our plow teams. Our machines have chains on all axles and cause a lot of wear on asphalt so we would need to work an agreement with Post Falls Highway District.

We would have the same issue with spring cleanup and leaf pick up. Once the trees mature, we would have more to clean. If we do not have access through Indian Meadows, we would be transporting equipment ten to fifteen minutes with plow blades up. We really need access from all sides.”

- *Todd Feusier, Streets & Engineering Director*

“Traffic from any additional development will undoubtedly increase congestion. However, the more access points that are available to the public, the more travel options there will be to disperse traffic and decrease congestion. At the proposed density, it is predicted that with only connections to Hanley Ave and Huetter Road, the capacity of those two streets as well as Seltice Way will be insufficient by 2045. Although increased traffic on established streets is undesirable to those residents, more travel options results in decreased congestion for the larger population. For this reason, current subdivision regulations emphasize the importance of connectivity and short block lengths.

An additional concern has been raised with the extension of Hanley Avenue to Huetter Road. No funding has been budgeted for a traffic signal and intersection improvements at the intersection, which lies mostly in the Post Falls Highway District. Widening of Huetter Road and Poleline Ave are both needed to accommodate left turns. Without those improvements, a traffic signal will run very slow, serving only one direction of traffic at a time.”

- *Chris Bosley, City Engineer*

Summary of Changes to the Annexation and Development Agreement

The revised Annexation and Development Agreement is in the Council packet showing the revisions that were made. Below is a summary of the changes.

Revisions:

- **1.3: Zoning Districts and Zoning Map (REVISED)** Exhibit C has been updated to reflect R-3 along the eastern and southern borders for a 200-foot width where adjacent to residential uses. Please note that the R-3 zoning is not adjacent to the Industrial Park. R-1 zoning was discussed, but that is the most inefficient zoning district in the City. With Woodside and Northshire both being R-3, this was thought to be the most appropriate by the applicant team and City staff considering all the circumstances.

- **1.4: Maximum Number of Residential Units (NEW)** – This section clarifies that the maximum number of residential allowed is 2,800 units, which is the maximum number under the modeling provided by the Wastewater Department. It also clarifies that the distribution of density is governed by underlying zoning and shall be generally consistent with the Conceptual Master Plan (Exhibit D).
- **1.5: Buffer Zone (NEW)** – This section provides for a minimum two hundred (200) foot buffer of property that would be zoned R-3 abutting existing residential neighborhoods to the east and south. It also limits properties within this buffer zone to single-family residential with a maximum height of thirty-two (32) feet (by Code), as well as open space, trails and public utilities.
- **4.3: Street Connections to Existing Subdivisions (NEW)** – This section clarifies that two street connections will be required to connect Coeur Terre to the existing subdivisions, and identifies those streets as W. Nez Perce Road and W. Appaloosa Road. It also specifies that the street connections shall be designed and constructed with traffic calming features to discourage speeding and, to the greatest extent reasonably possible, through-traffic. It clarifies that bollards and lock gates will not be acceptable methods of discouraging through traffic. It also clarifies that the remaining streets can be permanently terminated but that pedestrian and bicycle access shall be provided at the terminuses of these streets. New language was added following the February 21st meeting that reads: *“and to ensure designs that encourage traffic originating in Coeur Terre to exit onto W. Hanley Ave. and N. Huetter Rd. instead of to the east.”*
- **4.4: Roundabouts (NEW)** - This section prohibits roundabouts on Hanley Avenue along the northern boundary of the property.
- **4.5: Wastewater Easements (NEW)** – This section was added to ensure that, for the streets that are not connected within existing neighborhoods, access is preserved to wastewater infrastructure. It also prevents homes and other structures from being constructed over the sewer lines. The Wastewater Department requires a minimum twenty (20) foot wide easement on private property and that any manholes on private property be located within easements that have an unobstructed, all-weather surface so that manholes can be accessible. It also clarifies that no wastewater system or public sewer line shall traverse across private land outside of an easement.
- **4.10: School Sites (REVISED)** – This section was revised to incorporate feedback from the Police Department and School District. Per Police Department feedback, this section was revised to require a right-turn lane for eastbound traffic on Hanley Avenue for the future middle school. Based on School District feedback, the agreement now specifies that the Owner would be responsible for the cost of necessary Rectangular Rapid Flashing Beacons (RRFBs), including installation costs, for both school sites. This revision clarifies that the Concurrency Analyses would determine the exact locations, how many are required for each school, and the timing of installation of the RRFBs. The referenced exhibit number also changed from D to E.
- **4.11: Police Substation (NEW)** – This section provides for the location of a future police substation. This was added in response to Council comments and a request by the Police Department following the public hearing.

- **6.1: Subdivision, Planned Unit Development, Site Plan, Boundary Line Adjustment, and other Land Use Applications (REVISED)** – A new Phasing Plan (Exhibit F) has been provided. The last two sentences were removed and a new sentence added that reads, *“The Owners agree that Exhibit “F” hereto represents a preliminary phasing plan which will serve as a general outline for the Project. Council shall be notified of any significant change in the preliminary phasing plan. Future PUD and subdivision proposals shall consider compatibility with surrounding neighborhoods.”*
- **6.2: Use Limitations (DELETED)** – This section was deleted.
- **6.2 (NEW)** – This section was added with the following language, *“The Owners agree that in the event a subdivision plat, a planned unit development (PUD), site plan, or boundary line adjustment is desired, then the Owners will submit a proper and complete application in compliance with the City’s development ordinances in effect at the time of the desired action.”*
- **6.3: Construction Activities (NEW)** – This section was added. The language reads, *“The Owners shall provide that all construction vehicles, including delivery vehicles and private vehicles of construction employees, shall access the Property from W. Hanley Ave. or N. Huetter Rd. without traveling through the Indian Meadows, Northshire, or Woodside Park subdivisions.”*
- **6.4: Concurrency Analysis (REVISED)** – This section was revised to clarify that the concurrency analyses include unit count, and overall density by zone, phase, and the subject property as a whole, including compliance with the total cap on density and units.
- **6.5: Affordability Covenants with Use, Refinance, and Resale Restrictions and Purchase Options (REVISED)** – This section was revised based on Council comments and a request for a mix of affordable housing to be 5% of the rental residential units and 5% of the for-sale units that meets 80-130% AMI for the date on which it is sold or rented, ensuring a mix of bedroom counts for all residential units, that the affordable and workforce housing be protected by deed restriction or another equally effective method, and to offer a first right of refusal for Habitat for Humanity for a minimum one (1) multifamily parcel.
- **6.6: Conceptual Master Plan (REVISED)**: The exhibit reference was changed from E to D.

DECISION POINT/RECOMMENDATION: City Council should decide whether to annex this property, the zoning for the property if annexed, making findings on A-4-22 to approve, deny, or deny without prejudice. Also, with a separate motion, Council should approve, approve with modifications, or reject the revised Annexation and Development Agreement.

Please Note: the City Council will need to make separate findings since the zoning district has changed from what the Planning Commission recommended. A Findings Worksheet has been provided.



MINUTES



PUBLIC HEARINGS

1. Applicant: Kootenai County Land Company, LLC (**Coeur Terre**)
Location: North of I-90, south of W. Hanley Avenue, East of Huetter Rd.
Request: A proposed +/- 442.64-acre annexation from Ag Sub to
to R-8 &R-17, C17 and C-17L
LEGISLATIVE, ([A-4-22](#))

Sean Holm, Senior Planner provided the following statements.

- Kootenai County Land Company, LLC, through their representative Connie Krueger, is requesting consideration of annexation for a +/-440-acre parcel in Kootenai County, currently zoned AG-Suburban, to be incorporated into city limits with a mix of zoning designations described within this staff report including: R-8, R-17, C-17L, and C-17.
- The subject property is located on the west side of the city, north of I-90 and W. Woodside Ave., south of the future W. Hanley Ave. extension, east of N. Huetter Rd., and west of N. Buckskin Rd., Lancaster Rd., N. Arthur St., and W. Industrial Lp. The subject property is vacant except for a large water tower owned by the City on a leased parcel in the northeast corner. There are two homesites east of N. Huetter Rd. that are not included in the request.
- Planning Commission makes a recommendation to City Council whether or not an annexation request complies with the evaluation criteria and what zoning designation(s) Council should consider. As a part of the recommendation, Planning Commission may suggest items to be included in an annexation/development agreement to Council for consideration.

The applicant has provided legal descriptions and a zoning district exhibit laying out the requested zones over the existing parcels.

Requested Zoning Districts Include R-8, R-17, C-17L, and C-17 as defined below:

R-8:

- Main District
 - 10,199,661.12 SQ FT (234.152 acres more or less)

R-17:

- North District
 - 5,006,829.96 SQ FT (114.941 acres more or less)
- Middle District
 - 264,670.56 SQ FT (6.076 acres more or less)
- South District
 - 1,329,407.64 SQ FT (30.519 acres more or less)

C17L:

- Existing Water Tower Site: To be dedicated to City
 - 22,501 SQ FT (0.517 acres more or less)
- Future Well Site: To be dedicated to City
 - 22,500 SQ FT (0.517 acres more or less)

C-17:

- North District
 - 533,130.84 SQ FT (12.239 acres more or less)

- South District
 - 1,705,722.48 SQ FT (39.158 acres more or less)
- The City's 2022-2042 Comprehensive Plan categorizes this area as:
 - Single Family Neighborhood
 - Compact Neighborhood
 - Urban Neighborhood
 - Mixed-Use Low
- Mr. Holm presented the required findings for annexation, including:
 - Finding B8, conformance with the Comprehensive Plan. The 2022-2042 Comprehensive Plan categorizes this area as Single-Family Neighborhood, Compact Neighborhood, Urban Neighborhood, and Mixed-Use Low. He shared the Future Land Use Map and applicable Place Types, transportation, walking and transit network maps, and applicable goals and objectives.
 - 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 make/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.
- Mr. Holm referenced the pages where the staff comments were located.
- He noted in the staff report the suggested conditions for the Planning Commission to consider in and Annexation and Development agreement (see below).

Water:

- Existing public utility easements for the City's 24" transmission main will be maintained or replaced at the developer's expense.
- The property for an existing water storage facility under the tank, as mutually agreed upon, shall be transferred to the City.
- A well parcel for a potential new water source is required to be transferred to the city as the developer's contribution toward the expense of developing an additional water source to adequately serve the community. The well site is requested to be transferred upon confirmation of acceptable water quality through City installation of a test well on an agreed upon site.
- Water rights for the property, both domestic potable and irrigation, will be addressed in the annexation and development agreement.

Wastewater:

- There are 5 potential projects highlighted by Lakeside Real Estate Holdings and JUB Engineering to upgrade sewer collection system sewer capacity. These projects are laid out in the "Coeur Terre Development Wastewater Collection Study" (May 2022) from the developer and JUB Engineering. Five (5) "limiting reaches" were identified when adding planned flow from the Coeur Terre project into the City sewer collection system at 2013 Master Plan Flows. Below is a list of these. The development agreement specifies Wastewater's response and defines the necessary corrective projects proposed in this study.
 1. HAWKS NEST LIFT STATION
 2. LAUREL/SHERWOOD TRUNK MAIN
 3. APPALOOSA TRUNK MAIN
 4. FAIRWAY TRUNK MAIN
 5. RIVERSIDE INTERCEPTOR

Streets & Engineering (Transportation/Traffic):

- In the areas where the Bypass project does not impact the existing Huetter Road, Huetter Road shall be reconstructed to the Post Falls and City of Coeur d'Alene standards, as applicable. The City desires that Huetter Road shall be reconstructed from the southern extent of the development to Hanley Road for three lane Arterials, including bike lanes, a shared-use path on the east side, and dedication of right-of-way to meet the City Standard of 100 feet minimum. The design, alignment and extent of improvements are subject to the location and design of the proposed Huetter Bypass.
- Additional right-of-way shall be set aside and made available as determined by the Idaho Transportation Department for the future Huetter Bypass.
- The Hanley Avenue/Huetter Road intersection shall be reconstructed to its future configuration as modeled for 2045, which includes five lanes on Hanley Ave, reducing to three lanes at the planned collector street into the proposed development. Bike lanes and shared-use paths are also required on both sides of Hanley Ave.
- The Nez Perce Road/Hanley Ave intersection shall be constructed to its future configuration as modeled for 2045. In order to manage increases in traffic, connectivity to existing streets is required without delay throughout the construction of the phased development. The owner shall commit to constructing five road connections to existing streets to the south and east by phases and in a manner that does not allow for this connectivity to be delayed to future phases.
- Any property owned by the applicant that is west of the city's ACI along Huetter Road must be subdivided and conveyed or dedicated to Post Falls Highway District per conversations with the applicant, Post Falls Highway District, and Kootenai County. Property outside the ACI should not be annexed into the City at this time.

Parks:

- Ten (10) acres for one Community Park
- Eight (8) acres of land for one Residential Park
- Two (2) traversing north-south trails that connect out of the development
- Two (2) traversing east-west trails that connect out of the development
- Timing for large scale public park improvements and dedication(s) along with trails connections and improvements to be defined in the annexation and development agreement.

Planning:

- Proposed use limitations: No Adult Entertainment, Billboards, Industrial Uses, Heliports, Outdoor Sales or Rental of Boats, Vehicles, or Equipment, Outdoor Storage of materials and equipment (except during construction), Repair of Vehicles (unless entirely within a building), Sewage Treatment Plants and other Extensive Impact activities (unless publicly owned), Work Release Facilities, Wrecking Yards, and Vehicle Washing (unless located within a building or parking structure).
- Five percent (5%) of the residential units qualify as "affordable/workforce housing" in conjunction with PAHA (or similar organization as exists at the time of implementation) as the administering entity. This level of commitment was discussed with the applicant prior to any hearings with details to be addressed in the annexation and development agreement.
- Ongoing concurrency analysis for total acreage developed, open space improvements (parks and trails), transportation improvements (volume and connections), and affordable/workforce housing will be provided by zone and phase.
- This request is for annexation and zoning designations only. The applicant has provided preliminary conceptual design information that is not binding at this time. Staff suggests that at a minimum the annexation and development agreement include language that ties future subdivision applications to generally adhere to: alignment of transportation, product types (place types), trails and public parks as shown in the conceptual design.

Other:

- The developer has a Memorandum of Understanding (MOU) with School District #271 for two (2) future school sites. While the City is not a party to the MOU between the developer and the School District, this commitment should be considered in the annexation and development agreement.
- Electric transmission lines, natural gas, and any other existing easements for utilities may exist on the subject properties. The applicant must adhere to the required easements or seek legal changes to alter/extinguish, if needed.

Mr. Holm concluded his presentation

Chairman Messina inquired how a Development Agreement will be designed for this project. Mr. Holm explained that after this goes before City Council, staff will work with the applicant to negotiate that agreement. Chairman Messina asked for clarified on whether the Planning Commission was only making a recommendation for annexation and zoning and not the development agreement. He also noted the district zoning map submitted by the applicant and inquired how this map compares to the future land use map in the staff report. Mr. Holm explained that the applicant had requested that our consultants MIG look at this property as we were doing the Comprehensive Plan. It is up to the commission to decide if this is something they can support. Chairman Messina commented that from looking at the map R-8 is the most compatible with the land use map in the Comprehensive Plan.

Commissioner Mandel inquired if this annexation is approved is the zoning submitted by applicant binding and explained that there are four different zones and how do we make sure that a lot of C-17 is replaced by the R-8 properties. Mr. Holm explained that staff looked at this application with the same concerns and, based on the zoning, staff recommended to require from the applicant legal descriptions for each zone. If council approves this request, those legal descriptions for each zoning district would be part of that approval which mirrors their exhibit.

Commissioner McCracken inquired about the two school site locations zoned R-17 and questioned if the applicant decided to change their mind, could they put something else on those sites. Mr. Holm explained if council approves this annexation there are uses by right for each zone and that R-17 does allow some other uses within that zone. He added that the applicant does have a Memorandum of Agreement (MOU) with the school district to provide two schools on the property and if council approves this request, they could require those sites for the school to be part of the Development Agreement.

Commissioner Ingalls stated that they received a packet of comments from citizens with a lot of concerns with traffic and inquired how the traffic study was done without knowing how many housing units will be constructed and from those comments were letters of support from various agencies of support for more housing and inquired if staff knew how many units are proposed for this site and if there will be a variety of housing types. He also noted that there is an understanding that the applicant will provide a 5% commitment for workforce housing. Mr. Holm commented that he wished he could answer that question and that the applicant is here to answer that question.

Commissioner Ward inquired if the decision tonight is to recommend approval for the annexation and the zoning for the parcels. Mr. Holm stated that's correct. Commissioner Ward noted in the staff report it references site reviews which are administrative, so if the applicant wanted to build per the zoning on the individual parcels, they could apply for a building permit and wouldn't need approval from the Planning Commission. Mr. Holm explained it depends on the level they plan to construct and stated that the city code would allow two units on a parcel in the city that includes everything except the R-17 sites that include multi family. He added for the R-8 district and "use by right" they can have two single family houses, or a single-family house and an Accessory Dwelling Unit (ADU) for that entire parcel without going through the subdivision process, if the parcel meets minimum size requirements. Commissioner Ward commented that we now have a Development Agreement ordinance and questioned if the school and park sites binding. Mr. Holm explained that the applicant and school district have an MOU, but the city isn't part of that MOU. So, if it's the desire of the Planning Commission to recommend to council that the school sites be included in the future development, that should be noted.

Chairman Messina noted on page 38 in the staff report on the last paragraph it states “This request is for annexation and zoning designations only. The applicant has provided preliminary conceptual design information that is not binding at this time. Staff suggests that at a minimum the annexation and development agreement include language that ties to future subdivision applications to generally adhere to: alignment of transportation, product type (place types), trails and public parks as shown in the conceptual design.” He inquired if this will be a future discussion and, if this is approved, will the design change. Mr. Holm explained staff added that language because within the applicant’s narrative they stated a desire for a degree of flexibility depending on what the market will be and didn’t want to have to come back for future amendments for the PUD if the market changes. He added they do have a master plan that they provided to staff that doesn’t specifically apply to this annexation request, so you may see some things presented tonight but the decision is only for the annexation and zoning and nothing else is binding. Chairman Messina commented what we are looking at might not be what the finished product will look like. Commissioner Mandel commented if there is nothing binding, questioned if there is an exception to adhere to some of the principles. Ms. Patterson concurred and explained the language is so the applicant can have flexibility. Mr. Adams explained that the Planning Commission is making a recommendation for zoning to council and the council will make the decision on whether to annex and accept the recommendations on zoning. The Planning Commission is not making any binding decisions tonight.

Mr. Holm explained based on the zoning presented on the underlying parcels they can build more in the county. He is confident that this project will come back to the Planning Commission, but he is not sure what form that will take. Commissioner Mandel commented that we are making a recommendation to council that is not binding and requested clarification on what is listed in comments for an Annexation/Development Agreement if staff is requesting that those items be included in a future development agreement, which isn’t being done tonight. Mr. Adams concurred and noted that any recommendations tonight will be considered by council with a negotiation between city, staff, and the developer on what will be in the Development Agreement. Ms. Patterson explained if the applicant comes forward with a subdivision or PUD, we can open the Development Agreement again that will have amendments with more detail added. This is not the only chance to make changes.

Ali Marienau, KMPO Transportation Planner provided the following comments.

- She explained that the city asked KMPO to do the modeling, since the KMPO model is regionally focused to provide an analysis of how this project will impact the city. She notes that this information would hopefully provide clarification on the modeling process and the results.
- She stated KMPO was established in 2003 and that it is a federally mandated organization.
- She commented that they do have a board that consists of representatives from the four major cities - Coeur d’Alene, Post Falls, Hayden and Rathdrum - the four Highway Districts, the Idaho Transportation Department, Kootenai County and the Coeur d’Alene Tribe, and they work with a technical committee that is made up of members from those agencies.
- She explained the travel demand model is used for long-range transportation planning to help identify existing and future issues, so the region can be proactive and plan for transportation investments going into the future.
- She explained this model helps determine the type, size and location of transportation improvements. She added this is a peak hour model and it only looks at a.m. and p.m. peak trips.
- She explained the type of data inputs used based off of land uses and are measured by number of dwelling units, employment, students, acres of agriculture land, etc. These units are grouped in Traffic Analysis Zones (TAZs) because every unit cannot be represented in the model analysis. The model takes into account the numerous people living in the county. The TAZs are structured so that they separate residential from commercial.
- She provided an example of data they use in their modeling/planning processes. She shared a screenshot of Inrix signal data for the intersection at Atlas Rd and Hanley, which showed how the intersection is operating.
- She explained KMPO has a current model that is used, which consists of 2020 land use data, as well as forecast models through 2045, which incorporate population growth and future developments; she explained the various models used to be based on the scope of the project.

- She commented the models include future 2035-2045 projects, including the Highway 41 widening, improved I-90 interchanges and widening, etc. Future land use projects are also incorporated, including Prairie crossing, more development on the west side of Huetter and the east side of Highway 41, and the buildout of the Atlas Waterfront project.
- She explained the 2035-2045 model scenarios both with/without Coeur Terre and with/without the Huetter bypass. She provided maps showing potential congestion. She added with additional collector roads constructed by the Coeur Terre project there would be less congestion on Hanley because increased traffic on Kathleen. Travel patterns shift due to additional collector road network, and verified the much-needed east/west connection.
- She added that in the 2045 scenarios, it includes the plan to widen Huetter Road to three lanes. This facility can tolerate this development including schools and commercial.
- Some locations will, generally, need to be addressed for future growth.
- This is a regional model and traffic specific to this area. Some trips from the Coeur Terre project won't go to Coeur d'Alene. The city wanted to use the regional model and expectations for the future to better understand traffic through this area.

Commission Comments.

Commissioner McCracken commented we had many comments from people who had concerns using Arrowhead as a through street and, when looking at the map, it looks like the school is located where Arrowhead connects to the neighborhood. She noted on the KMPO map the traffic is routed through Nez Perce without a connection into the neighborhood. Ms. Marienau explained with this analysis not all local roads are included and understands that in the staff report the city engineer noted, as this development progresses and each stage comes to the Planning Commission, additional traffic analysis will be done. She noted on the map a decrease in traffic where Appaloosa meets Atlas Road.

Commissioner Ingalls noted that we received comments from the City of Hayden who hopes we preserve the footprint of the Huetter Bypass. He asked if this project threatens the future Huetter Bypass. Ms. Marienau stated we can't say this project will impact the Huetter Bypass and explained that the bypass is still being reviewed by KMPO/ITD who have had past discussions with the applicant. She added the main footprint with the Huetter Bypass would be within the vicinity of Poleline and Hanley where the first interchange would be located, with more work needing to be done.

Public testimony open.

Brad Marshall, Applicant representative, provided the following statements:

- He introduced various members of the Coeur Terre team.
- He stated that he has seen a lot of changes in this area through the years and can remember when Ramsey Road was a two-lane country road.
- He commented that Coeur Terre, when completed, will be similar to Coeur d'Alene Place spanning 20-30 years.

Melisa Wells, President of the Kootenai County Land Company, provided the following comments:

- She stated we are a local company with most of our members living in this area minus 3 and that most of our contractors, suppliers and consultants are local.
- She added that we have many active communities in our region and as an example, in Coeur d'Alene they are developing The Trail's community north of the annexation area. As we develop our communities, we will be focusing on collecting input from the community and incorporating that feedback back into our design. She added we are mindful of the local working housing shortages in our area and working to provide housing types that help address these needs.
- She commented that we have been working on this project for many years and started with many conversations with Roy Armstrong and was selected by Mr. Armstrong for our vision for this project.

Brad Marshall provided the following statements.

- He stated that staff did a great job with the staff report and with this request we are seeking annexation/zoning. He explained that a large portion of the property is proposed to be zoned R-8 single family homes adjacent to the neighborhoods, R-17 denser housing, C-17 L for the well site that will be dedicated to the city, C-17 will be 51 acres with design similar to what is in the Riverstone area providing first floor retail commercial with second and third floor residential.
- He explained that we won't be developing to the density within the various zones.
- He explained that we had been part of the past discussions on the Comprehensive Plan and how the requested zones fit within the Comprehensive Plan.
- He explained that we had done stakeholder interviews, notified surrounding property owners with a mailer, ads in the paper etc. and a voluntary public open house at the Kroc Center.
- He added this site has been within Coeur d'Alene's Area of City Impact (ACI) boundary for 30 years.
- He explained that we have reviewed the staff report and agree with all the conditions.
- He discussed the economic benefit to the city that will supply future housing for current residents and employees, providing schools, professional jobs, and expanded services.
- He stated that we are proposing two school sites elementary and middle school and have been working with the Coeur d'Alene School District to try and get the middle school up and going as soon as possible.
- He explained sales/property tax revenues will be provided to the city during the construction of phases with an estimate that 4.5 million dollars sales tax will be generated from this project.
- He estimates that this project will invest 2.5 billion dollars into our community over the next 30 years to build out.

Connie Krueger, provided the following comments.

- She noted on a map the cities of the ACI area, Hayden, Coeur d'Alene and Post Falls, this is an area in the early '90's that engaged in a multi-agency process that requires per code to create ACI impact and how they were formed. She added this property has been recognized by the city for future annexation and planned for future growth in the newly adopted Comprehensive Plan.
- She stated that we began planning 10 years ago with the prior owner Mr. Armstrong.
- She explained in 2019 a third round of planning began to ensure that the various housing types selected would be consistent with the Coeur d'Alene area and that Kootenai County Land Company approached City Council requesting specific planning for this area to be included in the current Comprehensive Plan update with the approval of the city to go forward.
- She stated this project is primarily a residential development with similar lot sizes, structures and density's similar to Coeur d'Alene Place.
- She explained that they met with stakeholders and held public open houses in May 2022 at the Kroc Center that was attended by 65 people.
- She explained at the open house a lot of discussion was on lack of housing and the need to provide local worker housing. She added we are working with Panhandle Affordable Housing Alliance (PAHA) and are dedicating 5% of the housing for workforce housing.
- She stated another discussion was on the need for schools and when we met with the school district, they located sites within the property that would be desirable for two new schools and recently entered into a Memorandum of Understanding (MOU) with the school district to provide those two schools.

Gabe Gallinger, Civil Engineer for Kootenai County Land Company, provided the following statements.

- He commented that parks and trails were the main topic at the public outreach stakeholder meeting. After hearing that, they met with staff to discuss where to locate these parks that would go with the Parks Master Plan. He explained from those discussions they decided that a 5.4-acre park will be located in the North Half of the project, A 12.3-acre community park located in the

southern half of the project for a total of 18 acres of public park area and in addition will dedicate a significant amount of open space that will be maintained by the Home Owners Association (HOA).

- He noted a central corridor that will be running down the middle of the site providing a meandering pathway that connects the proposed school site and the two proposed public park areas with an off-street parking corridor providing great circulation through the center of the project.
- He added we will also provide private pocket parks through the neighborhood promoting high utilization due to the proximity to the homes.
- He commented we want to enhance the existing trail system and will add 4 miles of new trails that will be installed in common area landscaped tracts located around the perimeter of the project, north/south through the center and east/west through planned landscape corridors.
- He stated access to the project will be provided by two existing arterial streets Huetter Road on the west, Hanley Avenue to the north in addition three existing local stub streets to the east and one stub street to the south as required by staff.
- He explained we have met with staff to discuss the new streets in the development which included a plan modification reducing long straight corridors to discourage speeding while providing intersections, spacing and sizing to accommodate large emergency vehicles.
- He explained that KMPO conducted the traffic modeling for this project to gauge the local and regional impacts for future years 2035 and 2045. Impacts were analyzed with and without their project and with and without the Huetter Bypass. The results of the model illustrated that the project works in all scenarios modeled.
- He explained that this site has existing water on three sides north, south and east and existing water improvements within the project boundary with an existing water tank on the northeast corner of the project. He added that we met with staff and will dedicate the existing tank site including an additional site for another public well on the property.
- He added that Wastewater doesn't have any issues and will connect to the existing system one on the north, east, and southeast corner will be able to extend the pipes with no lift stations proposed.

Brad Marshall provided a conclusion.

- The city has done an excellent job and that this site has been in the City's ACI for 30 years.
- He stated we are only asking for annexation and zoning approval and agree with staff recommendations for conditions.
- He addressed a question asked earlier regarding the Annexation/Development agreement how the selected zones for the property won't be changed and that we will be providing a map that illustrates the zoning with legal descriptions of those boundaries.
- He stated that we are working with PAHA and agree to dedicate 5% of housing areas to professional workforce housing.
- He is requesting that the Planning Commission approves this project.

Connie Krueger provided the following comments

- She explained within the application we have provided a pamphlet called "The Local Worker Housing Tool Kit" that is a list of a variety of ways on how to use the tool kit and will be working with PAHA and Maggie Lyons on Deed Restrictions.
- She stated that we haven't determined specific housing types for this project but will be provided when this project is heard by the City Council.

Commissioner Mandel inquired about a timeline for the project. Ms. Kruegar stated that we have

discussed timelines that haven't been established yet.

Chairman Messina inquired about a land trust and other options that might be available. Ms. Kruegar stated that they have discussed a land trust looking at a model in Sandpoint plus others but haven't committed yet with a desire by the owner to develop it himself and not sold to land trusts. She explained another factor is within 20 years housing needs will change and the owners needs/desires change and will want to keep it open and flexible.

Chairman Messina inquired about the timeline for this project and when homes will be available. Mr. Gallinger stated if this goes forward, we would start with the north 163 acres portion in 2023, start foundations in 2024, and have the first phase of homes move-in ready in 2025.

Commissioner Ingalls inquired about the five connections, one coming off of Hanley, one at Huetter, two going to the east, and one to the south. Mr. Gallinger explained that we will have a local connection to the south, one at Arrowhead, Nez Perce and Laurel.

Commissioner Ingalls inquired if a round-about will be proposed at Hanley Avenue or a signal at the Huetter intersection, and if that has been discussed with Post Falls Highway District. Mr. Gallinger explained that they are in development of The Trails Subdivision with the requirement from that subdivision to provide a connection of Hanley to Poleline, from its current terminus at Carrington as soon as they cross the Prairie Trail. It will be done with the next phase of The Trails subdivision. He added that we are currently working on a signal warrant analysis with our traffic engineer and if there is a need for a signal, they are required to pay for a portion of that signal based on traffic counts and modeling.

Commissioner Mandel inquired about the middle school and questioned how soon can the school district be able to construct that school. Mr. Gallinger explained once the school district owns the property, they have to go for a bond to get funding for the school which could take a year or more. He anticipated construction to begin on the school around the same time as Coeur Terre, in 2025.

Commissioner McCracken inquired about the greenspace buffer going along the east side. Mr. Gallinger explained when we first looked at the site there was an existing farming road around the perimeter of the site that has been used by many people as a trail. Within the project master plan, they wanted to preserve that perimeter trail. It will be 20 feet wide and provide a paved shared use access trail that will connect to the Prairie Trail. Commissioner McCracken inquired if Fire is able to service this area or will there be a need for a new fire station. Mr. Gallinger explained when they met with the Fire Department, they said this project wouldn't require a new fire station.

Commissioner Ward inquired if the phasing will begin at the north end of the property. Mr. Gallinger explained the plan is to begin with the north 160 acres based on having an existing sewer connection that will serve the entire 160 acres. Commissioner Ward inquired if the same development company will build the entire project or will you be selling off parcels to other builders. Mr. Gallinger explained that the intent is for this developer to build the entire project.

The commission took a break at 5:30 p.m.

The meeting resumed at 6:00 p.m. with public testimony.

Commissioner Fleming inquired if staff knew where KMPO is with the Huetter/ Prairie and Myers/Prairie traffic signals and questioned what would happen with the streets going into Indian Meadows where there are no curbs or sidewalks. Chris Bosley, City Engineer, answered that we will have to look at those sections when connections are proposed through the traffic study. He added we don't know where all the connections will be and based on the construction of the road at the time and in 20 years the entire road may need to be reconstructed.

Commissioner McCracken explained that Arrowhead is a dead-end street with lots of people who walk in

that area and have heard concerns what will happen to the neighborhood character if traffic is allowed to go through the property. Mr. Bosley answered that it's too early to know where this project will begin.

Maggie Lyons, Executive Director for Panhandle Affordable Housing Alliance (PAHA), stated that the mission for PAHA includes trying to help our community resolve our current crisis for local worker housing. She added that Coeur Terre has made a commitment to the community to set aside a portion of this development for worker housing with the goal to build homes in a price range that our local workers can buy. She provided a Power Point that explained who can buy a home and who can't. She stated that the housing crisis is real and to please approve this annexation.

Jeff Voeller, Director of Operations for the Coeur d'Alene School District, commented that this is the first time in 25 years the developer has reached out to the school district asking about our needs, which is appreciated. He added when we first met with the applicant, we let them know we are in need of a 20-acre site for a middle school and a 10-acre site for an elementary school. He added after numerous meetings with the applicant they came back with areas picked for these schools and appreciates this applicant listening to our needs and supports this project. He said the School District did enter into an MOU with the developer and asked the city to include the school sites MOU in the Development Agreement.

John Bruning, President of PAHA, represents the board members who are in support of this project. He addressed the 2022-2042 Comprehensive Plan and stated that Goal 3 "Community Identity states "Coeur d'Alene will strive to be livable for median and low-income levels including young families, working class, low income and fixed income households" and Objective 3 states "will support efforts to preserve existing housing stock and provide opportunities for affordable and workforce housing." He added we need affordable housing and feels this applicant gets this and to please consider this request and to make sure the 5% designated for workforce housing stays in the proposal.

Don Webber explained that when they purchased their home more than 20 years ago, they chose the location for the quiet streets within a peaceful setting. He added that we support the new development but please protect our neighborhood. He explained that the earlier version of the plan showed no intent to use Arrowhead or Appaloosa Road for ingress/egress and now the new concept shows a different version of the plan that will impact our neighborhood by encouraging people to use our local streets for access to the property. He also suggested that the commission should consider R-8 and R-17 away from existing neighborhoods and R-1 next to large lots that are an acre in size.

Scott Krajack stated he spends a lot of time at Coeur d'Alene Place dropping off his kids to visit their friends and questioned why does every one live in Coeur d'Alene Place. When comparing this development with Coeur d'Alene Place, he said they are similar in that they are providing similar housing types. He added that in the future as his kids go off to college, he hopes they will be able to afford to move back and to please approve this request.

Suzanne Knutson lives in Indian Meadows and is concerned with the following things: Scope and Scale, the loss of agricultural buffer land that separates Coeur d'Alene, Post Falls and Spokane, and Impact of increased noise and traffic on established neighborhoods by connecting this development to the narrow quiet residential streets of the established neighborhoods. She cautioned to please use restraint in growth, so that the quality of life of existing residents won't be impacted by this development.

Sharmon Schmit commented we are in favor of this development that will create a great community and to please protect the existing residents in Indian Meadows by denying traffic to go through this development.

Don Schmit stated he doesn't want his street to change and to please protect this neighborhood.

T. Rahm commented about Idaho's Monopolies and Trade Practice Act and according to Idaho's Statutes there are laws against persons who conspire to monopolize any area. She added these laws should apply to Lakeside Corporation that owns Coeur Terre property they are a private firm that has resources

and influences over regional government and that this is a problem.

Nancy Barr stated she lives on Arrowhead Road adjacent to Coeur Terre. She explained that Indian Meadows was developed in the 60's and 70's designed with one acre lots. She stated that she is concerned with traffic going through this neighborhood.

Patrick Wilson lives on Arrowhead Road and stated this is a special place and by approving this development will destroy this neighborhood. He added this is unplanned development and before we go forward, we need to know what is going to happen with the Huetter Bypass.

Jason Arthur has concerns about the zoning and with R-17 in the northern part of the property will put a lot of traffic on Hanley and with the addition of a new middle school will increase traffic and feels a middle school isn't needed in that area.

Roger Ruddich lives in Indian Meadows and was surprised this was going to happen. He stated that he has concerns with increased traffic and how the approval of this development will change this neighborhood.

Brett Haney stated that he submitted his comments in writing and has three concerns 1,000 acres 4,500 homes, and 10,000 people will be in this area on both sides of Huetter. He has concerns about the aquifer and the impact of so many people, and how many units will be available for affordable housing.

Greta Gissel commented will support the city for the need to provide affordable housing and as the new Executive Director for CDA 2030 that is engaging in a strategic planning session to rebrand as a regional community visioning group with the focus on housing. She mentioned the Regional Housing Growth Housing Issues Partnership (RHGIP) that was started with Kiki Miller, City Councilmember, with its successes and PAHA having developed deed restriction templates. She appreciates Coeur Terre for implementing the need for housing.

Dustin Ainsworth stated many people have relocated to northern Idaho with the need for smart growth and supports the Coeur Terre project.

Chairman Messina asked about water irrigation and noted in the packet water testing for the water in this area. Terry Pickel, Water Director, explained that the applicant is proposing a greenbelt including water features with two irrigation wells in the area that we can't use. He added that within this development is a proposed new well site that we will be using those to supply water to the greenbelt that will take a load off of our future infrastructure. He answered the question about water testing and explained that we had issues further east and why we are proposing a new well located at the end of Nez Perce between Atlas/Huetter well that supplies 4000 gallons per minute and feels good by having another well north of the city that will not be for this development but will supply the northern part of the city. He predicts the new well will be in before there is full development with this project.

Commissioner Fleming inquired about the ground covering used in Atlas and questioned can we assume this is drier grass land where local plants should be used. Bill Greenwood, Parks and Recreation Director explained the use of blue grass is a good choice that is hardier and will be working closely with Water to be using water saving measures. Commissioner Fleming commented that in this area it would be nice to have a community garden area. Mr. Greenwood stated that is a great idea and the city has been involved with a couple of those, but noted problems with the upkeep without having the support of the people to care for the garden or an HOA.

Rebuttal:

The applicant team requested a 5-minute break prior to the rebuttal. The commission granted a 5-minute break.

Brad Marshall made the following statements.

- He stated heard a lot of great testimony and nobody was really opposed to this development.
- He explained development is a tough business with land costs, carrying costs with the property, construction costs etc.
- He addressed traffic impacts to Indian Meadows and noted the applicant team respects the neighborhood. He explained they won't be getting to the south end of the development for many years. He added that there will be numerous subdivision applications coming forward and we will look at those access points and may find we may need them and maybe find that we can reduce some of those. He stated that we aren't opposed to include that language in the Annexation/Development agreement.
- He stated that he feels that this development conforms to the Comprehensive Plan goals and policies and is asking for the Planning Commission for the recommendation to City Council for approval.

Mr. Marshall concluded his presentation.

Chairman Messina inquired about the development agreement with the addition of the proposed connectivity of the streets in the existing neighborhood and sympathizes with the neighbors that could be a great impact and questioned as the Development Agreement is developed and those sections are developed through the years can the connectivity to those existing neighborhoods be used only by emergency services. Ms. Patterson explained in the staff report under Streets/Engineering we have discussed future connections and can work with the applicant team to have the ability of evaluate those future phases and explained in our city ordinances we need connectivity and likely we will need some connections and may be able to do some mitigation and different ways to design.

Commissioner McCracken explained when we looked at the traffic study there weren't any detailed maps showing the connectivity to the smaller neighborhoods and questioned can we require in the Annexation/Development agreement that a more detailed traffic study be required especially before the school sites are constructed. Ms. Patterson explained that we already have some language that we will be requiring traffic study with each of the future phases. Commissioner McCracken explained that she is more concerned with the Arrowhead connection since this one will be a "straight shot" to the school site.

Public testimony closed.

Discussion:

Commissioner Ingalls commented that he has lived in this area for a long time and now lives in Coeur d'Alene Place which is considered a superior development. He explained the only short coming living in this area is there isn't a lot of commercial opportunities and with this development he sees the potential of commercial mixed in that will be buffered from the neighborhoods. He stated that he supports this project that is well planned especially the open houses that were done, including the involvement of the school district where the developer asked them what they wanted in a school. He commented that he appreciates the agencies involved working towards the issue of housing shortage and the need for more housing.

Commissioner Ward explained the difference between developers and builders: a developer will buy 20 lots and build 20 homes and then move on to another area. That is called urban sprawl which isn't consistent with the type of development we want. He explained when he first saw this proposal and looked at the plan he saw an issue with traffic, but realizes that will be evaluated as the project develops. He is surprised with the generosity of the applicant for the 5% given for affordable housing and will support this project.

Commissioner McCracken concurs and after hearing comments hopes that compatible commercial and affordable units will be incorporated. She is excited for the trail connectivity and the addition of two new schools, and will support this request.

Commissioner Fleming stated the annexation is brilliant and will be a valuable piece of property. She

cautioned the industrial park is noisy and dirty. The recycling area is next to the property. She stated that the R-8 portion is large and suggested the applicant include R-5 so there is some compatibility with existing neighborhoods. She would like it if staff could show how many of these streets will be impacted with traffic and supports this project.

Commissioner Mandel concurs with the other commissioner's comments and when first looking at this project thought, "it was "enormous". Once we figured out what our role was and that Planning Commission will have more "bites" and opportunities to discuss the details, she felt more comfortable with the request. She wanted to thank the community for coming forward and participating in this process, and staff for the amount of work that went into this development, and supports this request.

Chairman Messina concurs and supports this project for the reasons stated earlier and for the applicant to please continue to work with the neighborhood and applauds their time.

Motion by Ingalls , seconded by Mandel , to approve Item Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 6 to 0 vote.

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

February 7, 2023

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 on February 7, 2023, at 4:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Pastor Paul Van Noy of Candlelight Church led the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Evans led the pledge of allegiance.

ANNOUNCEMENTS:

Councilmember McEvers noted TDS was now broadcasting CDA-TV in high definition on Channel 5.

Councilmember Gookin said he had attended AIC Officials' Day at the Capitol and Governor Little had spoken on how many people had moved to Idaho, Idaho's current AAA credit rating, his efforts to increase teacher's pay and student literacy, property tax relief, workhouse housing, transportation projects, and that Idaho was in a good position if the country continued to move toward a recession. President Pro Tempore Chuck Winder spoke about his priority of property tax relief, education choice- money follows student, school choice, Transportation Department's bridge work, and increasing technical education. Speaker of the House Mike Moyle spoke of education funding, Medicare expansion, process of appointing judges, how committee chairs process laws, water issues, and property tax relief. Senator Doug Ricks, Chair of the Local Government and Taxation Committee, spoke of \$120 Million in tax relief, having growth pay for itself, and increasing the grocery sales tax. Senator Scott Grow and Representative Jason Monks spoke of property tax relief. He noted he had a great visit to the City's Composting Facility. He said he would still like the following issues brought forth to a future council meeting: Downtown parking and height limitations, and a Budget amendment to incorporate the change in pay for First Responders.

Mayor Hammond requested the appointments of Lindsey Sichelstiel and Abby Light to the Arts Commission, and Gina Davis to the Urban Forestry Committee.

DISCUSSION: Councilmember Gookin said he would like to see new applicants appointed to the City's boards and commissions. Mayor Hammond noted the openings had been advertised and no other applications had been received.

MOTION: Motion by Evans, seconded by Miller, to appoint Lindsey Sichelstiel and Abby Light to the Arts Commission and Gina Davis to the Urban Forestry Committee. **Motion carried with Councilmember Gookin voting no.**

CONSENT CALENDAR:

1. Approval of Council Minutes for the January 17, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Meeting Minutes from January 23, 2023.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, February 13, 2023, at 12:00 noon.
6. Setting of a Public Hearings for February 21, 2023:
 - a. 1095 E. Timber Lane - Approval of a Development Agreement Limiting the Applicant to Build One (1) Single Family Home and One (1) Duplex on the Property for the Recently Approved Zone Change Request (ZC-2-22): Applicant: Richard and Susan Bennett
 - b. Fee Hearing: Fee Adjustments for the Parks and Recreation, Planning, and Water Departments.
7. Approval of SS-22-08 – Grover Addition Final Plat: located at: 1266 W Hanley Ave. (South side of Hanley Ave. between Idlewood & Pinegrove Dr.)

As Recommended by the City Engineer

8. Approval of the Cemetery Transfer from English Funeral Chapel to Sorin Nickleolescu, Section K, Block 3, Lot 7, Forest Cemetery. (\$40.00)
9. Approval of the Repurchase of a Cemetery Niche from Judie Frost, Section FOR, Block NR1, Niche 34 in the Amount of \$1,900.00.
10. **RESOLUTION NO. 23-009-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: AGREEMENT FOR THE CLEANING, INSPECTION, AND REPAIR OF THE WASTEWATER CENTRIFUGE AND ASSOCIATED GEARBOX WITH ALFA LAVAL, INC., IN THE AMOUNT OF \$51,387.34; PURCHASE OF A 2023 FORD TRANSIT VAN FROM MIKE WHITE FORD FOR THE WATER DEPARTMENT; AND AGREEMENT WITH TREANORHL TO PROVIDE MASTERPLAN AND DESIGN SERVICES FOR THE FIRST PHASE OF THE POLICE DEPARTMENT EXPANSION AND REMODEL.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 23-009.**

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

RESOLUTION NO. 23-010

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE 2022 CITY OF COEUR D'ALENE WASTEWATER COLLECTION SYSTEM (SEWER) MASTER PLAN UPDATE.

STAFF REPORT: Mike Becker, Wastewater Capital Program Manager said the Wastewater Department (Department), was requesting Council approve the implementation of the 2022 Wastewater Collection System (Sewer) Master Plan Update. Mr. Becker explained in his staff report that since 2002, and every 10 years since, the Department had hired consultants to complete or update a comprehensive analysis of the City's public sanitary sewer collection (conveyance) system. The analysis included studying and assessing existing, committed, and master plan sewer flows based on city-wide growth trends and developments. He said it was a vital tool used to identify deficiencies within the City's sewer collection system and prioritize rehabilitation and replacement projects to correct the deficiencies. He noted it also forecasted potential capacity issues as it relates to growth and creates a Capital Improvement Plan (CIP) to address the issues. The 2022 Sewer Master Plan was a comprehensive report and included numerous updates to the previous 2013 Sewer Master Plan. He mentioned as the City continued to grow, demands on the existing sewer system were constantly evolving, requiring updates and eventually a comprehensive revision. The goal of the 2022 Sewer Master Plan was to continue helping the Department manage the entire sanitary sewer collection system. He said a total of 52 sewer system issues had been identified as potential CIP projects over the next 20 years, and nearly 78% of the estimated \$47,913,000 total capital cost were for projects flagged "as needed" and growth dependent. He said as the City's sewer system expanded, sewer infrastructure deficiencies were continuously being discovered, those found in the 2022 Sewer Master Plan were first identified using the Asset Management Program, and they made up nearly 5% of the estimated 20-year Capital Costs at \$7,008,000. He noted by using the Asset Management Plan, the Department would need to continue budgeting at least \$800,000.00 annually for rehabilitation/replacement projects. This will extend the service life of the sewer repaired another 50 to 100 years.

DISCUSSION: Councilmember McEvers asked if the City or developers paid for infrastructure, with Mr. Becker responding it was paid by the developer and they are tasked with extending utilities to their development. Councilmember Wood asked if 10-year updates were required for the Sewer Master Plan, with Mr. Becker responding it was not a requirement but had been the Department's procedure. Councilmember Wood noted she would like 10-yr Strategic Plans for all City Departments and an overall City Strategic Master Plan.

MOTION: Motion by McEvers, seconded by Miller, to approve **Resolution No. 23-010** – Approval of the acceptance and implementation of the 2022 Wastewater Collection System (Sewer) Master Plan Update.

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

RESOLUTION NO. 23-011

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE DONATION TO THE CITY'S PUBLIC ART COLLECTION OF THE FOLLOWING ARTWORK: "U.S. ARMY SOLDIER" BY TERRY LEE, DONATED BY CHARLES AND GINGER FORD, ON BEHALF OF THE BUD FORD ESTATE.

STAFF REPORT: Stephanie Padilla, City Accountant asked Council to accept the donation from Charles and Ginger Ford, on behalf of the Bud Ford Estate, of the life size bronze statue entitled "U.S. Army Soldier" by artist Terry Lee, valued at \$60,000, to the City's public art collection. Oversight responsibilities of the Arts Commission included donations of artwork to the public collection. She said the Arts Commission was excited to add an additional piece of art to the City's collection and the donated statue would be added in the vicinity of the History Walk in McEuen Park. She noted the History Walk currently displayed bronze statues of a Lumber Jack, Farmer, Working Man, Suffragist, and Miner, and represented the historic foundation of the City of Coeur d'Alene. She said the Arts Commission, at their meeting held on April 26, 2022, voted unanimously to accept the future donation of the piece of art known as "U.S. Army Soldier," as commissioned by the late Bud Ford, and to recommend that Council accept the donated art piece, valued at \$60,000. She mentioned pursuant to finishing foundry work, the artwork would be scheduled for completion and installation in September 2023. She said the art piece was originally commissioned by the late Bud Ford, and Charles and Ginger Ford had agreed to the total financial donation in the amount of \$60,000, which would cover the full cost to Terry Lee Studio, Inc., to complete the art piece. She noted there would be costs associated with the installation and maintenance of the piece, which would be covered by the public art fund. The art piece will be included in the City's assets and covered by insurance. She noted that donations of a quality piece of art is an extremely cost-effective way to enhance and build upon the City's impressive public art collection.

DISCUSSION: Councilmember English said it was a wonderful gift and suggested installation at Veterans Plaza.

MOTION: Motion by Evans, seconded by English, to approve **Resolution No. 23-011** – Acceptance of Donated Artwork from Charles and Ginger Ford Entitled "U.S. Army Soldier" by Artist Terry Lee, into the City's Public Art Collection.

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

**COEUR TERRE ANNEXATION REQUEST
(QUASI-JUDICIAL)**

A-4-22- ANNEXATION OF +/- 440 ACRES FROM COUNTY AG SUBURBAN TO CITY R-8, R-17, C-17L, & C-17 (COMMONLY KNOWN AS COEUR TERRE) AND APPROVAL OF AN ANNEXATION AND DEVELOPMENT AGREEMENT. LOCATION: N. OF I-90, S. OF W. HANLEY AVE, E. OF HUETTER RD; APPLICANT: KOOTENAI COUNTY LAND COMPANY, LLC.

STAFF REPORT: Sean Holm, Senior Planner said Kootenai County Land Company, LLC, through their representative Connie Krueger, was requesting consideration of annexation for a +/- 440-acre parcel in Kootenai County, currently zoned AG-Suburban, to be incorporated into the City limits with a mix of zoning designations which included: R-8, R-17, C-17L, and C-17. He said they were also requesting Council's approval of the proposed Annexation and Development Agreement (DA) for the project known as Coeur Terre. He said the subject property was located on the west side of the City, north of I-90 and W. Woodside Avenue, south of the future W. Hanley Avenue extension, east of N. Huetter Road, and west of N. Buckskin Road, Lancaster Road, N. Arthur Street, and W. Industrial Loop. He noted the subject property was vacant except for a large water tower owned by the City on a leased parcel in the northeast corner. He said there were two (2) homesites east of N. Huetter Road which were not included in the request. He noted the Planning Commission had heard and approved the annexation and Development Agreement request at their regularly scheduled meeting on October 11, 2022. Mr. Holm noted that there were four (4) findings required for the zone change and were as follows: Finding #B8 - The request is or is not in conformance with the Comprehensive Plan policies; Finding #B9 - Public facilities and utilities are or are not available and adequate for the proposed use; Finding #B10 - The physical characteristics of the site do or do not make it an acceptable request at this time; Finding #B11 - The proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and/or existing land uses. He presented the surrounding zoning, land uses, applicable Comprehensive Plan objectives, provided staff input regarding the finding categories including traffic, and the details of the proposed Annexation and Development Agreement which addressed water, wastewater, and street needs. He noted Council was tasked with making findings to approve, deny, deny without prejudice, or table the decision to a date certain, and that a separate motion was required for the Annexation and Development Agreement.

DISCUSSION: Councilmember Wood asked what the zones were for property abutting the proposed annexation's property, with Mr. Holm responding to the north was R-8, M, R-3 and R-1 to the east, and R-3 to the south. Councilmember McEvers asked what had happened to cause the annexations of the surrounding properties, with Mr. Holm responding there was a public health need to provide sewer services to the properties. Councilmember English asked what public input would be available when future decisions for the project were made, with Mr. Holm responding it would be dependent on the requests from the developer. For a subdivision application, it would be a public hearing at the Planning Commission, which could include Planned Unit Development (PUD) requests, and if the request was to amend the DA it would need to be approved by the City Council. City Attorney Randy Adams noted Council approves all final plats of subdivisions, and had final say on DAs and any amendments to them. Councilmember Gookin asked if items would come to Council on the consent calendar or a decision item, with Mr. Adams responding

subdivision plats were normally placed on consent, yet Council always had the opportunity to pull consent items for discussion. Mayor Hammond clarified the annexation, zoning, and DA were being discussed at this time, and the subdivision would come forward at a later time for review and approval. Councilmember McEvers asked if phasing of the project was subject to change and how were the school sites chosen, with Mr. Holm responding it was dependent on how the project was approved and that major changes would require it go back to the Planning Commission for modification, and the school question would be for the applicant. Mr. Holm reiterated that major changes to the DA would require Planning Commission and Council's approval. Councilmember Evans asked about the phasing and traffic studies, with City Engineer Chris Bosley responding at each phase, or every two (2) years as stated in the DA, a transportation study is required. Councilmember Gookin asked about the utilities, and said by his estimates of the total housing units allowed with the requested zoning, there could be 5,322 units, over 10,000 cars, and felt the area would be maxed out and could the City manage the potential of 10,000 cars. He asked if the Traffic Impact Report was based on the potential traffic numbers, with Mr. Bosley responding KMPO ran many scenarios to get a baseline, it was based regionally, and looked at how streets would be affected as each phase came forward. He noted any traffic studies completed now using complete buildout numbers, would be invalid by the time the development was actually completed. Councilmember Gookin asked how many lane miles there would be at build out and how it impacted snow plowing, with Streets Superintendent Todd Feusier responding he was not aware of the total lane miles yet looking at the project in order to provide snow plowing for the development it would require another team of 2 with another plow and grader. Councilmember Gookin asked if there was water capacity for 5,000 homes, with Water Superintendent Terry Pickel responding with the proposed additional well site, Heutter well, and based on 7,900 residential units, there would be water to serve the project and additional water capacity for other City use. Councilmember Gookin asked what was wastewater's maximum capacity, with Superintendent of Wastewater Mike Anderson responding he had worked with the developer, and the DA addressed the future needs. He said future development would provide additional infrastructure that was needed, and they would review capacity on an annual basis. Mr. Anderson said growth of the plant was done by capitalization fees. Councilmember Gookin asked about Indian Meadows pipeline, with Mr. Anderson responding the line would need to be upgraded along the Appaloosa Road trunk main. Councilmember Gookin asked what the thought process had been for the list of non-allowed uses in the DA, with Mr. Holm explaining staff had looked at allowable uses in the downtown core. Councilmember Wood asked why some of the restrictions were proposed by the City, with Mr. Holm responding Council could make changes to the list if they desired to do so. Councilmember Wood asked from a public safety perspective, were five (5) street accesses needed to the property and the Hanley traffic circle, with Captain Walther responding the preferred access would be at each ½ mile point which could be stretched to one-mile, and they didn't feel they needed (5) access points to the proposed development. Captain Walther said the traffic circles near the schools have had issues with too much traffic during drop-off and pick-up, distracted driving, and many not understanding the rights-of-way. Deputy Fire Chief Bill Deruyter said future Fire Station 5 would be located near Seltice Way, the Fire Department was response time driven, and the majority of their calls were to multifamily residences. He said road access through to Heutter Road would be preferred. Councilmember English asked about traffic mitigation on Atlas Road, with Mr. Bosley responding there was currently no funding identified for improvements to Atlas Road.

Kootenai Metropolitan Planning Organization (KMPO) Planner Ali Marineau said she had worked on the conceptual plan of the project and the potential impacts to the region. She explained they used a Travel Demand Model (peak hours) which included 3-steps: Trip Generation, Distribution, and Assignment. She noted the type, size, and location of development was looked at in order to quantify impacts based on growth/land use types. She said the 2035-2045 forecast included roadways (SH-41 widening, I-90 widening, Poleline-Hanley construction, Atlas and Huetter Roads widened to three (3) lanes) and development (Prairie Crossing, additional commercial land use along Huetter Road, Meyer Road connection, Atlas Waterfront/River's Edge). She said travel patterns shift due to additional collector road networks and most facilities with planned improvements could tolerate additional traffic. She noted some locations would need to be addressed for future growth with or without the proposed development and mentioned there were currently traffic issues at Kathleen Ave and Atlas Road, and Nez Perce Road and Atlas Road. She said southeast travel from the development was most likely.

Councilmember English said he anticipated traffic to travel from west to east, and felt some would travel the opposite direction if retail/professional services were available. Councilmember Gookin asked if the Heutter Bypass was used in the modeling, with Ms. Marineau responding it was included, and was planned for the future as funding became available. Mayor Hammond asked if rights-of-way acquisitions were in progress for the Heutter Bypass, with Ms. Marineau responding they had not yet begun acquisitions yet environmental review was currently being done. Councilmember McEvers asked how three (3) lanes of traffic would add capacity to the roads, with Ms. Marineau explaining the dedicated turn lanes would ease congestion as the traffic would not back up in the roadway while waiting to make turns.

Mayor Hammond opened the public testimony portion of the hearing.

APPLICANT:

Brad Marshall, Planner with JUB Engineers introduced the applicant team. He noted Coeur d'Alene Place was a well-planned phased project and he felt the Coeur Terre project would also be a well-planned, phased project. Melissa Wells, President of Kootenai County Land Company LLC, said they were a local company, had focused on collecting input from the community and incorporating it into the plans. She said the proposed Master Plan for the Coeur Terre project had been in the works for ten (10) years, the property was located within the City's Area of City Impact (ACI) since the 1990's, and the 2022-2042 Comprehensive Plan identified the property for potential development. She said the phased buildout would take 20-30 years. Mr. Marshall said they were seeking annexation and zoning, and the property would be developed below the allowable zoning density. He said sewer and water capacity were based on the current count and they were not seeking subdivision approval at this time. He said there would be many opportunities to review each subdivision as they came to fruition. He said they had received extensive community input, contacted surrounding properties, and had met with all stakeholders. He said they had met with staff to work on the DA, which addressed City utilities and public street improvements. He mentioned the economic benefits would be \$2.5 Billion into the community, 900 new jobs, including two (2) new schools with approximately 100 jobs, sales and property tax revenue of \$4.4 Million at buildout, and expanded services as a result of the growth. Connie Krueger, Principal Planner of Stonehenge Development & Government went over the ACI area

and noted area planning had started over 30 years ago, the property had been identified to be annexed by the City, and was identified in the City's current Comprehensive Plan. She said they had analyzed the needs of the area. R-8 was the largest zone in the project, and it generally equated to 3.4-4.2 units per acre once easements and rights-of-way were identified. She noted the C-17 zone would allow work/live prospects. She said workforce housing was desired and had been addressed in the Annexation Agreement with 5% dedicated to the issue. She said they had entered into a Memorandum of Understanding (MOU) with the Coeur d'Alene School District (District) and a middle and elementary school were included in the project with the location chosen by the District. Gabe Gallinger, Engineer of Kootenai County Land Company LLC said his team had met with City staff to incorporate parks and trails into the project. He noted included in the Master Plan were one (1) 5.4-acre neighborhood park, one (1) 12.3-acre community park, green space, and a trails system with 4-miles of new trails. He noted the main street connectors were Heutter Road and Hanley Ave, and they had identified connectors through the existing neighborhoods east of the project. He said they would work with the City and emergency services to ensure the best routes for streets were identified. He mentioned there were existing water wells, tanks, and pipes and a future well site which would be dedicated to the City. He said the City's Wastewater Master Plan identified current and future infrastructure needs, and there was current capacity to serve the proposed development with existing connection points adjacent to the property.

Mayor Hammond called for a five-minute recess at 6:39 p.m. and called the meeting back to order at 6:46 p.m.

PUBLIC TESTIMONY:

Donny Gardiner, Coeur d'Alene, spoke in opposition and noted the Indian Meadows neighborhood did not have sidewalks and he was concerned with traffic impacts and incomplete traffic studies.

Tom Berube, Coeur d'Alene, spoke in opposition and noted there were many problems with the proposal and out-of-hand growth within the City. He requested the streets not be routed through the existing neighborhoods.

Ronald McGhie, Post Falls, spoke in opposition and noted he had concerns with the process. He mentioned the Planning Commission had concerns with the project and had said they would be addressed in the PUD and subdivision applications. He requested a public workshop be held before approving the zoning changes.

Bridget Sundahl, Coeur d'Alene, spoke in opposition, said Indian Meadows was a treasure, and streets cutting through the neighborhood would have an impact to the people and delicate ecosystem of the area.

Roger Ruddick, Coeur d'Alene, spoke in opposition and noted as referenced in the Coeur Terre Master Plan, it was stated that the project would fit nicely with the existing neighborhood, which he felt would stand in stark contrast to the Indian Meadows neighborhood zoned R-1, as opposed to the proposed R-8 zoning.

Lorelei Ruddick, Coeur d'Alene, spoke in opposition, stating her concern was with the zoning density.

Don Webber, Coeur d'Alene, spoke in opposition and noted there were many unanswered questions in regard to the traffic study and compatibility with the existing R-1 zoned neighborhood.

Madelyn Knutson, Coeur d'Alene, spoke in opposition and said there were concerns with the streets connecting to the existing neighborhoods which had not been addressed by the developers.

J. Mike Fitzsimmins, Coeur d'Alene, spoke in opposition and felt approval of the Annexation and Development Agreements were premature at this time. He was concerned the proposed development would affect his property value.

Ronda Bowling, Coeur d'Alene, spoke in opposition and said she agreed with her neighbors' previously stated comments. She noted the existing neighborhood roads were never intended to connect to future development.

Mike Bullard, Coeur d'Alene, spoke in opposition and asked Council to table or deny the annexation request. He said there were problems with traffic now and adding 10,000 vehicles would not be feasible.

Deborah Wilson, Coeur d'Alene, spoke in opposition and asked Council to vote no on the annexation request as it would be devastating to the surrounding neighborhoods.

Katherine Hall, Coeur d'Alene, spoke in opposition and asked for her neighborhood to be protected and that impacts to the neighborhood be considered in Council's decision.

Connie Kruger, Coeur d'Alene, read a letter from the Jeff Voeller, Director of Operations for the Coeur d'Alene School District, which was in support of the project. Councilmember Gookin stated part of the MOU between the applicant and the District included a letter of support.

Alex Sincaski, Coeur d'Alene, spoke in opposition and said the largest concern was traffic impacts.

Russ McLain, Coeur d'Alene, stated he was neutral on the project and noted his concerns were exploitations of the area.

Maureen Jacobi, Post Falls, who spoke in opposition and said she felt the project had been planned for many years, yet she had barely been made aware of it, and asked for more community involvement.

Dan Chapleski, Coeur d'Alene, spoke in opposition and said the project's Finding B:11 would negatively affect the existing neighborhood in regard to the proposed five (5) street connectors.

Sean Jackson, Coeur d'Alene, spoke in opposition and noted he knew the site would eventually be developed but not at the density proposed. He didn't feel the project was a good fit for Coeur d'Alene.

Scott Krajack, Coeur d'Alene, spoke in favor and noted Coeur d'Alene Place was a desired location, the proposed project was similar in design, and would be a good neighborhood for the community.

Andrew Hall, Coeur d'Alene, spoke in opposition and said his neighborhood was unique. He felt the project would be a problem for future generations, and asked that the roads in Indian Meadows not be connected to the new development.

Brenda Nearpass, Coeur d'Alene, spoke in opposition and mentioned housing needs had changed, there currently was not a shortage of homes, and buyers preferred a larger lot.

Patrick Wilson, Coeur d'Alene, spoke in opposition and stated he was concerned with an increase to traffic decreasing his property value.

David Hoekendorf, Coeur d'Alene, spoke in opposition and stated he was concerned with the high-density zoning and ensuing traffic impacts.

Raena Pinchuk, Coeur d'Alene, spoke in favor and noted she happily lived in an Architerra Homes development which provided a nice environment with amenities within walking distance.

Don Schmitt, Coeur d'Alene, spoke in opposition and noted there were 2,826 single family homes served by Atlas Rd and didn't wish his street to be turned into a collector street.

Rob Orth, Coeur d'Alene, spoke in favor and said he was President of Tomlinson Realty which was a part of the brokerage firm that represents Architerra. He noted there was a housing shortage and the project addressed the "missing middle" type of housing.

John Hurley, Coeur d'Alene, spoke in opposition and asked how the project and any future developments would affect the aquifer.

Suzanne Knutson, Coeur d'Alene, spoke in opposition and noted she lived 600' from the project. She said in 1973 there were no zoning codes in Kootenai County for properties under two (2) acres. She asked why the project didn't consider R-1 or R-3 zoning, and why developer's input was included in developing the 2022-2042 Comprehensive Plan, which she felt was a conflict of interest. Councilmember Gookin asked Ms. Knutson if she would be okay with the development if it was R-1, and how would she propose to mitigate housing stock and pricing without the density, with Ms. Knutson responding she would be okay with R-1 as that was what the comprehensive plan called for. She mentioned she wasn't sure on mitigation of housing yet felt high-density wasn't the answer and that a lot of housing stock was now being used as short-term rentals.

Rob Knutson, Coeur d'Alene, spoke in opposition and noted Indian Meadows was annexed into the City in 1982. He felt there was not enough thought placed in development of the property and the future impacts to the community.

Lori Barker, Coeur d'Alene, spoke in opposition and said if the roads were connected it would devastate the neighborhood.

Tom Tripp, Coeur d'Alene, spoke in opposition and noted he had lived in the area for many years, and that Nez Perce Road was already being traveled at a high rate of speed.

Will Cushman, Coeur d'Alene, spoke in opposition and was concerned with potential traffic impacts the development would bring.

Brett Hanby, Post Falls, spoke in opposition and mentioned housing inventory was currently up, the annexation's Master Plan didn't fit with the existing neighborhoods, and it wasn't liked by a majority in the community.

Betsy Bullard, Coeur d'Alene, spoke in opposition and said Indian Meadows was a unique neighborhood in Coeur d'Alene and asked that the quality of the neighborhood be preserved.

Nate Dyk, Coeur d'Alene, spoke in opposition and noted Coeur Terre was being over-developed and concerns should be addressed now as it would impact the community for many years.

Ted Smith, Coeur d'Alene, spoke in opposition and noted he had concerns with the traffic planning of the development. He said the expectation had been their neighborhood roads would connect to development with similar density to the existing area.

Councilmember Gookin asked Mr. Marshall what type of jobs would be added, with Mr. Marshall responding it would be a mix of professional services. Councilmember Gookin asked for additional information regarding the school site sale to the District, with Mr. Marshall explaining they were selling one (1) parcel to the District at reduced market value for the middle school, and the other site for the elementary school would be included in the project as it would be needed due to the development. Councilmember Gookin asked if they would be returning at a later time asking for increased density, with Mr. Marshall responding they would not, and that they were in agreement with the terms of the DA which included the prohibited land uses. Councilmember Gookin asked when the 5% workforce housing aspect would get underway, with Mr. Marshall responding they would start immediately. Councilmember Gookin noted the development continued west of Heutter Road and would they be asking the City for annexation of the property located west of the current annexation, with Mr. Marshall responding they would not.

Councilmember Wood asked if the District sites were set in stone and didn't understand why they were so far apart, as there were potential shared resources to be had if they were close to each other. Mr. Gallinger said they had engaged the District early on and the District had chosen the sites for the future schools. He explained zoning was chosen based on where the school sites were located. Councilmember Wood asked about impacts to existing neighborhoods by connecting streets and had discussions been held with the neighborhoods, with Mr. Gallinger responding they had conversations with those in the affected neighborhoods and would continue to work with the community.

Mayor Hammond asked about the school locations and noted there was true value having the sites connected. He said the second issue was traffic and would like it engineered to connect to Seltice Way to alleviate some of the concerns.

Councilmember Miller asked about the development being built-out below the allowed zoning, and had modeling been done on eight (8) units per acre or the reduced 3-4 units per acre, with Mr. Gallinger explaining they were unable to build eight (8) units in R-8 once they accounted for streets, trails, rights-of-way, etc. He said KMPO modeled on an average of five (5) units per acre. Councilmember Miller asked if there was a requirement to add connectors to other developments, with Mr. Gallinger responding he was not aware of a requirement to do so. Councilmember Miller said she didn't feel the project and Coeur d'Alene Place were the same as nothing had been built near CDA Place when construction started. Councilmember Miller asked if there was a construction plan for access to the site, with Mr. Gallinger responding access would be from Huetter Road and they could add the language to the DA if needed. Councilmember Miller asked if there had been conversations about some of the existing neighborhood roads becoming cul-de-sacs, with Mr. Gallinger responding they would address those issues in the PUD process.

Councilmember Wood asked if there was a buffer zone between the R-1 and R-8 areas, with Mr. Gallinger explaining there would be a pathway buffer between backyards.

APPLICANT REBUTTAL:

Mr. Marshall said in his business there wasn't generally support for development, yet there was a need for housing in the community. He noted the density was lower than proposed and they were bound by the Annexation/Development Agreement and were open to working with staff to mitigate neighborhood concerns. He noted Indian Meadows and surrounding neighborhoods were currently away from services and the Coeur Terre development would add services and schools. He said the planning process took time and it was important to have projects in the pipeline when the market improved again. He reiterated the project was in the City's ACI and aligned well with the Comprehensive Plan.

Mayor Hammond closed the public testimony portion of the hearing.

Councilmember Wood stated there were impacts to the City with these types of projects. She asked the department heads how many additional staff would need to be added to provide services to the project at build-out. Police Chief Lee White said 15 officers plus one (1) or two (2) school resource officers. Parks and Recreation Director Bill Greenwood said his department would need an additional 4-5 full-time employees. Deputy Fire Chief Deruyter said a 5th Fire Station with nine (9) members and an additional fire apparatus. Mr. Feusier said the Streets/Engineering Department would need an additional 2-3 staff members and additional equipment. Municipal Services Director Renata McLeod said staffing levels would be dependent on increases to business licenses, special permits, etc. Mr. Adams said the Legal Department would not be affected. Mr. Anderson said the Wastewater Department would require an additional apparatus and two (2) staff members. Mr. Pickel noted the Water Department would need to hire two (2) operators as the water system grew, and Community Planning Director Hilary Patterson said they would require one (1) additional full-time planner.

Councilmember McEvers asked what would be the process if Council wanted to change the DA before them, with Ms. Patterson responding if staff were directed to make revisions, they could ask them to work with the applicant team and then the DA would come back to Council for

approval. Mr. Adams noted new conditions could be offered at the time of the hearing and if the applicant was in agreement they could be incorporated into the agreement at the time of the hearing. He said if a new DA was required it would not be subject to a new public hearing since it would be considered a contract.

Councilmember Evans asked what tools were available to encourage changes to the road alignments, with Ms. Patterson responding it could be done through the subdivision and PUD stages. Mr. Adams noted the Municipal Code section related to subdivisions stated local streets which served primarily to provide access to abutting property only, must be designed to discourage through traffic.

Councilmember McEvers suggested access to the proposed development by Hanley Avenue and Huetter Road only.

Councilmember Gookin asked for clarification of the difference in denying the annexation, and denying without prejudice, with Ms. Patterson explaining if Council chose to deny the request, the applicant would have to wait at least one (1) year to submit another request, and if they voted to deny without prejudice the applicant may immediately return with another request for annexation.

MOTION: Motion by Gookin, seconded by Wood, to deny without prejudice, A-4-22 +/- 440 Acres from County AG Suburban to City R-8, R-17, C-17L, & C-17 (Commonly Known as Coeur Terre). Location: North of I-90, South of West Hanley Ave, East of Huetter Rd; Applicant: Kootenai County Land Company, LLC and to develop the necessary Findings and Order for return visit.

DISCUSSION: Councilmember Gookin said the current proposal did not meet finding B-11 as it did affect the surrounding neighborhoods, and noted there was no transition from the existing neighborhood, which had low-density zoning, to the new development. Councilmember McEvers suggested modifying the DA instead of denying the annexation agreement. Councilmember Miller asked when Council would have an opportunity to provide input to the developer, with Mr. Adams responding they may provide their input to staff, and staff would approach the applicant with the suggestions. Councilmember Wood suggested more time be spent working on concerns and then return to Council. Councilmember English said he felt there were still refinements which were needed. Mr. Adams said if the project was denied without prejudice, the applicant would be required to submit a new application which would start the hearing process over again beginning with the Planning Commission and then Council via public hearings. Mr. Adams mentioned an option for Council was to return the request to the Planning Commission for further modifications and they had 40 days to report back.

MOTION WITHDREW: Councilmember Gookin withdrew his Motion with concurrence from Councilmember Wood.

Ms. Patterson noted if desired, Council may delay/defer their decision for 15 days in order to give staff time to work with the applicant to make the desired revisions to the DA. Councilmember Miller said she wanted a cohesive list of items to be negotiated and included in the DA, such as the buffer zone adjoining existing properties to new ones, location of school sites, traffic studies,

5% workforce housing, road connectors, and east access for public safety. Councilmember Gookin asked what the quasi-judicial process was between then and the next meeting, with Mr. Adams responding they could not deliberate with each other, or members of the public, and could not seek any further evidence before making their decision.

MOTION: Motion by Gookin, seconded by English, to defer the decision to the next regularly scheduled Council meeting.

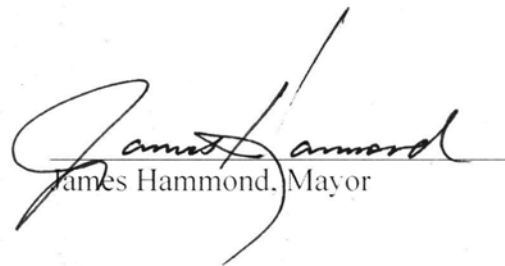
ROLL CALL: Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye.
Motion carried.

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

The meeting adjourned at 9:50 p.m.

ATTEST:


Sherrie L. Badertscher
Executive Assistant


James Hammond, Mayor

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

February 21, 2023

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 on February 21, 2023, at 5:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Pastor David Grotner of St. Luke's Episcopal Church led the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Miller led the pledge of allegiance.

DECISION ON ANNEXATION AND ANNEXATION AND DEVELOPMENT AGREEMENT DEFERRED FROM THE MEETING HELD ON FEBRUARY 7, 2023:
A-4-22-ANNEXATION OF +/- 440 ACRES FROM COUNTY AG SUBURBAN TO CITY R-3, R-8, R-17, C-17L, & C-17 (COMMONLY KNOWN AS COEUR TERRE) AND APPROVAL OF AN ANNEXATION AND DEVELOPMENT AGREEMENT. LOCATION: N. OF I-90, S. OF W. HANLEY AVE, E. OF HUETTER RD; APPLICANT: KOOTENAI COUNTY LAND COMPANY, LLC.

MOTION: Motion by Gookin, seconded by Woods, to deny without prejudice A-4-22 - +/- 440 Acres from County AG Suburban to City R-3, R-8, R-17, C-17L, & C-17 (Commonly Known as Coeur Terre). Location: N. of I-90, S. of W. Hanley Ave, E. of Huetter Rd; Applicant: Kootenai County Land Company, LLC and to develop the necessary Findings and Order which include Finding B-11 being incompatible with the existing neighborhood.

DISCUSSION: Councilmember Gookin said his motion was the same he had made two weeks ago and it was still valid. He said a massive amount of information had changed and by Idaho code it was required to have another hearing in order to hear from the public on the changes. City Attorney Randy Adams said if Council decided there was new or additional information brought forward, a new public hearing would be needed in order to allow the applicant and the public an opportunity to respond to the changes. He said due process did not require a new public hearing

every time a single piece of evidence was brought forward, explaining that the question was if there was a full and fair opportunity for the applicant and public to present their case. He noted there were no changes in the evidence, and Development Agreement (DA) changes would not require a new public hearing. Councilmember English noted the public hearing was closed and they had not received any new information requiring a new hearing; therefore, he would be voting against the motion. Councilmember McEvers said Council had asked staff to make the amendments and bring them back for Council consideration. Councilmember Gookin said Idaho code stated if material changes were made a new hearing was required and he felt the changes in zoning constituted a material change. He said the entire plan had been changed by adding R-3 zoning and the public hearing process should be followed allowing the public to make comments in regard to the changes. Councilmember Wood said she had concerns with the process, the development was the largest in which Council would be considering for decades, and she felt there was time to do it correctly while respecting the process and would like to see the process start over. Councilmember McEvers said the R-3 zoning was a down zone to less concentration, and it had been requested by the public. Councilmember Gookin reiterated the changes should go through the hearing process and the public should have an opportunity to give input. Councilmember Evans noted the legal advice provided by the City's attorney confirmed Council was not party to an illegal act and the correct process had been followed.

ROLL CALL: Miller Aye; McEvers No; Gookin Aye; English No; Wood Aye; Evans No, with Mayor Hammond Voting No. **Motion failed.**

STAFF REPORT: Community Planning Director Hilary Patterson said the Kootenai County Land Company, LLC, through their representative Connie Krueger, was requesting consideration of annexation for a +/-440-acre parcel in Kootenai County, currently zoned AG-Suburban, to be incorporated into city limits with a mix of zoning designations described within the February 7, 2023, staff report including: R-8, R-17, C-17L, and C-17, and the addition of the R-3 zoning designation. She noted the hearing on the application was heard before the Planning Commission on October 11, 2022; a request for zoning prior to annexation of +/- 440 acres from County Ag-Suburban to City R-8, R-17, C-17L, and C-17. The Planning Commission recommended the zoning in conjunction with annexation as presented in the public hearing. She said the City Council heard the annexation request, along with the Annexation and Development Agreement, on February 7, 2023. After hearing from the staff, applicant, and members of the public, the City Council voted 6 to 0 to defer the decision on A-4-22 to the February 21, 2023, meeting and directed staff to negotiate with the applicant/developer to revise the Annexation and Development Agreement to address their concerns. The Mayor and City Council members subsequently provided comments to City staff, to have negotiated with the applicant team, and directed staff to revise the agreement for consideration by City Council at the February 21, 2023, meeting. She said staff met internally to review Council comments and evaluate feasible revisions to the agreement and the applicant team willingly conceded to the Council requests which were consistent with the needs of the City's public safety and service departments. She went over the revisions to the DA which included adding a R-3 zone, limiting the maximum number of units to 2,800, adding a buffer zone, clarified street connections were limited to two (2), prohibit Hanley Avenue roundabouts, wastewater easements, RRFBs at school site crossings, Police Substation, added a Phasing Plan, use limitations were removed, restricting construction access through established neighborhoods, and added in provisions regarding the workforce housing, including affordability covenants. She noted

the east roadway connections were critical for public safety and street maintenance. Ms. Patterson reminded Council that the public hearing was closed and they were being asked to approve, deny, or deny without prejudice the requested annexation into the City, and that a separate motion was required for the Annexation and Development Agreement.

DISCUSSION: Mayor Hammond said he had hoped to see the street design move traffic towards Huetter Road and discourage traffic flow through the adjacent subdivisions to the east. Ms. Patterson responded that most of the issues could be addressed through traffic calming elements during phasing and the subdivision or PUD process. Councilmember English asked why Industrial Loop was not looked at as a roadway alternative, with Ms. Patterson responding that the zoning was incompatible. Councilmember English asked if the middle school to the north would be developed before the elementary school to the south, with Ms. Patterson confirming that was correct. Councilmember Gookin asked if the public hearing had been closed, with Mr. Adams responding Mayor Hammond had closed the public hearing at the February 7, 2023, Council meeting. Councilmember Gookin read Question 12 from the Idaho Open Meeting Law Manual provided by the Attorney General, and asked Mr. Adams for his interpretation of it, with Mr. Adams responding it was a Supreme Court decision and Council had to decide if new facts had been presented and were used to reach their decision. He said he was not aware of any new facts presented since the close of the hearing on February 7, and what was being discussed had been introduced at the previous meeting. Councilmember Wood said during the public hearing she had asked public safety for their input and how many roadway connections were needed, and Captain Walther of the Police Department had said their preference would be at every ½ mile point, yet they needed at least one (1) entrance. She said the information had changed and she wanted to protect the integrity of the process. Councilmember McEvers asked if there were any Phasing changes, with Ms. Patterson stating there were none, yet staff had added an exhibit in the agreement for clarification. Councilmember McEvers asked if the second phase could start before the first was completed, with Ms. Patterson responding they could, yet any changes to the phasing would require amending the DA and Council approval. Councilmember Evans asked if more specific language could be added to the DA, with Mr. Adams confirming it could, and Ms. Patterson explaining that Council could give direction to staff to add minor changes. Councilmember Miller asked for clarification on changing the DA, with Mr. Adams responding changes could be made as long as no new information was brought forward (approve with conditions). Councilmember English said he understood the intent to restrict road access from east to west but felt it was needed by public safety. Councilmember McEvers asked for clarification on modifying the DA, with Mr. Adams responding Council could direct staff to make modifications to the DA, which were discussed during the public hearing.

MOTION: Motion by Evans, seconded by McEvers, to approve without prejudice A-4-22 - +/- 440 Acres from County AG Suburban to City R-3, R-8, R-17, C-17L, & C-17 (Commonly Known as Coeur Terre). Location: North of I-90, South of West Hanley Ave, East of Huetter Rd. Applicant: Kootenai County Land Company, LLC, and to develop the necessary Findings and Order adding a modification to the Development Agreement with specific language encouraging traffic to move to the West.

DISCUSSION: Councilmember Wood said she was not in support of the motion to approve, there were process issues which needed to be considered, the decision should not be rushed, and there may not be trust in the process. She urged Council to postpone the decision. Councilmember Gookin said he was in agreement with Councilmember Wood, and there were legitimate concerns with the process. He didn't feel the process was fair to the public as they were not given an opportunity to provide feedback. Councilmember Miller clarified that her previous vote was in order to allow additional time for the process which she felt would be worth it. Councilmember McEvers said Council had requested the DA be changed and it appeared that a majority of the requests had been added to the DA. He said the current proposal had less of an impact to the surrounding neighborhoods than originally presented two weeks ago. Councilmember English said he had received a lot of public comment over the past few months, and he didn't feel anything substantially different would be accomplished by postponing the vote. Mayor Hammond noted a split vote was not ideal in moving a project forward and asked if a new public hearing could be limited to the modifications made to the DA (R-3, street design, egress, etc.). Mr. Adams explained due process required notice and a meaningful opportunity to be heard before the governing body and Council was allowed to limit the public hearing to new matters. Councilmember Gookin clarified the public hearing would follow the quasi-judicial process. Councilmember Wood said she would like the applicant to include the public input they had received when the item returned to Council. Councilmember Evans asked street design be included in the information for the next hearing. Mayor Hammond said creative design should include vehicular travel be encouraged towards Huetter Road.

MOTION WITHDRAWN: Councilmember Evans withdrew the motion with concurrence from Councilmember McEvers.

MOTION: Motion by Gookin, seconded by English, to re-open the public hearing at the earliest possible convenience to discuss the new developments in the Coeur Terre annexation. **Motion carried.**

PRESENTATION: OPIOID SETTLEMENT UPDATE – Kelsey Orlando, Substance Use Disorder Program Manager of Panhandle Health District gave an update on the status of the Opioid Settlement Funds. She thanked the City for reallocating their funds to the Health District. She said work had started six years ago, concerns had changed, and they were currently seeing fentanyl abuse. She said they worked closely with the public, schools, law enforcement, and those in the community in order to keep them safe from substances. She said they had a four pillared approach which consisted of Prevention, Harm Reduction, Treatment, and Recovery. Prevention was focused on a youth focus “Be the One” on training, mental health first aid, training, etc. Harm reduction efforts were focused on naloxone (Narcan) which was an opioid overdose prevention tool and they had partnered with the community to install 48 wall-mounted naloxone boxes where people could access Narcan in an emergency. The City's Parks and Recreation Department to place a lock box at the Woody McEvers Skate Park. Treatment efforts included hiring a psychosocial rehabilitation specialist who provides patient navigation and case management. Recovery efforts were focused on making opportunities available for those in recovery to share their stories and find peer support services. Mayor Hammond thanked Ms. Orlando for the presentation. Councilmember Gookin asked about the Narcan boxes and if training was needed to administer Narcan, with Ms. Orlando responding the public, community partners, and

professionals had received training, and there were free training opportunities available for groups and individuals. She mentioned Narcan was administered as a nasal spray, and there were no adverse effects even when given to someone not experiencing an overdose. She mentioned training registration was available on PHD's website and the manufacturer had training opportunities as well.

Mayor Hammond called for a recess at 6:27 p.m. The meeting resumed at 6:36 p.m.

ANNOUNCEMENTS:

Councilmember Wood said the Atlas Subcommittee was meeting for initial review of RFPs for areas 9, 16, 17, 18, and 19 on Friday. She noted she had previously requested the police captains updated MOU, and would like to see it on the next Council agenda. Councilmember Gookin said he would like a future agenda item to discuss the priorities for the funds the City had received in regard to the Lake District URD closure.

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 February 7, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the February 13, 2023, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, February 27, 2023, at 12:00 noon.
6. Approval of a Cemetery Lot Repurchase from Angela Munson; Section FOR, Niche L.4; Forest Cemetery in the Amount of \$1900.00.
7. Approval of SS-22-03 – Looyenga Estates Final Plat; located at: 1420 N. 7th Street (southwest corner of the intersection of 7th Street and Linden Avenue)

RESOLUTION NO. 23-013- APPROVAL OF LEASE AGREEMENT WITH THE COEUR D'ALENE ARTS & CULTURE ALLIANCE FOR THE RIVERSTONE CONCERT SERIES AT THE RIVERSTONE AMPHITHEATER; LEASE AGREEMENT WITH KOEP CONCERTS FOR A SUMMER CONCERT SERIES AT CITY PARK; AGREEMENT WITH KOOTENAI COUNTY TO REMOVE TIMBER FOR FUEL MITIGATION AT THE CITY'S VETERANS CENTENNIAL PARK; APPROVE FUNDING IN THE AMOUNT OF \$22,000.00 FROM THE PUBLIC ART FUND – RIVER DISTRICT URD TO THE ARTS & CULTURAL ALLIANCE TO BE USED TO COMPLETE THE RIVERSTONE PARK AMPHITHEATER SHADE COVER PROJECT; ADDENDUM TO THE MASTER JOINT POWERS AGREEMENT WITH KCEMSS NEEDED TO STAFF THE NEW AMBULANCE (MEDIC 34); AMENDMENT NO. 2 TO THE AGREEMENT WITH THE FIREFIGHTERS LOCAL NO. 710, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), ARTICLE 8 – STAFFING, NEEDED TO STAFF THE NEW AMBULANCE (MEDIC 34); AMENDING THE CITY OF COEUR D'ALENE PERSONNEL RULES: RULE 11: UNPAID LEAVE OF ABSENCE, AND RULE 27: FLSA EXEMPT EMPLOYEES; AND CONTRACT WITH HMH ENGINEERING FOR AN ALTA

SURVEY AND GEOTECHNICAL ENGINEERING FOR THE POLICE DEPARTMENT HEADQUARTERS REMODEL AND EXPANSION PROJECT.

DISCUSSION: Councilmember Gookin asked to pull item 8-G from Consent Calendar Resolution No. 23-013 for separate consideration at a future meeting: Personnel Rules: Rule 11: Unpaid Leave of Absence, and Rule 27: FLSA Exempt Employees. He noted one of the proposed changes to the Unpaid Leave Of Absence Policy removed Council from the process which he was concerned with. Mr. Tymesen noted if an employee requested to extend their unpaid leave, they would have to come to council to make the request and the change to the policy was intended to protect the privacy of employees and in respect to HIPPA laws. Councilmember Gookin asked if requests could be discussed by Council during Executive Session without mentioning the employees name and referring to them as Employee A during the discussion. Mr. Tymesen responded there were strict criteria for entering Executive Session and wasn't sure if it would fit the criteria to be discussed in that forum. Councilmember Gookin asked for the matter to be brought forward for further discussion at a later time.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar, including Resolution No. 23-013 as Amended, Removing Item G: Amending the City of Coeur d'Alene Personnel Rules: Rule 11: Unpaid Leave of Absence, and Rule 27: FLSA Exempt Employees.

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

PUBLIC COMMENTS:

Jacquelyn Doyle, Coeur d'Alene, stated she had appealed the Design Review Commission's approval of the Garden Lofts project as the project didn't meet the requirements set forth in the FAR bonuses it had received. She noted FAR bonuses were not being applied equally to all projects.

Diana Sheridan, Coeur d'Alene, stated her comments were related to public comment on the Council agenda. She said in January there was an item in which the Police Department had purchased cameras and she would have liked public comment to be heard before the consent calendar in order to provide public comment on those items before they were approved.

Suzanne Knutson, Coeur d'Alene, thanked the Council members for paying attention to due process in relation to the Coeur Terre project.

Rob Knutson, Coeur d'Alene, read question 12 from the Attorney General's Open Meeting Law Manual.

Bridget Sundahl, Coeur d'Alene, thanked the Mayor and Council for their careful consideration of Coeur Terre. She mentioned the property had been recently staked and was wondering why work had already begun as she thought the area would be part of phase II of the project.

Katherine Hall, Coeur d'Alene, stated the process for Coeur Terre needed to include the public. She noted emergency access should be included as needed and felt it could be made via Hanley Road for Terre Coeur. She was concerned the development had already been staked. She urged Council to protect the Indian Meadows neighborhood.

Councilmember Gookin asked Police Chief White to explain the traffic camera purchase. Chief White said the cameras were purchased through a JAG grant and they have been in use for many years. They were license plate readers and have helped find missing persons, stolen vehicles, etc. Councilmember Gookin asked if someone wanted to find him could they use the cameras to do so, with Chief White stating a legitimate law enforcement purpose was required to access the data.

Councilmember Gookin asked Mr. Adams if he would make a presentation to council or provide training on due process. Mr. Adams noted he would schedule the training.

(QUASI-JUDICIAL) - ZC-2-22 - A PROPOSED DEVELOPMENT AGREEMENT FOR 1095 E. TIMBER LANE; APPLICANTS: RICHARD AND SUSAN BENNETT

STAFF REPORT: Senior Planner Sean Holm said Richard and Susan Bennett were requesting approval of a Development Agreement in conjunction with the approved zone change from R-3 to R-8 approved by City Council on January 7, 2023. He noted at the January 7, 2023, meeting Council approved the zone change request subject to the approval of a Development Agreement which would allow for one (1) single family dwelling and one (1) duplex on the subject property. Mr. Holm requested Council approve the Development Agreement for 1095 E. Timber Lane.

Mayor Hammond opened the public testimony portion of the hearing and hearing none, closed public testimony.

RESOLUTION NO. 23-014

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A DEVELOPMENT AGREEMENT WITH THE RICHARD AND SUSAN BENNETT LIVING TRUST FOR 1095 E. TIMBER LANE (ZC-2-22).

MOTION: Motion by Gookin, seconded by McEvers, to approve **Resolution No. 23-014;** approving the Annexation and Development Agreement for ZC-2-22.

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

(LEGISLATIVE) - O-1-23 - AMENDMENTS TO MUNICIPAL CODE CHAPTER 17.08, ARTICLE X, ENTITLED SHORT-TERM RENTALS; REPEALING M.C. § 17.08.1030(G) WHICH PROVIDES A PERMIT EXEMPTION FOR STRS RENTED FEWER THAN 14 DAYS IN A YEAR, AND AMENDING M.C. § 17.08.1050(B), TO PROVIDE THAT VIOLATIONS FOR OPERATING WITHOUT A PERMIT WILL HAVE CIVIL PENALTIES (SET BY RESOLUTION).

COUNCIL BILL NO. 23-1003

AN ORDINANCE PROVIDING FOR THE REPEAL OF SECTION 17.08.1030(G), ENTITLED "PERMIT REQUIRED" OF THE COEUR D'ALENE MUNICIPAL CODE AND THE AMENDMENT OF SECTION 17.08.1050, ENTITLED "VIOLATIONS; PENALTIES" OF THE COEUR D'ALENE MUNICIPAL CODE; 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.

RESOLUTION NO. 23-016

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, IMPLEMENTING A MORATORIUM ON THE ISSUANCE OF NEW SHORT TERM RENTAL PERMITS FOR A PERIOD NOT TO EXCEED ONE (1) YEAR, UNTIL MARCH 1, 2024, OR UNTIL COUNCIL MAKES A FINAL DECISION AS TO AMENDMENTS TO THE SHORT-TERM RENTAL CODE, WHICHEVER COMES FIRST.

STAFF REPORT: Renata McLeod, Municipal Services Director clarified the Municipal Code required a separate public hearing for the fees; therefore, the hearing would be specific to the request to adopt amendments to Chapter 17.08, Article X, of the Municipal Code, repealing M.C. § 17.08.1030(G), which provided a permit exemption for Short-Term Rentals rented fewer than 14-days in a year, and amending M.C. § 17.08.1050(B), providing violations for operating without a permit which would have civil penalties (set by Resolution) of \$1,000.00 for the first offense, \$2,000.00 for the second, and \$5,000.00 for the third. Ms. McLeod clarified that these penalties were for those refusing to become licensed and were not in place of the \$100.00 fine for other items such as noise. The amendments were specific to those without current permits. Additionally, staff was seeking direction for the March 1 renewal date, and recommended allowing only renewals for existing permits, with no issuance of new permits while data from Granicus was obtained and analyzed. The Committee would continue to work on further code amendments, with stakeholder input. Idaho Code allows local governments to implement reasonable regulations in order to protect the integrity of residential neighborhoods. She said the City had adopted regulations on December 5, 2017, noting that the Code would need to be revisited after some time to see if amendments were needed. Since that time, City staff had been tasked to research and recommend amendments to the Short-Term Rental Code and the City had hired Granicus, Inc., to conduct research, assist with monitoring and enforcement throughout the year, and operate a 24/7 complaint hotline. She mentioned the desired data points had not yet been provided to the City by Granicus, and the March 1, 2023, renewal deadline was fast approaching. She said the City had held a Joint City Council/Planning Commission meeting and established an internal Ad Hoc Committee to discuss how to proceed. The group included staff, three (3) Planning Commission members, and three (3) City Council representatives, which agreed that any substantial changes should come forward after the research and data points had been received from Granicus. She said as of February 6, 2023, the City had issued 558 STR permits (with 105 permits being issued in the last 3 months) and expected the demand for additional short-term rental permits to grow in future years. Therefore, the Ad Hoc Committee made the following recommendations: Repeal the 14-day exemption, and increase penalties for non-permitted STR's; Current licenses as of February

21, 2023, may be renewed for one (1) year; Fee increases for renewals to \$180.00 to cover staff costs and the Granicus contract; Enactment of a pause on new permits effective February 21, 2023, until Granicus data was received and analyzed, stakeholder meetings were held, and new/amended code sections were developed to protect the integrity of residential neighborhoods. She said Council had not yet determined if a maximum number of permits would be issued or how future permits would be reviewed or renewed and if changes were required a separate hearing would be scheduled. She reiterated that in order to provide clarity with respect to the March 1, 2023, renewal deadline, staff was seeking approval to allow renewal of current permits and to pause the issuance of new permits so that no new permits would be issued after February 21, 2023, until adoption of further amendments or direction from Council was received. She noted pausing permits would allow staff and the Ad Hoc Internal Committee time to receive and analyze data from Granicus, identify any areas of the City (such as specific neighborhoods/blocks) that may be saturated with short-term rentals, and collect information from the 24/7 hotline to better understand neighborhood impacts. She said if new permits were issued prior to analyzing the data from Granicus, there could be increased impacts on neighborhoods, especially in saturated areas. She noted pausing new permits through a moratorium and allowing only renewals in 2023 would help provide time to analyze the impacts, and work with stakeholder groups and the Ad Hoc Committee to develop further code amendments. She said the pause was necessary in order to protect neighborhood integrity because the actual number of short-term rentals operating in the City could be upwards of 1,200 units. The current permits have saturated some of the neighborhoods and residential blocks and the impacts of short-term rentals needed to be evaluated further with the Granicus data and results of the 24/7 hotline to understand the full impact to neighborhoods. Additionally, it was staff's desire to begin stakeholder meetings after the Granicus data was mapped, work on developing further proposed code amendments within six months, and give permit holders another six months to know how any new codes may affect them at the renewal timeline of March 2024. She said Idaho Code allowed reasonable regulations in order to protect the integrity of residential neighborhoods, and many states had implemented standards, such as a total cap on permits, spacing requirements, or percentage caps in areas/neighborhoods/blocks that have experienced saturation resulting in a loss of neighborhood integrity. She noted many communities and states across the U.S. and world were modifying their original ordinances with reasonable regulations that better protected neighborhood integrity.

DISCUSSION: Councilmember Wood asked about the permits in the queue as she thought they had been paused, with Ms. McLeod responding they had been accepting new permit applications, and the renewals had been paused. Ms. McLeod explained the Mayor and Ad Hoc Committee had made the recommendation to pause the renewal process until issues could be discussed by Council. Councilmember Wood clarified the full Council had not made the decision to pause renewals. Councilmember Gookin asked if the new violations would be enforced, with Ms. McLeod responding it would be up to Council to provide that direction as in the past they had requested a light touch in regard to enforcement. Councilmember English asked Mr. Adams if the City had the authority to extend the renewal process as-is for approximately three (3) months and noted he was not sure of the new penalties, with Mr. Adams responding Council had the authority to extend the time period for renewals, yet it was not an agenda item therefore they could not make the change at this time. Councilmember Wood said she would like to see the Granicus data and like-size resort city requirements before adding the new penalty fees. She noted current violations were \$100, and the new penalty fees were excessive. She would also like additional opportunities for

public input. Councilmember Gookin said he also had issues with the process and would like to give the community an opportunity to provide input. He noted there were issues in some of the neighborhoods with too many STRs, and would like to find balance on both sides of the issue. He noted that moving forward new regulations would be enacted, and if no moratorium was issued there may be a risk of some not being permitted in future years. Mayor Hammond said it was important to present proposals to the public and that is what the internal Ad Hoc Committee along with previous public input had accomplished. Councilmember McEvers mentioned STR bookings were being made right now for the summer.

Mayor Hammond opened the public testimony portion of the hearing.

PUBLIC TESTIMONY:

Stacey Armstrong, Dalton Gardens, stated she was opposed to the proposed amendments to the Municipal Code in relation to short-term rentals. She was also opposed to the moratorium on STRs.

David Wallace, Coeur d'Alene, spoke in opposition of the STR proposals.

Lisa Peters, Coeur d'Alene, read from a letter which had been sent to Council via email from an attorney representing the Coeur d'Alene Vacation Rental Alliance.

Dusty Hamrick, Coeur d'Alene, stated he was confused with the discussion and wondered what the issue was. He mentioned his STR was permitted, safe, and well kept.

Susan Hooks, Coeur d'Alene, stated not all STRs were created equal and her unit had been licensed since 2019, and since it didn't have a kitchen nor laundry it could not be converted to a long-term rental. She asked how property and what criteria was being used to make changes.

Chelsea Martin, Coeur d'Alene, stated she had been in the area since 2020. She noted she had a long-term and STR rental, and would like to keep the 14-day exemption option of renting her own home during Ironman.

Josh Suhr, stated he was opposed to any new regulations or a moratorium on STRs at this time. He would like Council to take a collaborate effort in crafting rules for STRs.

Melissa Radford, CDA Vacation Rental Alliance, continued reading from a letter sent to Council from their attorney.

Jacklyn Doyle, Coeur d'Alene, stated she had a STR and has been permitted. She said the Airbnb model was intended for homeowners to rent out their homes and the investors who were purchasing multiple units were a different model. She noted changes were warranted yet it was a complicated issue.

Jan Marie, Coeur d'Alene, thanked Council for their work on the STR issues. She noted she had a STR which was owner occupied and was in favor of the moratorium. She noted there four (4)

on her block with many more coming. She would like to see a cap per block and was in support of owner-occupied and inspection of units.

Katie Reok, Coeur d'Alene, noted she owned two (2) STRs and they were a part of her retirement plan.

Heather Crawford, Coeur d'Alene, stated she was part of the CDA Vacation Rental Alliance, and had recently purchased a home in downtown Coeur d'Alene. She asked Council to do their due diligence and enforce current regulations.

Daren Miller, Coeur d'Alene, provided Council pictures of long-term rentals and STRs for comparison. He said he would like the focus to be on non-compliant properties.

Heath Wiltse, Coeur d'Alene, stated he had been in his neighborhood for twenty years. He noted he owned a STRs and it along with others in his neighborhood were all well maintained.

Holly Hansen, stated she would like Council to look at STRs from a business standpoint and allow the permit to go with the home when sold.

David Hoekendorf, Coeur d'Alene, said if Council enacted a moratorium on STRs they would be violating Idaho State Code. He asked the Council to vote no on the items.

Kara Claridge, Coeur d'Alene, stated she was in opposition of the proposed changes to STRs. She noted she rented her home out as a STR with positive results.

David Stoltz, Coeur d'Alene, stated he had a STR and a long-term rental, and was opposed to any restrictions in relation to STRs. He said the process was confusing and not well thought out.

John Trembel, Coeur d'Alene, stated he was a STR owner and people with STRs kept them in great condition as compared with long-term rentals.

Jeff Crowe, Coeur d'Alene, stated in regard to property rights, there were obligations to maintain neighborhoods which included zoning regulations. He noted he bought his house to live in a neighborhood not in a transient community. He urged Council to protect residential neighborhoods and noted that there is no fee too excessive.

Michael Stavish, said he appreciated Council's deliberation on the previous item and was not in support of hiring Granicus.

Mayor Hammond closed the public testimony portion of the hearing.

DISCUSSION: Councilmember Gookin said the issue was balance, and many people who provided comments to Council were displeased with STRs in their neighborhood. He would like to fully review the Granicus data, agreed STRs were not all created equal, property rights of STR owners and neighborhoods were competing, and affordable housing remained an issue. He noted STRs were commercial investments and it was important to preserve the integrity of established

neighborhoods. Councilmember Miller said she had been working with the Regional Housing and Growth Issues Partnership (RHGIP) which had gathered a lot of data on the issues, was involved in Home Share Kootenai County, and owned a permitted STR, therefore, she had a potential conflict of interest and would recuse herself from voting on the item. Councilmember English noted Granicus data was not yet available; therefore, he would not be voting for the STR moratorium. He noted vacation rentals had been done for many years before STRs came to be, and he was in support of the 14-day exemption. He said consideration should be shown to owner-occupied and long-term permit holders. Mayor Hammond noted he heard a lot about property rights during public testimony and in the past when buying a R-1 zoned home you knew you were in a single-family neighborhood. He said the reason for the current discussion was due to the number of homes in single family neighborhoods being used as commercial businesses. He said it was not plausible to expect that everyone could have an unlimited number of STRs in the community. Councilmember Evans noted they were trying to strike a balance and there wasn't an easy solution. She said conversations were needed, as well as compromise, in order to protect the integrity of the neighborhoods. Councilmember Wood said she needed more time to review and consider changes to the code. She noted she knew of people who utilized the 14-day exemption, and would like to study the data before making the tough decisions. She suggested Council take no action at this time. Councilmember Gookin said he would like staff to continue gathering data. Councilmember English said when the process started many properties were bought as investments, the housing environment was different now, and he would like to allow permits for another year before making any changes. Councilmember McEvers asked if they could amend the Council bill to leave the 14-day exemption in place. Councilmember Miller clarified the 14-day exemption was intended for the time during the Ironman race. She said the current language allowed 14 calendar days per year which made it problematic for staff to manage as it could be used any time of the year.

MOTION: Motion by Gookin, Seconded by McEvers, to forestall a decision on Council Bill No. 23-1003 and Resolution No. 23-016.

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

(LEGISLATIVE) - FEE HEARING - FEE ADJUSTMENTS FOR THE PARKS AND RECREATION, PLANNING, AND WATER DEPARTMENTS.

RESOLUTION NO. 23-015

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING AND AMENDING CERTAIN CITY FEES AND CIVIL PENALTIES PURSUANT TO IDAHO CODE §§ 63-1311 AND 63-1311A.

STAFF REPORT: Renata McLeod, Municipal Services Director requested Council approve fee amendments and civil penalties as proposed within the Parks and Recreation, Planning, and Water Departments. She noted the City was required to hold a public hearing for proposed fee increases in excess of five percent (5%) pursuant to Idaho Code 63-1311A. She said some of the fees listed were increasing less than 5%, were listed for clarification, or were removed entirely; therefore,

were not required to be included in the public hearing; however, it was staff's desire to keep all changes together for ease of tracking. She mentioned the civil penalties for operating without an STR permit were not "fees" subject to the 5% rule, but were required to be adopted by Resolution of the Council, and therefore, had been included in the proposed Resolution. She said since the penalties were not approved in the previous Council action regarding Council Bill No. 23-1003, they were no longer included in the fee resolution. She said the Parks and Recreation Department had experienced an increase in costs related to staffing, equipment repair/maintenance and recreational program t-shirt costs. She noted for clarification, the change in fee for gazebos and pavilions was due to the department changing the rental from two times per day to once per day. She said the Planning Department fee for a Short-Term Rental permit renewal should be increased to cover the cost associated with the use of a host compliance agency which included the following three (3) modules: property owner identification; compliance monitoring, and hosting a 24/7 hotline. The Water Department's proposed fees were related to water hookup fees amended during the December 2023, meeting. She said unfortunately, an error had occurred and the 1" or less line connection fee was removed in its entirety, and the 2" or less line fee was reverted to an amount in a prior fee schedule. Therefore, the request was to clear up an error made in December 2023. Ms. McLeod requested Council approve the fee amendments as proposed within the Parks and Recreation, Planning, and Water Departments.

Mayor Hammond opened the public testimony portion of the hearing.

PUBLIC TESTIMONY:

David Wallace, Coeur d'Alene, said the fee increase should not apply to STR renewals.

Jan Leaf, Coeur d'Alene, stated STR owners only had 7-days left to renew their permits and asked that Council make their decision tonight.

Michael Stavish, said he was fine with the STR fee increase, if warranted, and asked if Granicus was no longer used in the future would fees be reduced?

David Stoltz, stated if fees were being increased due to the cost of hiring Granicus, fees for legal STR owners should remain the same and the increase should be borne by illegal rentals.

Mayor Hammond closed the public testimony portion of the hearing.

DISCUSSION: Councilmember Gookin asked what would be involved to increase the timeline for STR renewals. Councilmember English said the cost of the fee was based on the cost of the service and should not be increased for the upcoming renewal period. Councilmember Wood asked when permit renewals had been paused, with Ms. McLeod responding January 19, 2023. Councilmember Wood said she would like to extend the renewal period for 30 days, didn't feel the fee was onerous nor excessive, and Granicus would help with compliance. Councilmember Miller asked for clarification on the methodology of how the STR fee was calculated, with Ms. McLeod responding the fee was based on staff time for processing permits, number of permits at the time (approximately 489), cost of the Granicus contract, and was divided amongst the number of permits accordingly. Councilmember Wood asked for clarification if the STR fines were

included in the motion and asked the motion maker to amend their motion to remove them. Mr. Adams explained they were civil penalties, not part of the fee resolution, and Council had already denied them during the discussion of amending the Municipal Code by Council Bill No. 23-1003. Councilmember Gookin asked about implementing a 30-day grace period, with Mr. Adams responding a motion could be made to increase the time to renew to a certain date. Councilmember Miller stated she appreciated the Parks & Recreation Department for reviewing the public comments they had received which were related to their fees.

MOTION: Motion by Evans, seconded by McEvers, to approve **Resolution No. 23-015**; approving fees for the Parks and Recreation, Planning, and Water Departments.

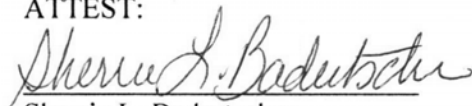
ROLL CALL: Miller recused; McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye.
Motion carried.

MOTION: Motion by Gookin, seconded by Wood, to direct staff to Implement a 30-day grace period for those filing their STR renewals and needed extra time to pay permit fees. **Motion carried.**

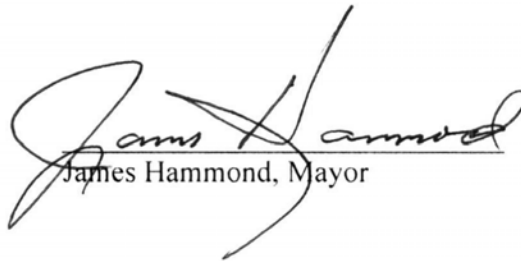
ADJOURNMENT: Motion by Gookin, seconded by McEvers, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 9:37 p.m.

ATTEST:



Sherrie L. Badertscher
Executive Assistant


James Hammond, Mayor

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

March 7, 2023

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 on March 7, 2023, at 5:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

EXECUTIVE SESSION (*Action Item*)- Pursuant to Idaho Code 74-206(1)(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.

MOTION: Motion by Gookin, seconded by Wood, to enter into Executive Session pursuant to Idaho Code 74-206(1)(b), to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.

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

The City Council entered Executive Session at 5:00 p.m. Those present were the Mayor, City Council, and City Administrator. Council returned to regular session at 5:58 p.m.

INVOCATION: Bob Rinehart of the Baha'i Faith led the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Evans led the pledge of allegiance.

Mayor Hammond said an allegation of an Open Meeting law violation had been made by a member of the public which said internal City staff meetings conducted after the February 7, Council meeting and before the February 21, Council meeting regarding the Coeur Terre Annexation request violated the Open Meeting law. These meetings did not involve members of the City

Council or the Planning and Zoning Commission, therefore, were not subject to Open Meeting law, Pursuant to Idaho Code 74-208.

PRESENTATIONS:

PRESENTATION OF THE HEART OF HISTORY AWARD - Councilmember Miller thanked everyone who worked on the Historic Preservation Commission and the award committee and introduced Historic Preservation Commission Chair Walter Burns, and Heart of History Award Subcommittee Chairman Sandy Emerson. Mr. Burns said the Historic Preservation Commission was established in 2020, with the goal of accelerating and preserving the city's rich heritage, and since its creation had adopted a Historic Preservation Plan which they used as a blueprint on how to move forward with the Commission's work. He said they were currently working on a nomination of the downtown Garden District to the National Register of Historic Places. Mr. Emerson introduced Commission members who had assisted with the award. He thanked Don "Pepper" Smock and former Mayor Steve Widmyer for purchasing the home and saving it from demolition, and to all those who were involved in the preservation efforts. Mr. Burns said the home was recognized on the National Register of Historic Places, and was the current home of the Music Conservatory of Coeur d'Alene. Julienne Dance of the Music Conservatory, thanked local Eagle Scout Alex Kaschube and his Troop, along with Kent Kimble, who had completed the rock bedding in the landscape, and the Hawkins Family of Boise, Idaho, who had worked and contributed funds to make the house look as it did today. She noted there were many others who had contributed time and money in restoring the home. Mr. Burns presented the "Heart of History" award to those who had participated in the amazing effort. Mayor Hammond said he and Council were appreciative of all of the efforts to preserve Coeur d'Alene's history, were very thankful for all the hard work and planning that went into the award, and congratulated the "Heart of History" award recipients.

PROCLAIMING MARCH 2023 RED CROSS MONTH – Mayor Hammond read and presented the proclamation to Tina Piaskowski, Red Cross Lead Volunteer of the Greater Inland Northwest Chapter of the American Red Cross.

MID-YEAR BUDGET UPDATE – Comptroller Vonnie Jensen gave an overview of the current budget status. She explained the definitions of Fund Balance (difference between assets and liabilities) and Unassigned Fund Balance (residual classification for the government's fund which included all spendable amounts not contained in other classifications). She said the Unassigned Fund Balance as of September 20, 2022, was \$11,880,092 which represented 24.5% of budgeted expenses. She noted the Government Finance Officers Association recommended at a minimum that agencies maintain a balance of no less than two-months regular general fund operating expenses which equaled 16.7%. She said the difference between 24.5% and 16.7% was a depletion of \$3.8 million, and the current budget included a depletion of \$1,998,625 to fund capital purchases. She gave an overview of the revenue history in the General Fund from Fiscal Years (FY) 2019, 2020, 2021, and 2022, and the projected revenue in FY24 of \$51,810,428. She said projected General Fund expenses in FY24 were \$52,851,600. She noted expenses included COLAs for Police and Fire contracts, merit increases, but did not include a COLA for Lake City Employees Association (LCEA) or any increases to health insurance premiums. She said there were six (6)

positions (Electrician Apprentice, Heavy Equipment Operator, Communications Specialist, Department Support, IT Technician, and Applications Analyst) budgeted in FY23 which had not been filled and if remained vacant would equal a savings of \$436,354, and recommended they not be filled in FY23 or FY24. Ms. Jensen noted a budget amendment was not needed as no new revenues had been received, and recommended waiting until the end of the fiscal year to make any amendments, if needed. She mentioned General Fund department budgets were tracking well and within the approved FY23 budgeted amounts.

DISCUSSION: Councilmember Gookin asked if the 0% COLA for LCEA had already been negotiated, with Ms. Jensen responding it had not. Councilmember Gookin asked if the merit increases included employees from the Water and Wastewater Departments, with Ms. Jensen responding they were not, as those included in the presentation were related to the General Fund. Councilmember Wood asked why wait to amend the budget as she would prefer an accurate historic budget, with Ms. Jensen responding it would require a public hearing and that there was no need to amend it at this time as there were no new revenues to report. Councilmember McEvers asked since there was a budget shortage, was the recommendation to save money and not make purchases such as tires, with Ms. Jensen responding fund balance was in a good position and employee costs were the issue, not the purchase of needed supplies, as ongoing revenue was needed to support employee wages which is why she did not recommend filling the new positions which had been budgeted in FY23. Councilmember McEvers said he appreciated staff's conservative estimates when preparing the City's departmental budgets. Councilmember Gookin asked if the City was upside down for the current or next year's budget, with Ms. Jensen explaining the shortage would be for the next year's budget. She noted the current vacancies would provide salary savings which would see the City through the current fiscal year. Councilmember Wood reiterated that a budget amendment should be made in order to show an accurate historic budget, with Councilmember Gookin also in support of the request.

ANNOUNCEMENTS:

Councilmember Gookin read an email provided by Suzanne Knutson regarding March as National Disabilities Awareness Month, which asked to increase public awareness of the needs and potential of those with developmental disabilities, and to encourage the citizens of Coeur d'Alene to recognize and celebrate the attributes and contributions of those with disabilities. This year's theme was "Through my Eyes," which asked the community to see the world through the viewpoint of those with disabilities.

Councilmember Wood mentioned an incident that had happened at Lake City High School. She asked Police Chief White and Deputy Chief Bill Deruyter to report on the incident. Chief White said last Wednesday they had an unplanned drill of their plans and procedures. He said a school resource officer stationed at the school was alerted to an active shooter threat, and was able to look at the cameras, many officers responded to the school within 2 minutes, and roughly 15-20 officers were on-site within 4 minutes. He said the Fire Department set up the unified command. They determined the alert was most likely a hoax as similar threats had been received in other states, yet as a precaution, decided to have officers search the school. He said they used the time to run a drill of their unified incident command procedures. Deputy Chief Deruyter said they train for

incidents which they hope never happen and the procedures they had in place worked. He said he was impressed with the response of the Police and Fire Departments, along with the response of other public safety organizations. Councilmember Wood said it was a frightening event and it was a comfort to the community to know how prepared the City's Public Safety Departments were.

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 February 21, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Meeting Minutes for February 27, 2023.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee Meeting for March 13, 2023.
5. Setting of a Public Hearing for March 21, 2023; 5:00 P.M.: A-4-22- Annexation of +/- 440 Acres from County AG Suburban to City R-3, R-8, R-17, C-17L, & C-17 (Commonly Known as Coeur Terre) plus Approval of an Annexation and Development Agreement. Location: N. of I-90, S. of W. Hanley Ave, E. of Huetter Rd.; Applicant: Kootenai County Land Company, LLC
6. Approval of SS-22-10 – Final Plat for Woodman Acres; 3829 N. Schreiber Wy (East side of the West entrance of Schreiber Way, South of Kathleen Avenue).
7. **Resolution No. 23-017-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING THAT A 2002 CHEVROLET TAHOE AND A 2005 CHEVROLET IMPALA FROM THE POLICE DEPARTMENT ARE SURPLUS AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY AT AUCTION; AUTHORIZING A REFUND PAYMENT TO THE CITY OF DALTON GARDENS IN THE AMOUNT OF \$233,691.80 FOR THE EXCESS SANITARY SEWER FUNDING ASSOCIATED WITH THE GOVERNMENT WAY WIDENING PROJECT; AMENDING PERSONNEL RULE 27, FLSA EXEMPT EMPLOYEES, TO ADD THE DEPUTY FIRE CHIEFS INTO THE RULE; AND APPROVING THE POLICE CAPTAINS MEMORANDUM OF UNDERSTANDING (MOU) FOR THE TERM OF OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented, including **Resolution No. 23-017**.

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

PUBLIC COMMENTS:

Brian Rogers, Post Falls, spoke about Milgram experiments and outcomes.

Katherine Hall, Coeur d'Alene, stated she had concerns about those impacted by the Coeur Terre project. She requested Council preserve her Indian Meadows neighborhood.

Mark Jacobi, Post Falls, spoke about the Coeur Terre annexation proposal, the Planning Department's land use handbook, and noted the current zoning of the surrounding property wasn't a good match to the project's proposed R-17 zone. He suggested the developer donate property in order that Huetter Road be expanded.

Ron McGhie, Post Falls, stated the City of Hayden had just realigned their zoning code in their neighborhood context in order to add a fair and balanced approach for both developers and current property owners. He noted the 300' noticing requirement of surrounding property owners was not adequate and to consider further outreach.

RESOLUTION NO. 23-018

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CITY OF COEUR D'ALENE PERSONNEL RULE 11: UNPAID LEAVE OF ABSENCE.

STAFF REPORT: Human Resources Director Melissa Tosi said the proposed amendments to Rule 11 required additional explanation from the employee of the reason for the leave and length of the leave, why it was necessary, and any additional information that would be helpful in making a final determination on the request. She mentioned the main amendment to the current language changed the approval process for unpaid leave beyond twelve weeks, from City Council approval to being approved by the City Administrator, after conferring with the applicable Department Head and Human Resources Director. She said the proposed change would be a more standard internal approval process for employees related to leave and also protect any discussions that are related to protected medical/health information. She noted one change to the policy was the City Administrator, along with Human Resources, and the Department Director would approve the leave request instead of it coming before the City Council. She noted the proposed amendments had been discussed by the Executive Team and posted for all employees to review. She said additionally, the Lake City Employees Association (LCEA), Police Association, and Fire Union were notified of the changes and had no concerns. She said there were no hard costs associated with the amendments to Rule 11, and they were necessary to provide consistent and clear policies with up-to-date, relevant information to staff.

DISCUSSION: Councilmember Wood said she didn't have any issues with the additional information being added, yet was not in favor of removing Council's authority. Councilmember Gookin agreed that Council should remain a part of the approval process, and would like it to remain the way it was. Ms. Tosi said she had researched other cities and counties' policies and did not find another policy at any other agency in which Council was an approver or decision maker in similar policies. Mayor Hammond said it wasn't something that should come before Council as it was part of the city's daily operations of managing staff, rather than a policy decision.

MOTION: Motion by Evans, seconded by Miller, to approve **Resolution No. 23-018** – Approval of Amendments to Personnel Rule 11, Unpaid Leave of Absence.

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

(LEGISLATIVE) MODIFICATIONS TO MUNICIPAL CODE CHAPTER 13.08 AND 13.16 FOR THE PURPOSE OF ESTABLISHING NEW WASTEWATER USER CHARGES AND FEES. RATE AND CAPITALIZATION FEE STUDY

STAFF REPORT: Wastewater Superintendent Mike Anderson said he had brought the proposed modifications to Chapters 13.08 and 13.16 of the Municipal Code for the purpose of establishing new wastewater user charges and capitalization fees. He said the modifications would establish the new wastewater user charges and capitalization fees for the five-year period from April 1, 2023, through March 31, 2028. He noted the new charges and fees would replace those defined in the 2017 Comprehensive Wastewater Rate Study. He introduced Shawn Koorn of HDR Engineering who said the recent rate study by HDR Engineering had taken into account the numerous operational and capital improvements made to the wastewater collection, treatment, and compost facilities during the past five years, as well as anticipated future expenditures. He said the rate study performed revenue requirement analysis, cost of service analysis, and rate design analysis to develop user rates and fees that adequately met the wastewater utility's operating and capital expenses with revenues from customers. The study also addressed the fairness and equity of the current and proposed rates among the various customer classes. He noted Fernan customers should be transitioned over a five-year period to the actual cost of providing the service. He said other costs were identified in the 2018 Facility Plan Update and included planning, design, and construction of repairs to the secondary treatment process and expansion of the tertiary treatment process. He mentioned the proposed modifications would provide the revenue required for the continued efficient operation of the facilities and enable the City to meet the discharge permit requirements through the City's Advanced Wastewater Treatment Facility. Mr. Anderson noted major changes between 2017 and now were a water volume increase of 2%, underground pipe footage increased by 4%, and there was a 12% increase in pounds of waste coming into the facility. He said in 2017 effluent going out of the plant was 200,000 pounds and in 2022 it was 6,000 pounds which equaled a reduction of effluent of 97% being discharged into the river.

DISCUSSION: Councilmember McEvers asked the difference between rates and capitalization fees, with Mr. Anderson responding rates paid for the cost to collect, treat, and discharge the wastewater. He explained capitalization fees were a one-time charge for a residential or commercial building's connection to the system. Councilmember McEvers asked what would happen to capitalization fees when growth stopped, with Mr. Koorn responding staff had been looking at the issue and it was included in long-term planning. Councilmember McEvers asked if Covid had impacted the five-year plan, with Mr. Koorn responding it did play into the study yet there were no major shifts from prior studies. Councilmember McEvers asked if the City's high-tech treatment system made it more expensive to treat the wastewater, with Mr. Koorn responding a higher level of treatment normally made it more expensive, yet City staff had looked at the issue and past investment and management had kept the city fees at a lower amount. Councilmember Miller asked if the proposal and rates had been made public to the local building industry, with Mr. Anderson responding staff had made it available to the building industry and had received no comments from them. Councilmember Miller mentioned in the past, an issue had been brought up regarding a separate meter for irrigation in a commercial/residential building, with Mr. Anderson responding the only way to do it would be installing the separate meter for irrigation, yet it was challenging to determine commercial classes within residential as there were many

variances and difficult to establish a flat rate. Councilmember English noted the capitalization fees were reasonable when placed in context of the cost of providing the service.

Mayor Hammond opened the public testimony portion of the hearing, and hearing none, closed public testimony.

COUNCIL BILL 23-1004

AN ORDINANCE REPEALING SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D'ALENE MUNICIPAL CODE; ADOPTING NEW SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D'ALENE MUNICIPAL CODE, TO ESTABLISH USERS CHARGES AND THE CAPITALIZATION FEE SCHEDULE FOR THE COEUR D'ALENE PUBLIC WASTEWATER COLLECTION AND TREATMENT WORKS; AMENDING SECTION 13.16.30 OF THE COEUR D'ALENE MUNICIPAL CODE TO CLARIFY ADJUSTMENTS TO THE POPULATION EQUIVALENT CHARGE; 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

MOTION: Motion by McEvers, seconded by Evans, to dispense with the rule and read **Council Bill No. 23-1004** once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt **Council Bill No. 23-1004**.

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

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

The meeting adjourned at 7:44 p.m.

ATTEST:

James Hammond, Mayor

Sherrie L. Badertscher
Executive Assistant

Summary of Neighborhood Comments meeting #1

- Post Falls School District: Administration (Past, current)
 - Discussion points: Annexation boundaries, facility needs
- Coeur d’Alene School District #271: Administration, operations
 - Discussion points: Annexation boundaries, facility needs, physical planning
- Kootenai Health: Administration
 - Discussion points: Local workforce housing, Kootenai Health Clinic site

Public Outreach Process

- ☑ The Applicants are local and care what the community thinks. The Coeur Terre Master Plan has been updated to reflect feedback from stakeholder interviews and public outreach meetings.

As mentioned above, in 2021, The Langdon Group, a J-U-B Engineers Company, was retained by Kootenai County Land Company to provide public involvement (PI) services for the Coeur Terre project. The PI strategy developed by The Langdon Group and the project team was designed to include communication with stakeholders that was early, continuous, meaningful, and inclusive throughout the life of the project. PI activities were selected based on their ability to inform the project team regarding community interests and needs, and/or their ability to provide robust opportunity for the public to learn about the project and engage with materials. Tasks included: two rounds of stakeholder interviews, a comprehensive stakeholder assessment report, project messaging and education materials including a flier, FAQ and informational video, a public open house, and a comprehensive summary of public involvement efforts and findings.

Goals for the public involvement plan included:

- To educate the public on the project overall, master plan process, phasing, community amenities within Coeur Terre and mitigation efforts to address impacts to infrastructure, traffic, schools, and other community services.
- To educate community leaders and City officials on the goals of the master plan process to create a sense of community within Coeur Terre.

Beginning in June of 2021, The Langdon Group conducted one-on-one and small group interviews with a cross-section of stakeholders. The intent of these interviews was to receive input regarding perspectives on growth, housing, and master plan communities in North Idaho, and in particular to inform opportunities for future stakeholder and public education. In total, 17 stakeholders were interviewed in-person. In April of 2022, additional interviews were completed to further receive input and inform the public of the project. In May of 2022 a large public open house was held to introduce the concepts to the neighboring and regional community.

Feedback collected from the varied public involvement efforts centered around several main themes. Impacts on traffic and services such as fire, police and schools were highlighted as the top issue to address. Interviewees consistently noted the importance of addressing the quality and quantity of open space within the project area. Responses indicated the usefulness of breaking down the process behind traffic mitigation and to illustrate that Kootenai County Land Company will be paying their share to support community services. Comments also encouraged efforts in the annexation and

master plan process that would support transparency with City officials and the public at large. For the master plan, participants consistently noted the usefulness of clearly explaining the ways that the master plan will create and support, rather than detract, from the sense of community in North Idaho.

Existing and Requested Zoning

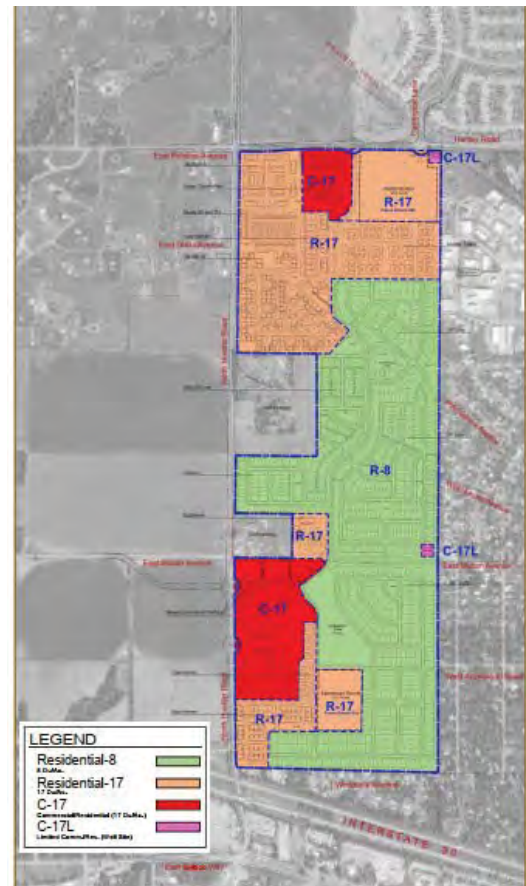
- ☑ The requested zoning for the majority of the Coeur Terre property is R-8, which only allows for detached single family homes. In order to address the shortage of attainable/professional worker housing, the Applicant would like to build detached single family homes on smaller lots, which may require a zone that has a higher density.

The property is currently located in unincorporated Kootenai County. The applicant is proposing a mixture of zoning types, predominantly single family residential, with smaller areas devoted to multi-family and a small commercial center.

The zoning districts requested are:

- R-8 (Green)
- R-17 (Coral)
- C-17 (Red)
- C-17L (Pink)

The majority of the property is proposed to be zoned R-8. Complementary zoning patterns are found in the surrounding properties within the incorporated City limits as depicted here. Attachment 3 contains the proposed zoning for the annexation area along with the housing type plans in Attachment 4.



Proposed Zoning

Future Planned Land Use

- ☑ The requested zoning reflects the City's current and past Comprehensive Plans.

Current Comprehensive Plan

The City's Envision Coeur d'Alene Comprehensive Plan states that the Land Use Framework is composed of two major elements:

- Creation of Place Types. Place Types are generalized land use designations that apply to future growth on all property within the City Limits and land within the ACI. Place Types applied to land outside of the current City Limits but within the ACI will provide direction for the types of zoning to apply if annexed into the City in the future.

Summary of Neighborhood Comments Meeting #2

Coeur Terre
Annexation and Zoning Application
Community Meeting Group / Listening Session Notes with KCLC Response

Overview

On Wednesday, February 15th, 2023 Kootenai County Land Company hosted a public focus group and listening session to receive community feedback regarding their annexation and zoning application with the City of Coeur d'Alene for the Coeur Terre property. The meeting was held at the Coeur d'Alene Library in the Community Room from 11am-1pm. Members of the community that participated in the application process and prior public involvement efforts were invited to attend, acting as community liaisons to represent their larger neighborhoods or interest groups. Approximately 17 people in total were identified as liaisons and invited to attend. Several additional members of the community arrived day of and were welcomed to join. Approximately 30 members of the community participated in the focus group. The project team was also in attendance.

The meeting was facilitated by The Langdon Group (TLG), a subsidiary of JUB Engineers, which specializes in public involvement, facilitation, and conflict resolution. Acting as a neutral third party, the TLG facilitator provided a general overview of meeting goals, explained how the feedback would be used, and provided several prompts to guide participants in the types of feedback sought. Participants were then asked to provide responses to the prompts, and/or general feedback as the facilitator recorded the discussion.

Meeting Goals:

- To provide opportunity for public feedback in response to the proposal.
- To make sure we have heard and understand all public perspectives and interests.
- We cannot promise all of your ideas will get incorporated, but we can promise to listen to all of them and seek to understand so that we can consider possible solutions.
- Provide clarification where able.

Outcome:

- Will work to review, consider, and incorporate your focus group feedback where able and reasonable.

Feedback Prompts:

- What did you think about the proposal?
- Do you have any new thoughts or interests since attending the hearing?
- What do you like about the proposal?
- Where do you see possible solutions, considering the property's limitations and direction from the City?

Summary of Public Feedback

While perspectives varied within the group, three main themes emerged as common topics of interest: Zoning, Traffic and Circulation, and Adjacent Neighborhood Characteristics. Overall, participants were solution oriented and provided candid feedback. Ultimately, the participants agreed that the area had been planned for development for a long time and that they would like to see their perspectives and suggestions addressed in the proposed master plan where reasonable and able. The participants expressed an understanding that all parties share a mutual desire for the project to be well-done and to benefit the community.

The following summarizes the comments heard from the participants in the meeting, including those which were recorded by the note taker and the facilitator. This list is not exhaustive to every comment made, but captures to the best of the note-takers ability, the main themes.

Zoning / Density / Proximity

1. Most participants agreed that their main concern is regarding density in proximity to their homes.
2. Several participants noted the correlation between traffic/circulation and density as a related issue.
3. Some participants would prefer to see the areas of the zoning requested changed to R5 (single family use) or R8 (mix of housing units), with a participant suggesting granting exceptions for higher density where needed.
4. It was suggested that a strip of single family homes on the east side of the project would be a reasonable buffer between existing homes and the proposed higher density units;*
5. The majority of participants would like to see complementary zoning adjacent to their homes.
6. It was highlighted that phasing of the project should be flexible to take into consideration the ever-changing market, population, and environment.

KCLC Response:

- *Bullets 1, 2, and 3: A&DA Section 1.4: The concerns regarding density as well as density related traffic were addressed through a maximum unit limit of 2800 units. This is approximately 56% the maximum number of units that could be allowed in the proposed zone districts.*
- *Bullets 1, 4, and 5: A&DA Section 1.5: The concern regarding adjacent density to existing neighborhoods was addressed by incorporating a two hundred foot wide buffer of R-3 zoning, limited to single family residential with a height limit of 32', adjacent to all existing residential neighborhoods on the east and south. This is reflected in the updated zoning exhibits. The R-3 zoning was proposed by Staff, some council members, and is supported by KCLC as a reasonable, yet fiscally responsible, solution for a transition area from existing neighborhoods. Bullet 3: An overall R-5 or R-8 zone district is not consistent with density and housing types required by the City's Comprehensive Plan.*
- *Bullet 6: A&DA Exhibit F: Exhibit F depicts a phasing plan with subphasing information. This provides a general idea of how the project may develop while reflecting realistic market and community needs. This need for flexibility was recognized by the group.*

Traffic / Circulation/Maintenance

1. A common topic was the need to identify a collector road that would not impact, or would minimize impact to, the residents who live in the Big Sky, Indian Meadows, or North Shire neighborhoods.
2. Several participants identified that they would like to see new traffic studies done that:
 - a. Would include the trips per day that currently go east bound.
 - b. Would address the following roads, because they believe that those streets already see high volume traffic, and would be further impacted if the development were to occur:
 - i. Seltice
 - ii. Huetter
 - iii. Hanley
 - iv. Atlas
 - c. It was suggested that the city planning department should have a third-party complete a study at the earliest convenience.
3. Several participants identified that pedestrian safety needs to be addressed. Many of the streets in the Indian Meadows neighborhood do not have sidewalks and the residents are utilizing city streets for pedestrian and animal activity. This concerns the residents when they consider their neighborhood being connected to the new development and anticipated high traffic volume.
4. Some participants requested that the impact of construction traffic should also be taken into consideration.
5. Some participants expressed an understanding that a solution that individually suited them might not be conducive to other neighbors who live along different roads.
6. The following are ideas that were introduced by individual participants:
 - a. The Huetter Road expansion could be done on the east side of the road rather than on the west side.
 - b. I-90 and the rest stop area could be used a point of entry for a collector road.
 - c. Working with a third-party organization such as SSMTI (State Smart Transit Initiative) to identify transportation solutions.
 - d. Purchasing a section of the industrial loop and developing the area as an alternative traffic route.
7. Some participants noted frustrations with the current lack of road maintenance in their neighborhoods. They worried that winter plowing and pothole filling resources would be stretched even thinner if more streets were added.
8. Some participants desired that the location of the collector roads should be done in coordination with determining the location of the school sites to help avoid high traffic volumes during peak times. The school sites would potentially cause more traffic and create more difficulties when navigating the area during high peak times.

KCLC Response:

- *Bullets 1, 3, and 5: A&DA Section 4.3: The concerns regarding collectors seem to be focused on avoiding east-west connections. The project has been designed with a centrally located*

north/south collector to funnel traffic from both the east and west sides of Coeur Terre north to Hanley Ave or west to Huetter Rd, with eastward travel being less likely given the nearer proximity of Hanley and Huetter, versus Atlas Rd (and any traffic calming measures implemented hereto). The project can be designed with or without access to the east. KCLC will defer to the City on required connectivity, traffic calming designs, and safety improvements; recognizing that connections to the east provide for public safety and emergency response and also will better meet future regional connectivity needs as identified by Kootenai Metropolitan Planning Organization (KMPO).

- *Bullet 2a: A&DA Section 4.2.3 The concerns regarding traffic studies are addressed by the requirement for new traffic studies to be completed with each major project phase. Additionally, traffic concurrency analysis will be completed with each subdivision application or every two years, whichever comes first until the buildout of the project.*
- *Bullets 2b and 2c: This information has been provided. KMPO presented a regional traffic study which incorporated the planned buildout of all developed and undeveloped rural areas, City limits, and Areas of City Impact in Kootenai County. These areas were modeled based on the projected densities out to 2045 as planned for in each city's and the County Comprehensive Plans. The KMPO study specifically addressed Seltice, Huetter, Hanley, Atlas, and regional traffic patterns (as requested by the neighborhoods). KMPO is the regional transportation planning organization as mandated by federal law. Bullet 4: A&DA Section 6.3 The concerns regarding construction traffic impacts are addressed by limiting construction vehicle access to W Hanley Ave and N Huetter Rd.*
- *Bullet 6a: Huetter Road is an Idaho Department of Transportation Project. The future alignment and timing of this project is yet to be determined and is outside of the control of KCLC. There are significantly more existing homes on the east side of Huetter Road that would have to be removed if the project were re-aligned.*
- *Bullet 6b: The existing rest area is planned to be relocated to facilitate the Huetter bypass. This rest area will be eliminated with that project and an interchange will be constructed in a location determined desirable by ITD.*
- *Bullet 7: As provided in testimony by the Streets Department, the tax revenue generated by the development will cover the cost of snow removal services. The streets within the development will be new and will not require maintenance for an extended period of time, possibly exceeding twenty years.*
- *Bullet 8: The current plan locates collectors relative to the planned school sites in those locations as determined desirable by the Coeur d'Alene School District. The CDA School District is keenly aware of drop off traffic and peak hour concerns and is committed to address this in the school design process.*

Environment

1. A few participants expressed concern for water usage and aquifer protection. There was discussion about environmental assessments, water usage, and water impact studies.
2. A participant expressed concern about the lack of fencing surrounding their own property stating that the majority of properties along the proposed trail were already fenced, and worried how those who would use the trails would interact with their property. One solution

offered by the participants was to include more vegetation along the trail as a buffer; another solution was to fence the property.

3. One participant noted that another of the applicant's developments (The Trails) values scenery and natural environment in its marketing plan, and this new development should do the same.

KCLC Response:

- *Bullet 1: Water usage for this area and other areas within the City has been accounted for by the city water department in their long-range plans. The city water department specifically evaluated the Coeur Terre water demand using over 7,000 ERUs and has asked KCLC to donate property for a new municipal well site within the project. This new city well is projected to substantially exceed the demand of the Coeur Terre development with excess water increasing the capacity of the city's existing water system.*
- *Bullet 2: Aquifer protection*
 - *Quality: Stormwater run-off will be treated in stormwater facilities utilizing BMPs that have been approved by local and state regulatory agencies and adopted by the City.*
 - *Recharge: All of the stormwater run-off will be disposed of by means of subsurface infiltration. Stormwater run-off will not be collected and surface discharged into natural drainage ways or other bodies of water.*
 - *Drawdown: Drawdown of the aquifer is regulated by IDWR.*
- *Bullet 2: Fencing/privacy on north-south trail: This concern was brought up by one property owner, with others indicating that existing fencing is prevalent in the area. At the prior public meeting held by KCLC, some property owners indicated a desire for free access to the trail system. Phased development including trail installation is not likely to occur in these areas for some time, allowing for residents to address this as individually preferred. Private property owners maintain the right to fence their property.*
- *Bullet 3: KCLC's master plan calls for even more extensive parks and greenspaces than in existing developments. This is one of the benefits of a master planned development such as Coeur Terre. These plans are memorialized in the Annexation and Development Agreement.*

Miscellaneous Topics

1. Participants would like to see the City Planners involved in conversations.
 - a. Participants would like to understand the City's decision-making progress.
 - b. Participants would like to see the City Planning group have more conversations with the public and seek to understand public needs better.
 - c. Participants want to know how the City plans to have long term funding to provide maintenance for the roads of high concern.
2. One participant noted that wildlife currently passes through the North Shire neighborhood, and would like to make sure they are not impacted by fencing.
3. The participants would like to see more updates on the process, perhaps on the project's website.
4. The participants would like to see a Master Plan that is up to date with the finalized annexation and development agreement.
5. Some participants identified the following solutions to miscellaneous topics:

- a. Converting the parks or green spaces into ponding basins during the winter months to help mitigate water and aquifer usage.
- b. Allocating homes to be rented or owned to locals of the area (perhaps as part of the 5% allocated for affordable units, or as an additional 5%).
- c. Participants were able to understand that there is a middle ground to be found where all parties involved can feel as if they were protected, considered, and respected. They are hopeful that they can find a solution that all can accept.
- d. Participants would like to see written/official note of the modifications that are agreed upon by the developers, suggesting they should be noted in the development agreement.
- e. Participants noted they would like to see more opportunities for public involvement. They appreciated and liked the format of this listening session.

KCLC response:

- *Bullet 1: This information will be shared with the City staff and Council; KCLC is unable to respond on the behalf of the City and defers to their response.*
- *Bullet 2: There are conflicting thoughts on fencing. KCLC will defer to the City on fencing requirements.*
- *Bullet 3: KCLC actively maintains their website with project information and updates. The website also allows for the public to contact KCLC to ask questions or provide comments. KCLC intends to continue these practices throughout buildout of the project.*
- *Bullet 4: The master plan is conceptual to aid in developing zoning as well as for water and sewer studies. The details of each phase will be developed at the time of subdivision applications consistent with the conditions of the Annexation and Development Agreement.*
- *Bullet 5a: Converting parks and open spaces to infiltration basins on a seasonal basis is not practical or necessary based on the proposed stormwater facilities. As described above, stormwater swales and ponds will be constructed throughout the project, allowing for dispersed infiltration patterns.*
- *Bullet 5b: A&DA Section 6.5 describes KCLC's commitment to worker housing. The targeted AMI addresses a variety of local workers. The deed restrictions (or equally effective method) provide for this housing to be available for the long term. The deed restrictions will be evaluated with the update to the Housing Availability and Affordability Study being completed by PAHA, CDAEDC and U of I.*
- *Bullet 5d: The updated Annexation and Development Agreement was provided prior to the February 21, 2023 City Council meeting. During that meeting, the Council voted to re-open public hearing testimony related to these modifications.*
- *Bullet 5e: The City of Couer d'Alene has an established process for public input. KCLC has followed this process and has voluntarily provided additional opportunities for public information and discussion. KCLC has also engaged in one on one coordination with all residents and members of the public who have reached out. There will also be additional opportunities for public input at the time of each preliminary plat application.*

What Participants liked about the Proposal

- Participants agreed that they liked that land is being dedicated to the school district.

- Promotion of the greenspaces was a great concept to many participants of the focus group.
- The trail surrounding the property is a good idea and would allow for residents of all neighborhoods to take walks, ride bikes, walk animals, etc.
- The participants expressed that they had no objections to the land being annexed or developed but would like to have more discussion on the zoning.
- *Note: KCLC appreciates the recognition of the extensive thought and planning that have gone into the project development to date.*

Questions that the Focus Group Had: (With KCLC response)

- What is the City's traffic mitigation plan? *KCLC defers to the City's to address this question.*
- Could the development agreement have more clear language on the zoning request? *The application includes a request for zoning, which is approved independent of the Annexation and Development Agreement. The Annexation and Development agreement provides for specific conditions for the duration of the development and does not change the zoning code.*
- Where will the first phase of the project build out start? *A phasing plan was provided as Exhibit F to the Annexation and Development Agreement.*
- What is the plan for the Atlas to Nez Perce intersections and transition? *This is an existing City intersection that KCLC will defer to the City as to how to address (if the City requires this connection).*
- What is the plan for potential emergencies on Huetter Road? *KCLC will defer to police and fire to address.*
- Will the water line be moved, as it is now it is in the middle of the planned site? *Yes, most likely; KCLC anticipates that portions will move east under the perimeter path.*
- At what point will impact studies like Environmental Assessment be triggered or required? *KCLC will follow all required City codes and processes throughout the development.*
- What will happen to the properties west of Huetter Road? *These properties will continue to be farmed until such time as a development proposal in either the City of Post Falls or the County is applied for.*
- When will improvements be done to Atlas Road, and who will be responsible? Will it fall on the developer? *It is KCLC's understanding that the City has applied for public funds for improvements to Atlas Road. More specific information can be obtained from the City. Coeur Terre does not currently contribute to any deficiencies on Atlas Road, but will pay impact fees for a variety of transportation projects, of which this could be one.*
- What will the estimated total population of the development be? *This is not yet known. The Annexation and Development Agreement limits the development to a maximum residential unit count of 2,800.*
- What is the total width of the area (trail and grass, etc.) between Coeur Terre and the abutting properties? *A&DA Section 4.7.3 requires two north side 12 foot wide trails and DA Section 47.4 requires two east/west 10 wide trails. The total width of the common areas will vary (estimated minimum of 20 feet) and be determined at the time of subdivision application based on the design of the associated phase.*
- How are these comments and concerns going to be used? Will they be submitted to the City or released to the public? *See all of the above responses for how these have been incorporated. These will also be submitted to the City Council and at that time will be released to the public.*

Applicant Narrative & Supplemental Material

KOOTENAI COUNTY LAND COMPANY
ANNEXATION REQUEST

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KOOTENAI COUNTY LAND COMPANY

ANNEXATION REQUEST

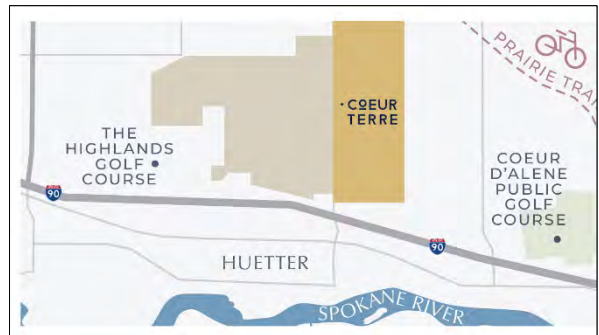
Project Narrative

Requested Action and Applicant Information

This application is for an annexation of a landholding of 14 properties into the City of Coeur d’Alene. Kootenai County Land Company (KC Land Co), the applicant, is based in both Coeur d’Alene, ID and Spokane, WA with development projects in Idaho, Washington, Montana, Kansas, and Arizona. KC Land Co is a subsidiary of Lakeside Companies who owns and operates various companies within the Coeur d’Alene and Spokane area. Architerra Homes, ATC Manufacturing, Markham Builders, and Century Farms are easily recognizable companies that are located within our region.

Location

The annexation area is located in Sections 4 and 33, Township 51 N, Range 04 West, Boise Meridian, Kootenai County, Idaho. It lies to the west of the City’s current boundaries and is bounded by N Huetter Road on the west, W Hanley Avenue (future) on the north, and is in near proximity to Interstate 90 on the south.



Vicinity Map

Property Information

The properties are vested in the ownership of LLC’s that are affiliated with the applicant. The total acreage proposed for annexation is 442.64 acres. The properties are referred to collectively as the “annexation area”. Detailed property information is found in Attachment 1.

There are three properties in this unincorporated area to the east of Huetter Road that are not in the ownership of this Applicant. They are AINs 338895 9.9995 acres-Wood), 106182 22.0162 acres-Martin), and 105796 (9.9999 acres-Armstrong), equaling 42.0156 acres. Also not included in this annexation application is the right-of-way of the adjacent existing Huetter Road as this is already dedicated right-of-way.

Master Plan as an Aspirational and Technical Planning Tool

- The Coeur Terre Master Plan, the community blueprint, offers cohesive and diverse development, strong connectivity, and plentiful open space.*

To responsibly plan for large scale utility and transportation impacts as well as to model on and off-site impacts, the applicant has developed a detailed concept Master Plan (Attachment 2). This Master

Plan incorporates various place types from the City's updated Comprehensive Plan such as single family, compact and urban neighborhoods along with mixed use districts and activity centers. This area is anticipated to be developed as primarily a residential area of low to moderate density. A mix of housing choices will be provided in compatible areas. The annexation area will have schools, open spaces, and parks. There will be road, pedestrian, and bicycle connections in interconnected neighborhoods, both within the project as well as external to the project

The Master Plan serves as the basis of the annexation proposal in terms of proposed zoning, water and sewer infrastructure studies, community and neighborhood park planning, and coordination with agencies.



The Master Plan also serves as the aspirational vision for the applicant. Much like the multitude of phases of Coeur d'Alene Place, the annexation area is anticipated to develop in phases and be built out over a twenty year (plus) time period. The applicant envisions the residential portions of the project to be platted as standard subdivisions, similar to Architerra's The Trails project; and other portions as PUDs, similar to Architerra's Enclave project. The multi-family and commercial portions of the project will be constructed with site plan approvals.



Homes at The Trails

As housing and community needs change with time, this will allow each phase to be tailored to fit the present day circumstances at the time of development.

Master Planning for Integration into the Existing Community

- The Coeur Terre neighborhood connects nicely with existing adjacent neighborhoods.

It is clear when viewing the concept map that great care has been taken to blend the property with existing established neighborhoods to the east by locating a majority of traditional single family residential neighborhoods on the eastern portion of the property. This allows for the new and existing neighborhoods to "meld" together. These shared access points allow for orderly development in terms of transportation systems, but also in terms of water, wastewater, and other infrastructure connections.

Planning Process

- Thoughtful Master Plans take time; Pre-annexation planning efforts for the Coeur Terre Master Plan have been in the works for over a decade.

There is a volume, length of time, and serious attention to planning that is necessary when planning for a land area of this size. The applicant's history of pre-annexation planning now spans ten years,

with each in a series of steps building significantly on the prior step to bring us here today. This history is summarized as follows:

2012: Initial project concept initiated with applicant approaching Mr. Armstrong requesting permission to develop a plan for his landholding

2013-2017: Applicant hires SWA Group, a landscape architecture, planning, and urban design firm, with offices worldwide, to develop a master plan.

The master plan is provided to Mr. Armstrong.

Years of checking in periodically with Mr. Armstrong and discussion ensue.

2018-2019: Mr. Armstrong sells property to the Applicant. SWA Group is commissioned to update the Master Plan. Applicant hires John Burns Real Estate Consulting, a national real estate research analytics firm, to develop regional (CDA and Spokane) real estate and housing analysis. Applicant pairs John Burns and SWA to update the Master Plan. Applicant commissions aerial and ground surveys for topographic mapping of land for infrastructure planning.

2019-2020: Applicant begins meetings with: Kootenai Metropolitan Planning Organization (KMPO); Ross Point Water District; School Districts #271 and #273; and Cities of Post Falls and Coeur d'Alene to discuss future boundaries, school sitings, specialized studies infrastructure needs, and the like.

Applicant requests, and Coeur d'Alene City Council approves, inclusion of extraterritorial planning area in the City's Comprehensive Plan update process.

2021: Applicant continues with agency meetings; develops an MOU with the CDA School District related to two school sites; works closely with City's Comprehensive Planning consultant to develop planning area concepts; commissions sewer master plan study with JUB Engineers and transportation master plan study with CivTech; commissions public outreach with Langdon Group; conducts stakeholder interviews; begins update to master plan with BSB Design, an architecture, design, and engineering company; updates real estate and housing analysis by John Burns Real Estate Consulting and pairs BSB and John Burns for the master plan update.

2022: Applicant begins detailed work for annexation application submission; meets with City departments in group and individual settings; commissions economic analysis; finalizes infrastructure studies with approval of various City Departments; meets with housing and economic development advocates; meets with emergency service providers; holds public open house; updates final master plan.

Annexation process begins. . .

Agency Meeting Process

- ☑ The Coeur Terre Master Plan incorporates specific feedback from 13 Agencies, 26 Departments, and over 40 Agency Staff Members.

As noted in the timeline, since late 2019 the applicant has met with area agencies to discuss various aspects of the annexation. The feedback from these meetings (often multiple meetings with each agency) has been incorporated into the master plan design, studies, the annexation proposal, and also into a memorandum of understanding. Below is a list of the agencies who have been involved in these discussions along with primary discussion points.

- Kootenai Metropolitan Planning Organization: Administration
 - Discussion points: Huetter Bypass (alignment, funding, status, development considerations), I-90 expansion, transit planning
- City of Post Falls: Pre-application meeting, Administration, Legal, Engineering, Planning, Public Works, Water, Wastewater, and Parks
 - Discussion points: Annexation potential, water and sewer infrastructure planning, Huetter Bypass, transportation planning, land use planning, zoning, comprehensive planning, parks and recreation
- City of Coeur d'Alene: Pre-application meetings, administration, Planning, Public Works, Water, Wastewater and Parks
 - Discussion points: Annexation potential, single vs multiple annexations, socio-economic changes and development over time, water and sewer infrastructure planning and studies, Huetter Bypass, transportation studies, land use planning, zoning, housing affordability and types., comprehensive planning, public outreach, parks and recreation
- City of Coeur d'Alene Comprehensive Plan Consultants: MIG, Inc and Kittelson & Associates, Inc.:
 - Discussion points: Comprehensive Plan Update, place types, land use planning, and transportation modeling/planning with Update
- Kootenai County Regional Housing and Growth Issues Partnership: Project leads
 - Discussion points: Workforce housing needs and concepts
- Coeur d'Alene Economic Development Agency: Administration
 - Discussion points: Workforce housing needs and concepts
- Kootenai Fire and Rescue: Leadership
 - Discussion points: Emergency response, facility needs
- City of Coeur d'Alene Police: Leadership
 - Discussion points: Emergency response, facility needs, physical planning considerations
- City of Coeur d'Alene Fire: Leadership
 - Discussion points: Emergency response, facility needs, physical planning considerations
- Ross Point Water District: Administration
 - Discussion points: Future planning, water rights
- Idaho Transportation Department: Engineering
 - Huetter Bypass, I-90 expansion, transit

- Post Falls School District: Administration (Past, current)
 - Discussion points: Annexation boundaries, facility needs
- Coeur d’Alene School District #271: Administration, operations
 - Discussion points: Annexation boundaries, facility needs, physical planning
- Kootenai Health: Administration
 - Discussion points: Local workforce housing, Kootenai Health Clinic site

Public Outreach Process

- ☑ **The Applicants are local and care what the community thinks. The Coeur Terre Master Plan has been updated to reflect feedback from stakeholder interviews and public outreach meetings.**

As mentioned above, in 2021, The Langdon Group, a J-U-B Engineers Company, was retained by Kootenai County Land Company to provide public involvement (PI) services for the Coeur Terre project. The PI strategy developed by The Langdon Group and the project team was designed to include communication with stakeholders that was early, continuous, meaningful, and inclusive throughout the life of the project. PI activities were selected based on their ability to inform the project team regarding community interests and needs, and/or their ability to provide robust opportunity for the public to learn about the project and engage with materials. Tasks included: two rounds of stakeholder interviews, a comprehensive stakeholder assessment report, project messaging and education materials including a flier, FAQ and informational video, a public open house, and a comprehensive summary of public involvement efforts and findings.

Goals for the public involvement plan included:

- To educate the public on the project overall, master plan process, phasing, community amenities within Coeur Terre and mitigation efforts to address impacts to infrastructure, traffic, schools, and other community services.
- To educate community leaders and City officials on the goals of the master plan process to create a sense of community within Coeur Terre.

Beginning in June of 2021, The Langdon Group conducted one-on-one and small group interviews with a cross-section of stakeholders. The intent of these interviews was to receive input regarding perspectives on growth, housing, and master plan communities in North Idaho, and in particular to inform opportunities for future stakeholder and public education. In total, 17 stakeholders were interviewed in-person. In April of 2022, additional interviews were completed to further receive input and inform the public of the project. In May of 2022 a large public open house was held to introduce the concepts to the neighboring and regional community.

Feedback collected from the varied public involvement efforts centered around several main themes. Impacts on traffic and services such as fire, police and schools were highlighted as the top issue to address. Interviewees consistently noted the importance of addressing the quality and quantity of open space within the project area. Responses indicated the usefulness of breaking down the process behind traffic mitigation and to illustrate that Kootenai County Land Company will be paying their share to support community services. Comments also encouraged efforts in the annexation and

master plan process that would support transparency with City officials and the public at large. For the master plan, participants consistently noted the usefulness of clearly explaining the ways that the master plan will create and support, rather than detract, from the sense of community in North Idaho.

Existing and Requested Zoning

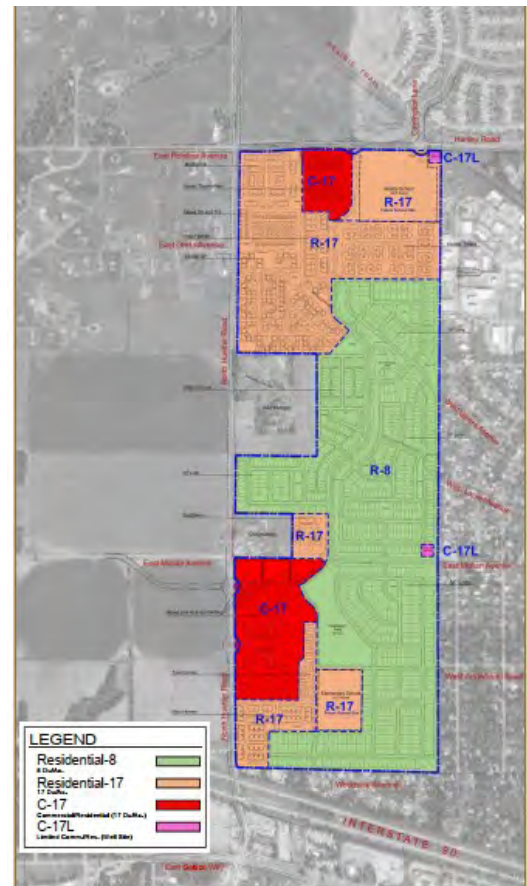
- ☑ The requested zoning for the majority of the Coeur Terre property is R-8, which only allows for detached single family homes. In order to address the shortage of attainable/professional worker housing, the Applicant would like to build detached single family homes on smaller lots, which may require a zone that has a higher density.

The property is currently located in unincorporated Kootenai County. The applicant is proposing a mixture of zoning types, predominantly single family residential, with smaller areas devoted to multi-family and a small commercial center.

The zoning districts requested are:

- R-8 (Green)
- R-17 (Coral)
- C-17 (Red)
- C-17L (Pink)

The majority of the property is proposed to be zoned R-8. Complementary zoning patterns are found in the surrounding properties within the incorporated City limits as depicted here. Attachment 3 contains the proposed zoning for the annexation area along with the housing type plans in Attachment 4.



Proposed Zoning

Future Planned Land Use

- ☑ The requested zoning reflects the City's current and past Comprehensive Plans.

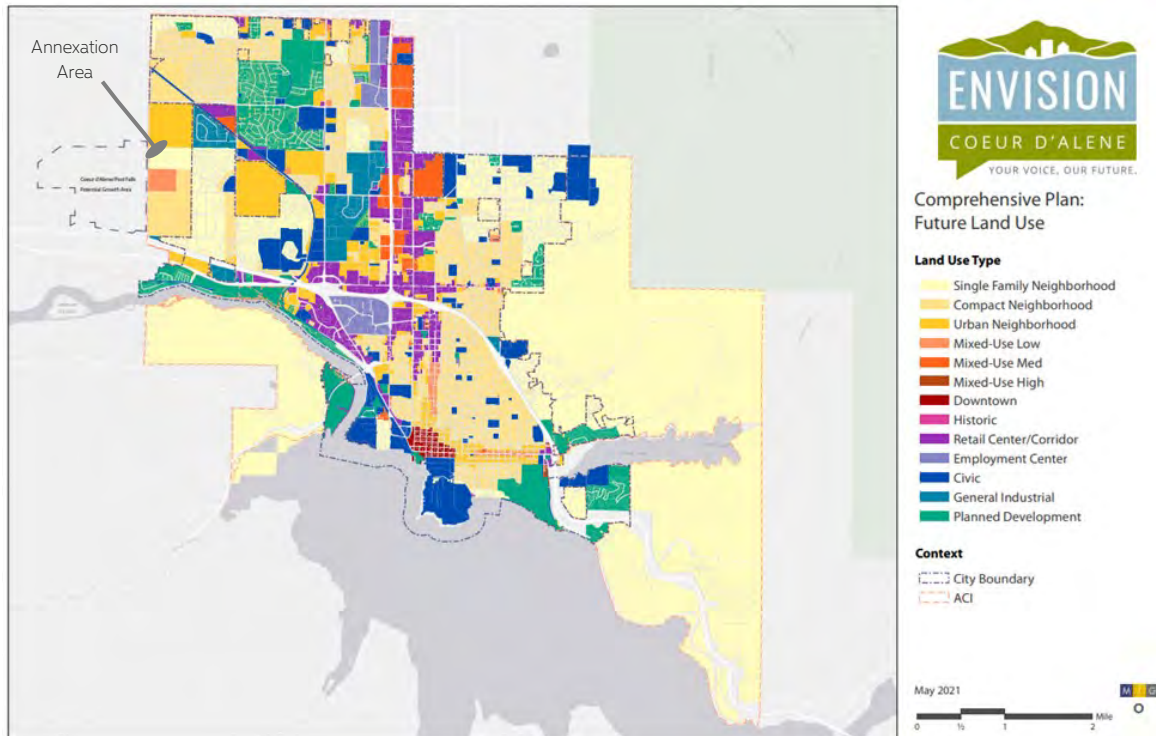
Current Comprehensive Plan

The City's Envision Coeur d'Alene Comprehensive Plan states that the Land Use Framework is composed of two major elements:

- Creation of Place Types. Place Types are generalized land use designations that apply to future growth on all property within the City Limits and land within the ACI. Place Types applied to land outside of the current City Limits but within the ACI will provide direction for the types of zoning to apply if annexed into the City in the future.

- Creation of a Comprehensive Plan Map. The Comprehensive Plan Maps establishes the land use designations for all land within Coeur d'Alene's City Limits and ACI. Many areas in Coeur d'Alene will not experience notable changes to today's land use and population, although there are locations, particularly where the community identified the desire for greater walkability, showing diverse housing and services options.

At the time that Envision Coeur d'Alene Comprehensive Plan was in development, the applicant completed an update to the Master Plan that supports the annexation analysis. The applicant has worked with the City's staff and their Comprehensive Plan Update land use planning consultant (MIG) on land use planning concepts for the property. It can be seen that a range of single family, compact, urban neighborhoods, and mixed uses have each been categorized as appropriate for the property. It should be noted that if the Huetter Bypass is installed, there is a triangular shaped portion of the property that will lie on the east side of the grade separated bypass. At this time, the City of Post Falls has indicated an interest in retaining this portion of land in their jurisdiction. As the final layout and engineering of the bypass are still into the future, the applicant is not proposing annexation of this area.



Envision Coeur d'Alene Comprehensive Plan 2022-2042 Land Use Map

Below are excerpts from the City's Comprehensive Plan. The master plan and requested zoning are consistent with these place types.

Single-Family Neighborhood:



Key Characteristics:

Single-Family Neighborhood places are the lower density housing areas across Coeur d’Alene, where most of the city’s residents live, primarily in single-family homes on larger lots. Supporting uses typically include neighborhood parks and recreation facilities connected by trails.

Transportation: Neighborhood streets for local access connected by collectors
Typical Uses: Primary: Single Family Residential,
Secondary: Civic Uses, neighborhood parks and recreation facilities

Building Types: 1-2 story detached houses

Compatible Zoning: R-1, R-3, R-5, R-8; MH-8

Compact Neighborhood:



Key Characteristics:

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

Transportation: Gridded street pattern with pedestrian and bicycle facilities

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

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

Compatible Zoning: R-12; R-17; MH-8; NC; CC

Urban Neighborhood:



Key Characteristics:

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

Transportation:

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

Typical Uses:

Primary: Multi-family residential

Secondary: Neighborhood parks and recreation facilities, parking, office, commercial

Building Types:

Apartments, condominiums, townhomes

Compatible Zoning:

R-17; R-34; NC; CC; C17; C17L

Mixed Use Low:



Key Characteristics:

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

Transportation:

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

Typical Uses:

Primary: Retail, commercial, office, restaurant, multifamily residential

Secondary: Civic uses, parking

Building Types:

Up to four stories, retail and commercial on ground floor, with residential uses above

Compatible Zoning:

C17; C17L; NC; CC

Prior Comprehensive Plan

It is important to note that the proposed annexation area was also included in the City's prior Comprehensive Plan. It was located in the Transition Area as shown in this Land Use Base Map in the Atlas Prairie Sub-area.

Land Use: Atlas-Prairie



Atlas-Prairie Tomorrow

Generally, this area is envisioned to be a residential area, lower in density, that develops with interconnected neighborhoods providing a mix of housing choices.

The characteristics of Atlas-Prairie neighborhoods will be:

- That overall density may approach four to five residential units per acre (4-5:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Annexing requires careful evaluation of infrastructure needs.
- Open space, parks, and pedestrian and bicycle connections will be provided.
- Developments adjacent to the Area of City Impact (ACI) boundary will provide for a distinctive entrance to the city.
- Neighborhood service nodes where appropriate.
- The street network will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- A bypass study is underway to determine how traffic will be distributed to ease pressure from US 95.

The Land Use Base Map at the time recognized some areas of the City as stable, established, and not expected to change greatly; and others as areas of **transition** where much change is anticipated, and others are truly on the urban fringe. This property has long been anticipated to be an area of growth and transition for the City.

City of Coeur d'Alene's 2007 Comprehensive Plan Land Use Map

Housing

- In an effort to help address the severe shortage of Professional Worker Housing, the Applicant voluntarily commits to work with the City on solutions for 5% of the overall housing supply in the Coeur Terre Master Plan.

In preparing this proposal, the applicant reviewed the "Housing Availability and Affordability Study for Kootenai County" (The Study), prepared in December 2021. The applicant then met with the local project team leads and also Coeur d'Alene Economic Development Corporation to further discuss regional housing information, future housing needs, and impacts to the local workforce and economy as they relate to housing.

This Study and discussions with the economic development leads in Kootenai County focused on the need to address availability of land for housing and importantly, provision of housing our community's Professional Workforce, such as the pharmacists, nurses, teachers, law enforcement officers and the like that are so vital to the health of a community. The applicant had further discussion with police and fire departments who provided feedback that when recruiting employees to work in the area, availability of housing was the primary challenge, followed by affordability.

The Study mentioned above lays out several of the relevant items about the current housing needs of Kootenai County as follows:

- *Regional employers cannot find housing for their employees and many positions are unfilled.*
- *New potential firms may not relocate to Coeur d'Alene due to the high cost of housing.*

- *Many long-term residents are being squeezed out of the housing market and moving outside the county (i.e., to Spokane County or other surrounding counties).*
- *The children of residents will be unable to live in the community because they cannot afford housing.*
- *The diversification of the economy may slow or even reverse. Newer high technology companies and manufacturing facilities maybe driven out of the market due to high housing costs.*
- *The supply curve for housing will become steeper (i.e., more inelastic) leading to greater volatility and periodic price bubbles along with steep price declines during recessions.*
- *The high housing and rent costs will lead to a substitution of non-residents for residents.*
- *The effective standard of living for many residents will decline due to high housing costs.*
- *High housing costs can actually lead to less open space in the county, greater sprawl, and less environmentally sound outcomes.*

Increasing housing supply will reduce housing prices but will require regional cooperation and dedication. Paths for increasing supply are relatively straight-forward:

- *A serious and controllable impediment to increasing the supply of housing is local zoning and building regulations.*
- *When land availability is a constraint to increased supply, mixed-use zoning and mixed-Residential can facilitate that increased supply*
- *Allowing the annexation of available land close to the cities is also important.*
- *Cities can control or influence the supply of housing but not the demand for housing”*

Assuming the decade 2020-2030 has the same growth rates that occurred from 2010 to 2020 (per U.S. Census), a total of 21,397 units will be needed in Kootenai County before 2030 (per weighted average of Kootenai County cities and rural county regions). This assumes the persons per dwelling will remain constant from the 2010 U.S.Census. Of those units, an estimated 16,074 new housing units will be needed in cities and another 5,323 will be needed for the rural regions of the county.

Applying past U.S. Census population growth rates to the 2020-2030 time period, net additional supply of housing units will need to increase at least 85%, from 1,156 units to 2,140 units per year in order to stabilize prices. Using the higher KMPO population forecasts (which local ED leads have stated are more accurate), the net additional supply of housing units will need to increase 161%, from 1,156 units to 3,015 units per year in order to stabilize prices at their current level.

The Study goes further to discuss rising costs of construction materials, labor, land, inflation, and rising interests rates as contributing factors to the price of homes and that increasing supply is necessary for reducing prices and making housing more affordable. The Study states that the lack of affordable housing has already caused an estimated loss of 2,749 jobs in the local economy resulting in a reduction of \$220.3 million in gross regional product and a loss of \$ 158.9 million in local payroll. The construction industry itself ranks 5th in Kootenai County in terms of total employment with 6,921 workers in 2020 with an average salary package of approximately \$55K. Construction job growth in Kootenai County has increased 41% from 2015 to 2020.

As such, this annexation area, with a 20-25 year build out will be an important in addressing the regional housing shortage and will also assist with the redevelopment and density increases within already developed portions of the City, thereby assisting with retention of existing stable neighborhoods.

Given that the applicant has decided to work toward addressing professional workforce housing as part of this annexation proposal. This has included the following actions:

- Study of successful models and new ideas related to housing, including but not limited to:
 - Land trust ownership with deed restrictions on resale
 - Employer partnerships (such as a partnership with the medical community, major employers, and public agencies)
 - Preferred buyer programs, targeting professional local employees such as teachers, public safety officers, health care workers and the like
 - Down payment and mortgage assistance programs
 - Fee reduction programs in concert with local agencies responsible for permitting
 - Prohibiting purchase of homes for short term rentals
- Further discussions with the Study leads and research on successful housing programs
- Implementation of a pilot project in Architerra' s Parkllyn project. This project is a single family residential neighborhood wherein homes are offered for lease, with some portion of the lease rate going toward a down payment on a home.

With this annexation proposal, the applicant is volunteering to provide 5% of the overall housing supply of the annexation area as Professional Workforce Housing. The applicant is proposing to develop the details of implementation with City Staff in developing the Annexation Agreement for the project. In reviewing the list of items above, it is clear that there are many options for how to address housing availability, in fact, many more than listed here. Attachment 5 contains a list of items known as the Local Worker Housing Toolkit which, among other tools, can be explored further. Each option noted above and in the Toolkit as well, has strong and weak points, and often must be done in partnership with other entities or agencies. Also as housing needs will change over the 20 plus year build-out of this project, flexibility, and ability to implement changing models will be crucial to the success of this over time.

Property Management

- The Applicant will actively manage the Coeur Terre Homeowners' Association (HOA) to ensure the neighborhood develops a community-oriented atmosphere, is actively maintained, and ultimately brings value to their homeowners and the community.**

The applicant has constructed many neighborhoods in the Post Falls and Coeur d'Alene area. Originally, the various HOAs were managed by a professional management company. Over time, the applicant has developed an internal HOA Manager's position with CMCA (Certified Manger of Community Association), AMS (Association Management Specialist) and PCAM (Professional Community Association Management) credentials. A benefit to having an in-house HOA management is that the overall compliance to governing documents has increased. This is due in large part that more compliance drives for potential violations are provided when compared to a third party HOA management company. The communities are driven multiple time a week, versus a third party which may only get to do compliance drives once every month. This allows allow a point of contact for residents with concerns and allows for coordinating of community events. This same HOA

management division will oversee administration of Covenants, Conditions and Restrictions (CC&Rs) and other governing documents for this project.

Infrastructure and Public Facilities

Parks and Open Space

- ☑ All park design and open space in the Coeur Terre Master Plan has been adjusted to address the feedback of the Parks and Recreation Department.
- ☑ The Master Plan incorporates an abundance of trails and pathways to allow for easy connectivity throughout the community.

The applicant has reviewed the City's 2021 Parks Master Plan and has met with the City's Parks Department to discuss the Master Plan. A variety of future park amenities were discussed, such as pavilions, splash pads, pet parks, parking lots within parks, and area for maintenance facilities. The Parks Department requested plan changes including merging proposed parks into larger and easier to maintain areas. The



Future Community Park

Department specifically requested dedication of land for one community park and one neighborhood park, which when combined with the linear parkway and pockets parks, provides a total of 12 to 15 acres. The applicants plan depicts the two park systems with combined acreages of approximately 18 acres. The Department also requested provision of two north-south trails and two east-west trails—specifically requesting that the planned multi-modal trail on the east side of the project be widened for consistency with the Prairie Trail system and extended to wrap the southeast end of the property, with additional trail connections to the north and to the existing neighborhoods to the east. There was also a request to add bikes lines with 10' trails on both sides of the central boulevard system or to consolidate this into one 14-16' wide path on one side.



Future Neighborhood Park

The applicant is planning for connected green spaces with a series of pathways, parks, waterways, and other aesthetic and functional systems that will run as a “green boulevard” through the center of the project. The master plan depicts that the arterial will fan out in areas to provide for east-west connectivity and will house various facilities

including trail connections. This

green arterial will contain paths and trails connecting the north end middle and south end elementary schools to each other and also connecting the varying land uses and neighborhoods to the commercial and mixed use node.

These revised parks are depicted on the master plan as shown in Attachment 6. The applicant also plans private neighborhood and pocket parks and amenities to be located within individual neighborhoods. The amount of space and details of parks amenities will be developed with individual PUD, subdivision, and site plan development in accordance with the vision of the Master Plan and the City’s development code requirements.

The applicant is proposing to dedicate the public park land as depicted in the master plan at the time that the surrounding subdivision, PUD, and/or site plan are developed. Dedicating this at the time of development vs in advance is very practical as the surrounding infrastructure design and engineering will be completed, and access will be provided to the park land at that time.

Transportation

Local Road Connections:

- Per the City’s requirements, the Coeur Terre road network is designed to connect with roadways in surrounding neighborhoods.

This property is located close to major transportation infrastructure with the property bounded by a collector road on the north (future W Hanley Ave) and an arterial road on the west (N Huetter Rd) and an interstate highway system in close proximity on the south (I-90).

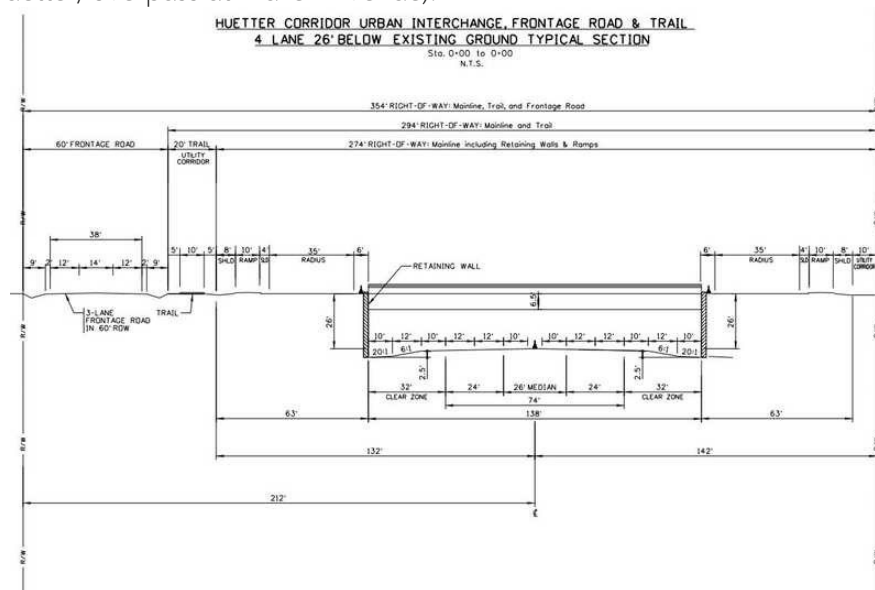
The design is laid out so that future roads connect to residential collector streets in existing neighborhoods to the east. These planned connections aid in the traffic circulation for the development as well as the surrounding neighborhoods, primarily allowing the surrounding neighborhoods access to the amenities provided by the landholding. The planned connection points are at: W Spiers Ave, W Nez Perce Rd, W Arrowhead Rd, and W Woodside Ave to the south. The proposed road and trail connections are in Attachment 7.

The western planned road connections will be onto N Huetter with spacing no less than that allowed by the City and/or Post Falls Highway District's access management policy.

Huetter Bypass:

- The Coeur Terre Master Plan is designed to work with or without the Huetter Bypass (not the applicant's project).

Planning for this project has incorporated much discussion with varying agencies regarding the Huetter Bypass. The Bypass is currently planned as a grade separated limited access highway, adjacent to the west boundary of the landholding. The Huetter Bypass is currently undergoing an ITD-led NEPA alternatives analysis and with that project outcome still pending, it is not depicted within these planning documents. That being stated, the Bypass has been planned for in the applicant's master planning process and the land use scenarios depicted herein also allow for, and are compatible with, a depressed bypass with limited access to the landholding (future interchange at Poleline and Huetter, overpass at Mullen Avenue).



KMPO Huetter Corridor Urban Interchange Typic Section

Traffic:

- Extensive traffic studies have been completed by outside engineering firms and the KMPO to measure the impact of the community's build-out on the roadways.
- Applicant acknowledges the traffic study results and is aware that developer paid impact fees are to be paid, based on pre-defined traffic conditions.

The applicant has engaged CivTech Inc. to prepare a Transportation Impact Study including traffic analysis, modeling, and determination of system impacts. To accomplish this, CivTech collected traffic count data at 8 existing intersections that fall within the City boundaries and limits. The City approved which intersections were to be used for the study.

The results of the existing City system are as follows:

Synchro ID	Intersection Name	Type	Movement	AM		PM	
				Delay/VC	LOS	Delay/VC	LOS
2	N Huetter Rd & Big Sky Dr	TWSC	NB App	0.0	A	7.8	A
			EB App	12.3	B	13.5	B
3	N Huetter Rd & E Poleline Ave	TWSC	NB App	8.0	A	8.0	A
			EB App	13.3	B	22.8	C
4	N Huetter Rd & E Mullan Ave	TWSC	NB App	8.0	A	7.8	A
			EB App	11.1	B	13.6	B
			WB App	0.0	A	15.2	C
			SB App	0.0	A	0.0	A
5	N Huetter Rd & E Seltice Way/W Seltice Way	Signal	NB Left	10.5	B	12.8	B
			NB Thru/Rt	12.0	B	14.5	B
			SB Left	8.0	A	11.3	B
			SB Thru/Rt	9.4	A	13.3	B
			EB Left	21.7	C	25.9	C
			EB Thru/Rt	27.6	C	25.3	C
			WB Left	21.9	C	20.3	C
			WB Thru/Rt	28.5	C	42.5	D
			Overall	21.3	C	29.8	C
11	N Atlas Rd and Hanley Ave	Signal	NB Left	7.6	A	5.5	A
			NB Thru	9.5	A	10.9	B
			NB Right	6.3	A	5.5	A
			SB Left	6.6	A	6.3	A
			SB Thru	11.2	B	8.7	A
			SB Right	0.0	A	6.8	A
			EB Left	22.9	C	24.4	C
			EB Thru	24.0	C	25.5	C
			EB Right	27.7	C	26.4	C
			WB Left	32.7	C	30.1	C
			WB Thru	19.8	B	22.2	C
			WB Right	20.3	C	23.0	C
Overall	15.2	B	12.8	B			
12	N Atlas Rd and W Nez Perce Rd	TWSC	NB App	8.3	A	8.2	A
			EB App	13.5	B	17.2	C
13	N Atlas Rd and W Appaloosa Rd	TWSC	NB App	8.3	A	8.2	A
			EB App	12.6	B	14.3	B

14	N Atlas Rd and W Seltice Way	Round about	WB app	4.6/0.160	A	10.2/0.535	B
			SB app	8.7/0.476	A	13.3/0.540	B
			EB App	8.2/0.385	A	6.5/0.333	A

The applicant provided the land use planning concept that was developed in April of 2020. The land use concept was divided into smaller traffic flow areas (Transportation Analysis Zones TAZs) to allow for routing within planned utility and transportation corridors. The land use information was provided to the KMPO and was calibrated to the local KMPO 2045 traffic model for consistent application of the traffic flow value across the planning area. Traffic from the proposed development plan was modeled by the KMPO and provided to CivTech for further evaluation and documentation.

The KMPO also provided planning level analysis results to CivTech in the form of roadway and intersection volume-to-capacity ratios. These analysis results are then used to determine if adequate facilities are planned to accommodate the future development and accounts for potential surrounding developments that could occur over the next 23 years.

The results provided to CivTech from the KMPO indicate that the new collector system proposed as part of the development will help facilitate and distribute local and regional traffic, allowing for alternate choices for drivers. The KMPO modeling indicates that the proposed facilities internal to the site are adequately sized to accommodate the anticipated traffic generated by the Coeur Terre development and that the surrounding roadway facilities are planned to accommodate the proposed growth within the region, consistent with the City's Comprehensive Plan as well as the KMPO Metropolitan Transportation Plan. The modeling indicates that the level of congestion is commensurate with the level of development in the region and that adequate facilities are provided to accommodate the future regional growth.

The City's engineering staff and KMPO staff have been involved with the scoping, model set-up, provision of data, and feedback on the results of the plan. Their suggestions as to scope of the evaluation have been incorporated into the analysis and they have reviewed the modeling results and the final plan. It is also important to note that the City's Comprehensive Plan update included traffic analysis for the annexation area. The Comprehensive Plan analysis was performed by Kittelson, who evaluated various place types and growth scenarios to determine potential impacts the transportation network. Specifically, Kittelson reviewed the resulting travel demand model outputs and analysis and provided qualitative assessment of scenarios including how well the scenario was supported by current transportation plans and where there may be deficiencies and potential actions to address deficiencies. The consultant was to perform spot checks on model outputs at up to fifteen locations to assess model performance through the City's Comprehensive Plan update process.

The exact timing of these improvements will be based on project phasing in (time, size, and nature of land use) as well as the development of other external projects that are extraterritorial to the development of this landholding. Given the twenty to thirty year anticipated project build-out, it is important to recognize this and to further acknowledge that the nature of the projects that the City desires may also change during that time. Given that, it is appropriate that at the time of each

subdivision or site planning phase that the applicant models traffic impacts and pays appropriate and proportionate impacts fees toward the identified improvements. Dedications and easements will be provided as appropriate with development.

Wastewater

- ☑ All aspects of the community's impact to the City's wastewater (sewer) system have been extensively studied by an outside engineering firm, JUB. Impact fees will be assessed to the developer (in advance of city need), based on specific/detailed thresholds stipulated in the engineering report.

A Technical Memorandum Wastewater Collection Study was developed by JUB Engineers, the City's Wastewater Engineer, in a coordinated effort between the applicant and the City of Coeur d'Alene. JUB utilized the City's 2013 Hydraulic Computer Model and GIS to provide baseline information to evaluate options.

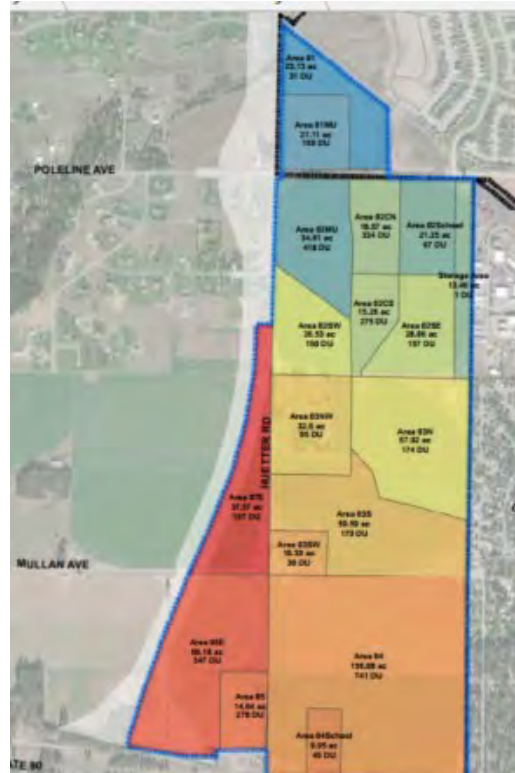
The goals in the study were to:

- Utilize the City's Wastewater Model to evaluate the collection system capacity and define the limiting reaches (bottlenecks) that will be created by the proposed changes in the Study Area
- Provide alternative solutions for sewer service to the Study Area
- Incorporate the most current development planning within the Study Area
- Maintain City-defined service levels in the affected downstream wastewater reaches

The study area for the analysis is based on property located to the east side of Huetter Road and also the future Huetter bypass.

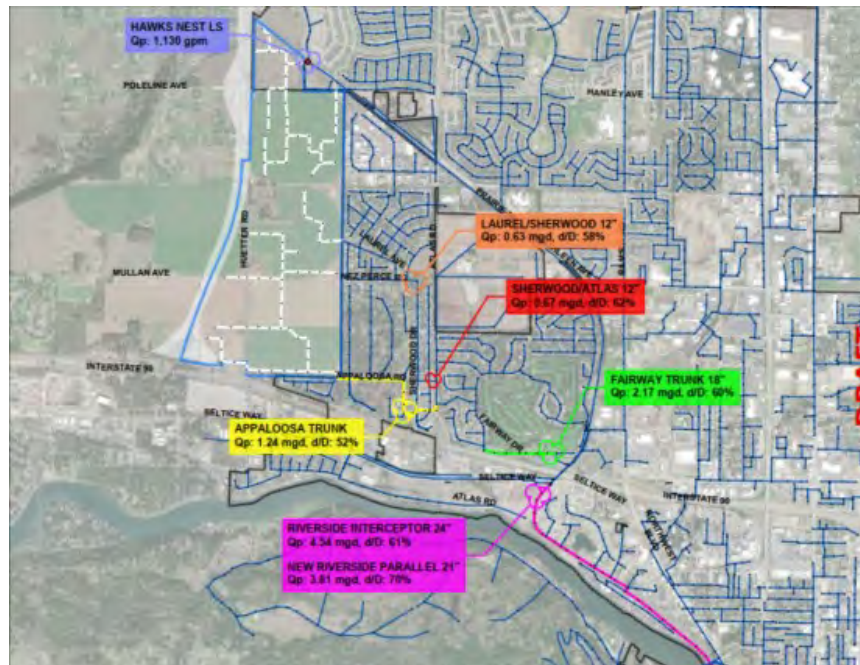
The applicant provided detailed topographic data produced by land survey to augment the more generalized topographic information utilized in the 2013 master Plan. This topographic data, when partnered with the Master Plan Pipe Design parameters for upsizing, allowed the for evaluation of specific pipe segments in relation to future planned demand. The pipe and manhole GIS data from the 2013 model were then verified to this topographic data. Where discrepancies were found, field measurements were obtained to further verify model data, including the measurement of existing rims to invert depths.

Once the model was updated and field verified, it was then populated with proposed flow volumes to determine system impacts. The applicant provided the land use planning concept that was developed in April of 2020. The land use concept was divided into smaller flow areas to allow for routing within planned utility and transportation corridors. The flow value remained consistent with the 2013 flow value of 155 gallons per day. The anticipated flow from non-residential land uses such as schools and commercial areas was converted into Equivalent Dwellings Units for consistent application of the flow value across all planning areas. Piping within the Study Area was routed through the proposed development plan, taking into consideration the existing ground contours and planned rights of way, for the most likely gravity sewer path. Check lines were extended to the edges of each planning area to determine the approximate boundaries of gravity sewer service and if any areas were not reachable by gravity lines.



Wastewater Collection Study
Flow Generation Areas

The proposed system flow routing is as follows:



Wastewater Collection Study Infrastructure Improvements

To accomplish this flow routing the following improvements will be needed:

Project Name	Description	Consideration
Hawks Nest Lift Station	Pump upgrades, on-site piping, and electrical	12" force main transitions to 10" and appears sufficient for increased flow, expansion will involve a direct bore into the existing wet well--or if upstream manholes are utilized, this could require force main pipe upsizing
Laurel/Sherwood and Sherwood/Atlas Trunk Mains	Connect to existing 8" gravity in Laurel Avenue	A 12' pipe segment immediately upstream of connection to Atlas pipe should be monitored to determine if pipe upsizing is merited.
Appaloosa Trunk Main	Upsize existing 12" gravity in Appaloosa to Atlas Road to a 15" with slope modifications in Appaloosa Road, Lodgepole Road, and Peartree Road	Create a more uniform slope
Fairview Trunk Main	Slope modifications to existing 18" gravity from Masters Drive to Appleway Avenue	Create a more uniform slope
Riverside Interceptor	Revise flow from the Hawks Nest Liftstation force main and Fairview Trunk Main to a new 21" gravity in same alignment.	

The exact timing of these improvements will be based on project phasing in (time, size, and nature of land use) as well as the development of other external projects that are extraterritorial to the development of this landholding. Given the twenty to thirty year anticipated project build-out, it is important to recognize this and to further acknowledge that the nature of the projects that the City desires may also change during that time. The applicant acknowledges that in contrast to transportation impacts, some of this impact will be attributable only to this project and that the cost of funding these improvements or a proportionate share will likely lie with the applicant, however, it is appropriate that at the time of each subdivision or site planning phase that the applicant models sewer impacts and either constructs necessary infrastructure or in the case that there are other benefiting parties, pays appropriate fees toward improvements needed. Dedications and easements will be provided as appropriate with development.

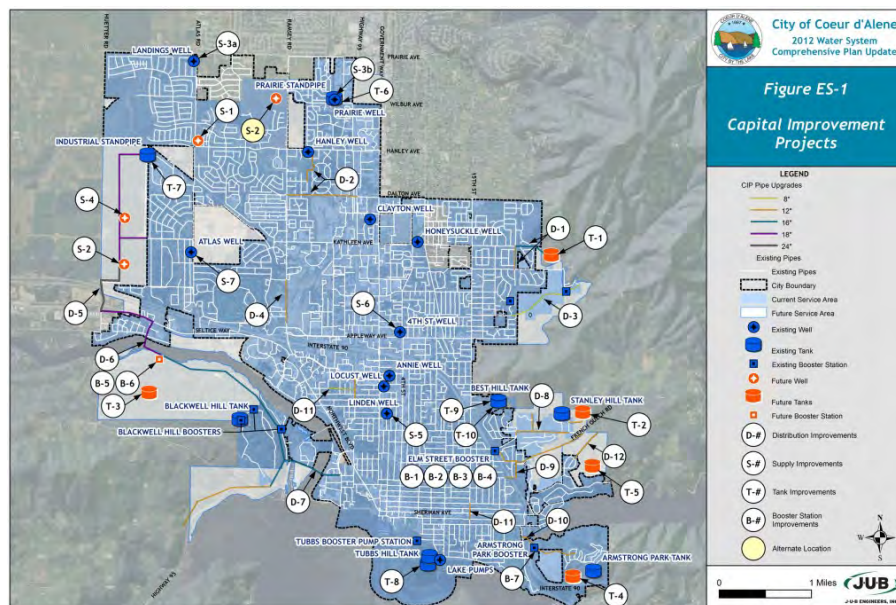
Potable Water, Fireflow, and Irrigation

- ☑ The City has confirmed that there are ample water resources/systems available to serve the entire development.
- ☑ The Applicant is gifting land to the City for a new well site that benefits the overall water system.

The applicant has been working with the City Water Department to discuss the various water needs of the annexation area. Discussions to date have indicated that there is adequate potable water capacity to supply potable water and fireflow for the project through build-out. As such, the applicant has not engaged a consultant for a specialized water study. The Water Department has also requested dedication of property for a future well site. Dedication of one half an acre of land for this is proposed with this annexation in the location depicted on the east side of the master plan.

The City's 2012 Water System Comprehensive Plan update addresses the annexation area, depicting the construction of main lines to serve this area. There are many more intricacies to the system plan, but for this area a new well will be installed that will pump water to the elevated water tower (Industrial Standpipe) at the corner of Hanley and Carrington, with the applicant dedicating the approximately the one half acre of land through deed to the City. The Industrial Standpipe is a 160' tall steel structure constructed in 1999 with a storage capacity of two million gallons.. The Industrial Standpipe supplies water to the Upper Zone, which can also supply water to the General Pressure Zone via pressure-reducing valves.

The 2012 Water System Comprehensive Master Plan indicated that the City has made policy decisions to provide reasonable minimum flows and pressures for fire protection. If there are any exceptionally high fire flow demands that exceed Fire Flow Targets, this owner will be required to provide onsite fire protection through storage, pumping and sprinklers to meet the demand. Fireflow needs and responsibilities will be determined at the time of build-out of individual phases of the project.



City of Coeur d'Alene 2012 Water System Plan Capital Improvement Plan

As to irrigation, the applicant has adjudicated water rights under water right #952174. This water right allows for 3 cfs with no volume limitation with 1.68 820 acre feet per annum from March 15- November 15 of each year. The applicant is interested in utilizing this for irrigation and water features throughout the project. The applicant also has additional water rights in the area that can be utilized for irrigation and has the option to apply for new water rights if needed.

Attachment 8 depicts proposed infrastructure and utilities.

Services

Schools:

- The Applicant reached out to the School District at the beginning of planning efforts to work through their preferences on school site locations and layouts.
- The Applicant and School District have already signed a Memorandum of Understanding (MOU) regarding a middle school and elementary school site.

The applicant has met with the Coeur d'Alene School District #271 superintendents and their administrative staff since early 2020 to develop a plan for public schools. The master plan depicts a twenty acre middle school site located in the northeastern corner of the site and a ten acre elementary school site in the south central portion of the site. The District administration has determined these are preferred locations and sizes within the context of the surrounding transportation, trail, and park infrastructure as well as within the context of the surrounding land uses. For instance the District expressed a preference for the commercial areas of the site to be located some distance from the Middle School site and for multi-family and higher density single family to be located in closer proximity to each school site. The District #271 Board and applicant have entered into a Memorandum of Understanding related to the schools sites, the details of which are in Attachment 9. A summary of the MOU is that the middle school site will be procured through land purchase and the elementary school site will be gifted by the applicant to the Coeur d'Alene School District.

Fire and Police:

- Public safety needs (from Fire/Police chiefs) have been integrated into the Master Plan.

The applicant has met with the City Police and Fire Departments. Various design suggestions by our first responders such as traffic calming features on the north/south arterial systems; safe road crossings through narrowed intersections; providing various points of vehicle access to the trails systems on the eastern side of the project; low level lighting of parks and trail systems; and similar items related to crime prevention through environmental design were discussed. The first responders also expressed the importance of careful management of multi-family housing through strong HOA associations and participation with Crime prevention Block Watch Programs. These concepts have been incorporated into the Master Plan by breaking up block systems, adding roundabouts to the north south boulevard road system, and widening the eastern path system. Care will also be taken at the time of amenity construction to develop carefully lit spaces and to engage in space planning for safety. Police and Fire also discussed the need for carefully designated parent drop-off and bussing

areas which can be separated from standard traffic, which is a consideration for the City and the Schools at the time of building permit review and approval.

There were also discussions about facility needs--with both agencies determining that their facility needs will be met through existing facilities where dispatch to the annexation area and other areas of the city can be accomplished more effectively. If local space for police officers is needed at some point in time, a space that could be developed in areas of the project, such as within the retail center area.

Coeur d'Alene Airport:

The Coeur d'Alene Airport Has Been Considered In Development Of This Plan

The Coeur d'Alene Airport Master Plan indicates that this area is outside of the Land Use Overlay Zones related to safety and general traffic' however there are current and future noise decibel rating overlays on a small portion of the northeast portion of this property.

Phasing Plans and Timing of Project

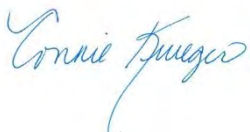
The Coeur Terre Master Plan is a multi-phase project, that will be developed over time, in a similar manner as Coeur d'Alene Place (which has been underway over 20 years).

It is anticipated that development will begin on the north side of the property, likely beginning near the new Middle School site, though there are other areas within the eastern and southern portions of the annexation area that could also be developed readily given the availability of existing infrastructure.

Because of the large land area and lengthy build-out, the property is anticipated to be developed in general accordance with the attached master plan; with the actual development to be through individual Planned Unit Developments (PUDs), standard subdivisions, and site plans. The larger PUDs and subdivisions are anticipated to be phased, with yearly or bi-yearly sub-phases, all of which will be subject to approval by the City. All unit and square footage types and counts will continue to be calibrated with market needs as individual phases of the project develop.

The applicant and City will utilize the master plan for land use and infrastructure planning. To ensure the timeliness and applicability of off-site infrastructure construction, studies will be conducted with each major phase to investigate the unique impacts of that specific phase of development as it relates to transportation level of service and other infrastructure concurrency needs.

Respectfully Submitted,



Connie Krueger, AICP
Principal Planner

Plans, Studies, and Attachments

Plans Utilized in Master Planning:

City of Coeur d'Alene:

- 2021 Parks Master Plan
- Wastewater System Master Plan
- 2012 Water System Comprehensive Plan Update
- 2017 Trails & Bikeways Master Plan Update
- 2022-2042 Comprehensive Plan
- 2007-2017 Comprehensive Plan

Kootenai Metropolitan Planning Organization:

- 2019 Critical Arterial Corridors Within and Effecting the Coeur d'Alene Urbanized Area
- 2009 Huetter Corridor Study Final Right of Way Needs Report
- 2018 Regional Non-Motorized Transportation Plan

Specialized Studies Created:

CivTech Traffic Analysis Memorandum

JUB Engineers Technical Memorandum Wastewater Collection Study October 2021

Attachments:

1. Annexation Area Property information
2. Annexation Area Proposed Concept Master Plan
3. Annexation Area Proposed Zoning and Land Use Map
4. Annexation Area Proposed Zoning and Land Use Plan with Sample Types
5. Local Worker Housing Toolkit
6. Annexation Area Proposed Parks and Open Space Plans
7. Annexation Area Proposed Roads and Trails
8. Proposed Infrastructure and Utilities Plan
9. Coeur d'Alene School District #271 Memorandum of Understanding



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March 16, 2023

Mayor Jim Hammond
Coeur d'Alene City Council
710 E. Mullan
Coeur d'Alene, ID 83814

**Re: COEUR TERRE ANNEXATION, ZONING, AND DEVELOPMENT AGREEMENT
SUPPORTING LEGAL AUTHORITIES, STATUTES, CODES, AND CASE LAW**

Dear Mayor Hammond and City Councilmembers:

The undersigned attorney represents the Applicant/Owner, Kootenai County Land Company, LLC, ("KCLC") in the Coeur Terre Annexation, Zoning, and Development Agreement request currently pending before you.

It is important to note and explain that no specific project, subdivision, PUD, site plan, or other development application has been submitted. No specific development request or land use permit is pending at this time. The only issues are annexation, initial zoning, and a negotiated development agreement.

Previously, a number of misstatements occurred regarding the governing case law and the applicable Idaho Code authorities at issue in this Application. Some clarification is warranted. The following legal authorities may be helpful to the City Council and to the public regarding the correct governing legal standards.

I. Annexation Legal Authority and Procedures - Idaho Code 50-222.

Annexation is not a quasi-judicial process. Instead, it is a legislative process, governed by Idaho Code 50-222, which provides in relevant part as follows:

50-222. ANNEXATION BY CITIES.

(1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that **cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.**

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section.

Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

* * *

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

I.C. 50-222 (Emphasis added).

Idaho's annexation statute, I.C. 50-222, is not part of LLUPA, the Local Land Use Planning Act. I.C. 67-6501 *et. seq.* The quasi-judicial, due process procedures that govern LLUPA requests, applications, and hearings, do not apply to this Annexation Application. Instead, the City of Coeur d'Alene's annexation authority over this Annexation Application is based upon the City's general municipal powers and legislative authority set out in Chapter 2, Section 50 of Idaho Code. The City's exercise of its municipal and legislative authority is governed by the regulatory review set out in the Idaho Administrative Procedures Act (IAPA), Idaho Code 67-5201 *et seq.*

A. Coeur Terre is a Category A Annexation Under I.C. 50-222 - No Appellate Review by a Petition for Judicial Review Process Exists or Applies.

Lands falling within Category A, such as the Coeur Terre real property, may be annexed by the City of Coeur d'Alene simply by adopting a municipal ordinance as a legislative matter. Idaho Code § 50-222(5)(a). Because the annexation of the Coeur Terre property itself may be undertaken

unilaterally as a legislative matter, the City is not required to follow quasi-judicial, due process procedures under LLUPA in order to approve the requested Coeur Terre annexation. Further, because the Coeur Terre annexation is a Category A annexation, (i.e. annexation is requested by all of the private landowners within the annexation area and the lands to be annexed are within the City's Area of City Impact and comprehensive plan annexation area) it follows as a matter of law, that no appeal by a petition for judicial review of the Category A annexation is allowed.

For well over a decade, Idaho case law has held that Category A annexations, such as the pending Coeur Terre annexation, are not subject to appeal by petitions for judicial review. In *Steele v. City of Shelley (In re Annexation to the City of Shelley)*, 151 Idaho 289, 255 P.3d 1175 (2011), the Idaho Supreme Court followed the binding precedent previously set out in *Black Labrador Investing, LLC v. Kuna City Council*, 147 Idaho 92, 205 P.3d 1228 (2009) and confirmed that **there is no appeal process via a petition for judicial review of Category A annexations.**

In *Steele v. City of Shelley (In re Annexation to the City of Shelley)*, 151 Idaho 289, 255 P.3d 1175 (2011), the trial court held that having determined that the City properly categorized the annexation as a Category A annexation, the trial court properly concluded that there was no provision for any judicial review and the Idaho Supreme Court affirmed the trial court's **dismissal of the case** for lack of subject matter jurisdiction.

In *Steele v. City of Shelley (In re Annexation to the City of Shelley)*, the Petitioner-Appellant Roger Steele and several residents appealed a district court order that dismissed their claim that the City of Shelley (City) illegally annexed land in Bingham County known as "Kelley Acres." The district court found that there was no statutory authorization under any Idaho Code provision for the district court's judicial review of the annexation. On appeal of the dismissal to the Idaho Supreme Court, the Appellants argued that the Shelley City Council's annexation decision was "arbitrary and capricious" and procedurally defective. Upon review of the legal arguments and the applicable legal authority, the Idaho Supreme Court agreed with the trial court's dismissal and ruled that there was indeed, no statutory authority for any judicial review of the annexation decision issued by the City of Shelley. Furthermore, the Idaho Supreme Court found substantial evidence that supported the City of Shelley's annexation of Kelley Acres. *Steele v. City of Shelley (In re Annexation to the City of Shelley)*, 151 Idaho 289, 255 P.3d 1175 (2011).

In affirming the lower court's dismissal, the Idaho Supreme Court wrote as follows:

DISCUSSION

Idaho Code § 50-222 divides annexations into three categories: A, B, and C. Different criteria and procedural requirements for each category of annexation are set forth in I.C. §§ 50-222(3) and (5). The parties agree that Shelley classified the annexation in this case as a category A annexation. Appellants argue that Shelley's annexation is not appropriately classified as a category A annexation. Rather, they argue, the annexation is a category B annexation, and category B annexations are

expressly reviewable pursuant to I.C. § 50–222. Alternatively, Appellants argue that judicial review is available for category A annexations.

A. Judicial review is not available for category A annexations.

In order to obtain judicial review of a city's annexation and initial zoning, there must be a statute granting the right of judicial review. *Highlands Dev. Corp. v. City of Boise*, 145 Idaho 958, 960–61, 188 P.3d 900, 902–03 (2008) (citing *Gibson v. Ada Cnty. Sheriff's Dep't.*, 139 Idaho 5, 8, 72 P.3d 845, 848 (2003)). Idaho Rule of Civil Procedure 84(a)(1) provides that actions of state agencies or officers, or actions of local government, its officers or its units, are not subject to judicial review unless expressly authorized by statute. Appellants' petition for judicial review put forth the following bases of jurisdiction: (1) I.C. § 50–222 ; (2) the Local Land Use Planning Act (LLUPA); (3) the Idaho Administrative Procedure Act (IDAPA); and (4) Shelley's ordinances, rules and regulations. **As discussed below, it is well established that neither LLUPA, IDAPA, nor a city's ordinances, rules and regulations authorize judicial review of a category A annexation. Furthermore, we hold that, under a plain reading of I.C. § 50–222, judicial review is not authorized for category A annexations.**

* * *

CONCLUSION

There is no authorization of judicial review of a category A annexation under I.C. § 50–222, IDAPA, LLUPA or Shelley's ordinances, rules, and regulations. Shelley's ordinance annexing Kelley Acres pursuant to category A was based on substantial evidence, and therefore, the trial court had no jurisdiction to review the annexation. Accordingly, we affirm the district court in dismissing Appellants' petition for judicial review for lack of subject matter jurisdiction. No attorney fees to either party. Costs to Shelley.

Steele v. City of Shelley (In re Annexation to the City of Shelley), 151 Idaho 289, 255 P.3d 1175 (2011)(*Emphasis added*).

Similarly, in *Black Labrador Investing, LLC v. Kuna City Council*, 147 Idaho 92, 205 P.3d 1228 (2009), the Idaho Supreme Court dismissed the action, holding that no legal basis or statutory authority exists for judicial review of a Category A annexation. The Idaho Supreme Court wrote as follows:

ANALYSIS

In order to obtain judicial review of the City's decision regarding annexation, there must be a statute granting the right of judicial review. *Highlands Dev. Corp. v. City of Boise*, 145 Idaho 958, 960-61, 188 P.3d 900, 902-03 (2008) (citing *Gibson v. Ada County Sheriff's Dept.*, 139 Idaho 5, 8, 72 P.3d 845, 848 (2003)). **Black Labrador argues that the APA, KCC, and the Local Land Use Planning Act (LLUPA)**

authorize judicial review of the City's denial of its annexation application. We disagree.

A. There is no statutory right of judicial review of the City's denial of Black Labrador's application for annexation under the APA.

The APA generally does not authorize judicial review of decisions made by counties or cities. *Highlands*, 145 Idaho at 960, 188 P.3d at 902; *Petersen v. Franklin County*, 130 Idaho 176, 182, 938 P.2d 1214, 1220 (1997). The judicial review standards found within the APA only apply to agency actions. *Gibson*, 139 Idaho at 7, 72 P.3d at 847. Counties and city governments are considered local governing bodies rather than agencies for purposes of the [APA]. *Giltner Dairy, LLC v. Jerome County*, 145 Idaho 630, 632, 181 P.3d 1238, 1240 (2008) (quoting *Gibson*, 139 Idaho at 7, 72 P.3d at 847); see also *Idaho Historic Preservation Council, Inc. v. City Council of City of Boise*, 134 Idaho 651, 653, 8 P.3d 646, 648 (2000) (stating [t]he language of the [APA] indicates that it is intended to govern the judicial review of decisions made by state administrative agencies, and not local governing bodies. (emphasis in original)).

Historically, this Court has characterized annexation decisions as legislative decisions by cities and therefore not subject to judicial review. See *Crane Creek Country Club v. City of Boise*, 121 Idaho 485, 487, 826 P.2d 446, 448 (1990) (holding that annexation is a legislative act of city government accomplished by the enactment of an ordinance and therefore not subject to writ of prohibition); *Burt v. City of Idaho Falls*, 105 Idaho 65, 68, 665 P.2d 1075, 1078 (1983).

Idaho Rule of Civil Procedure 84(a)(1) provides, in pertinent part, that [a]ctions of state agencies or officers or actions of a local government, its officers or its units are not subject to judicial review unless expressly authorized by statute. Thus, we must determine whether there is express statutory authorization for a party to obtain judicial review of a city's decision to deny a request for annexation.

1. Idaho Code 50-222 does not authorize judicial review of the denial of Black Labrador's application for annexation.

The legislature has specifically authorized judicial review under the APA of a city councils annexation decision under certain circumstances. I.C. 50-222(6). Idaho Code 50-222 divides annexations into three categories: category A, B, and C.1 Category A annexations are defined as follows:

Category A: Annexations wherein all private landowners raise no objection to annexation, or annexations of any residential enclaved lands of less [than] one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by lands for which owner approval must be given pursuant to subsection (5)(b)(v) of this section, or which are bounded on all sides by lands within a city and by the boundary of the city's area of city impact.

* * *

If the City had annexed Black Labrador's property, the action would have been a category A annexation as Black Labrador, the only private landowner involved, did not raise an objection to annexation. **However, I.C. 50-222(6) does not authorize judicial review of a category A annexation under the APA.**

Black Labrador v. Council, 205 P.3d 1228, 147 Idaho 92 (2009)(Emphasis added)

Thus, as a matter of law, there is no appellate review for any petition for judicial review of Category A annexations. The Coeur Terre Annexation Application pending before you is a Category A annexation and therefore, as a matter of law, no appellate review for any petition for judicial review exists.

II. Zoning Legal Authority and Procedures - Idaho Code 65-6711.

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. **The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.***

*Note: the Comprehensive Plan due process procedures are set out in Idaho Code 67-6509, and were correctly referenced by Attorney Adams during his recent public hearing discussion with Councilmembers. This Coeur Terre Annexation Application is not pending before this Council on a Comp. Plan Amendment. Coeur Terre is not seeking any amendment, modification, or revision to the City of Coeur d'Alene's Comp. Plan. As a result, and because this is NOT a Comp. Plan application, the provisions of Idaho Code 67-6509 and the substantial modification terms quoted therein, do not govern, or apply.

III. Development Agreement Authority and Broad Negotiation Procedures - Idaho Code 65-6711A.

Development agreements are negotiated contracts between a land developer and a local government in which the developer makes various commitments affecting the property to be developed in exchange for and upon condition of receiving the requested land use approvals. The typical development agreement commitments usually include restrictions on use, design of the development, conservation requirements (such as water reuse), and provisions for roads and other infrastructure, open space, workforce housing and other community benefits. The conditional benefits negotiated in a development agreement allow the local government to implement a mechanism that ensures the developer's promises as made, are kept and fully performed - even if the subject real property is sold or transferred.

In 1991, the Idaho legislature ratified and codified the longstanding practice in Idaho of entering into development agreements. The specific legislation was written and requested by the Association of Idaho Cities as a way of facilitating "contract zoning", which allows governments to require commitments from developers BEFORE approving an annexation and zoning request. The governing Idaho Code language provides as follows:

67-6511A. DEVELOPMENT AGREEMENTS.

Each governing board may, by ordinance adopted or amended in accordance with the notice and hearing provisions provided under section 67-6509, Idaho Code, require or permit as a condition of rezoning that an owner or developer make a written commitment concerning the use or development of the subject parcel. The governing board shall adopt ordinance provisions governing the creation, form, recording, modification, enforcement, and termination of conditional commitments. Such commitments shall be recorded in the office of the county recorder and shall take effect upon the adoption of the amendment to the zoning ordinance.

Idaho Code 67-6511A.

Cities have very broad powers to negotiate development agreements and contracts of all types. Idaho Code 67-6511A and Idaho Code 50-301. Cities may contract and be contracted with, and may exercise all powers and perform all functions of self-government in city affairs as are not specifically prohibited by or in conflict with the general laws or the constitution of the state of Idaho. *Id.* In exercising its statutory power "to contract and be contracted with", the City, as a local government, negotiates on behalf of, and represents, the public and the citizens of Coeur d'Alene - past, current, and future. The broad powers a city has to negotiate a development agreement or contract helps protect the city from a situation in which a proposed development falls through and a less desirable replacement development is established on the newly annexed and zoned property.

IV. Coeur d'Alene City Code - Chapter 17.50.

The City has adopted its own Development Agreement Code, which specifically states as follows:

17.50.020: DEVELOPMENT AGREEMENTS:

A. As a condition for approval of an application which requires an amendment to the zoning ordinance and map, including a zone change in conjunction with annexation, a planned unit development, a special use permit for a density increase, and a conditional zoning request, the developer and/or owner may be required to enter into a development agreement with the City.

B. The Community Planning Director shall determine if a development agreement should be required considering all the circumstances and may determine,

C. If it is determined that a development agreement should be required, the Planning and Zoning Commission shall include such agreement as a condition for the approval of an application.

D. If a development agreement is included as a condition for approval of an application by the Planning and Zoning Commission, **the Community Planning Director, in consultation with the City Attorney, shall prepare the development agreement. The development agreement shall thereafter be presented to City Council for review.** After reviewing the development agreement, City Council may approve, approve with modifications, or reject it, together with any associated conditions contained in the approval of an application by the Planning and Zoning Commission. A development agreement shall not be effective until approved by City Council.

Coeur d'Alene City Code Section 17.50.0202.

It is important to note the mandatory language contained in the City of Coeur d'Alene's code. First, it is mandatory that the Community Planning Director **shall** decide whether or not a development agreement is necessary. This is not a City Council decision. This is not a Planning Commission decision. Instead, it is mandatory that the Community Planning Director undertake the initial communications, discussions, analysis, and investigation, in order to consider, investigate, evaluate, and determine whether a development agreement should be required. As part of Community Planning Director Hilary Patterson's investigation, research, analysis, and determination that a development agreement should be required of Coeur Terre, she (along with her staff and other city department personnel) are free and unrestricted in their ability to research, investigate,

communicate, and discuss all the circumstances and details of Director Patterson's review and decision making process in deciding whether or not to require a development agreement of the Applicant.

Second, after the Community Planning Director completes her review and determines that a development agreement is necessary, then pursuant to City Code, it is mandatory that the Planning and Zoning Commission **shall** include a development agreement as a condition for the approval of an application. Here again, as part of the Planning Commission process, the Community Planning Director is free to communicate, discuss, research, analyze, and investigate implementation of whatever terms and conditions the Developer and the Planning Commission may seek to add to the mandatorily required development agreement.

Third, if a development agreement is included as a condition for approval of an application by the Planning and Zoning Commission, **then the Community Planning Director, in consultation with the City Attorney, shall prepare the development agreement.** As with the previous mandatory steps, the Director and the City Attorney are free and unrestricted in their ability to communicate, investigate, seek input, respond, analyze, and negotiate the preparation of the development agreement with the Developer, Staff, Community members, government agencies, and interested parties. Because development agreements by their very nature, cover a broad variety of topics and are relatively unlimited, the Community Development Director, the City Attorney, City Staff, and the Developer are similarly free to discuss a broad variety of topics and are unrestricted in their ability to freely communicate and negotiate on all relevant contract issues and terms.

Fourth, after the development agreement has been fully vetted, negotiated, and prepared, then **the development agreement shall thereafter be presented to City Council for review.** It is fundamentally significant and important that the City Council review occurs "**thereafter**" and following the extensive period of communications negotiating the development agreed as determined by the Director, as revised and/or implemented by the Planning Commission, and as drafted/revised by the Community Development Director, the City Attorney, and the Developer. At the conclusion of the preceding three step drafting and negotiation process, "**thereafter**" the City Council may then approve, approve with modifications, or reject it, together with any associated conditions contained in the approval of an application by the Planning and Zoning Commission. If the City Council rejects, modifies, or imposes any other associated conditions, then further revisions to development agreement must be discussed, negotiated, and drafted as between the Director, the City Attorney, the Developer as parties to the proposed development agreement.

Finally, if, at some point in the future, **after** the Development Agreement has been approved, signed by the parties, and adopted, then there is a process for amending the Development Agreement, should such a revision be requested by either the Developer or the City. The Amendment process requires due process, notice and the opportunity to be heard before the City Council. However, the development agreement's initial negotiations are handled pursuant to section 17.50.20D as described above and do not necessarily trigger the due process language protections set out in City Code section 17.50.050, which governs Amendments, and states as follows:

17.50.050: AMENDMENTS:

A. A development agreement may be amended only in a writing signed by the original parties or their successors-in-interest. **An amendment requested by the Community Planning Director as provided in subsection B shall first be presented to the Planning and Zoning Commission which, following notice and a public hearing as required by section 67-6509, Idaho Code, shall make a recommendation to the City Council to approve, approve with modifications, or reject the amendment. An amendment shall not be effective until approved by the City Council following notice and a public hearing as required by section 67-6509, Idaho Code.**

B. **An amendment may be requested if the Community Planning Director determines that:**

The developer and/or owner has proposed a substantial change to the approved land uses, development standards, and/or approved site plan associated with the project.

Based upon Section 17.50.050, any future amendments to an approved and adopted development agreement will have to comply with the governing provisions for submittal by the Community Planning Director, back to the Planning Commission and City Council. Because we are not presently dealing with the amendment of an approved and adopted development agreement, and we instead continuing to negotiate and draft the original development agreement's terms and conditions, the provisions of Section 17.50.050 do not require any remand to the Planning Commission at this time.

V. The Idaho Development Impact Fee Act - Idaho Code 67-8214(2) Imposes Development Agreement Standards and Conditions that Must be "Reasonable".

The Idaho Development Impact Fee Act ("IDIFA") also authorizes certain development agreements for site-specific project improvements. However, **nothing in Idaho Code § 67-8214(2), shall restrict or diminish the power of a governmental entity to annex property into its territorial boundaries** or exclude property from its territorial boundaries upon request of a

developer or owner, or to impose reasonable conditions thereon, including the recovery of project or system improvement costs required as a result of such voluntary annexation. Idaho Code § 67-8214(7). **The only restrictions section 67-8214(7) places on conditions to a voluntary annexation are that the conditions must be “reasonable.”** This includes, but is not limited to, conditions for the recovery of project or system improvement costs.

VI. **No Subdivision, PUD, Site Plan, or any Actual Coeur Terre Development Permit is Pending or Requested at this Time.**

It is important to focus on the actual Coeur Terre Application for annexation, zoning, and development agreement approval that is currently pending before the City Council. No specific subdivision, PUD phase, or actual development approval is pending for a decision at this time. The Coeur Terre Application currently set for public hearing before the City Council is only seeking a decision on the issues of annexation, zoning, and development agreement terms. Because there is no site specific development or permit requested and pending before the City Council, the quasi-judicial, due process provisions of LLUPA do not apply. If annexation is granted, then in the future, the Owner's specific development plans and applications for development will eventually be requested and submitted to the City through the subdivision, PUD, site plan, and/or BLA processes. At that time, the statutory LLUPA due process and procedural requirements will apply to, and will govern, the future development applications and permit requests. It is anticipated that future development applications will be submitted and will occur over the next 20 to 30 years. Thus, as a matter of law, it is premature, and prejudicial, to seek to deny the requested Annexation Application based on unknown and unsubmitted future development applications.

In conclusion, this Application (for annexation, zoning, and a development agreement) fully complies with all legal and procedural requirements. No unlawful due process violations¹ have occurred. There are no legal grounds for denial or for any additional delay. The request for

¹ The *Idaho Historic Preservation Council, Inc. v. City Council*, 134 Idaho 651, 8 P.3d 646 (Idaho 2000) decision is not relevant and does not apply to the facts or the governing law regarding the pending Coeur Terre annexation application. In that case, the Boise City Council was not deciding an annexation application, a zoning map amendment, or a development agreement - which are the only issues pending regarding Coeur Terre. Nothing about that case is the same or relevant to the pending Application of Coeur Terre. Instead, in *Idaho Historic Preservation Council*, the Idaho Supreme Court found the Boise City Council violated due process standards in an appeal filed as a Petition for Judicial Review and analyzed under the historical protection commission statutes of Idaho Code 67-4603, 67-4607, and 67-4608. None of those statutory provisions apply or are involved in the pending Coeur Terre legislative annexation proceeding. The Idaho Supreme Court reviewed the Boise City Council's decision to grant a certificate of appropriateness to S-Sixteen Limited Partnership, which certificate would allow S-Sixteen a development permit to physically demolish the Foster Warehouse Building, which building stood within the South Eighth Street Historic District (the District). Because a specific permit, granting a certificate for demolition in a historic district, was issued and approved, the due process provisions for historically protected property as set out in Idaho 67-4603, 67-4607, and 67-4608; were triggered. No similar facts, law, or outcome applies to the Coeur Terre application pending before the Coeur d'Alene City Council.

City of Coeur d'Alene Mayor Jim Hammond and Councilmembers

March 16, 2023

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annexation, zoning, and development agreement has been fully vetted and vigorously negotiated pursuant to the binding and lawful provisions of Idaho Code and Coeur d'Alene City Code. An approval is legally warranted and appropriate.

It is respectfully requested that you vote to approve the Coeur Terre annexation, zoning, and development agreement.

Very truly,

/s/ Michelle R. Fulgham

MISCHELLE R. FULGHAM

Attorney at Law

Encl. Case law and statutory authorities

cc: Client

151 Idaho 289
255 P.3d 1175

In re Annexation to the CITY OF
SHELLEY.

Roger Steele, Petitioner–Appellant,
v.
City of Shelley, Respondent.

No. 36481.

Supreme Court of Idaho, Idaho Falls,
September 2010 Term.

June 2, 2011.

[255 P.3d 1176]

Dunn Law Offices, PLLC, Rigby, for appellant.
Robin D. Dunn argued.

Smith, Driscoll & Associates, PLLC, Idaho Falls,
for respondent. Buster Joe Driscoll argued.

[255 P.3d 1177]

BURDICK, Justice.

[151 Idaho 291]

Roger Steele, et al., ("Appellants") appeal the district court's dismissal of their petition for judicial review of the City of Shelley's ("Shelley") annexation of land in Bingham County commonly known as "Kelley Acres." The district court dismissed the petition, finding that there was no statutory authorization for judicial review of Shelley's category A annexation. Appellants, who are residents of the annexed land, challenge the decision on the ground that Shelley improperly classified the annexation as a category A annexation, Shelley was arbitrary and capricious in annexing the land and the annexation was procedurally defective. First, we hold that there is no statutory authorization for judicial review of a category A annexation. Second, we hold that a court may always make factual inquiry as to its jurisdictional parameters, but upon review, we find substantial evidence supports Shelley's

determination that this was a category A annexation. Therefore, we affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

On September 17, 2008, Shelley submitted an application to annex and rezone the Kelley Acres subdivision in Bingham County. Shelley's planning and zoning commission held a public hearing on October 15, 2008, to consider rezoning Kelley Acres, upon its annexation, from County Residential Agricultural to City Residential Agricultural. The commission unanimously recommended to the city council that Kelley Acres be annexed and rezoned.

On November 25, 2008, Shelley conducted a hearing to consider the annexation and rezoning. Twenty-nine property-owning residents of Kelley Acres signed and submitted a statement declaring their opposition and indicating their non-consent to the annexation. After hearing from some landowners, all of whom opposed the annexation, the city council unanimously approved the annexation and rezoning. On December 10, 2008, the city council passed an ordinance annexing and rezoning Kelley Acres, and Shelley published the ordinance in *The Shelley Pioneer* newspaper on December 17, 2008.

Appellants filed a petition for judicial review of Shelley's annexation in Bingham County district court on December 10, 2008, contending that Shelley failed to give proper notice to all concerned citizens, Shelley failed to properly categorize the annexation and the annexation was unreasonable. On January 29, 2009, Shelley filed a motion to dismiss for lack of subject matter jurisdiction, pursuant to I.R.C.P. 12(b)(1), and for failure to state a claim upon which relief can be granted, pursuant to I.R.C.P. 12(b)(6). On April 2, 2009, the district court issued an order dismissing the petition for lack of subject matter jurisdiction under I.R.C.P. 12(b)(1), finding no statutory authority for judicial review of a city's category A annexation or of a city's decision to classify an annexation as a category A annexation.

Appellants submitted a notice of appeal on April 27, 2009.

II. STANDARD OF REVIEW

As this Court wrote in *Gibson v. Ada County*:

In reviewing the district court's order granting the motion to dismiss, the standard of review is the same as that used in summary judgment. The standard of review on appeal from an order granting summary judgment is the same standard that is used by the district court in ruling on the motion. Summary judgment is appropriate only when the pleadings, depositions, affidavits and admissions on file show that there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law.

This Court has free review over the construction of a statute, which includes whether a statute provides for judicial review, and the standard of review to be applied if judicial review is available.

142 Idaho 746, 751, 133 P.3d 1211, 1216 (2006) (internal quotations and citations omitted).

[255 P.3d 1178]

[151 Idaho 292]

III. DISCUSSION

Idaho Code § 50–222¹ divides annexations into three categories: A, B, and C. Different criteria and procedural requirements for each category of annexation are set forth in I.C. §§ 50–222(3) and (5). The parties agree that Shelley classified the annexation in this case as a category A annexation. Appellants argue that Shelley's annexation is not appropriately classified as a category A annexation. Rather, they argue, the

annexation is a category B annexation, and category B annexations are expressly reviewable pursuant to I.C. § 50–222. Alternatively, Appellants argue that judicial review is available for category A annexations.

A. Judicial review is not available for category A annexations.

In order to obtain judicial review of a city's annexation and initial zoning, there must be a statute granting the right of judicial review. *Highlands Dev. Corp. v. City of Boise*, 145 Idaho 958, 960–61, 188 P.3d 900, 902–03 (2008) (citing *Gibson v. Ada Cnty. Sheriff's Dep't.*, 139 Idaho 5, 8, 72 P.3d 845, 848 (2003)). Idaho Rule of Civil Procedure 84(a)(1) provides that actions of state agencies or officers, or actions of local government, its officers or its units, are not subject to judicial review unless expressly authorized by statute. Appellants' petition for judicial review put forth the following bases of jurisdiction: (1) I.C. § 50–222 ; (2) the Local Land Use Planning Act (LLUPA); (3) the Idaho Administrative Procedure Act (IDAPA); and (4) Shelley's ordinances, rules and regulations. As discussed below, it is well established that neither LLUPA, IDAPA, nor a city's ordinances, rules and regulations authorize judicial review of a category A annexation. Furthermore, we hold that, under a plain reading of I.C. § 50–222, judicial review is not authorized for category A annexations.

1. *Neither IDAPA, LLUPA, nor a city's ordinances, rules and regulations authorize judicial review of category A annexations.*

IDAPA's judicial review standards only apply to agency actions. *Gibson*, 139 Idaho at 7, 72 P.3d at 847. "Counties and city governments are considered local governing bodies rather than agencies for purposes of the IDAPA." *Id.* "The language of the IDAPA indicates that it is intended to govern the judicial review of decisions made by state administrative agencies, and not local governing bodies." *Idaho Historic Pres. Council, Inc. v. City Council of Boise*, 134 Idaho 651, 653, 8 P.3d 646, 648 (2000). This Court has continued to follow this approach in recent cases.

See *Highlands*, 145 Idaho at 960, 188 P.3d at 902; *Giltner Dairy, LLC v. Jerome Cnty.*, 145 Idaho 630, 632, 181 P.3d 1238, 1240 (2008) ; *Black Labrador Investing, LLC v. Kuna City Council*, 147 Idaho 92, 95, 205 P.3d 1228, 1231 (2009).

In *Highlands*, this Court noted that I.C. § 67–6525 is the only statute in LLUPA mentioning annexation and does not grant a right to judicial review regarding the annexation decision. *Highlands*, 145 Idaho at 962, 188 P.3d at 904. Idaho Code § 67–6525 provides:

Prior to annexation of an unincorporated area, a city council shall request and receive a recommendation from the planning and zoning commission ... on the proposed plan and zoning ordinance changes for the unincorporated area. Each commission and the city council shall follow the notice and hearing procedures provided in section 67–6509, Idaho Code. Concurrently or immediately following the adoption of an ordinance of annexation, the city council shall amend the plan and zoning ordinance.

This Court recently considered whether LLUPA authorizes judicial review in the annexation context in *Black Labrador*. Although *Black Labrador* specifically involved

[151 Idaho 293]

[255 P.3d 1179]

a challenge to a denial of an application for annexation, the Court's analysis in that case is applicable to a city's decision to annex land as well. In *Black Labrador*, this Court concluded that LLUPA does not authorize judicial review of a denial of an application for annexation, stating:

LLUPA authorizes judicial review in cases where a person has applied for and been denied a permit that is

required or authorized under LLUPA.... LLUPA also authorizes judicial review in cases where a persons [sic] interest in real property may be adversely affected by the issuance or denial of a permit authorizing development. I.C. 67–6521. LLUPA does not mention any permit that relates to the annexation of land by a city.

Black Labrador, 147 Idaho at 98, 205 P.3d at 1234 (internal citations omitted).

Whether a county or city ordinance may authorize judicial review pursuant to the IDAPA depends on whether the county or city is empowered under the Idaho State Constitution to enact a law providing for judicial review. *Gibson*, 139 Idaho at 8, 72 P.3d at 848; *Black Labrador*, 147 Idaho at 97, 205 P.3d at 1233. Article XII, section 2 of the Idaho State Constitution provides: "Any county or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws." In both *Gibson* and *Black Labrador*, this Court held that to the extent that the ordinances at issue purported to authorize judicial review under the IDAPA, they conflicted with the laws of the state and, thus, were not a basis for judicial review.

2. *Idaho Code § 50–222 does not provide for judicial review of category A annexations.*

Idaho Code § 50–222(6) expressly grants judicial review under IDAPA for category B and category C annexations:

The decision of a city council to annex and zone lands as a category B or category C annexation shall be subject to judicial review in accordance with the procedures provided in chapter 52, title 67, Idaho Code, and pursuant to the standards set forth in section 67–5279, Idaho Code.

Idaho Code § 50–222 does not contain a similar grant for IDAPA review of a city's decision to annex and zone lands under category A. The parties agree that Shelley classified the annexation as a category A annexation. Appellants argue that the final sentence of I.C. § 50–222(6) authorizes judicial review of Shelley's annexation. The final sentence of I.C. § 50–222(6) states: "All cases in which there may arise a question of the validity of any annexation under this section shall be advanced as a matter of immediate public interest and concern, and shall be heard by the district court at the earliest practicable time."

Appellants find some support in *Black Labrador*, where this Court described the final provision of I.C. § 50–222(6) as "a broad grant of judicial review that applies to all annexations authorized by a city council." 147 Idaho at 96, 205 P.3d at 1232 (emphases added). However, this statement is dicta. The Court in *Black Labrador* found this final provision of I.C. § 50–222(6) inapplicable to the facts before it because the city denied the appellant's application for annexation, finding that the provision applies only when a city makes an affirmative decision to annex property. *Id.* Thus, *Black Labrador* did not turn on whether this final provision of I.C. § 50–222(6) authorizes judicial review.

When the first half of the final provision of I.C. § 50–222(6) is read in isolation, it seems to suggest that judicial review is broadly available for annexations. However, reading the final provision in full, it is clearly designed to ensure prompt judicial review of those annexations for which judicial review or declaratory relief is available, and the provision does not read as an actual grant of judicial review. Furthermore, when considering I.C. § 50–222(6) in its entirety, Appellants' interpretation of the final provision as granting judicial review for all categories of annexation cannot be reconciled with the first provision in I.C. § 50–222(6) which expressly grants direct judicial review for only category B and category C annexations. Under the principle that specific provisions take precedent over general provisions, the final provision

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[255 P.3d 1180]

of I.C. § 50–222(6) cannot be read to authorize judicial review. See *Mulder v. Liberty Nw. Ins. Co.*, 135 Idaho 52, 57, 14 P.3d 372, 377 (2000) ("A basic tenet of statutory construction is that the more specific statute or section addressing the issue controls over the statute that is more general.").

B. Shelley's annexation is a category A annexation.

Having determined that category A annexations are unreviewable, we now turn to the issue of whether Shelley's annexation is a category A annexation or whether, as Appellants argue, the annexation is a reviewable category B annexation. Courts have the power to inquire into their own jurisdiction. Courts are obligated to ensure their own subject matter jurisdiction and must raise the issue *sua sponte* if necessary. *Highlands*, 145 Idaho at 960, 188 P.3d at 902.² Because this Court is sitting in an appellate capacity, as was the district court, we are bound to consider only the record and cannot find facts during our inquiry into whether we have jurisdiction to review Shelley's annexation.

Idaho Code § 50–222(3) states, "annexations shall be classified and processed according to the standards for each respective category set forth herein," and goes on to set forth legal criteria for category A, B and C annexations. Idaho Code § 50–222(3)(a)(i) governs category A annexations and reads as follows: "All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation." For all categories of annexations, Idaho Code § 50–222(5) sets forth: "The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of

annexation." For category A annexations, I.C. § 50–222(5) provides:

Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

I.C. § 50–222(5)(a).

Appellants argue that Shelley's annexation does not meet the consent and contiguity requirements for category A annexations. The City claimed that its annexation in this case was a Category A annexation. The district court held that such claim must be accepted at face value, and therefore there was no right to judicial review for challenges to a city's choice of annexation category. The district court erred.

The district court had inherent power to pass on its own jurisdiction. *Skogerson v. McConnell*, 104 Idaho 863, 864 n. 1, 664 P.2d 770, 771 n. 1 (1983). Once jurisdiction has been called into question, the party asserting jurisdiction has the burden of proving jurisdictional facts. *Schneider v. Sverdsten Logging Co.*, 104 Idaho 210, 214 n. 2, 657 P.2d 1078, 1082 n. 2 (1983) (citing *Taylor v. Portland Paramount Corp.*, 383 F.2d 634, 639 (9th Cir.1967)).

At the public hearing held on October 15, 2008, the City presented its proposal and facts supporting the annexation. The city produced a surveyed map showing the Kelly subdivision was contiguous to existing city

[151 Idaho 295]

[255 P.3d 1181]

property and established that the Kelley subdivision had been using Shelley's water system for many years thereby impliedly consenting to annexation, thereby making a prima facie showing that the annexation was a category A. Those facts then became recitals in the ordinance annexing Kelley Acres.

It then fell to Appellants to put forth sufficient admissible evidence to show that the annexation did not meet the requirements of a category A annexation. Appellants' petition for review and accompanying briefs assert various ways in which the annexation fails to comply with the statutory requirements for a category A annexation. However, mere allegations cannot be considered. *Id.* The parties objecting must present competent evidence at the annexation hearing to rebut the city's classification. During the city council's annexation hearing, some Kelley Acres residents testified to their non-consent and submitted a petition containing the names of residents who expressed a revocation of any implied consent by using the city water system. Implied consent based upon the use of a water system certainly cannot be revoked by a petition. Appellants failed to place any competent evidence in the record at the city council hearing to establish that the requirements for a category A annexation were not met. Therefore, the city's classification of the annexation was supported by jurisdictional facts. There was no jurisdiction for the trial court to review the annexation.

C. Attorney fees are not awarded.

Both parties seek attorney fees under I.C. § 12–117(1), which provides:

Unless otherwise provided by statute, in any administrative proceeding or civil judicial proceeding involving as adverse parties a state agency or political subdivision and a person, the state agency or political subdivision or the court, as the case may be, shall

award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses, if it finds that the nonprevailing party acted without a reasonable basis in fact or law.

We held in *Smith v. Washington County Idaho* that attorney fees pursuant to I.C. § 12–117(1) are not available on a petition for judicial review, as a petition for judicial review is neither an "administrative proceeding" nor a "civil judicial proceeding." 150 Idaho 388, 247 P.3d 615, 617–19 (2010). Thus, no attorney fees are awarded in this case.

IV. CONCLUSION

There is no authorization of judicial review of a category A annexation under I.C. § 50–222, IDAPA, LLUPA or Shelley's ordinances, rules, and regulations. Shelley's ordinance annexing Kelley Acres pursuant to category A was based on substantial evidence, and therefore, the trial court had no jurisdiction to review the annexation. Accordingly, we affirm the district court in dismissing Appellants' petition for judicial review for lack of subject matter jurisdiction. No attorney fees to either party. Costs to Shelley.

Chief Justice EISMANN and Justices J. JONES, W. JONES and HORTON concur.

Notes:

¹ Idaho Code § 50–222 was amended in 2009. 2009 Idaho Session Laws, ch. 53, § 1, pp. 145–50. The relevant version of I.C. § 50–222 used in this opinion is the version existing prior to the 2009 amendments, as the City's annexation took place from September through December 2008. The 2009 amendments made changes only to I.C. § 50–222(4). The 2009 amendment is noted in footnote 2 of this opinion as far as it relates to our one reference to I.C. § 50–222(4) in this opinion.

² We note that Shelley raised the issue of subject matter jurisdiction before the district court by

filing a motion pursuant to I.R.C.P. 12(b)(1) and (6). On a petition for judicial review, the district court is sitting in an appellate capacity. We point out that I.R.C.P. 84(o) is the only provision for motions to a district court sitting in an appellate capacity. Any other procedural rule not specified or covered by I.R.C.P. 84 shall be in accordance with the appropriate rule of the Idaho Appellate Rules. I.R.C.P. 84(r). Where a court is sitting in an appellate capacity, a challenge to subject matter jurisdiction should be presented during the appellate argument before the judge based upon the record below. Even though Shelley failed to use the appropriate method to challenge subject matter jurisdiction, we will consider the jurisdictional issue, since courts have a duty to ensure their own subject matter jurisdiction.

205 P.3d 1228

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BLACK LABRADOR INVESTING, LLC,
Petitioner-Respondent,

v.

KUNA CITY COUNCIL and the City of
Kuna, Idaho, a political subdivision of the
State of Idaho, Respondents-Appellants.

No. 34513.

Supreme Court of Idaho, Boise, June 2008

Term.

April 2, 2009.

[205 P.3d 1229]

Grove Legal Services, Nampa, for appellants.
Randall Grove argued.

Real Estate Law Group, Eagle, for
respondent. Eric Clark argued.

[205 P.3d 1230]

HORTON, Justice.

This appeal arises from a petition for judicial review from a city council's denial of an application for annexation. The Kuna City Council (the Council) denied an application for annexation by Respondent Black Labrador Investing, LLC (Black Labrador). Appellant City of Kuna (the City) appeals the district court's decision reversing and remanding the case to the Council for further proceedings. We hold that no statute authorizes judicial review in the instant case. Accordingly, we vacate the district court's order and remand to the district court for dismissal of the petition for judicial review.

I. FACTUAL AND PROCEDURAL BACKGROUND

Black Labrador owns a 1.79-acre lot adjacent to the City in Ada County. Black Labrador initially planned to subdivide the property into two separate .89-acre lots and build a single-family home on each lot. Black Labrador sought permission from the City to annex and subdivide the property. Although the property had access to

City water service, sewer lines were located about a mile away. At the time of Black Labrador's application, the parties anticipated that City sewer service would be available to the property in about two years.

In lieu of connecting the two homes to the City's sewer service, Black Labrador planned to use an existing septic system and install an additional nitrate reducing septic system. Black Labrador also sought to enter into a development agreement with the City whereby Black Labrador would fit each home with "dry lines" to connect to the City sewer system once that service was available. The homeowners would then abandon the septic systems after connecting to City sewer.

The City Planning and Zoning Commission found that the annexation and lot split complied with the City Code, the City Comprehensive Plan, and I.C. § 50-222. On October 24, 2006, after a public hearing, the Planning and Zoning Commission recommended that the Council approve the annexation. On November 22, 2006, Black Labrador amended the development proposal to subdivide and develop the property into three lots of approximately .65 acre each. Black Labrador planned to install an additional nitrate reducing septic system to accommodate the third home. Black Labrador did not submit the amended development plan to the Planning and Zoning Commission for comment and recommendation.

The Council scheduled Black Labrador's annexation application for consideration on November 21, 2006. The Planning and Zoning Commission, however, asked that the Council table the matter until the December 5, 2006 meeting. During the November 21, 2006 meeting, Diane Sanders, the Planning and Zoning Director, and the Council discussed two proposed annexations that were similar to Black Labrador's application. Sanders indicated that the owners of properties near Meadow View and Ash streets, where City water service was available but City sewer service was not, had asked to install septic tanks on half-acre lots that would subsequently be annexed into the City. The property owners would

install "dry lines" in the subdivisions for use when sewer service became available. Sanders asked the Council for its position regarding septic tanks on property the City would subsequently annex. The Council indicated that it did not want new developments installing septic tanks for use within City limits.

On December 1, 2006, the Central District Health Department (Health Department) sent the Council an opinion letter. The Health Department indicated that it was possible to put a septic system on a half-acre lot without a water well. Additionally, the Health Department indicated that a subdivision near Black Labrador's property conducted a nutrient pathogen study a number of years ago under criteria that was more lenient than the standards in effect at the time of the instant controversy. That study resulted in a requirement for a minimum lot size of one acre due to the level of nitrates in the septic effluent. The Health District does not require a nutrient pathogen study unless a subdivision will discharge more than 600 gallons of effluent per day. Black Labrador's subdivision would not meet this threshold.

[205 P.3d 1231]

At the December 5, 2006 Council meeting, the Council indicated that it was concerned with the level of nitrates and phosphates Black Labrador's septic tanks would discharge. Steve Rule, a distributor of the AdvanTex septic systems Black Labrador hoped to install, addressed the Council at the meeting. Rule indicated that the AdvanTex septic systems could reduce nitrate discharge to acceptable levels. However, Rule indicated the system could not reduce the level of phosphates discharged from the septic systems.

The Council also indicated that the City was attempting to build a \$30 million wastewater treatment facility in order to reduce its wastewater nitrate and phosphate footprints. The Council was wary of approving Black Labrador's application while also asking its citizens connected to the sewer system to pay for a treatment plant that would reduce waste levels

below that of the AdvanTex septic systems. The Council was also wary of the fact that Black Labrador would use an existing septic tank on the property that would not reduce nitrates or phosphates. Based on this discussion, the Council voted unanimously to deny Black Labrador's proposed annexation.

The Council subsequently released its findings of fact and conclusions of law denying the application. The Council found that annexation without connection to the City sewer system was not in the public interest pursuant to Kuna City Code (KCC) 6-4-2-H. On December 7, 2006, Black Labrador filed a petition for judicial review asking the district court to set aside the decision of the Council and issue an order approving the annexation and lot split. On July 10, 2007, the district court issued its written decision reversing the Council's denial and remanding the case to the Council for further consideration. The district court ordered the Council to provide Black Labrador with a new hearing on its application, reconsider the application, and issue written findings of fact and conclusions of law based upon the record. The City timely appealed to this Court.

II. STANDARD OF REVIEW

In an appeal from a district court's decision where the district court was acting in its appellate capacity under the Idaho Administrative Procedure Act (APA), this Court reviews the agency record independently of the district court's decision. *Castaneda v. Brighton Corp.*, 130 Idaho 923, 926, 950 P.2d 1262, 1265 (1998). This Court will defer to the agency's findings of fact unless those findings are clearly erroneous. *Id.* When supported by evidence in the record, the agency's factual determinations are binding on the reviewing court even when there is conflicting evidence before the agency. *Id.*

III. ANALYSIS

In order to obtain judicial review of the City's decision regarding annexation, there must be a statute granting the right of judicial review.

Highlands Dev. Corp. v. City of Boise, 145 Idaho 958, 960-61, 188 P.3d 900, 902-03 (2008) (citing *Gibson v. Ada County Sheriff's Dept.*, 139 Idaho 5, 8, 72 P.3d 845, 848 (2003)). Black Labrador argues that the APA, KCC, and the Local Land Use Planning Act (LLUPA) authorize judicial review of the City's denial of its annexation application. We disagree.

A. There is no statutory right of judicial review of the City's denial of Black Labrador's application for annexation under the APA.

The APA generally does not authorize judicial review of decisions made by counties or cities. *Highlands*, 145 Idaho at 960, 188 P.3d at 902; *Petersen v. Franklin County*, 130 Idaho 176, 182, 938 P.2d 1214, 1220 (1997). The judicial review standards found within the APA only apply to agency actions. *Gibson*, 139 Idaho at 7, 72 P.3d at 847. Counties and city governments are considered local governing bodies rather than agencies for purposes of the [APA]. *Giltner Dairy, LLC v. Jerome County*, 145 Idaho 630, 632, 181 P.3d 1238, 1240 (2008) (quoting *Gibson*, 139 Idaho at 7, 72 P.3d at 847); see also *Idaho Historic Preservation Council, Inc. v. City Council of City of Boise*, 134 Idaho 651, 653, 8 P.3d 646, 648 (2000) (stating [t]he language of the [APA] indicates that it is intended to govern the judicial review of

[205 P.3d 1232]

decisions made by *state* administrative agencies, and not local governing bodies. (emphasis in original)).

Historically, this Court has characterized annexation decisions as legislative decisions by cities and therefore not subject to judicial review. See *Crane Creek Country Club v. City of Boise*, 121 Idaho 485, 487, 826 P.2d 446, 448 (1990) (holding that annexation is a legislative act of city government accomplished by the enactment of an ordinance and therefore not subject to writ of prohibition); *Burt v. City of Idaho Falls*, 105 Idaho 65, 68, 665 P.2d 1075, 1078 (1983).

Idaho Rule of Civil Procedure 84(a)(1) provides, in pertinent part, that [a]ctions of state agencies or officers or actions of a local government, its officers or its units are not subject to judicial review unless expressly authorized by statute. Thus, we must determine whether there is express statutory authorization for a party to obtain judicial review of a city's decision to deny a request for annexation.

1. *Idaho Code 50-222 does not authorize judicial review of the denial of Black Labrador's application for annexation.*

The legislature has specifically authorized judicial review under the APA of a city councils annexation decision under certain circumstances. I.C. 50-222(6). Idaho Code 50-222 divides annexations into three categories: category A, B, and C.¹ Category A annexations are defined as follows:

Category A: *Annexations wherein all private landowners raise no objection to annexation, or annexations of any residential enclaved lands of less [than] one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by lands for which owner approval must be given pursuant to subsection (5)(b)(v) of this section, or which are bounded on all sides by lands within a city and by the boundary of the city's area of city impact.*

I.C. 50-222(3)(a) (emphasis added).² Category B annexations involve lands that contain less than one hundred separate private ownerships where not all landowners consent to annexation, or lands that contain more than one hundred separate private ownerships where landowners owning more than fifty percent of the area of the lands consent to annexation, or lands that are subject to a development moratorium or a water or sewer connection restriction imposed by state or local health or environmental agencies. I.C. 50-222(3)(b). Category C annexations involve lands that contain more than one hundred separate private ownerships where landowners

owning more than fifty percent of the area of the lands have not consented to annexation. I.C. 50-222(3)(c).

Idaho Code 50-222(6) authorizes judicial review under the APA of a city council's decision to annex lands in category B and C annexations only. Idaho Code 50-222(6) provides in relevant part:

The decision of a city council to annex and zone lands as a category B or category C annexation shall be subject to judicial review in accordance with the procedures provided in chapter 52, title 67, Idaho Code, and pursuant to the standards set forth in section 67-5279, Idaho Code.

I.C. 50-222(6) (emphasis added). Idaho Code 50-222(6) also contains a broad grant of judicial review that applies to all annexations authorized by a city council: All cases in which there may arise a question of the validity of any annexation under this section shall be advanced as a matter of immediate public interest and concern, and shall be heard by the district court at the earliest practicable time. I.C. 50-222(6).

[205 P.3d 1233]

If the City had annexed Black Labrador's property, the action would have been a category A annexation as Black Labrador, the only private landowner involved, did not raise an objection to annexation. However, I.C. 50-222(6) does not authorize judicial review of a category A annexation under the APA. The structure of I.C. 50-222(6) clearly reflects that the right of judicial review is dependent upon an affirmative decision to annex property; the legislature did not provide for judicial review when a city has decided not to annex property.

Based upon its interpretation of the legislative intent behind I.C. 50-222, Black Labrador argues that I.C. 50-222 permits judicial review in cases involving a landowner that has initiated an annexation application as opposed to a city. We do not find it necessary to address

Black Labrador's interpretation of the legislative intent behind I.C. 50-222. Our inquiry begins and ends with the plain language of the statute. When this Court interprets a statute, it begins with the literal words of the statute, giving those words their plain, usual, and ordinary meaning. *McLean v. Maverik Country Stores, Inc.*, 142 Idaho 810, 813, 135 P.3d 756, 759 (2006). Additionally, this court must construe the statute as a whole. *Id.* The plain language of I.C. 50-222 does not distinguish between annexations initiated by a city or a landowner. Therefore, it is improper for this Court to read this distinction into the statute.

Black Labrador also argues that the last sentence of I.C. 50-222(6) authorizes judicial review of an annexation decision when there is a dispute concerning the annexation. That sentence provides: All cases in which there may arise a question of the validity of any annexation under this section shall be advanced as a matter of immediate public interest and concern, and shall be heard by the district court at the earliest practicable time. I.C. 50-222(6). However, judicial review under that sentence requires an affirmative decision by a city to annex property. The instant case does not involve an affirmative decision by the City to annex property. Therefore, we conclude that I.C. 50-222(6) does not expressly authorize judicial review in the instant case.

2. The Kuna City Code does not create a right of judicial review of Black Labrador's application for annexation.

Black Labrador argues that KCC 5-1A-7 authorizes judicial review in accordance with I.R.C.P. 84(a)(1). Kuna City Code 5-1A-7, subsection E provides in relevant part: The council shall provide the applicant written findings of fact and conclusions of law in accord with Idaho Code sections 67-6519 and 67-6535 stating the reasons for the decision. Idaho Code 67-6519, in turn, provides in relevant part: An applicant denied a permit or aggrieved by a decision may within twenty-eight (28) days after all remedies have been exhausted under local

ordinance seek judicial review under the procedures provided by [the APA].

Black Labrador's implicit assertion that a city ordinance can authorize judicial review is incorrect. This Court decided whether a county ordinance may authorize judicial review pursuant to the APA in *Gibson v. Ada County Sheriff's Department*. In *Gibson*, we determined the answer to this question depended on whether the county was empowered to enact a law providing for judicial review under the Idaho State Constitution. 139 Idaho at 8, 72 P.3d at 848.

We determined that a county's power to enact such a law was outside the scope of local police regulations delegated to counties under Article XII, 2 of the Idaho State Constitution. Consequently, the county ordinance providing judicial review under the APA conflicted with the general laws of this State. *Id.* Article XII, 2 of the Idaho State Constitution provides: Any county or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws. Because Article XII, 2 applies to both cities and counties, our reasoning in *Gibson* applies to the instant case. Consequently, to the extent that the Kuna City Code may be interpreted as purporting to authorize judicial review under the APA, it conflicts with the general laws of this State, as did the county ordinance in *Gibson*. Accordingly, we conclude that KCC 5-1A-7 is not a basis for

[205 P.3d 1234]

judicial review of the City's annexation decision.

3. LLUPA does not authorize judicial review of the City's denial of Black Labrador's application for annexation.

Black Labrador argues that the City's decision denying annexation did not satisfy the requirements of the Local Land Use Planning Act, I.C. 67-6501 *et seq.* Specifically, Black Labrador asserts that the City's decision was inconsistent

with the requirements of I.C. 67-6535, which provides in relevant part:

(a) The approval or denial of any application provided for in this chapter shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the city or county.

(b) The approval or denial of any application provided for in this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

Black Labrador argues that its application for annexation complied with the City's comprehensive plan, and all zoning ordinances, and therefore it was an abuse of discretion for the Council to deny the application. Additionally, Black Labrador argues that the City did not provide a reasoned statement explaining the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinances and statutory provisions, pertinent constitutional principles, and facts contained in the record.

Before we can address the merits of Black Labrador's claim, we must first consider whether LLUPA authorizes judicial review in this case. LLUPA authorizes judicial review in cases where a person has applied for and been denied a permit that is required or authorized under LLUPA. *Highlands*, 145 Idaho at 961, 188 P.3d at 903; I.C. 67-6519. LLUPA specifically mentions special use permits, I.C. 67-6512; subdivision permits, I.C. 67-6513; planned unit development permits, I.C. 67-6515; variance permits, I.C. 67-6516; and building permits, I.C. 67-6517. *Giltner Dairy*, 145 Idaho at 633, 181 P.3d at 1241. LLUPA also authorizes judicial review in cases where a

persons interest in real property may be adversely affected by the issuance or denial of a permit authorizing development. I.C. 67-6521. LLUPA does not mention any permit that relates to the annexation of land by a city. Black Labrador does not argue that the City denied it any permit required or authorized under LLUPA. Accordingly, we conclude that LLUPA does not authorize judicial review in the instant case.

B. Black Labrador is not entitled to an award of attorney fees incurred on appeal.

Black Labrador seeks an award of attorney fees on appeal pursuant to I.C. 12-117. Since Black Labrador has not prevailed in this appeal, it is not entitled to attorney fees under I.C. 12-117. *Neighbors for a Healthy Gold Fork v. Valley County*, 145 Idaho 121, 138, 176 P.3d 126, 143 (2007).

IV. CONCLUSION

We hold that no statute authorizes judicial review in the instant case. We vacate the district court's order and remand the matter to the district court with directions to dismiss the petition for judicial review.

Chief Justice EISMANN and Justices BURDICK, J. JONES and W. JONES Concur.

Notes:

1. The legislature made minor changes to these categories during the 2008 legislative session. 2008 S.L. ch. 118, § 1, p. 327. The changes reflect technical changes to provide for better organization of the statute and to eliminate implied consent annexations after July 1, 2008. Statement of Purpose, 2008 S.L. ch. 118, § 1.

2. The version of I.C. § 50-222(3)(a) in effect at the time of the filing of this case contained a typographical error, and the word "that" was included in the place of the word "than."

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255 P.3d 1175

In re Annexation to the CITY OF
SHELLEY.

Roger Steele, Petitioner–Appellant,
v.
City of Shelley, Respondent.

No. 36481.

Supreme Court of Idaho, Idaho Falls,
September 2010 Term.

June 2, 2011.

[255 P.3d 1176]

Dunn Law Offices, PLLC, Rigby, for appellant.
Robin D. Dunn argued.

Smith, Driscoll & Associates, PLLC, Idaho Falls,
for respondent. Buster Joe Driscoll argued.

[255 P.3d 1177]

BURDICK, Justice.

[151 Idaho 291]

Roger Steele, et al., ("Appellants") appeal the district court's dismissal of their petition for judicial review of the City of Shelley's ("Shelley") annexation of land in Bingham County commonly known as "Kelley Acres." The district court dismissed the petition, finding that there was no statutory authorization for judicial review of Shelley's category A annexation. Appellants, who are residents of the annexed land, challenge the decision on the ground that Shelley improperly classified the annexation as a category A annexation, Shelley was arbitrary and capricious in annexing the land and the annexation was procedurally defective. First, we hold that there is no statutory authorization for judicial review of a category A annexation. Second, we hold that a court may always make factual inquiry as to its jurisdictional parameters, but upon review, we find substantial evidence supports Shelley's

determination that this was a category A annexation. Therefore, we affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

On September 17, 2008, Shelley submitted an application to annex and rezone the Kelley Acres subdivision in Bingham County. Shelley's planning and zoning commission held a public hearing on October 15, 2008, to consider rezoning Kelley Acres, upon its annexation, from County Residential Agricultural to City Residential Agricultural. The commission unanimously recommended to the city council that Kelley Acres be annexed and rezoned.

On November 25, 2008, Shelley conducted a hearing to consider the annexation and rezoning. Twenty-nine property-owning residents of Kelley Acres signed and submitted a statement declaring their opposition and indicating their non-consent to the annexation. After hearing from some landowners, all of whom opposed the annexation, the city council unanimously approved the annexation and rezoning. On December 10, 2008, the city council passed an ordinance annexing and rezoning Kelley Acres, and Shelley published the ordinance in *The Shelley Pioneer* newspaper on December 17, 2008.

Appellants filed a petition for judicial review of Shelley's annexation in Bingham County district court on December 10, 2008, contending that Shelley failed to give proper notice to all concerned citizens, Shelley failed to properly categorize the annexation and the annexation was unreasonable. On January 29, 2009, Shelley filed a motion to dismiss for lack of subject matter jurisdiction, pursuant to I.R.C.P. 12(b)(1), and for failure to state a claim upon which relief can be granted, pursuant to I.R.C.P. 12(b)(6). On April 2, 2009, the district court issued an order dismissing the petition for lack of subject matter jurisdiction under I.R.C.P. 12(b)(1), finding no statutory authority for judicial review of a city's category A annexation or of a city's decision to classify an annexation as a category A annexation.

Appellants submitted a notice of appeal on April 27, 2009.

II. STANDARD OF REVIEW

As this Court wrote in *Gibson v. Ada County*:

In reviewing the district court's order granting the motion to dismiss, the standard of review is the same as that used in summary judgment. The standard of review on appeal from an order granting summary judgment is the same standard that is used by the district court in ruling on the motion. Summary judgment is appropriate only when the pleadings, depositions, affidavits and admissions on file show that there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law.

This Court has free review over the construction of a statute, which includes whether a statute provides for judicial review, and the standard of review to be applied if judicial review is available.

142 Idaho 746, 751, 133 P.3d 1211, 1216 (2006) (internal quotations and citations omitted).

[255 P.3d 1178]

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III. DISCUSSION

Idaho Code § 50–222¹ divides annexations into three categories: A, B, and C. Different criteria and procedural requirements for each category of annexation are set forth in I.C. §§ 50–222(3) and (5). The parties agree that Shelley classified the annexation in this case as a category A annexation. Appellants argue that Shelley's annexation is not appropriately classified as a category A annexation. Rather, they argue, the

annexation is a category B annexation, and category B annexations are expressly reviewable pursuant to I.C. § 50–222. Alternatively, Appellants argue that judicial review is available for category A annexations.

A. Judicial review is not available for category A annexations.

In order to obtain judicial review of a city's annexation and initial zoning, there must be a statute granting the right of judicial review. *Highlands Dev. Corp. v. City of Boise*, 145 Idaho 958, 960–61, 188 P.3d 900, 902–03 (2008) (citing *Gibson v. Ada Cnty. Sheriff's Dep't.*, 139 Idaho 5, 8, 72 P.3d 845, 848 (2003)). Idaho Rule of Civil Procedure 84(a)(1) provides that actions of state agencies or officers, or actions of local government, its officers or its units, are not subject to judicial review unless expressly authorized by statute. Appellants' petition for judicial review put forth the following bases of jurisdiction: (1) I.C. § 50–222 ; (2) the Local Land Use Planning Act (LLUPA); (3) the Idaho Administrative Procedure Act (IDAPA); and (4) Shelley's ordinances, rules and regulations. As discussed below, it is well established that neither LLUPA, IDAPA, nor a city's ordinances, rules and regulations authorize judicial review of a category A annexation. Furthermore, we hold that, under a plain reading of I.C. § 50–222, judicial review is not authorized for category A annexations.

1. *Neither IDAPA, LLUPA, nor a city's ordinances, rules and regulations authorize judicial review of category A annexations.*

IDAPA's judicial review standards only apply to agency actions. *Gibson*, 139 Idaho at 7, 72 P.3d at 847. "Counties and city governments are considered local governing bodies rather than agencies for purposes of the IDAPA." *Id.* "The language of the IDAPA indicates that it is intended to govern the judicial review of decisions made by state administrative agencies, and not local governing bodies." *Idaho Historic Pres. Council, Inc. v. City Council of Boise*, 134 Idaho 651, 653, 8 P.3d 646, 648 (2000). This Court has continued to follow this approach in recent cases.

See *Highlands*, 145 Idaho at 960, 188 P.3d at 902; *Giltner Dairy, LLC v. Jerome Cnty.*, 145 Idaho 630, 632, 181 P.3d 1238, 1240 (2008) ; *Black Labrador Investing, LLC v. Kuna City Council*, 147 Idaho 92, 95, 205 P.3d 1228, 1231 (2009).

In *Highlands*, this Court noted that I.C. § 67–6525 is the only statute in LLUPA mentioning annexation and does not grant a right to judicial review regarding the annexation decision. *Highlands*, 145 Idaho at 962, 188 P.3d at 904. Idaho Code § 67–6525 provides:

Prior to annexation of an unincorporated area, a city council shall request and receive a recommendation from the planning and zoning commission ... on the proposed plan and zoning ordinance changes for the unincorporated area. Each commission and the city council shall follow the notice and hearing procedures provided in section 67–6509, Idaho Code. Concurrently or immediately following the adoption of an ordinance of annexation, the city council shall amend the plan and zoning ordinance.

This Court recently considered whether LLUPA authorizes judicial review in the annexation context in *Black Labrador*. Although *Black Labrador* specifically involved

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a challenge to a denial of an application for annexation, the Court's analysis in that case is applicable to a city's decision to annex land as well. In *Black Labrador*, this Court concluded that LLUPA does not authorize judicial review of a denial of an application for annexation, stating:

LLUPA authorizes judicial review in cases where a person has applied for and been denied a permit that is

required or authorized under LLUPA.... LLUPA also authorizes judicial review in cases where a persons [sic] interest in real property may be adversely affected by the issuance or denial of a permit authorizing development. I.C. 67–6521. LLUPA does not mention any permit that relates to the annexation of land by a city.

Black Labrador, 147 Idaho at 98, 205 P.3d at 1234 (internal citations omitted).

Whether a county or city ordinance may authorize judicial review pursuant to the IDAPA depends on whether the county or city is empowered under the Idaho State Constitution to enact a law providing for judicial review. *Gibson*, 139 Idaho at 8, 72 P.3d at 848; *Black Labrador*, 147 Idaho at 97, 205 P.3d at 1233. Article XII, section 2 of the Idaho State Constitution provides: "Any county or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws." In both *Gibson* and *Black Labrador*, this Court held that to the extent that the ordinances at issue purported to authorize judicial review under the IDAPA, they conflicted with the laws of the state and, thus, were not a basis for judicial review.

2. *Idaho Code § 50–222 does not provide for judicial review of category A annexations.*

Idaho Code § 50–222(6) expressly grants judicial review under IDAPA for category B and category C annexations:

The decision of a city council to annex and zone lands as a category B or category C annexation shall be subject to judicial review in accordance with the procedures provided in chapter 52, title 67, Idaho Code, and pursuant to the standards set forth in section 67–5279, Idaho Code.

Idaho Code § 50–222 does not contain a similar grant for IDAPA review of a city's decision to annex and zone lands under category A. The parties agree that Shelley classified the annexation as a category A annexation. Appellants argue that the final sentence of I.C. § 50–222(6) authorizes judicial review of Shelley's annexation. The final sentence of I.C. § 50–222(6) states: "All cases in which there may arise a question of the validity of any annexation under this section shall be advanced as a matter of immediate public interest and concern, and shall be heard by the district court at the earliest practicable time."

Appellants find some support in *Black Labrador*, where this Court described the final provision of I.C. § 50–222(6) as "a broad grant of judicial review that applies to all annexations authorized by a city council." 147 Idaho at 96, 205 P.3d at 1232 (emphases added). However, this statement is dicta. The Court in *Black Labrador* found this final provision of I.C. § 50–222(6) inapplicable to the facts before it because the city denied the appellant's application for annexation, finding that the provision applies only when a city makes an affirmative decision to annex property. *Id.* Thus, *Black Labrador* did not turn on whether this final provision of I.C. § 50–222(6) authorizes judicial review.

When the first half of the final provision of I.C. § 50–222(6) is read in isolation, it seems to suggest that judicial review is broadly available for annexations. However, reading the final provision in full, it is clearly designed to ensure prompt judicial review of those annexations for which judicial review or declaratory relief is available, and the provision does not read as an actual grant of judicial review. Furthermore, when considering I.C. § 50–222(6) in its entirety, Appellants' interpretation of the final provision as granting judicial review for all categories of annexation cannot be reconciled with the first provision in I.C. § 50–222(6) which expressly grants direct judicial review for only category B and category C annexations. Under the principle that specific provisions take precedent over general provisions, the final provision

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of I.C. § 50–222(6) cannot be read to authorize judicial review. See *Mulder v. Liberty Nw. Ins. Co.*, 135 Idaho 52, 57, 14 P.3d 372, 377 (2000) ("A basic tenet of statutory construction is that the more specific statute or section addressing the issue controls over the statute that is more general.").

B. Shelley's annexation is a category A annexation.

Having determined that category A annexations are unreviewable, we now turn to the issue of whether Shelley's annexation is a category A annexation or whether, as Appellants argue, the annexation is a reviewable category B annexation. Courts have the power to inquire into their own jurisdiction. Courts are obligated to ensure their own subject matter jurisdiction and must raise the issue *sua sponte* if necessary. *Highlands*, 145 Idaho at 960, 188 P.3d at 902.² Because this Court is sitting in an appellate capacity, as was the district court, we are bound to consider only the record and cannot find facts during our inquiry into whether we have jurisdiction to review Shelley's annexation.

Idaho Code § 50–222(3) states, "annexations shall be classified and processed according to the standards for each respective category set forth herein," and goes on to set forth legal criteria for category A, B and C annexations. Idaho Code § 50–222(3)(a)(i) governs category A annexations and reads as follows: "All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation." For all categories of annexations, Idaho Code § 50–222(5) sets forth: "The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of

annexation." For category A annexations, I.C. § 50–222(5) provides:

Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

I.C. § 50–222(5)(a).

Appellants argue that Shelley's annexation does not meet the consent and contiguity requirements for category A annexations. The City claimed that its annexation in this case was a Category A annexation. The district court held that such claim must be accepted at face value, and therefore there was no right to judicial review for challenges to a city's choice of annexation category. The district court erred.

The district court had inherent power to pass on its own jurisdiction. *Skogerson v. McConnell*, 104 Idaho 863, 864 n. 1, 664 P.2d 770, 771 n. 1 (1983). Once jurisdiction has been called into question, the party asserting jurisdiction has the burden of proving jurisdictional facts. *Schneider v. Sverdsten Logging Co.*, 104 Idaho 210, 214 n. 2, 657 P.2d 1078, 1082 n. 2 (1983) (citing *Taylor v. Portland Paramount Corp.*, 383 F.2d 634, 639 (9th Cir.1967)).

At the public hearing held on October 15, 2008, the City presented its proposal and facts supporting the annexation. The city produced a surveyed map showing the Kelly subdivision was contiguous to existing city

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property and established that the Kelley subdivision had been using Shelley's water system for many years thereby impliedly consenting to annexation, thereby making a prima facie showing that the annexation was a category A. Those facts then became recitals in the ordinance annexing Kelley Acres.

It then fell to Appellants to put forth sufficient admissible evidence to show that the annexation did not meet the requirements of a category A annexation. Appellants' petition for review and accompanying briefs assert various ways in which the annexation fails to comply with the statutory requirements for a category A annexation. However, mere allegations cannot be considered. *Id.* The parties objecting must present competent evidence at the annexation hearing to rebut the city's classification. During the city council's annexation hearing, some Kelley Acres residents testified to their non-consent and submitted a petition containing the names of residents who expressed a revocation of any implied consent by using the city water system. Implied consent based upon the use of a water system certainly cannot be revoked by a petition. Appellants failed to place any competent evidence in the record at the city council hearing to establish that the requirements for a category A annexation were not met. Therefore, the city's classification of the annexation was supported by jurisdictional facts. There was no jurisdiction for the trial court to review the annexation.

C. Attorney fees are not awarded.

Both parties seek attorney fees under I.C. § 12–117(1), which provides:

Unless otherwise provided by statute, in any administrative proceeding or civil judicial proceeding involving as adverse parties a state agency or political subdivision and a person, the state agency or political subdivision or the court, as the case may be, shall

award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses, if it finds that the nonprevailing party acted without a reasonable basis in fact or law.

We held in *Smith v. Washington County Idaho* that attorney fees pursuant to I.C. § 12–117(1) are not available on a petition for judicial review, as a petition for judicial review is neither an "administrative proceeding" nor a "civil judicial proceeding." 150 Idaho 388, 247 P.3d 615, 617–19 (2010). Thus, no attorney fees are awarded in this case.

IV. CONCLUSION

There is no authorization of judicial review of a category A annexation under I.C. § 50–222, IDAPA, LLUPA or Shelley's ordinances, rules, and regulations. Shelley's ordinance annexing Kelley Acres pursuant to category A was based on substantial evidence, and therefore, the trial court had no jurisdiction to review the annexation. Accordingly, we affirm the district court in dismissing Appellants' petition for judicial review for lack of subject matter jurisdiction. No attorney fees to either party. Costs to Shelley.

Chief Justice EISMANN and Justices J. JONES, W. JONES and HORTON concur.

Notes:

¹ Idaho Code § 50–222 was amended in 2009. 2009 Idaho Session Laws, ch. 53, § 1, pp. 145–50. The relevant version of I.C. § 50–222 used in this opinion is the version existing prior to the 2009 amendments, as the City's annexation took place from September through December 2008. The 2009 amendments made changes only to I.C. § 50–222(4). The 2009 amendment is noted in footnote 2 of this opinion as far as it relates to our one reference to I.C. § 50–222(4) in this opinion.

² We note that Shelley raised the issue of subject matter jurisdiction before the district court by

filing a motion pursuant to I.R.C.P. 12(b)(1) and (6). On a petition for judicial review, the district court is sitting in an appellate capacity. We point out that I.R.C.P. 84(o) is the only provision for motions to a district court sitting in an appellate capacity. Any other procedural rule not specified or covered by I.R.C.P. 84 shall be in accordance with the appropriate rule of the Idaho Appellate Rules. I.R.C.P. 84(r). Where a court is sitting in an appellate capacity, a challenge to subject matter jurisdiction should be presented during the appellate argument before the judge based upon the record below. Even though Shelley failed to use the appropriate method to challenge subject matter jurisdiction, we will consider the jurisdictional issue, since courts have a duty to ensure their own subject matter jurisdiction.



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS – GOVERNMENT – TERRITORY

50-222. ANNEXATION BY CITIES. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(ii) Any residential enclaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or

(iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.

(b) Category B: Annexations wherein:

(i) The subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation; or

(ii) The subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of

the subject private lands have consented to annexation prior to the commencement of the annexation process; or

(iii) The lands are the subject of a development moratorium or a water or sewer connection restriction imposed by state or local health or environmental agencies; provided such lands shall not be counted for purposes of determining the number of separate private ownerships and platted lots of record aggregated to determine the appropriate category.

(c) Category C: Annexations wherein the subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have not consented to annexation prior to commencement of the annexation process.

(4) (a) Evidence of consent to annexation. For purposes of this section, and unless excepted in paragraph (b) of this subsection, consent to annex shall be valid only when evidenced by written instrument consenting to annexation executed by the owner or the owner's authorized agent. Written consent to annex lands must be recorded in the county recorder's office to be binding upon subsequent purchasers, heirs, or assigns of lands addressed in the consent. Lands need not be contiguous or adjacent to the city limits at the time the landowner consents to annexation for the property to be subject to a valid consent to annex; provided however, no annexation of lands shall occur, irrespective of consent, until such land becomes contiguous or adjacent to such city.

(b) Exceptions to the requirement of written consent to annexation. The following exceptions apply to the requirement of written consent to annexation provided for in paragraph (a) of this subsection:

(i) Enclaved lands: In category A annexations, no consent is necessary for enclaved lands meeting the requirements of subsection (3)(a)(ii) of this section;

(ii) Implied consent: In category B and C annexations, valid consent to annex is implied for the area of all lands connected to a water or wastewater collection system operated by the city if the connection was requested in writing by the owner, or the owner's authorized agent, or completed before July 1, 2008.

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

(b) Procedures for category B annexations: A city may annex lands that would qualify under the requirements of category B annexation if the following requirements are met:

- (i) The lands are contiguous or adjacent to the city and lie within the city's area of city impact;
- (ii) The land is laid off into lots or blocks containing not more than five (5) acres of land each, whether the same shall have been or shall be laid off, subdivided or platted in accordance with any statute of this state or otherwise, or whenever the owner or proprietor or any person by or with his authority has sold or begun to sell off such contiguous or adjacent lands by metes and bounds in tracts not exceeding five (5) acres, or whenever the land is surrounded by the city. Splits of ownership which occurred prior to January 1, 1975, and which were the result of placement of public utilities, public roads or highways, or railroad lines through the property shall not be considered as evidence of an intent to develop such land and shall not be sufficient evidence that the land has been laid off or subdivided in lots or blocks. A single sale after January 1, 1975, of five (5) acres or less to a family member of the owner for the purpose of constructing a residence shall not constitute a sale within the meaning of this section. For purposes of this section, "family member" means a natural person or the spouse of a natural person who is related to the owner by blood, adoption or marriage within the first degree of consanguinity;
- (iii) Preparation and publication of a written annexation plan, appropriate to the scale of the annexation contemplated, which includes, at a minimum, the following elements:
- (A) The manner of providing tax-supported municipal services to the lands proposed to be annexed;
 - (B) The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed;
 - (C) The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;
 - (D) A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and
 - (E) The proposed future land use plan and zoning designation or designations, subject to public hearing, for the lands proposed to be annexed;
- (iv) Compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in section 67-6511, Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city and mailed by first class mail to every property owner with lands included in such annexation proposal not less than twenty-eight (28) days prior to the initial public hearing. All public hearing notices shall establish a time and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one (1) page summary of the contents of the city's

proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.

(v) In addition to the standards set forth elsewhere in this section, annexation of the following lands must meet the following requirements:

(A) Property owned by a county or any entity within the county that is used as a fairgrounds area under the provisions of chapter 8, title 31, Idaho Code, or chapter 2, title 22, Idaho Code, must have the consent of a majority of the board of county commissioners of the county in which the property lies;

(B) Property owned by a nongovernmental entity that is used to provide outdoor recreational activities to the public, and that has been designated as a planned unit development of fifty (50) acres or more and does not require or utilize any city services, must have the express written permission of the nongovernmental entity owner;

(C) Land, if five (5) acres or greater, actively devoted to agriculture, as defined in section 63-604(1), Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city, must have the express written permission of the owner; and

(D) Land, if five (5) acres or greater, actively devoted to forest land, as defined in section 63-1701, Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city, must have the express written permission of the owner.

(vi) After considering the written and oral comments of property owners whose land would be annexed and other affected persons, the city council may proceed with the enactment of an ordinance of annexation and zoning. In the course of the consideration of any such ordinance, the city must make express findings, to be set forth in the minutes of the city council meeting at which the annexation is approved, as follows:

(A) The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section;

(B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city;

(C) The annexation is reasonably necessary for the orderly development of the city;

(vii) Notwithstanding any other provision of this section, railroad right-of-way property may be annexed pursuant to this section only when property within the city adjoins or will adjoin both sides of the right-of-way.

(c) Procedures for category C annexations: A city may annex lands that would qualify under the requirements of category C annexation if the following requirements are met:

- (i) Compliance with the procedures governing category B annexations; and
- (ii) Evidence of consent to annexation based upon the following procedures:

(A) Following completion of all procedures required for consideration of a category B annexation, but prior to enactment of an annexation ordinance and upon an affirmative action by the city council, the city shall mail notice to all private landowners owning lands within the area to be annexed, exclusive of the owners of lands that are subject to a consent to annex which complies with subsection (4)(a) of this section defining consent. Such notice shall invite property owners to give written consent to the annexation, include a description of how that consent can be made and where it can be filed, and inform the landowners where the entire record of the subject annexation may be examined. Such mailed notice shall also include a legal description of the lands proposed for annexation and a simple map depicting the location of the subject lands.

(B) Each landowner desiring to consent to the proposed annexation must submit the consent in writing to the city clerk by a date specified in the notice, which date shall not be later than forty-five (45) days after the date of the mailing of such notice.

(C) After the date specified in the notice for receipt of written consent, the city clerk shall compile and present to the city council a report setting forth: (i) the total physical area sought to be annexed, and (ii) the total physical area of the lands, as expressed in acres or square feet, whose owners have newly consented in writing to the annexation, plus the area of all lands subject to a prior consent to annex which complies with subsection (4)(a) of this section defining consent. The clerk shall immediately report the results to the city council.

(D) Upon receiving such report, the city council shall review the results and may thereafter confirm whether consent was received from the owners of a majority of the land. The results of the report shall be reflected in the minutes of the city council. If the report as accepted by the city council confirms that owners of a majority of the land area have consented to annexation, the city council may enact an ordinance of annexation, which thereafter shall be published and become effective according to the terms of the ordinance. If the report confirms that owners of a majority of the land area have not consented to the annexation, the category C annexation shall not be authorized.

(6) The decision of a city council to annex and zone lands as a category B or category C annexation shall be subject to judicial review in accordance with the procedures provided in chapter 52, title 67, Idaho Code, and pursuant to the standards set forth in section 67-5279, Idaho Code. Any such appeal shall be filed by an affected person in the

appropriate district court no later than twenty-eight (28) days after the date of publication of the annexation ordinance. All cases in which there may arise a question of the validity of any annexation under this section shall be advanced as a matter of immediate public interest and concern and shall be heard by the district court at the earliest practicable time.

(7) Annexation of noncontiguous municipal airfield. A city may annex land that is not contiguous to the city and is occupied by a municipally owned or operated airport or landing field. However, a city may not annex any other land adjacent to such noncontiguous facilities which is not otherwise annexable pursuant to this section.

History:

[50-222, added 2002, ch. 333, sec. 2, p. 939; am. 2008, ch. 118, sec. 1, p. 327; am. 2009, ch. 53, sec. 1, p. 145; am. 2019, ch. 22, sec. 1, p. 22; am. 2020, ch. 240, sec. 1, p. 702.]

How current is this law?

Search the Idaho Statutes and Constitution

School District Letter

From: Jeff Voeller <jvoeller@cdaschools.org>
Sent: Thursday, February 16, 2023 12:57 PM
To: PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: Re: Email requested

Hilary, Thank you for reaching out to me earlier in the week to discuss the schools site locations in the Coeur Terre Development and to share the concerns that Council Members shared as well. Here are my responses based on the comments you shared with me.

As a District, working with Coeur Terre, we strategically requested the location of the school sites in the general areas as they have been depicted on the development plans for quite some time.

When the District completed our reboundary to bring Northwest Expedition Academy (NExA) into the district at the new school site in 2020, we looked at future growth projections factoring estimated growth along the western part of the district including the build out of Coeur d'Alene Place and the Coeur Terre Development.

Location of Middle School: We feel like the Middle School needs to be located as far North as possible for several reasons:

- * It creates some separation from Woodland Middle School.
- * Locating the Middle School to the south or in the middle of the development is too close to Woodland and creates awkward zoning.
- * Based on the modeling for this future middle school and enrollment projections, this middle school would most likely draw students from Atlas and NExA to provide necessary relief at Woodland. It could also draw from the new elementary school in the South of Coeur Terre, either way it is appropriately located for these potential school zones.
- * The Middle School in the south or middle of the Coeur Terre land would significantly impact the potential to draw from the North Western Elementary Schools.
- * It is our desire to create a feeder system to the extent possible, so a complete elementary zone would feed a specific middle school and the middle schools feed a high school. This 4th Middle School would allow that to happen and location in the Northern portion of Coeur Terre makes that possible. Otherwise we may have some unique zones and could have to revert back to splitting Elementary zones to serve different middle schools.
- * The northern location as shown on the drawings is adjacent to a sewer lift station that the school could tie into. It keeps the option open for the District to build a school ahead of the developer rather than relying on infrastructure of the development.
- * We like the connectivity of this location due to the proximity to the Prairie Trail that will provide safe walking and biking paths to school
- * It makes sense to put a school next to the existing water tower rather than single family homes.

Regarding Concern of proximity to C17 Zoning allowing commercial with the idea of a convenient store:

- * Middle School Campuses are not open during the day, so students are not allowed to leave as you see at the high schools.
- * Students are not allowed to go to the market immediately before school. Existing schools have crossing guards and staff to help manage the flow of students.
- * We would advocate for safe crossings to be installed using Rapid Flashing Beacons or controlled crossings during construction and build out.

Location of the Elementary School:

- * The District has strategically requested placement in the South of the Coeur Terre Development
- * The Future Growth Modeling and proposed future school zone would draw the Coeur Terre Development (N/S) and Extend E/W with the Freeway as the southern border likely to Hwy 95. This location is nicely suited to be central to this likely school zone.
- * A central or north Location of an elementary School is too close to Skyway
- * This location is also near sewer on the South of the development that could potentially be accessed ahead of development.

Regarding the idea of a shared campus:

- * There are pros and cons to each model. Sharing play fields, parking, etc are positives,
- * Currently this is not a model we have in our District
- * We feel like a shared campus would increase the traffic impact for longer periods in a given area and there is overlap as parents stage to pick up for an elementary school, near the time the middle school is releasing students
- * We feel like separating the school sites helps to disperse and minimizes the traffic disruption to a specific area
- * We hear that people would appreciate separation of middle school and elementary school because the varying levels of maturity between the age ranges.
- * Increases infrastructure required to serve a larger combined campus, especially sewer. Separation allows for flow to separate lift stations.

Central Location:

Coeur Terre has shared with us that locating the school sites in the middle of the development could delay accessibility to school site for 10+ years as it would be awhile before development and infrastructure is extended to the middle of the development.

Regarding the comment that the schools to be turnkey, in that the developer would pay fully for the schools and hand them over to the district.

Currently the law does not allow for School Districts to collect Impact Fees from Developers. Even in states that collect Impact Fees, I am unaware of any fees that would fully fund the construction of schools, however some other states do either fully or partially fund construction.

We appreciate that Coeur Terre has offered to dedicate a 10 acre parcel and has agreed to sell the 20 acre parcel below market value to the district. This is the first time in over 30 years a developer has voluntarily offered to work with the school district in allocating sites, working with the district to plan the location of sites, and dedicating the land for a site, with the purchase of the second site below market value. We greatly appreciate this donation and partnership in planning for the future of the district's needs.

The district has set aside funds for the purchase of the 20 acres using the Sale of the Hayden Meadow 10 Acre Field and the Old Hayden Lake School.

With the annexation, two school sites will be owned by the district, at no cost to the local taxpayers, allowing for the future construction of schools to provide a path for the district to accommodate current crowding and anticipated growth. Since the State of Idaho does not provide any


funding for construction or remodels of schools, after acquisition of the sites, the School Board will need to consider the appropriate timing and funding mechanisms to construct the schools.

As such, we request that Council consider the planning, work and thought that has gone into the school site locations.


Please let me know if you have any additional questions or concerns. I would be happy to discuss and share school zone maps if that would help clarify the siting decisions of school locations.

Thank you,

Jeff Voeller
Director of Operations
Coeur d'Alene School District
1400 N Northwood Center Court
Coeur d'Alene, Idaho 83814
Office: 208.664.8241 x 10004
Fax: 208.676.1011



FINDINGS



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

A. INTRODUCTION

This matter having come before the City Council on March 21, 2023, and there being present a person requesting approval of ITEM A-4-22, a requested annexation of a +/- 440-acre parcel in Kootenai County, currently zoned AG-Suburban, to be incorporated into city limits with a mix of zoning designations including: R-3, R-8, R-17, C-17L, and C-17.

APPLICANT: KOOTEANI COUNTY LAND COMPANY, LLC

LOCATION: PROPERTY NORTH OF INTERSTATE-90 AND WOODSIDE AVENUE,
SOUTH OF THE FUTURE WEST HANLEY AVENUE, EAST OF
HUETTER ROAD, AND WEST OF ATLAS ROAD

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS
RELIED UPON
(The City Council adopts Items B1 to B7.)**

- B1. That the existing land uses are residential and commercial.
- B2. That the Comprehensive Plan Map designation is Single Family Neighborhood, Compact Neighborhood, Urban Neighborhood and Mixed-Use Low.
- B3. That the zoning is County Ag Suburban.
- B4. That the notice of public hearing was published on February 4, 2023 and March 4, 2023 which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on March 3, 2023, 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 February 21, 2023, and March 21, 2023.

- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

Community & Identity

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

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

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

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

Growth & Development

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

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

Objective GD 1.5: Recognize neighborhood and district identities.

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

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

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

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

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

C. ORDER: CONCLUSION AND DECISION

The City Council, pursuant to the aforementioned findings, conclude and orders that the request of KOOTENAI COUNTY LAND COMPANY, LLC for annexation of a +/- 440-acre parcel in Kootenai County, assigning the zoning districts R-3, R-8, R-17, C-17L, and C-17 as shown in the Annexation and Development Agreement, should be **(approved)(denied)(denied without prejudice)**.

The City Council further orders that the Annexation shall be contingent on the Owners of the Property signing an Annexation and Development Agreement as approved by Council.

Additional revisions to the Annexation and Development Agreement presented to Council on March 21, 2023, are as follows:

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

ROLL CALL:

Council Member Wood	Voted _____
Council Member Gookin	Voted _____
Council Member Miller	Voted _____
Council Member McEvers	Voted _____
Council Member Evans	Voted _____
Council Member English	Voted _____

Mayor Hammond Voted _____ (tie breaker)

Council Member(s) _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

MAYOR JAMES HAMMOND

Public Comments
from Planning Commission Meeting
on October 11, 2022

CDA Planning Commission Presentation
October 11, 2022

Traffic issues -

Commissioners, thank you for allowing me to address this issue tonight. I've submitted to your offices, a copy of my presentation, which includes sources of the data that I cite.

My name is Don Webber. I live at 4211 W. Arrowhead Rd., CDA. Our neighborhood consists of 167 custom homes on 1-acre lots, in a pine forest. We purchased our home more than 20 years ago. We chose the location predominantly because of the quiet streets, the trees, and our ability to walk our dogs, play with our children and enjoy our neighbors in a peaceful setting.

While we support progress and the new development, we're asking you to please help us in protecting the integrity of our neighborhood.

An earlier version of the project's concept plan showed NO plans to use Arrowhead Rd or Appaloosa Rd for ingress and egress. The developer's website now shows a different plan that will negatively impact our neighborhood by encouraging traffic to pass through on quiet, local streets.

Outside of our neighborhood, the developer shows at least 11 additional points of ingress/egress into their project. 10 of those on arterials or collector streets. Is it an absolute necessity for traffic to be routed through our neighborhood?

Or is directing traffic onto our local streets designed to create convenience for those entering the new development? If for their convenience, then we are definitely to be inconvenienced.

Certainly some other solution can be found without ruining our neighborhood. Please don't allow access through our local street.

We do expect cut-through traffic generated by the new development, and its negative impacts. There will be no way to avoid it.

But, by making our dead end a through street, you will certainly exacerbate the situation. Our normal traffic would increase by a factor of 10 times. Couple that with creating a direct route to a new school and the traffic numbers become astronomical.

The exponential increase in traffic encouraged to pass through our neighborhood will cause a serious negative impact that will be devastating. You know what the studies say. This type of increased traffic will:

- Increase the risk of traffic injuries and fatalities
- Increase noise and dust

- Increase “cut-through” traffic
- Increase speeding potential
- Reduce property values
- And generally degrade an existing desirable CDA neighborhood

Most progress requires compromise, and we understand that. We’re not asking for no negative impact. We simply ask you to mitigate SOME of the negative impacts.

You are our only advocates in this process.

Please, don’t sacrifice one neighborhood for another.

Protect our neighborhood.

Protect our children.

Protect our environment.

Protect our property.

Thank you.

Don Webber
4211 W. Arrowhead Rd.
Coeur D’Alene, ID 83815
Donharvest2u@gmail.com

Sources:

<https://ceds.org/cut-thru/>
<https://www.cdaid.org/6959/departments/planning/city-of-coeur-dalenes-2022-2042-comprehensive-plan>
<https://www.useful-community-development.org/neighborhood-traffic.html>
<https://mrsc.org/Home/Stay-Informed/MRSC-Insight/Archives/Protecting-Existing-Neighborhoods-from-the-Impacts.aspx>



4752 W. Riverbend Avenue • Post Falls, ID 83854 (208) 773-6745 • Fax (208) 777-4080
October 3, 2022

The City of Coeur d'Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission:

Jacklin Land Company supports Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene and encourages the City to approve their application. As the developers of Riverbend Commerce Park in Post Falls, and home to Buck Knives, Ednetics, Raycap, ALK Source Materials, University of Idaho, North Idaho College, etc., we know our tenants need an inventory of housing options for employees. Whether it is retaining an existing business, or bringing a new business to our area, housing options are critical to the economic success of our community.

The project will include a wide variety of housing types which will directly benefit the community by providing needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City and County services.

Architerra provides quality homes throughout the county in their many projects. The master planned Coeur Terre project will provide a variety of housing options and amenities for a wide range people for decades to come.

We are requesting that the City of Coeur d'Alene approve the proposed annexation and zoning of the Coeur Terre Property. The site is adjacent to the existing city limits and is a natural progression of outward growth of the city.

Respectfully

Jacklin Land Company

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814



October 4, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Coeur d Alene Regional Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well- planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing city limits, connected to existing development, streets, and utilities, and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

A handwritten signature in blue ink that reads 'Rick Rasmussen'.

Rick Rasmussen, Chair, Board of Directors
Coeur d Alene Regional Chamber

STUHMILLER, SHANA

From: Donald Garringer <donaIdgarringer@gmail.com>
Sent: Monday, October 10, 2022 8:14 PM
To: STUHMILLER, SHANA
Subject: Public hearing comment

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

With regard to mitigation of potential affects due to development over the Rathdrum Aquifer. Would reducing density by applying R-1 and/or R-3 designations be consider, rather than the proposed R-8?

Specifically, for the area west of and adjacent to the north/south underground water line located approximately 40 to 50' west of the current city limits boundary.

STUHMILLER, SHANA

From: Garringer <garringer4@roadrunner.com>
Sent: Monday, October 10, 2022 3:55 PM
To: STUHMILLER, SHANA
Subject: Coeur Terre public comment

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

Dear Members of the Planning Commission:

My husband and I have resided in the Northshire neighborhood for over thirty years.

- I support the annexation of Coeur Terre to financially offset the impact its residents will have on Coeur d'Alene over the long term.
- Please consider less units per acre for the first row of the new lots on the eastern side of the development to potentially minimize the impact on Northshire.

Thank you for considering the workforce housing shortage.

Sincerely,
Mary Ann Garringer

STUHMILLER, SHANA

From: sherry hayes <shayes1951@hotmail.com>
Sent: Monday, October 10, 2022 1:27 PM
To: STUHMILLER, SHANA
Subject: public hearing on Oct11 for request for Coeur Terre annexation

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

My name is Sherry Hayes. I live at 4115 N Lancaster Rd , CDA. My property abuts the land request for annexation. I may not be able to come to the meeting.

I am worried about the property being over developed, as I may be understanding that the R-8 and R-17 may allow the houses to be practically on top of each other for one.

I am worried about having enough of green space between my property and what they will be doing behind me, will there be enough of green space, people not walking into my yard.

I already have people , dogs and motorbikes coming next to me and in my yard all the time now as there is a roadway between me and the fields.

I also worry about the huge water line that was put in a few feet in the field a few years ago. can they build over it, or will they have to have an easement for it.

And what about the impact on the aquifer? Will they be paying and putting in all the infrastructure or will the city and taxpayers be footing the bill?

What about the schools? They said they will set aside two properties for the schools and give one to the district free. Is that in writing or will they pull back on that?

Maybe they should be charged big impact fees for all these services, they could always charge more for their houses, for all the people moving here from out of state who disrupt our way of living. Maybe you could have in writing that they have a fourth of their houses for low income or maybe even medium income people, for all the people who make minimum wages in our area.

I have lived in my home since late 1978 and knew some day Mr. Armstrong might sell his property, but this endeavor sounds a bit over the top, don't you think? I do! Double check everything they say as during their informational meeting they had at the Kroc Center it did not always line up to what they were saying and what was on their info boards they had up. One presenter was saying one thing and across

the room another was saying something completely different. They do not have all their ducks in a row!

Thank you so much,
Sherry Hayes
4115 N Lancaster Rd
208-765-3831

POST FALLS CHAMBER

AREA CHAMBER OF COMMERCE

201 E. Fourth Ave.
Post Falls, ID 83854
Phone: 208.773.5016
www.postfallschamber.com

October 7, 2022

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Post Falls Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing the city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

Eric Knudtsen, Chair
Board of Directors
Post Falls Chamber of Commerce

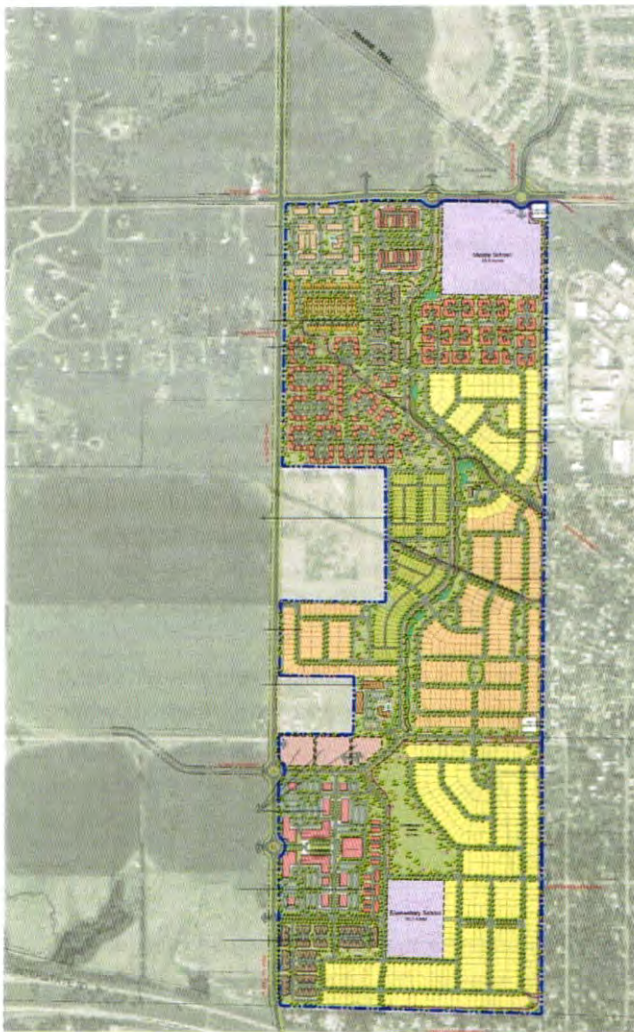
Christina Petit, President/CEO
Post Falls Chamber of Commerce

The Community Against the Kootenai County Land Company, LLC Coeur Terre Project

Planning Commission
City of Coeur d'Alene
710 E Mullan Ave
Coeur D Alene, ID 83814

Dear the City of Coeur d'Alene Planning Commission,

The intent of the letter is to voice the disagreement with the submitted proposal for the Kootenai County Land Company, LLC's Coeur Terre project. It is also the intent of the letter to stop any annexation request as it is not required. The project is requesting a proposed +/-442.64-acre annexation form Ag Sub to R-8, R-17, C17, and C-17L.



Summary

The proposed development is failed; it is simply not community development that supports vibrant neighborhoods and safety. It does not cover all the needed concepts for such a large, high-density undertaking, including, but not limited to, police departments, fire departments, medical facilities, greenspace, and ecological impacts. The project will destroy the local community, negatively impact surrounding houses for aesthetics and property value, and obliterate the road system.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The project has not published an expected start date to break ground or schedule for completion but is asking that the 442.64-acres of property be annexed into the City of Coeur d'Alene. The fact that no projected start date is in place should stop this annexation immediately. The burden to the tax-paying citizens for the public hearing is already too significant as there is no execution plan on record and no current need.

Upon contacting the Kootenai County planning office, it was made clear to the public that Kootenai county does not have the right to keep this action from happening. The fact that the current governing body of the land cannot stop this action appears to be a legal loophole. It is appalling, and developers have used the loophole to push their agendas over the community's best interest.

Annexation at this time, before the Idaho Transportation Department even starts its Kootenai county road assessment, is deliberate. The developer will purposely start housing builds nearest to the current Huetter Road to keep their land from being used for any road expansion and forcing it to fall entirely inside Post Falls. They would be supporting the KMPO's current vision for road expansion but not necessarily the right idea for the county. Keeping the current, unresearched vision will make the developer more money while gravely impacting the residents of Post Falls and Coeur d'Alene.

The proposal for this much land development is that of another city, not a small development. Coeur d'Alene Planning department does not have the right to sanction this annexation, regardless of what they feel their legal authority is currently. The likelihood that the entire area would be split off into another small city in the future is high. It is also not desired by the community, and Coeur d'Alene needs to respect the majority over the minority parties involved.

LEV [NN] LLC

The holding company of the land being reviewed and additional property in the area uses the legal company name of 'LEV' and then a number and then 'LLC' to manage the land assets. The original proposal for the Coeur Terre project, which has now been removed from the Kootenai County Land Company, LLC's website, had initially planned to have less density for their entire acreage, which is over 1,050 acres.

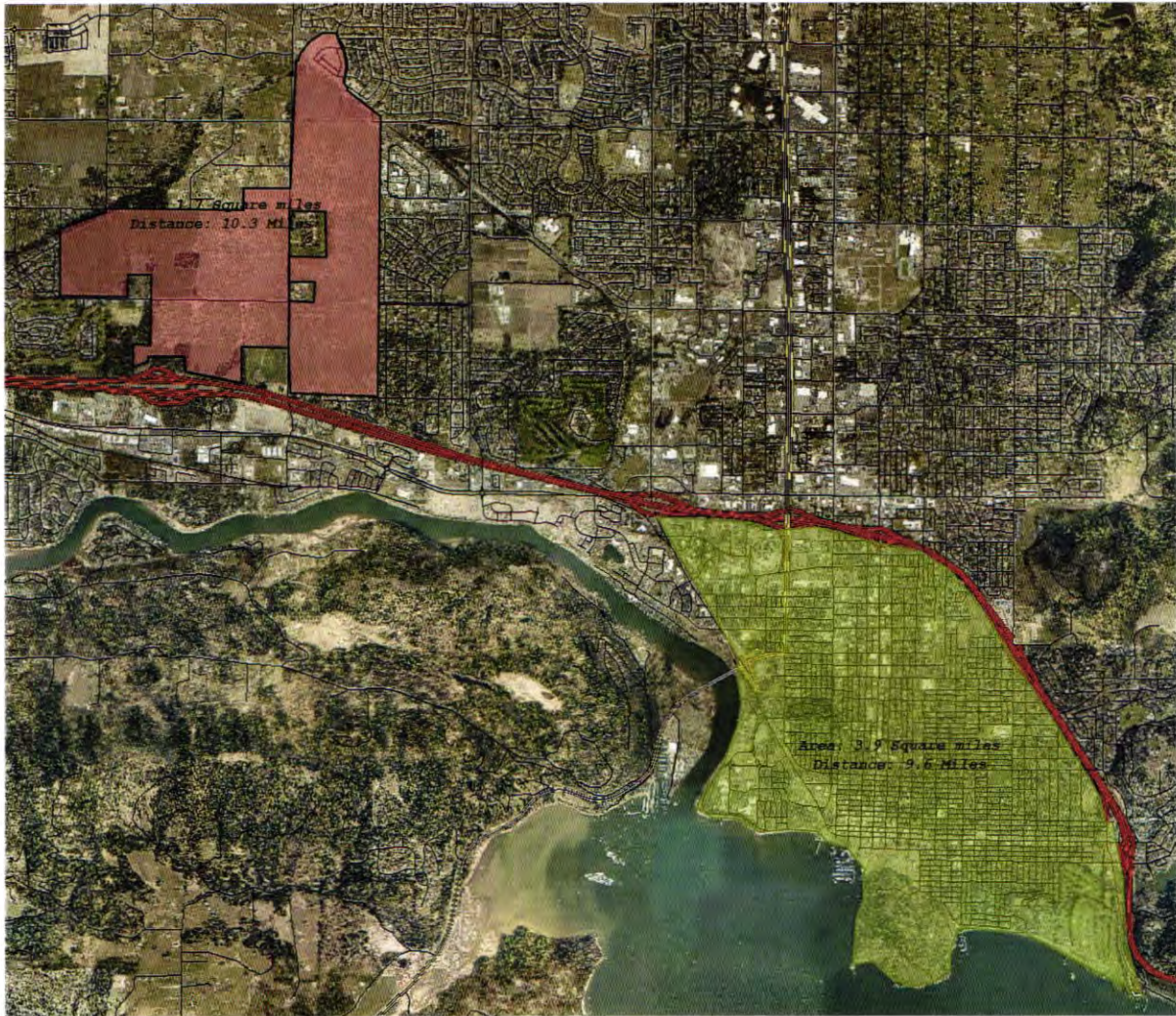


Another City, Not Residential

It is incorrect to say that the Coeur Terre project promotes orderly growth, preserves the quality of Coeur d'Alene, protects the environment, promotes economic prosperity, and fosters the safety of the residents. It must do this to comply with both the Idaho State Code and the Coeur d'Alene Planning Commission's charter. An argument that this was part of the 2040 planning document does not make it valid for growth. The planning document contains many inaccuracies around development and economics.

The density proposed for the 442 acres is city development, not a simple, small residential development. In addition, the proposal does not account for the new development to the North and the lack of roads, schools, and other needs for long-term growth and to ensure the quality of Coeur d'Alene remains intact.

The total potential development area is nearly half the size of the City of Coeur d'Alene proper, south of I-90, much of the same density, less green space (by almost 60%), fewer roads, less access to transportation, and less ability for local stores.



Roads

The annexation is requested before the Idaho Transportation Department (ITD) finishes its review for improved road systems in the area. ITD has decided a county-wide population and traffic model needs to be updated for the PEL study; it could be years before the NEPA is started and completed.

The developer's design also doesn't include the already over-saturated report for Seltice Way, which will gridlock the area due to the overbuilding by the river between Atlas Road and Riverstone Drive as shown in the SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech.

The current estimate for Seltice Way would require 3-lane roads in both directions to accommodate the amount of traffic from the excessive development at the river, let alone another development of this magnitude at Huetter Road.

SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech
However, even with this more moderate growth rate of 2% annually, the dual lane

roundabout is projected to start breaking down by 2045, with and without the Coeur Terre site traffic – negating the need to change to a traffic signal system along the corridor and prepare for three-lanes in the westbound direction of travel.

The proposed changes to Huetter Road from the Kootenai County Land Company, LLC will take most of the speeds on the road from 45 miles per hour to 20 miles per hour or less. Additional traffic jams can be expected at all major turn lanes at Prairie Avenue, Poleline Avenue, and Seltice Way.

City and Community Needs (Safety and Healthcare)

In nearly the same square miles of potential building area, the City of Coeur d'Alene has three (3) elementary schools (Winton, Fernan, Bryan), not just one (1). It also has several academy schools as well. Post Falls is becoming overcrowded after having just built a new school less than two years ago. The expected growth in the area will require more than just one elementary school and one middle school. It should also account for more parks and recreation areas. It would also require more large sports fields to support more school teams.

Currently, the area is serviced by Kootenai County Sheriff's Department, and their response time for the area is lengthy today. Adding another 4,000+ residents into that area will place strain on public safety as there would be new stress placed on Coeur d'Alene's police department.

Fire and rescue departments are not in the developer's designs which will be even more critical with the growth of the population. Additional service for the 442 acres and the misplanned development by the riverfront at Atlas Road continues to show development companies cannot be trusted to promote sustainable growth.

Emergency medical treatment and healthcare centers are not in the design either. However, the roads have already been found not to support timely responses in the case of an emergency.

Buyers Are Not Residents

It has become abundantly pervasive that buyers of these locations are not residents of the home. They are typically investors who then rent out the properties. Rental properties and micro-leases do not support residences and healthy communities. Throughout the United States of America, these impacts are being fought against due to the drastic adverse effects on the community and its people.

Northern Idaho is not unique in its problem with housing development requests nor in ignoring the learnings from other parts of the country where expansive growth has destroyed what was in place.

Landlords are removing low-income families' ability to gain home equity. The renters are also subjected to the landlords' rent increases which can happen every six (6) months.

Idaho Code

55-2006 (3) A landlord shall give written notice of such change to each affected home owner at least ninety (90) days prior to any amendment to the rental agreement. The landlord may not amend the rental agreement or rules more frequently than once in a six (6) month period.

Conclusion

The annexation must not be permitted as there is enough evidence that the development proposed does not support Idaho Code. It is also not a design that meets the needs of the community.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The plans of the Kootenai County Land Company, LLC are dangerous and adversely impact Kootenai county in total. The project is not ready to be reviewed because of the lack of roads, schools, green space, community needs, and city planning.

It is no question that growth in Kootenai county will continue in the future. The question is the value of the growth as it has been completed today and what the impacts will be with development projects which have not yet been completed.

Sincerely,

Signatures on Next Page

Name
Brett Haney <haneybrett@gmail.com>
Dr. Philip Spradley <philip.spradley@gmail.com>
Kristi Haney <lakelandpiesale@gmail.com>
John K. McGuire <coastiejkm@gmail.com>
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Andrea Baass Peters (Oct 10, 2022 13:17 PDT)

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[Brett Haney \(Oct 9, 2022 14:18 PDT\)](#)

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Brian Adams

[Brian Adams \(Oct 10, 2022 08:06 PDT\)](#)

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[Brian Rogers \(Oct 10, 2022 16:31 PDT\)](#)

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[Christopher Good \(Oct 10, 2022 12:31 PDT\)](#)

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Darla Pavlish (Oct 9, 2022 19:40 PDT)

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[Dr. Philip Spradley \(Oct 9, 2022 14:19 PDT\)](#)

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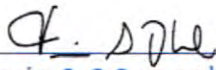
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[Francis G OConnell \(Oct 10, 2022 11:08 PDT\)](#)

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[Jay L Greer \(Oct 10, 2022 16:07 PDT\)](#)

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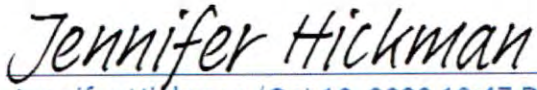
6886 E Greta Ave. Post Falls Idaho 83854



Jeffrey Pearson (Oct 10, 2022 15:07 PDT)

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Jennifer Hickman (Oct 10, 2022 10:47 PDT)

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Jennifer Honshell (Oct 10, 2022 13:13 PDT)

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Sincerely,



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Jim Sue Rommel@gmail.com

Phone Number

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[Joe Flinn \(Oct 10, 2022 09:06 PDT\)](#)

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[John K. McGuire \(Oct 9, 2022 15:08 PDT\)](#)

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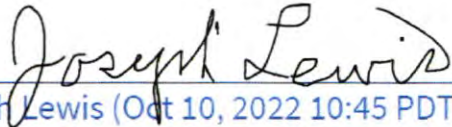
coastiejkm@gmail.com

Phone Number

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Street Address

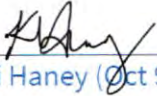
6999 w. Big Sky Drive
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[Joseph Lewis \(Oct 10, 2022 10:45 PDT\)](#)

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Kristi Haney (Oct 9, 2022 14:45 PDT)

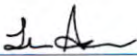
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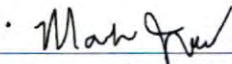
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[Ronald C McGhie \(Oct 9, 2022 15:44 PDT\)](#)

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[Sharon M Greer \(Oct 9, 2022 20:28 PDT\)](#)

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The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814
October 7, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Rathdrum Area Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](https://www.kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing the city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our City.

Respectfully,



[Chantel Koho \(Oct 7, 2022 11:27 PDT\)](#)

Board of Directors
Rathdrum Area Chamber of Commerce







Rathdrum Chamber Letter of Support

Final Audit Report

2022-10-07

Created:	2022-10-07
By:	Chantel Koho (Chantelk@stcu.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOecbLnhDeXx6CqhsUQePCCmctvm1ngls

"Rathdrum Chamber Letter of Support" History

-  Document created by Chantel Koho (Chantelk@stcu.org)
2022-10-07 - 6:22:08 PM GMT
-  Document emailed to chantelkoho@outlook.com for signature
2022-10-07 - 6:22:27 PM GMT
-  Email viewed by chantelkoho@outlook.com
2022-10-07 - 6:22:35 PM GMT
-  Signer chantelkoho@outlook.com entered name at signing as Chantel Koho
2022-10-07 - 6:27:17 PM GMT
-  Document e-signed by Chantel Koho (chantelkoho@outlook.com)
Signature Date: 2022-10-07 - 6:27:19 PM GMT - Time Source: server
-  Agreement completed.
2022-10-07 - 6:27:19 PM GMT

To: Coeur d'Alene Planning Commission, shana@cdaid.org

From: Robert and Yvonne Hallock
3704 Buckskin RD
Coeur d'Alene, ID 83815

Topic: Planned development, Coeur Terre

We have lived in our current house in Indian Meadow for over 25 years. Our neighborhood is tranquil with large lots, nice neighbors, trees, no sidewalks, and deteriorating roads.

Our biggest concern with the Coeur Terre proposal is funneling traffic through our subdivision streets. Like a lot of our neighbors we make use of these street not only for driving on but exercising and maintaining our quality of life. It is not uncommon to find neighbors walking their dogs, riding bikes (or trikes), a baby stroller being pushed down the street and groups of friends walking down the streets enjoying the outdoors. Increasing traffic levels in our subdivision would place pedestrians at risk.

The proposed development (from what plans we saw) will push a lot of vehicles into our subdivision streets. We are not sure how some of the neighbors are going to back out of their driveways without being hit with this increase. What about the rights of the existing citizens to maintain our quality of life and safety?

Walking around our subdivision we are amazed at how many of the streets have cracks in the asphalt and most with weeds growing in the cracks. Many of the asphalt patches of the past are cracking also. Adding thousands of vehicles—cars, trucks, school busses, and others—will cause the streets to have bigger cracks and potholes. During heavy rains and melting snow, large puddled form in places. Does the City have plans and funding to replace all of the streets in Indian Meadows and make changes to drainage for increased vehicle activity?

Speaking of traffic, how will the intersections onto Atlas Road be addressed? The increased traffic from the north presently has impacted our ability to access Atlas Rd. at peak times. We can't even imagine how we will get onto Atlas to make a doctor's appointment (let alone our street) with the additional traffic proposed.

Why is the City so willing to allow high density housing next to our one acre lots?

By even considering the option of a high density subdivision next to ours, the City is telling us that our established subdivisions does not matter. No one is even considering what will happen to our established neighborhoods.

Thank you for considering our concerns,

Robert and Yvonne Hallock,

STUHMILLER, SHANA

From: Bill Robb <robbhouse@roadrunner.com>
Sent: Friday, October 07, 2022 8:56 AM
To: STUHMILLER, SHANA
Subject: ITEM #A422-COEUR TERRE, Public Hearing 10/11/2022

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

To the Coeur d'Alene Planning Commission:

We reside at 3704 North Tamarack Road in Indian Meadows. We **OPPOSE** the zoning/density for Coeur Terre.

The density/zoning is too high compared to the surrounding neighborhoods.

The "compact neighborhood" designation of roughly the southern third section of Coeur Terre is **NOT** in keeping with the density of Indian Meadows which is mostly one home per acre. It will negatively change our neighborhood due to heavily increased traffic and noise, especially with a new school near the southern border of Coeur Terre.

The Coeur Terre subdivision zoning/density should reflect the existing area.

The infrastructure in the area is **NOT** equipped to handle the high density being requested. There are many examples of this exact scenario throughout the area, and is a common complaint from current residents.

Thank you,
Bill and Laurie Robb

CDA Planning Commission

Annexation A-4-22

Written Comments Oct 11, 2022

My name is Ron McGhie, and I live at 7253 W. Big Sky Drive, in Kootenai County, on the west side of Huetter Road. I would like to thank the Planning Commission for their time to address my concerns.

After reading the Comp Plan, it appears to be a good plan for a downtown urban city but is very lacking in the ACI area covering the city's transition from single family neighborhood to adjoining rural areas.

I am not against reasonable annexations or the current developer, who has built some very nice developments at CDA Place, the Trails, and Foxtail and is currently building at Parkllyn and the Enclave locations of CDA.

I am, however, adamantly against the current annexation as proposed, because it does not conform with State Codes to protect the adjacent property owners' rights or conform with existing and surrounding property improvements or meet the needs of the community.

State Codes:

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

67-6505. Joint Planning (see on page 3).

67-6508- The plan does not consider previous and existing conditions, trends, and the compatibility of land uses.

- (a) The plan adversely impacts property values and the surrounding neighborhoods. The traffic and neighborhood character will be adversely changed by zoning and land uses that do not conform with the existing adjacent lands.

It is unconscionable that any annexation on either side of Huetter Road is being considered before the ITD Study of the Huetter Bypass is complete.

Neighborhood

The lands along both sides of Huetter Road have been agricultural and rural 5 acre minimum parcels since zoning was established in 1973. I fully understand why the agricultural land is being sold and the buyers' motivations to develop. However, the proposed annexation and development should be reasonable within the ACI area and with the surrounding community.

Currently, there are no structures over 2 stories or commercial and retail buildings adjacent to the proposed annexation. All the existing housing to the north is zoned R-8 or less. The adjacent housing on the east and south side are M, R-1 & R-3. All existing housing west of Huetter Road is rural with 5 acres minimum.

The Place Types of *Mixed Use*, *Compact*, and *Urban Neighborhood* are located primarily in older neighborhoods that require R-17 or C-17 zoning. *Mixed Use* can be 4 to 6 stories or higher. R-17 is medium/high density and not suitable for lower density residential. C-17 should be located adjacent to arterials and variances may be granted to partially waive off street parking. The off street should be doubled, not waived! The proposed commercial development will attract more traffic and will require more parking because of the thousands of existing residents outside of this development that won't be walking to the stores.

The Application also states the Coeur Terre neighborhood will *connect nicely with the existing adjacent neighborhoods*; however, you can see on page 7 that the proposed zoning C 17(red) and R 17(Coral) does not currently conform at all. These Comp Plan visions might fit elsewhere but not here.

Unlike the Comp Plan Map, which is generally a vision for future development, the Zoning Map is more about what is allowed today as it identifies uses "*permitted by right*" and clear and objective standards that regulate parcel-level development type and height. Last month, I heard the city attorney at the planning meeting tell the board that an annexation request can be turn down for cause. The right to annex is therefore not a permitted right.

The proposed commercial business location on the prolongation of Hanley Road will attract over 6,000 cars from the 3350 existing housing units south of Prairie and between Huetter and Altas. These cars will be passing through and in front of the proposed middle school to get food and other items from the proposed 240,000 sq ft of commercial area. While the schools might request the commercial business be farther away, this is not far enough!

The proposed 203 acres of R-17 or C-17 along with the 234 acres of R-8 equates to a possible 5075 residential units. This is over double the developers estimate of 5 units per acre. All the adjacent residential property is zoned R1 or R-3 except the R-8 in the Trails development north of Hanley. A zone of R-5 would blend in better.

It's more concerning that the whole 1,050 acres is not being considered in the current design. The total project is so large, that with R-8 zoning it could create 8,400 housing units. This equates to 21,000 people and 16,800 cars. The R-17 zoning could jump it to 17,850 units, 44,625 people and over 35,000 cars. It would be very irresponsible to *not* address all the communities' needs and traffic problems on both side of Huetter Road. What is designed on one side will affect the other side and could increase the amount of traffic on Huetter Rd.

Last week I met with ITD as a member of the No Huetter Bypass Group. They told us that they have decided the county wide population and traffic model needs to be updated for the PEL study and it could be years before the NEPA is started and/or completed. To approve or design a project of any magnitude on either side of Huetter Road at this time would be very premature and a waste of your time and all taxpayers' money.

All 1,050 acres are currently in the County while 42% is in the CDA ACI and the other 58% is in the Post Falls ACI. *The entire community in both ACI's will be affected by what both cities do.*

I respectfully request that the county and both cities consider using **Joint Planning per Idaho State Code 67-6505**. This code empowers the county commissioner and councils of two or more adjoining cities to cooperate in the establishment of a joint commission to exercise the power and duties.

Commercial business should be along larger arterials like Prairie Ave, Seltice Way, or on the north side of Hwy 90. The Developer also owns the land south of Mullan Ave and west of Huetter Road on the north side of I 90 (see LREV 21,22,23,24,25 and LREH iv) The ITD wants to move their existing rest area closer to Stateline. The existing rest area's west bound on and off ramps are adjacent to the developer's land west of Huetter. This might be a good arterial to a commercial area and should be considered.

The Developer also has a 53 acres triangular lot in the Trail subdivision adjacent to the north side of the proposed annexation. In 2018 a well was drilled on the property with very little consideration of existing trees along the east side of Huetter Road. If the well had been located 100ft southeast, it would have saved over a dozen trees. See attached. There is a proposed park planned on the easterly 8 acres, but what is planned to be built in the remaining 40 acres needs to be addressed.

You also need to address the dramatic increase in traffic that will result whether you submit the existing 440 acre annexation or the whole 1,050 acre annexation to the council.

I believe ITD knows that timing of traffic signals and just adding more lanes is not the answer to the problems on Hwy 41 & 95. To put commercial business along Huetter Road will make it into another slow-moving road that will require more signals and attract more traffic.

What is needed is a fast-moving highway, one without any signal from Pleasant-View at Hwy 53 running northeasterly to Hwy 95 near Hwy 53. This will back up both I-90 and Hwy 53 while reducing the traffic on Hwy 41, Huetter Road, and Hwy 95.

Hopefully, ITD will not put an I-90 off ramp at Huetter Road. This is the last rural scenic road running thru what is left of the Rathdrum Prairie. I urge the county and cities to protect this road and the prairie from commercial development and require green areas, trees, and a bike path along the R/W.

I respectfully request you consider the following:

ER 3 2 Protect and improve the urban forest while maintaining defensible spaces. Preserve and expand the number of street trees within city rights of way.

GD 1.5 Recognize neighborhood and district identities.

GD 4 Protect the visual and historic qualities of CDA (Huetter scenic rural corridor and Rathdrum Prairie)

2007-2027 Comp Plan Goal #1 Natural Environment states, "Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d' Alene"

Objective 1.07 Urban Forests- Restrict tree removal in city rights of way and increase tree planting in additional rights-of-way

Last but not Least

Objective 1.12 Community Design: Support the enhancement of existing urbanized areas and discourage sprawl.

Finding #B11-That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and existing land uses.

Thank again for your time and consideration.

Ron & Bonnie McGhie
Big Sky Estates

Peck & Peck

EXCAVATING, INC.



COMPLETE EXCAVATING SERVICES
LICENSED & BONDED
3386 N. Highway 41 · Post Falls, ID 83854
(208) 773-6559 · Fax (208) 773-3431

To whom it may concern,

We the employees of Peck & Peck Excavating would like to show our support for the annexation of the land for the Coeur Terre project.

Projects like these provide us with years of work that support our families and fuel our spending in the community. In an industry that can sometimes be erratic, a project like this provides us with the peace of mind that we have consistent work that will keep our families fed and a roof over our heads.

Many of us are raising families in the area while several of us are starting our families here and all of us see the potential of a project like this to allow our children the opportunity for better education with the addition of schools in the area. Many of us are young and starting out and a project like this gives us more opportunity to own a home that may not be possible without this much needed growth. Many of us have children who are approaching adulthood, and this would increase their likelihood of homeownership, keeping multiple generations of families in the area that we all love so much and call home.

While for some the thought of growth like this seems unnecessary and like it may change the way of life here, for us it allows us to stay here and continue our way of life that we love so much. Please consider the lives a project like this will affect, not only in more homes, schools, and parks but also the number of families that will be supported financially in creating a community minded space like this.

From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A handwritten signature in blue ink, appearing to read "Clifford J. Fry". The signature is written in a cursive style and is positioned to the right of the main text block.

Peck & Peck

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THOMAS PECK

Peck & Peck

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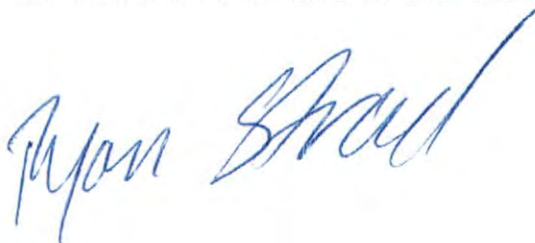
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To whom it may concern,

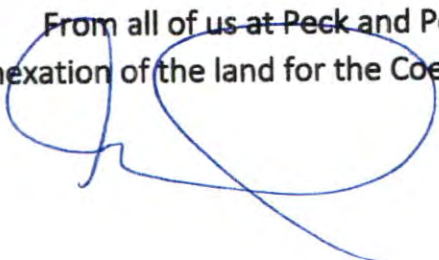
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(208) 773-6559 · Fax (208) 773-3431

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Rick Daugherty

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A handwritten signature in blue ink, appearing to read "Dana R. W.", is written over the bottom of the letter's text.

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A handwritten signature in blue ink, appearing to read "John Peck", located below the main text.

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Kenneth O'Dya

Peck & Peck

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A handwritten signature in blue ink, appearing to read "Victor Peck", with a long horizontal line extending to the right.

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Travis Jeyer

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A handwritten signature in blue ink, appearing to read "Thomas O. Peck", located at the bottom right of the letter.

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*More affordable houses are made through more houses,
simple laws of supply and demand. people are coming where
do they live? They are coming where ever the con.*

*Jason Meyer
4th generation Idahoan*

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Josh Wiltsie

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A handwritten signature in blue ink, appearing to read "Steve Pals", located below the closing text.

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To whom it may concern,

My name is John Rudebaugh, I am the lead project manager for Peck and Peck Excavating, I am a long-time resident of Post Falls and am raising three children in the area. I have been working in the excavation business for the better part of 20 years.

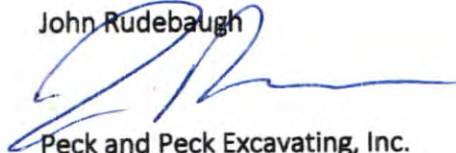
I work very closely with Lakeside companies and have always been impressed by their desire to produce high quality projects that have the best interest of the community in mind. They believe in growth that betters the lives of those in our community who need it the most. They strive to build strong local relationships by utilizing companies that have been operating in our community for many years.

The Coeur Terre project not only benefits the community by offering more affordable housing, more parks for our growing community as well as the option for more schools, which are desperately needed, it also provides companies like ours many years of work. Our company employs between 60 and 70 people at any given time and projects like these keep us busy and growing, it gives us the opportunity to offer better pay, better benefits and more consistent hours to the hard-working people we employ. Not only does it help keep our business growing it allows us to create business for other local companies that we utilize in completing our parts of projects like this, such as concrete companies, small trucking companies, construction supply companies, and many more.

A project like this is a win for the community no matter how you look at it, more jobs, more housing, more schools, more parks. All things that an area that is growing like ours desperately needs.

Thank you for taking the time to read my letter in support of the annexation for Coeur Terre. Please feel free to reach out to me with any questions.

John Rudebaugh



Peck and Peck Excavating, Inc.

John@peckexcavating.com

STUHMILLER, SHANA

From: Bill Todd <billmtodd@outlook.com>
Sent: Tuesday, October 11, 2022 9:32 AM
To: STUHMILLER, SHANA
Subject: Kootenai County Land Company Annexation

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

Hello Shana,

I will not be able to make the meeting but here is my input.

The only way out of the proposed development will be to exit onto Atlas or Huetter. Atlas is already very busy and more traffic will only make it worse. The same company is looking at developing the West side of Huetter which will make that road even busier.

What will the entry points be to get into the development? There are well-established neighborhoods that will be affected.

The city services are already stretched thin, so what is the plan there?

I am opposed to annexation. As always big money will win out unless the planning department takes a stand.

Thank you for your time.

Bill and Darci Todd
4302 W Appaloosa Road
Coeur d Alene ID 83815

Public Comments

Council Meeting 2-7-23

From: Ronald Orcutt
To: [PlanningDiv; indianmeadowsgroup@gmail.com](mailto:indianmeadowsgroup@gmail.com); orcuttrc@gmail.com
Subject: ,Coeur Terre Development
Date: Saturday, December 03, 2022 7:24:13 PM

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

Hi Sean .

This is Ron Orcutt,. 3407 Broken Arrow Road Coeur d'Alene.83815

I have been living in Indian Meadow for 47 years. I would like the area to stay just like it is,and not be ruined by the dense development being planned in Coeur Terre. There will be lots of issues, such as traffic through Indian Meadows and many others.

I would like you to consider having zoning of R1 in the development.

We enjoy the wildlife in the area, and if the development continues as is, it will destroy the wildlife habitat of many of our animal friends. The area is right in the fly zone of the Canadian Geese each year while heading South for the winter. I am attaching 2 photos of the geese feeding and resting in the South end of the planned development.

The photos were taken on November 23. 2022 from the end of the Arrowhead Road where it meets the planned development.. This is not a one time occurrence. It has been happening every year since I moved here.

Hopefully with less density the geese will still stop here.

Thanks for your consideration.

Ron Orcutt





LIKELY
RED ZONE TRAFFIC

HANLEY

→ Lake City High, LPS Chun Skyway Elementary

with 11-15 thousand people on and off ATLAS ROAD DAILY

NORTH ACCESS discouraged by stop LIGHTS

Industrial

Spectrum Idaho F&G Day Holy Family Sc W. KATHLEEN

If (as someone on the planning commission indicated) there's a red light at Arrowhead & Atlas, look for Coeur Terre traffic to avoid it and hustle west on Appaloosa to W. Woodside & to Buckskin & Maccasin. Red light Nes Perce then it happens to Arrowhead & beyond N. 150th.

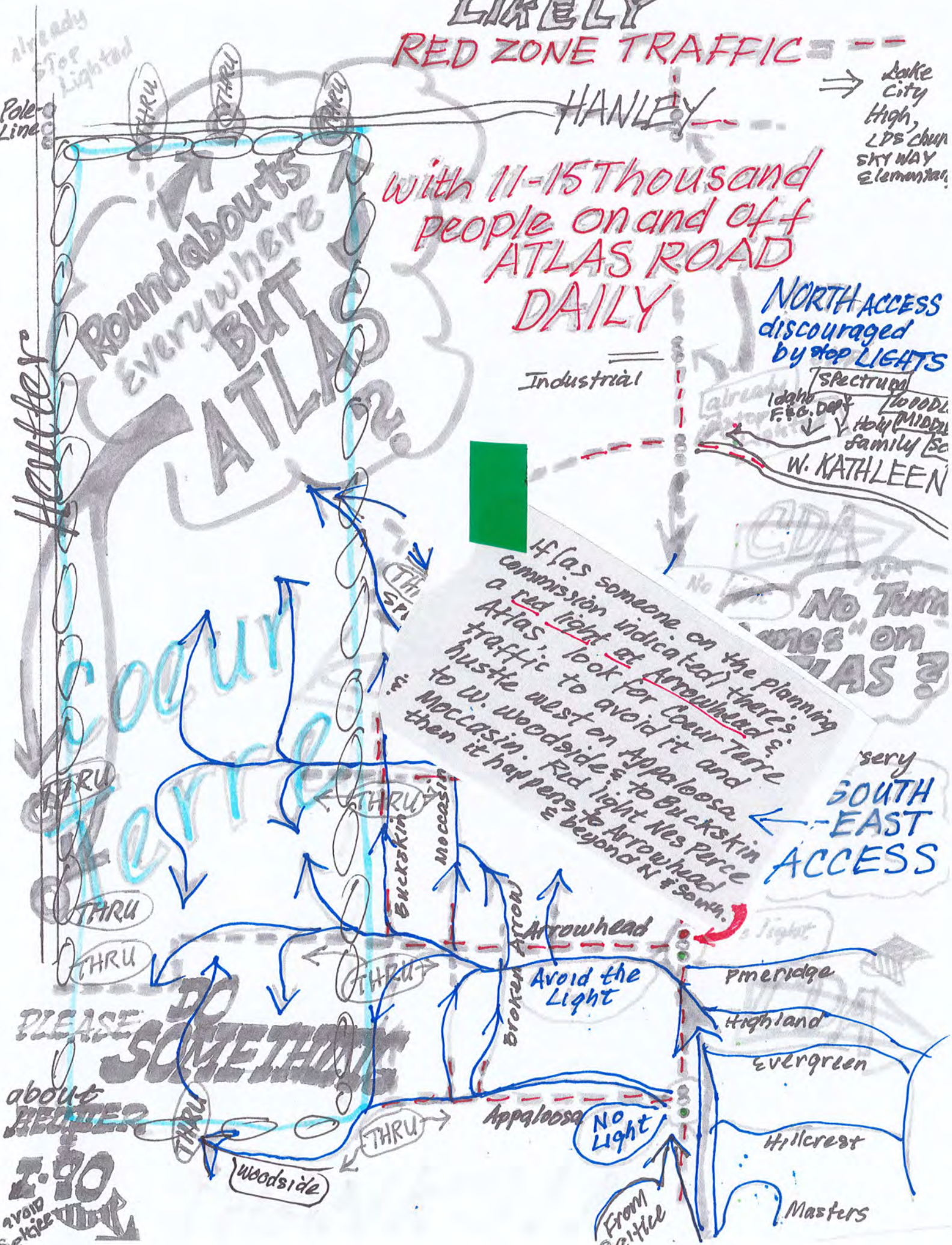
very SOUTH EAST ACCESS

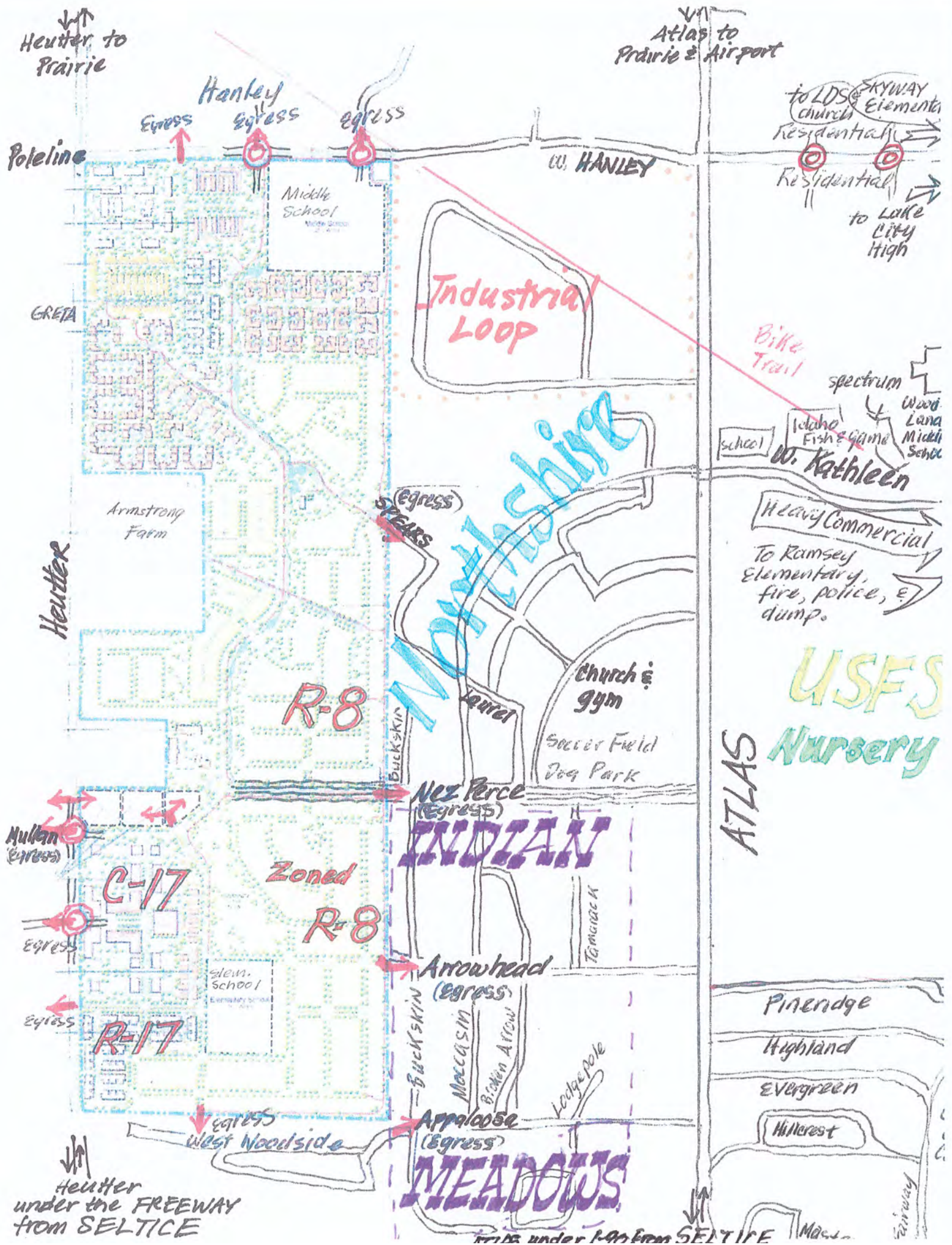
already stop lighted Pole Line

Hunter

Roundabouts everywhere BUT ATLAS

PLEASE DO SOMETHING about HUNTER? 7:30 avoid entrance





Heurter to Prairie

Atlas to Prairie & Airport

Poleline

Egress
Hanley egress
egress

to LDS church
Residential
Residential
to Lake City High

Middle School

W. HANLEY

Industrial Loop

Bike Trail

spectrum
Ward Lana Middle School

Greta

Armstrong Farm

school

W. Kathleen

Heurter

Heavy Commercial
To Ramsey Elementary, fire, police, & dump.

R-8

Industrial Loop

USFS Nursery

church & gym

Soccer Field
Dog Park

ATLAS

Nez Perce (Egress)

INDIAN

Mulhan (Egress)

C-17

Zoned R-8

Arrowhead (Egress)

Pinendge

Highland

Evergreen

Egress

R-17

elem. school

Appalose (Egress)

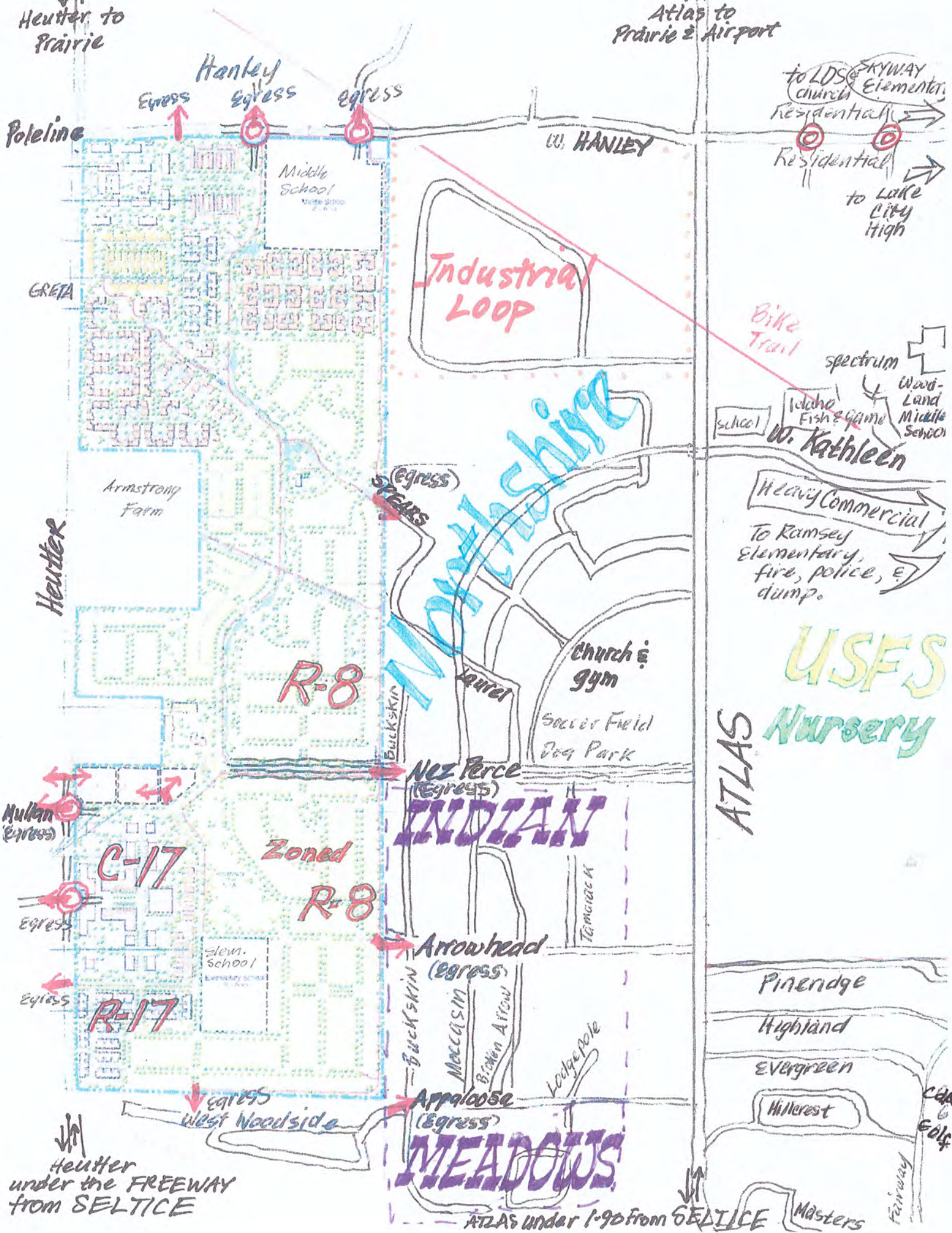
MEADOWS

Hillcrest

Heurter under the FREEWAY from SELTICE

under freeway SELTICE

freeway



Heutter to Prairie

Atlas to Prairie & Airport

Poleline

Hanley Egress

egress

W. HANLEY

to LDS church
Residential

Residential

to Lake City High

Greta

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spectrum

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school

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Egress

R-17

elem. school

Arrowhead (Egress)

Pinetridge

Highland

Evergreen

Hillcrest

Appaloose (Egress)

MEADOWS

Heutter under the FREEWAY from SELTICE

ATLAS under I-90 from SELTICE

Masters

Fairway

CCA Golf

12/20/22 Public
comment

MY NAME IS STEVE RETANO AND I LIVE AT 3503
MOCCASIN RD IN INDIAN MEADOWS.

I CHOSE TO LIVE HERE OVER TWENTY YEARS AGO
BECAUSE IT WAS ONE OF THE ONLY PLACES RIGHT
OUTSIDE OF TOWN WHERE YOU COULD HAVE A PIECE
OF PROPERTY THAT WAS ZONED FOR HORSES, GOATS,
CHICKENS AND OTHER ANIMALS.

IT IS A QUIET NEIGHBORHOOD WHERE PEOPLE WALK,
KIDS RIDE THEIR BIKES AND OWNERS RIDE THEIR
HORSES. ALL THIS WILL CHANGE IF ARROWHEAD, NEZ
PERCE AND APPALOOSA ARE OPENED UP TO HUETTER.
IT WILL BECOME A RACETRACK WITH AN ACCIDENT
WAITING TO HAPPEN.

I AM CONCERNED THAT THERE WILL BE ZONING
CHANGES. I BELIEVE OUR NEIGHBORHOOD SHOULD BE
LEFT AS IT IS WITH NO CUT THROUGHS TO THE NEW
DEVELOPMENT. ATLAS IS ALREADY A MESS AND OUR
STREETS ARE NOT TAKEN CARE OF. WE DO NOT NEED
CONSTRUCTION CREWS USING OUR NEIGHBORHOOD
STREETS.

WE ALSO DON'T NEED SO MANY HOMES AND
APARTMENT BUILDINGS CLUSTERED IN THE SAME
AREA. DON'T WE HAVE ENOUGH? WHY DON'T WE BUILD
SOME PLACES FOR ALL THESE PEOPLE TO WORK?

NO MORE Building PERMIT should ~~be~~ issued. —

THANK-YOU FOR LISTENING

12/20/22

Re: Coeur Terre Project

I understand that this new development will become our new neighbors, however I do have issue with how this will impact my existing neighborhood.

We went through months of work done on Seltice and in the end we still have only a two-lane road in each direction with two roundabouts added. Now we are getting between 380 and 680 new homes / apartments on Seltice which will add between 740 and 1480 minimum cars onto Seltice. The average household having two vehicles. Atlas is only one way in each direction and has high traffic now. Many of those new cars from Seltice will be filtering onto Atlas. There appears to be no way to widen Atlas.

Opening up Appaloosa, Arrowhead, Nes Perce, Woodside and Spiers would be an unnecessary burden on our entire neighborhood. Our neighborhood was not built for that type of traffic and if a light is added to Atlas vehicles will start flying down our side streets to bypass the light.

Having lived in a denser housing area moving to Indian Meadows was a dream come true. We do not want sidewalks to maintain and excessive traffic. We also do not want our zoning to be affected. Our children and grandchildren want the ability to play safely in front of our homes and ride their bikes and our older neighbors, of which I am one, want to safely walk our dogs down our roads. This will impact so many aspects of our lives and not in a good way. We also don't need the heavy equipment of the builders coming through out neighborhood either, tearing up our streets and causing massive congestion for months.

If Coeur Terre is going to contain a school that will add additional congestion of more buses and parents racing down our streets to pick up and drop off their children twice a day.

With the building of Coeur Terre, which will be even much larger than the Seltice project, the traffic from this new "high density" development should all be routed onto Huetter Rd. There is the ability to widen Huetter to accommodate these vehicles and Hanley is already available as a cut through to Ramsey and 95 as a 4-lane road. Huetter already connects to Seltice, Hanley, and Prairie for access to downtown and Hwy 95 business.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King

3504 Moccasin Rd
CDA ID 83815

Public Comment Dec 20, 2022

Thank you for your time and consideration, my name is Ronald McGhie, I live at 7253 W Big Sky Drive, in Big Sky Estates. I would like to share my concerns on the Coeur Terre Project and provide you with a location map that shows the location of a recommended collector that should be address before this project is approved

I am writing because of my concerns and those of many of my neighbors on both sides of Huetter Road.

1. My property rights and values and many others are not being protected as required by 67-6508a.
2. The current Comprehensive Plan Map shows land use types and zoning that are not appropriate or compatible in this low density residential and Rural area.
3. The application states that it's in compliance with the old and new comprehensive plan and it connects nicely with the surrounding neighborhood. I do not believe this is true!
4. **2007-2027 Comprehensive Plan, shows more concerns for existing neighborhoods that are not addressed in the current plan.**

The current Comprehensive Plan Map shows future land use types as Urban Neighborhood, Compact Neighborhoods, and Mixed-Use Low. This allows for larger urban land use types; *Unfortunately, apart from the Single-Family Neighborhood, the conceptual design information, proposed zoning density, building heights, and the location of the proposed streets do not currently conform to the existing adjacent neighborhoods.* It's obviously that there is a conflict between the existing neighbors' concerns about their property rights, population density, number of units, the increase in traffic, and location of ingress and egress and what the Planning Department approved that violates state and federal codes.

The applicant is currently asking for concessions that should be denied because of the following.

1. They are requesting more Permitted Zoning Rights than needed. Right to 3 times the density that the applicant states he is going to build and 4 times the density of the existing residential neighborhoods.
2. They are using land use types and zoning that does not conform with surrounding residential neighborhoods which will adversely impact their property values and rights.
3. They are asking for the annexation and zoning approval before the traffic and location of arterial, collector streets and method of ingress/egress for the entire ACI have been designed or approved. To put this off until the PUD stage is not reasonable, necessary, or orderly per ID 50-222.

4. Their requested zoning creates an undue concentration of population and overcrowding of land per ID 67-6502. (Zoning and density should be reduced.)

Thank you for your valuable time and consideration

Ronald C McGhie

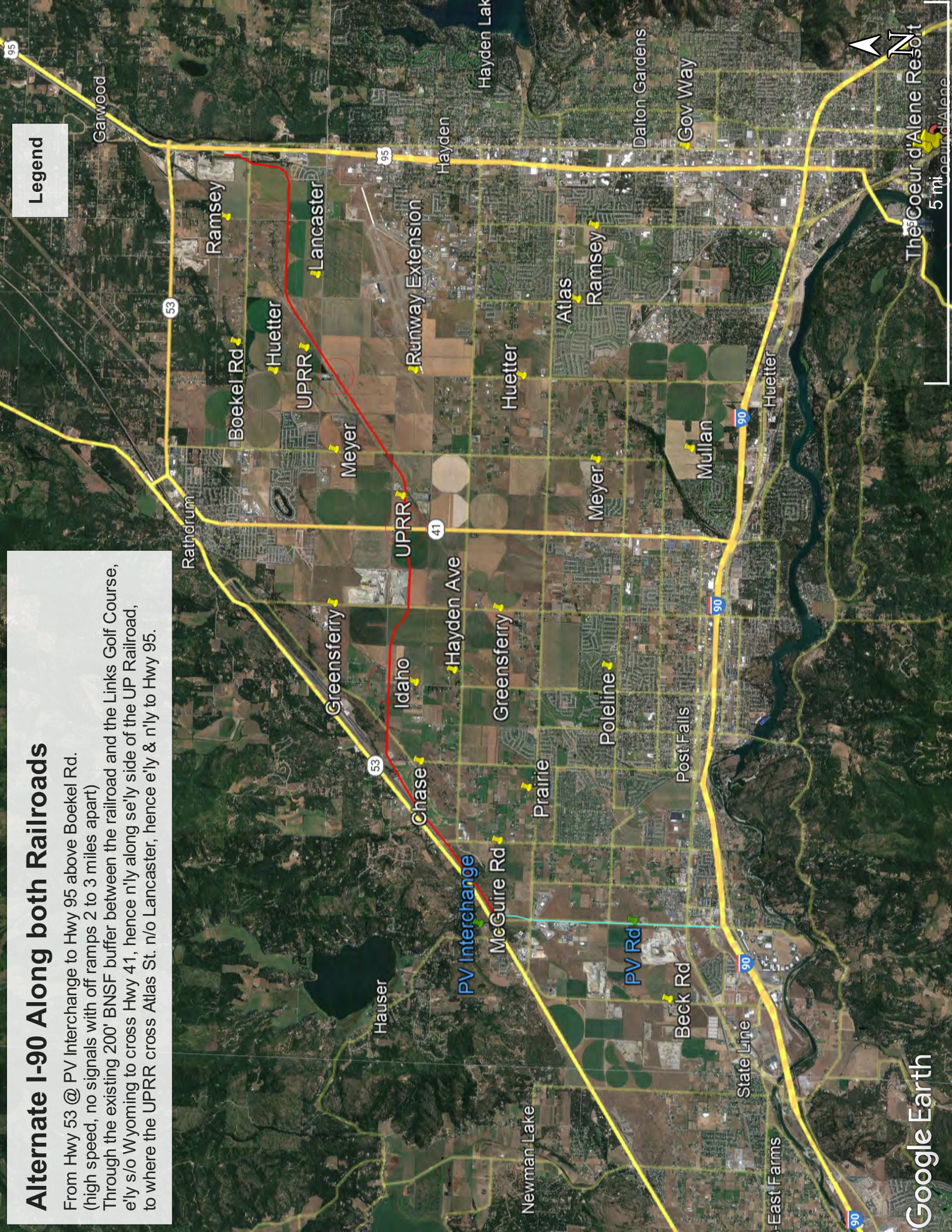
970-759-9697

mcghie1945@gmail.com

Alternate I-90 Along both Railroads

From Hwy 53 @ PV Interchange to Hwy 95 above Boekel Rd. (high speed, no signals with off ramps 2 to 3 miles apart) Through the existing 200' BNSF buffer between the railroad and the Links Golf Course, and the Links Golf Course, e'y s/o Wyoming to cross Hwy 41, hence n'y along se'y side of the UP Railroad, to where the UPRR cross Atlas St. n/o Lancaster, hence e'y & n'y to Hwy 95.

Legend



November 2, 2022

Mayor and City Council Members
City Manager
City of Coeur D'Alene
710 E. Mullan Ave.
Coeur d'Alene, ID 83814-3958

RE: Negative Impact: Coeur Terre Development

Dear Mayor, City Council Members, and City Manager,

We are a unified group of property owners living in the neighborhoods immediately adjacent to the proposed development/annexation area. While we understand that new development is important for our community, we are concerned as to the negative impact expected in our neighborhoods.

As our elected representatives, and our only advocates with respect to a project such as Coeur Terre, we implore you to consider our concerns and mitigate the anticipated negative impacts to our neighborhoods. We understand that the Development Agreement language will soon be coming to you for comment and/or approval. We trust our concerns will be taken into consideration and made a part of that Development Agreement as the planning, design and development progresses.

We expect negative impacts (cut-through traffic, etc.). However, the developer's plan to allow direct access into this development via local Arrowhead, Appaloosa, and Woodside Roads will certainly exacerbate the negative traffic impact in our R1 and R3 neighborhoods. Outside of our peaceful neighborhoods, the developer shows 10 other points of ingress/egress, all onto collector streets. It seems too high of a cost to sacrifice the safety and security of our neighborhood to gain 2 more local points of access into Coeur Terre.

We need your help in keeping our Heritage Neighborhood peaceful, safe, and clean. Please honor your stated Objectives in the recently-adopted Comprehensive Plan. For example,

Goal CI 2

Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

The city is failing US in this regard.

We are committed to protecting our neighborhoods and to being involved in this project to ensure our concerns are addressed.



Please let us know what we can do to support our City Council in keeping ALL of Coeur D'Alene a community that continues to be a desirable place for families.

Sincerely,



Indian Meadows Neighborhood Group
(see list of signatures attached)

Neighborhood Signatures opposing Indian Meadows / Woodside (Appaloosa and Arrowhead) entrances to Coeur Terre

Full Name	Signature	Address	Email	Cell Phone #
Anna M. Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645
James Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645

From: Brett H
To: [MCLEOD, RENATA](#); [STUHMILLER, SHANA](#)
Subject: CDA City Council meeting 2/7/23
Date: Monday, January 30, 2023 12:26:23 PM

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

Please provide this letter to the City Council regarding public input for the annexation of the Coeur Terre development on Huetter Road.

From:
Brett Haney
7097 W Big Sky Dr
Post Falls, ID 83854

To:
Coeur d'Alene City Council

Thank you for taking the time to hear and read the public input regarding the Coeur Terre development and the request for annexation. Clearly, this project is far down the planning process, but there are many unaddressed concerns that could greatly affect the quality of life for hundreds of current residents. I have read all of the available documents regarding this project and I am in strong opposition to the annexation arrangement as it is being proposed.

This development would create an undue concentration of population, overcrowding of land and potentially unsafe neighborhoods. The developers are being given too much leeway over what, when, and where they are going to build, allowing for the possibility of disorderly development. It appears to be a situation of "If you build it, they will come".

I respectfully suggest that the council and planning commission need more time and information to require this project be more reasonable, orderly, and safer (traffic, density, etc) before approving. This "city in a city" does not fit our community and would not be supported by a majority of our citizens. Please keep in mind the hundreds of current residents and taxpayers who will have to pay the price in changes to their lifestyle for this project. I can appreciate that Kootenai County will continue to grow, but a full assessment of current housing needs should be done, taking into account all of the projects already being built. As a fifth generation Idahoan, I know people come here for the beauty, space, safety and lack of serious traffic problems. This project will jeopardize all of these good things about our community.

Sincerely,

Brett Haney
Cell: 208-818-1314

Coeur Terra

Coeur Terra development will come before the Coeur d Alene City Council on February 7th. Under discussion will be access to this new development between Atlas and Huetter Roads. Plans call for access through the present day Indian Meadows subdivision by using Appaloosa, Arrowhead and Nez Perce Roads. With the new elementary school at the end of Arrowhead road which will become a freeway when parents deliver and pick up their children daily from school.

My concern is the increased traffic directly through the middle of the Indian Meadows neighborhood to accommodate all the new homes, access to the elementary school and a proposed park. Not to mention all the construction traffic. Atlas Road will turn into a new Highway 95. There are already 3 stop lights between the Seltice roundabout and Hanley.

Our neighborhood was built in county in the "70's, annexed into Coeur d Alene for increased tax base in the 80's. All homes sit on acer lots, many with shops and is the only neighborhood in the city where residents can have livestock. Its tree lined streets do not have sidewalks or curbing (which was agreed upon when annexed into the city) are utilized by residents for daily walks, dog walks, riding horses, bikes and skateboards. All this will disappear if this subdivision proceeds as planned.

Please consider making access off of Huetter Road. Moving the elementary school up one block to be accessed either from Nez Perce (Which has a divider in it already) or thru the Industrial Park which already has a light on Atlas. Nez Pearce also connects to Mullen Road in Post Falls where the additional housing subdivisions are proposed.

I sold my previous home and moved to Indian Meadows 20 years ago because of increased traffic to the point that I could not carry on a conservation on my deck. There are other options for access to CoeurTerra. Please leave our neighborhood intact as one of the more desirable neighborhoods in Coeur d Alene. We need to be kind to our neighbors. Thank you.

Nancy Barr , Arrowhead Rd, Coeur d Alene

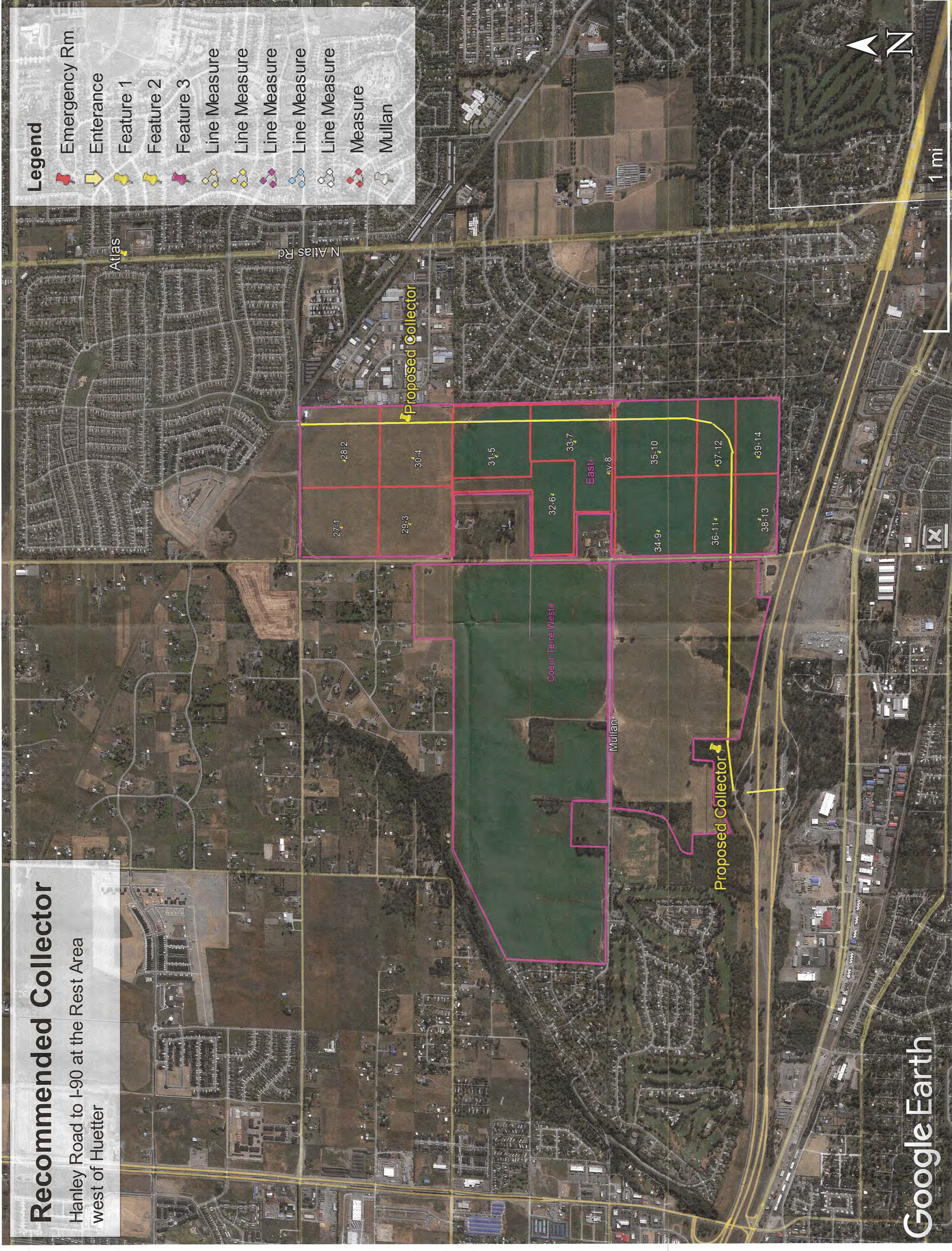
12-20-22 Public Comment

Recommended Collector

Hanley Road to I-90 at the Rest Area
west of Huetter

Legend

-  Emergency Rm
-  Entrance
-  Feature 1
-  Feature 2
-  Feature 3
-  Line Measure
-  Line Measure
-  Line Measure
-  Line Measure
-  Line Measure
-  Measure
-  Mullian



From: Vikki Conway
Subject: Coeur Terre Project
Date: Monday, December 26, 2022 10:07:54 AM

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

I understand that this new development will become our new neighbors, however I do have issues with how this will impact our existing neighborhood of which I have lived here in Indian Meadows for just shy of 11 years. Why is it that something this big that will affect our entire neighborhood is just now coming to light by word of mouth to many of us. I understand some neighbors heard of this in October but many have been kept in the dark. Something should have been mailed out to our entire area to appraise us of this major change to our lives.

We went through months of work done on Seltice and in the end we still have only a two-lane road in each direction with two roundabouts added. Now we are getting between 380 and 680 new homes / apartments on Seltice which will add between 740 and 1480 minimum cars onto Seltice. The average household has two vehicles. Atlas is only one lane in each direction and has high traffic now. Many of those new cars from Seltice will be filtering onto Atlas. There appears to be no way to widen Atlas. We have been hearing rumors for a few years of an off ramp from Hwy 90 at Huetter that would relieve some of the burden on Atlas. Is this still in the works?

Opening up Appaloosa, Arrowhead, Nez Perce, Woodside and Spiers would be an unnecessary burden on our entire neighborhood. Our neighborhood was not built for that type of traffic and if a light is added to Atlas vehicles will start flying down our side streets to bypass the light. Nez Perce is wide enough to have lanes added and handle heavier traffic but Arrowhead and Appaloosa are not. How will those properties be affected?

Having lived in a high-density housing area before, moving to Indian Meadows was a dream come true, we found a home in a Low-Density development. We do not want sidewalks to maintain or excessive traffic. We also do not want our zoning to be affected. Our children and grandchildren want the ability to play safely in front of our homes and ride their bikes and our older neighbors, of which I am one, want to safely walk our dogs down our roads and stop and talk to neighbors. We are also a horse friendly neighborhood and the additional traffic will put all of this in danger. Also, all mailboxes are on one side of the street on streets going north and south, ie Moccasin, Buckskin, etc. so this will also become hazardous. This will impact so many aspects of our lives and not in a good way. We don't need nor want the heavy equipment of the builders coming through our neighborhood either, tearing up our streets and causing massive congestion for months. Making a High-Density development have access through our Low-Density development will adversely affect our development and we will lose much of what was planned for our neighborhood and what makes it so appealing. Additionally, how will all of this affect our property values? Will it drive our values down? We are now a sought-after area to live in, but for how long?

If Coeur Terre is going to contain a school that will add even more congestion with more buses and parents racing down our streets to pick up and drop off their children twice a day.

With the building of Coeur Terre, which will be even much larger than the Seltice project, the traffic from this new “high density” development should all be routed onto Huetter Rd. There is the ability to widen Huetter to accommodate these vehicles prior to building and Hanley is already available as a cut through to Ramsey and 95 as a 4-lane road. Huetter already connects to Seltice, Hanley, and Prairie for access to downtown and Hwy 95 business.

We are not against growth in our city but please do not destroy our neighborhood in the process.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King

3504 Moccasin Road

CDA Planning Commission Presentation
October 11, 2022

Traffic issues -

Commissioners, thank you for allowing me to address this issue tonight. I've submitted to your offices, a copy of my presentation, which includes sources of the data that I cite.

My name is Don Webber. I live at 4211 W. Arrowhead Rd., CDA. Our neighborhood consists of 167 custom homes on 1-acre lots, in a pine forest. We purchased our home more than 20 years ago. We chose the location predominantly because of the quiet streets, the trees, and our ability to walk our dogs, play with our children and enjoy our neighbors in a peaceful setting.

While we support progress and the new development, we're asking you to please help us in protecting the integrity of our neighborhood.

An earlier version of the project's concept plan showed NO plans to use Arrowhead Rd or Appaloosa Rd for ingress and egress. The developer's website now shows a different plan that will negatively impact our neighborhood by encouraging traffic to pass through on quiet, local streets.

Outside of our neighborhood, the developer shows at least 11 additional points of ingress/egress into their project. 10 of those on arterials or collector streets. Is it an absolute necessity for traffic to be routed through our neighborhood?

Or is directing traffic onto our local streets designed to create convenience for those entering the new development? If for their convenience, then we are definitely to be inconvenienced.

Certainly some other solution can be found without ruining our neighborhood. Please don't allow access through our local street.

We do expect cut-through traffic generated by the new development, and its negative impacts. There will be no way to avoid it.

But, by making our dead end a through street, you will certainly exacerbate the situation. Our normal traffic would increase by a factor of 10 times. Couple that with creating a direct route to a new school and the traffic numbers become astronomical.

The exponential increase in traffic encouraged to pass through our neighborhood will cause a serious negative impact that will be devastating. You know what the studies say. This type of increased traffic will:

- Increase the risk of traffic injuries and fatalities
- Increase noise and dust

- Increase “cut-through” traffic
- Increase speeding potential
- Reduce property values
- And generally degrade an existing desirable CDA neighborhood

Most progress requires compromise, and we understand that. We’re not asking for no negative impact. We simply ask you to mitigate SOME of the negative impacts.

You are our only advocates in this process.

Please, don’t sacrifice one neighborhood for another.

Protect our neighborhood.

Protect our children.

Protect our environment.

Protect our property.

Thank you.

Don Webber
4211 W. Arrowhead Rd.
Coeur D’Alene, ID 83815
Donharvest2u@gmail.com

Sources:

<https://ceds.org/cut-thru/>
<https://www.cdaid.org/6959/departments/planning/city-of-coeur-dalenes-2022-2042-comprehensive-plan>
<https://www.useful-community-development.org/neighborhood-traffic.html>
<https://mrsc.org/Home/Stay-Informed/MRSC-Insight/Archives/Protecting-Existing-Neighborhoods-from-the-Impacts.aspx>



4752 W. Riverbend Avenue • Post Falls, ID 83854 (208) 773-6745 • Fax (208) 777-4080
October 3, 2022

The City of Coeur d'Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d'Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission:

Jacklin Land Company supports Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene and encourages the City to approve their application. As the developers of Riverbend Commerce Park in Post Falls, and home to Buck Knives, Ednetics, Raycap, ALK Source Materials, University of Idaho, North Idaho College, etc., we know our tenants need an inventory of housing options for employees. Whether it is retaining an existing business, or bringing a new business to our area, housing options are critical to the economic success of our community.

The project will include a wide variety of housing types which will directly benefit the community by providing needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City and County services.

Architerra provides quality homes throughout the county in their many projects. The master planned Coeur Terre project will provide a variety of housing options and amenities for a wide range people for decades to come.

We are requesting that the City of Coeur d'Alene approve the proposed annexation and zoning of the Coeur Terre Property. The site is adjacent to the existing city limits and is a natural progression of outward growth of the city.

Respectfully

A handwritten signature in blue ink, appearing to be "Jacklin Land Company", written over a horizontal line.

Jacklin Land Company

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814



October 4, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Coeur d Alene Regional Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well- planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing city limits, connected to existing development, streets, and utilities, and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

A handwritten signature in blue ink that reads 'Rick Rasmussen'.

Rick Rasmussen, Chair, Board of Directors
Coeur d Alene Regional Chamber

STUHMILLER, SHANA

From: Donald Garringer <donaIdgarringer@gmail.com>
Sent: Monday, October 10, 2022 8:14 PM
To: STUHMILLER, SHANA
Subject: Public hearing comment

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

With regard to mitigation of potential affects due to development over the Rathdrum Aquifer. Would reducing density by applying R-1 and/or R-3 designations be consider, rather than the proposed R-8?

Specifically, for the area west of and adjacent to the north/south underground water line located approximately 40 to 50' west of the current city limits boundary.

STUHMILLER, SHANA

From: Garringer <garringer4@roadrunner.com>
Sent: Monday, October 10, 2022 3:55 PM
To: STUHMILLER, SHANA
Subject: Coeur Terre public comment

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

Dear Members of the Planning Commission:

My husband and I have resided in the Northshire neighborhood for over thirty years.

- I support the annexation of Coeur Terre to financially offset the impact its residents will have on Coeur d'Alene over the long term.
- Please consider less units per acre for the first row of the new lots on the eastern side of the development to potentially minimize the impact on Northshire.

Thank you for considering the workforce housing shortage.

Sincerely,
Mary Ann Garringer

STUHMILLER, SHANA

From: sherry hayes <shayes1951@hotmail.com>
Sent: Monday, October 10, 2022 1:27 PM
To: STUHMILLER, SHANA
Subject: public hearing on Oct11 for request for Coeur Terre annexation

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

My name is Sherry Hayes. I live at 4115 N Lancaster Rd , CDA. My property abuts the land request for annexation. I may not be able to come to the meeting. I am worried about the property being over developed, as I may be understanding that the R-8 and R-17 may allow the houses to be practically on top of each other for one.

I am worried about having enough of green space between my property and what they will be doing behind me, will there be enough of green space, people not walking into my yard.

I already have people , dogs and motorbikes coming next to me and in my yard all the time now as there is a roadway between me and the fields.

I also worry about the huge water line that was put in a few feet in the field a few years ago. can they build over it, or will they have to have an easement for it.

And what about the impact on the aquifer? Will they be paying and putting in all the infrastructure or will the city and taxpayers be footing the bill?

What about the schools? They said they will set aside two properties for the schools and give one to the district free. Is that in writing or will they pull back on that?

Maybe they should be charged big impact fees for all these services, they could always charge more for their houses, for all the people moving here from out of state who disrupt our way of living. Maybe you could have in writing that they have a fourth of their houses for low income or maybe even medium income people, for all the people who make minimum wages in our area.

I have lived in my home since late 1978 and knew some day Mr. Armstrong might sell his property, but this endeavor sounds a bit over the top, don't you think? I do! Double check everything they say as during their informational meeting they had at the Kroc Center it did not always line up to what they were saying and what was on their info boards they had up. One presenter was saying one thing and across

the room another was saying something completely different. They do not have all their ducks in a row!

Thank you so much,
Sherry Hayes
4115 N Lancaster Rd
208-765-3831



201 E. Fourth Ave.
Post Falls, ID 83854
Phone: 208.773.5016
www.postfallschamber.com

October 7, 2022

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Post Falls Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing the city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

Eric Knudtsen, Chair
Board of Directors
Post Falls Chamber of Commerce

Christina Petit, President/CEO
Post Falls Chamber of Commerce

To: Coeur d'Alene Planning Commission, shana@cdaid.org

From: Robert and Yvonne Hallock
3704 Buckskin RD
Coeur d'Alene, ID 83815

Topic: Planned development, Coeur Terre

We have lived in our current house in Indian Meadow for over 25 years. Our neighborhood is tranquil with large lots, nice neighbors, trees, no sidewalks, and deteriorating roads.

Our biggest concern with the Coeur Terre proposal is funneling traffic through our subdivision streets. Like a lot of our neighbors we make use of these street not only for driving on but exercising and maintaining our quality of life. It is not uncommon to find neighbors walking their dogs, riding bikes (or trikes), a baby stroller being pushed down the street and groups of friends walking down the streets enjoying the outdoors. Increasing traffic levels in our subdivision would place pedestrians at risk.

The proposed development (from what plans we saw) will push a lot of vehicles into our subdivision streets. We are not sure how some of the neighbors are going to back out of their driveways without being hit with this increase. What about the rights of the existing citizens to maintain our quality of life and safety?

Walking around our subdivision we are amazed at how many of the streets have cracks in the asphalt and most with weeds growing in the cracks. Many of the asphalt patches of the past are cracking also. Adding thousands of vehicles—cars, trucks, school busses, and others—will cause the streets to have bigger cracks and potholes. During heavy rains and melting snow, large puddled form in places. Does the City have plans and funding to replace all of the streets in Indian Meadows and make changes to drainage for increased vehicle activity?

Speaking of traffic, how will the intersections onto Atlas Road be addressed? The increased traffic from the north presently has impacted our ability to access Atlas Rd. at peak times. We can't even imagine how we will get onto Atlas to make a doctor's appointment (let alone our street) with the additional traffic proposed.

Why is the City so willing to allow high density housing next to our one acre lots?

By even considering the option of a high density subdivision next to ours, the City is telling us that our established subdivisions does not matter. No one is even considering what will happen to our established neighborhoods.

Thank you for considering our concerns,

Robert and Yvonne Hallock,

STUHMILLER, SHANA

From: Bill Robb <robbhouse@roadrunner.com>
Sent: Friday, October 07, 2022 8:56 AM
To: STUHMILLER, SHANA
Subject: ITEM #A422-COEUR TERRE, Public Hearing 10/11/2022

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

To the Coeur d'Alene Planning Commission:

We reside at 3704 North Tamarack Road in Indian Meadows. We **OPPOSE** the zoning/density for Coeur Terre.

The density/zoning is too high compared to the surrounding neighborhoods.

The "compact neighborhood" designation of roughly the southern third section of Coeur Terre is **NOT** in keeping with the density of Indian Meadows which is mostly one home per acre. It will negatively change our neighborhood due to heavily increased traffic and noise, especially with a new school near the southern border of Coeur Terre.

The Coeur Terre subdivision zoning/density should reflect the existing area.

The infrastructure in the area is NOT equipped to handle the high density being requested. There are many examples of this exact scenario throughout the area, and is a common complaint from current residents.

Thank you,
Bill and Laurie Robb

Peck & Peck

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(208) 773-6559 · Fax (208) 773-3431

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While for some the thought of growth like this seems unnecessary and like it may change the way of life here, for us it allows us to stay here and continue our way of life that we love so much. Please consider the lives a project like this will affect, not only in more homes, schools, and parks but also the number of families that will be supported financially in creating a community minded space like this.

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David Fry

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Rick Daugherty

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Kenneth O'Dea

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Travis Jeyar

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*More affordable houses are made through more houses,
simple laws of supply and demand. People are coming where
do they live? They are coming where ever the con.*

*Jason Meyer
4th generation Idahoan*

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Josh Wiltsie

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To whom it may concern,

My name is John Rudebaugh, I am the lead project manager for Peck and Peck Excavating, I am a long-time resident of Post Falls and am raising three children in the area. I have been working in the excavation business for the better part of 20 years.

I work very closely with Lakeside companies and have always been impressed by their desire to produce high quality projects that have the best interest of the community in mind. They believe in growth that betters the lives of those in our community who need it the most. They strive to build strong local relationships by utilizing companies that have been operating in our community for many years.

The Coeur Terre project not only benefits the community by offering more affordable housing, more parks for our growing community as well as the option for more schools, which are desperately needed, it also provides companies like ours many years of work. Our company employs between 60 and 70 people at any given time and projects like these keep us busy and growing, it gives us the opportunity to offer better pay, better benefits and more consistent hours to the hard-working people we employ. Not only does it help keep our business growing it allows us to create business for other local companies that we utilize in completing our parts of projects like this, such as concrete companies, small trucking companies, construction supply companies, and many more.

A project like this is a win for the community no matter how you look at it, more jobs, more housing, more schools, more parks. All things that an area that is growing like ours desperately needs.

Thank you for taking the time to read my letter in support of the annexation for Coeur Terre. Please feel free to reach out to me with any questions.

John Rudebaugh

A handwritten signature in blue ink, appearing to read 'John Rudebaugh', written over a blue horizontal line.

Peck and Peck Excavating, Inc.

John@peckexcavating.com

STUHMILLER, SHANA

From: Bill Todd <billmtodd@outlook.com>
Sent: Tuesday, October 11, 2022 9:32 AM
To: STUHMILLER, SHANA
Subject: Kootenai County Land Company Annexation

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

Hello Shana,

I will not be able to make the meeting but here is my input.

The only way out of the proposed development will be to exit onto Atlas or Huetter. Atlas is already very busy and more traffic will only make it worse. The same company is looking at developing the West side of Huetter which will make that road even busier.

What will the entry points be to get into the development? There are well-established neighborhoods that will be affected.

The city services are already stretched thin, so what is the plan there?

I am opposed to annexation. As always big money will win out unless the planning department takes a stand.

Thank you for your time.

Bill and Darci Todd
4302 W Appaloosa Road
Coeur d Alene ID 83815

STUHMILLER, SHANA

From: Donna Phillips <dphillips@cityofhaydenid.us>
Sent: Monday, September 19, 2022 10:32 AM
To: STUHMILLER, SHANA
Cc: chris.higginbothm@itd.idaho.gov; marvin.fenn@itd.idaho.gov; gmiles@kmpo.net; shannon@postfallshd.com
Subject: RE: [EXTERNAL] City of Coeur d'Alene Planning Department, Public Hearing Notice
Attachments: A-4-22 public Hearing notice2.pdf

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

Good Morning,

The City of Hayden appreciates the ability to comment on the proposed annexation, and suggests that this request for comment also be sent to Idaho Transportation Department, Kootenai Metropolitan Planning Organization, and Post Falls Highway District. I did not see them on the list of folks who received the notice. Additionally based on the location adjacent to Huetter Road, and as the City of Hayden has tried to preserve the area proposed to be within the Huetter Bypass, it would seem that a request to preserve the footprint of the Huetter Road for future development into the bypass would seem prudent in accordance with the plans of the KMPO. The City of Hayden, required a building setback to be preserved at the time of annexation of those properties adjacent to this roadway north of Prairie Avenue within an annexation agreement. The City understands that this annexation is well south of Prairie Avenue, however, it is near the connection from Interstate 90 as proposed, and the northern area just south of Poleline Avenue is identified as part of the footprint of the Planned Huetter roadway.

In either case, I would defer to one of the three identified agencies (copied here) that I can't seem to find in the list and their direction related to this preservation of area as part of any future development of the land.

Sincerely,

Donna

Donna Phillips
Community Development Director
(208)209-2020
dphillips@cityofhaydenid.us

From: STUHMILLER, SHANA <SHANA@cdaid.org>
Sent: Wednesday, September 14, 2022 1:29 PM
To: Avista <Jamie.Howard@avistacorp.com>; Brittany Stottlemyre <Brittany.Stottlemyre@avistacorp.com>; Chad Polak <Chad.M.Polak@p66.com>; Chet Gaede <chet.gaede@msn.com>; Chris Riedeman <criedeman@kec.com>; citizen <mcghie1945@gmail.com>; Corp of Engineers <michael.aburgan@usace.army.mil>; Cyndi(Citizen <cdarling@icehouse.net>; East Side Highway District <eshd@imaxmail.net>; emily blunt <emily@cdadowntown.com>; jeff boller <jboller@cdaschool.org>; Jeff Voeller <jvoeller@cdaschools.org>; John Cowley Dist Supt NW Pipeline Corp <ty.broyles@williams.com>; Karen Hansen <barnun33@hotmail.com>; Kate Orozco <korozco@cdaschool.org>; Ken Windram <ken@harsb.org>; Kootenai County <dcallahan@kcgov.us>; Kris Jackson <krisj1216@gmail.com>; Mark Hinders <Mark@cdagarbage.com>; Megan O'Dowd <megan@lyonsodowd.com>; Michael Thomas <mthomas@kec.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Pam Westberg <pwestberg@cdaschool.org>; Philip Evander <pevander@kec.com>; Planning <Planning@cityofhaydenid.us>; Sandy Emerson

<jasandyemerson@gmail.com>; Scott Davis <sdavis@kec.com>; Scott Maben (smaben@cdaschools.org) <smaben@cdaschools.org>; Sharon Bosley <kea@kealliance.org>; Shon Hocker <shon.hocker@cdaschools.org>; Stephanie Oliver <soliver@harsb.org>; susie snedaker <susansneadaker@earthlink.net>; Tony Berns <tonyb@ignitecda.org>; Trina Caudle <tcadele@cdaschool.org>; Williams Gas Pipeline <Michael.Fitchner@williams.com>; Worley Highway District <worleyhwy@worleyhwy.com>; Yellowstone Pipeline <Michael.R.Sharpe@p66.com>

Subject: [EXTERNAL] City of Coeur d'Alene Planning Department, Public Hearing Notice

Greetings,

Attached is a copy of public hearing notice for A-4-22.

This item will be heard at the next Planning Commission Meeting held on Tuesday, October 11th and 12th(if needed).

If you have any comments please let me know.

Thanks,

Shana Stuhlmiller
Planning Department, City of Coeur d'Alene
Public Hearing Assistant

208.769-2240 ext. 240
shana@cdaid.org

STUHMILLER, SHANA

From: Klaus Grassmann <klisg641@gmail.com>
Sent: Saturday, September 24, 2022 1:58 PM
To: STUHMILLER, SHANA
Subject: Cour Terra development

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 are Klaus and Isabelle Grassmann. We live on 3433 N Buckskin Rd, in CouerD'alene, also known as Indian Meadows. Our property is directly adjacent to the proposed development.

We are both retired. Our decision to purchase this 1 acre property 7 years ago was not only for its beautiful home, but just as important, for its location adjacent to farmland (The Prairie), the beauty of mountain views, visible wildlife, wonderful sunsets, relative silence and privacy. We were not made aware of any future development. If that had occurred, we would have changed our plans.

1. The Cour Terra Development threatens to deny us of these enjoyments.
2. Additionally, the value of our property will be negatively impacted. Any thought of compensation for this loss?
3. Indian Meadows is a low density development, one home per acre. The aim of a good development should be not to place high density housing directly adjacent to low density. This appears not to be the case. Serious consideration needs to be given to a good transition between densities.

We ask you to give this serious consideration. Please acknowledge receipt. Thank you.

STUHMILLER, SHANA

From: Donna Phillips <dphillips@cityofhaydenid.us>
Sent: Monday, September 19, 2022 10:32 AM
To: STUHMILLER, SHANA
Cc: chris.higginbothm@itd.idaho.gov; marvin.fenn@itd.idaho.gov; gmiles@kmpo.net; shannon@postfallshd.com
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dphillips@cityofhaydenid.us

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To: Avista <Jamie.Howard@avistacorp.com>; Brittany Stottlemyre <Brittany.Stottlemyre@avistacorp.com>; Chad Polak <Chad.M.Polak@p66.com>; Chet Gaede <chet.gaede@msn.com>; Chris Riedeman <criedeman@kec.com>; citizen <mcghie1945@gmail.com>; Corp of Engineers <michael.aburgan@usace.army.mil>; Cyndi(Citizen <cdarling@icehouse.net>; East Side Highway District <eshd@imaxmail.net>; emily blunt <emily@cdadowntown.com>; jeff boller <jboller@cdaschool.org>; Jeff Voeller <jvoeller@cdaschools.org>; John Cowley Dist Supt NW Pipeline Corp <ty.broyles@williams.com>; Karen Hansen <barnun33@hotmail.com>; Kate Orozco <korozco@cdaschool.org>; Ken Windram <ken@harsb.org>; Kootenai County <dcallahan@kcgov.us>; Kris Jackson <krisj1216@gmail.com>; Mark Hinders <Mark@cdagabage.com>; Megan O'Dowd <megan@lyonsodowd.com>; Michael Thomas <mthomas@kec.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Pam Westberg <pwestberg@cdaschool.org>; Philip Evander <pevander@kec.com>; Planning <Planning@cityofhaydenid.us>; Sandy Emerson

<jasandyemerson@gmail.com>; Scott Davis <sdavis@kec.com>; Scott Maben (smaben@cdaschools.org) <smaben@cdaschools.org>; Sharon Bosley <kea@kealliance.org>; Shon Hocker <shon.hocker@cdaschools.org>; Stephanie Oliver <soliver@harsb.org>; susie snedaker <susansneadaker@earthlink.net>; Tony Berns <tonyb@ignitecda.org>; Trina Caudle <tcadele@cdaschool.org>; Williams Gas Pipeline <Michael.Fitchner@williams.com>; Worley Highway District <worleyhwy@worleyhwy.com>; Yellowstone Pipeline <Michael.R.Sharpe@p66.com>

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Shana Stuhlmiller
Planning Department, City of Coeur d'Alene
Public Hearing Assistant

208.769-2240 ext. 240
shana@cdaid.org

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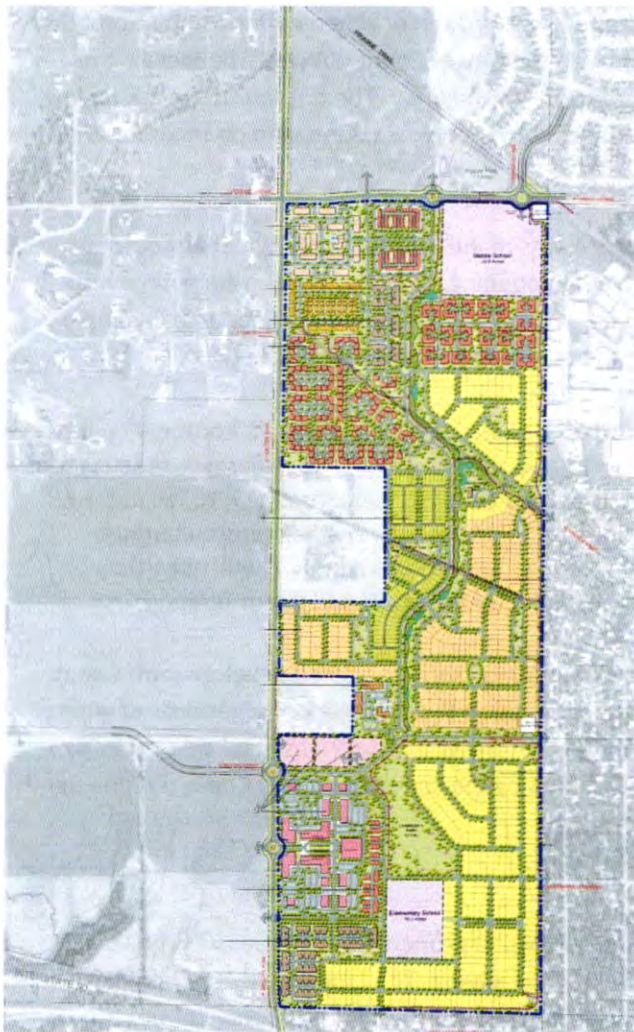
We ask you to give this serious consideration. Please acknowledge receipt. Thank you.

The Community Against the Kootenai County Land Company, LLC Coeur Terre Project

Planning Commission
City of Coeur d'Alene
710 E Mullan Ave
Coeur D Alene, ID 83814

Dear the City of Coeur d'Alene Planning Commission,

The intent of the letter is to voice the disagreement with the submitted proposal for the Kootenai County Land Company, LLC's Coeur Terre project. It is also the intent of the letter to stop any annexation request as it is not required. The project is requesting a proposed +/-442.64-acre annexation form Ag Sub to R-8, R-17, C17, and C-17L.



Summary

The proposed development is failed; it is simply not community development that supports vibrant neighborhoods and safety. It does not cover all the needed concepts for such a large, high-density undertaking, including, but not limited to, police departments, fire departments, medical facilities, greenspace, and ecological impacts. The project will destroy the local community, negatively impact surrounding houses for aesthetics and property value, and obliterate the road system.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The project has not published an expected start date to break ground or schedule for completion but is asking that the 442.64-acres of property be annexed into the City of Coeur d'Alene. The fact that no projected start date is in place should stop this annexation immediately. The burden to the tax-paying citizens for the public hearing is already too significant as there is no execution plan on record and no current need.

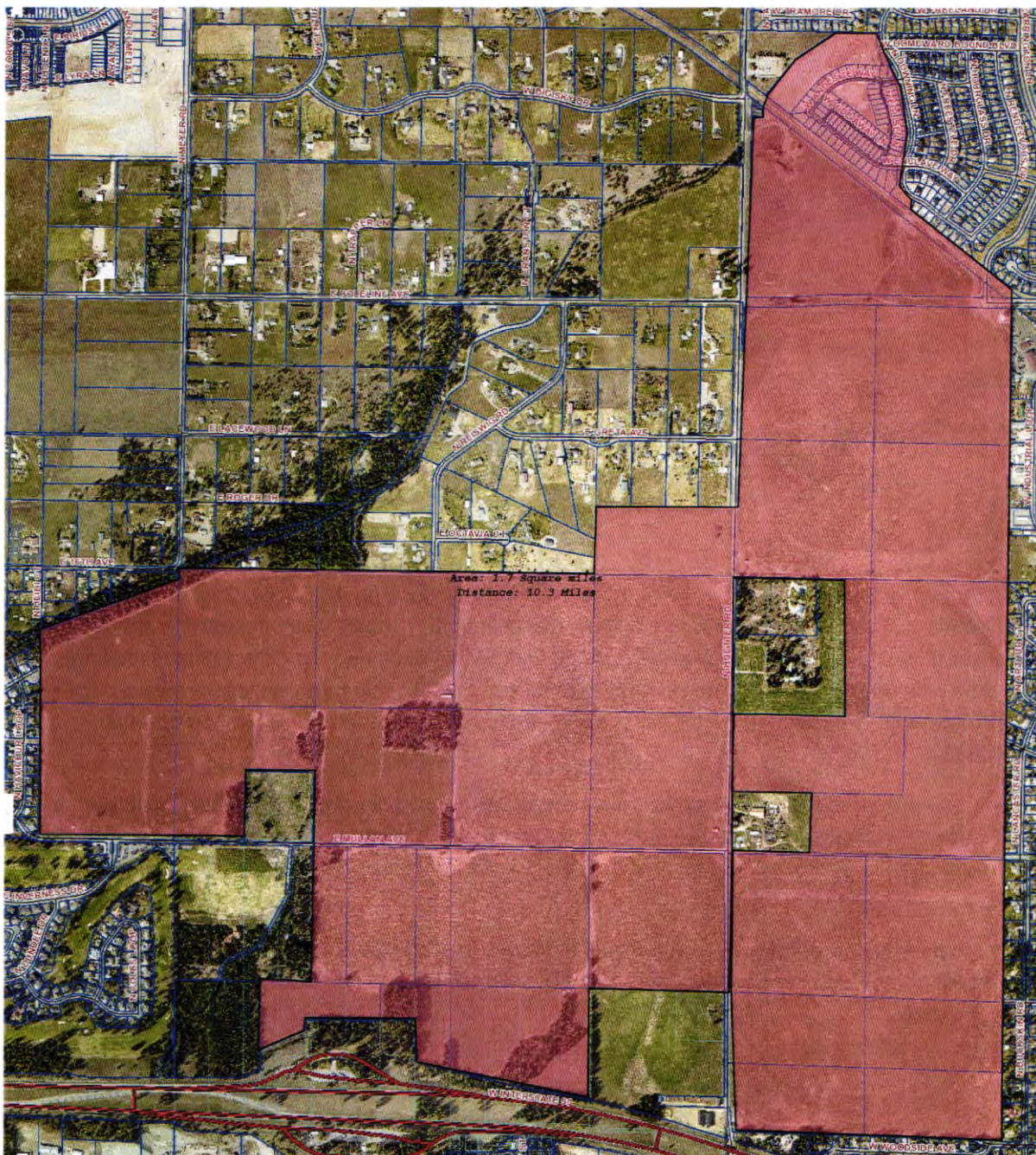
Upon contacting the Kootenai County planning office, it was made clear to the public that Kootenai county does not have the right to keep this action from happening. The fact that the current governing body of the land cannot stop this action appears to be a legal loophole. It is appalling, and developers have used the loophole to push their agendas over the community's best interest.

Annexation at this time, before the Idaho Transportation Department even starts its Kootenai county road assessment, is deliberate. The developer will purposely start housing builds nearest to the current Huetter Road to keep their land from being used for any road expansion and forcing it to fall entirely inside Post Falls. They would be supporting the KMPO's current vision for road expansion but not necessarily the right idea for the county. Keeping the current, unresearched vision will make the developer more money while gravely impacting the residents of Post Falls and Coeur d'Alene.

The proposal for this much land development is that of another city, not a small development. Coeur d'Alene Planning department does not have the right to sanction this annexation, regardless of what they feel their legal authority is currently. The likelihood that the entire area would be split off into another small city in the future is high. It is also not desired by the community, and Coeur d'Alene needs to respect the majority over the minority parties involved.

LEV [NN] LLC

The holding company of the land being reviewed and additional property in the area uses the legal company name of 'LEV' and then a number and then 'LLC' to manage the land assets. The original proposal for the Coeur Terre project, which has now been removed from the Kootenai County Land Company, LLC's website, had initially planned to have less density for their entire acreage, which is over 1,050 acres.



However, the company has left behind a rough view of the master plan on the page for The Enclave , as seen below. The plan is massive and will turn this section of the prairie into a city.

Simply, the Kootenai County Land Company, LLC is being disingenuous, and all their current and future plans must be reviewed.

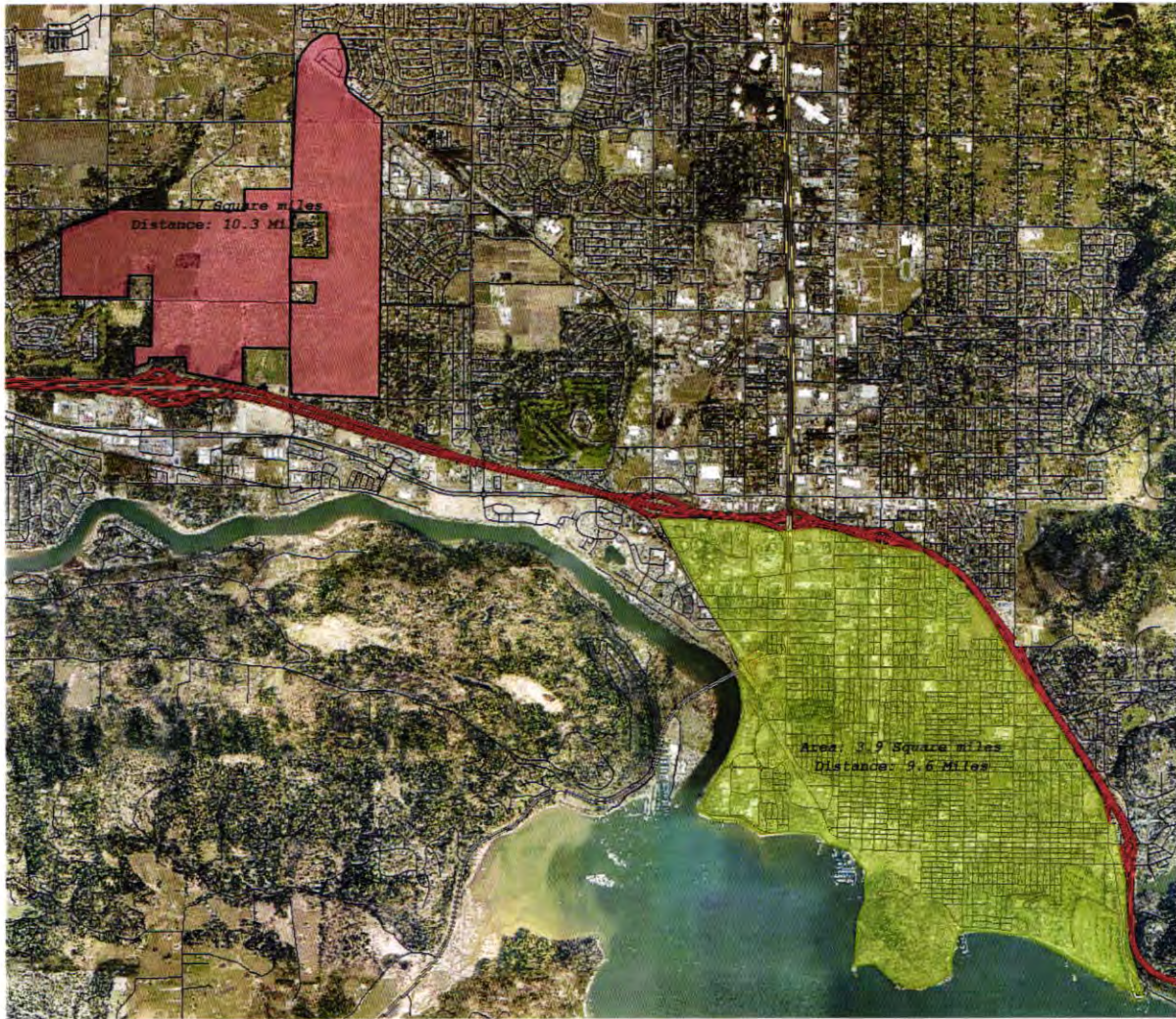


Another City, Not Residential

It is incorrect to say that the Coeur Terre project promotes orderly growth, preserves the quality of Coeur d'Alene, protects the environment, promotes economic prosperity, and fosters the safety of the residents. It must do this to comply with both the Idaho State Code and the Coeur d'Alene Planning Commission's charter. An argument that this was part of the 2040 planning document does not make it valid for growth. The planning document contains many inaccuracies around development and economics.

The density proposed for the 442 acres is city development, not a simple, small residential development. In addition, the proposal does not account for the new development to the North and the lack of roads, schools, and other needs for long-term growth and to ensure the quality of Coeur d'Alene remains intact.

The total potential development area is nearly half the size of the City of Coeur d'Alene proper, south of I-90, much of the same density, less green space (by almost 60%), fewer roads, less access to transportation, and less ability for local stores.



Roads

The annexation is requested before the Idaho Transportation Department (ITD) finishes its review for improved road systems in the area. ITD has decided a county-wide population and traffic model needs to be updated for the PEL study; it could be years before the NEPA is started and completed.

The developer's design also doesn't include the already over-saturated report for Seltice Way, which will gridlock the area due to the overbuilding by the river between Atlas Road and Riverstone Drive as shown in the SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech.

The current estimate for Seltice Way would require 3-lane roads in both directions to accommodate the amount of traffic from the excessive development at the river, let alone another development of this magnitude at Huetter Road.

SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech
However, even with this more moderate growth rate of 2% annually, the dual lane

roundabout is projected to start breaking down by 2045, with and without the Coeur Terre site traffic – negating the need to change to a traffic signal system along the corridor and prepare for three-lanes in the westbound direction of travel.

The proposed changes to Huetter Road from the Kootenai County Land Company, LLC will take most of the speeds on the road from 45 miles per hour to 20 miles per hour or less. Additional traffic jams can be expected at all major turn lanes at Prairie Avenue, Poleline Avenue, and Seltice Way.

City and Community Needs (Safety and Healthcare)

In nearly the same square miles of potential building area, the City of Coeur d'Alene has three (3) elementary schools (Winton, Fernan, Bryan), not just one (1). It also has several academy schools as well. Post Falls is becoming overcrowded after having just built a new school less than two years ago. The expected growth in the area will require more than just one elementary school and one middle school. It should also account for more parks and recreation areas. It would also require more large sports fields to support more school teams.

Currently, the area is serviced by Kootenai County Sheriff's Department, and their response time for the area is lengthy today. Adding another 4,000+ residents into that area will place strain on public safety as there would be new stress placed on Coeur d'Alene's police department.

Fire and rescue departments are not in the developer's designs which will be even more critical with the growth of the population. Additional service for the 442 acres and the misplanned development by the riverfront at Atlas Road continues to show development companies cannot be trusted to promote sustainable growth.

Emergency medical treatment and healthcare centers are not in the design either. However, the roads have already been found not to support timely responses in the case of an emergency.

Buyers Are Not Residents

It has become abundantly pervasive that buyers of these locations are not residents of the home. They are typically investors who then rent out the properties. Rental properties and micro-leases do not support residences and healthy communities. Throughout the United States of America, these impacts are being fought against due to the drastic adverse effects on the community and its people.

Northern Idaho is not unique in its problem with housing development requests nor in ignoring the learnings from other parts of the country where expansive growth has destroyed what was in place.

Landlords are removing low-income families' ability to gain home equity. The renters are also subjected to the landlords' rent increases which can happen every six (6) months.

Idaho Code

55-2006 (3) A landlord shall give written notice of such change to each affected home owner at least ninety (90) days prior to any amendment to the rental agreement. The landlord may not amend the rental agreement or rules more frequently than once in a six (6) month period.

Conclusion

The annexation must not be permitted as there is enough evidence that the development proposed does not support Idaho Code. It is also not a design that meets the needs of the community.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The plans of the Kootenai County Land Company, LLC are dangerous and adversely impact Kootenai county in total. The project is not ready to be reviewed because of the lack of roads, schools, green space, community needs, and city planning.

It is no question that growth in Kootenai county will continue in the future. The question is the value of the growth as it has been completed today and what the impacts will be with development projects which have not yet been completed.

Sincerely,

Signatures on Next Page

Name

Brett Haney <haneybrett@gmail.com>
Dr. Philip Spradley <philip.spradley@gmail.com>
Kristi Haney <lakelandpiesale@gmail.com>
John K. McGuire <coastiejkm@gmail.com>
Ronald C McGhie <mcghie1945@gmail.com>
Darla Pavlish <dbowers777@yahoo.com>
Sharon M Greer <Sharonmgreer@yahoo.com>
Anthony Perers <adpeters41@gmail.com>
Lloran Johnson <llorcj@outlook.com>
Maureen Marian <Momarian@yahoo.com>
Brian Adams <Linwalker22@gmail.com>
Joe Flinn <joeflinn0965@gmail.com>
Joseph Lewis <Joeroe620@gmail.com>
Jennifer Hickman <jen@ourfam.rocks>
Shirlie Nilsson <meadowshorsegirl@netzero.com>
Francis G OConnell <franko@reagan.com>
Mark Jacobi <mtjacobi@gmail.com>
April Vossler <aprilvossler@gmail.com>
Teresa Marks <Teresa@klema155.com>
Christopher Good <cw4chris@verizon.net>
Jennifer Honshell <Honshelljennifer@gmail.com>
Andrea Baass Peters <acbpeters@gmail.com>
Randy Pavlish <dbowers777@yahoo.com>
Tim Shaw <senseishaw@gmail.com>
Jeffrey Pearson <pearsonjeff45@hotmail.com>
Jim Rommel <jimsuerommel@gmail.com>
Dan A Vossler <Vosslerdan@gmail.com>
Lindsey Adams <badamsinspections@gmail.com>
jay L Greer <jaylgreer@yahoo.com>
Cori LePard <lepard626@gmail.com>
Brian Rogers <im@brro.me>

Andrea Baass Peters

Andrea Baass Peters (Oct 10, 2022 13:17 PDT)

Email Address

acbpeters@gmail.com

Phone Number

208-620-0266

Street Address

1982 N Reiswig Rd
Post Falls, ID 83854

Anthony Perers

Anthony Perers (Oct 9, 2022 20:52 PDT)

Email Address

adpeters41@gmail.com

Phone Number

2087557233

Street Address

1982 N. Reiswig Rd
Post Falls ID 83854

April Vossler

April Vossler (Oct 10, 2022 11:48 PDT)

Email Address

aprilvossler@gmail.com

Phone Number

8053542086

Street Address

2356 N. Reiswig Rd.
Post Falls, Idaho 83854

Brett Haney

[Brett Haney \(Oct 9, 2022 14:18 PDT\)](#)

Email Address

haneybrett@gmail.com

Phone Number

208 818 1314

Street Address

7097 W Big Sky Dr
Post Falls, ID

Brian Adams

[Brian Adams \(Oct 10, 2022 08:06 PDT\)](#)

Email Address

Linwalker22@gmail.com

Brian Rogers

[Brian Rogers \(Oct 10, 2022 16:31 PDT\)](#)

Email Address

im@brro.me

Christopher Good [\(Oct 10, 2022 12:31 PDT\)](#)

Email Address

cw4chris@verizon.net

Phone Number

9098382770

Cori LePard

[Cori LePard \(Oct 10, 2022 16:18 PDT\)](#)

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2086997670

Street Address

4717 W. Woodside Ave. Coeur d'Alene. ID 83815

Dan A Vossler

[Dan A Vossler \(Oct 10, 2022 15:33 PDT\)](#)

Email Address

Vosslerdan@gmail.com

Phone Number

8052459545

Street Address

2356 North Reiswig Road
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Darla Pavlish

[Darla Pavlish \(Oct 9, 2022 19:40 PDT\)](#)

Email Address

dbowers777@yahoo.com

Phone Number

2086601769

Street Address

6607 E Octavia Ct
Post falls, ID 83854



Dr. Philip Spradley (Oct 9, 2022 14:19 PDT)

Email Address

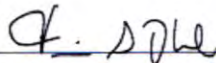
philip.spradley@gmail.com

Phone Number

5636504562

Street Address

4095 S Stateline Rd
Post Falls, ID 83854



Francis G OConnell (Oct 10, 2022 11:08 PDT)

Email Address

franko@reagan.com

Phone Number

2088185626

Street Address

4257 N Alderbrook Dr
CDA, ID. 83815



Jay L Greer (Oct 10, 2022 16:07 PDT)

Email Address

jaylgreer@yahoo.com

Phone Number

2086996720

Street Address

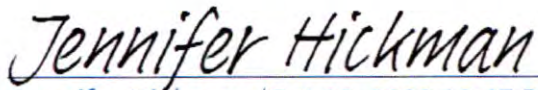
6886 E Greta Ave. Post Falls Idaho 83854



Jeffrey Pearson (Oct 10, 2022 15:07 PDT)

Email Address

pearsonjeff45@hotmail.com



Jennifer Hickman (Oct 10, 2022 10:47 PDT)

Email Address

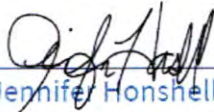
jen@ourfam.rocks

Phone Number

206-258-3877

Street Address

7132 E Greta Ave
Post Falls, ID 83854

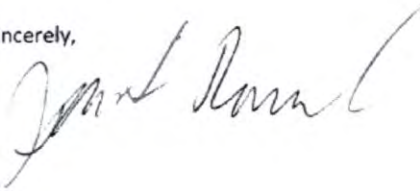


Jennifer Honshell (Oct 10, 2022 13:13 PDT)

Email Address

Honshelljennifer@gmail.com

Sincerely,



Email Address

Jim Sue Rommel@gmail.com

Phone Number

503 789 8317

Street Address

7045 E Greta
Post Falls 83854



Joe Flinn (Oct 10, 2022 09:06 PDT)

Email Address


joeflinn0965@gmail.com

Phone Number

2086996695

Street Address

3085 W Diamond Bar Rd



John K. McGuire (Oct 9, 2022 15:08 PDT)

Email Address

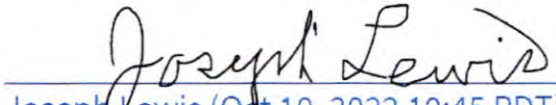
coastiejkm@gmail.com

Phone Number

208 7556342

Street Address

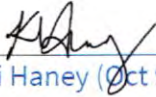
6999 w. Big Sky Drive
Post falls Idaho 83854



Joseph Lewis (Oct 10, 2022 10:45 PDT)

Email Address

Joeroe620@gmail.com



Kristi Haney (Oct 9, 2022 14:45 PDT)

Email Address

lakelandpiesale@gmail.com

Phone Number

Street Address

7097 W Big Sky Dr Post Falls ID 83854



Lindsay Adams (Oct 10, 2022 15:53 PDT)

Email Address

Badamsinspections@gmail.com



Lloran Johnson (Oct 10, 2022 07:56 PDT)

Email Address

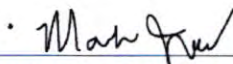
llorcj@outlook.com

Phone Number

2086600017

Street Address

7723 N Fairborne Lane
Coeur d Alene, ID 83815



Mark Jacobi (Oct 10, 2022 11:22 PDT)

Email Address

mtjacobi@gmail.com

Maureen Marian

[Maureen Marian \(Oct 10, 2022 07:54 PDT\)](#)

Email Address

Momarian@yahoo.com

Phone Number

Street Address

Cranston Ct. Post Falls

Randy Pavlish

[Randy Pavlish \(Oct 10, 2022 14:53 PDT\)](#)

Email Address

dbowers777@yahoo.com

Phone Number

5094990507

Street Address

6607 East Octavia Court
Post Falls, ID 83854

Ronald C McGhie

[Ronald C McGhie \(Oct 9, 2022 15:44 PDT\)](#)

Email Address

mcghie1945@gmail.com

Phone Number

970-759-9697

Street Address

7253 W Big Sky Drive

Sharon M Greer

Sharon M Greer (Oct 9, 2022 20:28 PDT)

Email Address

Sharonmgreer@yahoo.com

Phone Number

208-755-7602

Street Address

6886 E Greta Ave., Post Falls ID. 83855

Shirlie Nilsson

Shirlie Nilsson (Oct 10, 2022 10:59 PDT)

Email Address

meadowshorsegirl@netzero.com

Phone Number

208 755 6448

Street Address

7040 E. Greta Avenue
Post Falls, ID 83854

Teresa

Teresa Marks (Oct 10, 2022 12:01 PDT)

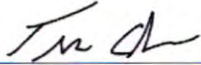
Email Address

Teresa@klema155.com

Phone Number

Street Address

981 N. Glasgow Drive, Post Falls, ID 83854



Tim Shaw (Oct 10, 2022 14:53 PDT)

Email Address

senseishaw@gmail.com

Phone Number

4259851540

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814
October 7, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Rathdrum Area Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](https://www.kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing the city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our City.

Respectfully,



[Chantel Koho \(Oct 7, 2022 11:27 PDT\)](#)

Board of Directors
Rathdrum Area Chamber of Commerce







Rathdrum Chamber Letter of Support

Final Audit Report

2022-10-07

Created:	2022-10-07
By:	Chantel Koho (Chantelk@stcu.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOecbLnhDeXx6CqhsUQePCCmctvm1ngls

"Rathdrum Chamber Letter of Support" History

-  Document created by Chantel Koho (Chantelk@stcu.org)
2022-10-07 - 6:22:08 PM GMT
-  Document emailed to chantelkoho@outlook.com for signature
2022-10-07 - 6:22:27 PM GMT
-  Email viewed by chantelkoho@outlook.com
2022-10-07 - 6:22:35 PM GMT
-  Signer chantelkoho@outlook.com entered name at signing as Chantel Koho
2022-10-07 - 6:27:17 PM GMT
-  Document e-signed by Chantel Koho (chantelkoho@outlook.com)
Signature Date: 2022-10-07 - 6:27:19 PM GMT - Time Source: server
-  Agreement completed.
2022-10-07 - 6:27:19 PM GMT

STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Wednesday, August 10, 2022 9:41 AM
To: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: RE: Coeur Terre Annexation Support

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you. We will add to our public comments on Coeur Terre.

From: MCLEOD, RENATA <RENATA@cdaid.org>
Sent: Wednesday, August 10, 2022 9:32 AM
To: ANDERSON, HILARY <HANDERSON@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: FW: Coeur Terre Annexation Support

I think this might be for your upcoming hearing... R

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Sent: Monday, August 8, 2022 2:02 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre Annexation Support

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Hello,

I am writing to encourage annexation of the land needed to develop the Coeur Terre project. It is a much needed affordable housing opportunity for local residents and the blue color workers needed to support our area's growth.

Thank you!

Shawn Anderson
Owner



RCE-2869



5097 N. Building Center Drive
Coeur d'Alene, ID 83815
(208) 772-9333 ~ (208) 772-9484 FAX
www.monarchcustomhomes.com

STUHMILLER, SHANA

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Sent: Friday, July 22, 2022 12:46 PM
To: ANDERSON, HILARY; STUHMILLER, SHANA
Subject: FW: Written Comment Coeur Terre Annexation

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I assume this is an upcoming annexation, do you want to include it with the staff report to Council??? Thanks r

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Sent: Friday, July 22, 2022 11:27 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Written Comment Coeur Terre Annexation

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Levi Snyder
4363 W. Woodhaven Lp.
Coeur d'Alene

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Sincerely,
Levi Snyder

from the desk of
DON J. SCHMITT, M.D.

American Board of Family Medicine

Retired, 44 year Coeur d'Alene Resident
May 6th, 2022

to Cda City Council
& City Planning Department

Dear fellow citizens,

We are homeowners on **Arrowhead Drive**, Cda, off Atlas road westward, on one of the "thru streets" to serve the south end of the new development **Coeur Terra**. We have concrete or asphalt **driveways**, **landscaping** and **mailboxes** up to the pavement of Arrowhead. Many of us have **fences** also within the 12-13 1/2 foot boundary of City right of way. We have photos of the driveways and landscaping on the last page of this letter, for your reference.

We all have "one-acre" lots. Many of us were members of the Indian Meadows Homeowner's Association. Sidewalks came up to the east border of Indian Meadows, but as a **low-foot-traffic, horse rich, low density** neighborhood, we were inclined to landscape and access right up to the pavement. It gave our neighborhood a special charm and beauty. Compliments abound for **streetside flowers**. **Quail** love the **junipers**. It's the most beautiful part of our special, so far most beautiful city in the U.S.

We would like to **KEEP OUR LANDSCAPING**, **OUR FENCES** and **OUR DRIVEWAY ENTRANCES** as they exist. **Please do not widen our street** (there should be no fast-traffic-left-turn issues on Moccasin and the other north-south streets with low traffic).

PAGE 1

We are aware that moving utility poles in our neighborhood (to gain street width) will be very **expensive** to the city, as well.

We are also concerned about a **possible oversight by planners**: Nez Perce lines up E→W with **Mullan** thru Coeur Terra and is already a much **wider access/exit** to the new development. **Nez Perce** is also **centered north-and-south** into the greater development, and has some potential for high traffic barrier fence on the north side right of way, as anticipated already by residents on that road (as evidenced by solid fences and driveways built onto Buckskin and **Moccasin**, not Nez Perce).

Nez Perce also will feed quickly into **W. Kathleen Ave**, Holy Family School, U.S. Forest Service, B.L.M., Ramsey Elementary School, Woodland Middle school, Kootenai dump site, law enforcement, city fire station, a large gravel pit facility, Fred Meyer and nearby businesses: restaurants, Parker Toyota, Super 1, Auto Parts, Charter Academy, Home Depot, Idaho Rec with Fish and Game, Spectrum and other public and commercial outfits.

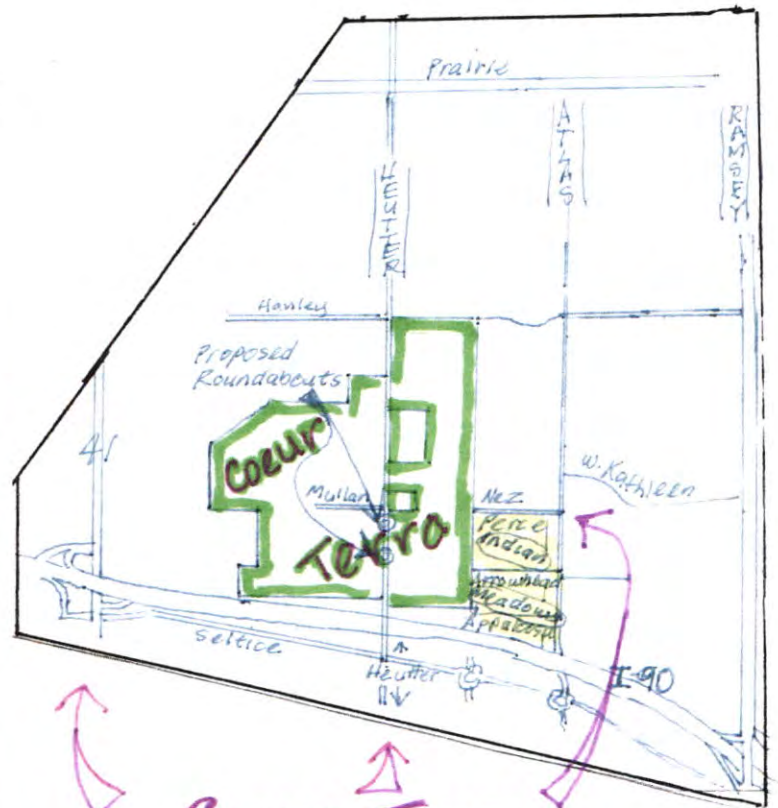
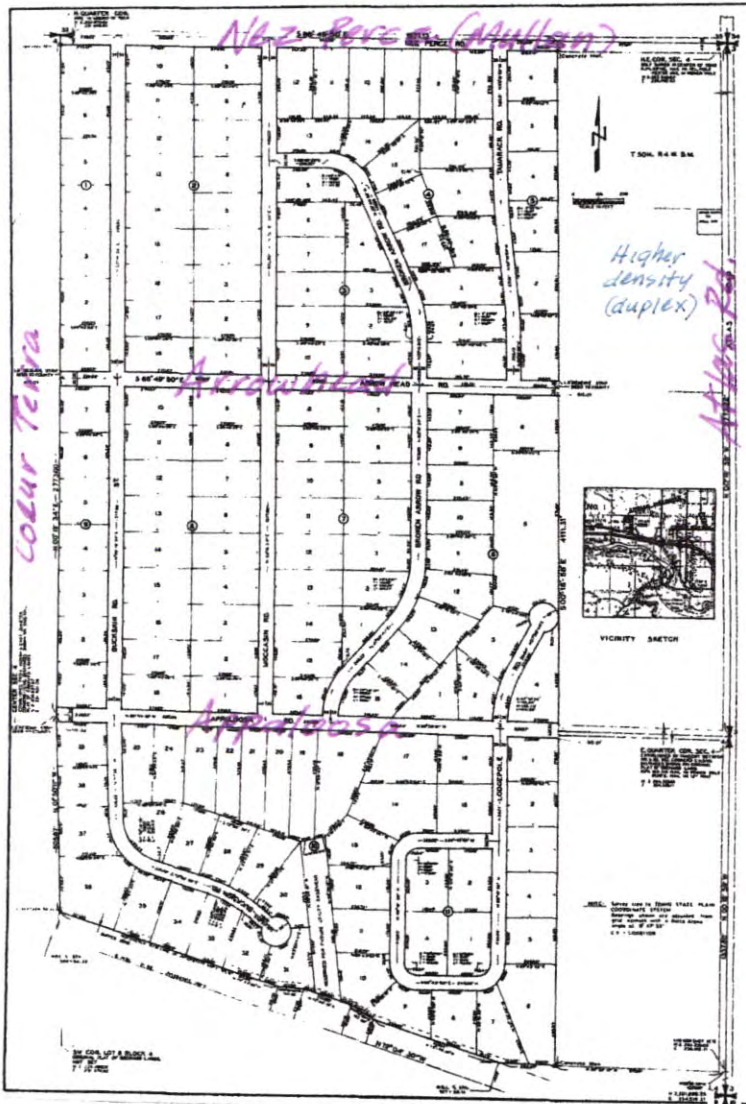
**THIS GUARANTEES HEAVY PUBLIC-
SAFETY AND COMMERCIAL TRAFFIC
ON MULLAN ↔ NEZ PERCE** ^{(for decades).}

(See Page 4 for a general map of this route.)

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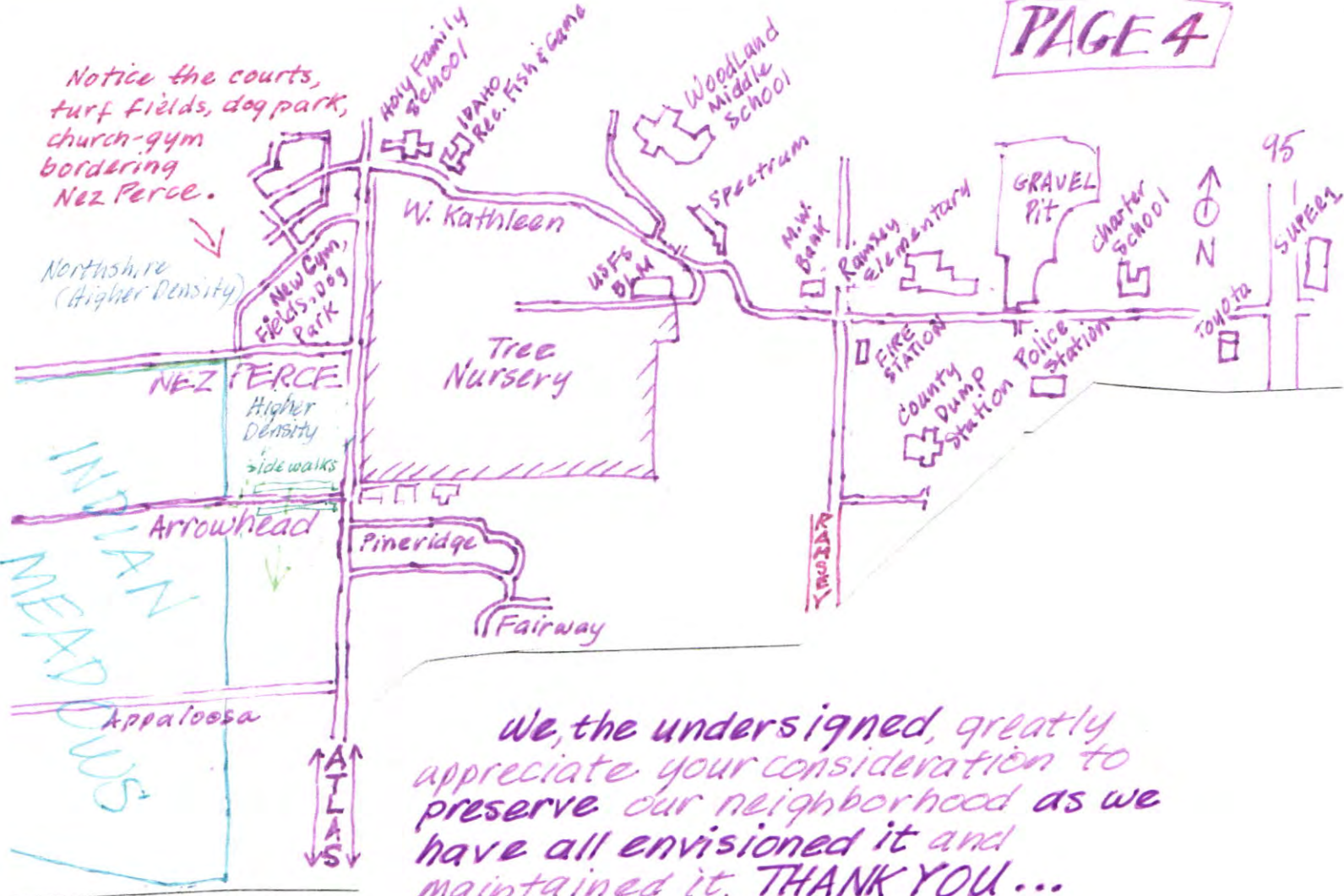
We fully support increased housing in our city. Lakeside Capital Group LLC and it's subsidiary Kootenai County Land Co. and the builders involved have a good plan for use of this special place on the prairie. Please don't let it spoil our special place in the pines.

INDIAN MEADOWS



Coeur Terra access

Notice the courts, turf fields, dog park, church-gym bordering Nez Perce.



We, the undersigned, greatly appreciate your consideration to preserve our neighborhood as we have all envisioned it and maintained it. THANK YOU...

TRAVEL MEADOWS

Mike Curtis name ✓
 Rick name ✓
 Buckskin signature ✓
 Donald name ✓
 Don Schmitt name ✓
 Rickie Matthews name ✓
 Nancy M Barr name ✓
 Nancy M Barr name ✓
 Theresa Potts name ✓
 Theresa Potts name ✓
 Broken Arrow name ✓
 Arrowhead name ✓
 Sharph name ✓
 ...

PHOTOS of Arrowhead driveways, landscaping, fences & mailboxes on PAGE 5



STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:18 PM
To: MCLEOD, RENATA; TYMESEN, TROY; ADAMS, RANDY; BOSLEY, CHRIS; GREENWOOD, BILL; HOLM, SEAN; BEHARY, MIKE; STUHMILLER, SHANA
Subject: FW: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

See email from Glenn Miles below.

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:15 PM
To: G Miles <gmiles@kmpo.net>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

Thank you, Glenn. I appreciate the additional details. We will share your email with the Planning Commission and City Council so that they have the background and full picture.

From: G Miles <gmiles@kmpo.net>
Sent: Monday, June 06, 2022 2:04 PM
To: ANDERSON, HILARY <HANDERSON@cdaid.org>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

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

Good afternoon Hilary,

Thanks for forwarding the information. As you know, the corridor was officially approved by elected officials on the KMPO Board in 2009. The corridor was updated in July of 2022. The corridor is adopted in the KMPO Metropolitan Transportation Plan and a designated corridor on the Federal Functional Classification System as an National Highway System future route. Several individuals have moved into the adjacent area since that time and some who participated in the original extensive public involvement process in 2009, do not want the long planned for corridor to move forward.

I am very aware of Mr. McGhie's concerns. As Mr. McGhie has been informed, the U.S. 95 Alternate Corridor has been accepted by the ITD Board and was funded for completion of the environmental documents by the Idaho Transportation Department Board in May 2021. The effort has been assigned to the ITD District 1 Office who is contracting with HDR Engineering to conduct the effort.

Mr. McGhie (and others he is associated with) have expressed his concerns to the KMPO Board. I have also been told by ITD District 1 staff that he has also been assured that the ITD District 1 Office will keep him apprised of opportunities for stakeholder involvement and participation during the environmental process.

Regards,

Glenn

June 5, 2022

Hilary Anderson, MS
City of CDA
Community Planning Director

I recently watched the videos of both the planning commission and city council approval of the CDA Comprehensive Plan 2022-2042. I must say I was very impressed with you and your staff's presentations and replies. After reading the plan, I can say it is a good plan for a downtown urban city but lacking in the area covering the city's transition to adjoining rural areas.

I live in Big Sky Estates on the south side of Big Sky Drive. My home is on the second lot west of Huetter and my son owns the lot adjacent to Huetter Road. We both are members of the No Huetter Bypass Group.

Huetter Bypass

We have worked with Dave Callahan at the county to stop the proposed overlay until the ITD Bypass NEPA study is complete.

Instead of the Bypass, I have been proposing an Alt I-90 Corridor from Hwy 53 at PV interchange along the BNFS RR that crosses the Prairie on the south side of Wyoming. After crossing Hwy 41 it goes along the easterly side of the UP RR to Hwy 95 above Boekel Rd. The existing Huetter Road may need a turn lane, but it is ridiculous to remove and lower the road while making a 354-foot-wide Bypass. Unfortunately, KATT and KMPO have failed to consider anything that would actually help the problems on Hwy 95 or I-90 in their goal to get the traffic off the Rathdrum Prairie. (See attached letter to Damon Allen and Mega Jahns).

Scenic Corridor

I would like to see the existing Huetter Rd declared a Scenic Corridor and protected. This scenic corridor is one of the last rural-agricultural routes that still runs through the Rathdrum Prairie, from Seltice Way to Boekel Rd. I will be asking all government agencies to help protect the view along this route through zoning and community cooperation. The public should not have to look at high-rise buildings along this corridor!

Coeur Terre Development

For the last several years I have kept in touch with Gabe Gallinger PE, who is the Land Development Manager for Lakeside Capital Group. He has kept me informed on the progress of the Coeur Terre Project. When he first told me they were going to meet with your office around the first of May, I called your office and asked if it was going to be a public meeting. I was informed the public meeting would be around June or July.

I am not against appropriate or reasonable growth, but I don't think the present vision of the Coeur Terre development is close to being either appropriate or reasonable. (See attached email to Gabe Gallinger)

The area along both sides of Huetter Road have been agricultural and rural 5 acre minimum since zoning was established. I fully understand why the agricultural land is being sold and buyers' right to develop. However, the development should have to be reasonable with the ACI area and the surrounding community.

During the declaration for annexation stage, I urge you to consider the following:

1. The Comp Plan 2022-2042 is a good plan for a city but is heavily weighted by the CDA 2030 group that uses the United Nations 17 Sustainable Development Goals and the CDA Economic Development Organization. While their goals of high density and commercial development and zoning may fit in the urban city, it does not fit this rural and agricultural area.
2. The Comp Plan 2022-2042 on page 7, showing the Reference to State Statute, does not show any Policy Framework being considered under the Special Areas or Site. On page 61, it states, "Although the role of the Comprehensive Plan is primarily to address citywide planning issues, it can be challenging to address the specific issues and needs of the areas. (This should be addressed in an amendment to the plan making the existing Huetter Rd a Special Area.)"
3. Action CI 2.1C02 states, "Foster a collaborative relationship with surrounding communities to manage development transition at the city and county limits and establish unique identities while maintaining connectivity. Consider mutually agreed upon wayfinding signage and open space buffers in transition areas." (A buffer is needed to protect the scenic Huetter Corridor.)
4. Action ER 2.2.C01 states, "Review and consider changing the Zoning Code to discourage obstruction of open view corridors of both public and private parks, green spaces and natural area". (How about R1 -1ac. zone along both sides of the existing Huetter Rd. with open green areas and trees.)
5. Action ER 4.1.J01 states, "Partner with other organizations to identify potential funding strategies and management structures to preserve open space on the Rathdrum Prairie for public benefit." (Ask Lakeside Capital to provide green areas with trees along both side of Huetter Rd.)
6. Action GD 1.7.C1 states, "Establish a visual resources inventory in community and determine if there are specific guidelines that should be

defined and established in the City Code for public view corridors in development projects.”

7. I ask, what is a community? Is it the block, the track, the neighborhood, the town, the city, the county, the state, or is it a particular ethos? How does one community affect the others? Are there things each separate community does to help each other or the entire community? One would think that saving a scenic rural road through the Rathdrum Prairie would be a benefit to all the drivers no matter where they live. **If these scenic routes are not protected now, they will soon be gone.**
8. We do not need a Town of Coeur Terre! Please don't ruin what little rural area we have left. **The traffic that these proposed densities and zoning would create would be intolerable!**
9. Currently, the Coeur Terre project area is KC-Rural and Agricultural, with CDA- R-1, R-3, and R8 to the north, south, and east, with no building over two stories. It would be nice to see 1ac lots along Huetter with green areas and trees, with nothing over the densities allowed in CDA R8 zonings throughout.
10. The developers have done a good job to the north, without three story building, commercial, and very high-density design. The new paper on June 2, 2022 stated, "Architerra Homes steps up for the community" and "We want to come up with creative ways to support the community." I hope this is true and that you will ask for their help.
11. Please work with developers, Kootenai County, and all the cities and State ITD to stop the Huetter Bypass and make it a protected scenic rural road through the Rathdrum Prairie, from Seltice Way to Boekel Road. It's now or never and the only good rural route remaining.
12. It's premature to design a development anywhere within a ¼ miles from either side of the existing Huetter Rd. until ITD decides about the Bypass.

Hope to meet you at the Tuesday Council Meeting.

Ronald C McGhie
7253 W Big Sky Drive
970-759-9697

STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Wednesday, August 10, 2022 9:41 AM
To: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: RE: Coeur Terre Annexation Support

Follow Up Flag: Follow up
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RCE-2869



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American Board of Family Medicine

Retired, 44 year Coeur d'Alene Resident
May 6th, 2022

to Cda City Council
& City Planning Department

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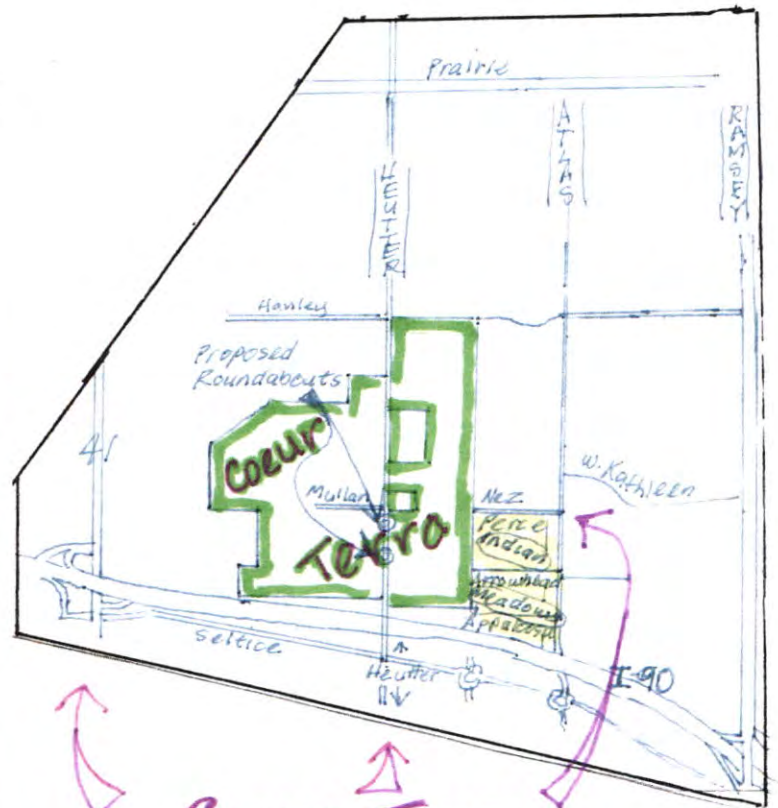
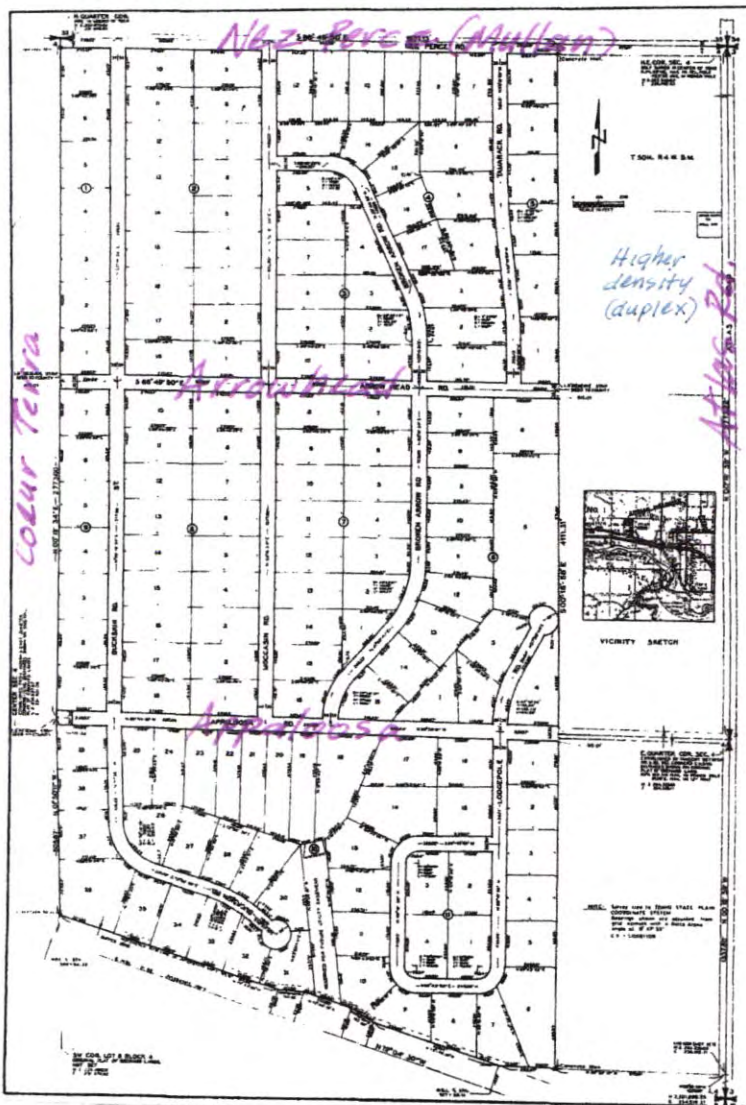
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INDIAN MEADOWS



Coeur Terra access



From the desk of Roger & Lorelei Ruddick, May 9, 2022.

To the Coeur d'Alene City Planning and City Council ~

Dear fellow citizens,

As property owners on Arrowhead Road and the surrounding neighborhood, it comes as quite a surprise to many of us to hear that our roads are to be widened and extended to accommodate traffic from a large housing development yet to be built. We are shocked, and somewhat suspicious, that as the people who would be most affected by this proposal, we have never been contacted by anyone from the city or road planning commission or the developers themselves. Some of us have only recently heard of this proposal by word of mouth from our neighbors in the Indian Meadows community.

The primary concern we have is the increased traffic, through roads, stoplights, etc., would completely change the quasi-rural character of our neighborhood. For the past nearly 50 years, this has been a low foot traffic, low vehicle traffic, low density neighborhood, complete with resident goats and horses. We enjoy walking our dogs and meeting our neighbors and chatting in the streets.

Our guess is that none of you have ever visited our neighborhood and we invite you to come.

We understand that growth happens.

We understand the need for more housing.

We even understand people not caring about things like this because it doesn't affect them personally.

What we can't understand is adopting a plan which seems like a short sighted willingness to "solve a problem" by destroying part of what makes our city so delightful, lessening our quality of life, and the probability of lowered property values.

Leanne Robb
Jamie Bell
(3704 N. Tamarack corner of Arrowhead)

There are other options. We suggest going around.

Yes. Go around.

Wallace, Idaho is a perfect example. Instead of ruining the town, the interstate went around. If you've ever been to Wallace you will agree that the best decision, not the easiest, was to preserve that town in all it's charm and glory.

Atlas Road, the egress area for all this extra traffic, is one lane in each direction.

Far better for the traffic to be diverted around to Seltice to the south and Hanley to the north.

We ask you to consider going around.

Thank you from all of us on Arrowhead Road and all of Indian Meadows!

3059 N. Bucksland
Mike & Deborah
Rick & Nancy
Mathews
4208 CDA ID 83815
Sharon & Don
4203 W Arrowhead
Dayna Williams
4211 W Arrowhead Rd.
Nancy M. Bark
4407 Arrowhead Rd.
CDA Idaho - 83815

Janie Charleski
DAN & JULIE CHARLESKI
4212 W ARROWHEAD RD
Sheresa Potts
4103 W. Arrowhead Rd.
CDA 83815

3610 Broken Arrow Rd
Coeur d'Alene 83815
Roger & Lorelei Ruddick
5.7.22
ROGER AND LORELEI
RUDDICK &
4108 W ARROWHEAD RD
CDA, ID 83815

FORNICK & DEBORAH WILSON
4104 W. Arrowhead Rd.
Deborah Wilson
Terry & Rebecca J. Wilton
3609 N. Bucksland

December 18, 2022

Mayor, City Council, City Administrator
CC: City Planning Development, Coeur Terre Development
City of Coeur d'Alene
710 E. Mullan Ave.
Coeur d'Alene, Idaho

RE: Coeur Terre Development - Negative Impacts

Dear Mayor, Council, and City Administrator,

My name is Don Webber and I live at 4211 W. Arrowhead Rd. in Coeur d'Alene. I wanted to talk to you tonight (by proxy) regarding a topic that you have been hearing about over the past few Council meetings - the negative impact expected in our neighborhoods by the Coeur Terre development. I sent this note to you by email, so you should have it in the Council packet you're holding tonight. Our neighborhood has also sent two additional letters to you, along with more than 200 signatures of like-minded neighbors who share the same concerns.

You will soon be asked to review the Coeur Terre Development Agreement. We are asking that the City Council ensure that there is language in that Agreement that addresses our concerns and protects our neighborhood for the duration of the Coeur Terre development process.

The reason we are seeking language in their Development Agreement is because we have seen recent evidence that this Council (along with your Planning Commission) is allowing uncontrolled growth - specifically, unfettered, high-density growth, in our wonderful community.

Growth is both necessary and good. But ONLY when it is well-planned, controlled, and takes the well-being of the entire community into consideration.

Strategic plans and Comprehensive Plans are excellent tools. But ONLY when you follow the guidelines and objectives in the pursuit of your stated goals.

Our reluctance to place our neighborhoods' future into your hands or the developer's hands is based on past and recent performance by this body. I've included a photograph of the three-story apartment buildings at the intersection of Atlas and Seltice. You will notice that your own stated objective of "maintaining sitelines to the Spokane River", contained in your recently adopted Comprehensive Plan, was NOT followed. Thus, creating the eyesore that now exists. That particular property has significant grade changes and there was no reason that these three-story boxes couldn't have been set at a lower level.

Another example of not adhering to the Comprehensive Plan is last week's recommendation by the Planning Commission to approve an increase in density in the next Phase of The River's

Edge project that you have previously denied. That proposal includes 4-story apartment buildings more than 50 feet high - thus replacing 28 single family homes with 296 multi-family units! This will obviously further block the site lines to the river, not to mention an after-the-fact density increase.

That same Comprehensive Plan calls for the protection of Heritage Neighborhoods, but it seems that the City is choosing to ignore certain stated objectives. We are a Heritage Neighborhood. Please do not allow our neighborhood to be ruined.

Please help us to trust you and the process as you represent current residents.

Please ensure us that there will be language in the Coeur Terre Development Agreement stating no traffic is to be allowed through our existing local streets.

Thank you.

Don Webber

Comp.Plan Objective; "Maintain site lines to river"



Failed attempt at meeting Objective

From: [BADERTSCHER, SHERRIE](#)
To: [STUHMILLER, SHANA](#)
Subject: FW: Coeur Terre Egress Concerns
Date: Tuesday, January 17, 2023 10:00:20 AM

Would you please add to the comment file?

Thanks!

From: Vikki Conway <vikkiconway@gmail.com>
Sent: Tuesday, January 17, 2023 9:06 AM
To: MCLEOD, RENATA <RENATA@cdaid.org>
Subject: Coeur Terre Egress Concerns

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

To the City Council,

I reside at 3504 Moccasin Road, in Indian Meadows, Coeur d Alene.

Coeur Terre is proposing eventually having 12,000 homes between the Coeur d Alene portion and the Post Falls portion on either side of Heutter. As the average home has 2 vehicles, not accounting for teenage drivers or roommates, we need to anticipate a huge increase in traffic over the next few years. In addition, there is also businesses and school traffic to consider. And don't forget the construction traffic while building is being done. All of this will destroy our quiet, R1 zoned neighborhood. Are the main roads being built taking all of this into account? Maybe.

Using Appaloosa, Arrowhead, Woodside and Nez Perce as through streets will disrupt our neighborhood and put an unnecessary burden on homeowners. We are seniors, multi-generational homes, elder care and or homes with children. We also have homes with dogs and cats, goats and horses and chickens. And don't forget the occasional deer or moose. There are better ways to do this. Also, that traffic can't get past Atlas as all of the proposed streets end at Atlas.

To widen our neighborhood streets would entail taking away from existing properties and forcing people to incur the expense of redoing their landscaping, losing part of their property and lowering property values.

Huetter should bear the burden of this additional traffic. Make Heutter a 4-lane road now to handle the traffic as it increases and not wait until 5 years down the road when it's more expensive and the roundabouts are obsolete.

The development at Seltice is already being built, please don't add Coeur Terre to the mix.

We are not against growth in our city but please do not destroy our neighborhood in the process.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King

From: [PATTERSON, HILARY](#)
To: [STUHMILLER, SHANA](#)
Subject: FW: Coeur Terre Project
Date: Thursday, December 29, 2022 11:25:40 AM

Please add to the Coeur Terre correspondence folder.

From: MCLEOD, RENATA <RENATA@cdaid.org>
Sent: Tuesday, December 27, 2022 10:44 AM
To: PATTERSON, HILARY <HPATTERSON@cdaid.org>; HOLM, SEAN <SHOLM@cdaid.org>;
BADERTSCHER, SHERRIE <SHERRIE@cdaid.org>
Subject: FW: Coeur Terre Project

Not sure if you were blind cc'd on this...

From: Vikki Conway <vikkiconway@gmail.com>
Sent: Monday, December 26, 2022 10:08 AM
Subject: Coeur Terre Project

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

I understand that this new development will become our new neighbors, however I do have issues with how this will impact our existing neighborhood of which I have lived here in Indian Meadows for just shy of 11 years. Why is it that something this big that will affect our entire neighborhood is just now coming to light by word of mouth to many of us. I understand some neighbors heard of this in October but many have been kept in the dark. Something should have been mailed out to our entire area to appraise us of this major change to our lives.

We went through months of work done on Seltice and in the end we still have only a two-lane road in each direction with two roundabouts added. Now we are getting between 380 and 680 new homes / apartments on Seltice which will add between 740 and 1480 minimum cars onto Seltice. The average household has two vehicles. Atlas is only one lane in each direction and has high traffic now. Many of those new cars from Seltice will be filtering onto Atlas. There appears to be no way to widen Atlas. We have been hearing rumors for a few years of an off ramp from Hwy 90 at Huetter that would relieve some of the burden on Atlas. Is this still in the works?

Opening up Appaloosa, Arrowhead, Nez Perce, Woodside and Spiers would be an unnecessary burden on our entire neighborhood. Our neighborhood was not built for that type of traffic and if a light is added to Atlas vehicles will start flying down our side streets to bypass the light. Nez Perce is wide enough to have lanes added and handle heavier traffic but Arrowhead and Appaloosa are not. How will those properties be affected?

Having lived in a high-density housing area before, moving to Indian Meadows was a dream come true, we found a home in a Low-Density development. We do not want sidewalks to maintain or excessive traffic. We also do not want our zoning to be affected. Our children and grandchildren want the ability to play safely in front of our

homes and ride their bikes and our older neighbors, of which I am one, want to safely walk our dogs down our roads and stop and talk to neighbors. We are also a horse friendly neighborhood and the additional traffic will put all of this in danger. Also, all mailboxes are on one side of the street on streets going north and south, ie Moccasin, Buckskin, etc. so this will also become hazardous. This will impact so many aspects of our lives and not in a good way. We don't need nor want the heavy equipment of the builders coming through our neighborhood either, tearing up our streets and causing massive congestion for months. Making a High-Density development have access through our Low-Density development will adversely affect our development and we will lose much of what was planned for our neighborhood and what makes it so appealing. Additionally, how will all of this affect our property values? Will it drive our values down? We are now a sought-after area to live in, but for how long?

If Coeur Terre is going to contain a school that will add even more congestion with more buses and parents racing down our streets to pick up and drop off their children twice a day.

With the building of Coeur Terre, which will be even much larger than the Seltice project, the traffic from this new "high density" development should all be routed onto Huetter Rd. There is the ability to widen Huetter to accommodate these vehicles prior to building and Hanley is already available as a cut through to Ramsey and 95 as a 4-lane road. Huetter already connects to Seltice, Hanley, and Prairie for access to downtown and Hwy 95 business.

We are not against growth in our city but please do not destroy our neighborhood in the process.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King
3504 Moccasin Road

From: [HOLM, SEAN](#)
To: [STUHMILLER, SHANA](#)
Subject: FW: Coeur Terre Support Letter
Date: Tuesday, January 24, 2023 2:55:19 PM

FYI

From: MCLEOD, RENATA <RENATA@cdaid.org>
Sent: Tuesday, January 24, 2023 2:03 PM
To: HOLM, SEAN <SHOLM@cdaid.org>; PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: FW: Coeur Terre Support Letter

Not sure if there were blind cc's on this, so passing it along for public comments. Renata

From: Levi Snyder <levistheauthor@gmail.com>
Sent: Tuesday, January 24, 2023 1:39 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre Support Letter

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To Whom It May Concern,

I am writing to express my support for the further approval of the Coeur Terre development. This development presents many opportunities for workforce housing and thoughtful improvement to the Coeur d'Alene to Post Falls corridors.

Sincerely,
Levi Snyder
4363 W. Woodhaven Lp. Coeur d'Alene

STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:18 PM
To: MCLEOD, RENATA; TYMESEN, TROY; ADAMS, RANDY; BOSLEY, CHRIS; GREENWOOD, BILL; HOLM, SEAN; BEHARY, MIKE; STUHMILLER, SHANA
Subject: FW: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

See email from Glenn Miles below.

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:15 PM
To: G Miles <gmiles@kmpo.net>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

Thank you, Glenn. I appreciate the additional details. We will share your email with the Planning Commission and City Council so that they have the background and full picture.

From: G Miles <gmiles@kmpo.net>
Sent: Monday, June 06, 2022 2:04 PM
To: ANDERSON, HILARY <HANDERSON@cdaid.org>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

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Good afternoon Hilary,

Thanks for forwarding the information. As you know, the corridor was officially approved by elected officials on the KMPO Board in 2009. The corridor was updated in July of 2022. The corridor is adopted in the KMPO Metropolitan Transportation Plan and a designated corridor on the Federal Functional Classification System as an National Highway System future route. Several individuals have moved into the adjacent area since that time and some who participated in the original extensive public involvement process in 2009, do not want the long planned for corridor to move forward.

I am very aware of Mr. McGhie's concerns. As Mr. McGhie has been informed, the U.S. 95 Alternate Corridor has been accepted by the ITD Board and was funded for completion of the environmental documents by the Idaho Transportation Department Board in May 2021. The effort has been assigned to the ITD District 1 Office who is contracting with HDR Engineering to conduct the effort.

Mr. McGhie (and others he is associated with) have expressed his concerns to the KMPO Board. I have also been told by ITD District 1 staff that he has also been assured that the ITD District 1 Office will keep him apprised of opportunities for stakeholder involvement and participation during the environmental process.

Regards,

Glenn

From: ANDERSON, HILARY [<mailto:HANDERSON@cdaid.org>]
Sent: Monday, June 06, 2022 1:32 PM
To: G Miles <gmiles@kmpo.net>; amarienau@kmpo.net
Subject: FW: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

FYI.

From: Ronald McGhie <mcghie1945@gmail.com>
Sent: Monday, June 06, 2022 12:55 PM
To: ANDERSON, HILARY <handerson@cdaid.org>; MCLEOD, RENATA <cityclerk@cdaid.org>
Subject: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

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

Attn:Hilary Anderson, MS

Please see the attached letter about concerns I would like to discuss with you. I need to know your opinion on the best way to present them to the Planning Commision and the City Council. Attached also is what I have sent to ITD and Gabe Gallinger at Lakeside Capital Group for your information..

Also attached are my June 7th public comments for the city clerk. I would like to have the city clerk get copies of Hilary's letter and all the others docx as they are all related to my comments on the June 7th Resolution No. 22-025 to the City Council.

Thank You

Ronald C McGhie
Big Sky Estates



HAYDEN AREA REGIONAL SEWER BOARD

Protecting the Aquifer Since '88

10789 N. Atlas Road • Hayden, Idaho 83835 • Fax (208) 772-3863

Ken Windram, Administrator
Phone (208) 772-0672

January 27, 2023

Coeur d'Alene Planning Department
710 E Mullan Avenue
Coeur d'Alene, ID 83814

Re: Item A-4-22 Public Hearing Comment

To Whom It May Concern:

The Hayden Area Regional Sewer Board (HARSB) received notification of the Public Hearing for Item A-4-22 regarding the annexation of approximately 440 acres south of Poleline between Huetter and the City Limits.

The HARSB collects, treats and appropriately disposes of wastewater from the Hayden Lake Sewer District, City of Hayden, and the Kootenai County Airport. The treated wastewater is discharged during the winter months to the Spokane River, through a sewer pipeline along Atlas Road¹. This is currently the only pipeline to the river discharge.

The HARSB Facility Plan (dated October 2018, prepared by J-U-B Engineers, Inc) outlines a critically important improvement to the discharge pipeline system, proposing to install a second sewer pipeline along Huetter Road. This provides redundancy in the scenario that the Atlas pipeline is damaged or needs to be maintained during the discharge season. The cost feasibility of this improvement relies on the cooperation of proposed development(s) and other jurisdictions.

Therefore, HARSB is submitting a public comment requesting the proposed development include a utility easement for the purpose of the HARSB sewer pipeline along Huetter Rd.

Please feel free to contact me with any questions (208-772-0672).

Sincerely,

Ken Windram

Ken Windram
Administrator
Hayden Area Regional Sewer Board

KW/amw

¹ The treated wastewater is disposed of through land application during the summer months, at a site on the Prairie.

June 5, 2022

Hilary Anderson, MS
City of CDA
Community Planning Director

I recently watched the videos of both the planning commission and city council approval of the CDA Comprehensive Plan 2022-2042. I must say I was very impressed with you and your staff's presentations and replies. After reading the plan, I can say it is a good plan for a downtown urban city but lacking in the area covering the city's transition to adjoining rural areas.

I live in Big Sky Estates on the south side of Big Sky Drive. My home is on the second lot west of Huetter and my son owns the lot adjacent to Huetter Road. We both are members of the No Huetter Bypass Group.

Huetter Bypass

We have worked with Dave Callahan at the county to stop the proposed overlay until the ITD Bypass NEPA study is complete.

Instead of the Bypass, I have been proposing an Alt I-90 Corridor from Hwy 53 at PV interchange along the BNFS RR that crosses the Prairie on the south side of Wyoming. After crossing Hwy 41 it goes along the easterly side of the UP RR to Hwy 95 above Boekel Rd. The existing Huetter Road may need a turn lane, but it is ridiculous to remove and lower the road while making a 354-foot-wide Bypass. Unfortunately, KATT and KMPO have failed to consider anything that would actually help the problems on Hwy 95 or I-90 in their goal to get the traffic off the Rathdrum Prairie. (See attached letter to Damon Allen and Mega Jahns).

Scenic Corridor

I would like to see the existing Huetter Rd declared a Scenic Corridor and protected. This scenic corridor is one of the last rural-agricultural routes that still runs through the Rathdrum Prairie, from Seltice Way to Boekel Rd. I will be asking all government agencies to help protect the view along this route through zoning and community cooperation. The public should not have to look at high-rise buildings along this corridor!

Coeur Terre Development

For the last several years I have kept in touch with Gabe Gallinger PE, who is the Land Development Manager for Lakeside Capital Group. He has kept me informed on the progress of the Coeur Terre Project. When he first told me they were going to meet with your office around the first of May, I called your office and asked if it was going to be a public meeting. I was informed the public meeting would be around June or July.

I am not against appropriate or reasonable growth, but I don't think the present vision of the Coeur Terre development is close to being either appropriate or reasonable. (See attached email to Gabe Gallinger)

The area along both sides of Huetter Road have been agricultural and rural 5 acre minimum since zoning was established. I fully understand why the agricultural land is being sold and buyers' right to develop. However, the development should have to be reasonable with the ACI area and the surrounding community.

During the declaration for annexation stage, I urge you to consider the following:

1. The Comp Plan 2022-2042 is a good plan for a city but is heavily weighted by the CDA 2030 group that uses the United Nations 17 Sustainable Development Goals and the CDA Economic Development Organization. While their goals of high density and commercial development and zoning may fit in the urban city, it does not fit this rural and agricultural area.
2. The Comp Plan 2022-2042 on page 7, showing the Reference to State Statute, does not show any Policy Framework being considered under the Special Areas or Site. On page 61, it states, "Although the role of the Comprehensive Plan is primarily to address citywide planning issues, it can be challenging to address the specific issues and needs of the areas. (This should be addressed in an amendment to the plan making the existing Huetter Rd a Special Area.)"
3. Action CI 2.1C02 states, "Foster a collaborative relationship with surrounding communities to manage development transition at the city and county limits and establish unique identities while maintaining connectivity. Consider mutually agreed upon wayfinding signage and open space buffers in transition areas." (A buffer is needed to protect the scenic Huetter Corridor.)
4. Action ER 2.2.C01 states, "Review and consider changing the Zoning Code to discourage obstruction of open view corridors of both public and private parks, green spaces and natural area". (How about R1 -1ac. zone along both sides of the existing Huetter Rd. with open green areas and trees.)
5. Action ER 4.1.J01 states, "Partner with other organizations to identify potential funding strategies and management structures to preserve open space on the Rathdrum Prairie for public benefit." (Ask Lakeside Capital to provide green areas with trees along both side of Huetter Rd.)
6. Action GD 1.7.C1 states, "Establish a visual resources inventory in community and determine if there are specific guidelines that should be

defined and established in the City Code for public view corridors in development projects.”

7. I ask, what is a community? Is it the block, the track, the neighborhood, the town, the city, the county, the state, or is it a particular ethos? How does one community affect the others? Are there things each separate community does to help each other or the entire community? One would think that saving a scenic rural road through the Rathdrum Prairie would be a benefit to all the drivers no matter where they live. **If these scenic routes are not protected now, they will soon be gone.**
8. We do not need a Town of Coeur Terre! Please don't ruin what little rural area we have left. **The traffic that these proposed densities and zoning would create would be intolerable!**
9. Currently, the Coeur Terre project area is KC-Rural and Agricultural, with CDA- R-1, R-3, and R8 to the north, south, and east, with no building over two stories. It would be nice to see 1ac lots along Huetter with green areas and trees, with nothing over the densities allowed in CDA R8 zonings throughout.
10. The developers have done a good job to the north, without three story building, commercial, and very high-density design. The new paper on June 2, 2022 stated, "Architerra Homes steps up for the community" and "We want to come up with creative ways to support the community." I hope this is true and that you will ask for their help.
11. Please work with developers, Kootenai County, and all the cities and State ITD to stop the Huetter Bypass and make it a protected scenic rural road through the Rathdrum Prairie, from Seltice Way to Boekel Road. It's now or never and the only good rural route remaining.
12. It's premature to design a development anywhere within a ¼ miles from either side of the existing Huetter Rd. until ITD decides about the Bypass.

Hope to meet you at the Tuesday Council Meeting.

Ronald C McGhie
7253 W Big Sky Drive
970-759-9697

Historic Preservation Commission Meeting June 23, 2022

Please submit my Public Comments

Attn:

Shana Stuhlmiller

Public Hearing Assistant

Planning Department, City of Coeur d'Alene

My name is Ronald C McGhie, and I live at 7253 Big Sky Drive, which is the first house w/o Huetter Road on the s/s of Big Sky Drive. My son is the owner of the lot between me and is adjacent to Huetter

I thank you for your time today and I am here to request your assistance in making the existing Huetter Road a protected Scenic Rural Corridor through the Rathdrum Prairie from Seltice Way to Boekel Road.

After I purchased my home in 2015, I became aware that KCATT has been studying the Huetter Corridor since the 1970's, and KMPO and the State ITD has been studying this Corridor since 2003. After reviewing many of these studies, it's obvious that protecting the Rathdrum Prairie and this scenic Corridor was not high on their list. My family has had the pleasure of driving this Scenic Corridor and enjoying the view for the last seven years. I have now decided to try and get all the cities, county, and the state to consider protectngi this treasure for my children and the public for the future.

The KMPO April 2009, Huetter Corridor Right of Way Needs Report, on page 67 Environmental Conclusions summary states,

“North of Interstate 90, land use along the Corridor is primarily agricultural with rural large lot developments on the west and urban density are residential development from Poleline Avenue to Prairie Avenue. Areas north of Prairie Avenue are primarily rural in nature with agriculture being the predominant use.”
[The environmental scan revealed] *“Natural ecological communities have undergone nearly complete conversion to agriculture and urban land uses.”*
[The Recommendations state] *“There are no known environmental constraints with the Huetter Corridor study area that would preclude development of a high-speed route.... For most resources, some additional data collection and documentation would be necessary to confirm that impacts would be low or easily mitigated.”*

I must point out that the references to urban density and urban land used in the KMPO Needs Report are very questionable. The area within a half mile of either side of Huetter Rd appears to have been agricultural from 1982-1992, with rural large lots being added on the west side around 1998-2005. The Residential Landing and Trails developments

were added after 2006. Currently, the entire area within a half mile of Huetter Rd., including the Area of City Impact, appears to be void of any commercial, retail, or urban type development or building over two stories.

The Huetter Bypass would totally destroy this beautiful area! KMPO has now turned over the study to ITD for environmental assessment. To remove this scenic corridor and lower the portion adjacent to the ACI to 26 feet below the existing pavement is totally insane. In trying to mitigate one problem, KMPO has created several more.

I am a member of the No Huetter Bypass group, and our members have been contacting the ITD and will be contacting the City of Coeur d' Alene. The proposed bypass route should be stopped before the city approves any annexation request. I have submitted an alternate route for the ITD to consider. (See attached)

I am not against appropriate or reasonable growth, but I don't think the present vision of the Coeur Terre development is neither appropriate nor is it reasonable!

Their presentation at the Kroc Center displayed the vision of urban townhouses, commercial shops, and three-story buildings with an extremely high density that does not fit in with the current rural area or the nearby residential development. Can you picture driving down a scenic corridor to look at four story buildings with outside parking? The extremely high density of this project will make the traffic intolerable in the rural and residential area.

Lakeside Real Estate Holdings is doing a reasonable and appropriate development at the Trails. They should be required to do a similar development in the ACI area. The CDA Comprehensive Plan on page 43 shows the Area of City Impact to have a land use type of Single-Family Neighborhood along with Urban and Compact Neighborhood or Mixed Use. To save the Huetter Scenic View, the cities land use type of the Urban, Compact, or Mixed Use, high density should be removed from the ACI area. Single-Family Neighborhood land type should be required. Please consider requiring larger lots, green areas, and trees along and adjacent to Huetter Route.

I respectfully ask your assistance with the following.

1. Convince members to KCATT, KMPO, and the ITD to find a better route than the Huetter Corridor and help save the Rathdrum Prairie scenic area.
2. Convince Planning Commission and the City Council to understand that the goals they have set are not being properly addressed in the application for annexation of the Area of City Impact. (See attached goals)
3. Like the City of Post Falls, postpone the annexation request until the ITD finishes their environmental assessment.

4. Please let me know if there are any sites or building that currently have any or need Historic Preservation along Huetter Road or in the Rathdrum Prairie beside those previous mentioned.

5. "We recognize that others are drawn to the beauty of our area, continuing to expand our population. *Because we place such high value on our natural surroundings, we responsible plan for, manage and mitigate the impacts of growth on those surroundings.*"-Kezziah Watkins Report

Thank you for your time and consideration

Coeur d'Alene_2042CompPlan

Guiding Principles

Goals & Actions

Not being address properly

Community & Identity Goal CI 1 p 73

Action CI 2.1.C02

Foster a collaborative relationship with surrounding communities to manage development transitions at the city and county limits and establish unique identities while maintaining connectivity. Consider mutually agreed upon wayfinding signage and open space buffers in transition areas.

Environment & Recreation ER 2 p 85

Action ER 2.2.C01

Review and consider changing the Zoning Code to discourage obstruction of open view corridors of both public and private parks, green spaces, and natural areas.

Environment & Recreation ER 4 p 89

Action ER 4.1.J01

Partner with other organizations to identify potential funding strategies and management structures to preserve open space on the Rathdrum for public benefit.

Growth & Development GD 1 p 95

Action GD 1.7.C01

Establish a visual resources inventory in the community and determine if there are specific guidelines that should be defined and established in the City Code for public view corridors in development projects.

Growth & Development GD 1 p 95

Action GD 1.7.C02

Evaluate if building heights in zoning districts adjacent to shorelines should be modified to protect view corridors and limit shadows.

Growth & Development GD 2 p 97

Action GD 2.2.C04

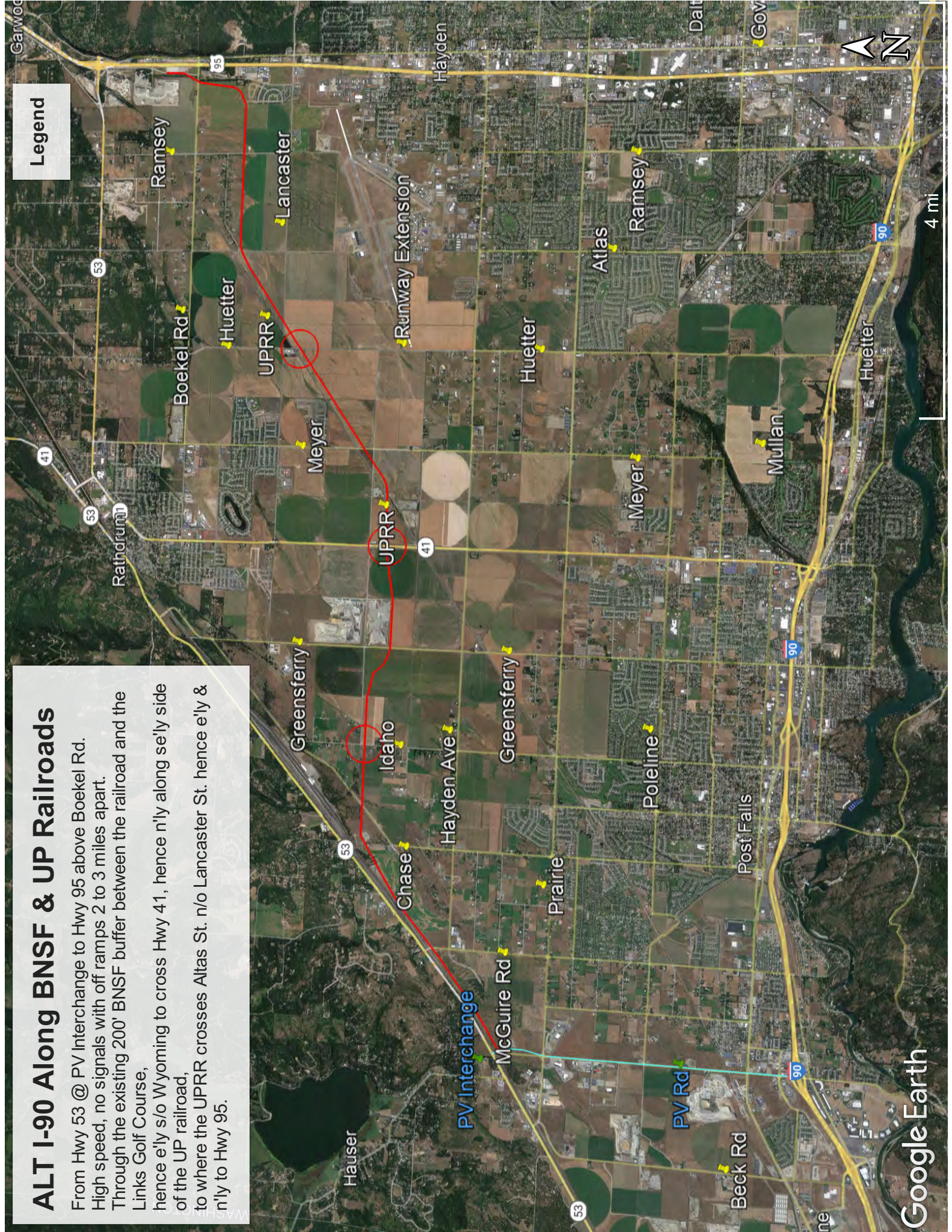
Work with utility providers to relocate existing above ground utilities underground, as viable, as streets and alleys are built or reconstructed providing resiliency to weather and ensuring continued quality service while reducing the visual impacts.

G

ALT I-90 Along BNSF & UP Railroads

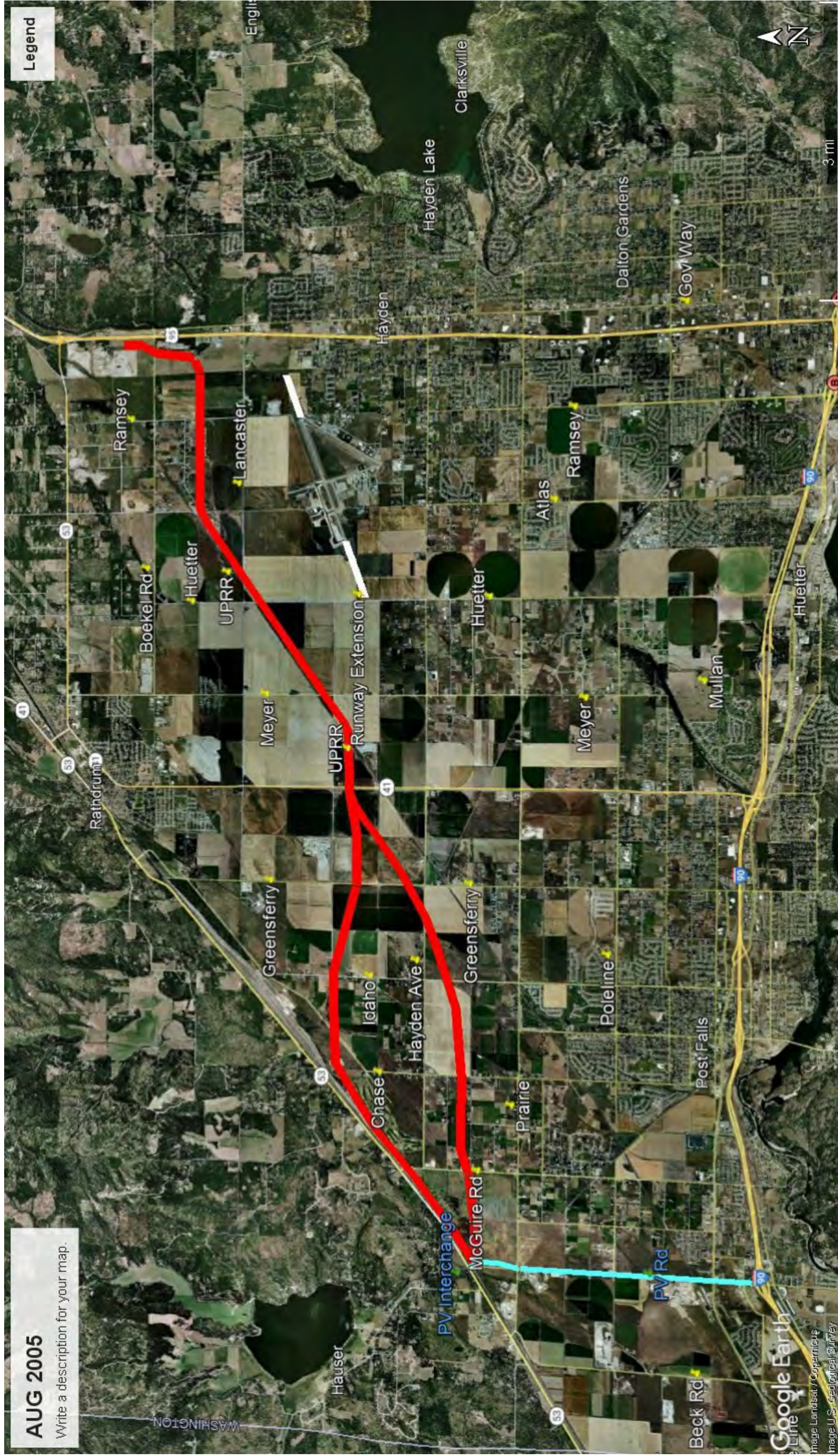
From Hwy 53 @ PV Interchange to Hwy 95 above Boekel Rd. High speed, no signals with off ramps 2 to 3 miles apart. Through the existing 200' BNSF buffer between the railroad and the Links Golf Course, hence e'ly s/o Wyoming to cross Hwy 41, hence n'ly along se'ly side of the UP railroad, to where the UPRR crosses Atlas St. n/o Lancaster St. hence e'ly & n'ly to Hwy 95.

Legend



AUG 2005

Write a description for your map.



Legend



3 mi

November 14, 2022

Dear Mayor Jim Hammond and City Council Members,

Indian Meadows is a special neighborhood within Coeur d'Alene. It is kind of a secret area that most people who have lived in Coeur d'Alene do not know about, unlike Dalton Gardens. Within Coeur d'Alene, this is the only neighborhood that has R1 zoning allowing the owners to have horses, goats, sheep, etc. Our neighborhood is a haven for grouse, moose, owls, raccoons, and many types of birds. We also have wildflowers that bloom throughout the neighborhood. Many of us bought in Indian Meadows because it is a little bit of country in the city. Nothing else like it. Indian Meadows was county and was added into city limits, but we kept our country feel.

The developer who purchased the land off of Hutter Road is wanting access through our neighborhood. The developer wants to widen our streets, which will take some of our land away. The developer wants to trade our green belts for the ones in Coeur Terre. When the developer purchased the property there was no access through our neighborhood. We are not the ones who are developing the land that has been farmed for many many years. We are not the ones who will benefit from the developer. We will suffer the loss of our quiet neighborhood, the loss of our land, the loss of wildlife, and the first right of being a property owner which is the right of enjoyment of our property. Traffic will increase with the approximate twelve thousand new people, and noise will increase. Our lifestyle will decrease.

The developer can do whatever they want with the land that they now own, but they need to use the access it came with off of Hutter. The farmer who has farmed that land never drove farm equipment through our neighborhood to reach the land. The farm trucks and tractors accessed the land from Hutter. The developer will say that we will benefit from the new schools and the shops and restaurants. In today's world, current businesses are struggling to stay afloat. Placing new buildings does not mean that they are wanted or needed. What this area needs is a real mall. This is North Idaho and we do get bad weather. Walking outside between stores in snowstorms is unpleasant. I would rather order from Amazon. Our neighborhood is full of retired residents and has a small percentage of residents with young children. The new schools are a benefit to the city and the existing overcrowded schools, but we should not be punished by the increase in traffic and noise, and pollution due to the poor planning of the school district. Annex the land, but don't change our neighborhood. Progress for the city should not hurt long-time residents.

Please do not allow the developer to take our lifestyle away and our rights as property owners to enjoy our property.

Sincerely,

Brenda Nearpass

3510 N Buckskin Road

Coeur d'Alene, Idaho

From: Vikki Conway
To: [GOOKIN, DAN](#); [EVANS, AMY](#); [WOOD, CHRISTIE](#); [MILLER, KIKI](#); [ENGLISH, DAN](#); [MCEVERS, WOODY](#); [HAMMOND, JIM](#); [MCLEOD, RENATA](#); [PlanningDiv](#); [HOLM, SEAN](#); [Suzanne Knutson](#)
Subject: Letter re: Coeur Terre Project
Date: Wednesday, January 04, 2023 2:35:01 PM

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

This in part was read at the City Council Meeting on 1-3-23

1-4-2023

Coeur Terre Project: info read in part to City Council n 1-3-23

Good evening,

Growth is inevitable. We know it happens and there is no stopping it. However, I would prefer to live in a city that takes the old and what is working into account and not destroy what we have to add the new.

Those of us who live in Indian Meadows, we cherish our surroundings. Peaceful streets where children can ride their bikes and people can walk their dogs and visit with neighbors. Sometimes someone rides their horse down the street and we even have an occasional moose drop by, and get some wonderful photos. It's a quiet neighborhood and we like it that way. Growth does not have to mean we get brushed aside in the scramble for new dense areas. We can both coexist with a little thought.

I have looked at the proposed map of Coeur Terre next to Indian Meadows. I have concerns.

1- Change Huetter from a 2-lane road to a 4-lane, 2 in each direction north to south, this will accommodate the higher traffic Coeur Terre will add. Atlas is already getting heavy traffic and has only two lanes.

2- Open an egress onto Huetter north of Armstrong Farm as this will eliminate the need for access to open on Spears and tie into Nez Perce.

3- The first egress onto Huetter appears to be by the underpass of the highway which makes the egress to West Woodside unnecessary. Why is there a need to weave through a neighborhood when you are mere yards from Seltice?

4- Arrowhead is not needed to accommodate additional traffic when Coeur Terre has Huetter to feed into which will run north/south and ties into Seltice, Hanley, Prairie which run east/west.

Many of our housing developments are not built for through traffic from adjoining developments. That is why we need to focus on our main roads, i.e., Atlas, Huetter, Hanley, Prairie etc. Emergency vehicles don't usually want to weave through all kinds of back streets to get to a call, they will go on main roads as much as possible.

Another consideration is Indian Meadows has only been plowed I think three times this

winter. Appaloosa, Arrowhead and Nez Perce are riddled with sheets of thick ice and new pot holes even now. Before the temperature went up a bit you couldn't see the ice for all the thick slush and mess. Many of our corners even now can only be navigated at about two miles an hour as you slide around. Even our garbage trucks have chains on the tires.

Also, much of Atlas was repaved this summer and due to the heavier traffic, it is riddled with potholes and cracks. They patched some potholes by the gas station and within 48 hours the patches were breaking out. This will continue to get worse when all the homes and town-houses on Seltice are completed with the development being moved up to over 600 units. Adding Coeur Terre traffic to this will be a disaster waiting to happen.

Please be mindful of the changes you may be making to our lives too when you open up our streets to this unnecessary traffic. We have a peaceful neighborhood where we want the quiet and slower pace but still have access to downtown and highways. Please don't ruin our neighborhood to add another "high density" development, we can co-exist without destroying what we have. We have a sought-after area and we also don't want this to affect our zoning or property values adversely.

Let's try to get ahead of our traffic issues before we build something that is outdated and obsolete before it's even completed. Please don't destroy our neighborhood.

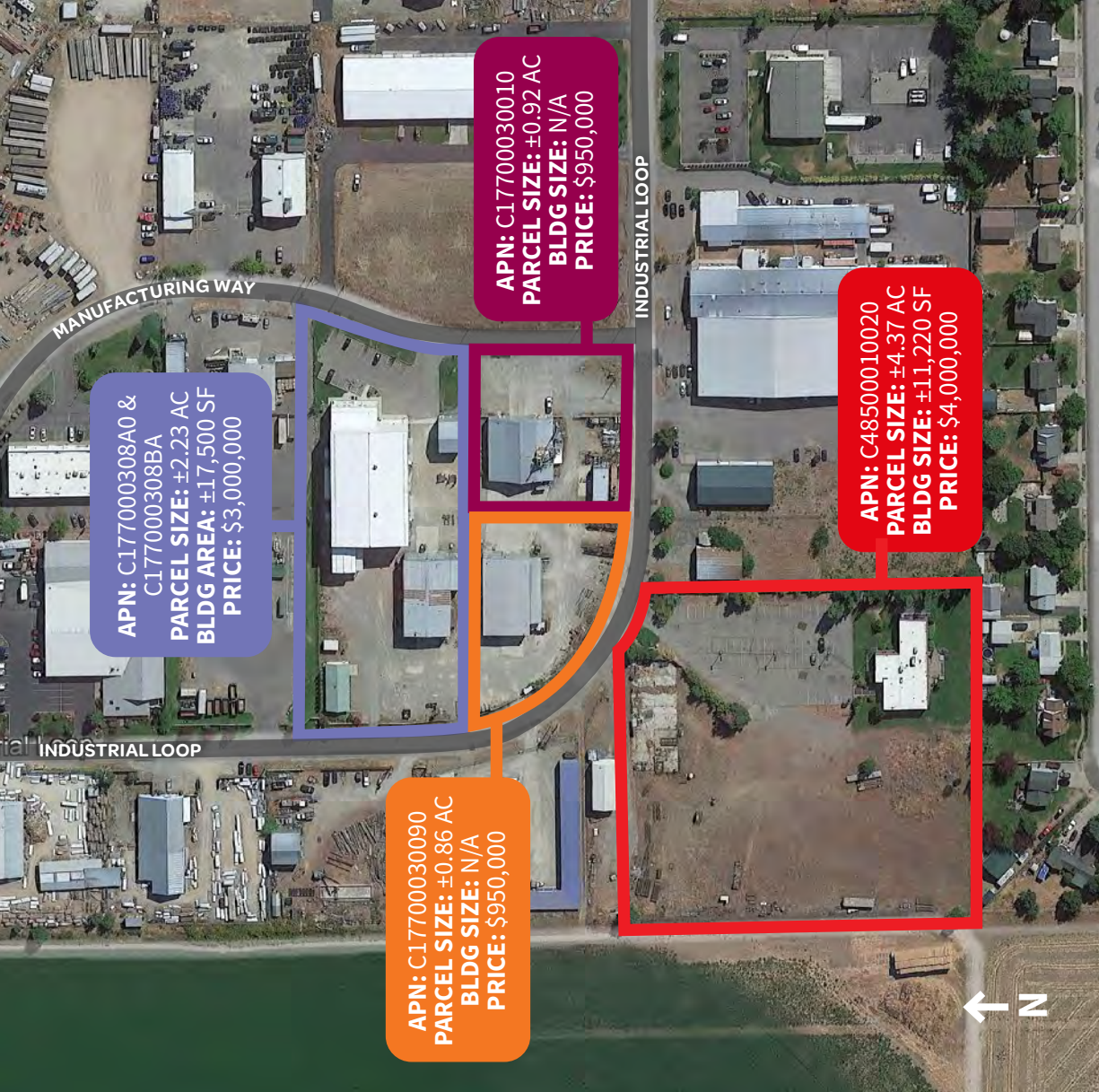
Thank you for your time,

Vivian Conway, Jeri King, Tamara Conway-King
3504 Moccasin Road, CDA, ID

P.S. As of this morning the pot holes by the gas station on Atlas were filled again using what appeared to be a different method.

For Sale

Industrial Loop, Coeur d'Alene, ID

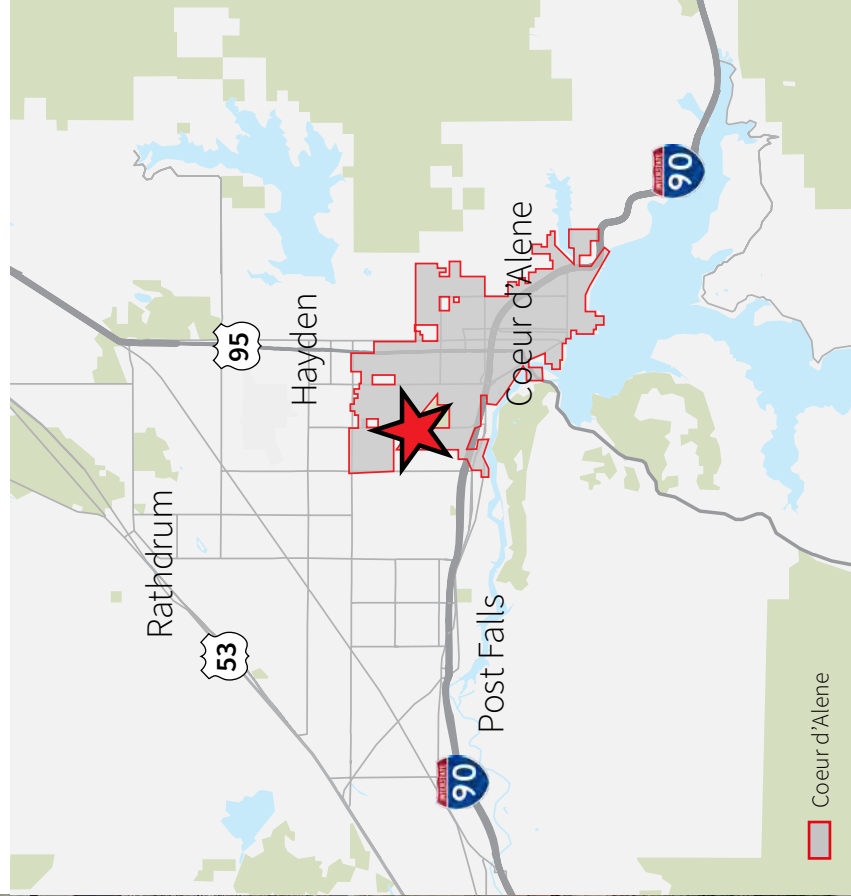


APN: C177000308A0 & C177000308BA
PARCEL SIZE: ±2.23 AC
BLDG AREA: ±17,500 SF
PRICE: \$3,000,000

APN: C17700030090
PARCEL SIZE: ±0.86 AC
BLDG SIZE: N/A
PRICE: \$950,000

APN: C17700030010
PARCEL SIZE: ±0.92 AC
BLDG SIZE: N/A
PRICE: \$950,000

APN: C48500010020
PARCEL SIZE: ±4.37 AC
BLDG SIZE: ±11,220 SF
PRICE: \$4,000,000



Property Highlights

±8.38 Acres

Zoning: Manufacturing

Kootenai County

Pricing: See map above

JARED DEAN SMITH
Senior Associate
j-smith@am.jll.com
+1 509 505 7459
ID RE License #SP54152



Jones Lang LaSalle Brokerage, Inc. Lic. #01856260

3639 W INDUSTRIAL LOOP



For Sale

3639 W Industrial Loop
Coeur d'Alene, ID

APN
C177000308A0 &
C177000308BA

Parcel Size
±2.23 AC

Building Area
±17,500 SF

Pricing
\$3,000,000

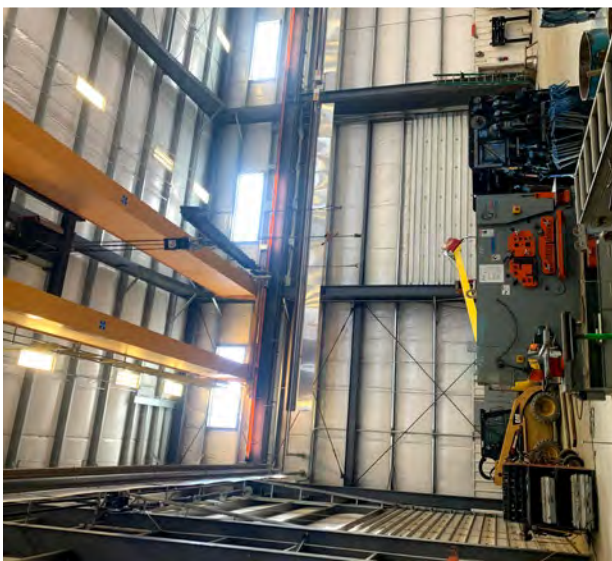
Property Features

- Abundant power
- Small two-story office
- 2 sizable 5 ton cranes
- 1 overhead 25 ton crane
- 30'+ clear height
- 5 drive-in doors
- 17 parking spaces
- ±3 AC of yard / trailer parking
- Equipment available for purchase for buyer

JARED DEAN SMITH
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+1 509 505 7459
ID RE License #SP54152

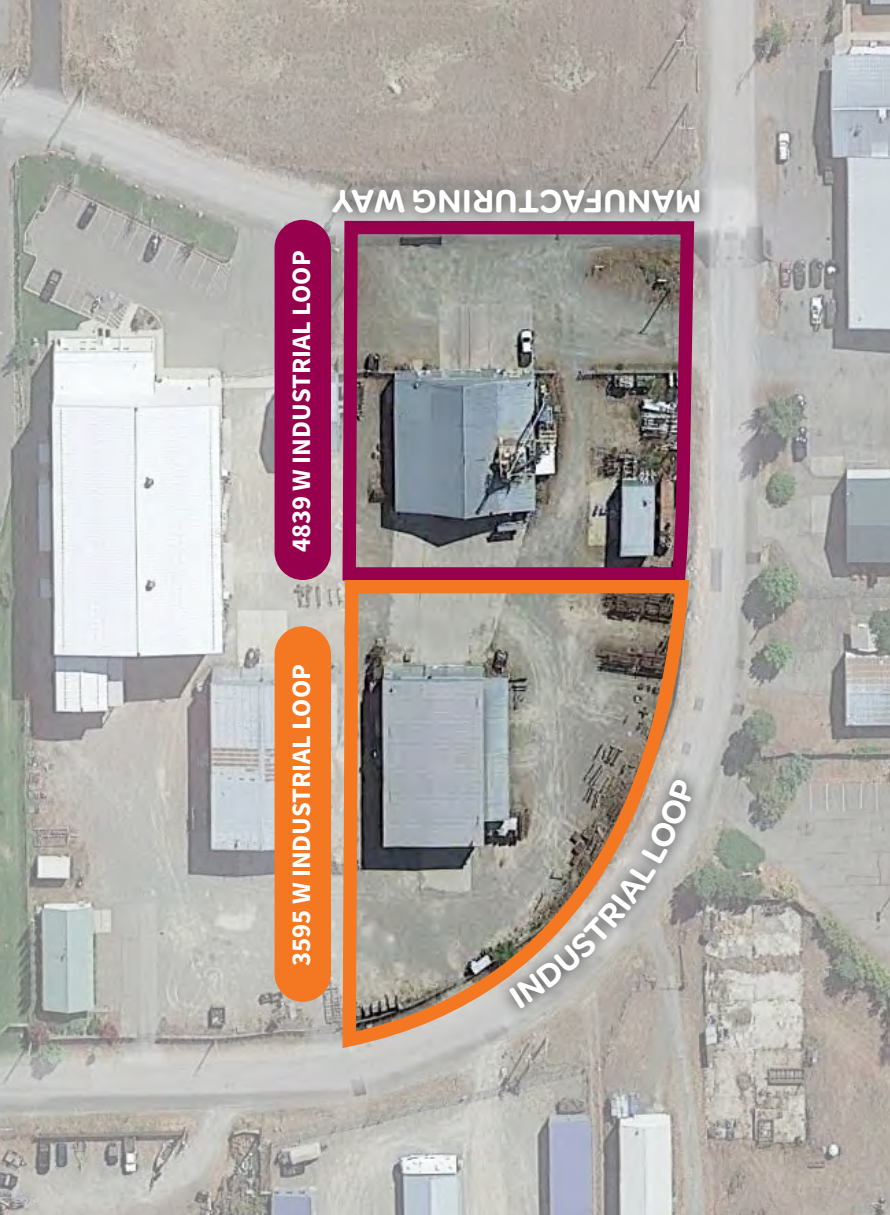


Jones Lang LaSalle Brokerage, Inc.
Lic #01856260



For Sale

3595 & 4839 W Industrial Loop
Coeur d'Alene, ID



APN

3595 W Industrial Loop: C17700030090
4839 W Industrial Loop: C17700030010

Parcel Size

3595 W Industrial Loop: ± 0.86 AC
4839 W Industrial Loop: ± 0.92 AC

Building Size

N/A

Pricing

\$950,000 each parcel

Property Features

- Industrial land
- 3 metal buildings for storage or various shop functions
- ± 0.5 Acres of lay down yard space



JARED DEAN SMITH
Senior Associate
j.smith@am.jll.com
+1 509 505 7459
ID RE License #SP54152



Jones Lang LaSalle Brokerage, Inc.
Lic #01856260

For Sale

3568 W Industrial Loop
Coeur d'Alene, ID

APN C48500010020

Parcel Size ±4.37 AC

Building Size ±11,220 SF

Pricing \$4,000,000

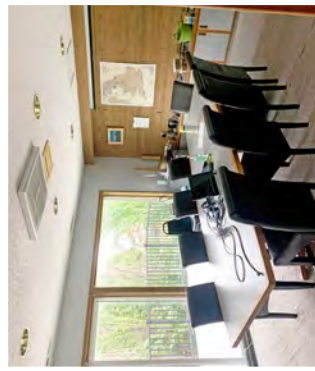
Property Features

- Paved parking lot (±61 spaces)
- ±3 acres of yard
- Office building features:
 - Lobby/reception area
 - Heavy private office buildout
 - Open cubicle areas
 - Conference rooms
 - Kitchen/break room

JARED DEAN SMITH
Senior Associate
j.smith@am.jll.com
+1 509 505 7459
ID RE License #SP54152



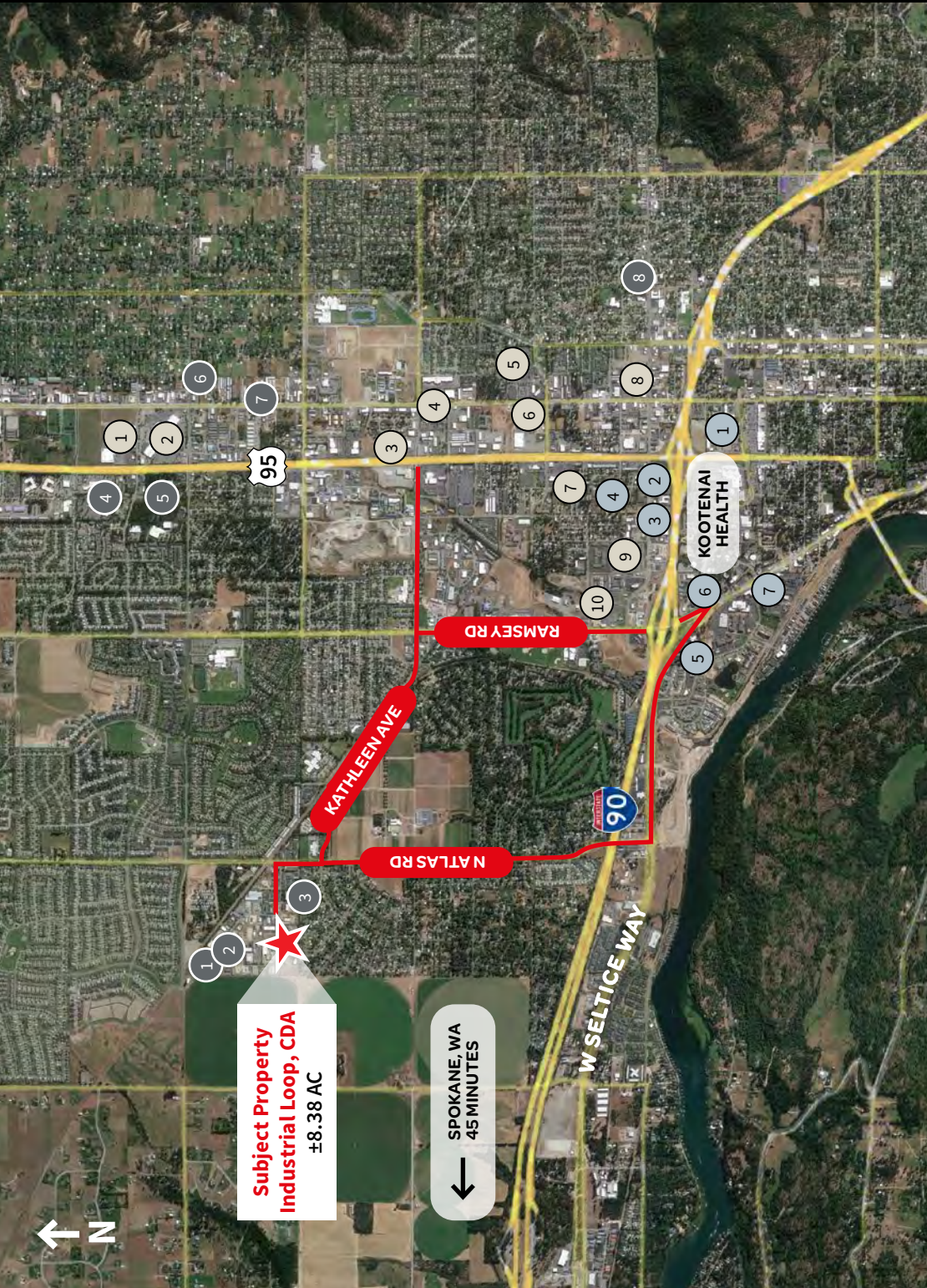
Jones Lang LaSalle Brokerage, Inc.
Lic #01856260





Subject Property
Industrial Loop, CDA
 ±8.38 AC

← **SPOKANE, WA**
 45 MINUTES



COEUR D'ALENE RESORT
GOLF COURSE
 (5 MILES)




For more information:

JARED DEAN SMITH
 Senior Associate
 j.smith@am.jll.com
 +1 509 505 7459
 ID RE License #SP54152

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Amenities & local users

-  **Retail**
 1. Target
 2. Black Sheep Sporting Goods
 3. Super 1 Foods
 4. The Home Depot
 5. Costco Wholesale
 6. Safeway
 7. Harbor Freight Tools
 8. Big 5 Sporting Goods
 9. Lowe's Home Improvement
 10. WinCo Foods
-  **Hospitality**
 1. La Quinta Inn & Suites
 2. Best Western Plus Inn
 3. Comfort Inn & Suites
 4. Super 8 by Wyndham
 5. SpringHill Suites by Marriott
 6. Days Inn by Wyndham
 7. Staybridge Suite
 8. Huettner Lane Extended Stay
-  **Local industrial users**
 1. Integrated Ideas & Technologies
 2. Catalyst Industries
 3. Northwest Machine Inc.
 4. Advanced Input Systems
 5. Hecla Mining Company
 6. Odenthal Manufacturing
 7. Hardkore Production
 8. Precision Steel Rule Die

November 2, 2022

Mayor and City Council Members
City Manager
City of Coeur D'Alene
710 E. Mullan Ave.
Coeur d'Alene, ID 83814-3958

RE: Negative Impact: Coeur Terre Development

Dear Mayor, City Council Members, and City Manager,

We are a unified group of property owners living in the neighborhoods immediately adjacent to the proposed development/annexation area. While we understand that new development is important for our community, we are concerned as to the negative impact expected in our neighborhoods.

As our elected representatives, and our only advocates with respect to a project such as Coeur Terre, we implore you to consider our concerns and mitigate the anticipated negative impacts to our neighborhoods. We understand that the Development Agreement language will soon be coming to you for comment and/or approval. We trust our concerns will be taken into consideration and made a part of that Development Agreement as the planning, design and development progresses.

We expect negative impacts (cut-through traffic, etc.). However, the developer's plan to allow direct access into this development via local Arrowhead, Appaloosa, and Woodside Roads will certainly exacerbate the negative traffic impact in our R1 and R3 neighborhoods. Outside of our peaceful neighborhoods, the developer shows 10 other points of ingress/egress, all onto collector streets. It seems too high of a cost to sacrifice the safety and security of our neighborhood to gain 2 more local points of access into Coeur Terre.

We need your help in keeping our Heritage Neighborhood peaceful, safe, and clean. Please honor your stated Objectives in the recently-adopted Comprehensive Plan. For example;

Goal CI 2

Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

OBJECTIVE GD 1.5

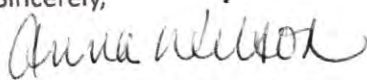
Recognize neighborhood and district identities.

The city is failing US in this regard.

We are committed to protecting our neighborhoods and to being involved in this project to ensure our concerns are addressed.



Please let us know what we can do to support our City Council in keeping ALL of Coeur D'Alene a community that continues to be a desirable place for families.

Sincerely,



Indian Meadows Neighborhood Group
(see list of signatures attached)

Neighborhood Signatures opposing Indian Meadows / Woodside (Appaloosa and Arrowhead) entrances to Coeur Terre

Full Name	Signature	Address	Email	Cell Phone #
Anna M. Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645
James Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645

Tuesday, November 22, 2022

Dear Mayor Jim Hammond and City Council Members, Dan Gookin; Amy Evans; Christie Wood; Kiki Miller; Dan English and Woody McEvers.

RE: Coeur Terra Annexation

My name is Nancy Barr and I live at 4107 West Arrowhead Road which is in the middle of the Indian Meadows subdivision off of Atlas Rd. in Coeur d Alene The property is adjacent to the Coeur Terra property that Kootenai Land Company plans to develop in the near future. Recently this land was approved for a zone change from agricultural to multi use, now it is requesting an annexation into the City of Coeur a Alene.

My concerns are for access to Coeur Terra subdivision, traffic controls on Atlas Rd, and the loss of the integrity of the Indian Meadows properties. Coeur Terra lies between Atlas Road and Huetter Road adjacent to our neighborhood. According to Kootenai Land Company web site access will be through the Indian Meadows subdivision. The traffic volume will be greatly increased though our neighborhood which consists of large lots of at least an acer of land with a nice 3-4 bedroom home with a shop. This neighborhood was designed to be similar to Dalton Gardens in the 1960's and was annexed into the city of Coeur d Alene in the 1980's for an increased tax base. At that time the residents of Indian Meadows Homeowners Association opted to keep the neighborhood a low traffic and low density annexation. There are no sidewalks or curbs. Today the neighborhood has special charm and beauty. Its residents walk their dogs, ride horses and walk/run the streets for exercise. It is the only place within the city where residents can have livestock.

Indian Meadows is bound by Appaloosa Rd on the south and Nez Pearce to the North (which has a divider in the middle) and connects with Mullen road to the west of Huetter in Post Falls. North of Nez Pearce is a higher density neighborhood. Arrowhead Road runs directly through the middle of Indian Meadows. Making it a through street would impact the neighborhood in a very negative way.

Due to the amount of traffic into the Coeur Terra subdivision from Atlas Rd, traffic lights on Atlas would be required on Appaloosa, Arrowhead Rd and Nez Pearce. There is already lights at Kathleen, the entry to the Industrial park, the crossroads for the Atlas bike trail and at Hanley Rd creating a traffic pattern much like Highway 95.

~~Coeur~~ Terra design indicates an Elementary school would be built at the end of where Arrowhead presently ends. My suggestion would be for the Coeur Terra Developers to consider moving the elementary school north 1 block so access to that school could be accessed from Nez Pearce and Huetter Rd. This would greatly decrease the proposed traffic increase along Arrowhead Rd. and preserve our neighborhood.

Indian meadows is one of the more desirable neighborhoods to reside in the City of Coeur d Alene.

Thank you for your consideration.

Sincerely,

Nancy Barr



4107 Arrowhead Rd

Coeur d Alene, Idaho 83815

November 14, 2022

Dear Mayor Jim Hammond,

Indian Meadows is a special neighborhood within Coeur d'Alene. It is kind of a secret area that most people who have lived in Coeur d'Alene do not know about, unlike Dalton Gardens. Within Coeur d'Alene, this is the only neighborhood that has R1 zoning allowing the owners to have horses, goats, sheep, etc. Our neighborhood is a haven for grouse, moose, owls, raccoons, and many types of birds. We also have wildflowers that bloom throughout the neighborhood. Many of us bought in Indian Meadows because it is a little bit of country in the city. Nothing else like it.

The developer who purchased the land off of Hutter Road is wanting access through our neighborhood. The developer wants to widen our streets, which will take some of our land away. The developer wants to trade our green belts for the ones in Coeur Terre. When the developer purchased the property there was no access through our neighborhood. We are not the ones who are developing the land that has been farmed for many many years. We are not the ones who will benefit from the developer. We will suffer the loss of our quiet neighborhood, the loss of our land, the loss of wildlife, and the first right of being a property owner which is the right of enjoyment of our property. Traffic will increase, and noise will increase. Our lifestyle will decrease.

The developer can do whatever they want with the land that they now own, but they need to use the access it came with off of Hutter. The farmer who has farmed that land never drove farm equipment through our neighborhood to reach the land. The farm trucks and tractors accessed the land from Hutter.

Please do not allow the developer to take our lifestyle away and our rights as property owners to enjoy our property.

Sincerely,

Brenda Nearpass

3510 N Buckskin Road

Coeur d'Alene, Idaho

January 14, 2023

Cd'A City Council Members
710 E. Mullan Ave.
Coeur d'Alene, ID 83814

Re: Coeur Terra Development

Dear City Council Members,

It is with great concern that I am writing you today in regards to the Coeur Terra development coming to our neighborhood. I have lived in Coeur d'Alene since 1971 and my husband since 1999. We have lived at 3708 Moccasin Rd. for 14 years now and chose this area because of all of its qualities. I'd like to start by describing what a wonderful peaceful community we live in.

The area is nestled in a forest like atmosphere with lots of Pine trees yet only 10-15 min. from town. People ride by on their horses, our grandkids love to see the goats and we have occasional moose, owls and raccoons that visit. It's an avid dog walking and exercising neighborhood where you rarely need to watch for traffic when crossing the streets, because there is none! It is only local residents going to and from their homes.

We know our neighbors and converse with them often. In fact, if anyone happens to be gone for any extended period we watch their house, water plants; pick up mail/packages and snow blow for each other when necessary. If an emergency situation arises we pull together to help one another. We have potlucks and get-together celebrations throughout the year. If there is a strange vehicle or something odd going on we generally notice it almost immediately. It is a proud, protected and safe neighborhood. We want it to remain this way.

I'm not afraid of change and realize this will happen with the town's growth to our beautiful city but I believe there are better solutions to avoid heavy traffic coming to impact our area. This will surely happen if the proposed streets of Arrowhead and Appaloosa are made into thru streets to the Coeur Terra development. I'd like to suggest that the thru streets be made farther North of Atlas on Industrial Loop or even Hanley Ave. where there are already traffic lights in place.

In closing I'd like to thank the council for hearing my concerns and opinions and hope that you will take this into consideration when deciding on the future of mine and our neighbors little piece of paradise.

Warmest Regards,



Lori J. Barker

4203 W. ARROUHEAD

Dear Dan,

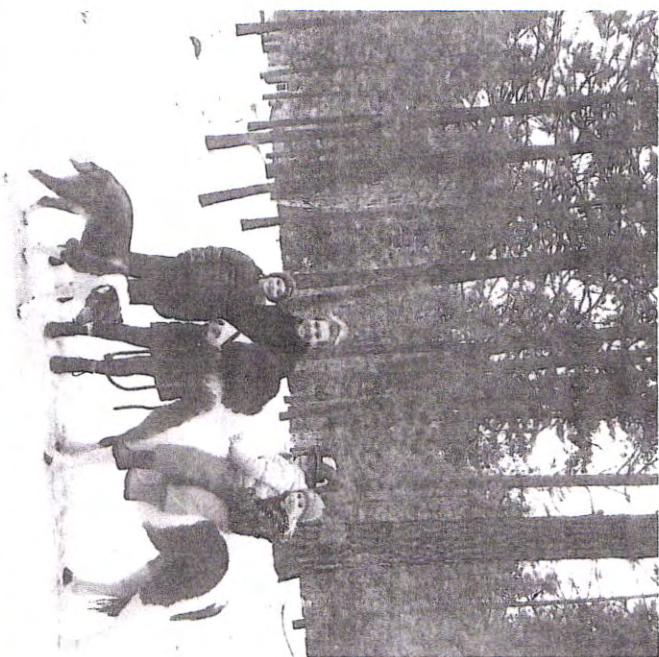
Thank you for your time and effort serving on the council for our beautiful city. I spoke at planning committee and the public council meeting regarding access to Cour Terre on the prairie. Thanks for listening: I've spent a tiny amount of time addressing this traffic issue and writing this note, compared to the days and weeks you've devoted to the people & neighborhoods of Cour d'Alene in your public role.

THANKS AGAIN, DAN!

This note is mostly a VISUAL testimony about our neighbors. The photo which I took yesterday is of Melissa Dyk and her kids and their pony. They live on Appalosa and were riding/walking back home on my street, Arrothead. We have Lone-Ranger-ettes (cougaris) exercising their acre-contained horses and pulling carriages & sleds out here. I just wanted you to see it (like I do... about weekly in January, daily in the Spring, Summer, & fall).

I'm at least as concerned about affordable housing and job compensation in our city as I am about traffic and safety and neighborhood integrity. So, I'm not a one-issue citizen. Safety includes emergency access which should be prioritized for the eventual twelve thousand residents of Cour Terre. School access, too huh? Please, no response, Dan... just thanks!

Don Schmitt



1/23/11 11:30 AM

M0-054.jpg

STUHMILLER, SHANA

From: HOLM, SEAN
Sent: Wednesday, December 07, 2022 3:03 PM
To: STUHMILLER, SHANA; MCLEOD, RENATA
Subject: FW: Through Traffic from Atlas West to New Coeur Terre Project

FYI: Coeur Terre comments

From: Tom Sanner <tmsanner@gmail.com>
Sent: Wednesday, December 7, 2022 3:00 PM
To: HOLM, SEAN <SHolm@cdaid.org>; Gabe Gallinger <gabe@thinklakeside.com>; Suzanne Knutson <sknutson@startmail.com>; kayla.stiegemeier@gmail.com; Dan English <dan@toteavote.com>
Subject: Through Traffic from Atlas West to New Coeur Terre Project

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

Dear, Gabe, Sean, and Dan

I will attach the email that is circulating in our neighborhood at the end of my suggestion.

In the Southwest corner of the Cda Industrial Park is a parcel of commercial property for sale that would link Atlas Road via Industrial Loop to the new Coeur Terre project. There is a traffic light already at the Intersection of Atlas Road and Industrial Loop. Please consider this as a viable link to the new Coeur Terre project. Please feel free to contact me for any further discussions.

Respectfully,
Tom Sanner

Dear Neighbors,

Thank you to all those who attended the Cda City Council meeting on 12/6, and to those who spoke up. It seems that there were 10-12 neighbors who spoke up with some very important points. It is very important that we continue to speak up before the public hearing on Coeur Terre, most likely in January. The City Council is hearing our concerns beforehand, so let's keep it up.

Hillary Patterson, the head of the CdA Planning Department was there, and heard our thoughts too. Whether they will make it to Sean Holm, who is the planner working on the project, we don't know. Feel free to send your comments to him also. SHolm@CdAID.org,

One neighbor on Arrowhead mentioned that he is a home inspector and has inspected homes all over CdA for many years. He moved into Indian Meadows just two years ago, with his family, from Cougar Gulch after keeping a close eye on our neighborhood. Another neighbor on Buckskin mentioned that because of cut-through traffic in an adjacent neighborhood, Fairway Forest, no children play and no people walk or ride bikes there because it is not safe. Another Neighbor on Sherwood spoke up about high traffic on Atlas and cut through traffic already effecting our streets. A neighbor on

Tamarak spoke of the concern for connecting traffic flowing to the proposed elementary school. I told the council that many folks do not trust the city council to care about us and our property values, safety, and quality of life and that we need them to care.

Last week I spoke with Cheif Greif of the Fire Department. He told me that 85% of the calls they go to are medical and are mostly to elder care homes and multi family housing, and therefore, the Fire Department's first choice for travel to Coeur Terre is via Hanley. He could not come up with a second choice, but said he would call me if he figured it out after looking further. He was supportive of our concerns and said that they do not like to take fire trucks through neighborhoods to emergencies, but being response time based, they would use our roads to get through if it was a shorter response time. With their current firehouse on Atlas near Hanley, and with the proposed project highest density housing designed at Hanley and Huetter, it makes sense for the emergency crews to use Huetter. He said the next fire station will likely be off Seltice in the Mill River area, which is not ideal, as it only serves a "semi circle" area, with the river on one side and being so close to the Post Falls border. That project should come up in the next 5 years.

The Police captain I spoke with said police calls will most likely be to the proposed commercial development in Coeur Terre and to the highest density development at Huetter and Hanley. He also said it would help if there was a police substation in the area as there are none in Coeur d'Alene. .

Council member, Dan English, did approach me afterward to explain the he lives "there" but he is in Coeur d'Alene place, which is NOT Indian Meadows, Woodside, Queen Anne Estates, Northshire, or Orchard Lands.

The next CdA City Council Meeting is on December 20 and it is KEY that the city council continue to hear from residents who have not spoken up yet--Is there anyone in Woodside or Northshire who would like to chime it too?

Next Tuesday, December 13 at 5:30pm, the Cda planning commission will hear a proposal from the developer of the River's Edge Apartments currently under construction off Atlas and Seltice. The developer wants to increase the zoning from R-17 to R-34, which doubles the unit count from 384 to 680 units. This was denied by city council in 2019. Depending on the decision of the city council, it could be an indicator of the PUD/zone process we can expect with the Coeur Terre project also.

If you have not yet spoken at a city council meeting or written to the City Council and Planning Departments, please consider a short note telling them

- Your address
- Your neighborhood
- How long you have lived there
- why you chose to live there

- how you feel about the development
- how you feel about the proposed connection of Woodside, Appaloosa, Arrowhead, Nez Perce, and Spiers roads to the Coeur Terre development.
- Thank them for listening

dgookin@cdaid.org

aevans@cdaid.org

cwood@cdaid.org

kmiller@cdaid.org

denglish@cdaid.org

wmcevers@cdaid.org

mayor@cdaid.org

RENATA@cdaid.org

PlanningDiv@cdaid.org

SHolm@cdaid.org

Sent from my iPhone

STUHMILLER, SHANA

From: Stuart Bryan <sbryan@trinitycda.org>
Sent: Friday, December 16, 2022 12:15 PM
To: HOLM, SEAN
Cc: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: Re: Coeur Terre

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

Thank you very much!

On Fri, Dec 16, 2022 at 12:12 PM HOLM, SEAN <SHOLM@cdaid.org> wrote:

Stuart,

Thank you for your comment.

Staff will ensure this email is provided to City Council in consideration of the Coeur Terre annexation request.

All the best,

Sean E. Holm

Senior Planner | City of Coeur d'Alene

208.676.7401





From: Stuart Bryan <sbryan@trinitycda.org>
Sent: Thursday, December 15, 2022 3:38 PM
To: HOLM, SEAN <SHolm@cdaid.org>
Subject: Coeur Terre

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

Mr. Holm,

Greetings! I understand that you are the planner in charge of the Coeur Terre development. My family has lived at the corner of Broken Arrow and Arrowhead Roads in the Indian Meadows neighborhood for the last 15+ years (3610 Broken Arrow Road). It has been a delightful place to raise a family. Our tiny neighborhood was developed with small acre lots. It is bordered by Appaloosa Road on the south and Nez Perce Road on the north. The only other east-west road in our little neighborhood is Arrowhead Road.

I was recently informed by some concerned neighbors that the developers of the Coeur Terre addition are petitioning to make Arrowhead one of the east-west access roads for that addition. I fear that if that were approved it would essentially erase our Indian Meadows neighborhood and devastate our property values. It would cut our neighborhood in half and make it a place of heavy traffic rather than a spot that has been a safe place for our children and grandchildren to play and ride their bikes. In addition, it would bring additional traffic to Atlas Road which is already heavily utilized for its relative size.

It would seem to me that east-west travel along Seltice, Prairie, and Hanley where there are existing traffic signals or through the Industrial Park where there is a new light and the increased traffic would not be a detriment to a

neighborhood would make far more sense and be far less disruptive. If those access ways are not sufficient, then I guess the other option would be to make Nez Pierce an east-west carrier since there is an existing city park along Nez Perce, it would connect with Mullan Road at Huetter, and it could be widened without intruding into the existing home lots by eliminating the tree lane which currently divides the two lanes of traffic. Any widening of Arrowhead, however, would disrupt the many homes along and that front Arrowhead including our own.

I certainly understand the need for additional housing and building in the area. I have children (and grandchildren!) who would love to be able to settle long-term in this area and that means we are going to need an additional supply of homes - so yay for additional single family homes! However, it would seem to me that that additional expansion could be accomplished without radically disrupting our existing neighborhood.

I appreciate your willingness to receive citizen input.

Sincerely,

Stuart W. Bryan

Pastor

Trinity Church

A Reformed & Evangelical Congregation

Coeur d'Alene, Idaho

www.trinitycda.org

"Beware of ever aspiring to such purity that you do not want to seem to yourself, or to be, a sinner. For Christ dwells only in sinners."
Martin Luther

--

Sent from my iPhone.

STUHMILLER, SHANA

From: PATTERSON, HILARY
Sent: Tuesday, January 24, 2023 4:37 PM
To: HOLM, SEAN; STUHMILLER, SHANA
Subject: FW: CdA City Council Meeting of Feb 7th Public Hearing on the Coeur Terra development and specifically, ingress and egress.

From: GOOKIN, DAN <DGOOKIN@cdaid.org>
Sent: Tuesday, January 24, 2023 4:14 PM
To: MCLEOD, RENATA <RENATA@cdaid.org>; PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: Fw: CdA City Council Meeting of Feb 7th Public Hearing on the Coeur Terra development and specifically, ingress and egress.

as requested

From: Joe Verner <joev@maryhammerlylaw.com>
Sent: Tuesday, January 24, 2023 4:12 PM
To: GOOKIN, DAN <dgookin@cdaid.org>; ENGLISH, DAN <denglish@cdaid.org>; WOOD, CHRISTIE <cwood@cdaid.org>; EVANS, AMY <aevas@cdaid.org>; MCEVERS, WOODY <wmcevers@cdaid.org>; MILLER, KIKI <kmiller@cdaid.org>
Cc: HAMMOND, JIM <jhammond@cdaid.org>
Subject: CdA City Council Meeting of Feb 7th Public Hearing on the Coeur Terra development and specifically, ingress and egress.

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

January 23, 2023

Dear City Council Members and Mayor Hammond:

My wife and I are retired and relocated to CdA in the Fall of 2020, coming from the east-of-Seattle side of the mountains. We have grandchildren in Spokane and Liberty Lake. We are residents of Coeur d'Alene on the west edge of CdA Place, specifically, near the corner of Atlas Rd and Hanley Avenue. I have "scouted out" the proposed site of the future Coeur Terra development from Huetter Rd, Atlas Road, and from the Indian Meadows neighborhood that borders a sizeable portion the eastern side of the proposed development. I have a brief opinion to share about the Coeur Terra development. Please forward a copy of this email to the City Council clerk so that individual may include it for the public record. Thank you. I look forward to meeting you for the first time at the Feb 7th, 4PM City Council public hearing on the Coeur Terra project.

Generally speaking, I do not have an issue with the Coeur Terra development itself, only the developments ingress and egress if it is not limited to Huetter Road. However, we do object to any ingress / egress access through *anywhere* within the Indian Meadows and surrounding neighborhood(s) that specifically puts additional traffic onto Atlas Road, period. Here is why: Atlas Road is already a heavily travelled two (2) lane road and is becoming even more so with all of the

other growth density developments over the last dozen or so years. There is no land available to widen Atlas Road. As with Atlas Rd, there is no land available on Huetter Rd between Seltice and Prairie Ave unless the City or County or State or Developer acquires land to widen Huetter Rd. from Seltice to at least Prairie Ave. Speaking of Atlas Rd, besides no land available to widen Atlas, Atlas' roadway is "unsuitable for more traffic" because of its roadbed. In the winter time Atlas is full of roadway divots and chuckholes because of weather conditions and the fact that the divot and chuckhole repairs are merely temporary roadway fixes, we local-area residents have to deal with chuckholes and divots throughout the year due to traffic wear and tear. The same comment applies to Kathleen Avenue from Atlas Rd through US-95. I can't comment on the Huetter Rd. roadway surface inasmuch as I do not drive on it but a few times a year. Perhaps the City can specify that the Developer build a better roadway bed on Huetter and repave Huetter with current technology as part of its "impact fee".

I suppose, from fire safety and health safety issues, perhaps Hanley Ave "could be an ingress / egress roadway" a Developer "impact fee" item to and from Coeur Terra for the current Fire Station near the corner of Atlas and Hanley, unless, the City has already tasked the Developer to build a Fire Station within the Coeur Terra development or close by on Huetter Rd as part of its "impact fee/s"

Thank you for listening; and, especially for considering the welfare, needs and roadways of existing CdA residents on the Atlas Rd side of Coeur Terra.

Joe Verner

6364 N Descartes Dr, CDA, ID 83815; 206-972-6990; joev@maryhammerlylaw.com

STUHMILLER, SHANA

From: Jerry Weaver <jerryinidaho@hotmail.com>
Sent: Wednesday, January 25, 2023 12:06 PM
To: STUHMILLER, SHANA
Subject: Coeur Terre

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

We are opposed to the project for two reasons. 1 Growth has far exceeded our infrastructure's ability to handle current traffic congestion. 2. The planned traffic ingress and egress to Coeur Terre via Indian Meadows residential property will create hazards and increased congestion. Atlas Rd has become a major throughfare for both auto and truck traffic, with only one traffic light between to Seltice and Prairie Ave, its almost impossible to access atlas from Indian Meadows during peak hours. Coeur Terre will only increase the problems. Coeur Terre traffic should be required to utilize existing major throughfares or develop extensions to existing roads like Poleline, Hanley, and Huetter.

Sincerely,
Jerry & Glenda Weaver

STUHMILLER, SHANA

From: Polak, Chad M <Chad.M.Polak@p66.com>
Sent: Wednesday, September 14, 2022 2:43 PM
To: STUHMILLER, SHANA
Subject: FW: City of Coeur d'Alene Planning Department, Public Hearing Notice
Attachments: A-4-22 public Hearing notice2.pdf

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

Good Afternoon Shana,

YPL does not have any comments regarding the annexation as identified in the notice. However, the developer should plan to discuss any proposed projects with YPL as the pipeline is located at multiple locations on the tract of land looking to be annexed.

Let me know if there are any questions or feel free to pass along my contact details to the 3rd party.

Sincerely,

Chad M. Polak
Agent, Real Estate Services
O: (+1) 303.376.4363 | M: (+1) 720.245.4683
3960 East 56th Avenue | Commerce City, CO 80022
Phillips 66

From: STUHMILLER, SHANA <SHANA@cdaid.org>
Sent: Wednesday, September 14, 2022 2:26 PM
To: Avista <Jamie.Howard@avistacorp.com>; Brittany Stottlemire <Brittany.Stottlemire@avistacorp.com>; Polak, Chad M <Chad.M.Polak@p66.com>; Chet Gaede <chet.gaede@msn.com>; Chris Riedeman <criedeman@kec.com>; citizen <mcghie1945@gmail.com>; Corp of Engineers <michael.aburgan@usace.army.mil>; Cyndi(Citizen <cdarling@icehouse.net>; East Side Highway District <eshd@imaxmail.net>; emily blunt <emily@cdadowntown.com>; jeff boller <jboller@cdaschool.org>; Jeff Voeller <jvoeller@cdaschools.org>; John Cowley Dist Supt NW Pipeline Corp <ty.broyles@williams.com>; Karen Hansen <barnun33@hotmail.com>; Kate Orozco <korozco@cdaschool.org>; Ken Windram <ken@harsb.org>; Kootenai County <dcallahan@kcgov.us>; Kris Jackson <krisj1216@gmail.com>; Mark Hinders <Mark@cdagarbage.com>; Megan O'Dowd <megan@lyonsodowd.com>; Michael Thomas <mthomas@kec.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Pam Westberg <pwestberg@cdaschool.org>; Philip Evander <pevander@kec.com>; Planning <planning@cityofhaydenid.us>; Sandy Emerson <jasandyemerson@gmail.com>; Scott Davis <sdavis@kec.com>; Scott Maben (smaben@cdaschools.org) <smaben@cdaschools.org>; Sharon Bosley <kea@kealliance.org>; Shon Hocker <shon.hocker@cdaschools.org>; Stephanie Oliver <soliver@harsb.org>; susie snedaker <susansneadaker@earthlink.net>; Tony Berns <tonyb@ignitecda.org>; Trina Caudle <tcadele@cdaschool.org>; Williams Gas Pipeline <Michael.Fitchner@williams.com>; Worley Highway District <worleyhwy@worleyhwy.com>; Sharpe, Mike R <Mike.R.Sharpe@p66.com>
Subject: [EXTERNAL]City of Coeur d'Alene Planning Department, Public Hearing Notice

This Message Is From an External Sender

This message came from outside your organization.

Greetings,

Attached is a copy of public hearing notice for A-4-22.

This item will be heard at the next Planning Commission Meeting held on Tuesday, October 11th and 12th(if needed).

If you have any comments please let me know.

Thanks,

Shana Stuhmiller
Planning Department, City of Coeur d'Alene
Public Hearing Assistant

208.769-2240 ext. 240
shana@cdaid.org

February 1, 2023

Dear Mayor and Council:

My family and I live at 3704 North Tamarack Road in Indian Meadows. We are writing to you to express our concerns about the **Coeur Terre** Subdivision.

This subdivision's density as approved by the Planning Commission is too high. The main roads surrounding this entire area are not built or designed to safely accommodate high density, especially adding two schools. Imagine if you will the impact of the people living in the surrounding neighborhoods as busses, parents, students and employees travel to and from these schools every day, especially the elementary school proposed in the southeast corner of the development. There is no quick or convenient entry or exit to this area without severely impacting the existing neighborhoods.

Indian Meadows is a unique, long-established neighborhood. Many of the property owners have lived here for 30 to 40 years. The things that make our neighborhood special will be negatively impacted by our roads being extended into Coeur Terre. We have neighbors with livestock, horses and riders, moose, etc. throughout our neighborhood. It is safe for walkers, bike riders, children and pets, even without sidewalks. **Please do not extend Nez Perce, Arrowhead or Appaloosa Roads.**

If the decision is in favor of Coeur Terre, as presented, our neighborhood will become noisy with heavily increased through traffic. Traffic and speeding will be a constant problem. We lived in another city across town for 30 plus years. We experienced the daily impact of high density, increased traffic and all that come with trying to cram too many people in too small a space without proper infrastructure, and the speeding traffic using neighborhood streets as "shortcuts". We moved to Indian Meadows to provide aging parents and ourselves a safe, quiet neighborhood. **The negative impact can never be reversed. The quality of life enjoyed by the residents in Indian Meadows should not be diminished by a new high density adjoining development.**

One partial solution may be to move the proposed elementary school to the north, closer to the proposed middle school and thereby closer to Hanley Avenue. No homes front Hanley and it is more suited for through traffic.

Please consider the enormity of this development and its negative impact on the surrounding neighborhoods. Please reduce the density, placement of the school near Woodside, and no through streets from Indian Meadows.

Respectfully

Bill and Laurie Robb

Concerns/questions about Coeur Terre development and Atlas Waterfront development;

1. Where is the source of water for these new developments going to come from?
2. What is the capability of the CDA Sewage treatment plant? The national average for water consumption is 60 gallons per day per person. That means with 11,000 + new people there will be a demand to handle over 660,000 gallons of water of additional waste water per day.
3. Is a new water treatment in the plans for the future?
4. Is Appaloosa Road going to be a through road to Coeur Terre?

Sincerely,
Patrick Hatfield
(resident of Woodside Park)



RECEIVED
FEB 1 2023
BY: _____

A-4-22 Public Comments Feb 7, 2023

I am Ron McGhie 7253 Big Sky Dr. KC Thank you very much for your time.

I question why you are being asked to approve zoning for an annexation that has not been fully defined by the applicant but has been unanimously approved by the planning department. I call it the wait and see plan, because after 20 or 30 years you will see what you approved.

You are very aware that the Comp Plan is a vision to consider, not something you follow if it violates the rights of others without just compensation as required by state and federal law. The Urban Neighborhood, Compact Neighborhoods and the Mixed-Use Low land types allow C-17 and R-17 zoning density with *multifamily units that is not* compatible in the ACI area. The multifamily will allow 3 ½ times the density and over double the height of the surrounding neighborhood. It will severely affect the amount of traffic and the property value and safety of thousands of residents on both sides of Huetter Road.

67-6519(3)

When considering an application which relates to a public-school facility, the commission shall specifically review the application for the effect it will have on increased vehicular volumes on the adjacent roads. The appropriate local highway district jurisdiction shall review the application and shall report to the commission on the following as appropriate: the land use master plan, access safety, need for traffic control, and anticipated future improvements.

No zoning approval should be granted before the following is address;

1. The final locations of both school sites are approved.
2. The maximum allowable number of units in each land type, and the number of commercial units are agreed upon
3. The estimated number of retail employees and school employees will have to be addressed.
4. The increased vehicle traffic and improvement on adjacent roads are studied and addressed in a new Traffic Impact Study.
5. No residential zoning over R-12
6. The proposed development should not be approved without receiving more public input from the neighborhoods being affected.

The percentage of single families is being reduced as multifamily are being increased. This is creating a shortage in single families that will continue to make single families

Received 02/02/23

more expensive for workforce housing. *Single- family homes usually cost less than multi-properties and are easier to finance.*

The multifamily is median to high density zoning, R-17, R-34 & C-17. Most are owned by investors and are rentals. It is naive to think multifamily is the answer to workforce housing. The appropriate area for multifamily is closer to downtown or in infill areas east of the ACI.

My neighbors and I have too many concerns with the development agreement to address in 3min. I respectfully request you to have a public workshop before approving zoning or the development agreement.

Thank you.
Ron McGhie

Coeur d'Alene Planning Department
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

Comments

JAN 30 2023

THIS IS IN REFERENCE TO THE ANNEXATION OF COEUR
TERRE. I AM VERY MUCH OPPOSED TO THIS REQUEST. FIRST
I THINK YOU SHOULD PUT AT LEAST A FIVE YEAR
MORATORIUM ON PROJECT. IN THAT RESPECT YOU COULD
GET A HOLD ON THE INFRASTRUCTURE. MAINLY TRAFFIC SCHOOLS
WATER, SEWER, RIGHT NOW I DO NOT FEEL THIS IS A NEEDED
PROJECT. WE HAVE ENOUGH PROBLEMS RIGHT NOW WITH
GROWTH. WE NEED TO PUT A HALT ON IT. TAKE A GOOD LONG
HARD LOOK AT THIS. LOOK AT THE ROADS AND MAYBE EVEN
DRIVE ON THEM. MAYBE LISTEN TO THE PEOPLE BY THE
PEOPLE FOR THE PEOPLE.

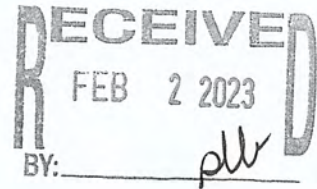
LELAND ERWIN

4009 LANCASTER Rd COEUR D'AL 83815

Leland Erwin

Please cut here

1. If you would like to send in a comment, please use this portion of the notice and return to the Planning Department office before Monday, February 6, 2023
- &/or 2. Phone or visit our office (769-2240) with your concerns or questions.
- &/or 3. Email your comments to shana@cdaid.org
- &/or 4. Come to the public hearing.



ITEM: A-4-22

Public Comments

3-21-23

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Thursday, February 2, 2023 3:19 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Nez Perce Rd before Coeur Terre
Attachments: 20230202_140817.jpg

From: Dawn Papineau <papdawn@gmail.com>
Sent: Thursday, February 2, 2023 2:44 PM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: Nez Perce Rd before Coeur Terre

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

Hello, I'm a resident of Northshire and this is what Nez Perce Rd looks like today. Can you imagine what it will look like when Coeur Terre is developed?
Atlas Road is horrendous as well.



BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 6:56 AM
To: BADERTSCHER, SHERRIE
Subject: FW: OPPOSED - Coeur Terre

From: Cori LePard <lepard626@gmail.com>
Sent: Saturday, February 04, 2023 12:38 PM
To: STUHMILLER, SHANA <shana@cdaid.org>
Subject: OPPOSED - Coeur Terre

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

We will not be able to attend the public hearing Tuesday to voice our opposition to the proposed Coeur Terre development. Please count us, along with our multiple friends and neighbors who have fought to be heard and halt the development of Coeur Terre until a more workable solution to traffic is agreed upon - OPPOSED.

We understand growth is inevitable, and we are not attempting to block the development altogether, as we know this would be futile. We are reasonable people and are only asking that those who make decisions that will affect our way of life and property values use slow, thoughtful, fair judgment when considering future growth. The best approach to growth is one that weighs the impact on all interested parties and seeks fairness and compromise without favoring one party. In this case, the developer.

We have lived on the corner of Appaloosa and Woodside Avenue for 8 years. We are lifelong residents of Coeur d'Alene/Post Falls and were drawn to the neighborhood because it seemed like a friendly, well-established neighborhood with all of the charms of rural life, but nestled away right in town...a bit of a unicorn.

Living at the intersection of two of the proposed entry points to Coeur Terre, we must consider the impact this will have on the enjoyment of our home, the use of our backyard, as well as the safety of our family,

Appaloosa dead ends and bends around into Woodside Avenue at our backyard. We have already been woken in the middle of the night by police on our doorstep to inform us there was a vehicle embedded in our backyard because they had failed to negotiate the turn and drove, no, launched, through our fence. They miraculously managed to "thread the needle" between our parked RV, a light post, and the large brick sign welcoming visitors to our neighborhood, narrowly missed our garage, destroyed our 10' tall lilacs, flattened the fence, and left a crater in our yard. Thank God no one was hurt. This occurred in August. I can't tell you the number of times we've almost had a repeat when the roads are icy. Being long and straight, Appaloosa lends itself to speeding and it makes no difference if the roads are clear or icy.

In summary, PLEASE consider the current residents of Indian Meadows and Woodside Park before approving anything concerning the Coeur Terre development. The roads that have been proposed as entry points will affect our way of life dramatically as well as our property values, and even our safety. We propose you consider Huetter, Industrial Loop, and Hanley as possible entrance points.

Thank you,

Doug and Cori LePard
4717 W. Woodside Ave.
Coeur d'Alene, ID 83815

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 6:56 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Coeur Terre comment letter.
Attachments: Coeur Terre comments letter.pdf

From: Greg Keim <greg.keim@verizon.net>
Sent: Saturday, February 04, 2023 2:25 PM
To: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Coeur Terre comment letter.

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

Hello,

Attached is my letter to the City Council regarding the Coeur Terre annexation issue.

Thank You.

Greg Keim
4108 W. Appaloosa Rd.
CDA, ID 83815

Greg Keim

2-4-2023

4108 W. Appaloosa Rd
Coeur d' Alene, ID 83815

Re: Coeur Terre Annexation / Indian Meadows traffic.

Dear City Council Members,

This letter is to inform you of my opposition to the use of the east – west streets of Indian Meadows as connectors to the proposed Coeur Terre Development.

Allowing the volume of traffic that this new development will generate to pass through Indian Meadows either now or in the future can absolutely not happen.

Please be careful with your decisions regarding this massive development.

Thank You,

A handwritten signature in black ink, appearing to read "Greg Keim". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 8:25 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Coeur Terre

From: Jack Barker <jackbarker208@gmail.com>
Sent: Sunday, February 5, 2023 5:33 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre

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

Dear City Council Members,

I am writing today to voice my concerns about the Coeur Terre project. My wife and I live in Indian Meadows, and have enjoyed the past 14 years in our quiet little neighborhood.

My first concern is the huge amount of traffic that would be funneled thru our neighborhood and completely change our peaceful way of life.

My second concern is the lack of a traffic study to determine how 4500 vehicles are going to get thru our neighborhood to get to the freeway or a grocery store, when it was determined that Seltice would not accommodate that many vehicles. Also, how can they even do a traffic study when the locations of the new schools haven't been determined yet? My third concern is the effect 4500 households will have on our aquifer, not to mention our roads would be torn up to tie these houses into our sewage system, and the strain they would put on our water treatment system.

Please consider these things and disapprove, or table this project until more research has been done. Thank you.

Jack Barker

Coeur d'Alene, Indian Meadows

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 6:56 AM
To: BADERTSCHER, SHERRIE
Subject: FW: preserve Indian Meadows

From: Anna and Jim Wilson <jnawilson1995@gmail.com>
Sent: Sunday, February 05, 2023 9:26 PM
To: MCLEOD, RENATA <renata@cdaid.org>; Citycleark@cdaid.org
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: preserve Indian Meadows

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

Coeur d'Alene City Council,

We are writing to you about the planned Coeur Terre development and our belief that using access roads in our neighborhood will cause irreparable harm to our way of life. We moved from Post Falls to Indian Meadows in 2002 after scouring the neighborhood for months hoping a home in our price range would hit the market. Drawn to the peaceful tree-lined boulevards and large in-town lots, we knew exactly where we wanted to raise our two small children.

When we bought our "fixer upper" on Moccasin, we knew we were truly home. Our son and daughter learned to ride bikes on the road in front of our house, ran down the street to visit with friends and neighbors, fed goats in the lot two doors down, and pet the neighbor's horses through the fence. Indian Meadows is our little piece of country within city limits.

Our request is to preserve the quiet, easy feel of our neighborhood by not making the roads of Arrowhead and Appaloosa direct connectors to Coeur Terre. Right now the only people who drive in our neighborhood are people who live here. The roads we mentioned end at Atlas, so we ask that you instead consider Hanley (which has a light and goes all the way through to US95) or Industrial Loop (which already has a stoplight). If you open our neighborhood roads to the 4500 new residences in Coeur Terre, you will forever change the magic of Indian Meadows.

Regards,
Anna and Jim Wilson
3808 Moccasin Rd.
20 year Indian Meadows residents

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 6:55 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Coeur Terre

From: Lori Barker <loribarker101@gmail.com>
Sent: Sunday, February 05, 2023 10:08 PM
To: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Coeur Terre

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

Dear City Council Members,

It is with great concern that I am writing you today in regards to the Coeur Terre development coming to our neighborhood. I have lived in Coeur d'Alene since 1971 and my husband since 1999. We have lived on Moccasin Rd. for 14 years now and chose this area because of all of its qualities. I'd like to start by describing what a wonderful peaceful community we live in.

The area is nestled in a forest like atmosphere with lots of Pine trees, yet only 10-15 min. from town. People ride by on their horses, our grandkids love to visit the goats and we have moose, owls, quail, squirrels and raccoons that visit. It's an avid dog walking and exercising neighborhood where you rarely need to watch for traffic when crossing the streets, because there is none! It is only local residents going to and from their homes.

We know our neighbors and converse with them often. In fact, if anyone happens to be gone for any extended period of time, we watch their house, water plants; pick up mail/packages and snow blow for each other when necessary. If an emergency situation arises we pull together to help one another. We have potlucks and get-together celebrations throughout the year. If there is a strange vehicle or something odd going on in the neighborhood we notice it immediately. We are a proud, protected and safe neighborhood. We want it to remain this way.

I'm not afraid of change and realize this will happen with the town's growth to our beautiful city but, I believe there are better solutions to avoid heavy traffic coming to impact our area. This will surely happen if the proposed streets of Arrowhead, Nez Perce and Appaloosa (in Indian Meadows) are made into thru streets to the Coeur Terra development. I'd like to suggest that the thru streets be made farther North of Atlas on Industrial Loop or even Hanley Ave. where there are already traffic lights in place. Maybe, also have a cut off from Seltic instead of adding more traffic on to Atlas. The proposed ingress/egresses of these quiet narrow streets will produce horrendous traffic and a massively negative impact to the entire Indian Meadows area. This project shouldn't have to come at our expense or our way of living.

In closing I'd like to thank the council for hearing my concerns and opinions and hope that you will take this into serious consideration when deciding on the future of mine and our neighbors little piece of paradise.

Warmest Regards,

Lori Barker

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 8:28 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Coeur Terre public comment



From: Garringer <garringer4@roadrunner.com>
Sent: Monday, February 06, 2023 8:22 AM
To: STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: Coeur Terre public comment

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

Dear Members of City Council:

My husband and I have resided in the Northshire neighborhood for over thirty years.

- I support the annexation of Coeur Terre to financially offset the impact its residents will have on Coeur d'Alene over the long term.
- Please consider completing all improvements to Atlas Road before work begins on Coeur Terre.
- Keep the Northshire neighborhood intact as it currently is as much as possible. Please consider not extending Spiers Avenue or Laurel Avenue as access points for Coeur Terre. To reach Atlas Road, traffic from that area of Coeur Terre should be routed to Hanley Avenue, Industrial Loop Road, or Nez Perce Road (its extension).
- Thank you for considering the workforce housing shortage.

Similar comments were submitted to the Planning Commission in October 2022.

Sincerely,
Mary Ann Garringer

Sent from [Mail](#) for Windows 10

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 8:41 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Letter re Coeur Terre
Attachments: Coeur Terre Annex Letter.pdf

2

From: Ronda Bowling <rondabowling@gmail.com>
Sent: Monday, February 06, 2023 8:32 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Letter re Coeur Terre

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

Dear Mayor and City Council Members,

I've attached a letter from myself and my family regarding the Coeur Terre development annexation and zoning request.

Thank you for your time!

Ronda Bowling

February 5, 2023

Mayor and City Council Members
City Administrator
Cc: Planning Department
City of Coeur D'Alene
710 E. Mullan Ave.
Coeur D'Alene, ID 83814-3958

RE: Annexation request by Coeur Terre

Dear Mayor and Members of the City Council,

We are writing concerning the annexation and zoning request submitted by Kootenai County Land Company and suggested by the CDA Planning Commission. WE ASK THAT YOU PLEASE TABLE YOUR DECISION this Tuesday, Feb. 7th 2023.

The Council has a responsibility to personally view our city streets and neighborhoods first hand! See for yourselves the UNDENIABLE NEGATIVE impacts this proposed annexation and zoning will have on our streets, our homes and our lifestyles.

- FURTHER IMPACT STUDIES "IN FULL" NEED TO BE DONE
- ACTUAL TRAFFIC STUDIES "IN FULL" PERFORMED ON OUR STREETS AND ATLAS RD.
- REVISIONS TO THE INGRESS AND EGRESS NEED TO BE MADE (Not using Appaloosa, Arrowhead and Nez Perce and destroying Indian Meadows!)
- REVISIONS TO THE ZONING

The Planning Commission approved this proposal prematurely. This was passed on to the City Council WITHOUT the best interests of the existing citizens of Coeur D'Alene and our nearby communities. Certainly NOT in the best interest of the residents of Indian Meadows and other adjacent neighborhoods.

For at least 10 years this development has been discussed between the developer, planning and the city. Yet, the developer is only obligated to notify the properties within 300 ft of the proposed development and city allows us only 3 minutes to share our concerns and suggestions. This is an injustice in itself.

City of Coeur D'Alene's 2007-2027 Comprehensive Plan included the following. It's unfortunate but this language and these goals seemed to have gone to the waste side in CDA's future 2042 plans.

Pg 7. "The Community is our greatest asset. We must make *every effort* to provide quality neighborhoods and TO PROTECT EXISTING NEIGHBORHOODS for our generations to come."

Pg.17 GOAL 3

"The older, established neighborhoods of CDA have charm that makes them unique. **To preserve** this old neighborhood atmosphere within new neighborhoods. The city continues to refine standards and codes to influence local design. **Coeur D'Alene is obligated to preserve the character and respect the history of the city as seen in the older neighborhoods.**"

Pg.18 GOAL 3.05

"PROTECT AND PRESERVE EXISTING NEIGHBORHOODS FROM INCOMPATIBLE LAND USES AND DEVELOPMENT."

SO we are asking YOU to protect and preserve our beautiful old established neighborhoods, our environment, our wild life, our lifestyles, homes and our properties! We are preparing to legally protect all of the above!

We ask that ALL OF YOU *do the right thing by* TABLING YOUR DECISION ON THIS ANNEXATION AND ZONING REQUEST.

THIS PLAN DOES NOT COMPLY!

ID State Code 67-6508- The plan adversely impacts property values and the surrounding neighborhoods. The traffic and neighborhood character will be adversely changed by zoning and land uses that do not conform with existing adjacent lands.

ID State Code 67-6502- The plan creates an undue concentration of population and overcrowding of land.

Thank you all for your time and your service!

Sincerely,

Aorin, Ronda and Camen Bowling
4211 W Appaloosa Rd.
Coeur D'Alene, ID 83815

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 8:41 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Letter to CDA City Council - Against Annexation of Coeur Terra (1)
Attachments: Letter to CDA City Council - Against Annexation of Coeur Terra.pdf

3

From: Brian Rogers <im@brro.me>
Sent: Monday, February 06, 2023 8:39 AM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: Letter to CDA City Council - Against Annexation of Coeur Terra (1)

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

Renata / Shana,

I hope you are doing well!

Please find a link to a OneDrive folder which will contain compressed files of signed letters from the people against the annexation of Coeur Terra.

I will reply to this email thread if/when more signed documents are received.

Requested Actions

- Please confirm that you can download and view the files contained in the compressed file(s)
- Please send a copy of the attached letter to the Council ASAP (hopefully today)

<https://1drv.ms/u/s!AoG2NGU8B5P7id8lR8sic2zdaEcBtw?e=WckPnf>

Folder Contents Currently

- [Against Annexation of Coeur Terra 1.zip](#)
 - o Containing 27 signed letters
 - Aorin Bowling.pdf
 - Brett Haney.pdf
 - Brian Adams.pdf
 - Brian Rogers.pdf
 - Camen Bowling.pdf
 - Coleen Delaney.pdf
 - Darla Pavlish.pdf
 - Don mcGhie.pdf
 - Jack Barker.pdf
 - Jennifer Hickman.pdf
 - Jessica Lawler.pdf
 - Kevin Lawler.pdf

- Kirby Nilsson.pdf
- Kristi Haney.pdf
- Lori J. Barker.pdf
- Mark Blutcher.pdf
- Mark Jacobi.pdf
- Maureen Marian.pdf
- P. Dawn Papineau.pdf
- Ronald C McGhie.pdf
- Ronald Orcutt.pdf
- Ronda Bowling.pdf
- Sharon M Greer.pdf
- Shirlie Nilsson.pdf
- Suzanne Knutson.pdf
- Wendy McGhie.pdf

Thanks,

Brian Rogers

(908) 625-4589

<http://brianr.me>

"Intelligence removes complexity." - Me

The Community Against the Kootenai County Land Company, LLC Coeur Terre Project

Coeur d'Alene City Council
City of Coeur d'Alene
702 E. Front
Coeur D Alene, ID 83814

Dear the Coeur d'Alene City Council,

Do not approve the request for annexation by Kootenai County Land Company, LLC's Coeur Terre project.

There is a better way! (see conclusion for more details)

"I pledge allegiance to the Flag of the United States of America, and to the **Republic [bold added]** for which it stands...."

James Madison, Letter of 1833 [1]

"[E]very friend to Republican government ought to raise his voice against the sweeping denunciation of majority governments as the most tyrannical and intolerable of all governments....[N]o government of human device and human administration can be perfect;...the abuses of all other governments have led to the preference of republican government as the best of all governments, because the least imperfect; [and] the vital principle of republican governments is the *lex majoris partis*, the will of the majority."

Representation, not "Majority Tyranny"

Not too long ago, Coeur d'Alene City Council members were eager to remove public comments of people who were not considered city residents [2]. This has exposed the mindset that a few of the sitting members of the Coeur d'Alene City Council believe a tyrannical approach to representation is valid [3]. The continued permitting of high-density zoning on the edges of the Coeur d'Alene City limits follows the policy of tyranny, with the recent expansion of housing being approved for River's Edge Apartments [4].

It is crucial to remember that laws are in place to protect the people from any one group becoming too powerful, even our representatives. Unfortunately, in this case, the developers in Kootenai county have undermined the law and are being supported by our representatives against the people's will.

State Codes

50-222 (5)(b)(vi)(C) The annexation is reasonably necessary for the orderly development of the city; [5]

67-6502 (d)- To ensure that the important environmental features of the state and localities are protected. [6]

67-6502 (g)- To avoid undue concentration of population and overcrowding of land. [6]

67-6502 (h)- To ensure that the development on land is commensurate with the physical characteristics of the land. [6]

Having reviewed the City of Coeur d'Alene development plan for 2042 [7], it was orchestrated and outlined by developers and not the vast majority of citizens in Kootenai county. Therefore, the annexation is unreasonable as a review of Coeur d'Alene city growth should be completed to address urban sprawl first. The zoning being proposed is directly against Idaho Code 67-6502 (d), (g), and (h) for the Kootenai county prairie land.

Further, although it claims to have an economic plan and support a bright future for the area, it will not. The plan violates the state codes, which govern that Idaho remains a beautiful place to live and that our natural environment is protected. Additionally, the economics of building a sprawling, high-density residential and commercial mix has proven to fail and will be discussed in the next section.

Housing and Economic Fallacies and Truths

Will the Coeur Terre Project Enable Affordable Housing?

Simply, no.

No data from any projects going on worldwide show that affordable housing is possible in a non-socialized environment. So, bluntly, unless this is Poland, there is no method to enable neoliberal governance to support the concept that the Coeur d'Alene city planning body outlines as benefits [7].

The issue of involving social tenants in the decision-making processes is included only in the Annex to the Housing2030 Programme of the Warsaw Housing Standard. The rights related to public participation are not attributed to social tenants either in the Housing Policy – Housing2030 strategy or in the main text of the Housing2030 Programme. [8]

It is interesting to note how requirements needed to be defined for the tenants of these types of "social housing stock."

... a great deal of space is devoted to improving the communication of municipal officials with social tenants. They propose the following: (1) to introduce a 'guidebook regarding the requirements that must be met to live in an apartment of social housing stock', (2) to prepare 'templates of correspondence addressed to tenants that would be clear, transparent and written in understandable language', (3) 'to create a customer service system (¼) and tenant service point' and (4) to introduce an electronic service for tenants, via a mobile phone application (Housing2030 Programme, 2018, p. 104). It is noted in the documents that 'the relations between the administration and a large part of residents are very formal, which is not conducive to an atmosphere of mutual understanding and trust' (Housing2030 Programme, 2018, p. 68). [8]

Additional similarities to CDA's planning can be found in New Zealand. They also embrace the #housing2030 project and ask for national cooperation to address the "issue" [9].

Housing Reality

It is not the reality that the United States of America, as a whole, requires more housing. The "California Buyer" is common in more states than just Idaho. Many states have been experiencing people from other states with higher costs of living and home ownership (California, New York, Maryland, etc.) moving to states with lower home values. In addition, technology has driven the ability to work in remote scenarios for many high-wage jobs that do not require a physical presence in the office. Yet

there is a pullback from many companies to have employees back onsite. As attrition in jobs occurs, it can be expected that the remote working roles be reduced and demand a move back to the initial locations of people looking to continue in that line of work.

North Carolina has been chasing the unicorn dream of housing for everyone over the last 20 years and cannot meet demand nor keep prices low. The cost of living in North Carolina has also increased, making it difficult for locals to sell their current homes to move to another location [10]. The housing bubble is also something of concern [11].

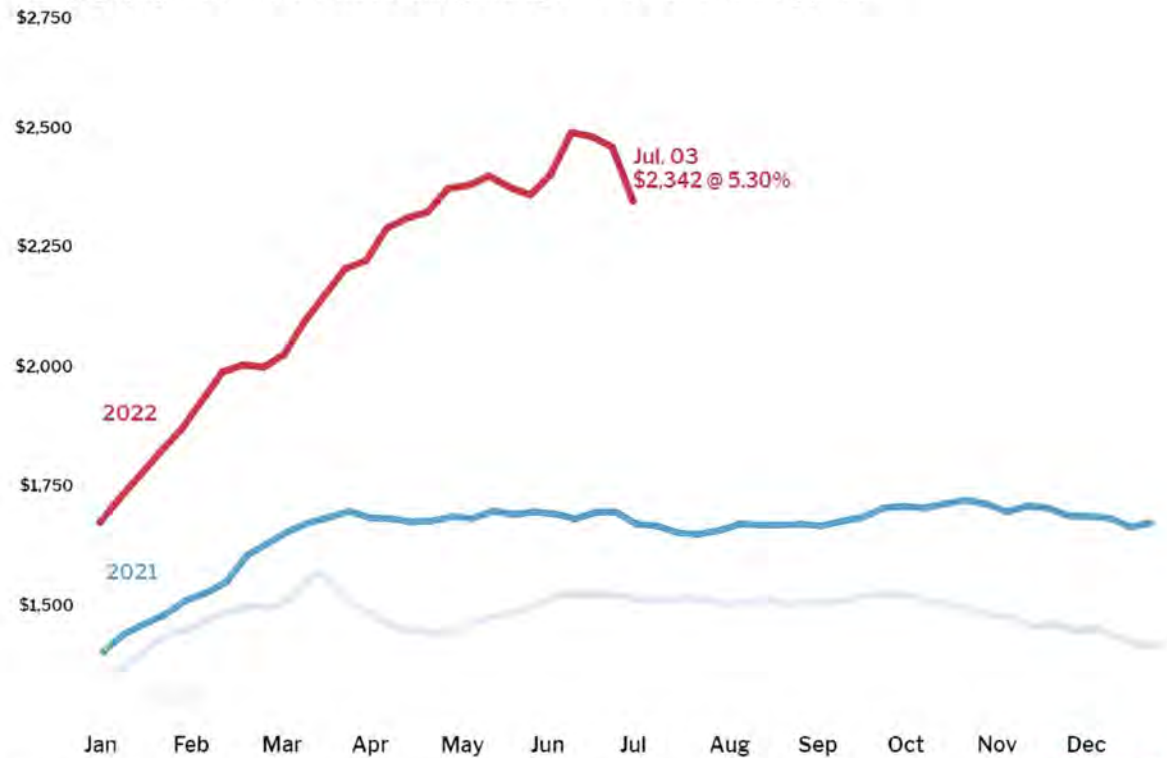
Investors are the Only People Who Can Afford Houses

Low-interest rates created an opportunity to exert financial leverage for people looking to enter or expand their presence in housing. However, the low-end investors, typically leveraging their own homes, will not be able to continue acquiring properties due to increased mortgage costs. In addition, if there is an economic recession, more people will likely default on these investment properties to hold their own homes. Many signals show the potential for a drastic economic downturn that could be larger than 2008 to 2012.

- **MUST WATCH:** Why U.S. Real Estate Is So Flawed | CNBC Marathon [12]
- The 2023 Housing Bubble Apocalypse [13]
- Susan Wachter, Wharton Professor of Real Estate [14]
- Housing Market Update: Balance Is Returning To The Housing Market As Competition Eases [15]

Homebuyer Mortgage Payments +40.4% Year Over Year

Mortgage payment on the 4-week rolling average of the median asking price



Source: Redfin analysis of MLS data, Freddie Mac Primary Mortgage Market Survey

REDFIN

[15]

Susan Wachter spoke about this as supply will continue to be in demand which is not what occurred in 2008, **while also stating that multi-family is not needed as there is currently enough supply.**

The impact point is that people in low-interest rate loans will not be able to downsize or move due to the inflated costs. Compared to large organizational investors, people will not be as likely to start buying soon. The behavior will continue to promote the looping cycle that more houses are needed because the individual cannot acquire a house on a mortgage because they are all leases/rentals.

Not a Development, Another City

LEV [NN] LLC

The holding company of the land being reviewed and additional property in the area uses the legal company name of 'LEV' and then a number and then 'LLC' to manage the land assets. The original proposal for the Coeur Terre project, which has now been removed from the Kootenai County Land Company, LLC's website, had initially planned to have less density for their entire acreage, which is over 1,050 acres.

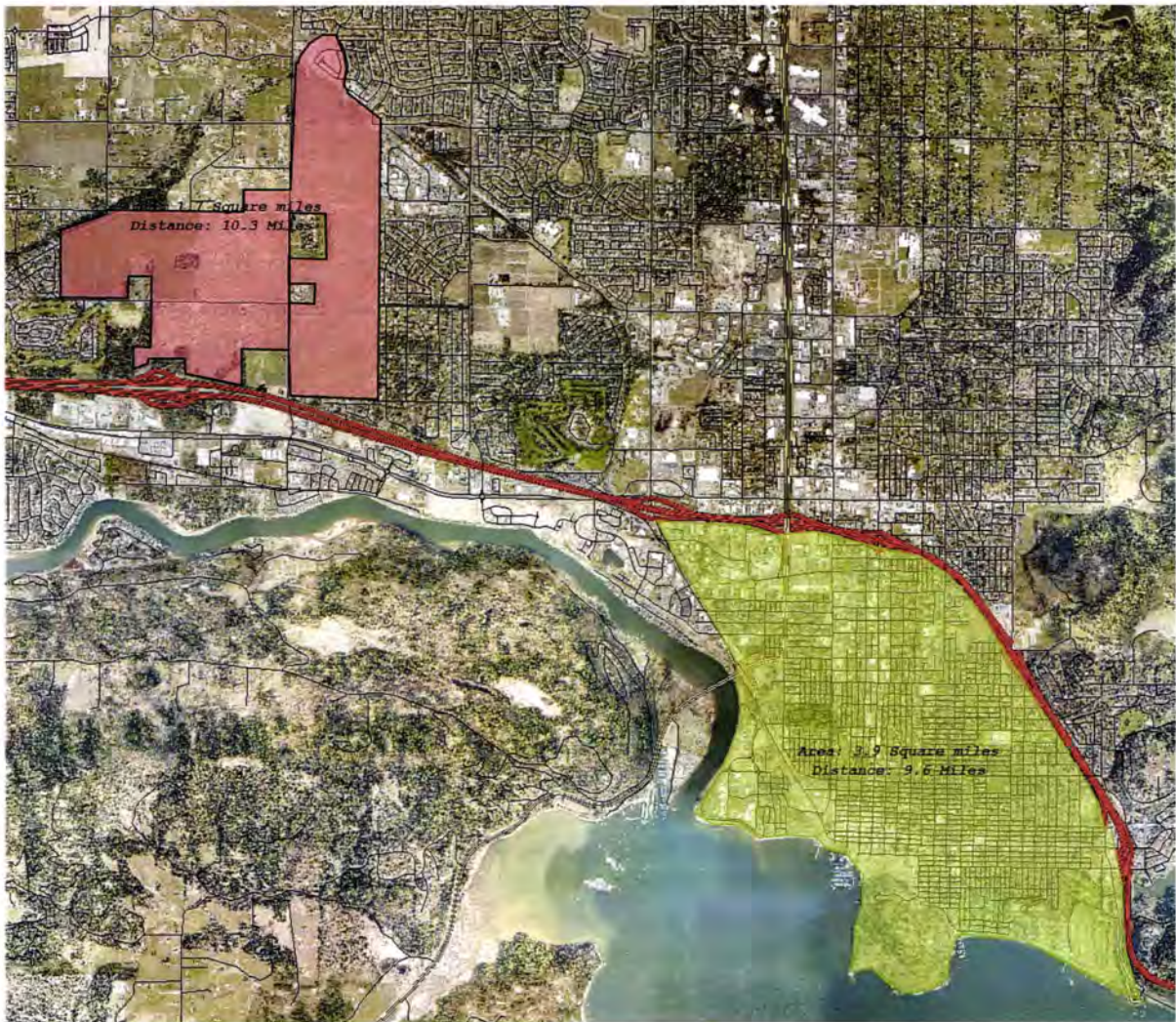


Another City

It is incorrect to say that the Coeur Terre project promotes orderly growth, preserves the quality of Coeur d'Alene, protects the environment, promotes economic prosperity, and fosters the safety of the residents. It must do this to comply with both the Idaho State Code and the Coeur d'Alene Planning Commission's charter. An argument that this was part of the 2022-2042 planning document [7] does not make it valid for growth. The planning document contains many inaccuracies around development and economics.

The density proposed for the 442 acres is city development, not a simple, small residential development. In addition, the proposal does not account for the new development to the North and the lack of roads, schools, and other needs for long-term growth and to ensure the quality of Coeur d'Alene remains intact.

The total potential development area is nearly half the size of the City of Coeur d'Alene proper, south of I-90, much of the same density, less green space (by almost 60%), fewer roads, less access to transportation, and less ability for local stores.



Kootenai County Not Ready

Roads

The annexation is requested before the Idaho Transportation Department (ITD) finishes its review for improved road systems in the area. ITD has decided a county-wide population and traffic model needs to be updated for the PEL study; it could be years before the NEPA is started and completed.

The developer's design also doesn't include the already over-saturated report for Seltice Way, which will gridlock the area due to the overbuilding by the river between Atlas Road and Riverstone Drive, as shown in the SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech.

The current estimate for Seltice Way would require 3-lane roads in both directions to accommodate the amount of traffic from the excessive development at the river, let alone another development of this magnitude at Huetter Road.

SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech

However, even with this more moderate growth rate of 2% annually, the dual lane roundabout is projected to start breaking down by 2045, with and without the Coeur Terre site traffic – negating the need to change to a traffic signal system along the corridor and prepare for three-lanes in the westbound direction of travel.

The proposed changes to Huetter Road from the Kootenai County Land Company, LLC will take most of the speeds on the road from 45 miles per hour to 20 miles per hour or less. Additional traffic jams can be expected at all major turn lanes at Prairie Avenue, Poleline Avenue, and Seltice Way.

Simply, Kootenai Land Company (Kootenai County Land Co.) is being disingenuous about the traffic impacts and its work with ITD. ITD has changed the project study initially for the Huetter Corridor to address Kootenai County's mobility. Therefore, the Huetter Corridor is an artifact of the KMPO, not ITD, as the study has just started.

City and Community Needs (Safety and Healthcare)

In nearly the exact square miles of potential building area, the City of Coeur d'Alene has three (3) elementary schools (Winton, Fernan, Bryan), not just one (1). It also has several academy schools as well. Post Falls is becoming overcrowded after having just built a new school less than two years ago. The expected growth in the area will require more than just one elementary school and one middle school. It should also account for more parks and recreation areas. It would also require more large sports fields to support more school teams.

Currently, the area is serviced by Kootenai County Sheriff's Department, and their response time for the area is lengthy today. Adding another 4,000+ residents into that area will place strain on public safety as there would be new stress placed on Coeur d'Alene's police department.

Fire and rescue departments are not in the developer's designs which will be even more critical with the growth of the population. Additional service for the 442 acres and the misplanned development by the riverfront at Atlas Road continues to show development companies cannot be trusted to promote sustainable growth.

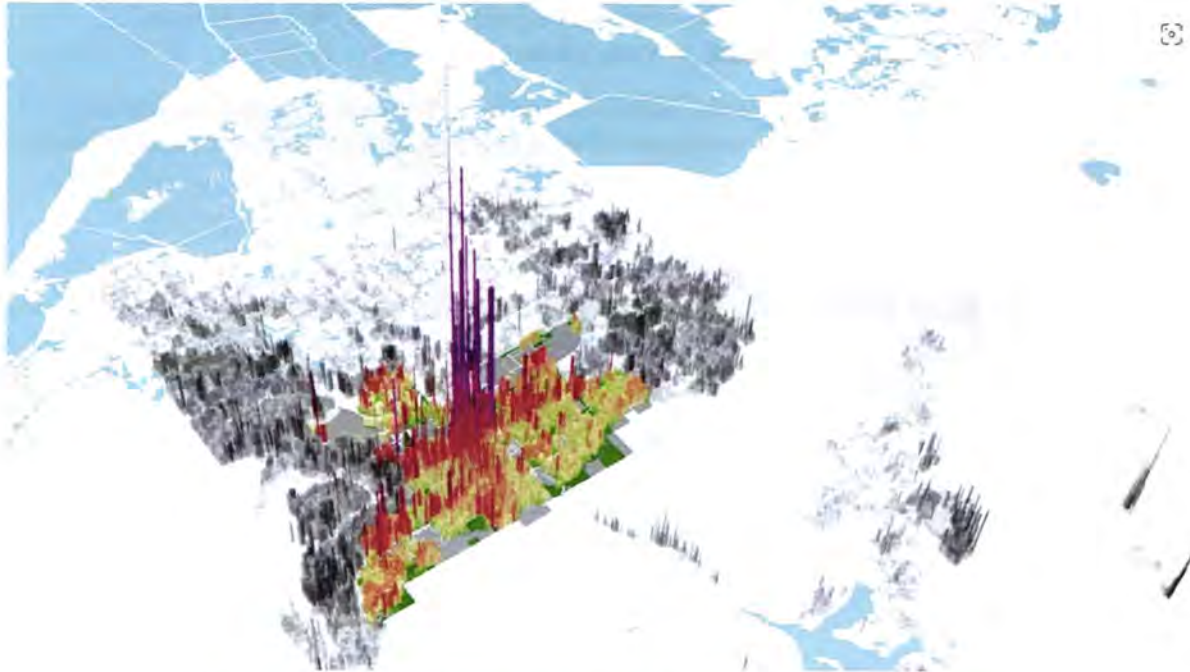
Emergency medical treatment and healthcare centers are not in the design either. However, the roads have already been found not to support timely responses in the case of an emergency.

Conclusion

A Better Way

Coeur d'Alene is not alone in dealing with the need to grow and expand the residential area. However, better ways are emerging across the United States of America. Even as close as North Bend, WA (just minutes from Seattle), there are changes to how to grow an area for residential [16]. New economic models have been developed, saving communities and increasing revenue. Groups like Strong Towns [17], Urban3 [18], and State Smart Transportation Initiative [19] are building brighter futures for communities while supporting growth.

URBAN3 Example: Ogden, UT [20]



The City of Ogden mapped by value per acre (in color) with Weber County in gray

Outcomes

- Zoning was updated to prohibit storage units in downtown.
- An increase in quantity and quality of multi-unit housing in commercial zones. The last 60 years had just 500 units, but over the last two years, 1000 units have been put into the review process
- The City acquired a vacant site in downtown after seeing the need to acquire and redevelop strategic sites. They are now working with developers in joint partnership and have used our work to argue for the development to produce revenue.

Deny the Annexation

The annexation must not be permitted as there is enough evidence that the development proposed does not support Idaho Code as listed below. It is also not a design that meets the needs of the community.

State Codes

50-222 (5)(b)(vi)(C) The annexation is reasonably necessary for the orderly development of the city; [5]

67-6502 (d)- To ensure that the important environmental features of the state and localities are protected. [6]

67-6502 (g)- To avoid undue concentration of population and overcrowding of land. [6]

67-6502 (h)- To ensure that the development on land is commensurate with the physical characteristics of the land. [6]

The plans of the Kootenai County Land Company, LLC are dangerous and adversely impact Kootenai county in total. The project is not ready to be reviewed because of the lack of roads, schools, appropriate green space, community needs, and city planning.

There is no question that growth in Kootenai county will continue. The question is the value of the growth as it has been completed today and what the impacts will be with development projects which have not yet been completed.

The time to think differently is now before the damage is done!

Sincerely,

Email Address

Phone Number

Street Address

References

- [1] J. Madison, "Democracy - Factions and parties," 2023. [Online]. Available: <https://www.britannica.com/topic/democracy/Factions-and-parties>.
- [2] B. Buley, "Public comments, invocations on council agenda," 4 June 2022. [Online]. Available: <https://cdapress.com/news/2022/jun/04/public-comments-invocations-council-agenda/>.
- [3] "Coeur d'Alene City Council Meeting 6-7-22," 7 6 2022. [Online]. Available: <https://www.youtube.com/watch?v=hdWazSsQAOW>.
- [4] "Win for River's Edge," 14 12 2022. [Online]. Available: <https://cdapress.com/news/2022/dec/14/buley-writing-rivers-edge/>.
- [5] I. S. 50-222, "Idaho Statutes," 1 7 2022. [Online]. Available: <https://legislature.idaho.gov/statutesrules/idstat/title50/t50ch2/sect50-222/>.
- [6] 67-6502, "Idaho Statutes," 1 7 2022. [Online]. Available: <https://legislature.idaho.gov/statutesrules/idstat/title67/t67ch65/sect67-6502/>.
- [7] D. CDA, "2022-2042 Development Plan," 15 2 2022. [Online]. Available: https://www.cdaid.org/files/Planning/2042CompPlan/Coeur%20d'Alene_2042CompPlan.pdf.
- [8] A. Zubrzycka-Czarnecka, "Political rationalities related to the public participation as exemplified by the Warsaw #housing2030 project," 3 2 2022. [Online]. Available: <https://sciendo.com/article/10.2478/cejpp-2022-0001>.
- [9] L. G. N. Zealand, "Housing 2030 - Project in a nutshell," 1 8 2018. [Online]. Available: <https://www.youtube.com/watch?v=i7stiVtlkA8>.
- [10] M. D. Tanner, "Keeping North Carolina's Housing Affordable," [Online]. Available: <https://www.cato.org/policy-analysis/keeping-north-carolinas-housing-affordable>.
- [11] P. -. E. A. Realtor, "Is there a Real Estate Bubble in North Carolina in 2021?," 10 9 2021. [Online]. Available: <https://www.youtube.com/watch?v=kwjEP7plJSQ>.
- [12] CNBC, "Why U.S. Real Estate Is So Flawed | CNBC Marathon," 29 1 2023. [Online]. Available: https://www.youtube.com/watch?v=FX_aiXBJwY8.
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- [14] W. School, "The Housing Market in 2023: What Lies Ahead? With Susan Wachter, Wharton Professor of Real Estate," 23 12 2022. [Online]. Available: <https://www.youtube.com/watch?v=hRRrCgBUvxY>.

- [15] T. Ellis, "Housing Market Update: Balance Is Returning To The Housing Market As Competition Eases," 7 7 2022. [Online]. Available: <https://www.redfin.com/news/housing-market-update-balance-returning/>.
- [16] K. Hayes, "Seattle Has 800,000 Problems," 8 12 2022. [Online]. Available: <https://www.strongtowns.org/journal/2022/12/8/seattle-has-800000-problems>.
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- [20] URBAN3, "Ogden, UT," URBAN3, [Online]. Available: <https://www.urbanthree.com/case-study/ogden-ut/>.

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 9:03 AM
To: BADERTSCHER, SHERRIE
Subject: FW: letter to the city counsel

4

From: Don Gardiner <diver_don@hotmail.com>
Sent: Monday, February 06, 2023 8:54 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: letter to the city counsel

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

To Whom it May Concern;

You as city leaders have the right to allow access for the Coeur Terre community to travel through our Indian Meadows living area. We ask that you do permit them to bike and walk through Indian Meadows to access the paved path which leads to Atlas Park and downtown Cda. As this city is bike and pedestrian friendly. But to refrain from using cars and trucks to travel through that community.

It has been wisely suggested that mechanized travel from Coeur Terre eastward should use the Industrial Park as there is limited pedestrians, especially children, in that area, furthermore there is an existing traffic light on Atlas.

Don Gardiner

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 11:02 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Public Comment

-----Original Message-----

From: Tom Sanner <tmsanner@gmail.com>
Sent: Monday, February 06, 2023 9:58 AM
To: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Public Comment

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

Good morning.

I would like the City of Cda to consider in its decision to allow Kootenai Land Company and its current Coeur Terre project to allow them to reduce even more the number of houses per acre to 10 not 8 in the R-8 zoning. If a person can't even get to his back yard now, i.e. enough clearance to allow to drive a car, you might as well get more revenue per acre as in sewer and water connection fees. Also i see no storage facilities near this project. Just think if the city were to build storage units near this project the massive revenues it would create for the City in the future. I live near this project at 3430 Bristol and our lot is 19,000 square feet. I can't imagine two more houses on my lot size, so obviously the above is a bunch of B.S. The City should seriously reconsider this project for it's lack of health and well-being for it's current and future residents. We should all be thankful for what we have and not wish for something that Cda is not prepared to handle.

Respectfully

Tom Sanner Sent from my iPhone

5

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 10:53 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Development ,Traffic.

-----Original Message-----

From: Larry Hodel <lhodel@roadrunner.com>
Sent: Monday, February 06, 2023 10:45 AM
To: GOOKIN, DAN <dgookin@cdaid.org>
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Development ,Traffic.

6

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

Dear Councilman Gookin: In recent council meetings regarding STR's you and other council members were quoted by the CDA Press as saying "Because we are a community

We have to do something to save the neighborhoods". Please ACT in accordance with this quotation when considering The Coeur Terre development. Allowing Indian Meadow

as the thoroughfare to this new planned development will have a devastating effect on our quiet long established neighborhood.

If allowed to proceed as planned, the extensions of Nez Perce, Arrowhead, and Appaloosa, will only add additional traffic to Atlas Road, which is already near capacity.

In addition Atlas road South of Kathleen has very little space to be widened without acquiring residential properties. The Atlas/I90 underpass is a 2 lane structure which would be a major project to expand beyond two lanes.

Infrastructure such as electrical, sewer, and water connections can easily be made underground without roads having to be connected through Indian Meadows. Far less

disruptive connections to Atlas road could be made at Hanley Ave, and or Industrial Loop. This alternative would if fact "Do Something to Save the Neighborhood".

Thank You. Larry Hodel, 28 year Indian Meadows Resident. 208 818 0342

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 12:15 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Against Annexation of Coeur Terre

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From: Peters <acbpeters@gmail.com>
Sent: Monday, February 6, 2023 12:12 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHLMILLER, SHANA <shana@cdaid.org>
Subject: Against Annexation of Coeur Terre

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Dear City of Coeur d'Alene City Council,

I am sending this letter in opposition to the request for Annexation and Development by the Kootenai County Land Company, LLC's Coeur Terre Project on Tuesday, February 7, 2023.

I have lived in Post Falls since 2001. The first 3 years in a rental home and the last 18 years in the home we built on approximately 4.5 acres on the prairie. We have a Post Falls postal address and a Coeur d'Alene landline phone number. My family members work and go to school in both Post Falls and Coeur d'Alene. We consider both of these communities as well as Hayden our home. We love where we live. We enjoy that it is a safe, quiet area and have enjoyed access to miles of dirt farm roads to exercise, recharge and take in the beautiful views of the area.

Nineteen and a half years ago we purchased our lot in Brickert Estates. Prior to purchasing the lot I heard a rumor that Huetter Road would be widened. I visited the Coeur d'Alene Streets and Engineering Department hoping to get some answers. I was told this had been talked about for a long time, that it wouldn't happen any time soon and I shouldn't be concerned. They could not give me any specific information. Years later the KMPO started to meet and include Huetter Road on its agenda. I along with many others attended these meetings. Our voices were not heard. Although empty farm fields were to the east of Huetter Road the road expansion plans to encroach on the west side of Huetter were pushed forward without regard to the homes along its path. My understanding is that the Huetter Road project has now been turned over to the State of Idaho. There is still no answer as to how the road expansion will proceed yet the City of Coeur d'Alene continues to approve the building of massive subdivisions along the east side of Huetter Road with little setback. I find this irresponsible.

I drive south on Huetter Road to Seltice Road to get to my place of work in Coeur d'Alene. It has been a beautiful, peaceful drive. However, Seltice Road is no longer a beautiful road surrounded by trees and views of the river. It is turning into a corridor without views. This road will need to be widened with all the proposed construction to the north and south of Seltice Road. I imagine that some day the median along with the trees that line it will be removed to make way for more lanes for the increased traffic from not only the proposed Coeur Terre Project but also the construction that is occurring between Seltice Road and the Spokane River. Isn't this one of the things we want to preserve? Open space and the natural beauty of where we live?

I know that growth is inevitable but let's do it responsibly. Have you driven through the new Foxtail development in Post Falls? It is a development by Architerra the same company proposing the Coeur Terre project, Lot sizes are shrinking, green space is disappearing. It reminds me of the board game Monopoly. We are creating a concrete jungle. How about soccer fields for the children to play, swimming pools to safely learn to swim and open space to stay active and healthy? An 18 acre park is not enough for the size of this development. I am interested in maintaining the beauty of North Idaho. Please hear my plea to take another look at this massive development before it is too late!

Sincerely,

Andrea Baass Peters
acbpeters@gmail.com

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 12:17 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Coeur Terre Annexation - Indian Meadows
Attachments: Coeur Terre Concerns re Annexation - Feb 7, 2023 - CDA City Council.doc

From: holladay <hsanderson@qosi.net>
Sent: Monday, February 6, 2023 12:15 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Coeur Terre Annexation - Indian Meadows



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Dear Renata and Shana,

My apologies that these comments are so late in coming to you. My husband, Sandy (Stanley), and I are residents of Queen Anne Estates, between Indian Meadows and Atlas Road on Sherwood Drive as well as between Nez Perce and Arrowhead to the north and south of our home. We both have deep concerns about the Annexation of Coeur Terre. We love the quiet and calm of our neighborhood and are not happy about the influx of traffic that this annexation will cause.

Thank you for forwarding my concerns in attached document.

The Rev. Holladay Sanderson
3805 Sherwood Drive
CDA, ID 83815
208-954-1555

To: Mayor Hammond and the Coeur d'Alene City Council
From: The Rev. Holladay Sanderson
3805 Sherwood Drive
(Queen Anne Estates just east of Indian Meadows and West of Atlas Road)
Coeur d'Alene
RE: The annexation of Coeur Terre
Date: February 6, 2023

I have read with interest all 439 pages of the packet for your meeting on February 7, 2023. Much of what I see shows me that many companies and powerful people in Coeur d'Alene are supportive of Coeur Terre. Regardless, I am aware of concerns re: Coeur Terre.

I am horrified that so much construction over the last many years is continuing to negatively impact Atlas and Seltice Way. And now with Coeur Terre's potential annexation to the detriment of Indian Meadows and Queen Anne Estates, I worry that little notice will truly be given to our concerns.

1. Are traffic impacts on Indian Meadows and Queen Anne of any concern by the City of Coeur d'Alene?

I have read the letters of my neighbors at several hearings. ALL of them are concerned about the **traffic impact**. I spoke at a City Council meeting earlier this winter and expressed my own concerns about the traffic, especially concerning Atlas Road. Still, The City Council Staff Report from Sean Holm re: Zoning basically brushed off our concerns about traffic impact. I quote from the notes provided in the large packet headlined as info for Feb 7, 2023, but footnoted at the bottom of the page as Feb 22, 2022 (Document A-4-22, page 32. The final paragraph of the report states:

"The existing neighborhoods were designed with streets that are intended to connect to future development on the subject property. Two large parcel homes on the east side of Huetter Rd. would remain in Kootenai County, bordered on three sides of city limits in Coeur d'Alene's Area of City Impact (ACI)."

Thus, it appears that our neighborhood (zoned R-1), is planned to abut a new high-density development zoned R-8. From information given by Kootenai County Land Company, LLC, they recommend making Hanley from Atlas wider so traffic can cross all the way to Huetter. Then other cross-throughs for Nez Perce, Arrowhead, and Appaloosa will be considered as the need arises. Or as Commissioner Ward on the Planning Commission stated in her comments after Public Testimony closed: "He explained when he first saw this proposal and looked at the plan he saw an issue with traffic, but **realizes that will be evaluated as the project develops.**"

That says to me that annexation WILL happen on Feb 7 and we will just sit back and see what will happen with Indian Meadows. These factors all scream at me that there is NO care given that a 'Compact' and 'Urban' neighborhood which includes 'Mixed Use-Low' rating (the commercial areas) is abutting a 'Single-Family Neighborhood.' (Staff Report, pp.15-17) In addition, Indian Meadows is a Heritage Neighborhood. Perhaps this report is saying that does not matter anymore? Perhaps this report is saying that Indian Meadows with its 1-acre single-family properties and Queen Anne just have to trust that the city will do right by them?

In the “Annexation and Development Agreement” awaiting your vote on February 7, 2023/ Resolution No. 23-012, page 26, the third dot from the top mentions the “Nez Perce Road/ Hanley Avenue intersection” is problematic. The two do NOT intersect. In fact, Nez Perce deadends at Atlas and in high-traffic times in the morning and evenings, it will take a LONG time to await a break in the traffic on Atlas from the north and the south..

The City has approved so much building already on Atlas, that turns, particularly left turns, onto Atlas are few and far between. Everybody wants to get to work. My husband and I moved into Queen Anne in 1999 when traffic was light. Since then the neighborhoods on both side of Atlas at Hanley have been built as has a lot of construction been added along Prairie and north on Atlas all the way up to Hayden Avenue. ALL of those developments have increased the traffic on Atlas markedly. The traffic circles at Seltice are OK but I have been backed up 10 or more cars at the Seltice Way circle several times in the last few years. I shudder to imagine the traffic when the homes and ugly sight-blocking apartments on Seltice are filled with residents.

Thus, that traffic circle is, for all accounts, outdated already. There is no more room, frankly, for more traffic from Coeur Terre to make that intersection basically a continual traffic jam, just it was before the circle was constructed.

Coeur Terre residents would be better served by using Huetter to leave their development. At least then Seltice, Hanley and perhaps Prairie could be less impacted by traffic heading to and from Coeur d’Alene by motorists using the East-West roads that can better handle the traffic. Atlas has no room to expand and it remains 2 lane. I am sure as well that Fairway Hills is not dying for any more pass throughs in their neighborhood.

My own home is between Nez Perce and Arrowhead. I fear the traffic speeds if those roads are opened all the way through our neighborhoods. The character of the neighborhoods will be destroyed. Note that Coeur Terre, **in its own plan**, touted how speeds would go down in Coeur Terre because they had fewer straight streets and more curves. Still THEY wish to use Indian Meadows and Queen Anne for their own speedy exit from Coeur Terre: an exit that will clog at the Atlas intersections of Nez Perce, Arrowhead and Appaloosa. Our quiet walks and the safety of this area will be gone with the traffic increases.

Thus, the traffic impact that seems not to be troubling the creators of these reports to you, the City Council, will instead create a situation that goes against the City’s own Goals and Objectives in the Comprehensive Plan.

2. Does Coeur Terre fit the City of Coeur d’Alene Comprehensive Plan?

In the Growth and Development section of the Comprehensive Plan, GD 1 states:

“Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.” That is, PLEASE don’t destroy our existing neighborhoods!

Objective GD 1.5 is: Recognize neighborhood and district identities.

The intrusion of any “wait and see how growth goes” streets crossing through to Indian Meadows are threats hanging over our heads. While you “wait and see.”

we have no idea how these may affect the traffic or our property values.
In any case, any pass-through streets will destroy our community identity forever.

Objective GD 1.7 is: Increase physical and visual access to the lakes and rivers.

That is not happening because the ugliness of the development south of Seltice has already spoiled that immeasurably for all of us off Atlas heading south. That development totally blocks our views permanently of the Spokane River and its banks.

3. Has the Kootenai County Land Company truly revealed everything about zoning and the impact of the property densities in question?

On page 7 of the Kootenai County Land Company Annexation Report they state re: "Existing and Requested Zoning:

The requested zoning for the majority of the Coeur Terre property is R-8, which only allows for detached single family homes. In order to address the shortage of attainable/professional worker housing, the Applicant would like to build detached single family homes on smaller lots, which may require a zone that has a higher density.

The Company states that they need more room to satisfy the need for "attainable/professional worker housing" and must zone differently in order to zone for higher density which translates in to MORE PEOPLE and MORE TRAFFIC. The change in the very character of Indian Meadows could have a serious negative impact on all of their property values as well.

It sounds like Kootenai County Land Company has not figured out lot sizes yet. They are perhaps counting on the City Council to allow MORE residential housing as you recently did before for the development just south of Seltice Way at Atlas.

The higher the density goes, the more deeply the poor planning of Coeur Terre re: lot sizes has the possibility of impacting the traffic patterns and property values of Indian Meadows and Queen Anne.

Idaho Code 67-6508 a) (Land Use Planning) states:

"Property Rights — An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code."

Truly, I am not a lawyer, but I don't believe the property rights and values above are solely those of residents of Coeur Terre.

Conclusion

I understand the advantage of growth in a town. I understand the need for affordable housing. I see how builders and the other cities and Chambers of Commerce are all so supportive of this project.

As a resident of Queen Anne who loves to quietly walk those streets as well as those in Indian Meadows along Nez Perce and Arrowhead and Appaloosa and those cross streets, I fear the opening of those intersections being opened up. I fear the increased speeds of traffic. I am exhausted by the daily strain to get onto and drive the ever-increasing traffic on Atlas at varying times of the day. There is no more room for more traffic on Atlas.

Please do not annex the Coeur Terre land yet. Opening Nez Perce, Arrowhead and Appaloosa to Coeur Terre should be permanently prohibited for the safety of the Queen Anne and Indian Meadows neighborhoods and for the preservation of the very special, wooded, low-density character of Indian Meadows.

Thank you for your time. I look forward to being present to learn if we have been heard at all.

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 12:52 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Letter to Council - Public Hearing Feb 7, 2023
Attachments: Council Letter 3 2-5-23.pdf; Council Talk 2-7-23.pdf

From: Don Webber <donharvest2u@gmail.com>
Sent: Monday, February 06, 2023 12:48 PM
To: STUHMILLER, SHANA <Shana@cdaid.org>; MCLEOD, RENATA <renata@cdaid.org>; MCLEOD, RENATA <cityclerk@cdaid.org>
Subject: Letter to Council - Public Hearing Feb 7, 2023

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Please provide the 2 attached documents to the City Council as part of their information packet for the above-referenced public hearing.

Thank you.

Don Webber

(951) 760-6570

February 5, 2023

Mayor and City Council Members
City Administrator
cc. Planning Department, Kootenai Land Company
City of Coeur D'Alene
710 E. Mullan Ave.
Coeur d'Alene, ID 83814-3958

RE: Uncontrolled Growth and Its Negative Impact on Our Neighborhood

Dear Mayor, City Council Members, and City Administrator,

Why is the Coeur d'Alene City Council insistent on sacrificing our neighborhood on the "altar of more dwelling units at all costs"?

Most of us in the R1 and R3 zoned neighborhoods surrounding the planned Coeur Terre development are actually in favor of growth. But unchecked growth, with the only apparent goal of maximizing density and dwelling units, is not only counterproductive but harmful to the health of the City in the long term.

Unfortunately, when both the Planning Commission and City Council do not even follow their newly adopted Comprehensive Plan, they cast doubt on their stated intentions. Evidence the Comprehensive Plan objective of "maintaining site lines to the river". Take a drive to the Atlas/Seltice roundabout and rather than seeing the river, we see three-story boxes that are apartment buildings. Further West, we see five-story boxes (made possible by a density increase approved after the fact). Where did the river go? Are we to assume that the Council made a mistake? Or was it intentional to allow these buildings to be placed in contradiction to the Comprehensive Plan Objectives? With past actions as guidelines, are we to expect the Council to protect our Heritage Neighborhood, which is another stated objective in its Plan?

Does the Council think our Heritage Neighborhoods are being protected when far too many high density infill projects are approved? Just take a drive in the once lovely neighborhoods north of Sherman and East of Government Way. Classic homes are now overshadowed by apartment complexes, with local streets impacted by traffic and parking issues.

In addition, the fact that the Development Agreement (soon to be presented to Council) is the very first Development Agreement in the City's history, is clear evidence that growth has been unchecked for years.

While the City and developer spend thousands of hours of staff and consultant time to explain how we need not worry, we have three minutes each Council Meeting to plead our case to elected officials whose intentions seem to be to ignore our concerns. We read responses to our concerns in statements such as "an annexation does not increase traffic". We are told, "you can protest when the specific PUD that affects your concerns is brought to council in 10 to 15 years". We read in staff reports that the planned 1,000+ acre development and its R17/R8 zoning, concept plan (with street layouts, planned

school sites located, and commercial areas defined) is "compatible with the surrounding neighborhoods".

Of course, any reasonable person would understand that a project the size of Coeur Terre, with 17 units per acre, having direct access through our 1-acre lot neighborhood, on local streets, will absolutely have a negative impact on us! How could it not?

Please don't patronize us with your placating statements.

The City has stated that "a traffic study has been completed". What we have seen is a cursory examination of the COLLECTOR streets, Atlas, Hanley, Huetter, etc. There has been no analysis of current traffic counts in our neighborhood. There have been no official projections made as to the exponential traffic increase we can expect when our streets are opened directly to school sites, commercial areas, and thousands of new homes/apartments. Anecdotally, we have been told to expect "at least a 10-fold increase" in traffic. That is unacceptable. The dangerous conditions this would create should not be tolerated by our elected officials.

Our neighborhood group has spoken directly with the Developer, the Police Department, and the Fire Department. All three of those entities have stated that they do not need access to the planned development through our neighborhood streets. Additionally, outside of our neighborhood, the Coeur Terre project has identified at least 8 other points of ingress/egress to and from the development. Access through our neighborhood has not been requested by the Developer, Police, or Fire, and is not necessary.

Before you approve the Development Agreement, perform a real traffic study, including our local streets, and make it public. Once we are all able to review a complete traffic study, we are confident that you will see that it would be unwise to open our local streets to this massive development.

Don't hide behind cursory consultant reviews.

We want to see language in the Development Agreement that states our local streets will not be opened as access to Coeur Terre. Telling us to follow the project for years to come and come back to a meeting at some point in the future to express our concerns (in three minutes or less) is not only years too late but is obviously disingenuous.

Protect our Heritage Neighborhood. Put that protection into the Development Agreement. Then we can all move on toward responsible growth for CDA.

We have invested decades in our community. We will not go quietly. We see you. Listen to us.

Don Webber
4211 W. Arrowhead Rd.
Coeur d' Alene, ID 83815

Presentation

CDA Council Meeting 2/7/23

Topic: Unfinished Business

Mr. Mayor, Council, City Administrator, and Staff,

My name is Don Webber. I live in the Heritage Neighborhood of Indian Meadows. Thank you for allowing me to address you tonight.

After several presentations there still remain many unanswered questions. We ask that you table your decision on the Annexation and Development Agreement until these and other questions are answered.

An incomplete traffic study presented by the developer begs additional questions -

1. What are the existing traffic counts on our local neighborhood streets, and what are the projected traffic counts once the development is completed?
2. What are the anticipated increases in vehicle speeding violations, in traffic accidents, and most importantly, in pedestrian injuries due to the increased traffic on our local neighborhood streets?
3. What are the anticipated increases in our neighborhood traffic due to the inclusion of two schools and large commercial areas in the planned development?
4. What is the rationale that allows for our local streets to be connected to such a high density project – since when they were originally built in the 1970's the intent was to connect to a low density R1 to R4 neighborhood.

5. Please provide a compelling reason for punching through our local neighborhood streets into the development. Especially when there are 8 to 10 additional points of ingress on the developer's concept plan AND Police, Fire, and the developer themselves have stated that they don't need access through our Heritage Neighborhood.

Please table your decision on this agreement until these important questions are answered. How is it possible to determine the impact to our neighborhood without these answers?

6. No objective reason or examples have been shown as to the vague statement that a 5,000 unit, R17 development is "compatible" with our adjacent R1 Heritage Neighborhood. More work needs to be done here.
7. Please explain why our Heritage Neighborhood is not worthy of being protected, as stated in your Comprehensive Plan.
8. No Community Meetings have been held to allow the stakeholders adjacent to the project to have questions answered directly by Staff and the developer. Only one-sided presentations have been made.

Please table your decision on the agreement until at least 2 Community Meetings are held for the benefit of those most affected by this proposed development.

By not involving your real community stakeholders you create an adversarial relationship. The best decisions are made WITH and not FOR.

Don't push our concerns down the road. We want to see language in the Development Agreement that addresses our concerns, decreases the density of the project, protects our Heritage Neighborhood, and does not allow our streets to be punched through to this massive project.

Let's work in a relationship of trust. That type of relationship will result in an amazing community.

Thank you.

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 12:54 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Letter to the City Council
Attachments: February 6.docx

From: Heather Smith <tehesmith@gmail.com>
Sent: Monday, February 6, 2023 12:18 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Letter to the City Council

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Please see attached

February 6, 2023

Dear City Council members,

My name is Edwin "Ted" Smith and I am a resident of the Indian Meadows neighborhood. My wife and I share a multi-generational home with my daughter, son in law, and two grandchildren on the southwest corner of Buckskin Rd. and Nez Perce Rd.

I am contacting you to express my concerns with the proposed annexation and development of the Coeur Terre development.

My first concern is with the traffic impacts to my residential neighborhood. The developer and their planning team have done a wholly inadequate traffic study. The City Planning Dept. has taken the expeditious stand of using existing residential streets, through quiet neighborhoods, to solve their traffic flow issues. At our expense. The argument that existing residential streets were always meant to connect to future development is probably true. But, at the time Indian Meadows was developed, future adjacent development was probably expected to be medium/low density housing, like what already existed, not high density housing like what is being proposed. The traffic expectation difference is exponential.

My second concern is the lack of stakeholder feedback to the planning effort. We were invited to an open house where lots of shiny displays touted the virtues of Coeur Terre and their planning effort. They collected some comments but there was never the opportunity to address concerns that arose after you had a chance to think about what was coming. This kind of one-off public process is designed to check the box but not to facilitate a meaningful dialog. I find that pretty disingenuous. Of course, it checks the "public involvement" box and they can move on without having to respond publicly to the comments they receive. In my career I worked extensively in public involvement land use planning. The lack of public involvement in a project of this scope is appalling.

As a taxpayer, voter and citizen of Coeur de Alene I am truly uncomfortable with the timing and process of the 2045 Master Plan development and Coeur Terre's application. A deep dive into this would probably reveal things the city would rather not be brought to light.

The developer's stance that Coeur Terre will be developed slowly and carefully over time is lily gilding. There is nothing in the city/developer agreement to control speed of development. This leaves the city vulnerable to escalating infrastructure and services needs.

This is a huge project and I believe there are dozens of unanticipated and unanswered issues the city needs to address. The developer will tell you whatever they think you want to hear but unless your agreement with them is robust enough to hold them to their word you can expect lots of issues and hidden costs coming up.

I would strongly urge the City Council to either deny the annexation or table the issue until a more robust public process can occur.

Sincerely, Edwin "Ted" Smith

3909 N. Buckskin Rd.

Coeur de Alene, ID. 83815

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 1:42 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Indian Meadows

From: Gerald <geraldgrassmann@gmail.com>
Sent: Monday, February 06, 2023 1:40 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Indian Meadows

(11)

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2/6/2023

Coeur d'Alene city council,

My wife and I live in the Indian Meadows neighborhood. These quiet, tree lined streets have been a place to walk, ride bikes, spend time with our friends and family, and call home, for more than 10 years. I used to marvel that I could mow the front yard without a single vehicle passing by. Those days may be numbered. The 2019 acquisition of land that will soon be the Coeur Terre development, and the recent revealing of renderings have piqued the interest of those living in the area, evidenced by the packed public forum at the Croc Center. I eagerly attended said forum, and every person I spoke with shared the same concern, that can be summed up with: "Our once quiet neighborhood is going to be a damn thorofare!" Everyone understands that development is an inevitable part of a growing city. The extension of Nez Perce Rd, as the de facto "main drag" in the neighborhood, to eventually connect to W. Mullan Rd. seems logical and unavoidable. Connecting W. Arrowhead, Appaloosa and Woodside Ave. roads to the new development however would be dangerous and unacceptable to those living in Indian Meadows. If these roads connect to the new development, they will of course be deemed permanent shortcuts. We saw the results of the traffic study, presented in the meeting on 10/11/22. What the study failed to convey was, as traffic volume destined for the new developpement increases along Atlas rd, side roads through Indian Meadows obviously will act to relieve vehicular traffic on larger arteries. Do we really expect drivers racing towards Atlas rd., bereft of the self imposed "I live here, maybe I should slow down" attitude, will drive slowly and with caution? Ask those that live on Masters and Fairway drive how that's working for them. Furthermore, who would benefit from this? I can assure you, those of us living in Indian Meadows, given the choice, would happily continue to use the same routes to travel west via Atlas rd then onto Seltice rd, and the new inhabitants of Coeur Terre would not miss the perceived convenience of the Arrowhead, Appaloosa and Woodside Ave. shortcuts, if they were to never exist. Why are we willfully creating chaos, lowering property values, and increasing the potential for vehicle/pedestrian accidents? On behalf of the residents of Indian Meadows, I am urging the city council to help us take the steps necessary to alter the Coeur Terre road plan, ensuring we continue to have a safe place to call home.

Respectfully,
Gerald Grassmann
3510 Broken Arrow rd
503-533-5253

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 1:57 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Coeur Terre
Attachments: Coeur Terre_230206_134658.pdf

From: Laura Yongue <yongue23@gmail.com>
Sent: Monday, February 6, 2023 1:49 PM
To: MCLEOD, RENATA <renata@cdaid.org>; shana@cdaid.org
Subject: Coeur Terre

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Please see attached!
Thank you!!!

February 6, 2023

Coeur d Alene City Council

702 E Front Avenue

Coeur d Alene, ID 83814

Re: Coeur Terra Development

Dear City Council:

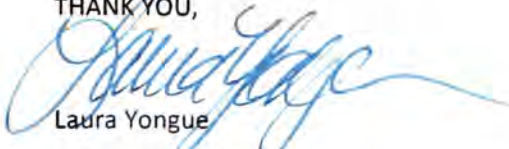
I am writing this letter to explain why the request of Kootenai County Land Company to Annex and Develop 438.718 acres of land in Kootenai County, Idaho should be denied or tabled.

1. No traffic study has been done! Appaloosa Road cannot handle the additional traffic not to mention that Atlas Road can barely handle the traffic currently. There are better options for ingress and egress into the proposed development such as: Nez Perce, Industrial Park and Hanley as well as the Huetter corridor.
2. Indian Meadows was developed in 1972. The Indian Meadows Protective Covenants explain the following "The purpose of this declaration of covenant is to provide for a comprehensive plan of land use, provide for the essential land uses contemplated by the plan, promote public health, safety, morals, comfort and general welfare and conserve and protect property and the property value, secure the most appropriate use of land, **lessen congestion in the streets, safeguard from fire, panic and other damages, provide adequate light and air, prevent the overcrowding of land, and avoid undue concentration of population.**" See attached Indian Meadows Protective Covenants recorded in Book 70 Page 368 of Kootenai County, Idaho January 20th, 1972.
3. The Annexation and Development Agreement states that there is a shortage of housing – there is not a shortage of housing there is a shortage of AFFORDABLE HOUSING! Look at other subdivisions these developers and builders have completed they are NOT AFFORDABLE! Not to mention the fact that most of the subdivisions are not completed as the to plans and specifications you Council Members originally approved!!!

The approval of this annexation will negatively affect everyone around it. The increase in traffic will further deteriorate our streets, continue to have a negative draw down on the water table, create the need for additional waste water treatments plants. Who will pay for all of that???

Please think about what you are doing for the future of our fair City and act accordingly!

THANK YOU,



Laura Yongue

3109 N Buckskin Road

Coeur d Alene, ID 83815

595470

filed and recorded at the request of Ratliff Realty
 at 232 of Block 1 M., this 20th day of January, 1973
 HAROLD E. PETERSON By: Glenn Peterson
 Ex-Officio Auditor-Recorder Deputey
 Kootenai County, Idaho Fee \$ 3.00
 Return to Ratliff Realty 6-A CDA

BOOK 70 PAGE 368

COMPARED

INDIAN MEADOWS PROTECTIVE COVENANTS

It is hereby made known that JAMES V. RATLIFF and H. LORRAINE RATLIFF, husband and wife, VERN C. RATLIFF and ROSEMARY M. RATLIFF, husband and wife, JOSEPH GRISMER, a single man, WILLIAM GRISMER and NORMA JEAN GRISMER, husband and wife, and LYLE BROWNING and MARJORIE ANNE BROWNING, husband and wife, as contract buyers, sellers, and developers of the following described parcel of land in Kootenai County, State of Idaho:

Commencing at the North Quarter Corner of Section 4, Township 50 North, Range 4, W. B. M., which is the True Point of Beginning; thence S. 88° 49'50" E. along the northerly line of Section 4, 1971.13 feet to an iron pin set in concrete; thence S. 00°16'58" E. along the westerly lines of Lot 2, Block 3; Lot 15, Block 3; and Lot 2, Block 4; of the Orchard Lands Subdivision, 4111.31 feet to an iron pin set in concrete; thence N. 88°52'19" W. along the northerly line of Lot 9, Block 4; of the Orchard Lands Subdivision, 222.87 feet to an iron pin on the northerly R/W of Interstate Highway 90; thence northwesterly along said R/W line as follows: N. 72°04'30" W., 532.14 feet to an iron pin, N. 58°02'20" W., 103.08 feet to an iron pin, N. 72°04'30" W., 200.00 feet to an iron pin, N. 86°06'40" W., 103.08 feet to an iron pin, N. 72°04'30" W., 915.68 feet to an iron pin set in concrete; thence N. 01°50'11" W., along the westerly line of Lot 8, Block 4, of the Orchard Lands Subdivision 805.87 feet to an iron pin; thence N. 00° 19'34" E. along the westerly line of Lot 9 and Lot 8, Block 3, of the Orchard Lands Subdivision, 2773.00 feet to the True Point of Beginning;

do by these presents make, establish, confirm and impress upon the lots in this subdivision according to the plat thereof, recorded in Book E of Plats, at page 130, and the Certificate of Corrected Dedication and Amendments to Indian Meadows Subdivision in the records of Kootenai County, State of Idaho, as Instrument No. _____, the following restrictive covenants to run with the land, and do hereby bind all future grantees, assignees and successors to said covenants, which shall be binding on all parties and persons claiming under them.

The purpose of this declaration of covenant is to provide for a comprehensive plan of land use, provide for the essential land uses contemplated by the plan, promote public health, safety, morals, comfort and general welfare and conserve and protect property and the property value, secure the most appropriate use of land, lessen congestion in the streets, safeguard from fire, panic and other damages, provide adequate light and air, prevent the overcrowding of land, and avoid undue concentration of population.

I BUILDING RESTRICTIONS: No building, house or other structure shall be built, constructed, erected, or placed on said premises unless the same be for single-family residential purposes and contain a minimum of 850 square feet of ground floor area in the main structure, exclusive of open porches or garages. All such buildings must be constructed of new materials.

No dwelling or buildings or other structures can be moved onto said plot except newly constructed, module type homes, which are placed on permanent foundations.

II LAND USE: No land shall be used nor any structure hereafter be erected or altered except for the following uses:

- (1) Single family dwelling.
- (2) Buildings and structures allowed to house the animals specified in Section V.
- (3) Usual accessory buildings commonly appurtenant to a family dwelling.
- (4) Tents, cabins, trailer coaches, mobile homes, or trailer houses are not to be allowed for human occupancy. Trailer Coaches and Mobile Homes and Trailer Houses are described as: A vehicle with or without means of self-propulsion but licenseable as a conveyance on a public street or highway and which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons, whether the wheels have been removed from such portable habitation or not and whether the same be affixed to the land permanently or not, and required to be registered by the motor vehicle division of the Department of Law Enforcement.

III FENCES: Said property shall never be enclosed or fenced by any structure exceeding six feet in height.

IV BUILDING SET-BACK LOCATIONS:

- a. No building shall be located on any lot nearer than 15 feet from the lot line on the main structure, and 10 feet on the garage side, and 35 feet from the front lot line.
- b. For the purposes of this covenant, eaves and steps shall not be considered a part of building.

V ANIMALS: Owners may keep horses or cattle for their own use, but not more than three of each species. Ordinary household pets may be kept, such as dogs and cats, provided they are not kept, bred or maintained for commercial purposes. No other animals will be allowed.

VI TIME LIMITS: All new construction commenced shall be completed within six months of commencement of construction thereof and all front yards shall be landscaped within 60 days from the date of completion of the building except in the event of hardship due to weather conditions.

VII MINIMUM BUILDING SITE DIMENSION: No building or structure shall hereafter be erected upon any lot, tract, plot or block having an area of less than that shown on Indian Meadows recorded plat lots minus such portions which may be granted, conveyed or licensed for use as road right of way or other easement.

VIII ADMINISTRATION: These covenants shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare. Therefore, where these covenants provide for a greater restriction upon the use of buildings, premises or lands, or require larger open spaces than are imposed or required by other laws, ordinances, rules or regulations, the provisions of these covenants shall control.

IX NOXIOUS USE OF PROPERTY: No noxious, illegal or offensive use of property shall be carried on upon any lot, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.

X GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as a

COMPARED

dumping ground for rubbish. Trash, garbage or other waste shall only be kept in sanitary containers. All incinerators or other equipment for storage or disposal of such material shall be kept in a clean and sanitary condition. No lot may be used for the storage of inoperable automobiles or vehicles of any kind. It is recognized that any vehicle intended for future use may, at times, become inoperable, but the intent of this covenant is to prevent an unsightly accumulation of old vehicles, and such vehicles may, after notification of the occupant of the property, in writing, be hauled away at owner's cost.

XI SEWAGE DISPOSAL: No individual sewage system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of Kootenai County Public Health Department, and, if required, of the State of Idaho. Approval of such system, before installed, shall be obtained from such authority.

XII SIGNS: No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder advertising the property during the construction and sales period.

IN WITNESS WHEREOF, the INDIAN MEADOWS PLATTERS have caused these protective covenants to be executed this 28th day of January, 19 72.

James V. Ratliff

H. Lorraine Ratliff

Vern C. Ratliff
By Name of Attorney

Rosemary M. Ratliff
By Name of Attorney

William Grismer

Norma Jean Grismer

Lyle A. Browning

Marjorie Anne Browning

Joseph Grismer

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 28th day of January, 19 72, before me, a Notary Public in and for said State, personally appeared JAMES V. RATLIFF and H. LORRAINE RATLIFF, husband and wife, VERN C. RATLIFF and ROSEMARY M. RATLIFF, husband and wife, JOSEPH GRISMER, a single man, WILLIAM GRISMER and NORMA JEAN GRISMER, husband and wife, and LYLE BROWNING and MARJORIE ANNE BROWNING, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Joyce Schatz
Notary Public for Idaho residing at
Coeur d'Alene. Commission expires 4-25-75

BADERTSCHER, SHERRIE

From: STUHMILLER, SHANA
Sent: Monday, February 6, 2023 3:00 PM
To: PATTERSON, HILARY; HOLM, SEAN
Cc: BADERTSCHER, SHERRIE
Subject: FW: Letter to City Council
Attachments: City of CDA Ltr re Coeur Terre Annexation.pdf

From: Jeff Voeller <jvoeller@cdaschools.org>
Sent: Monday, February 06, 2023 2:58 PM
To: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Letter to City Council

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

Shana, Please find attached a letter from the School District regarding the Coeur Terre Development Annexation Hearing. It sound like someone form Coeur Terre will read it into the record but I would appreciate a copy being distributed to council.

Thank you,

Jeff Voeller
Director of Operations
Coeur d'Alene School District
1400 N Northwood Center Court
Coeur d'Alene, Idaho 83814
Office: 208.664.8241 x 10004
Fax: 208.676.1011



Coeur d'Alene Public Schools

DISTRICT ADMINISTRATIVE CENTER
1400 N. Northwood Center Court, Coeur d'Alene, ID 83814

OFFICE 208.664.8241
FAX 208.664.1748
www.cdaschools.org

February 3, 2023

City of Coeur d'Alene
City Council
710 E Mullan Ave
Coeur d'Alene, ID 83814

RE: Annexation Hearing A-4-22 Kootenai County Land Company

Dear Council Members:

I am unable to attend the hearing due to conflicting meetings and wanted to write on behalf of the Coeur d'Alene School District to express our full support in your consideration of this annexation.

Kootenai County Land Company and/or partner companies reached out to the Coeur d'Alene School District early in the process to discuss the needs of the school district as it relates to the future of this proposed area. We have had many meetings over the past several years to discuss needs and school site locations to serve both this potential development and the needs of the community as a whole. The preliminary plans within the development show great connectivity to the school sites and include multiple walking options and access to the Prairie Trail.

We were pleased to be invited to the table from the beginning and commend this company for their foresight and engagement with the school district. They have been receptive to the needs and concerns of the school district and have made adjustments in their planning process to reflect and address our suggestions. Through our conversations, an MOU has been negotiated and put in place for a dedicated 10 acre parcel for a future elementary school and the purchase of a 20 acre site for a middle school. These locations are critical to the future of the Coeur d'Alene School District to accommodate growth and expansion and the needs of our community.

We appreciate that the City of Coeur d'Alene Planning Department worked with the School District to include language regarding the school sites and full recognition of the MOU in the Development Agreement under consideration.

As such, the Coeur d'Alene School District stands in support of this Development Agreement as presented and for the annexation of these parcels.

Respectfully,

Jeff Voeller
Director of Operations

INVEST | INSPIRE | INNOVATE

We invest in each student to prepare, challenge and advance well-educated, resilient and future-ready citizens.

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 3:37 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Coeur Terre Meeting 2/7/2023

From: Vikki Conway <vikkiconway@gmail.com>
Sent: Monday, February 6, 2023 3:35 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHLMILLER, SHANA <Shana@cdaid.org>; Suzanne Knutson <sknutson@startmail.com>
Subject: Coeur Terre Meeting 2/7/2023

(14)

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To Whom It May Concern

We reside at 3504 Moccasin Road, in Indian Meadows.

Coeur Terre is proposing eventually having 6,000 homes on our side of Heutter. As the average home has 2 vehicles, not accounting for teenage drivers or roommates, we need to anticipate a huge increase in traffic over the next few years. In addition, there is also business and school traffic to consider.

We are questioning the facts of the effect traffic will become with all of this new building. What traffic studies have been done recently with all of this new building in mind? Have the studies been done as required by law [Title 67-6519 \(3\)](#), regarding the increases the school traffic will cause? We cannot keep putting in all of this dense building and assume the traffic problem can be ignored or will go away.

There is new building going all over this side of Coeur d Alene, or [Title 67-6508](#), regarding local land use planning, as being done on Ramsey, on Atlas and on Seltice. To say there is a housing shortage doesn't make sense. Where will all of these people get jobs to pay for those mortgages or is this all aiming at investors to set up out of reach rentals.

Bottom line this development is leaving way too many unanswered questions that will affect all of us. We ask that you table this decision for future consideration until all of the appropriate studies are completed, not a case of we will look into them later when it is too late to fix.

While not opposed to Coeur Terre per say, we don't want to lose the lifestyle we have in our city in the name of new development.

Please either Deny the Annexation or Delay the vote until a more thorough job can be done with this request and let us have a sit-down Q & A with the developers, planners etc. to voice our questions and have our concerns addressed in an open, on record forum, that can be included in future decisions.

Thank you for your time. Please table this decision.

Vivian Conway, Jeri King and Tamara Conway-King

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 4:08 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Testimony Before the Coeur d' Alene City Council February 7, 2023 Meeting
Attachments: February 7th Testimony.docx

From: Mike Fitzsimmons <mike@gabfather.com>
Sent: Monday, February 6, 2023 4:00 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Testimony Before the Coeur d' Alene City Council February 7, 2023 Meeting

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February 7, 2023

Testimony Before the Coeur d' Alene City Council

**J. Mike Fitzsimmons 3606 Broken Arrow Road – CDA 83815
mike@gabfather.com**

Good afternoon members of the City Council.

I appreciate the opportunity to address a few reasons why I believe that approval of the annexation of the Coeur Terre development is premature at this time. There are simply too many defects loose ends and injustices to be settled before this project can move forward.

The applicant claims that the Coeur Terre master plan is supported by the current and past comprehensive plans. That claim is deceptive at best. Under the 2007-2027 comprehensive plan, the proposed density zoning for Coeur Terre would never have qualified.

Objective 3.05 of the 2007-2027 comprehensive plan titled “Neighborhoods” assured that densely populated developments would not be approved. that objective promised to “protect and preserve existing neighborhoods from incompatible land uses and developments.”

Adjacent neighborhoods to the east of the applicant’s proposed development are not at all like Coeur Terre in terms of character or density. They have never been burdened by the high traffic volumes that will accompany the Coeur Terre development, destroying their quality of life and depressing their property values.

Conveniently, the 2022-2042 Comprehensive plan adopted by the planning commission a year ago, allows almost every aspect of the applicant’s development to meet the plan’s criteria.

The new comprehensive plan seems to have overlooked concerns about development and loss of community character and values, concerns about controlling growth, apprehension about burdensome traffic and rising crime and homelessness.

Title 67 of Idaho state law in Chapter 65 pertaining to local land use planning under subsection 67-6506 discusses conflicts of interest. Would it not profit the council to confirm that the crafting of the 2022-2042 Comprehensive Plan was completely free of any deliberate or inadvertent influence by any party with the slightest economic interest?

In my opinion it is reasonably arguable that the 2022-2042 Comprehensive plan seems to practically cater to developers, allowing for high-density growth usually found in some of the largest cities in America.

Perhaps the council should inquire how this wholesale pivot in growth management philosophy took place in our community. Perhaps further, the council might query about how, within a mere couple of weeks after the plan was approved, the applicant's annexation proposal was completed and submitted in remarkable compliance with the new 2022-2042 Comprehensive Plan.

The applicant claims that it conducted many stakeholder interviews and updated their master plan based on their feedback. But the developer never met with adjacent neighborhoods to ascertain their concerns. Apparently, these residents were not considered to be stakeholders.

Suffice it to say that before the City Council approves this annexation proposal, clearly more vetting must be done. I do not oppose growth in our community but a decision of the magnitude that this annexation represents, demands the most thorough due diligence to avoid irreversible long-term collateral damage.

In the absence of that, the only option remaining for us would be the courts. I'm sure nobody desires to see this matter engulfed in litigation.

Thank You.

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 4:25 PM
To: BADERTSCHER, SHERRIE
Subject: FW: Testimony Regarding Coeur Terre Annexation from Teresa Roth
Attachments: troth_coeur_testimony_feb2023.pdf; troth_coeur_testimony_oct22_p2.jpg;
troth_coeur_testimony_oct2022_p1.jpg

From: Teresa Roth <teresa.roth@yahoo.com>
Sent: Monday, February 6, 2023 4:22 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>
Subject: Testimony Regarding Coeur Terre Annexation from Teresa Roth

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

Greetings,

I have been instructed to send written testimony regarding the Coeur Terre Annexation to these email addresses. There are three attachments to this letter that I would like included as written testimony in the Coeur Terre hearing package.

I am including the main text of my February 2023 testimony in this letter, but the content is identical to the attached PDF file, entitled troth_coeur_testimony_feb2023.pdf.

In addition to the 2 page primary testimony, I have attached two other JPG files. These represent the oral testimony I presented to the P/Z Commission on the subject of Coeur Terre in October of 2022. At the time I did not request to include them in the written record, but now I would like both my current testimony, and the October Testimony (2 jpg files) to be included in the official record. Thank you very much.

Teresa Roth, Dalton Gardens

City of Coeur d'Alene Mayor and City Council,

I am a resident of Kootenai County who has spent considerable time researching the Coeur Terre development, and I believe that it would be prudent for the CDA City Council to table the Coeur Terre annexation until a number of questionable matters are cleared up. And by questionable, I mean potentially unlawful activity on the part of representatives of both Lakeside Capital and the city of CDA.

There are three matters in particular that I believe need to be looked at more closely before moving forward with this enormously important project.

1) **Potential violations of Idaho's Monopolies and Trade Practices Laws**, especially those outlined in Title 48, Chapter 1, [the Idaho Competition Act](#). I have attached a copy of the verbal testimony I presented to the P/Z Committee in October, as well as an abbreviated version of the Idaho Competition Act, which highlights some of the problem areas.

The evidence that the Lakeside Company is monopolizing all development of the land between CDA and Post Falls is so strong, that if such behavior is NOT violating Idaho statutes, then ***all Idaho laws outlawing monopolistic commerce are a dead letter***. It is true that the former Attorney General did not prioritize enforcing laws against monopolies, but we believe the CDA Council should wait to see if the new Attorney General prioritizes the enforcement of these statutes or not before proceeding with the annexation.

2) **Change to Idaho's Tax Code that Appear to Benefit Lakeside Company**. The [North Idaho Slow Growth Research](#) group has been investigating changes to Idaho Tax Laws that appear to directly benefit Lakeside Company. It is true that [House bill 0560](#), enacted in 2020 during the Covid Lockdowns, did not change the amount of taxes owed by Lakeside Company, since their tax liabilities were already very low under the old laws. Yet the new laws greatly advantage the owners of Coeur Terre by ***hiding both the price paid for the properties, and by making it impossible for the Assessors office to report on the true market value of the land after it is annexed into the city***.

The new law preserves the low tax rate, while eliminating the concept of "market value" for farmland altogether from the assessment records, which clearly benefits Lakeside company by hiding the value of their favorable tax treatment. NISGR has not been able to prove that Lakeside representatives had a hand in drafting the legislation, but the fact that ***Lakeside refrained from closing the deal to purchase the property until after the terms of House Bill 0560 went into effect, is circumstantial evidence of collusion***. We believe it is best to refrain from annexing the property until the final terms of Lakeside's property tax liabilities are worked through.

3) **Open Meeting Law Violations**. The third area, where we believe laws may have potentially been violated is regarding State and City Open Meeting Laws. The fact that the entire Lakeside Planned Community appears to have been developed behind closed doors, long before the Public was involved in or informed of any of the decision making, and the fact that Lakeside participated openly in the formation of CDA's Comprehensive plan all appear to be *prima facie* evidence of the flagrant violation of both the intent and letter of many of Idaho's Open Meeting laws.

As in the case of the Monopoly laws, in past years Idaho did not have a State Attorney General who appeared to be interested in enforcing Open Meeting Laws. But one of the first things A.G. Labrador did when he came to office was to update the Idaho state manual on [Enforcing Open Meeting Laws](#). It remains to be seen how interested anyone in the State or Local judicial branch seems to be in investigating open meeting law violations.

Of the three areas where we believe that Lakeside Representatives may be in violation of State and Local laws, flagrant, ongoing Open Meeting Law violations is the area where CDA City Employees have been most directly involved.

We have no way of knowing whether any lawsuits or criminal complaints will result from any of the potential violations of State and Local Laws we have cited above. But it seems prudent to delay action on Annexing Coeur Terre until you can be sure that such legal issues will not cause future problems for the city.

Thank You for your Time,

Teresa Roth, Dalton Gardens

Resources Cited:

I am attaching two files related to potential violations of Idaho's Monopolies and Trade Practices statutes to this email. One is a text copy of the Testimony presented to the P/Z Commission at the October Public Hearing on Coeur Terre. Other resources cited in this letter are:

Idaho Legislature Statutes: **Idaho Competition Act, Title 48, Chapter**

1 <https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title48/T48CH1.pdf>

NISGR articles: **"Why Should Coeur Terre be Taxed as Farmland?"**

<https://www.nislowgrow.org/slog-blog/why-is-undeveloped-land-in-city-limits-taxed-as-farmland> and

"Why are Coeur Terre Property Assessments so Low" <https://www.nislowgrow.org/slog-blog/why-are-coeur-terre-property-assessments-so-low>

Office of the Attorney General: **"Idaho Open Meeting Law**

Manual" <https://www.ag.idaho.gov/content/uploads/2018/04/OpenMeeting.pdf>

Idaho Legislature, Second Regular Session 2020: House Bill No. 560 by Revenue and Taxation

Committee, **"An Act Relating to Taxation to provide for the Valuation of Agricultural**

Land." <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0560.pdf>

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NISGR articles: **"Why Should Coeur Terre be Taxed as Farmland?"** <https://www.nislowgrow.org/slog-blog/why-is-undeveloped-land-in-city-limits-taxed-as-farmland> and **"Why are Coeur Terre Property Assessments so Low"** <https://www.nislowgrow.org/slog-blog/why-are-coeur-terre-property-assessments-so-low>

Office of the Attorney General: **"Idaho Open Meeting Law Manual"**

<https://www.ag.idaho.gov/content/uploads/2018/04/OpenMeeting.pdf>

Idaho Legislature, Second Regular Session 2020: House Bill No. 560 by Revenue and Taxation Committee, **"An Act Relating to Taxation to provide for the Valuation of Agricultural**

Land."<https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0560.pdf>

TITLE 48 MONOPOLIES AND TRADE PRACTICES

CHAPTER 1 IDAHO COMPETITION ACT

48-102. LEGISLATIVE FINDINGS, PURPOSE, INTERPRETATION AND SCOPE OF CHAPTER. (1) The Idaho legislature finds that fair competition is fundamental to the free market system. **The unrestrained interaction of competitive forces will yield the best allocation of Idaho's economic resources, the lowest prices, the highest quality, and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic and social institutions.** (2) The purpose of this chapter is to maintain and promote economic competition in Idaho commerce, to provide the benefits of that competition to consumers and businesses in the state, and to establish efficient and economical procedures to accomplish these purposes and policies. (3) The provisions of this chapter shall be construed in harmony with federal judicial interpretations of comparable federal antitrust statutes and consistent with this chapter's purposes, as set forth in subsection (2) of this section. (4) This chapter applies to conduct proscribed herein that affects Idaho commerce.

48-104. UNREASONABLE RESTRAINT OF TRADE OR COMMERCE. **A contract, combination, or conspiracy between two (2) or more persons in unreasonable restraint of Idaho commerce is unlawful.**

48-105. MONOPOLIES. **It is unlawful to monopolize, attempt to monopolize, or combine or conspire to monopolize any line of Idaho commerce.**

48-106. ACQUISITIONS THAT SUBSTANTIALLY LESSEN COMPETITION. (1) **It is unlawful for a person to acquire, directly or indirectly, the whole or any part of the stock, share capital, or other equity interest or the whole or any 2 part of the assets of, another person engaged in Idaho commerce, where the effect of such acquisition may be substantially to lessen competition or to tend to create a monopoly of any line of Idaho commerce.** (2) This section shall not apply to persons purchasing the stock or other equity interest of another person solely for investment and not using those assets by voting or otherwise to bring about, or attempt to bring about, the substantial lessening of competition. Nothing contained in this section shall prevent a person engaged in Idaho commerce from causing the formation of subsidiary corporations or other business organizations, or from owning and holding all or a part of the stock or equity interest of such subsidiary corporations or other business organizations.

48-108. CIVIL ACTIONS AND SETTLEMENTS BY THE ATTORNEY GENERAL.

(1) **Whenever the attorney general has reason to believe that any person is engaging, has engaged, or is about to engage in any act or practice declared unlawful by this chapter, the attorney general may bring an action in the name of the state against that person:** (a) To obtain a declaratory judgment that the act or practice violates the provisions of this chapter; (b) To enjoin any act or practice that violates the provisions of this chapter by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice; (c) To recover on behalf of the state and its agencies actual damages or restitution; (d) To recover civil penalties of up to fifty thousand dollars (\$50,000) per violation of section 48-104 or 48-105, Idaho Code, or any injunction, judgment or consent order issued or entered into pursuant to this chapter and reasonable expenses, investigative costs and attorney's fees; and (e) To obtain an order requiring divestiture of any assets: (i) Acquired in violation of section 48-106, Idaho Code, to the extent determined necessary by the district court to avoid the creation of a monopoly or any likely substantial lessening of competition resulting from such transaction found violative of section 48-106, Idaho Code; or (ii) To restore competition in any line of Idaho commerce which has been eliminated by a violation of section 48-105, Idaho Code.

Testimony of Teresa Roth to the P/Z Commission Regarding Coeur Terre, October 2022

I'm going to talk about Idaho's **MONOPOLIES AND TRADE PRACTICES Act**. It's too long to read so I've printed a one page summary. (Also attached)

According to **Idaho Statutes Title 48, Chapter 1**, there are laws against persons or corporations who conspire to monopolize any area of Idaho Commerce. So unless Real Estate Development is exempted, these laws should apply to **Lakeside Company**, the owner of the Coeur Terre Properties.

Lakeside Company is a private equity firm that seems to have enormous resources and great sway over regional governments. Some of its subsidiaries include Architerra and Markham homes builders, Kootenai Land Co., Echelon Property Management, and Century Farms; these cover all aspects of real estate development.

Through its subsidiaries Lakeside owns tens of thousands acres and wields much influence over area land use policies. And this was true even before its purchase of 1300 highly coveted acres along Huetter, giving its partners complete control over virtually all undeveloped land between CDA and Post Falls.

We don't know how much Lakeside paid for these properties, or what the terms of the sale were. But it seems clear that Lakeside had an inside track, and that all other, less influential parties who may have been interested in developing portions of the property were shut out. If the sale of the property had been more transparent or open to other purchasers, the property may have been developed gradually with more concern for market forces, and less influenced by monopolistic planning objectives.

But there was never any real intention of allowing ANY outside involvement in the planning, development, or ownership of Coeur Terre land. The property was always intended to be a master-planned community, developed, and controlled by wealthy investors with a particular Agenda. Every park, home, business, roadway, tree, and bike lane in Coeur Terre will be designed and developed by planners and managers controlled by Lakeside's stakeholders.

So my question is, if the Lakeside Company is not illegally monopolizing all real estate planning and development along the Huetter Corridor, what exactly would monopolistic activities look like?

How could a cartel of powerful investors plotting to control all residential and commercial land use in an area possibly make their designs more obvious?

What is really disturbing about all this, however, is that no one seems to think that monopoly capitalism or this type of central planning is a problem. Does anyone study history? Most government leaders seem to be entirely on board with a private syndicate of wealthy investors controlling virtually all developable land in the area. It's business as usual. Nothing to see here. Why is that?

Is the Lakeside Company untouchable? Or do government leaders more aligned with the interests of wealthy monopolistic planners than with the desires of the citizens they supposedly represent. How can the government protect us from monopolistic cartels when government agencies are part of the problem.

Is there a remedy? I'm not sure, but maybe. According to **Idaho Statutes: 48-108**, the Idaho Attorney general may bring action against corporate monopolies. We will be getting a new Attorney General in January.

Will the New Attorney General be another "insider" who tolerates corrupt and monopolistic business practices? Or will he follow Idaho law and put an end to Monopolistic Conspiracies such as Coeur Terre? Time will tell.

BADERTSCHER, SHERRIE

From: MCLEOD, RENATA
Sent: Monday, February 6, 2023 4:26 PM
To: BADERTSCHER, SHERRIE
Subject: FW:

From: Mike Bullard <mabullard@gmail.com>
Sent: Monday, February 6, 2023 4:24 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHLMILLER, SHANA <Shana@cdaid.org>; Suzanne Knutson <sknutson@startmail.com>
Subject:

17

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The insanity, cost and danger of Coeur Terre shows along Atlas and its South end. If the city does not look down that road, the results will one day be heartbreaking, costly and obstructive.

On the East edge of the proposed annexation, only Kathleen and Hanley actually cross Atlas and they feed through Stonehenge or Bluegrass Park. Every other current street to the East goes into or out of circular, residential neighborhoods. Going almost any place in CdA, every car turns: onto, off of, or onto and then off of, Atlas Road. That road is already a crowded arterial. Making it the one egress from Coeur Terre to most of CdA means more dangerous turns and crushingly slow travel. Band-aid improvements to the two-lane sections would impact residential properties and slow it more.

It's even worse at the traffic circle at Atlas and Seltice. That is busy 24/7 but will soon have double the load as the only westward access for essentially a whole new city south of Seltice. One third to one half of all cars now go into an inner, one lane circle, which curves around, partially blinded, to be crossed by through-traffic. The thought of adding traffic ad infinitum to the circle and that one inner lane is bizarre. Real conservatives count costs first. Until Council looks at the only real solutions, which are expanding Huetter Road and getting an entrance/exit to Interstate 90, further developments are irresponsible.

Mike Bullard - 208 659 2491 mabullard@gmail.com
3421 Moccasin Road, Coeur d'Alene, ID 83815

Coeur d'Alene Planning Department
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

- ① Comments I am against The Coeur Terre annexation due to its size, scope, and Planned development. IT is Too Big. The city cannot handle 8-12 Thousand more people using existing roadways. AT present, all main arterials are busy + congested.
- ② Roads within The development should use Huetter, Hanley, Industrial Loop for ingress + egress. Using Nez Perce, Arrowhead and Appaloosa will ruin The quiet nature of Northshire and Indian Meadows neighborhoods. A safety concern is That people of both neighborhoods use The streets for recreation, which have no sidewalks.
- ③ Taxpayers will have to purchase The acreage for schools, build The schools, increase Police, Fire, EMS budgets, pay for streetlights on Atlas at Nez Perce, Arrowhead, and Appaloosa. ATLAS will be over whelmed by Traffic.
- ④ Agriculture is a big part of The N. Idaho Landscape. IT is shrinking Too fast. For 10 yrs I have enjoyed looking over my fence, watching The farm produce 3 cuttings of prime Alfalfa and even potatoes. I also have enjoyed The deer, moose, geese, coyotes. 8-12 Thousand new people will over impact: Spokane River, boat launches, roads and favorite recreational spots. - Dave Russell 4101 N. Lancaster Rd.

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: A-4-22 and the Proposed Annexation of Coeur Terre lands to the City of Coeur d'Alene
Date: Tuesday, February 7, 2023 8:06:08 AM
Attachments: [Letter to CDA 6 Feb 2023.pdf](#)

From: Rob K <rokn@startmail.com>
Sent: Tuesday, February 7, 2023 12:03 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: sknutson@startmail.com
Subject: A-4-22 and the Proposed Annexation of Coeur Terre lands to the City of Coeur d'Alene

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Hello, Renata.

Please let me know that this communication has been received. It pertains to A-4-22 and the Proposed Annexation of Coeur Terre lands to the City of Coeur d'Alene.

Thank you,

Rob Knutson
4208 W. Appaloosa Rd.
CDA, ID 83815

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Against Annexation of Coeur Terre
Date: Monday, February 6, 2023 12:15:13 PM

From: Peters <acbpeters@gmail.com>
Sent: Monday, February 6, 2023 12:12 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>
Subject: Against Annexation of Coeur Terre

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Dear City of Coeur d'Alene City Council,

I am sending this letter in opposition to the request for Annexation and Development by the Kootenai County Land Company, LLC's Coeur Terre Project on Tuesday, February 7, 2023.

I have lived in Post Falls since 2001. The first 3 years in a rental home and the last 18 years in the home we built on approximately 4.5 acres on the prairie. We have a Post Falls postal address and a Coeur d'Alene landline phone number. My family members work and go to school in both Post Falls and Coeur d'Alene. We consider both of these communities as well as Hayden our home. We love where we live. We enjoy that it is a safe, quiet area and have enjoyed access to miles of dirt farm roads to exercise, recharge and take in the beautiful views of the area.

Nineteen and a half years ago we purchased our lot in Brickert Estates. Prior to purchasing the lot I heard a rumor that Huetter Road would be widened. I visited the Coeur d'Alene Streets and Engineering Department hoping to get some answers. I was told this had been talked about for a long time, that it wouldn't happen any time soon and I shouldn't be concerned. They could not give me any specific information. Years later the KMPO started to meet and include Huetter Road on its agenda. I along with many others attended these meetings. Our voices were not heard. Although empty farm fields were to the east of Huetter Road the road expansion plans to encroach on the west side of Huetter were pushed forward without regard to the homes along its path. My understanding is that the Huetter Road project has now been turned over to the State of Idaho. There is still no answer as to how the road expansion will proceed yet the City of Coeur d'Alene continues to approve the building of massive subdivisions along the east side of Huetter Road with little setback. I find this irresponsible.

I drive south on Huetter Road to Seltice Road to get to my place of work in Coeur d'Alene. It has been a beautiful, peaceful drive. However, Seltice Road is no longer a beautiful road surrounded by trees and views of the river. It is turning into a corridor without views. This road will need to be widened with all the proposed construction to the north and south of Seltice Road. I imagine that some day the median along with the trees that line it will be removed to make way for more lanes for the increased traffic from not only the proposed Coeur Terre Project but also the construction that is occurring between Seltice Road and the Spokane River. Isn't this one of the things we want to preserve? Open space and the natural beauty of where we live?

I know that growth is inevitable but let's do it responsibly. Have you driven through the new Foxtail development in Post Falls? It is a development by Architerra the same company proposing the Coeur Terre project, Lot sizes are shrinking, green space is disappearing. It reminds me of the board game Monopoly. We are creating a concrete jungle. How about soccer fields for the children to play, swimming

pools to safely learn to swim and open space to stay active and healthy? An 18 acre park is not enough for the size of this development. I am interested in maintaining the beauty of North Idaho. Please hear my plea to take another look at this massive development before it is too late!

Sincerely,

Andrea Baass Peters
acbpeters@gmail.com

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Atlas and connecting roads are not large enough for this increase in traffic.
Date: Tuesday, February 7, 2023 11:07:55 AM

From: lonpap2 <lonpap2@gmail.com>
Sent: Tuesday, February 7, 2023 10:17 AM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: Atlas and connecting roads are not large enough for this increase in traffic.

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Sent from my Verizon, Samsung Galaxy smartphone

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Annexation
Date: Tuesday, February 7, 2023 1:36:20 PM

From: Austin Smith <austindsmith321@gmail.com>
Sent: Tuesday, February 7, 2023 1:36 PM
To: Austin Smith <austindsmith321@gmail.com>
Subject: Coeur Terre Annexation

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To my elected officials of the great city of Coeur d'Alene,

I am sending you this email to strongly encourage you to support the Coeur Terre Annexation efforts at the meeting taking place at 4pm today.

I'm a recent alumni of Coeur d'Alene High School and North Idaho College. I have seen firsthand the rapid growth present in our community. My sophomore year of highschool, the number of students hiked from 1300 up to 1600. For me, that was a 20% increase that happened seemingly overnight. Teachers all throughout Idaho are struggling with poor facilities, overcrowded schools, on top of their already vital work. The development of Coeur Terre would provide the facilities necessary for SD271 to adjust to the growing population of our town.

Furthermore, a growing sentiment among my peers is, "I love Coeur d'Alene. I would love to live in Coeur d'Alene. But still, I will never be able to afford to live in the same town I grew up in." The housing prices in the area are enormous. My own parents have been priced out of their town, unable to sell because they would never be able to buy. I believe that the development of Coeur Terre will decrease the scarcity of houses in the area. The CDA Press estimates that it would create 4,500 houses. I'm fearful that the only way I'll be able to live in CDA will be in one of those houses.

To address the concerns from the citizens living in Indians Meadows, I think it is clear that their position is harmful to the overall growth of the community. My parents have told me stories about how 30 years ago Coeur d'Alene was almost a hidden oasis. A small gem buried deep in our mountainous state. However, that's not the reality of the situation anymore. Everybody knows about Coeur d'Alene, and they're coming here because of our beauty and our community. Regardless of the development of Coeur Terre, there has been and will be rapid growth into our town. The question isn't whether the development might change the Indians Meadows "peaceful lifestyle" as I believe that will happen regardless. The question is more so whether we as a community want to provide room for these new citizens, regardless if they are an Idaho native or a child born in the area.

Coeur d'Alene has always been a helpful community to our neighbors. This should be no different.

Thank you for your time.

Best,
Austin Smith
Coeur d'Alene
83815

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre
Date: Tuesday, February 7, 2023 2:53:16 PM

-----Original Message-----

From: barb barbyeager.com <barb@barbyeager.com>
Sent: Tuesday, February 7, 2023 2:24 PM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: Coeur Terre

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I'm in favor of the development. There will be many more outlets to post falls, seltice, the future i90/huetter interchange and the future i95 north bypass.

Architerra has proven to be a quality subdivision and home builder.

Barbara Yeager
(208)819-1973

Barbara Yeager
(208)819-1973

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: The character of the Indian Meadows community
Date: Tuesday, February 7, 2023 1:10:58 PM

From: Betsy Bullard <betsybullard68@gmail.com>
Sent: Tuesday, February 7, 2023 12:55 PM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: The character of the Indian Meadows community

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A great town is a compilation of great communities. One of the most unique in CdA is the Indian Meadows community. My family and I moved to CdA in 1993 and chose a home on Moccasin Ave, private and yet with easy access to downtown. We found this community to be warm and welcoming and unique to CdA with its larger lots, family gatherings and streets often filled with families walking their pets, riding their horses, or taking their families to feed the goats down the street.

I understand the community's need to provide housing, but, please retain the neighborhoods. Make the new neighborhood its own unique community, and don't destroy the neighborhoods around it by adding access routes to it and destroying the current Indian Meadows neighborhood, by changing it into access points for the new community.

Help us make CdA a compilation of unique communities and allow each to retain their own qualities.

With appreciation,

Betsy Bullard
3412 Moccasin Rd
CdA ID 83815
208 640-6657

Renata, I would appreciate sharing this with community members at the hearing this evening, and would be happy to testify to that. Thank you. Betsy

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: SAY NO TO COUER TERRE ANNEXATION
Date: Tuesday, February 7, 2023 2:53:34 PM

From: Bill Todd <billmtodd@outlook.com>
Sent: Tuesday, February 7, 2023 2:19 PM
To: MCLEOD, RENATA <RENATA@CDAID.ORG>
Subject: SAY NO TO COUER TERRE ANNEXATION

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Dear City of Coeur d'Alene Councilmembers,

As a 20-year homeowner in Indian Meadows, we ask that you don't allow the traffic to flow through our neighborhood for Coeur Terre. When our development was planned 40 years ago it was designed to provide a quiet space on large 1-acre lots for families in a rural setting. Allowing traffic through this neighborhood would take away from the unique qualities that this neighborhood offers to the families who already live here and have for generations.

We understand that growth is inevitable, but please reconsider the traffic flow plans and the location of the school in that development. The long-term citizens of Indian Meadows don't deserve the disruption that this new planned community will do to us for the sake of out-of-staters moving in.

Respectfully,

William M Todd
4302 W. Appaloosa Rd.
Coeur d' Alene, ID 83815

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Letter to CDA City Council - Against Annexation of Coeur Terra (2)
Date: Tuesday, February 7, 2023 7:02:36 AM

From: Brian Rogers <im@brro.me>
Sent: Monday, February 06, 2023 11:56 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: Letter to CDA City Council - Against Annexation of Coeur Terra (2)

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

Hey Renata / Shana,

I am sure you are busy with all the inbound submissions, but can you confirm you are in receipt of both the email below and this one?

Requested Actions

- Please confirm that you can download and view the files contained in the compressed file(s)
- Please send a copy of the attached letter to the Council ASAP

OneDrive Folder

<https://1drv.ms/u/s!AoG2NGU8B5P7id8IR8sic2zdaEcBtw?e=WckPnf>

Folder Contents Currently

- [Against Annexation of Coeur Terra_1.zip](#)
 - Containing 27 signed letters
 - Aorin Bowling.pdf
 - Brett Haney.pdf
 - Brian Adams.pdf
 - Brian Rogers.pdf
 - Camen Bowling.pdf
 - Coleen Delaney.pdf
 - Darla Pavlish.pdf
 - Don mcGhie.pdf
 - Jack Barker.pdf
 - Jennifer Hickman.pdf
 - Jessica Lawler.pdf
 - Kevin Lawler.pdf
 - Kirby Nilsson.pdf
 - Kristi Haney.pdf

- Lori J. Barker.pdf
 - Mark Blutchter.pdf
 - Mark Jacobi.pdf
 - Maureen Marian.pdf
 - P. Dawn Papineau.pdf
 - Ronald C McGhie.pdf
 - Ronald Orcutt.pdf
 - Ronda Bowling.pdf
 - Sharon M Greer.pdf
 - Shirlie Nilsson.pdf
 - Suzanne Knutson.pdf
 - Wendy McGhie.pdf
- [Against Annexation of Coeur Terra 2.zip](#)
 - Containing 34 signed letters
 - Amanda Williams.pdf
 - Andrea Baass Peters.pdf
 - Bill Todd.pdf
 - Brenda Nearpass.pdf
 - Charles Walters.pdf
 - Daniel Matuszak.pdf
 - Debi McGhie.pdf
 - Deborah K. Wilson.pdf
 - Dr Philip Spradley.pdf
 - Edward Dunphy.pdf
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 - Lorelei Ruddick.pdf
 - Marjorie McComb.pdf
 - Patrick A. Wilson.pdf
 - Paul and Deborah Sohrweide.pdf
 - Renee Adams-Brown.pdf
 - Robert D Kohler.pdf
 - Roger A. Ruddick.pdf

- S. Holladay W. Sanderson.pdf
- Sean Jackson.pdf
- STANLEY M. SANDERSON.pdf
- Teresa Roberts.pdf
- Vivian Conway.pdf
- Wayne Passow.pdf

Thanks,

Brian Rogers

Phone +1 (908) 625-4589

"Intelligence removes complexity." - Me

From: Brian Rogers

Sent: Monday, February 6, 2023 08:39

To: renata@cdaid.org <renata@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>

Subject: Letter to CDA City Council - Against Annexation of Coeur Terra (1)

Renata / Shana,

I hope you are doing well!

Please find a link to a OneDrive folder which will contain compressed files of signed letters from the people against the annexation of Coeur Terra.

I will reply to this email thread if/when more signed documents are received.

Requested Actions

- Please confirm that you can download and view the files contained in the compressed file(s)
- Please send a copy of the attached letter to the Council ASAP (hopefully today)

<https://1drv.ms/u/s!AoG2NGU8B5P7id8IR8sic2zdaEcBtw?e=WckPnf>

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 - Darla Pavlish.pdf

- Don mcGhie.pdf
- Jack Barker.pdf
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- Ronald C McGhie.pdf
- Ronald Orcutt.pdf
- Ronda Bowling.pdf
- Sharon M Greer.pdf
- Shirlie Nilsson.pdf
- Suzanne Knutson.pdf
- Wendy McGhie.pdf

Thanks,

Brian Rogers

(908) 625-4589

<http://brianr.me>

"Intelligence removes complexity." - Me

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Letter to CDA City Council - Against Annexation of Coeur Terra (1)
Date: Monday, February 6, 2023 8:40:54 AM
Attachments: [Letter to CDA City Council - Against Annexation of Coeur Terra.pdf](#)

From: Brian Rogers <im@brro.me>
Sent: Monday, February 06, 2023 8:39 AM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: Letter to CDA City Council - Against Annexation of Coeur Terra (1)

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Renata / Shana,

I hope you are doing well!

Please find a link to a OneDrive folder which will contain compressed files of signed letters from the people against the annexation of Coeur Terra.

I will reply to this email thread if/when more signed documents are received.

Requested Actions

- Please confirm that you can download and view the files contained in the compressed file(s)
- Please send a copy of the attached letter to the Council ASAP (hopefully today)

<https://1drv.ms/u/s!AoG2NGU8B5P7id8IR8sic2zdaEcBtw?e=WckPnf>

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- Kevin Lawler.pdf
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- Kristi Haney.pdf
- Lori J. Barker.pdf
- Mark Blutcher.pdf
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- Ronald C McGhie.pdf
- Ronald Orcutt.pdf
- Ronda Bowling.pdf
- Sharon M Greer.pdf
- Shirlie Nilsson.pdf
- Suzanne Knutson.pdf
- Wendy McGhie.pdf

Thanks,

Brian Rogers

(908) 625-4589

<http://brianr.me>

"Intelligence removes complexity." - Me

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Annexation Plan
Date: Tuesday, February 7, 2023 7:03:03 AM

From: Bridget Sundahl <bridgetsundahl@gmail.com>
Sent: Monday, February 06, 2023 10:27 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Coeur Terre Annexation Plan

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Thank you, Council Members, for your tireless work for our community. We are forever in your debt.

My name is Bridget Sundahl, my family and I have lived at 3810 Broken Arrow for over 15 years.

It doesn't matter how long you have lived in Coeur d'Alene; all residents are fiercely proud of the lakes, mountains and forests of our region. We treasure the quiet places that draw in and shelter the hummingbirds, hawks and quail.

Indian Meadows is this type of treasure with lush mature gardens and towering trees. During all seasons, families with scooters and prams stroll, bike, snowshoe and ski among the magnificent pines; greeting the goats and horses, always hoping to catch a glimpse of the moose and her yearling.

Dissecting Indian Meadows with multiple "cut-throughs" would be a loss for all the people who live here. It would also take a toll on the delicate ecosystem within our neighborhood. There are families of rabbits, raccoons, bobcats, and lots of honeybees that pollinate flowers. Removing trees that have taken root over decades will have a cascading effect on the animals in our ecosystem. This region of the country sustains itself on tourism, and upending the biodiversity found in the corners of this city would wildly impact the biodiversity found within Coeur d'Alene as a whole.

Based on the comprehensive plan, preserving existing neighborhoods is the responsibility of the City Council. Ideal communities are designed with limited access, did the planning commission look at the modest homes built a generation ago and dismiss the value of our neighborhood?

It is very telling that the developer's plans have already renamed Nez Perce with Mullan as if trying to erase the past life of that tree filled street. There are other good choices for access, Hanley is ready with streetlights and bike paths, Industrial Lane would be up to the task. Atlas Road is already buckling from the strain of our growing town, why direct commuters to a bottleneck?

The greatest loss would be dealt to our future neighbors, let them enjoy what we have, let them enjoy the wild places of Coeur d'Alene. I urge the City Council to deny the Annexation Plan.

Thank you.

Bridget Sundahl

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre comment letter.
Date: Monday, February 6, 2023 6:55:52 AM
Attachments: [Coeur Terre comments letter.pdf](#)

From: Greg Keim <greg.keim@verizon.net>
Sent: Saturday, February 04, 2023 2:25 PM
To: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Coeur Terre comment letter.

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

Hello,

Attached is my letter to the City Council regarding the Coeur Terre annexation issue.

Thank You,

Greg Keim
4108 W. Appaloosa Rd.
CDA, ID 83815

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre public comment
Date: Monday, February 6, 2023 8:27:54 AM

From: Garringer <garringer4@roadrunner.com>
Sent: Monday, February 06, 2023 8:22 AM
To: STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: Coeur Terre public comment

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Dear Members of City Council:

My husband and I have resided in the Northshire neighborhood for over thirty years.

- I support the annexation of Coeur Terre to financially offset the impact its residents will have on Coeur d'Alene over the long term.
- Please consider completing all improvements to Atlas Road before work begins on Coeur Terre.
- Keep the Northshire neighborhood intact as it currently is as much as possible. Please consider not extending Spiers Avenue or Laurel Avenue as access points for Coeur Terre. To reach Atlas Road, traffic from that area of Coeur Terre should be routed to Hanley Avenue, Industrial Loop Road, or Nez Perce Road (its extension).
- Thank you for considering the workforce housing shortage.

Similar comments were submitted to the Planning Commission in October 2022.

Sincerely,
Mary Ann Garringer

Sent from [Mail](#) for Windows 10

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre
Date: Monday, February 6, 2023 8:25:07 AM

From: Jack Barker <jackbarker208@gmail.com>
Sent: Sunday, February 5, 2023 5:33 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre

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Dear City Council Members,

I am writing today to voice my concerns about the Coeur Terre project. My wife and I live in Indian Meadows, and have enjoyed the past 14 years in our quiet little neighborhood.

My first concern is the huge amount of traffic that would be funneled thru our neighborhood and completely change our peaceful way of life.

My second concern is the lack of a traffic study to determine how 4500 vehicles are going to get thru our neighborhood to get to the freeway or a grocery store, when it was determined that Seltice would not accommodate that many vehicles. Also, how can they even do a traffic study when the locations of the new schools haven't been determined yet?

My third concern is the effect 4500 households will have on our aquifer, not to mention our roads would be torn up to tie these houses into our sewage system, and the strain they would put on our water treatment system.

Please consider these things and disapprove, or table this project until more research has been done. Thank you.

Jack Barker

Coeur d'Alene, Indian Meadows

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre
Date: Monday, February 6, 2023 6:55:26 AM

From: Lori Barker <loribarker101@gmail.com>
Sent: Sunday, February 05, 2023 10:08 PM
To: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Coeur Terre

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Dear City Council Members,

It is with great concern that I am writing you today in regards to the Coeur Terre development coming to our neighborhood. I have lived in Coeur d'Alene since 1971 and my husband since 1999. We have lived on Moccasin Rd. for 14 years now and chose this area because of all of its qualities. I'd like to start by describing what a wonderful peaceful community we live in.

The area is nestled in a forest like atmosphere with lots of Pine trees, yet only 10-15 min. from town. People ride by on their horses, our grandkids love to visit the goats and we have moose, owls, quail, squirrels and raccoons that visit. It's an avid dog walking and exercising neighborhood where you rarely need to watch for traffic when crossing the streets, because there is none! It is only local residents going to and from their homes.

We know our neighbors and converse with them often. In fact, if anyone happens to be gone for any extended period of time, we watch their house, water plants; pick up mail/packages and snow blow for each other when necessary. If an emergency situation arises we pull together to help one another. We have potlucks and get-together celebrations throughout the year. If there is a strange vehicle or something odd going on in the neighborhood we notice it immediately. We are a proud, protected and safe neighborhood. We want it to remain this way.

I'm not afraid of change and realize this will happen with the town's growth to our beautiful city but, I believe there are better solutions to avoid heavy traffic coming to impact our area. This will surely happen if the proposed streets of Arrowhead, Nez Perce and Appaloosa (in Indian Meadows) are made into thru streets to the Coeur Terra development. I'd like to suggest that the thru streets be made farther North of Atlas on Industrial Loop or even Hanley Ave. where there are already traffic lights in place. Maybe, also have a cut off from Seltic instead of adding more traffic on to Atlas. The proposed ingress/egresses of these quiet narrow streets will produce horrendous traffic and a massively negative impact to the entire Indian Meadows area. This project shouldn't have to come at our expense or our way of living.

In closing I'd like to thank the council for hearing my concerns and opinions and hope that you will take this into serious consideration when deciding on the future of mine and our neighbors little piece of paradise.

Warmest Regards,

Lori Barker

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur d Terre
Date: Tuesday, February 7, 2023 1:24:17 PM

From: Corinna Gardiner <die.nette.netty@gmail.com>
Sent: Tuesday, February 7, 2023 1:23 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Fwd: Coeur d Terre

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

----- Forwarded message -----

From: **Corinna Gardiner** <die.nette.netty@gmail.com>
Date: Fri, Jan 13, 2023, 12:34 PM
Subject: Coeur d Terre
To: <letters@cdapress.com>

My name is Corinna Gardiner. I live in CDA , India Meadows .
208 699 8358

We have lived in Indian Meadows for 25 years and chose it because it is a little bit of country living in the middle of CDA, what other city has that.

In our neighborhood you will find homes with goats, ponies, chickens, and horses. There is very little traffic and there are always people out riding, biking or walking their dogs. The Coeur d Terre project is planning on building 4500 living units that will back up against Indian Meadows plus there will be 2 schools and businesses. We desperately need housing , the project is not the problem, but we are deeply concerned about the traffic that the developers want to channel through our quiet streets. There are other options, multiple entrances of off Hutter Rd seem to me the best way to go but if they really need entrance of off Atlas Rd why not use the industrial loop or Hanley Rd. We don't have to destroy the old and unique for the new.

Sent from my iPad

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terra - Overstepping CDA Comprehensive Plan
Date: Tuesday, February 7, 2023 11:04:55 AM

From: dan.truenorthinspections.com <dan@truenorthinspections.com>
Sent: Tuesday, February 7, 2023 10:49 AM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: Coeur Terra - Overstepping CDA Comprehensive Plan

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Hello:

My name is Dan Chapleski. I live on Arrowhead Road, at the intersection of Arrowhead Road and Buckskin Road. This is immediately adjacent to the proposed Coeur Terra development.

I do not oppose growth in Coeur d'Alene; I understand it is a natural progression of a thriving city. What I do oppose is growth that damages the quality of existing neighborhoods. Clearly, upon review of Coeur d'Alene's Comprehensive Plan, I am not the only one with this belief. Our fine city adopted the Comprehensive Plan less than one year ago to establish goals and objectives to preserve the quality of existing neighborhoods while managing growth of the city. It is also clear that the current plan for Coeur Terra does drastically affect, in a negative way, the quality of neighborhoods adjoining the development. This is in direct contrast to the Comprehensive Plan.

In Coeur d'Alene's Comprehensive Plan, under Growth & Development, Goal GD 1 states, "Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live." Creating thoroughfares through existing, quiet, dead-end neighborhoods into and out of new, high-density neighborhoods certainly falls far short of Goal GD 1. It does not preserve the quality of neighborhood identity that make Coeur d'Alene great.

Similarly, under Growth & Development of the Comprehensive Plan, Objective GD 1.5 states, "Recognize neighborhood and district identities." Again, creating thoroughfares through existing, quiet, dead-end neighborhoods into and out of new, high-density neighborhoods certainly falls far short of this objective. To turn quiet neighborhood streets into thoroughfares constitutes a blatant disregard of the neighborhood identities of Northshire, Indian Meadows, Queen Anne Estates, and Woodside Park.

Mayor Jim Hammond's letter at the beginning of the Comprehensive Plan states the Plan "sets a framework to guide future growth and development, as well as helping make strategic decisions for the next 20 years. It addresses the State of Idaho's Comprehensive Plan requirements, and it incorporates implementation strategies to guide how we achieve the community's vision for the city." Clearly the Plan is a crucial guide that our city leaders are to follow when considering plans for growth. This Plan is only effective if followed, and if not followed, what is it for?

To follow the Coeur d'Alene Comprehensive Plan would require pumping the brakes on Coeur Terra until steps can be taken to ensure the Goals and Objectives of the Plan are achieved. To disregard the unique identities of adjoining neighborhoods and allow them to be sacrificed for the sake of growth, would be nothing less than a travesty.

I urge the City Council to deny or table the rezoning request until steps can be taken to preserve the unique characteristics of all adjoining neighborhoods.

Respectfully,
Dan

Dan Chapleski
ASHI Certified Inspector
Inspecting North Idaho and Eastern Washington since 2003

Inland Northwest ASHI Past President
Washington State License 496

True North Inspection Services
Office: 208.505.1050
Mobile: 208.765.TRUE (8783)
Dan@TrueNorthInspections.com
www.TrueNorthInspections.com

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Student Input
Date: Tuesday, February 7, 2023 7:03:13 AM

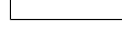
From: Daniel Wilson <danielfwilson2004@gmail.com>
Sent: Monday, February 06, 2023 10:21 PM
To: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Coeur Terre Student Input

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Daniel Wilson <danielfwilson2004@gmail.com>

10:17 PM (0 minutes ago)

to renata


Dear Coeur d'Alene City Council Members and other Representatives of the People,

Hello there, I am a high school Senior and am currently dual enrolled at North Idaho College. I have lived with my family in Indian Meadows on Arrowhead road for five years and have spent many summer days riding my bike around the neighborhood with my brothers. It is my understanding that the Coeur Terre development plans on making Arrowhead a through street. While I am fine with the development of more houses in the Coeur d'Alene area, I myself would like to live in the area someday, I must object to this proposal. Our neighborhood has no sidewalks, is very quiet and has light traffic. These things make Indian Meadows a very unique community. If traffic from Coeur Terre is funnelled through Arrowhead road it will ruin the uniqueness of the neighborhood.

I also understand that a large number of apartment complexes will be put in. Most apartment renters are young singles, who, admittedly, I would be one of them, are not known for driving safely or looking out for small children. This will change the character of the neighborhood quite a bit.

I have saved the best for last. It also appears that a "Public" Elementary School would be put in at the current end of Arrowhead. This is my greatest reason for concern, whereas I am not opposed to urban development, I am opposed to "Public Education". This school would cause a huge periodic increase in traffic on a street system that was not designed for.

I understand that Coeur Terre development must go in. I am simply asking, as a resident and tax payer, that you postpone the approval of Coeur Terre until the plans divert a reasonable amount of traffic elsewhere.

Thank you for your time and service.

Sincerely,
Daniel Wilson

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre
Date: Tuesday, February 7, 2023 10:19:21 AM

From: Dawn Papineau <papdawn@gmail.com>
Sent: Tuesday, February 7, 2023 9:44 AM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: Coeur Terre

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Please deny or put on hold any plans to use our neighborhood streets to accommodate the Coeur Terre Development until further impact studies are conducted. The plans are premature and if brought to fruition will destroy our local cda neighborhood.

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Development
Date: Tuesday, February 7, 2023 7:03:23 AM

From: DEBORAH WILSON <deborahwilson@aol.com>
Sent: Monday, February 06, 2023 10:08 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>; HOLM, SEAN <SHolm@cdaid.org>
Subject: Coeur Terre Development

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Dear Coeur d'Alene City Council Members and Planning Staff,

I live on Arrowhead Road in Coeur D'Alene. In 2014 our family moved to Idaho to be near my aging parents. At that point, we were "country folk." We had 13 acres in Colorado. When we first moved to Idaho, we rented a home on 23 acres in Rathdrum and then another home on five acres in Hauser. When it was time for us to purchase, we had every intention of buying acreage in some place like Athol or Spirit Lake.

But I distinctly remember telling our realtor, "The only thing that will get us in town is if something comes up in Indian Meadows." Something did. And we bought our home where we have been for almost five years.

We have put a lot of work into our home. Slowly updating and making it more modern. Our neighbors can attest to the work we have done in our one acre yard. It's far from perfect, but in my opinion, gets lovelier and lovelier every year. We love the character of Indian Meadows and that's why we bought a house there.

You've heard many reasons why Indian Meadows residents do not want Arrowhead, Appaloosa, and Nez Perce to become through streets for Coeur Terre development. I get that growth is inevitable and with growth there will be growing pains. But what I would like you to consider is that *the city planning department is not asking the future residents of Coeur Terre to make any changes or bear any burden for this project.*

The Coeur Terre developers, CDA City Council, and City Planning are asking Coeur

D Alene residents who have established beautiful homes in a neighborhood that we love, where we walk the streets and talk to each other, where we walk our dogs, horses and even ducks through our neighborhood. **It is we who are being asked to bear the burden of the Coeur Terre project.** People purchasing or renting in Coeur Terre get all the benefits with no cost. Those of us in Indian Meadows will carry the burden with tremendous cost.

The density population proposed by the Coeur Terre development will cut our neighborhood in half, make it a place of heavy traffic, and devastate our property values. In short, it will erase our Indian Meadows neighborhood.

It seems to me that east-west travel along Seltice Way, Prairie Avenue, and Hanley Avenue where there are existing traffic signals, or perhaps even through the Industrial Park where there is a new traffic signal and the increased traffic would not be detrimental to an existing neighborhood, would make far more sense and be far less disruptive.

I certainly understand the need for additional housing and building in the area. I have children who would love to be able to settle long-term in this area and that means we are going to need an additional supply of single-family homes. However, it seems to me that that additional expansion could be accomplished without destroying our existing neighborhood.

Thank you for your time.

Sincerely,
Deborah Wilson

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Development ,Traffic.
Date: Monday, February 6, 2023 10:53:22 AM

-----Original Message-----

From: Larry Hodel <lhodel@roadrunner.com>
Sent: Monday, February 06, 2023 10:45 AM
To: GOOKIN, DAN <dgookin@cdaid.org>
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Development ,Traffic.

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Dear Councilman Gookin: In recent council meetings regarding STR's you and other council members were quoted by the CDA Press as saying "Because we are a community

We have to do something to save the neighborhoods". Please ACT in accordance with this quotation when considering The Coeur Terre development. Allowing Indian Meadow

as the thoroughfare to this new planned development will have a devastating effect on our quiet long established neighborhood.

If allowed to proceed as planned, the extensions of Nez Perce, Arrowhead, and Appaloosa, will only add additional traffic to Atlas Road, which is already near capacity.

In addition Atlas road South of Kathleen has very little space to be widened without acquiring residential properties. The Atlas/I90 underpass is a 2 lane structure which would be a major

project to expand beyond two lanes.

Infrastructure such as electrical, sewer, and water connections can easily be made underground without roads having to be connected through Indian Meadows. Far less

disruptive connections to Atlas road could be made at Hanley Ave, and or Industrial Loop. This alternative would if fact "Do Something to Save the Neighborhood".

Thank You. Larry Hodel, 28 year Indian Meadows Resident. 208 818 0342

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Letter to Council - Public Hearing Feb 7, 2023
Date: Monday, February 6, 2023 12:52:17 PM
Attachments: [Council Letter 3 2-5-23.pdf](#)
[Council Talk 2-7-23.pdf](#)

From: Don Webber <donharvest2u@gmail.com>
Sent: Monday, February 06, 2023 12:48 PM
To: STUHMILLER, SHANA <Shana@cdaid.org>; MCLEOD, RENATA <renata@cdaid.org>; MCLEOD, RENATA <cityclerk@cdaid.org>
Subject: Letter to Council - Public Hearing Feb 7, 2023

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Please provide the 2 attached documents to the City Council as part of their information packet for the above-referenced public hearing.

Thank you.

Don Webber

(951) 760-6570

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Letter to the City Council
Date: Monday, February 6, 2023 12:54:01 PM
Attachments: [February 6.docx](#)

From: Heather Smith <tehesmith@gmail.com>
Sent: Monday, February 6, 2023 12:18 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Letter to the City Council

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

Please see attached

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Indian Meadows
Date: Monday, February 6, 2023 1:42:01 PM

From: Gerald <geraldgrassmann@gmail.com>
Sent: Monday, February 06, 2023 1:40 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Indian Meadows

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

2/6/2023

Coeur d'Alene city council,

My wife and I live in the Indian Meadows neighborhood. These quiet, tree lined streets have been a place to walk, ride bikes, spend time with our friends and family, and call home, for more than 10 years. I used to marvel that I could mow the front yard without a single vehicle passing by. Those days may be numbered. The 2019 acquisition of land that will soon be the Coeur Terre development, and the recent revealing of renderings have piqued the interest of those living in the area, evidenced by the packed public forum at the Croc Center. I eagerly attended said forum, and every person I spoke with shared the same concern, that can be summed up with; "Our once quiet neighborhood is going to be a damn thorofare!" Everyone understands that development is an inevitable part of a growing city. The extension of Nez Perce Rd, as the de facto "main drag" in the neighborhood, to eventually connect to W. Mullan Rd. seems logical and unavoidable. Connecting W. Arrowhead, Appaloosa and Woodside Ave. roads to the new development however would be dangerous and unacceptable to those living in Indian Meadows. If these roads connect to the new development, they will of course be deemed permanent shortcuts. We saw the results of the traffic study, presented in the meeting on 10/11/22. What the study failed to convey was, as traffic volume destined for the new developpement increases along Atlas rd, side roads through Indian Meadows obviously will act to relieve vehicular traffic on larger arteries. Do we really expect drivers racing towards Atlas rd., bereft of the self imposed "I live here, maybe I should slow down" attitude, will drive slowly and with caution? Ask those that live on Masters and Fairway drive how that's working for them. Furthermore, who would benefit from this? I can assure you, those of us living in Indian Meadows, given the choice, would happily continue to use the same routes to travel west via Atlas rd then onto Seltice rd, and the new inhabitants of Coeur Terre would not miss the perceived convenience of the Arrowhead, Appaloosa and Woodside Ave. shortcuts, if they were to never exist. Why are we willfully creating chaos, lowering property values, and increasing the potential for vehicle/pedestrian accidents? On behalf of the residents of Indian Meadows, I am urging the city council to help us take the steps necessary to alter the Coeur Terre road plan, ensuring we continue to have a safe place to call

home.

Respectfully,
Gerald Grassmann
3510 Broken Arrow rd
503-533-5253

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre
Date: Monday, February 6, 2023 1:56:34 PM
Attachments: [Coeur Terre_230206_134658.pdf](#)

From: Laura Yongue <yongue23@gmail.com>
Sent: Monday, February 6, 2023 1:49 PM
To: MCLEOD, RENATA <renata@cdaid.org>; shana@cdaid.org
Subject: Coeur Terre

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Please see attached!
Thank you!!!

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Letter re Coeur Terre
Date: Monday, February 6, 2023 8:40:34 AM
Attachments: [Coeur Terre Annex Letter.pdf](#)

From: Ronda Bowling <rondabowling@gmail.com>
Sent: Monday, February 06, 2023 8:32 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Letter re Coeur Terre

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Dear Mayor and City Council Members,

I've attached a letter from myself and my family regarding the Coeur Terre development annexation and zoning request.

Thank you for your time!

Ronda Bowling

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: letter to the city counsel
Date: Monday, February 6, 2023 9:03:01 AM

From: Don Gardiner <diver_don@hotmail.com>
Sent: Monday, February 06, 2023 8:54 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: letter to the city counsel

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To Whom it May Concern;

You as city leaders have the right to allow access for the Coeur Terre community to travel through our Indian Meadows living area. We ask that you do permit them to bike and walk through Indian Meadows to access the paved path which leads to Atlas Park and downtown Cda. As this city is bike and pedestrian friendly. But to refrain from using cars and trucks to travel through that community.

It has been wisely suggested that mechanized travel from Coeur Terre eastward should use the Industrial Park as there is limited pedestrians, especially children, in that area, furthermore there is an existing traffic light on Atlas.

Don Gardiner

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Annexation
Date: Tuesday, February 7, 2023 3:02:24 PM

Not sure if this one got by my note.

From: Lorelei Dunbar <loreleidunbar@yahoo.com>
Sent: Tuesday, February 7, 2023 3:01 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>
Subject: Annexation

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

I am voicing my concern over the annexation and zoning density of the proposed Coeur Terre project.

The prior Coeur d'Alene Comprehensive Plan lists the characteristics of Atlas Prairie neighborhoods. The very first bullet point reads "The overall density may approach 4 to 5 units per acre, however, pockets of higher density housing and multi-family units are appropriate in compatible areas".

What the developer has laid out FAR exceeds this. (R8 and R17 vs. R5) Almost the ENTIRE project is higher density ... not just a couple of pockets. It's nearly twice the planned density ... climbing to 4x that in "pocket" areas.

As has been stated in the past, allowing developers to cram as much as they can into as little as they can is akin to winning one of Wonka's Golden Tickets.

The City Council is not here to serve the interests and desires of this corporation but to those of the citizens, present and future, of our wonderful city.

I'm asking the City Council to delay this annexation ...

hold onto this card ...

while you negotiate a less dense, more creative, mixed used housing development.

We have one chance to do this right.

Thank you.
Lorelei Ruddick
4108 W Arrowhead Road
Coeur d'Alene, Idaho 83815

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Please DENY or TABLE Coeur Terre Development Plan & Annexation
Date: Tuesday, February 7, 2023 2:55:46 PM

From: Madelyn Knutson <knutsonsmadelyn@gmail.com>
Sent: Tuesday, February 7, 2023 2:48 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: MCLEOD, RENATA <cityclerk@cdaid.org>; STUHLMILLER, SHANA <shana@cdaid.org>
Subject: Please DENY or TABLE Coeur Terre Development Plan & Annexation

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

To the city councilmembers, regarding the Coeur Terre annexation and development plan,

I don't think I oppose this land being developed, but I do oppose this half-baked planning process and the possibility of it being so high-density. I believe in healthy, sustainable growth— building infrastructure before it's needed to keep up with projected growth, making sure that growth is in line with local values and supports healthy community.

The infrastructure to support this enormous development is not adequate— thus this desire to use the streets of Indian Meadows, a quiet neighborhood where kids ride their horses and ponies and elderly people walk their dogs in the street (we don't have sidewalks!) from residential use to thoroughfares for through-traffic to higher density zones and commercial and school use is *incredibly inconsiderate*. Putting the brunt of the burden of traffic on our existing neighborhood instead of requiring the developer to create another thoroughfare on their property from Huetter and Hanley, or before planning to broaden Atlas and Seltice (as is much needed to support current and future traffic needs with the riverfront developments currently occurring) is ridiculous.

Not only that, but you and the developer have both made mention of how this development will contain "workforce housing" and "affordable housing" in its apartments and such... but my friends and I, all between the ages of 22 and 32, many of whom are still hoping to start families soon even in this time of economic and housing market insanity— not a single one of my many friends enjoys living in a rental or an apartment. All of us would like to own a home-- single family homes with gardens and some room for chickens, while still being close enough to be involved in our communities... That's our collective dream. Indian Meadows IS that dream! Monotonous R8 and crowded R17 zoning? If you cared to ask "the workforce" about our housing hopes, that's not the life we would choose.

I urge you to vote to table this until firm traffic plans are in place that will not destroy my neighborhood with unwarranted traffic, and until Coeur Terre has a plan that is more in line with the dreams of Coeur d'Alene's current and future citizens-- and your actual constituents.

Thank you for your time,

Madelyn Knutson

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre annexation
Date: Tuesday, February 7, 2023 2:54:16 PM

From: marilyn shields <shieldsfamilykoa@hotmail.com>
Sent: Tuesday, February 7, 2023 2:46 PM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: Coeur Terre annexation

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To the City Council,

We are residents of Kootenai county for over 40 years. For the last 10 years we have lived in Indian Meadows. We urge you tonight to deny or table the annexation of the Coeur Terre development to do more studies of the impact it will be to our quiet neighborhoods.

Thank you for our consideration
John and Marilyn Shields
3401 Lodgepole rd
208-755-0777

Sent from my iPad

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Testimony Before the Coeur d' Alene City Council February 7, 2023 Meeting
Date: Monday, February 6, 2023 4:08:09 PM
Attachments: [February 7th Testimony.docx](#)

From: Mike Fitzsimmons <mike@gabfather.com>
Sent: Monday, February 6, 2023 4:00 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Testimony Before the Coeur d' Alene City Council February 7, 2023 Meeting

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From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW:
Date: Monday, February 6, 2023 4:26:26 PM

From: Mike Bullard <mabullard@gmail.com>
Sent: Monday, February 6, 2023 4:24 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <Shana@cdaid.org>; Suzanne Knutson <sknutson@startmail.com>
Subject:

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The insanity, cost and danger of Coeur Terre shows along Atlas and its South end. If the city does not look down that road, the results will one day be heartbreaking, costly and obstructive.

On the East edge of the proposed annexation, only Kathleen and Hanley actually cross Atlas and they feed through Stonehenge or Bluegrass Park. Every other current street to the East goes into or out of circular, residential neighborhoods. Going almost any place in CdA, every car turns: onto, off of, or onto and then off of, Atlas Road. That road is already a crowded arterial. Making it the one egress from Coeur Terre to most of CdA means more dangerous turns and crushingly slow travel. Band-aid improvements to the two-lane sections would impact residential properties and slow it more.

It's even worse at the traffic circle at Atlas and Seltice. That is busy 24/7 but will soon have double the load as the only westward access for essentially a whole new city south of Seltice. One third to one half of all cars now go into an inner, one lane circle, which curves around, partially blinded, to be crossed by through-traffic. The thought of adding traffic ad infinitum to the circle and that one inner lane is bizarre. Real conservatives count costs first. Until Council looks at the only real solutions, which are expanding Huetter Road and getting an entrance/exit to Interstate 90, further developments are irresponsible.

-

Mike Bullard - 208 659 2491 mabullard@gmail.com
3421 Moccasin Road, Coeur d'Alene, ID 83815

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: OPPOSED - Coeur Terre
Date: Monday, February 6, 2023 6:56:02 AM

From: Cori LePard <lepard626@gmail.com>
Sent: Saturday, February 04, 2023 12:38 PM
To: STUHMILLER, SHANA <shana@cdaid.org>
Subject: OPPOSED - Coeur Terre

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We will not be able to attend the public hearing Tuesday to voice our opposition to the proposed Coeur Terre development. Please count us, along with our multiple friends and neighbors who have fought to be heard and halt the development of Coeur Terre until a more workable solution to traffic is agreed upon - OPPOSED.

We understand growth is inevitable, and we are not attempting to block the development altogether, as we know this would be futile. We are reasonable people and are only asking that those who make decisions that will affect our way of life and property values use slow, thoughtful, fair judgment when considering future growth. The best approach to growth is one that weighs the impact on all interested parties and seeks fairness and compromise without favoring one party. In this case, the developer.

We have lived on the corner of Appaloosa and Woodside Avenue for 8 years. We are lifelong residents of Coeur d'Alene/Post Falls and were drawn to the neighborhood because it seemed like a friendly, well-established neighborhood with all of the charms of rural life, but nestled away right in town...a bit of a unicorn.

Living at the intersection of two of the proposed entry points to Coeur Terre, we must consider the impact this will have on the enjoyment of our home, the use of our backyard, as well as the safety of our family,

Appaloosa dead ends and bends around into Woodside Avenue at our backyard. We have already been woken in the middle of the night by police on our doorstep to inform us there was a vehicle embedded in our backyard because they had failed to negotiate the turn and drove, no, launched, through our fence. They miraculously managed to "thread the needle" between our parked RV, a light post, and the large brick sign welcoming visitors to our neighborhood, narrowly missed our garage, destroyed our 10' tall lilacs, flattened the fence, and left a crater in our yard. Thank God no one was hurt. This occurred in August. I can't tell you the number of times we've almost had a repeat when the roads are icy. Being long and straight, Appaloosa lends itself to speeding and it makes no

difference if the roads are clear or icy.

In summary, PLEASE consider the current residents of Indian Meadows and Woodside Park before approving anything concerning the Coeur Terre development. The roads that have been proposed as entry points will affect our way of life dramatically as well as our property values, and even our safety. We propose you consider Huetter, Industrial Loop, and Hanley as possible entrance points.

Thank you,
Doug and Cori LePard
4717 W. Woodside Ave.
Coeur d'Alene, ID 83815

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Development meeting
Date: Tuesday, February 7, 2023 7:02:52 AM

From: Patrick Wilson <pwilson66@aol.com>
Sent: Monday, February 06, 2023 11:02 PM
To: MCLEOD, RENATA <Renata@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>
Subject: Coeur Terre Development meeting

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Dear Coeur d'Alene City Council Members and Planning Staff,

Thank you for your service to the city in general and to listening to our input on this issue in particular. My family have been residents of the Indian Meadows neighborhood in CDA for nearly 5 years. Prior to that, we had lived for over a decade in the country. However, as our kids were growing up and needed proximity to jobs and friends, **we moved to Indian Meadows because it is the only neighborhood of it's kind in CDA.** The lots are all one acre and zoned so that many residents have not just chickens, but goats and horses. Residents ride their horses down the street, old folks and families go for quiet walks and chat with neighbors on our streets and our kids ride their bikes in safety because of the limited traffic.

If the development were more 1 acre single family homes, it would increase traffic a little, but not fundamentally alter the character of the neighborhood. However, **making our quiet little street (West Arrowhead) into a through-street connecting 5,000 plus people to the rest of CDA and putting a school on this road will simply destroy the neighborhood as it has existed for 50 years.** That may be hard to measure, but the loss of resale value for all of our homes will be measured and felt by all of us who live here as our homes become dramatically less attractive.

I understand and support the need for affordable housing. I have 6 kids and I hope that they will all find jobs and housing nearby so that I can see them (and my future grandkids) frequently as they grow up. However, destroying this unique neighborhood is not a just and fair option. **All of the benefit goes to the Big Corporation and all of the cost is borne by the residents who don't make a dime, but lose their neighborhood and the equity in their homes.**

Currently, **WE have no access WEST and have to go EAST to Atlas and then north to Prairie or south to Seltice before going West. Coeur Terre residents could easily do the same in the opposite direction:** Go West to Huetter and then north to Prairie or south to Seltice before going East. Easy Peasy. It's fair, it costs nothing and it doesn't put an unfair burden of cost on the long-time residents of Indian

Meadows.

Please save the unique nature of our little neighborhood and don't sacrifice our interests in order to maximize the profits of the developer.

Thanks for your consideration!

Patrick A. Wilson

4104 W. Arrowhead Road

Coeur D'Alene, ID 83815

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: preserve Indian Meadows
Date: Monday, February 6, 2023 6:55:36 AM

From: Anna and Jim Wilson <jnawilson1995@gmail.com>
Sent: Sunday, February 05, 2023 9:26 PM
To: MCLEOD, RENATA <renata@cdaid.org>; Citycleark@cdaid.org
Cc: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: preserve Indian Meadows

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Coeur d'Alene City Council,

We are writing to you about the planned Coeur Terre development and our belief that using access roads in our neighborhood will cause irreparable harm to our way of life. We moved from Post Falls to Indian Meadows in 2002 after scouring the neighborhood for months hoping a home in our price range would hit the market. Drawn to the peaceful tree-lined boulevards and large in-town lots, we knew exactly where we wanted to raise our two small children.

When we bought our "fixer upper" on Moccasin, we knew we were truly home. Our son and daughter learned to ride bikes on the road in front of our house, ran down the street to visit with friends and neighbors, fed goats in the lot two doors down, and pet the neighbor's horses through the fence. Indian Meadows is our little piece of country within city limits.

Our request is to preserve the quiet, easy feel of our neighborhood by not making the roads of Arrowhead and Appaloosa direct connectors to Coeur Terre. Right now the only people who drive in our neighborhood are people who live here. The roads we mentioned end at Atlas, so we ask that you instead consider Hanley (which has a light and goes all the way through to US95) or Industrial Loop (which already has a stoplight). If you open our neighborhood roads to the 4500 new residences in Coeur Terre, you will forever change the magic of Indian Meadows.

Regards,
Anna and Jim Wilson
3808 Moccasin Rd.
20 year Indian Meadows residents

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Public Comment
Date: Monday, February 6, 2023 11:02:31 AM

-----Original Message-----

From: Tom Sanner <tmsanner@gmail.com>
Sent: Monday, February 06, 2023 9:58 AM
To: STUHMILLER, SHANA <Shana@cdaid.org>
Subject: Public Comment

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Good morning.

I would like the City of Cda to consider in its decision to allow Kootenai Land Company and its current Coeur Terre project to allow them to reduce even more the number of houses per acre to 10 not 8 in the R-8 zoning. If a person can't even get to his back yard now, i.e. enough clearance to allow to drive a car, you might as well get more revenue per acre as in sewer and water connection fees. Also i see no storage facilities near this project. Just think if the city were to build storage units near this project the massive revenues it would create for the City in the future. I live near this project at 3430 Bristol and our lot is 19,000 square feet. I can't imagine two more houses on my lot size, so obviously the above is a bunch of B.S. The City should seriously reconsider this project for it's lack of health and well-being for it's current and future residents. We should all be thankful for what we have and not wish for something that Cda is not prepared to handle.

Respectfully

Tom Sanner Sent from my iPhone

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Indian Meadows/Coeur Terre
Date: Monday, February 6, 2023 5:04:06 PM

This was the one I couldn't open early... R

From: Patti Retano <ggca12121@aol.com>
Sent: Monday, February 6, 2023 5:02 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHLMILLER, SHANA <shana@cdaid.org>
Subject: Indian Meadows/Coeur Terre

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my name is Patricia Retano and I live at 3503 Moccasin Rd in Indian Meadows. I have lived here for over 20 yrs. We brought our children here because it was a safe and quiet neighborhood where they had room and freedom to play. I would like that to continue for my grandchildren.

There is not enough time to address all the problems that building this development and opening these streets will cause. One of the things I am concerned with is the people that live on all these streets. What is that going to do to their quality of life and if you widen their streets what happens to their property value? We have been a sought after neighborhood because of our acreage and zoning properties. What will happen to all of our home values?

There will also be an endless stream of cars cutting through from Huetter to Atlas to save time to get across or downtown. This will also yield more trash polluting our streets, and our neighborhood.

Whose responsibility will it be to clean up the garbage that will now litter our front yards?

Another concern I have is that by opening up these streets we will be subject to more traffic which will bring more potential for crime in to our neighborhood. We have been very fortunate over the years that Indian Meadows has had a low crime rate.

Coeur Terre was supposedly in the works for over a decade and is supposed to be a well planned/designed Master community. By whose standards? The applicant was given special consideration to participate in the 2042 Comp plan development. They pretty much wrote themselves a ticket for whatever they wanted. Who gave them that right? What happened to community unity and involvement?

This is OUR development, OUR home and we deserve the right to have a say in what should happen here.

I ask that you deny or table your decision in this matter tonight.

Respectfully,
Patricia and Steve Retano

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Annexation - Indian Meadows
Date: Monday, February 6, 2023 12:16:45 PM
Attachments: [Coeur Terre Concerns re Annexation - Feb 7, 2023 - CDA City Council.doc](#)

From: holladay <hsanderson@qosi.net>
Sent: Monday, February 6, 2023 12:15 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUJLMILLER, SHANA <shana@cdaid.org>
Subject: Coeur Terre Annexation - Indian Meadows

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Dear Renata and Shana,

My apologies that these comments are so late in coming to you. My husband, Sandy (Stanley), and I are residents of Queen Anne Estates, between Indian Meadows and Atlas Road on Sherwood Drive as well as between Nez Perce and Arrowhead to the north and south of our home. We both have deep concerns about the Annexation of Coeur Terre. We love the quiet and calm of our neighborhood and are not happy about the influx of traffic that this annexation will cause.

Thank you for forwarding my concerns in attached document.

The Rev. Holladay Sanderson
3805 Sherwood Drive
CDA, ID 83815
208-954-1555

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Proposed Development
Date: Tuesday, February 7, 2023 10:20:52 AM

From: Sam Hunter <shunter76mg@gmail.com>
Sent: Tuesday, February 7, 2023 9:26 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre Proposed Development

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RE Proposed development on the west side of CDA referred to as Coeur Terre

I took a look at the proposed development plan and have concerns about a density of over C8. Seems it would not be good stewardship to place this higher density with up to C17 next to an established development of 1 acre parcels.

The recent COVID stay in place experience underscored the need for reasonable size in dwelling spaces. I watched as the City of Coeur d'Alene dismantled play structures in a nearby park and placed yellow caution tape around the area. So having a large nearby park and restaurants, and other public amenities didn't meet the mental health and social requirements of people living and working in spaces of less than 800 square feet.

Please limit the density in this development to a maximum of C8.

Sincerely,

Sam Hunter
4045 N. 21st Street
CDA, ID 83815



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From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Input
Date: Monday, February 6, 2023 4:57:15 PM

From: Stuart Bryan <sbryan@trinitycda.org>
Sent: Monday, February 6, 2023 4:36 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHELMILLER, SHANA <Shana@cdaid.org>; HOLM, SEAN <SHolm@cdaid.org>
Subject: Coeur Terre Input

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Dear Coeur d'Alene City Council Members and Planning Staff,

Good afternoon. My family has lived at the corner of Broken Arrow and Arrowhead Roads in the Indian Meadows neighborhood for the last 15+ years. It has been a delightful place to raise a family and now to welcome grandchildren to play and ride their bikes. As you know, our tiny neighborhood was developed with small acre lots. It is bordered by Appaloosa Road on the south and Nez Perce Road on the north. The only other east-west road in our little neighborhood is Arrowhead Road.

Consequently, I am deeply concerned by the proposed use of Arrowhead Road as one of the east-west access roads for the Coeur Terre addition. If the addition consisted of small acre lots like our existing neighborhood, I would have little objection to it. However, the density proposed by the Coeur Terre addition would cut our neighborhood in half, make it a place of heavy traffic, and devastate our property values. In short, it would essentially erase our Indian Meadows neighborhood.

It would seem to me that east-west travel along Seltice Way, Prairie Avenue, and Hanley Avenue where there are existing traffic signals, or perhaps even through the Industrial Park where there is a new traffic signal and the increased traffic would not be a detriment to an existing neighborhood, would make far more sense and be far less disruptive.

I certainly understand the need for additional housing and building in the area. I have children (and grandchildren!) who would love to be able to settle long-term in this area and that means we are going to need an additional supply of single-family homes. However, it would seem to me that that additional expansion could be accomplished without destroying our existing neighborhood.

I appreciate your willingness to receive citizen input.

Sincerely,

Stuart W. Bryan

Pastor

Trinity Church

A Reformed & Evangelical Congregation

Coeur d'Alene, Idaho

www.trinitycda.org

"Beware of ever aspiring to such purity that you do not want to seem to yourself, or to be, a sinner. For Christ dwells only in sinners." Martin Luther

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Public Hearing Statement
Date: Tuesday, February 7, 2023 7:02:47 AM
Attachments: [Public Statement 2623.pdf](#)

From: Suzanne Knutson <sknutson@startmail.com>
Sent: Monday, February 06, 2023 11:17 PM
To: MCLEOD, RENATA <RENATA@cdaid.org>
Cc: STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: Coeur Terre Public Hearing Statement

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Please ensure the attached document
in this email is provided to City Council in consideration of the
Coeur Terre annexation request.

Thank you,
[Suzanne Knutson](#)

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Annexation Hearing Today
Date: Tuesday, February 7, 2023 10:17:17 AM

-----Original Message-----

From: Theresa Potts <pottstheresa2@gmail.com>
Sent: Tuesday, February 7, 2023 9:56 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Annexation Hearing Today

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I am writing to express some of my concerns re: the annexation of property located at the west end of Indian Meadows.

Have the required studies been completed for traffic in the Huetter Corridor? It is my understanding that there is an Idaho code requiring traffic studies be done before annexation. I am also concerned about the huge amount of traffic on Atlas, Seltice, Appaloosa, Arrowhead, and Woodside. These are streets that have very little traffic now. Increased traffic will prevent children from riding bikes and playing in the street. Walking our dogs will be a challenge as well as our own walks. It seems a travesty to take this away from us.

I have never received any info from the city about the Coeur Terre development and what it might mean for the residents of Indian Meadows, Northshire, Woodside, and Queen Ann Estates. I know that there was some sort of public meeting at the Kroc Center but I was not able to attend. I believe that tabling the annexation for a time would give the public a chance to ask question of the council, P and Z, as well as the developers. Perhaps this could bring about solutions to our concerns.

Theresa Potts
4103 Arrowhead Rd.
Coeur d'Alene

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Testimony Regarding Coeur Terre Annexation from Teresa Roth
Date: Monday, February 6, 2023 4:25:25 PM
Attachments: [troth_coeur_testimony_feb2023.pdf](#)

From: Teresa Roth <teresa.roth@yahoo.com>
Sent: Monday, February 6, 2023 4:22 PM
To: MCLEOD, RENATA <renata@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>
Subject: Testimony Regarding Coeur Terre Annexation from Teresa Roth

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Greetings,

I have been instructed to send written testimony regarding the Coeur Terre Annexation to these email addresses. There are three attachments to this letter that I would like included as written testimony in the Coeur Terre hearing package.

I am including the main text of my February 2023 testimony in this letter, but the content is identical to the attached PDF file, entitled [troth_coeur_testimony_feb2023.pdf](#).

In addition to the 2 page primary testimony, I have attached two other JPG files. These represent the oral testimony I presented to the P/Z Commission on the subject of Coeur Terre in October of 2022. At the time I did not request to include them in the written record, but now I would like both my current testimony, and the October Testimony (2 jpg files) to be included in the official record. Thank you very much.

Teresa Roth, Dalton Gardens

City of Coeur d'Alene Mayor and City Council,

I am a resident of Kootenai County who has spent considerable time researching the Coeur Terre development, and I believe that it would be prudent for the CDA City Council to table the Coeur Terre annexation until a number of questionable matters are cleared up. And by questionable, I mean potentially unlawful activity on the part of representatives of both Lakeside Capital and the city of CDA.

There are three matters in particular that I believe need to be looked at more closely before moving forward with this enormously important project.

1) **Potential violations of Idaho's Monopolies and Trade Practices Laws,**

especially those outlined in Title 48, Chapter 1, [the Idaho Competition Act](#). I have attached a copy of the verbal testimony I presented to the P/Z Committee in October, as well as an abbreviated version of the Idaho Competition Act, which highlights some of the problem areas.

The evidence that the Lakeside Company is monopolizing all development of the land between CDA and Post Falls is so strong, that if such behavior is NOT violating Idaho statutes, then ***all Idaho laws outlawing monopolistic commerce are a dead letter***. It is true that the former Attorney General did not prioritize enforcing laws against monopolies, but we believe the CDA Council should wait to see if the new Attorney General prioritizes the enforcement of these statutes or not before proceeding with the annexation.

2) **Change to Idaho's Tax Code that Appear to Benefit Lakeside Company.** The [North Idaho Slow Growth Research](#) group has been investigating changes to Idaho Tax Laws that appear to directly benefit Lakeside Company. It is true that [House bill 0560](#), enacted in 2020 during the Covid Lockdowns, did not change the amount of taxes owed by Lakeside Company, since their tax liabilities were already very low under the old laws. Yet the new laws greatly advantage the owners of Coeur Terre by ***hiding both the price paid for the properties, and by making it impossible for the Assessors office to report on the true market value of the land after it is annexed into the city.***

The new law preserves the low tax rate, while eliminating the concept of "market value" for farmland altogether from the assessment records, which clearly benefits Lakeside company by hiding the value of their favorable tax treatment. NISGR has not been able to prove that Lakeside representatives had a hand in drafting the legislation, but the fact that ***Lakeside refrained from closing the deal to purchase the property until after the terms of House Bill 0560 went into effect, is circumstantial evidence of collusion.*** We believe it is best to refrain from annexing the property until the final terms of Lakeside's property tax liabilities are worked through.

3) **Open Meeting Law Violations.** The third area, where we believe laws may have potentially been violated is regarding State and City Open Meeting Laws. The fact that the entire Lakeside Planned Community appears to have been developed behind closed doors, long before the Public was involved in or informed of any of the decision making, and the fact that Lakeside participated openly in the formation of CDA's Comprehensive plan all appear to be *prima facie* evidence of the flagrant violation of both the intent and letter of many of Idaho's Open Meeting laws.

As in the case of the Monopoly laws, in past years Idaho did not have a State Attorney General who appeared to be interested in enforcing Open Meeting Laws. But one of the first things A.G. Labrador did when he came to office was to update the Idaho state manual on [Enforcing Open Meeting Laws](#). It remains to be seen how interested anyone in the State or Local judicial branch seems to be in investigating open meeting law violations.

Of the three areas where we believe that Lakeside Representatives may be in violation of State and Local laws, flagrant, ongoing Open Meeting Law violations is the area where CDA City Employees have been most directly involved.

We have no way of knowing whether any lawsuits or criminal complaints will result from any of the potential violations of State and Local Laws we have cited above. But it seems prudent to delay action on Annexing Coeur Terre until you can be sure that such legal issues will not cause future problems for the city.

Thank You for your Time,
Teresa Roth, Dalton Gardens

Resources Cited:

I am attaching two files related to potential violations of Idaho's Monopolies and Trade Practices statutes to this email. One is a text copy of the Testimony presented to the P/Z Commission at the October Public Hearing on Coeur Terre. Other resources cited in this letter are:

Idaho Legislature Statutes: **Idaho Competition Act, Title 48, Chapter 1**
<https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title48/T48CH1.pdf>

NISGR articles: **"Why Should Coeur Terre be Taxed as Farmland?"**
<https://www.nislowgrow.org/slog-blog/why-is-undeveloped-land-in-city-limits-taxed-as-farmland> and **"Why are Coeur Terre Property Assessments so Low"**
<https://www.nislowgrow.org/slog-blog/why-are-coeur-terre-property-assessments-so-low>

Office of the Attorney General: **"Idaho Open Meeting Law Manual"**
<https://www.ag.idaho.gov/content/uploads/2018/04/OpenMeeting.pdf>

Idaho Legislature, Second Regular Session 2020: House Bill No. 560 by Revenue and Taxation Committee, **"An Act Relating to Taxation to provide for the Valuation of Agricultural Land."**
<https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0560.pdf>

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Denial
Date: Tuesday, February 7, 2023 10:16:20 AM

-----Original Message-----

From: Tom Sanner <tmsanner@gmail.com>
Sent: Tuesday, February 7, 2023 10:15 AM
To: MCLEOD, RENATA <Renata@cdaid.org>
Subject: Coeur Terre Denial

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Please enter my comments as to DENY the proposed Coeur Terre Project.
Tom Sanner
3430 Bristol
Coeur d Alene, 83815
Sent from my iPhone

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Coeur Terre Meeting 2/7/2023
Date: Monday, February 6, 2023 3:37:19 PM

From: Vikki Conway <vikkiconway@gmail.com>
Sent: Monday, February 6, 2023 3:35 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHLMILLER, SHANA <Shana@cdaid.org>; Suzanne Knutson <sknutson@startmail.com>
Subject: Coeur Terre Meeting 2/7/2023

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To Whom It May Concern

We reside at 3504 Moccasin Road, in Indian Meadows.

Coeur Terre is proposing eventually having 6,000 homes on our side of Heutter. As the average home has 2 vehicles, not accounting for teenage drivers or roommates, we need to anticipate a huge increase in traffic over the next few years. In addition, there is also business and school traffic to consider.

We are questioning the facts of the effect traffic will become with all of this new building. What traffic studies have been done recently with all of this new building in mind? Have the studies been done as required by law [Title 67-6519 \(3\)](#), regarding the increases the school traffic will cause? We cannot keep putting in all of this dense building and assume the traffic problem can be ignored or will go away.

There is new building going all over this side of Coeur d Alene, or [Title 67-6508](#), **regarding local land use planning, as being done** on Ramsey, on Atlas and on Seltice. To say there is a housing shortage doesn't make sense. Where will all of these people get jobs to pay for those mortgages or is this all aiming at investors to set up out of reach rentals.

Bottom line this development is leaving way too many unanswered questions that will affect all of us. We ask that you table this decision for future consideration until all of the appropriate studies are completed, not a case of we will look into them later when it is too late to fix.

While not opposed to Coeur Terre per say, we don't want to lose the lifestyle we have in our city in the name of new development.

Please either Deny the Annexation or Delay the vote until a more thorough job can be done with this request and let us have a sit-down Q & A with the

developers, planners etc. to voice our questions and have our concerns addressed in an open, on record forum, that can be included in future decisions.

Thank you for your time. Please table this decision.

Vivian Conway, Jeri King and Tamara Conway-King

From: [STUHMILLER, SHANA](#)
To: [PATTERSON, HILARY](#); [HOLM, SEAN](#)
Cc: [BADERTSCHER, SHERRIE](#)
Subject: FW: Letter to City Council
Date: Monday, February 6, 2023 2:59:52 PM
Attachments: [City of CDA Ltr re Coeur Terre Annexation.pdf](#)

From: Jeff Voeller <jvoeller@cda.schools.org>
Sent: Monday, February 06, 2023 2:58 PM
To: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Letter to City Council

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

Shana, Please find attached a letter from the School District regarding the Coeur Terre Development Annexation Hearing. It sound like someone form Coeur Terre will read it into the record but I would appreciate a copy being distributed to council.

Thank you,

Jeff Voeller
Director of Operations
Coeur d'Alene School District
1400 N Northwood Center Court
Coeur d'Alene, Idaho 83814
Office: 208.664.8241 x 10004
Fax: 208.676.1011

From: [MCLEOD, RENATA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: COEUR TERRE
Date: Tuesday, February 7, 2023 9:21:54 AM

From: Debbie Bean <msbeandeb17@aol.com>
Sent: Tuesday, February 7, 2023 9:11 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: COEUR TERRE

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It is so easy to talk about walking with our children and pets on these quiet streets .. and see them playing basketball off their driveway, rollerblading bicycling, skateboarding along with neighbors chatting across the street. The noise we hear is distant noise, so not really bothersome. It has changed though with the influx of more people moving into this area over the last 3 years, now getting onto Atlas means going to the light at Kathleen so more traffic will be devastating especially during peak hours. I'm afraid the corridors "they" are mentioning off of Atlas to the new "Coeur Terre City" will become raceways and I can only imagine the noise and possibility of accidents that will happen. Why is it that our peaceful neighborhood should have to suffer ..?!!

I'll bet not many would be happy to have an increase in traffic on their streets ! I've lived here 10 years and came from a home with acreage and I purchased here because I wanted the peace and quiet of this neighborhood now after hearing about this plan I'm looking into moving elsewhere. Can I ask how many people would want "this new city" in their backyard along with the extensive amount of traffic and people that would come with it ...and did I mention the likelihood of crime as well ...??!

D Bruss

From: [STUHMILLER, SHANA](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: FW: Letter to CDA City Council- Against Annexation of Coeur Terr
Date: Tuesday, February 7, 2023 8:33:17 AM

From: s d <iqpon2@hotmail.com>
Sent: Tuesday, February 07, 2023 8:32 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Cc: STUHMILLER, SHANA <shana@cdaid.org>
Subject: Letter to CDA City Council- Against Annexation of Coeur Terr

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

I would like to address the annexation Project Narrative on page 132. The majority of Coeur Terre is R-8 zoning which only allows for single family residences. The applicant requests R-8 to build more affordable workforce housing. I feel like there is a switch and bait happening. How can we be guaranteed affordable housing won't replace single family residences?

I live in the Landings and am very concerned Coeur Terre will become WAY more than we are being told. I request you table your decision tonight.

Shana DeLeon
7456 N Downing Ln
CDA, ID 83815

BADERTSCHER, SHERRIE

Subject: FW: Coeur Terre

From: Ronald Orcutt <orcuttrc@gmail.com>

Sent: Friday, February 3, 2023 4:18 PM

To: MCLEOD, RENATA <renata@cdaid.org>; MCLEOD, RENATA <cityclerk@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>; GOOKIN, DAN <dgookin@cdaid.org>; EVANS, AMY <aevans@cdaid.org>; WOOD, CHRISTIE <cwood@cdaid.org>; MILLER, KIKI <kmiller@cdaid.org>; ENGLISH, DAN <denglish@cdaid.org>; MCEVERS, WOODY <wmcevers@cdaid.org>

Subject: Coeur Terre

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

This is Ronald Orcutt. I have lived in Indian Meadows at 3407 Broken Arrow Road for 48 years

I am not in favor of your approving the annexation of the area called Coeur Terre.

The main reason for not approving annexation of Coeur Terre is the potential traffic that will be routed through Indian Meadows on Appaloosa, Arrowhead. and Nez Perce. This traffic from the planned development will ruin our peaceful neighborhood that we have had for all these years.

There are rumors going around that when planning for this project a traffic survey was not completed. Is this so?

The 2 million Dollars the City will receive will not go very far when you have to enlarge the sewer treatment plant downtown to handle the increase in sewer use.

The internet has a good statement about annexation. It goes as follows:

"Annexation is rarely more than an economic Sugar High for the City, one with long term consequences that are always negative".

Turn them down. Let Post Falls annex them and send the traffic only on through Huetter Road..

Respectfully Submitted

Ron Orcutt Tel: 208 819 9441 [Email:orcuttrc@gmail.com](mailto:orcuttrc@gmail.com)



CITY OF COEUR D'ALENE
MAYOR AND CITY COUNCIL

FEB 12 2023

DEAR MEMBERS,

THIS IS IN RESPONSE TO THE COEUR TERRE
ANNEXATION. FIRST I AM OPPOSED TO THIS.
I FEEL THAT A FIVE YEAR OR LONGER
MORTATORIUM SHOULD BE PUT INTO PLACE.
I THINK YOU ARE MISSING SOME VERY
IMPORTANT PROBLEMS. REALLY THINK ABOUT
THIS. THE ROADS ARE ALREADY FULL. ATLAS,
HRETTER KALTHEEN AND HANLEY. SCHOOLS OVER
CROWDED, FIRE AND POLICE DEPARTMENTS.
NOW THE MAIN ISSUE IS WATER. LAKE
COEUR D'ALENE IS INTO PROBLEMS, WITH
POLLUTION, TEMPERATURE OF WATER, THE
AQUA FEA IS INTO PROBLEMS. YOU CAN
CONTACT JAMIE BRUNNER AT DEPARTMENT
OF ENVIRONMENTAL QUALITY OF STATE OF
IDAHO, AT 208 7691422, IF YOU WOULD
LIKE TO, TO GET FULL CONCEPT OF
PROBLEM.

THANK YOU IN ADVANCE

LELAND KAWIN

Leland Kavin

4009 LANCASTER RD

COEUR D'ALENE ID 83815

Nate and Melissa Dyk
4010 W Appaloosa Rd.
Couer d'Alene, ID 83815
3/9/23

Dear Mayor and Council Members,

Thank you for your service to the city of Couer d'Alene and your consideration of the Couer Terre Annexation.

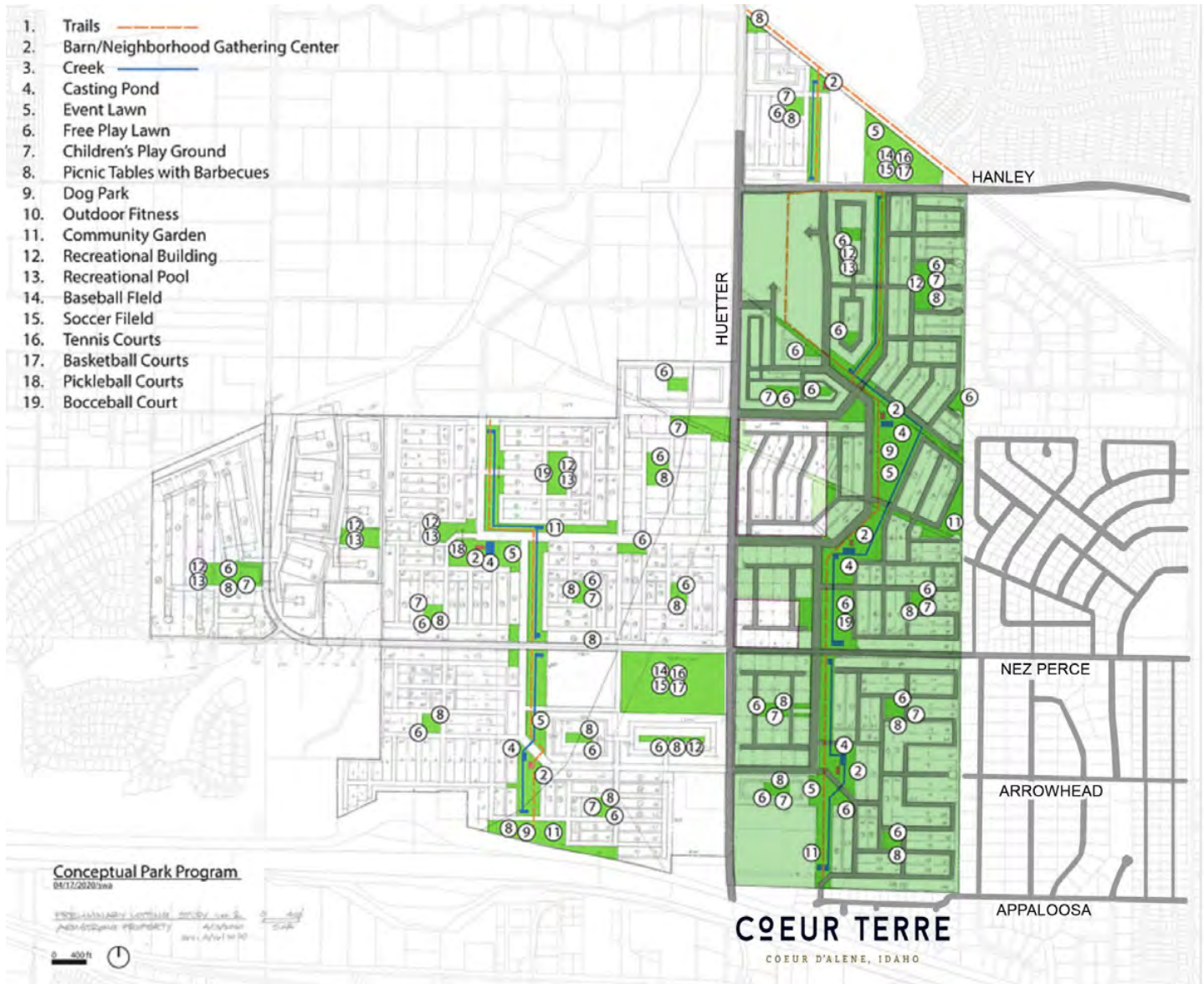
I am a Project Manager for Eric Hedlund Design and have worked on several commercial and residential projects within Couer d'Alene. I was also previously employed by Lakeside Capital until 2019 when I amicably departed to work at my current firm. Based on my architectural career, home location on Appaloosa, and familiarity with the applicant team, I have a very unique interest in this proposed development.

Interestingly, Kootenai Land Co. presented a much more appealing Master Plan concept in their 6/2/20 letter to city council. The master plan below was also shown on the applicant's website until 7/1/22.

The previous design included many features residents, council, and planning are asking for;

- 2 street connections at Appaloosa and Nez Perce
- More respectful of adjacent neighborhoods
- Street design which encourages traffic to the West.
- Integrated trails, parks, and open space
- Reduced density
- Improved school, commercial, and urban housing adjacencies

Why was the previous Master Plan abandoned in favor of the current plan? The Master Plan below and the applicant's 6/2/20 request to include the full property in the Comprehensive Plan Update process demonstrates their intent to develop the entire 1,100 acre site. The traffic study provided by KMPO should be considered incomplete as the model was based on a portion of their development plans. It may have been a strategic measure to subdivide the property into a smaller 440 acre annexation in order to show reduced traffic impacts. ***At any point, did KMPO produce traffic modeling for the entire development?***



Note: Road labels, Coeur Terre logo, and poche was added for reference.

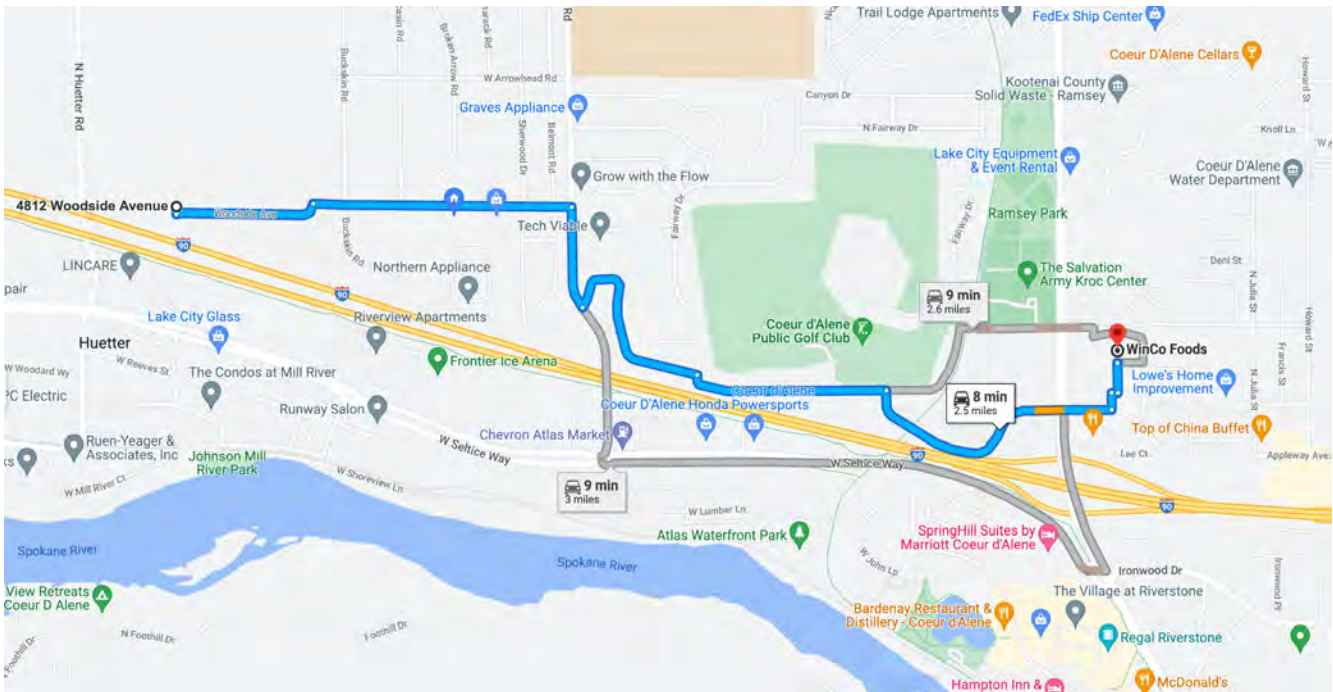
"...but importantly [the development team] wants the City Council to know that the owner's proposed overall gross density and land uses are planned to align closely with what is already planned for this area in the City's existing Comprehensive Plan [2007-2027]." - John Hemmingson, 5/22/20 Letter to Planning
<https://web.archive.org/web/20220319213539/https://www.kcolandcompany.com/wp-content/uploads/2020/07/Coeur-Terre.png>
<https://www.cdaid.org/files/Council/Package060220.pdf>

Additionally, below are the following concerns with the latest revisions to the agreement:

A. The East traffic is funneled through Appaloosa and Nez Perce, which creates greater impacts:

1. Reducing the East connections to two streets funnels additional traffic through Appaloosa and Nez Perce. The revised proposal will have an even greater impact on Indian Meadows than the previous iteration.
2. No studies have been provided for the Indian Meadows residential streets which show current traffic counts and the resulting traffic increases as a result of the development. Per CDA's traffic calming process, scientific data must be collected prior to implementation of mitigation measures. Without this data, the Mayor and Council cannot adequately determine if the development complies with Finding B11.
3. The cut through traffic generated on a narrow, residential street, without sidewalks, creates its own life-safety issues. Indian Meadows and Fairway residents will be sacrificing their safety for a slight improvement in response time to Coeur Terre.
4. Appaloosa will no longer be safe for our young children and animals to walk and enjoy other parts of the neighborhood. Other residents will also be discouraged to walk on Appaloosa which will cut us off from our neighbors.
5. Because Appaloosa is straight and is adjacent to a high density development, the revised agreement makes Appaloosa into a cut through street which will be worse than traffic on Masters/Fairway. Already, people speed down Appaloosa at 50+ mph.
6. We appreciate the council's suggestion to encourage traffic flow to the West, however ***by what metric will traffic 'encouragement' be measured?*** There has been no data provided in order to quantify traffic mitigation. Adding verbiage is non-scientific and implementation is left to the discretion of the developer and City Planning, whose primary goal is to alleviate congestion on Huetter and Hanley.

- In order to avoid the 6+ stop lights on Heutter, Seltice, and Northwest Blvd, Coeur Terre motorists will be encouraged to utilize Appaloosa, Masters, & Fairway Dr. to access services on Appleway. This will be a disaster for residents in the Fairway neighborhood and create additional safety issues on roads that are already heavily impacted. It will create a significant public hazard when the shortest, most direct route between two commercial zones is via narrow, residential neighborhoods. ***Will KLC's PUD traffic studies analyze the impact on the Fairway neighborhood?***



- A potential mitigation solution may be to install semi-deverters/partial closers, among other measures, on Nez Perce and Appaloosa to block eastbound traffic, but allow westbound traffic into Coeur Terre. This would provide emergency vehicle access into the development but will also mitigate traffic impacts into the adjacent neighborhood. This is an acceptable solution which is listed in CDA's traffic calming measures presentation from 3/3/20. <https://www.cdaid.org/files/Council/Packet030320.pdf>

B. Density remains a concern:

9. The 2,800 unit limit in the agreement will be subject to future revisions and will be asked to be increased. The street connections will be made early in the development and cannot be modified. Based on the applicant's 5/22/20 letter to council, the unit limit should be around 1,800 units.
10. There are no reductions to the R-17 and C-17 zones which have height, adjacency, and density issues with the neighbors to the North and West. These zones are also subject to future density increases.
11. The traffic and emergency access problems are being compounded by the proposed commercial and urban uses, not the street connections. If the Coeur Terre omitted or relocated the urban/commercial zones, these issues would not be as significant and less exception would be taken to connecting local residential roads.

C. The Coeur Terre Master Plan and Agreement need refinement before annexation moves forward:

12. The Zoning exhibits are inconsistent between the KLC's Annexation Application, the Planning Commission Staff Report, and the latest Agreement revisions. The latest Zoning Exhibit does not indicate the school sites and associated zoning - See exhibit below.
13. The revisions in the agreement does not specify which of the 3 connections (2 at Woodside, 1 at Appaloosa) into Appaloosa will be made. The traffic impacts can vary greatly depending on the connection points and street design within Coeur Terre.
14. An East connection at Industrial loop in lieu of Appaloosa has not been explored. This would be a win-win scenario as it redirects traffic away from Indian Meadows and provides additional visibility for businesses within Industrial Loop. This will promote development and growth for an under-utilized commercial zone.
15. The Master Plan and Zoning Exhibits must be revised to address the connection and traffic concerns prior to approval. We are creating short-cuts by putting bandaids on the agreement when there are still overwhelming concerns with the Master Plan. Without concrete street design revisions to the Master Plan to support the agreement, our traffic concerns will be secondary to other interests..

16. We keep hearing Coeur Terre has been in the works for over 10 years, however the latest Master Plan has only been available online since 7/1/22. It is also drastically different from the applicant's concepts that were presented in their 6/2/20 letter to council, which was much more appealing.
17. A few months is not enough time for public input for a development of this size. The city and applicant team should have engaged local residents throughout the design process and not after-the-fact when they are vying for annexation approval.
18. There are far too many concerns from residents for the project to move forward in its current proposal. Please refer to the meeting minutes from our 'Stakeholder' meeting with The Langdon Group, KLC's collaboration consultant. To my knowledge, we have not received a response from KLC or The Langdon group regarding our questions or concerns from the meeting.

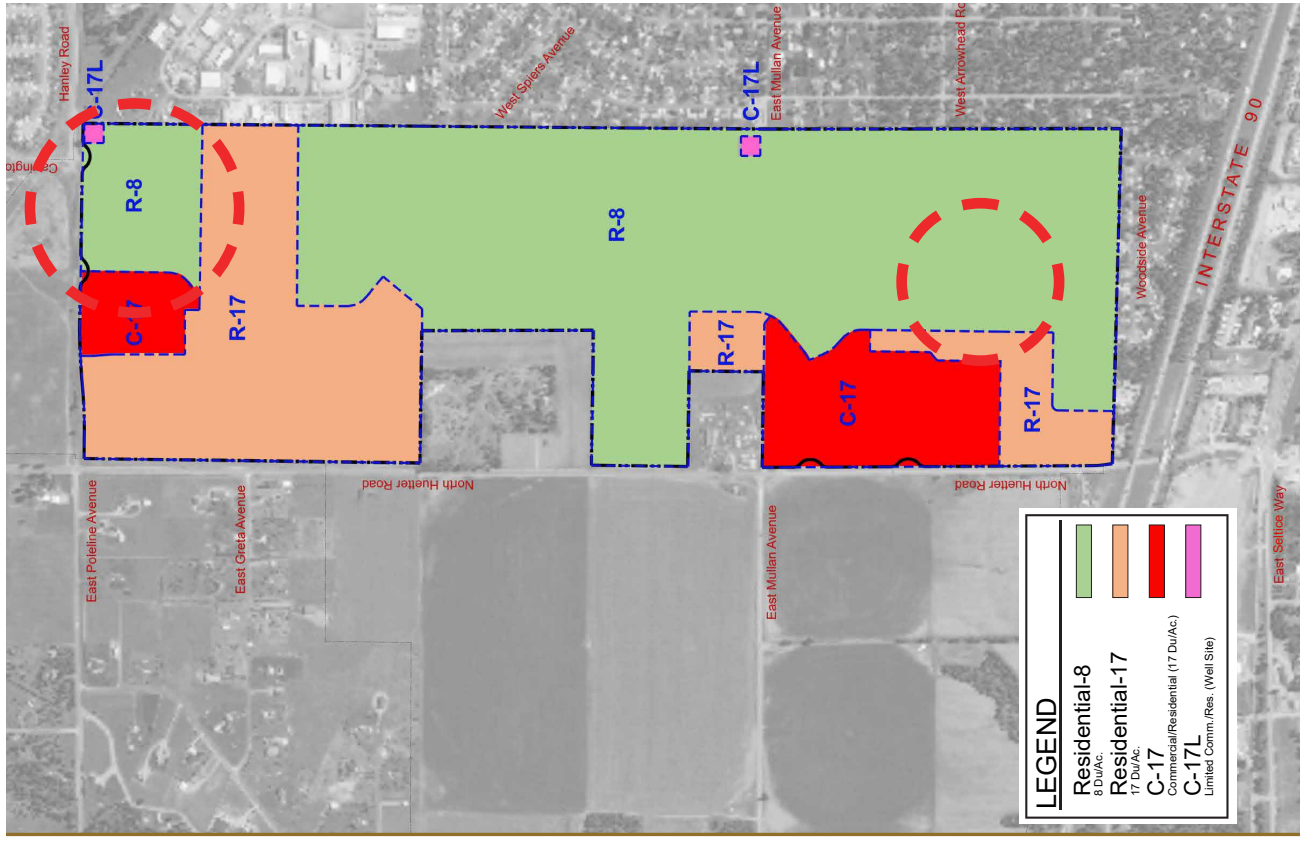
From the points above, it is clear that the recent changes to the agreement fall short and still do not bring Coeur Terre into compliance with Finding B11. As a result, the annexation must be denied so that further collaboration between the residents, the planning department, and the applicant team can take place to find more equitable solutions for all interested parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Dyk". The signature is fluid and cursive, with a large initial "N" and "D".

Nate Dyk
nate.dyk@gmail.com
4010 W Appaloosa Rd.
Coeur d'Alene, ID

COEUR TERRE ZONING REVISIONS EXHIBIT:

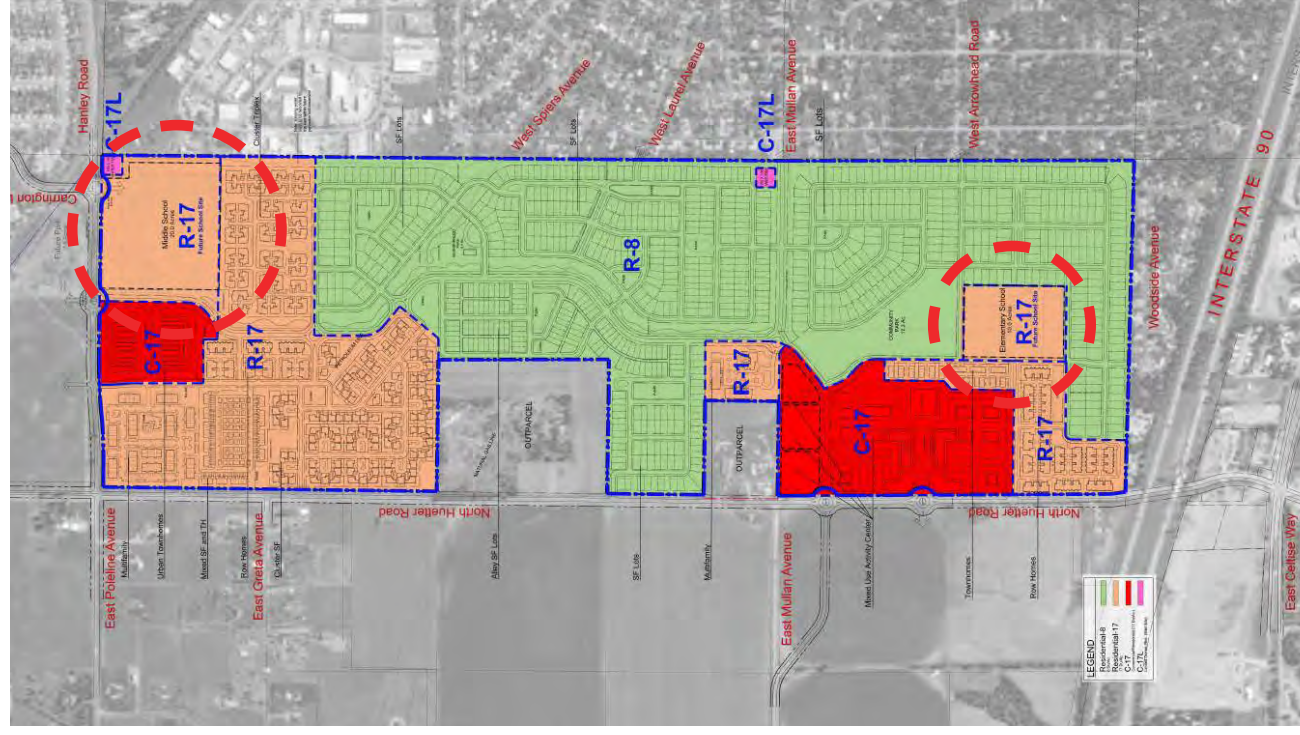


Version 1:
School sites depicted as R-8 zoning

Proposed Zoning and Land Use Plan

Coeur Terre Annexation Application
 January 25, 2022

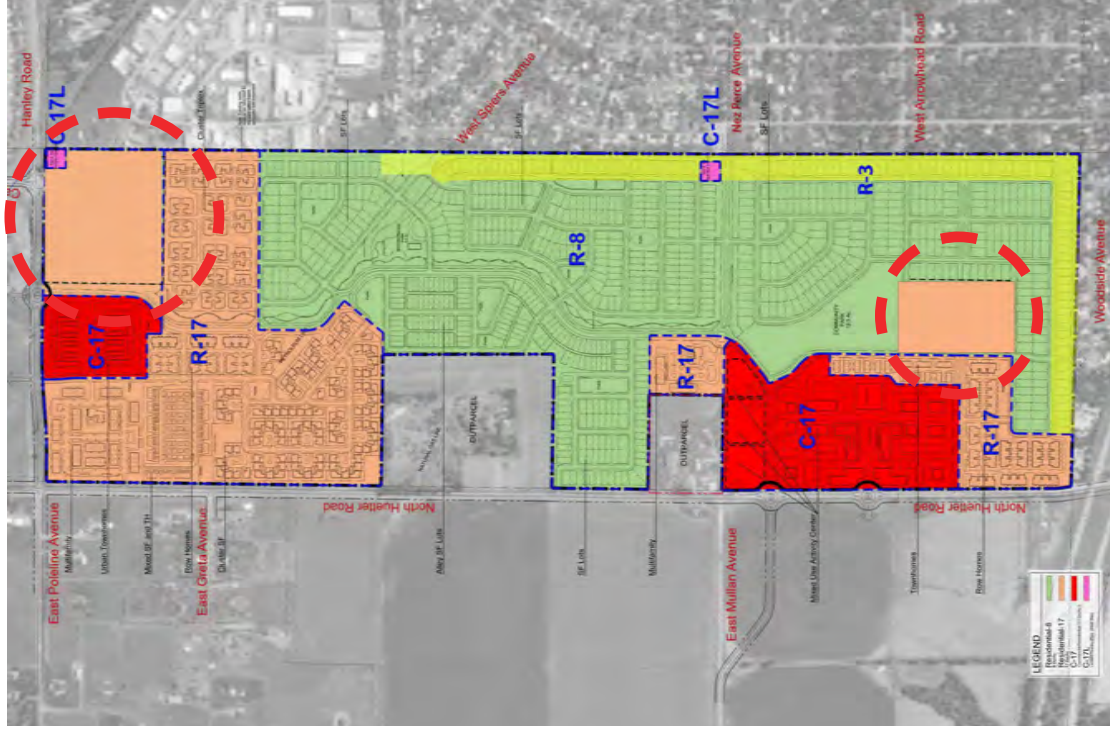
Kootenai Land Co. Community Open House
 April, 2022



Version 2:
School sites depicted as R-17 zoning

Proposed Zoning District Map

Coeur Terre Planning Commissions Staff Report
 October 11, 2022



Version 3:
**Zoning and 'Future School Site' indications
 are missing/not provided.**

Annexation and Development Agreement Revisions

Coeur Terre Corresponding Zoning Map, pg.42
 February 21, 2023

Public Comments
from Planning Commission Meeting
on October 11, 2022

CDA Planning Commission Presentation
October 11, 2022

Traffic issues -

Commissioners, thank you for allowing me to address this issue tonight. I've submitted to your offices, a copy of my presentation, which includes sources of the data that I cite.

My name is Don Webber. I live at 4211 W. Arrowhead Rd., CDA. Our neighborhood consists of 167 custom homes on 1-acre lots, in a pine forest. We purchased our home more than 20 years ago. We chose the location predominantly because of the quiet streets, the trees, and our ability to walk our dogs, play with our children and enjoy our neighbors in a peaceful setting.

While we support progress and the new development, we're asking you to please help us in protecting the integrity of our neighborhood.

An earlier version of the project's concept plan showed NO plans to use Arrowhead Rd or Appaloosa Rd for ingress and egress. The developer's website now shows a different plan that will negatively impact our neighborhood by encouraging traffic to pass through on quiet, local streets.

Outside of our neighborhood, the developer shows at least 11 additional points of ingress/egress into their project. 10 of those on arterials or collector streets. Is it an absolute necessity for traffic to be routed through our neighborhood?

Or is directing traffic onto our local streets designed to create convenience for those entering the new development? If for their convenience, then we are definitely to be inconvenienced.

Certainly some other solution can be found without ruining our neighborhood. Please don't allow access through our local street.

We do expect cut-through traffic generated by the new development, and its negative impacts. There will be no way to avoid it.

But, by making our dead end a through street, you will certainly exacerbate the situation. Our normal traffic would increase by a factor of 10 times. Couple that with creating a direct route to a new school and the traffic numbers become astronomical.

The exponential increase in traffic encouraged to pass through our neighborhood will cause a serious negative impact that will be devastating. You know what the studies say. This type of increased traffic will:

- Increase the risk of traffic injuries and fatalities
- Increase noise and dust

- Increase “cut-through” traffic
- Increase speeding potential
- Reduce property values
- And generally degrade an existing desirable CDA neighborhood

Most progress requires compromise, and we understand that. We’re not asking for no negative impact. We simply ask you to mitigate SOME of the negative impacts.

You are our only advocates in this process.

Please, don’t sacrifice one neighborhood for another.

Protect our neighborhood.

Protect our children.

Protect our environment.

Protect our property.

Thank you.

Don Webber
4211 W. Arrowhead Rd.
Coeur D’Alene, ID 83815
Donharvest2u@gmail.com

Sources:

<https://ceds.org/cut-thru/>
<https://www.cdaid.org/6959/departments/planning/city-of-coeur-dalenes-2022-2042-comprehensive-plan>
<https://www.useful-community-development.org/neighborhood-traffic.html>
<https://mrsc.org/Home/Stay-Informed/MRSC-Insight/Archives/Protecting-Existing-Neighborhoods-from-the-Impacts.aspx>



4752 W. Riverbend Avenue • Post Falls, ID 83854 (208) 773-6745 • Fax (208) 777-4080
October 3, 2022

The City of Coeur d'Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission:

Jacklin Land Company supports Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene and encourages the City to approve their application. As the developers of Riverbend Commerce Park in Post Falls, and home to Buck Knives, Ednetics, Raycap, ALK Source Materials, University of Idaho, North Idaho College, etc., we know our tenants need an inventory of housing options for employees. Whether it is retaining an existing business, or bringing a new business to our area, housing options are critical to the economic success of our community.

The project will include a wide variety of housing types which will directly benefit the community by providing needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City and County services.

Architerra provides quality homes throughout the county in their many projects. The master planned Coeur Terre project will provide a variety of housing options and amenities for a wide range people for decades to come.

We are requesting that the City of Coeur d'Alene approve the proposed annexation and zoning of the Coeur Terre Property. The site is adjacent to the existing city limits and is a natural progression of outward growth of the city.

Respectfully

Jacklin Land Company

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814



October 4, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Coeur d Alene Regional Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well- planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing city limits, connected to existing development, streets, and utilities, and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

A handwritten signature in blue ink that reads 'Rick Rasmussen'.

Rick Rasmussen, Chair, Board of Directors
Coeur d Alene Regional Chamber

STUHMILLER, SHANA

From: Donald Garringer <donaIdgarringer@gmail.com>
Sent: Monday, October 10, 2022 8:14 PM
To: STUHMILLER, SHANA
Subject: Public hearing comment

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

With regard to mitigation of potential affects due to development over the Rathdrum Aquifer. Would reducing density by applying R-1 and/or R-3 designations be consider, rather than the proposed R-8?

Specifically, for the area west of and adjacent to the north/south underground water line located approximately 40 to 50' west of the current city limits boundary.

STUHMILLER, SHANA

From: Garringer <garringer4@roadrunner.com>
Sent: Monday, October 10, 2022 3:55 PM
To: STUHMILLER, SHANA
Subject: Coeur Terre public comment

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

Dear Members of the Planning Commission:

My husband and I have resided in the Northshire neighborhood for over thirty years.

- I support the annexation of Coeur Terre to financially offset the impact its residents will have on Coeur d'Alene over the long term.
- Please consider less units per acre for the first row of the new lots on the eastern side of the development to potentially minimize the impact on Northshire.

Thank you for considering the workforce housing shortage.

Sincerely,
Mary Ann Garringer

STUHMILLER, SHANA

From: sherry hayes <shayes1951@hotmail.com>
Sent: Monday, October 10, 2022 1:27 PM
To: STUHMILLER, SHANA
Subject: public hearing on Oct11 for request for Coeur Terre annexation

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

My name is Sherry Hayes. I live at 4115 N Lancaster Rd , CDA. My property abuts the land request for annexation. I may not be able to come to the meeting.

I am worried about the property being over developed, as I may be understanding that the R-8 and R-17 may allow the houses to be practically on top of each other for one.

I am worried about having enough of green space between my property and what they will be doing behind me, will there be enough of green space, people not walking into my yard.

I already have people , dogs and motorbikes coming next to me and in my yard all the time now as there is a roadway between me and the fields.

I also worry about the huge water line that was put in a few feet in the field a few years ago. can they build over it, or will they have to have an easement for it.

And what about the impact on the aquifer? Will they be paying and putting in all the infrastructure or will the city and taxpayers be footing the bill?

What about the schools? They said they will set aside two properties for the schools and give one to the district free. Is that in writing or will they pull back on that?

Maybe they should be charged big impact fees for all these services, they could always charge more for their houses, for all the people moving here from out of state who disrupt our way of living. Maybe you could have in writing that they have a fourth of their houses for low income or maybe even medium income people, for all the people who make minimum wages in our area.

I have lived in my home since late 1978 and knew some day Mr. Armstrong might sell his property, but this endeavor sounds a bit over the top, don't you think? I do! Double check everything they say as during their informational meeting they had at the Kroc Center it did not always line up to what they were saying and what was on their info boards they had up. One presenter was saying one thing and across

the room another was saying something completely different. They do not have all their ducks in a row!

Thank you so much,
Sherry Hayes
4115 N Lancaster Rd
208-765-3831

POST FALLS CHAMBER

AREA CHAMBER OF COMMERCE

201 E. Fourth Ave.
Post Falls, ID 83854
Phone: 208.773.5016
www.postfallschamber.com

October 7, 2022

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Post Falls Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing the city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

Eric Knudtsen, Chair
Board of Directors
Post Falls Chamber of Commerce

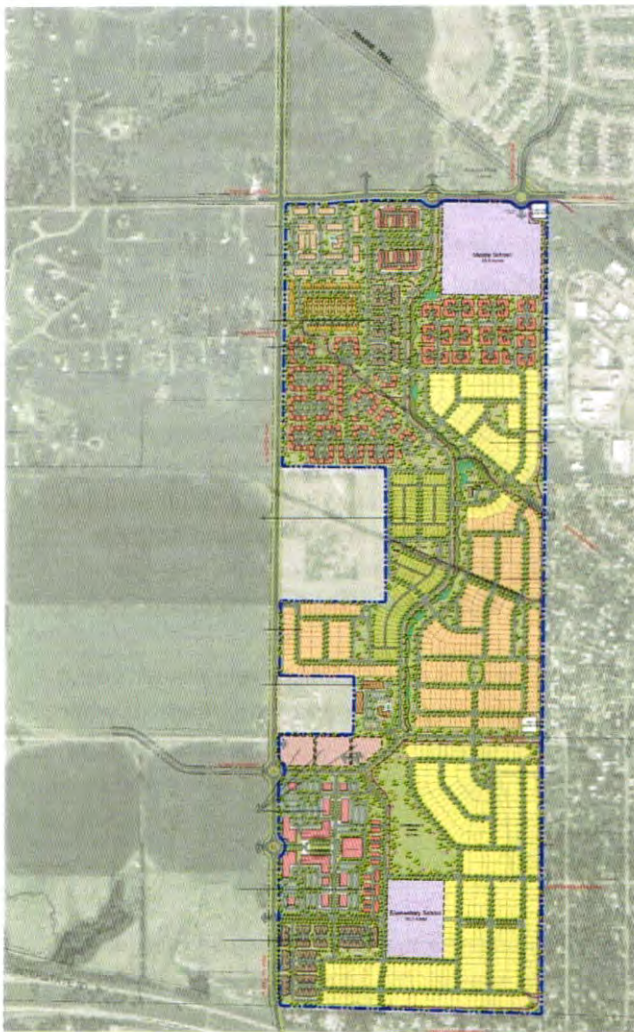
Christina Petit, President/CEO
Post Falls Chamber of Commerce

The Community Against the Kootenai County Land Company, LLC Coeur Terre Project

Planning Commission
City of Coeur d'Alene
710 E Mullan Ave
Coeur D Alene, ID 83814

Dear the City of Coeur d'Alene Planning Commission,

The intent of the letter is to voice the disagreement with the submitted proposal for the Kootenai County Land Company, LLC's Coeur Terre project. It is also the intent of the letter to stop any annexation request as it is not required. The project is requesting a proposed +/-442.64-acre annexation form Ag Sub to R-8, R-17, C17, and C-17L.



Summary

The proposed development is failed; it is simply not community development that supports vibrant neighborhoods and safety. It does not cover all the needed concepts for such a large, high-density undertaking, including, but not limited to, police departments, fire departments, medical facilities, greenspace, and ecological impacts. The project will destroy the local community, negatively impact surrounding houses for aesthetics and property value, and obliterate the road system.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The project has not published an expected start date to break ground or schedule for completion but is asking that the 442.64-acres of property be annexed into the City of Coeur d'Alene. The fact that no projected start date is in place should stop this annexation immediately. The burden to the tax-paying citizens for the public hearing is already too significant as there is no execution plan on record and no current need.

Upon contacting the Kootenai County planning office, it was made clear to the public that Kootenai county does not have the right to keep this action from happening. The fact that the current governing body of the land cannot stop this action appears to be a legal loophole. It is appalling, and developers have used the loophole to push their agendas over the community's best interest.

Annexation at this time, before the Idaho Transportation Department even starts its Kootenai county road assessment, is deliberate. The developer will purposely start housing builds nearest to the current Huetter Road to keep their land from being used for any road expansion and forcing it to fall entirely inside Post Falls. They would be supporting the KMPO's current vision for road expansion but not necessarily the right idea for the county. Keeping the current, unresearched vision will make the developer more money while gravely impacting the residents of Post Falls and Coeur d'Alene.

The proposal for this much land development is that of another city, not a small development. Coeur d'Alene Planning department does not have the right to sanction this annexation, regardless of what they feel their legal authority is currently. The likelihood that the entire area would be split off into another small city in the future is high. It is also not desired by the community, and Coeur d'Alene needs to respect the majority over the minority parties involved.

LEV [NN] LLC

The holding company of the land being reviewed and additional property in the area uses the legal company name of 'LEV' and then a number and then 'LLC' to manage the land assets. The original proposal for the Coeur Terre project, which has now been removed from the Kootenai County Land Company, LLC's website, had initially planned to have less density for their entire acreage, which is over 1,050 acres.

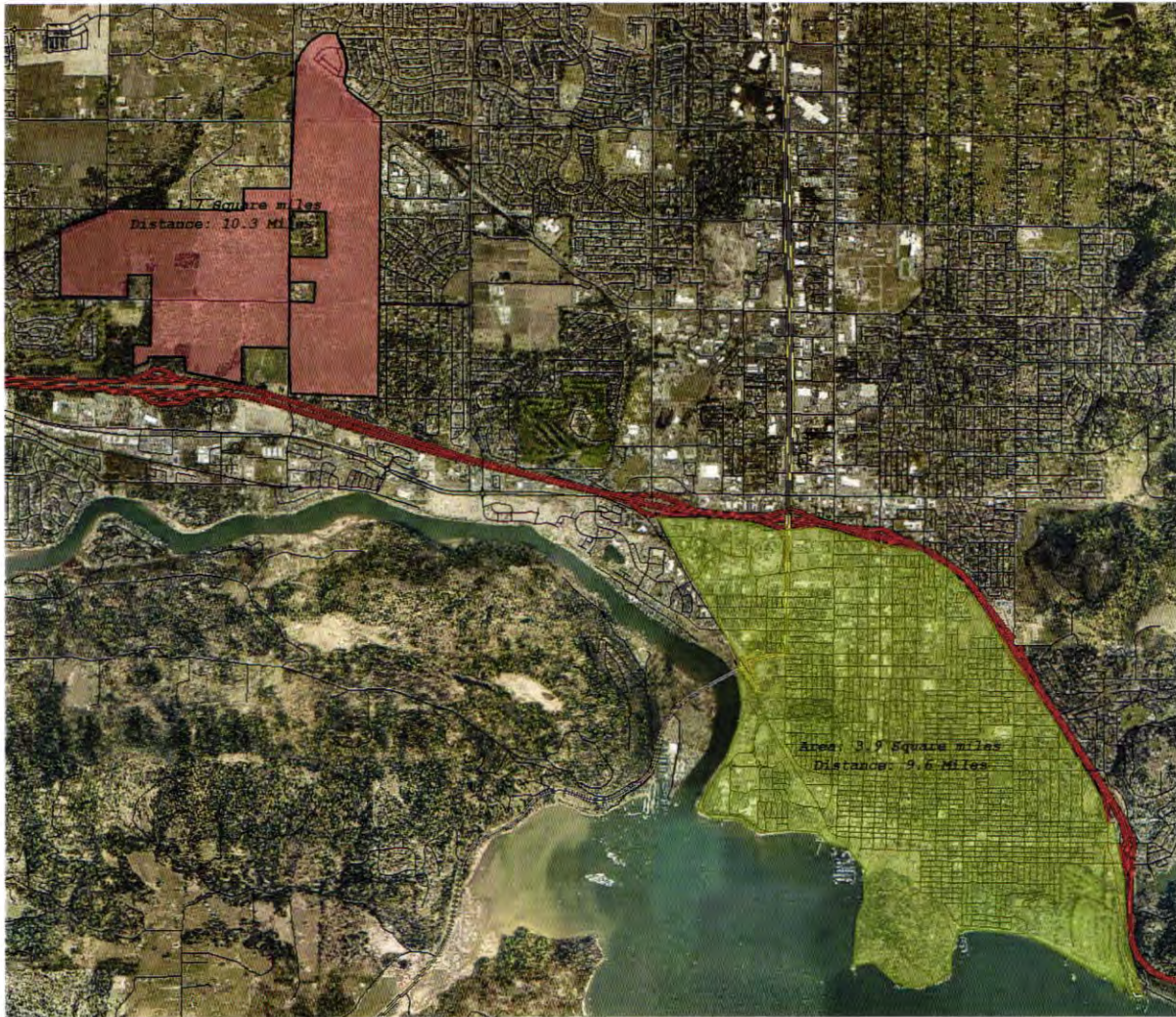


Another City, Not Residential

It is incorrect to say that the Coeur Terre project promotes orderly growth, preserves the quality of Coeur d'Alene, protects the environment, promotes economic prosperity, and fosters the safety of the residents. It must do this to comply with both the Idaho State Code and the Coeur d'Alene Planning Commission's charter. An argument that this was part of the 2040 planning document does not make it valid for growth. The planning document contains many inaccuracies around development and economics.

The density proposed for the 442 acres is city development, not a simple, small residential development. In addition, the proposal does not account for the new development to the North and the lack of roads, schools, and other needs for long-term growth and to ensure the quality of Coeur d'Alene remains intact.

The total potential development area is nearly half the size of the City of Coeur d'Alene proper, south of I-90, much of the same density, less green space (by almost 60%), fewer roads, less access to transportation, and less ability for local stores.



Roads

The annexation is requested before the Idaho Transportation Department (ITD) finishes its review for improved road systems in the area. ITD has decided a county-wide population and traffic model needs to be updated for the PEL study; it could be years before the NEPA is started and completed.

The developer's design also doesn't include the already over-saturated report for Seltice Way, which will gridlock the area due to the overbuilding by the river between Atlas Road and Riverstone Drive as shown in the SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech.

The current estimate for Seltice Way would require 3-lane roads in both directions to accommodate the amount of traffic from the excessive development at the river, let alone another development of this magnitude at Huetter Road.

SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech
However, even with this more moderate growth rate of 2% annually, the dual lane

roundabout is projected to start breaking down by 2045, with and without the Coeur Terre site traffic – negating the need to change to a traffic signal system along the corridor and prepare for three-lanes in the westbound direction of travel.

The proposed changes to Huetter Road from the Kootenai County Land Company, LLC will take most of the speeds on the road from 45 miles per hour to 20 miles per hour or less. Additional traffic jams can be expected at all major turn lanes at Prairie Avenue, Poleline Avenue, and Seltice Way.

City and Community Needs (Safety and Healthcare)

In nearly the same square miles of potential building area, the City of Coeur d'Alene has three (3) elementary schools (Winton, Fernan, Bryan), not just one (1). It also has several academy schools as well. Post Falls is becoming overcrowded after having just built a new school less than two years ago. The expected growth in the area will require more than just one elementary school and one middle school. It should also account for more parks and recreation areas. It would also require more large sports fields to support more school teams.

Currently, the area is serviced by Kootenai County Sheriff's Department, and their response time for the area is lengthy today. Adding another 4,000+ residents into that area will place strain on public safety as there would be new stress placed on Coeur d'Alene's police department.

Fire and rescue departments are not in the developer's designs which will be even more critical with the growth of the population. Additional service for the 442 acres and the misplanned development by the riverfront at Atlas Road continues to show development companies cannot be trusted to promote sustainable growth.

Emergency medical treatment and healthcare centers are not in the design either. However, the roads have already been found not to support timely responses in the case of an emergency.

Buyers Are Not Residents

It has become abundantly pervasive that buyers of these locations are not residents of the home. They are typically investors who then rent out the properties. Rental properties and micro-leases do not support residences and healthy communities. Throughout the United States of America, these impacts are being fought against due to the drastic adverse effects on the community and its people.

Northern Idaho is not unique in its problem with housing development requests nor in ignoring the learnings from other parts of the country where expansive growth has destroyed what was in place.

Landlords are removing low-income families' ability to gain home equity. The renters are also subjected to the landlords' rent increases which can happen every six (6) months.

Idaho Code

55-2006 (3) A landlord shall give written notice of such change to each affected home owner at least ninety (90) days prior to any amendment to the rental agreement. The landlord may not amend the rental agreement or rules more frequently than once in a six (6) month period.

Conclusion

The annexation must not be permitted as there is enough evidence that the development proposed does not support Idaho Code. It is also not a design that meets the needs of the community.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The plans of the Kootenai County Land Company, LLC are dangerous and adversely impact Kootenai county in total. The project is not ready to be reviewed because of the lack of roads, schools, green space, community needs, and city planning.

It is no question that growth in Kootenai county will continue in the future. The question is the value of the growth as it has been completed today and what the impacts will be with development projects which have not yet been completed.

Sincerely,

Signatures on Next Page

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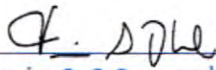
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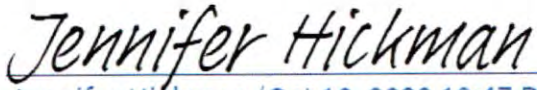
6886 E Greta Ave. Post Falls Idaho 83854



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[John K. McGuire \(Oct 9, 2022 15:08 PDT\)](#)

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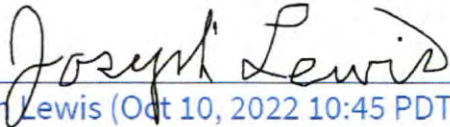
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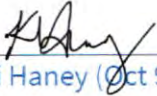
6999 w. Big Sky Drive
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Kristi Haney (Oct 9, 2022 14:45 PDT)

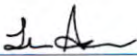
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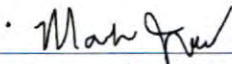
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The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814
October 7, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Rathdrum Area Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](https://www.kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing the city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our City.

Respectfully,



[Chantel Koho \(Oct 7, 2022 11:27 PDT\)](#)

Board of Directors
Rathdrum Area Chamber of Commerce







Rathdrum Chamber Letter of Support

Final Audit Report

2022-10-07

Created:	2022-10-07
By:	Chantel Koho (Chantelk@stcu.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOecbLnhDeXx6CqhsUQePCCmctvm1ngls

"Rathdrum Chamber Letter of Support" History

-  Document created by Chantel Koho (Chantelk@stcu.org)
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-  Document emailed to chantelkoho@outlook.com for signature
2022-10-07 - 6:22:27 PM GMT
-  Email viewed by chantelkoho@outlook.com
2022-10-07 - 6:22:35 PM GMT
-  Signer chantelkoho@outlook.com entered name at signing as Chantel Koho
2022-10-07 - 6:27:17 PM GMT
-  Document e-signed by Chantel Koho (chantelkoho@outlook.com)
Signature Date: 2022-10-07 - 6:27:19 PM GMT - Time Source: server
-  Agreement completed.
2022-10-07 - 6:27:19 PM GMT

To: Coeur d'Alene Planning Commission, shana@cdaid.org

From: Robert and Yvonne Hallock
3704 Buckskin RD
Coeur d'Alene, ID 83815

Topic: Planned development, Coeur Terre

We have lived in our current house in Indian Meadow for over 25 years. Our neighborhood is tranquil with large lots, nice neighbors, trees, no sidewalks, and deteriorating roads.

Our biggest concern with the Coeur Terre proposal is funneling traffic through our subdivision streets. Like a lot of our neighbors we make use of these street not only for driving on but exercising and maintaining our quality of life. It is not uncommon to find neighbors walking their dogs, riding bikes (or trikes), a baby stroller being pushed down the street and groups of friends walking down the streets enjoying the outdoors. Increasing traffic levels in our subdivision would place pedestrians at risk.

The proposed development (from what plans we saw) will push a lot of vehicles into our subdivision streets. We are not sure how some of the neighbors are going to back out of their driveways without being hit with this increase. What about the rights of the existing citizens to maintain our quality of life and safety?

Walking around our subdivision we are amazed at how many of the streets have cracks in the asphalt and most with weeds growing in the cracks. Many of the asphalt patches of the past are cracking also. Adding thousands of vehicles—cars, trucks, school busses, and others—will cause the streets to have bigger cracks and potholes. During heavy rains and melting snow, large puddled form in places. Does the City have plans and funding to replace all of the streets in Indian Meadows and make changes to drainage for increased vehicle activity?

Speaking of traffic, how will the intersections onto Atlas Road be addressed? The increased traffic from the north presently has impacted our ability to access Atlas Rd. at peak times. We can't even imagine how we will get onto Atlas to make a doctor's appointment (let alone our street) with the additional traffic proposed.

Why is the City so willing to allow high density housing next to our one acre lots?

By even considering the option of a high density subdivision next to ours, the City is telling us that our established subdivisions does not matter. No one is even considering what will happen to our established neighborhoods.

Thank you for considering our concerns,

Robert and Yvonne Hallock,

STUHMILLER, SHANA

From: Bill Robb <robbhouse@roadrunner.com>
Sent: Friday, October 07, 2022 8:56 AM
To: STUHMILLER, SHANA
Subject: ITEM #A422-COEUR TERRE, Public Hearing 10/11/2022

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

To the Coeur d'Alene Planning Commission:

We reside at 3704 North Tamarack Road in Indian Meadows. We **OPPOSE** the zoning/density for Coeur Terre.

The density/zoning is too high compared to the surrounding neighborhoods.

The "compact neighborhood" designation of roughly the southern third section of Coeur Terre is **NOT** in keeping with the density of Indian Meadows which is mostly one home per acre. It will negatively change our neighborhood due to heavily increased traffic and noise, especially with a new school near the southern border of Coeur Terre.

The Coeur Terre subdivision zoning/density should reflect the existing area.

The infrastructure in the area is **NOT** equipped to handle the high density being requested. There are many examples of this exact scenario throughout the area, and is a common complaint from current residents.

Thank you,
Bill and Laurie Robb

CDA Planning Commission

Annexation A-4-22

Written Comments Oct 11, 2022

My name is Ron McGhie, and I live at 7253 W. Big Sky Drive, in Kootenai County, on the west side of Huetter Road. I would like to thank the Planning Commission for their time to address my concerns.

After reading the Comp Plan, it appears to be a good plan for a downtown urban city but is very lacking in the ACI area covering the city's transition from single family neighborhood to adjoining rural areas.

I am not against reasonable annexations or the current developer, who has built some very nice developments at CDA Place, the Trails, and Foxtail and is currently building at Parkllyn and the Enclave locations of CDA.

I am, however, adamantly against the current annexation as proposed, because it does not conform with State Codes to protect the adjacent property owners' rights or conform with existing and surrounding property improvements or meet the needs of the community.

State Codes:

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

67-6505. Joint Planning (see on page 3).

67-6508- The plan does not consider previous and existing conditions, trends, and the compatibility of land uses.

- (a) The plan adversely impacts property values and the surrounding neighborhoods. The traffic and neighborhood character will be adversely changed by zoning and land uses that do not conform with the existing adjacent lands.

It is unconscionable that any annexation on either side of Huetter Road is being considered before the ITD Study of the Huetter Bypass is complete.

Neighborhood

The lands along both sides of Huetter Road have been agricultural and rural 5 acre minimum parcels since zoning was established in 1973. I fully understand why the agricultural land is being sold and the buyers' motivations to develop. However, the proposed annexation and development should be reasonable within the ACI area and with the surrounding community.

Currently, there are no structures over 2 stories or commercial and retail buildings adjacent to the proposed annexation. All the existing housing to the north is zoned R-8 or less. The adjacent housing on the east and south side are M, R-1 & R-3. All existing housing west of Huetter Road is rural with 5 acres minimum.

The Place Types of *Mixed Use*, *Compact*, and *Urban Neighborhood* are located primarily in older neighborhoods that require R-17 or C-17 zoning. *Mixed Use* can be 4 to 6 stories or higher. R-17 is medium/high density and not suitable for lower density residential. C-17 should be located adjacent to arterials and variances may be granted to partially waive off street parking. The off street should be doubled, not waived! The proposed commercial development will attract more traffic and will require more parking because of the thousands of existing residents outside of this development that won't be walking to the stores.

The Application also states the Coeur Terre neighborhood will *connect nicely with the existing adjacent neighborhoods*; however, you can see on page 7 that the proposed zoning C 17(red) and R 17(Coral) does not currently conform at all. These Comp Plan visions might fit elsewhere but not here.

Unlike the Comp Plan Map, which is generally a vision for future development, the Zoning Map is more about what is allowed today as it identifies uses "*permitted by right*" and clear and objective standards that regulate parcel-level development type and height. Last month, I heard the city attorney at the planning meeting tell the board that an annexation request can be turn down for cause. The right to annex is therefore not a permitted right.

The proposed commercial business location on the prolongation of Hanley Road will attract over 6,000 cars from the 3350 existing housing units south of Prairie and between Huetter and Altas. These cars will be passing through and in front of the proposed middle school to get food and other items from the proposed 240,000 sq ft of commercial area. While the schools might request the commercial business be farther away, this is not far enough!

The proposed 203 acres of R-17 or C-17 along with the 234 acres of R-8 equates to a possible 5075 residential units. This is over double the developers estimate of 5 units per acre. All the adjacent residential property is zoned R1 or R-3 except the R-8 in the Trails development north of Hanley. A zone of R-5 would blend in better.

It's more concerning that the whole 1,050 acres is not being considered in the current design. The total project is so large, that with R-8 zoning it could create 8,400 housing units. This equates to 21,000 people and 16,800 cars. The R-17 zoning could jump it to 17,850 units, 44,625 people and over 35,000 cars. It would be very irresponsible to *not* address all the communities' needs and traffic problems on both side of Huetter Road. What is designed on one side will affect the other side and could increase the amount of traffic on Huetter Rd.

Last week I met with ITD as a member of the No Huetter Bypass Group. They told us that they have decided the county wide population and traffic model needs to be updated for the PEL study and it could be years before the NEPA is started and/or completed. To approve or design a project of any magnitude on either side of Huetter Road at this time would be very premature and a waste of your time and all taxpayers' money.

All 1,050 acres are currently in the County while 42% is in the CDA ACI and the other 58% is in the Post Falls ACI. *The entire community in both ACI's will be affected by what both cities do.*

I respectfully request that the county and both cities consider using **Joint Planning per Idaho State Code 67-6505**. This code empowers the county commissioner and councils of two or more adjoining cities to cooperate in the establishment of a joint commission to exercise the power and duties.

Commercial business should be along larger arterials like Prairie Ave, Seltice Way, or on the north side of Hwy 90. The Developer also owns the land south of Mullan Ave and west of Huetter Road on the north side of I 90 (see LREV 21,22,23,24,25 and LREH iv) The ITD wants to move their existing rest area closer to Stateline. The existing rest area's west bound on and off ramps are adjacent to the developer's land west of Huetter. This might be a good arterial to a commercial area and should be considered.

The Developer also has a 53 acres triangular lot in the Trail subdivision adjacent to the north side of the proposed annexation. In 2018 a well was drilled on the property with very little consideration of existing trees along the east side of Huetter Road. If the well had been located 100ft southeast, it would have saved over a dozen trees. See attached. There is a proposed park planned on the easterly 8 acres, but what is planned to be built in the remaining 40 acres needs to be addressed.

You also need to address the dramatic increase in traffic that will result whether you submit the existing 440 acre annexation or the whole 1,050 acre annexation to the council.

I believe ITD knows that timing of traffic signals and just adding more lanes is not the answer to the problems on Hwy 41 & 95. To put commercial business along Huetter Road will make it into another slow-moving road that will require more signals and attract more traffic.

What is needed is a fast-moving highway, one without any signal from Pleasant-View at Hwy 53 running northeasterly to Hwy 95 near Hwy 53. This will back up both I-90 and Hwy 53 while reducing the traffic on Hwy 41, Huetter Road, and Hwy 95.

Hopefully, ITD will not put an I-90 off ramp at Huetter Road. This is the last rural scenic road running thru what is left of the Rathdrum Prairie. I urge the county and cities to protect this road and the prairie from commercial development and require green areas, trees, and a bike path along the R/W.

I respectfully request you consider the following:

ER 3 2 Protect and improve the urban forest while maintaining defensible spaces. Preserve and expand the number of street trees within city rights of way.

GD 1.5 Recognize neighborhood and district identities.

GD 4 Protect the visual and historic qualities of CDA (Huetter scenic rural corridor and Rathdrum Prairie)

2007-2027 Comp Plan Goal #1 Natural Environment states, "Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d' Alene"

Objective 1.07 Urban Forests- Restrict tree removal in city rights of way and increase tree planting in additional rights-of-way

Last but not Least

Objective 1.12 Community Design: Support the enhancement of existing urbanized areas and discourage sprawl.

Finding #B11-That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and existing land uses.

Thank again for your time and consideration.

Ron & Bonnie McGhie
Big Sky Estates

Peck & Peck

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To whom it may concern,

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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A handwritten signature in blue ink, appearing to read "Clifford J. Fry".

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THOMAS J. PECK

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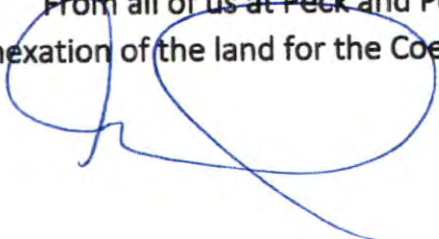
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Rick Daugherty

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A handwritten signature in blue ink, appearing to read "Debra R. W.", located below the final paragraph of text.

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A handwritten signature in blue ink, appearing to read "John Peck", located below the main text.

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Kenneth O'Dya

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A handwritten signature in blue ink, appearing to read "Victor Peck", with a long horizontal line extending to the right.

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Travis Jeyer

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A handwritten signature in blue ink, appearing to read "Thomas O. Peck", located at the bottom right of the letter.

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While for some the thought of growth like this seems unnecessary and like it may change the way of life here, for us it allows us to stay here and continue our way of life that we love so much. Please consider the lives a project like this will affect, not only in more homes, schools, and parks but also the number of families that will be supported financially in creating a community minded space like this.

From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

*More affordable houses are made through more houses,
simple laws of supply and demand. people are coming where
do they live? They are coming where ever the con.*

*Jason Meyer
4th generation Idahoan*

Peck & Peck

EXCAVATING, INC.



COMPLETE EXCAVATING SERVICES
LICENSED & BONDED
3386 N. Highway 41 · Post Falls, ID 83854
(208) 773-6559 · Fax (208) 773-3431

To whom it may concern,

We the employees of Peck & Peck Excavating would like to show our support for the annexation of the land for the Coeur Terre project.

Projects like these provide us with years of work that support our families and fuel our spending in the community. In an industry that can sometimes be erratic, a project like this provides us with the peace of mind that we have consistent work that will keep our families fed and a roof over our heads.

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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

Josh Wiltsie

A large, stylized handwritten signature in black ink, which appears to read "Josh Wiltsie".

Peck & Peck

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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A handwritten signature in blue ink, appearing to read "Steve Pals", located below the closing text.

Peck & Peck

EXCAVATING, INC.



COMPLETE EXCAVATING SERVICES
LICENSED & BONDED
3386 N. Highway 41 · Post Falls, ID 83854

To whom it may concern,

My name is John Rudebaugh, I am the lead project manager for Peck and Peck Excavating, I am a long-time resident of Post Falls and am raising three children in the area. I have been working in the excavation business for the better part of 20 years.

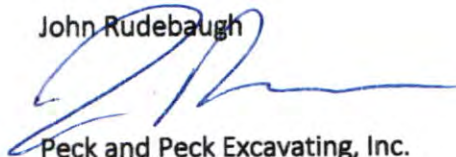
I work very closely with Lakeside companies and have always been impressed by their desire to produce high quality projects that have the best interest of the community in mind. They believe in growth that betters the lives of those in our community who need it the most. They strive to build strong local relationships by utilizing companies that have been operating in our community for many years.

The Coeur Terre project not only benefits the community by offering more affordable housing, more parks for our growing community as well as the option for more schools, which are desperately needed, it also provides companies like ours many years of work. Our company employs between 60 and 70 people at any given time and projects like these keep us busy and growing, it gives us the opportunity to offer better pay, better benefits and more consistent hours to the hard-working people we employ. Not only does it help keep our business growing it allows us to create business for other local companies that we utilize in completing our parts of projects like this, such as concrete companies, small trucking companies, construction supply companies, and many more.

A project like this is a win for the community no matter how you look at it, more jobs, more housing, more schools, more parks. All things that an area that is growing like ours desperately needs.

Thank you for taking the time to read my letter in support of the annexation for Coeur Terre. Please feel free to reach out to me with any questions.

John Rudebaugh



Peck and Peck Excavating, Inc.

John@peckexcavating.com

STUHMILLER, SHANA

From: Bill Todd <billmtodd@outlook.com>
Sent: Tuesday, October 11, 2022 9:32 AM
To: STUHMILLER, SHANA
Subject: Kootenai County Land Company Annexation

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

Hello Shana,

I will not be able to make the meeting but here is my input.

The only way out of the proposed development will be to exit onto Atlas or Huetter. Atlas is already very busy and more traffic will only make it worse. The same company is looking at developing the West side of Huetter which will make that road even busier.

What will the entry points be to get into the development? There are well-established neighborhoods that will be affected.

The city services are already stretched thin, so what is the plan there?

I am opposed to annexation. As always big money will win out unless the planning department takes a stand.

Thank you for your time.

Bill and Darci Todd
4302 W Appaloosa Road
Coeur d Alene ID 83815

Public Comments

Council Meeting 2-7-23

From: Ronald Orcutt
To: [PlanningDiv; indianmeadowsgroup@gmail.com](mailto:indianmeadowsgroup@gmail.com); orcuttore@gmail.com
Subject: ,Coeur Terre Development
Date: Saturday, December 03, 2022 7:24:13 PM

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

Hi Sean .

This is Ron Orcutt,. 3407 Broken Arrow Road Coeur d'Alene.83815

I have been living in Indian Meadow for 47 years. I would like the area to stay just like it is,and not be ruined by the dense development being planned in Coeur Terre. There will be lots of issues, such as traffic through Indian Meadows and many others.

I would like you to consider having zoning of R1 in the development.

We enjoy the wildlife in the area, and if the development continues as is, it will destroy the wildlife habitat of many of our animal friends. The area is right in the fly zone of the Canadian Geese each year while heading South for the winter. I am attaching 2 photos of the geese feeding and resting in the South end of the planned development.

The photos were taken on November 23. 2022 from the end of the Arrowhead Road where it meets the planned development.. This is not a one time occurrence. It has been happening every year since I moved here.

Hopefully with less density the geese will still stop here.

Thanks for your consideration.

Ron Orcutt





LIKELY RED ZONE TRAFFIC

HANLEY

→ Lake City High, LPS Chun Skyway Elementary

with 11-15 thousand people on and off ATLAS ROAD DAILY

NORTH ACCESS discouraged by stop LIGHTS

Industrial

Spectrum Idaho F&G Day Holy Family Sc W. KATHLEEN

If (as someone on the planning commission indicated) there's a red light at Arrowhead & Atlas, look for Coeur d'Alene traffic to avoid it and hustle west on Appaloosa to W. Woodside & to Buckskin & Maccasin. Red light Nes Perce then it happens to Arrowhead & beyond N. 1st st.

No Turn "on ATLAS?"

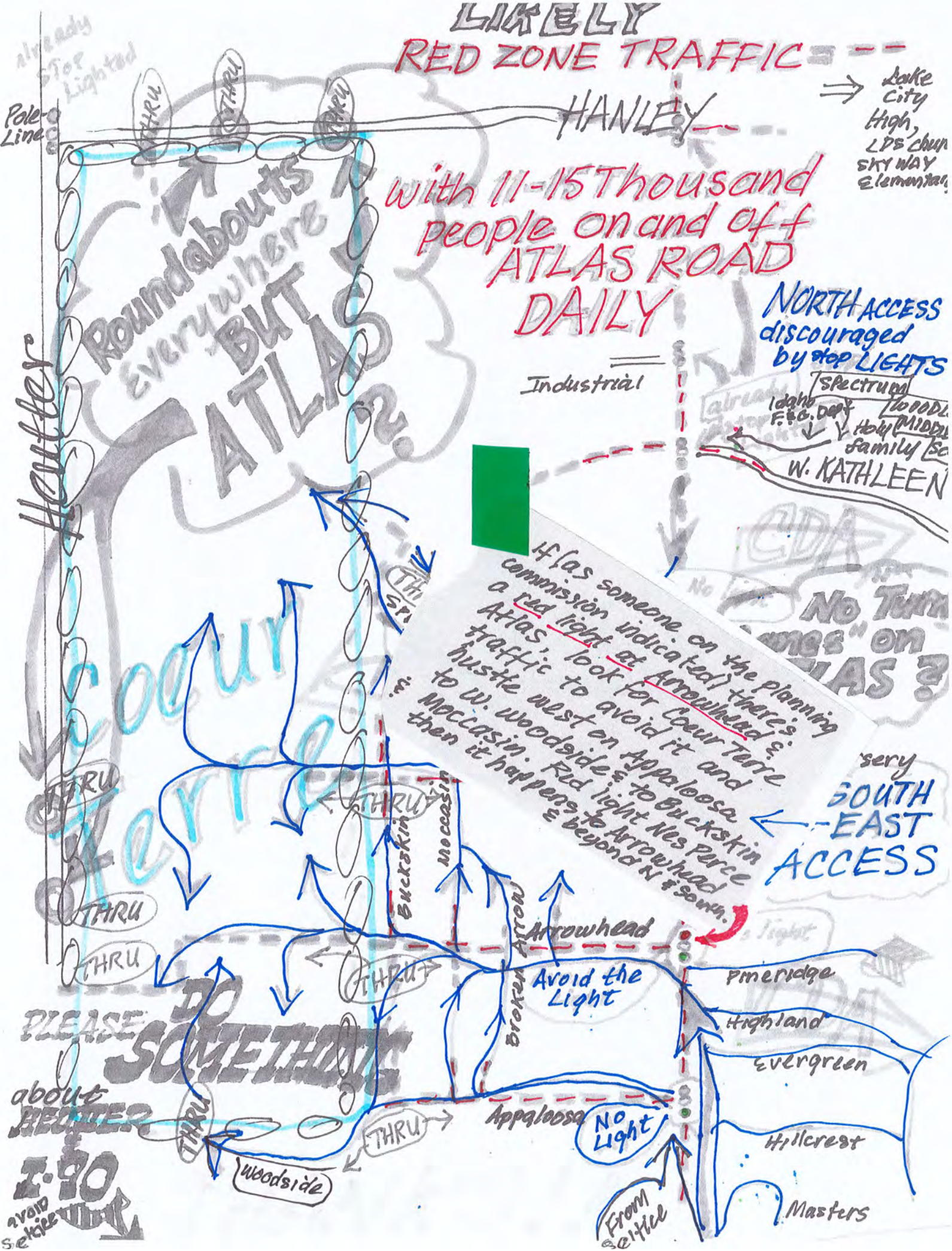
very SOUTH EAST ACCESS

already stop lighted Pole Line

Hunter

PLEASE DO SOMETHING about HUNTER?

7:30 avoid entrance



Heutter to Prairie

Atlas to Prairie & Airport

Poleline

Hanley Egress

egress

to LDS church
Residential

to Lake City High

Bike Trail

spectrum
Wood-Land Middle School

school

W. Kathleen
Johns Fish & Game

Heavy Commercial
To Ramsey Elementary, fire, police, & dump.

USFS
Nursery

ATLAS

Pinetridge

Highland

Evergreen

Hillcrest

Masters

CCA Golf

Fairway

Industrial Loop

Northside

R-8

Zoned R-8

INDIAN

Arrowhead (egress)

MEADOWS

Appaloose (egress)

Buckskin

Maccasin

Broken Arrow

Lodgepole

church & gym

Soccer Field
Dog Park

Nez Perce (egress)

Laurel

(egress) SPEARS

Armstrong Farm

Middle School

Greta

Heutter

Mullan (egress)

C-17

egress

egress

R-17

elem. school

Heutter under the FREEWAY from SELTICE

ATLAS under I-90 from SELTICE

12/20/22 Public
comment

MY NAME IS STEVE RETANO AND I LIVE AT 3503
MOCCASIN RD IN INDIAN MEADOWS.

I CHOSE TO LIVE HERE OVER TWENTY YEARS AGO
BECAUSE IT WAS ONE OF THE ONLY PLACES RIGHT
OUTSIDE OF TOWN WHERE YOU COULD HAVE A PIECE
OF PROPERTY THAT WAS ZONED FOR HORSES, GOATS,
CHICKENS AND OTHER ANIMALS.

IT IS A QUIET NEIGHBORHOOD WHERE PEOPLE WALK,
KIDS RIDE THEIR BIKES AND OWNERS RIDE THEIR
HORSES. ALL THIS WILL CHANGE IF ARROWHEAD, NEZ
PERCE AND APPALOOSA ARE OPENED UP TO HUETTER.
IT WILL BECOME A RACETRACK WITH AN ACCIDENT
WAITING TO HAPPEN.

I AM CONCERNED THAT THERE WILL BE ZONING
CHANGES. I BELIEVE OUR NEIGHBORHOOD SHOULD BE
LEFT AS IT IS WITH NO CUT THROUGHS TO THE NEW
DEVELOPMENT. ATLAS IS ALREADY A MESS AND OUR
STREETS ARE NOT TAKEN CARE OF. WE DO NOT NEED
CONSTRUCTION CREWS USING OUR NEIGHBORHOOD
STREETS.

WE ALSO DON'T NEED SO MANY HOMES AND
APARTMENT BUILDINGS CLUSTERED IN THE SAME
AREA. DON'T WE HAVE ENOUGH? WHY DON'T WE BUILD
SOME PLACES FOR ALL THESE PEOPLE TO WORK?

NO MORE Building PERMIT should ~~be~~ issued. —

THANK-YOU FOR LISTENING

12/20/22

Re: Coeur Terre Project

I understand that this new development will become our new neighbors, however I do have issue with how this will impact my existing neighborhood.

We went through months of work done on Seltice and in the end we still have only a two-lane road in each direction with two roundabouts added. Now we are getting between 380 and 680 new homes / apartments on Seltice which will add between 740 and 1480 minimum cars onto Seltice. The average household having two vehicles. Atlas is only one way in each direction and has high traffic now. Many of those new cars from Seltice will be filtering onto Atlas. There appears to be no way to widen Atlas.

Opening up Appaloosa, Arrowhead, Nes Perce, Woodside and Spiers would be an unnecessary burden on our entire neighborhood. Our neighborhood was not built for that type of traffic and if a light is added to Atlas vehicles will start flying down our side streets to bypass the light.

Having lived in a denser housing area moving to Indian Meadows was a dream come true. We do not want sidewalks to maintain and excessive traffic. We also do not want our zoning to be affected. Our children and grandchildren want the ability to play safely in front of our homes and ride their bikes and our older neighbors, of which I am one, want to safely walk our dogs down our roads. This will impact so many aspects of our lives and not in a good way. We also don't need the heavy equipment of the builders coming through out neighborhood either, tearing up our streets and causing massive congestion for months.

If Coeur Terre is going to contain a school that will add additional congestion of more buses and parents racing down our streets to pick up and drop off their children twice a day.

With the building of Coeur Terre, which will be even much larger than the Seltice project, the traffic from this new "high density" development should all be routed onto Huetter Rd. There is the ability to widen Huetter to accommodate these vehicles and Hanley is already available as a cut through to Ramsey and 95 as a 4-lane road. Huetter already connects to Seltice, Hanley, and Prairie for access to downtown and Hwy 95 business.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King

3504 Moccasin Rd
CDA ID 83815

Public Comment Dec 20, 2022

Thank you for your time and consideration, my name is Ronald McGhie, I live at 7253 W Big Sky Drive, in Big Sky Estates. I would like to share my concerns on the Coeur Terre Project and provide you with a location map that shows the location of a recommended collector that should be address before this project is approved

I am writing because of my concerns and those of many of my neighbors on both sides of Huetter Road.

1. My property rights and values and many others are not being protected as required by 67-6508a.
2. The current Comprehensive Plan Map shows land use types and zoning that are not appropriate or compatible in this low density residential and Rural area.
3. The application states that it's in compliance with the old and new comprehensive plan and it connects nicely with the surrounding neighborhood. I do not believe this is true!
4. **2007-2027 Comprehensive Plan, shows more concerns for existing neighborhoods that are not addressed in the current plan.**

The current Comprehensive Plan Map shows future land use types as Urban Neighborhood, Compact Neighborhoods, and Mixed-Use Low. This allows for larger urban land use types; *Unfortunately, apart from the Single-Family Neighborhood, the conceptual design information, proposed zoning density, building heights, and the location of the proposed streets do not currently conform to the existing adjacent neighborhoods.* It's obviously that there is a conflict between the existing neighbors' concerns about their property rights, population density, number of units, the increase in traffic, and location of ingress and egress and what the Planning Department approved that violates state and federal codes.

The applicant is currently asking for concessions that should be denied because of the following.

1. They are requesting more Permitted Zoning Rights than needed. Right to 3 times the density that the applicant states he is going to build and 4 times the density of the existing residential neighborhoods.
2. They are using land use types and zoning that does not conform with surrounding residential neighborhoods which will adversely impact their property values and rights.
3. They are asking for the annexation and zoning approval before the traffic and location of arterial, collector streets and method of ingress/egress for the entire ACI have been designed or approved. To put this off until the PUD stage is not reasonable, necessary, or orderly per ID 50-222.

4. Their requested zoning creates an undue concentration of population and overcrowding of land per ID 67-6502. (Zoning and density should be reduced.)

Thank you for your valuable time and consideration

Ronald C McGhie

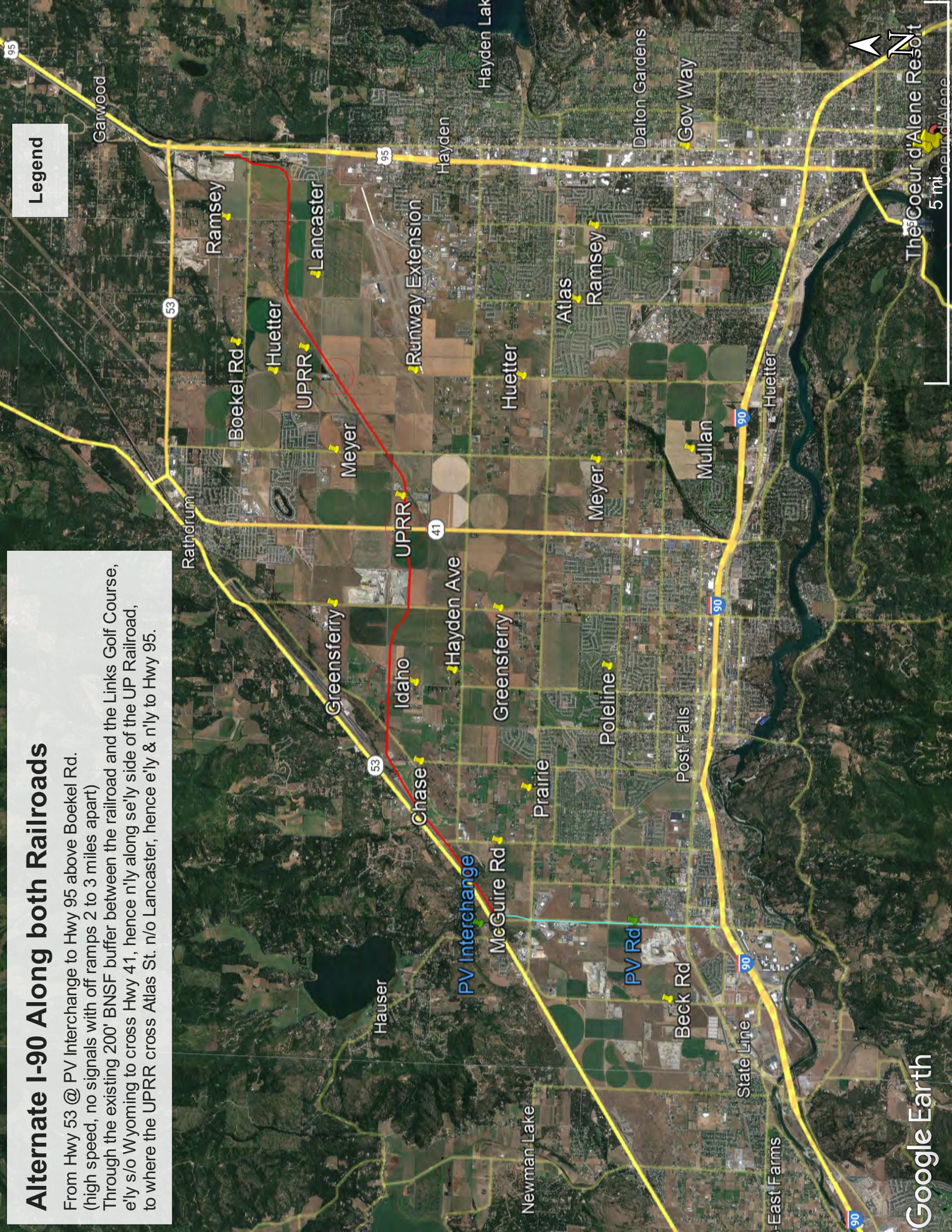
970-759-9697

mcghie1945@gmail.com

Alternate I-90 Along both Railroads

From Hwy 53 @ PV Interchange to Hwy 95 above Boekel Rd. (high speed, no signals with off ramps 2 to 3 miles apart)
Through the existing 200' BNSF buffer between the railroad and the Links Golf Course, and the Links Golf Course, e'y s/o Wyoming to cross Hwy 41, hence n'y along se'y side of the UP Railroad, to where the UPRR cross Atlas St. n/o Lancaster, hence e'y & n'y to Hwy 95.

Legend



November 2, 2022

Mayor and City Council Members
City Manager
City of Coeur D'Alene
710 E. Mullan Ave.
Coeur d'Alene, ID 83814-3958

RE: Negative Impact: Coeur Terre Development

Dear Mayor, City Council Members, and City Manager,

We are a unified group of property owners living in the neighborhoods immediately adjacent to the proposed development/annexation area. While we understand that new development is important for our community, we are concerned as to the negative impact expected in our neighborhoods.

As our elected representatives, and our only advocates with respect to a project such as Coeur Terre, we implore you to consider our concerns and mitigate the anticipated negative impacts to our neighborhoods. We understand that the Development Agreement language will soon be coming to you for comment and/or approval. We trust our concerns will be taken into consideration and made a part of that Development Agreement as the planning, design and development progresses.

We expect negative impacts (cut-through traffic, etc.). However, the developer's plan to allow direct access into this development via local Arrowhead, Appaloosa, and Woodside Roads will certainly exacerbate the negative traffic impact in our R1 and R3 neighborhoods. Outside of our peaceful neighborhoods, the developer shows 10 other points of ingress/egress, all onto collector streets. It seems too high of a cost to sacrifice the safety and security of our neighborhood to gain 2 more local points of access into Coeur Terre.

We need your help in keeping our Heritage Neighborhood peaceful, safe, and clean. Please honor your stated Objectives in the recently-adopted Comprehensive Plan. For example,

Goal CI 2

Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

The city is failing US in this regard.

We are committed to protecting our neighborhoods and to being involved in this project to ensure our concerns are addressed.



Please let us know what we can do to support our City Council in keeping ALL of Coeur D'Alene a community that continues to be a desirable place for families.

Sincerely,



Indian Meadows Neighborhood Group
(see list of signatures attached)

Neighborhood Signatures opposing Indian Meadows / Woodside (Appaloosa and Arrowhead) entrances to Coeur Terre

Full Name	Signature	Address	Email	Cell Phone #
Anna M. Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645
James Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645

From: Brett H
To: [MCLEOD, RENATA](#); [STUHMILLER, SHANA](#)
Subject: CDA City Council meeting 2/7/23
Date: Monday, January 30, 2023 12:26:23 PM

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

Please provide this letter to the City Council regarding public input for the annexation of the Coeur Terre development on Huetter Road.

From:
Brett Haney
7097 W Big Sky Dr
Post Falls, ID 83854

To:
Coeur d'Alene City Council

Thank you for taking the time to hear and read the public input regarding the Coeur Terre development and the request for annexation. Clearly, this project is far down the planning process, but there are many unaddressed concerns that could greatly affect the quality of life for hundreds of current residents. I have read all of the available documents regarding this project and I am in strong opposition to the annexation arrangement as it is being proposed.

This development would create an undue concentration of population, overcrowding of land and potentially unsafe neighborhoods. The developers are being given too much leeway over what, when, and where they are going to build, allowing for the possibility of disorderly development. It appears to be a situation of "If you build it, they will come".

I respectfully suggest that the council and planning commission need more time and information to require this project be more reasonable, orderly, and safer (traffic, density, etc) before approving. This "city in a city" does not fit our community and would not be supported by a majority of our citizens. Please keep in mind the hundreds of current residents and taxpayers who will have to pay the price in changes to their lifestyle for this project. I can appreciate that Kootenai County will continue to grow, but a full assessment of current housing needs should be done, taking into account all of the projects already being built. As a fifth generation Idahoan, I know people come here for the beauty, space, safety and lack of serious traffic problems. This project will jeopardize all of these good things about our community.

Sincerely,

Brett Haney
Cell: 208-818-1314

Coeur Terra

Coeur Terra development will come before the Coeur d Alene City Council on February 7th. Under discussion will be access to this new development between Atlas and Huetter Roads. Plans call for access through the present day Indian Meadows subdivision by using Appaloosa, Arrowhead and Nez Perce Roads. With the new elementary school at the end of Arrowhead road which will become a freeway when parents deliver and pick up their children daily from school.

My concern is the increased traffic directly through the middle of the Indian Meadows neighborhood to accommodate all the new homes, access to the elementary school and a proposed park. Not to mention all the construction traffic. Atlas Road will turn into a new Highway 95. There are already 3 stop lights between the Seltice roundabout and Hanley.

Our neighborhood was built in county in the "70's, annexed into Coeur d Alene for increased tax base in the 80's. All homes sit on acer lots, many with shops and is the only neighborhood in the city where residents can have livestock. Its tree lined streets do not have sidewalks or curbing (which was agreed upon when annexed into the city) are utilized by residents for daily walks, dog walks, riding horses, bikes and skateboards. All this will disappear if this subdivision proceeds as planned.

Please consider making access off of Huetter Road. Moving the elementary school up one block to be accessed either from Nez Perce (Which has a divider in it already) or thru the Industrial Park which already has a light on Atlas. Nez Pearce also connects to Mullen Road in Post Falls where the additional housing subdivisions are proposed.

I sold my previous home and moved to Indian Meadows 20 years ago because of increased traffic to the point that I could not carry on a conservation on my deck. There are other options for access to CoeurTerra. Please leave our neighborhood intact as one of the more desirable neighborhoods in Coeur d Alene. We need to be kind to our neighbors. Thank you.

Nancy Barr , Arrowhead Rd, Coeur d Alene

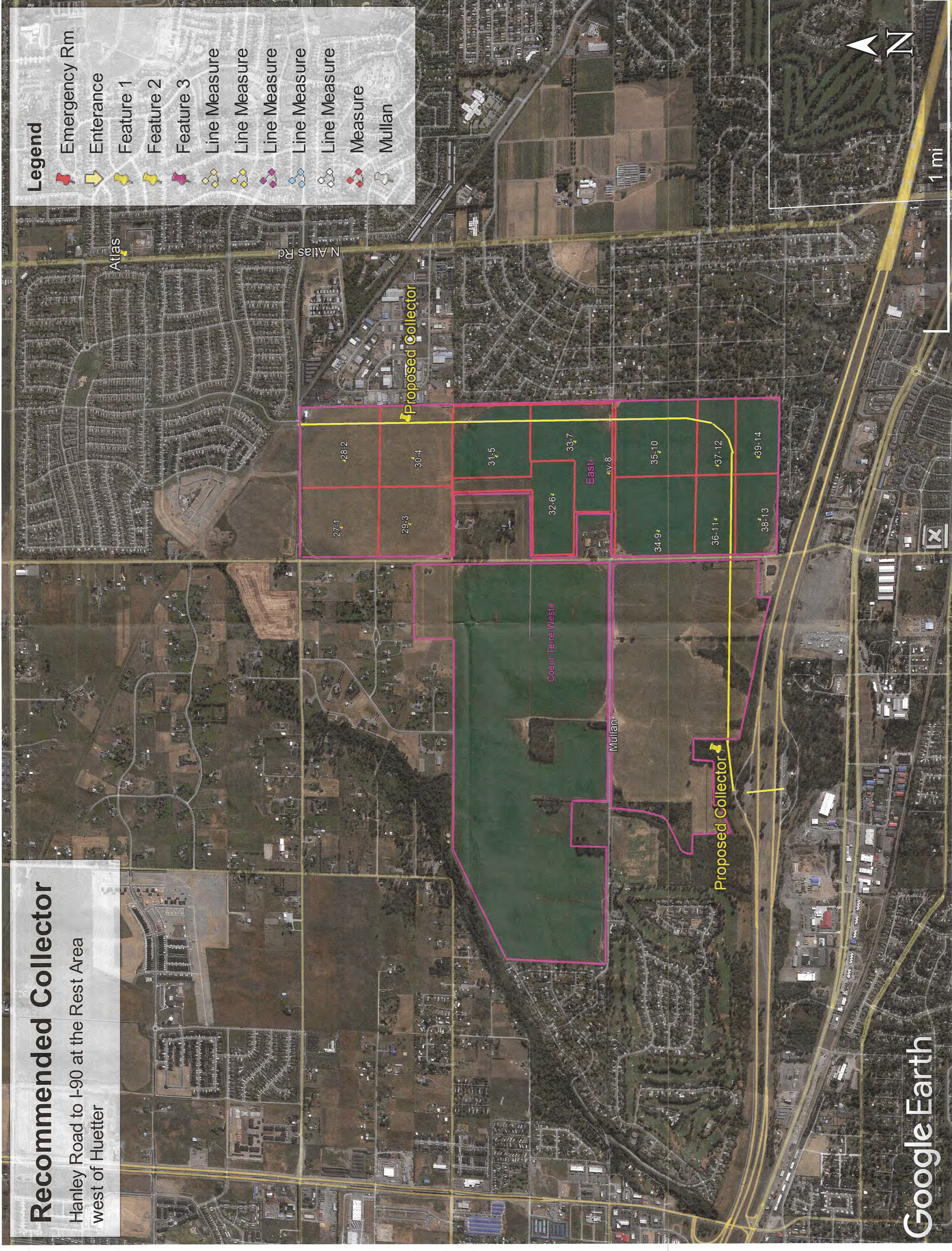
12-20-22 Public Comment

Recommended Collector

Hanley Road to I-90 at the Rest Area
west of Huettner

Legend

- Emergency Rm
- Entrance
- Feature 1
- Feature 2
- Feature 3
- Line Measure
- Line Measure
- Line Measure
- Line Measure
- Line Measure
- Measure
- Mullan



From: Vikki Conway
Subject: Coeur Terre Project
Date: Monday, December 26, 2022 10:07:54 AM

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

I understand that this new development will become our new neighbors, however I do have issues with how this will impact our existing neighborhood of which I have lived here in Indian Meadows for just shy of 11 years. Why is it that something this big that will affect our entire neighborhood is just now coming to light by word of mouth to many of us. I understand some neighbors heard of this in October but many have been kept in the dark. Something should have been mailed out to our entire area to appraise us of this major change to our lives.

We went through months of work done on Seltice and in the end we still have only a two-lane road in each direction with two roundabouts added. Now we are getting between 380 and 680 new homes / apartments on Seltice which will add between 740 and 1480 minimum cars onto Seltice. The average household has two vehicles. Atlas is only one lane in each direction and has high traffic now. Many of those new cars from Seltice will be filtering onto Atlas. There appears to be no way to widen Atlas. We have been hearing rumors for a few years of an off ramp from Hwy 90 at Huetter that would relieve some of the burden on Atlas. Is this still in the works?

Opening up Appaloosa, Arrowhead, Nez Perce, Woodside and Spiers would be an unnecessary burden on our entire neighborhood. Our neighborhood was not built for that type of traffic and if a light is added to Atlas vehicles will start flying down our side streets to bypass the light. Nez Perce is wide enough to have lanes added and handle heavier traffic but Arrowhead and Appaloosa are not. How will those properties be affected?

Having lived in a high-density housing area before, moving to Indian Meadows was a dream come true, we found a home in a Low-Density development. We do not want sidewalks to maintain or excessive traffic. We also do not want our zoning to be affected. Our children and grandchildren want the ability to play safely in front of our homes and ride their bikes and our older neighbors, of which I am one, want to safely walk our dogs down our roads and stop and talk to neighbors. We are also a horse friendly neighborhood and the additional traffic will put all of this in danger. Also, all mailboxes are on one side of the street on streets going north and south, ie Moccasin, Buckskin, etc. so this will also become hazardous. This will impact so many aspects of our lives and not in a good way. We don't need nor want the heavy equipment of the builders coming through our neighborhood either, tearing up our streets and causing massive congestion for months. Making a High-Density development have access through our Low-Density development will adversely affect our development and we will lose much of what was planned for our neighborhood and what makes it so appealing. Additionally, how will all of this affect our property values? Will it drive our values down? We are now a sought-after area to live in, but for how long?

If Coeur Terre is going to contain a school that will add even more congestion with more buses and parents racing down our streets to pick up and drop off their children twice a day.

With the building of Coeur Terre, which will be even much larger than the Seltice project, the traffic from this new “high density” development should all be routed onto Huetter Rd. There is the ability to widen Huetter to accommodate these vehicles prior to building and Hanley is already available as a cut through to Ramsey and 95 as a 4-lane road. Huetter already connects to Seltice, Hanley, and Prairie for access to downtown and Hwy 95 business.

We are not against growth in our city but please do not destroy our neighborhood in the process.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King

3504 Moccasin Road

CDA Planning Commission Presentation
October 11, 2022

Traffic issues -

Commissioners, thank you for allowing me to address this issue tonight. I've submitted to your offices, a copy of my presentation, which includes sources of the data that I cite.

My name is Don Webber. I live at 4211 W. Arrowhead Rd., CDA. Our neighborhood consists of 167 custom homes on 1-acre lots, in a pine forest. We purchased our home more than 20 years ago. We chose the location predominantly because of the quiet streets, the trees, and our ability to walk our dogs, play with our children and enjoy our neighbors in a peaceful setting.

While we support progress and the new development, we're asking you to please help us in protecting the integrity of our neighborhood.

An earlier version of the project's concept plan showed NO plans to use Arrowhead Rd or Appaloosa Rd for ingress and egress. The developer's website now shows a different plan that will negatively impact our neighborhood by encouraging traffic to pass through on quiet, local streets.

Outside of our neighborhood, the developer shows at least 11 additional points of ingress/egress into their project. 10 of those on arterials or collector streets. Is it an absolute necessity for traffic to be routed through our neighborhood?

Or is directing traffic onto our local streets designed to create convenience for those entering the new development? If for their convenience, then we are definitely to be inconvenienced.

Certainly some other solution can be found without ruining our neighborhood. Please don't allow access through our local street.

We do expect cut-through traffic generated by the new development, and its negative impacts. There will be no way to avoid it.

But, by making our dead end a through street, you will certainly exacerbate the situation. Our normal traffic would increase by a factor of 10 times. Couple that with creating a direct route to a new school and the traffic numbers become astronomical.

The exponential increase in traffic encouraged to pass through our neighborhood will cause a serious negative impact that will be devastating. You know what the studies say. This type of increased traffic will:

- Increase the risk of traffic injuries and fatalities
- Increase noise and dust

- Increase “cut-through” traffic
- Increase speeding potential
- Reduce property values
- And generally degrade an existing desirable CDA neighborhood

Most progress requires compromise, and we understand that. We’re not asking for no negative impact. We simply ask you to mitigate SOME of the negative impacts.

You are our only advocates in this process.

Please, don’t sacrifice one neighborhood for another.

Protect our neighborhood.

Protect our children.

Protect our environment.

Protect our property.

Thank you.

Don Webber

4211 W. Arrowhead Rd.

Coeur D’Alene, ID 83815

Donharvest2u@gmail.com

Sources:

<https://ceds.org/cut-thru/>

<https://www.cdaid.org/6959/departments/planning/city-of-coeur-dalenes-2022-2042-comprehensive-plan>

<https://www.useful-community-development.org/neighborhood-traffic.html>

<https://mrsc.org/Home/Stay-Informed/MRSC-Insight/Archives/Protecting-Existing-Neighborhoods-from-the-Impacts.aspx>



4752 W. Riverbend Avenue • Post Falls, ID 83854 (208) 773-6745 • Fax (208) 777-4080
October 3, 2022

The City of Coeur d'Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d'Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission:

Jacklin Land Company supports Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene and encourages the City to approve their application. As the developers of Riverbend Commerce Park in Post Falls, and home to Buck Knives, Ednetics, Raycap, ALK Source Materials, University of Idaho, North Idaho College, etc., we know our tenants need an inventory of housing options for employees. Whether it is retaining an existing business, or bringing a new business to our area, housing options are critical to the economic success of our community.

The project will include a wide variety of housing types which will directly benefit the community by providing needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City and County services.

Architerra provides quality homes throughout the county in their many projects. The master planned Coeur Terre project will provide a variety of housing options and amenities for a wide range people for decades to come.

We are requesting that the City of Coeur d'Alene approve the proposed annexation and zoning of the Coeur Terre Property. The site is adjacent to the existing city limits and is a natural progression of outward growth of the city.

Respectfully

Jacklin Land Company

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814



October 4, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Coeur d Alene Regional Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well- planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing city limits, connected to existing development, streets, and utilities, and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

A handwritten signature in blue ink that reads 'Rick Rasmussen'.

Rick Rasmussen, Chair, Board of Directors
Coeur d Alene Regional Chamber

STUHMILLER, SHANA

From: Donald Garringer <donaIdgarringer@gmail.com>
Sent: Monday, October 10, 2022 8:14 PM
To: STUHMILLER, SHANA
Subject: Public hearing comment

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

With regard to mitigation of potential affects due to development over the Rathdrum Aquifer. Would reducing density by applying R-1 and/or R-3 designations be consider, rather than the proposed R-8?

Specifically, for the area west of and adjacent to the north/south underground water line located approximately 40 to 50' west of the current city limits boundary.

STUHMILLER, SHANA

From: Garringer <garringer4@roadrunner.com>
Sent: Monday, October 10, 2022 3:55 PM
To: STUHMILLER, SHANA
Subject: Coeur Terre public comment

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

Dear Members of the Planning Commission:

My husband and I have resided in the Northshire neighborhood for over thirty years.

- I support the annexation of Coeur Terre to financially offset the impact its residents will have on Coeur d'Alene over the long term.
- Please consider less units per acre for the first row of the new lots on the eastern side of the development to potentially minimize the impact on Northshire.

Thank you for considering the workforce housing shortage.

Sincerely,
Mary Ann Garringer

STUHMILLER, SHANA

From: sherry hayes <shayes1951@hotmail.com>
Sent: Monday, October 10, 2022 1:27 PM
To: STUHMILLER, SHANA
Subject: public hearing on Oct11 for request for Coeur Terre annexation

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

My name is Sherry Hayes. I live at 4115 N Lancaster Rd , CDA. My property abuts the land request for annexation. I may not be able to come to the meeting. I am worried about the property being over developed, as I may be understanding that the R-8 and R-17 may allow the houses to be practically on top of each other for one.

I am worried about having enough of green space between my property and what they will be doing behind me, will there be enough of green space, people not walking into my yard.

I already have people , dogs and motorbikes coming next to me and in my yard all the time now as there is a roadway between me and the fields.

I also worry about the huge water line that was put in a few feet in the field a few years ago. can they build over it, or will they have to have an easement for it.

And what about the impact on the aquifer? Will they be paying and putting in all the infrastructure or will the city and taxpayers be footing the bill?

What about the schools? They said they will set aside two properties for the schools and give one to the district free. Is that in writing or will they pull back on that?

Maybe they should be charged big impact fees for all these services, they could always charge more for their houses, for all the people moving here from out of state who disrupt our way of living. Maybe you could have in writing that they have a fourth of their houses for low income or maybe even medium income people, for all the people who make minimum wages in our area.

I have lived in my home since late 1978 and knew some day Mr. Armstrong might sell his property, but this endeavor sounds a bit over the top, don't you think? I do! Double check everything they say as during their informational meeting they had at the Kroc Center it did not always line up to what they were saying and what was on their info boards they had up. One presenter was saying one thing and across

the room another was saying something completely different. They do not have all their ducks in a row!

Thank you so much,
Sherry Hayes
4115 N Lancaster Rd
208-765-3831



201 E. Fourth Ave.
Post Falls, ID 83854
Phone: 208.773.5016
www.postfallschamber.com

October 7, 2022

The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Post Falls Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](http://kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing the city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our city.

Respectfully,

Eric Knudtsen, Chair
Board of Directors
Post Falls Chamber of Commerce

Christina Petit, President/CEO
Post Falls Chamber of Commerce

To: Coeur d'Alene Planning Commission, shana@cdaid.org

From: Robert and Yvonne Hallock
3704 Buckskin RD
Coeur d'Alene, ID 83815

Topic: Planned development, Coeur Terre

We have lived in our current house in Indian Meadow for over 25 years. Our neighborhood is tranquil with large lots, nice neighbors, trees, no sidewalks, and deteriorating roads.

Our biggest concern with the Coeur Terre proposal is funneling traffic through our subdivision streets. Like a lot of our neighbors we make use of these street not only for driving on but exercising and maintaining our quality of life. It is not uncommon to find neighbors walking their dogs, riding bikes (or trikes), a baby stroller being pushed down the street and groups of friends walking down the streets enjoying the outdoors. Increasing traffic levels in our subdivision would place pedestrians at risk.

The proposed development (from what plans we saw) will push a lot of vehicles into our subdivision streets. We are not sure how some of the neighbors are going to back out of their driveways without being hit with this increase. What about the rights of the existing citizens to maintain our quality of life and safety?

Walking around our subdivision we are amazed at how many of the streets have cracks in the asphalt and most with weeds growing in the cracks. Many of the asphalt patches of the past are cracking also. Adding thousands of vehicles—cars, trucks, school busses, and others—will cause the streets to have bigger cracks and potholes. During heavy rains and melting snow, large puddled form in places. Does the City have plans and funding to replace all of the streets in Indian Meadows and make changes to drainage for increased vehicle activity?

Speaking of traffic, how will the intersections onto Atlas Road be addressed? The increased traffic from the north presently has impacted our ability to access Atlas Rd. at peak times. We can't even imagine how we will get onto Atlas to make a doctor's appointment (let alone our street) with the additional traffic proposed.

Why is the City so willing to allow high density housing next to our one acre lots?

By even considering the option of a high density subdivision next to ours, the City is telling us that our established subdivisions does not matter. No one is even considering what will happen to our established neighborhoods.

Thank you for considering our concerns,

Robert and Yvonne Hallock,

STUHMILLER, SHANA

From: Bill Robb <robbhouse@roadrunner.com>
Sent: Friday, October 07, 2022 8:56 AM
To: STUHMILLER, SHANA
Subject: ITEM #A422-COEUR TERRE, Public Hearing 10/11/2022

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

To the Coeur d'Alene Planning Commission:

We reside at 3704 North Tamarack Road in Indian Meadows. We **OPPOSE** the zoning/density for Coeur Terre.

The density/zoning is too high compared to the surrounding neighborhoods.

The "compact neighborhood" designation of roughly the southern third section of Coeur Terre is **NOT** in keeping with the density of Indian Meadows which is mostly one home per acre. It will negatively change our neighborhood due to heavily increased traffic and noise, especially with a new school near the southern border of Coeur Terre.

The Coeur Terre subdivision zoning/density should reflect the existing area.

The infrastructure in the area is NOT equipped to handle the high density being requested. There are many examples of this exact scenario throughout the area, and is a common complaint from current residents.

Thank you,
Bill and Laurie Robb

Peck & Peck

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3386 N. Highway 41 · Post Falls, ID 83854
(208) 773-6559 · Fax (208) 773-3431

To whom it may concern,

We the employees of Peck & Peck Excavating would like to show our support for the annexation of the land for the Coeur Terre project.

Projects like these provide us with years of work that support our families and fuel our spending in the community. In an industry that can sometimes be erratic, a project like this provides us with the peace of mind that we have consistent work that will keep our families fed and a roof over our heads.

Many of us are raising families in the area while several of us are starting our families here and all of us see the potential of a project like this to allow our children the opportunity for better education with the addition of schools in the area. Many of us are young and starting out and a project like this gives us more opportunity to own a home that may not be possible without this much needed growth. Many of us have children who are approaching adulthood, and this would increase their likelihood of homeownership, keeping multiple generations of families in the area that we all love so much and call home.

While for some the thought of growth like this seems unnecessary and like it may change the way of life here, for us it allows us to stay here and continue our way of life that we love so much. Please consider the lives a project like this will affect, not only in more homes, schools, and parks but also the number of families that will be supported financially in creating a community minded space like this.

From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

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David Fry

Peck & Peck

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A handwritten signature in blue ink, appearing to read 'Troy Brown', located at the bottom left of the page.

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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A large, stylized handwritten signature in blue ink, located below the final paragraph of the letter.

Peck & Peck

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Rick Daugherty

Peck & Peck

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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A handwritten signature in blue ink, appearing to read "Edgar R. W.", is written over the bottom of the letter's text.

Peck & Peck

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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A handwritten signature in blue ink, appearing to read "John Peck".

Peck & Peck

EXCAVATING, INC.



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Kenneth O'Dea

Peck & Peck

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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A handwritten signature in blue ink, appearing to read "Victor Peck", with a long horizontal line extending to the right.

Peck & Peck

EXCAVATING, INC.



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From all of us at Peck and Peck Excavating thank you for considering the annexation of the land for the Coeur Terre Project.

A large, stylized handwritten signature in blue ink, located at the bottom left of the page.

Peck & Peck

EXCAVATING, INC.



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Travis Jeyar

Peck & Peck

EXCAVATING, INC.



COMPLETE EXCAVATING SERVICES
LICENSED & BONDED
3386 N. Highway 41 · Post Falls, ID 83854
(208) 773-6559 · Fax (208) 773-3431

To whom it may concern,

We the employees of Peck & Peck Excavating would like to show our support for the annexation of the land for the Coeur Terre project.

Projects like these provide us with years of work that support our families and fuel our spending in the community. In an industry that can sometimes be erratic, a project like this provides us with the peace of mind that we have consistent work that will keep our families fed and a roof over our heads.

Many of us are raising families in the area while several of us are starting our families here and all of us see the potential of a project like this to allow our children the opportunity for better education with the addition of schools in the area. Many of us are young and starting out and a project like this gives us more opportunity to own a home that may not be possible without this much needed growth. Many of us have children who are approaching adulthood, and this would increase their likelihood of homeownership, keeping multiple generations of families in the area that we all love so much and call home.

While for some the thought of growth like this seems unnecessary and like it may change the way of life here, for us it allows us to stay here and continue our way of life that we love so much. Please consider the lives a project like this will affect, not only in more homes, schools, and parks but also the number of families that will be supported financially in creating a community minded space like this.

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A handwritten signature in blue ink, appearing to be the initials 'P.P.' followed by a stylized flourish.

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*More affordable houses are made through more houses,
simple laws of supply and demand. People are coming where
do they live? They are coming where ever the con.*

*Jason Meyer
4th generation Idahoan*

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Josh Wiltsie

Peck & Peck

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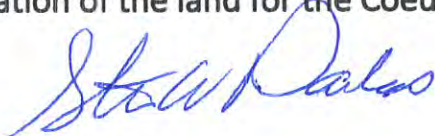
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To whom it may concern,

My name is John Rudebaugh, I am the lead project manager for Peck and Peck Excavating, I am a long-time resident of Post Falls and am raising three children in the area. I have been working in the excavation business for the better part of 20 years.

I work very closely with Lakeside companies and have always been impressed by their desire to produce high quality projects that have the best interest of the community in mind. They believe in growth that betters the lives of those in our community who need it the most. They strive to build strong local relationships by utilizing companies that have been operating in our community for many years.

The Coeur Terre project not only benefits the community by offering more affordable housing, more parks for our growing community as well as the option for more schools, which are desperately needed, it also provides companies like ours many years of work. Our company employs between 60 and 70 people at any given time and projects like these keep us busy and growing, it gives us the opportunity to offer better pay, better benefits and more consistent hours to the hard-working people we employ. Not only does it help keep our business growing it allows us to create business for other local companies that we utilize in completing our parts of projects like this, such as concrete companies, small trucking companies, construction supply companies, and many more.

A project like this is a win for the community no matter how you look at it, more jobs, more housing, more schools, more parks. All things that an area that is growing like ours desperately needs.

Thank you for taking the time to read my letter in support of the annexation for Coeur Terre. Please feel free to reach out to me with any questions.

John Rudebaugh

A handwritten signature in blue ink, appearing to read 'John Rudebaugh', written over a blue horizontal line.

Peck and Peck Excavating, Inc.

John@peckexcavating.com

STUHMILLER, SHANA

From: Bill Todd <billmtodd@outlook.com>
Sent: Tuesday, October 11, 2022 9:32 AM
To: STUHMILLER, SHANA
Subject: Kootenai County Land Company Annexation

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

Hello Shana,

I will not be able to make the meeting but here is my input.

The only way out of the proposed development will be to exit onto Atlas or Huetter. Atlas is already very busy and more traffic will only make it worse. The same company is looking at developing the West side of Huetter which will make that road even busier.

What will the entry points be to get into the development? There are well-established neighborhoods that will be affected.

The city services are already stretched thin, so what is the plan there?

I am opposed to annexation. As always big money will win out unless the planning department takes a stand.

Thank you for your time.

Bill and Darci Todd
4302 W Appaloosa Road
Coeur d Alene ID 83815

STUHMILLER, SHANA

From: Donna Phillips <dphillips@cityofhaydenid.us>
Sent: Monday, September 19, 2022 10:32 AM
To: STUHMILLER, SHANA
Cc: chris.higginbothm@itd.idaho.gov; marvin.fenn@itd.idaho.gov; gmiles@kmpo.net; shannon@postfallshd.com
Subject: RE: [EXTERNAL] City of Coeur d'Alene Planning Department, Public Hearing Notice
Attachments: A-4-22 public Hearing notice2.pdf

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

Good Morning,

The City of Hayden appreciates the ability to comment on the proposed annexation, and suggests that this request for comment also be sent to Idaho Transportation Department, Kootenai Metropolitan Planning Organization, and Post Falls Highway District. I did not see them on the list of folks who received the notice. Additionally based on the location adjacent to Huetter Road, and as the City of Hayden has tried to preserve the area proposed to be within the Huetter Bypass, it would seem that a request to preserve the footprint of the Huetter Road for future development into the bypass would seem prudent in accordance with the plans of the KMPO. The City of Hayden, required a building setback to be preserved at the time of annexation of those properties adjacent to this roadway north of Prairie Avenue within an annexation agreement. The City understands that this annexation is well south of Prairie Avenue, however, it is near the connection from Interstate 90 as proposed, and the northern area just south of Poleline Avenue is identified as part of the footprint of the Planned Huetter roadway.

In either case, I would defer to one of the three identified agencies (copied here) that I can't seem to find in the list and their direction related to this preservation of area as part of any future development of the land.

Sincerely,

Donna

Donna Phillips
Community Development Director
(208)209-2020
dphillips@cityofhaydenid.us

From: STUHMILLER, SHANA <SHANA@cdaid.org>
Sent: Wednesday, September 14, 2022 1:29 PM
To: Avista <Jamie.Howard@avistacorp.com>; Brittany Stottlemire <Brittany.Stottlemire@avistacorp.com>; Chad Polak <Chad.M.Polak@p66.com>; Chet Gaede <chet.gaede@msn.com>; Chris Riedeman <criedeman@kec.com>; citizen <mcghie1945@gmail.com>; Corp of Engineers <michael.aburgan@usace.army.mil>; Cyndi(Citizen <cdarling@icehouse.net>; East Side Highway District <eshd@imaxmail.net>; emily blunt <emily@cdadowntown.com>; jeff boller <jboller@cdaschool.org>; Jeff Voeller <jvoeller@cdaschools.org>; John Cowley Dist Supt NW Pipeline Corp <ty.broyles@williams.com>; Karen Hansen <barnun33@hotmail.com>; Kate Orozco <korozco@cdaschool.org>; Ken Windram <ken@harsb.org>; Kootenai County <dcallahan@kcgov.us>; Kris Jackson <krisj1216@gmail.com>; Mark Hinders <Mark@cdagabage.com>; Megan O'Dowd <megan@lyonsodowd.com>; Michael Thomas <mthomas@kec.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Pam Westberg <pwestberg@cdaschool.org>; Philip Evander <pevander@kec.com>; Planning <Planning@cityofhaydenid.us>; Sandy Emerson

<jasandyemerson@gmail.com>; Scott Davis <sdavis@kec.com>; Scott Maben (smaben@cdaschools.org) <smaben@cdaschools.org>; Sharon Bosley <kea@kealliance.org>; Shon Hocker <shon.hocker@cdaschools.org>; Stephanie Oliver <soliver@harsb.org>; susie snedaker <susansneadaker@earthlink.net>; Tony Berns <tonyb@ignitecda.org>; Trina Caudle <tcadele@cdaschool.org>; Williams Gas Pipeline <Michael.Fitchner@williams.com>; Worley Highway District <worleyhwy@worleyhwy.com>; Yellowstone Pipeline <Michael.R.Sharpe@p66.com>

Subject: [EXTERNAL] City of Coeur d'Alene Planning Department, Public Hearing Notice

Greetings,

Attached is a copy of public hearing notice for A-4-22.

This item will be heard at the next Planning Commission Meeting held on Tuesday, October 11th and 12th(if needed).

If you have any comments please let me know.

Thanks,

Shana Stuhlmiller
Planning Department, City of Coeur d'Alene
Public Hearing Assistant

208.769-2240 ext. 240
shana@cdaid.org

STUHMILLER, SHANA

From: Klaus Grassmann <klisg641@gmail.com>
Sent: Saturday, September 24, 2022 1:58 PM
To: STUHMILLER, SHANA
Subject: Cour Terra development

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 are Klaus and Isabelle Grassmann. We live on 3433 N Buckskin Rd, in CouerD'alene, also known as Indian Meadows. Our property is directly adjacent to the proposed development.

We are both retired. Our decision to purchase this 1 acre property 7 years ago was not only for its beautiful home, but just as important, for its location adjacent to farmland (The Prairie), the beauty of mountain views, visible wildlife, wonderful sunsets, relative silence and privacy. We were not made aware of any future development. If that had occurred, we would have changed our plans.

1. The Cour Terra Development threatens to deny us of these enjoyments.
2. Additionally, the value of our property will be negatively impacted. Any thought of compensation for this loss?
3. Indian Meadows is a low density development, one home per acre. The aim of a good development should be not to place high density housing directly adjacent to low density. This appears not to be the case. Serious consideration needs to be given to a good transition between densities.

We ask you to give this serious consideration. Please acknowledge receipt. Thank you.

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Public Hearing Assistant

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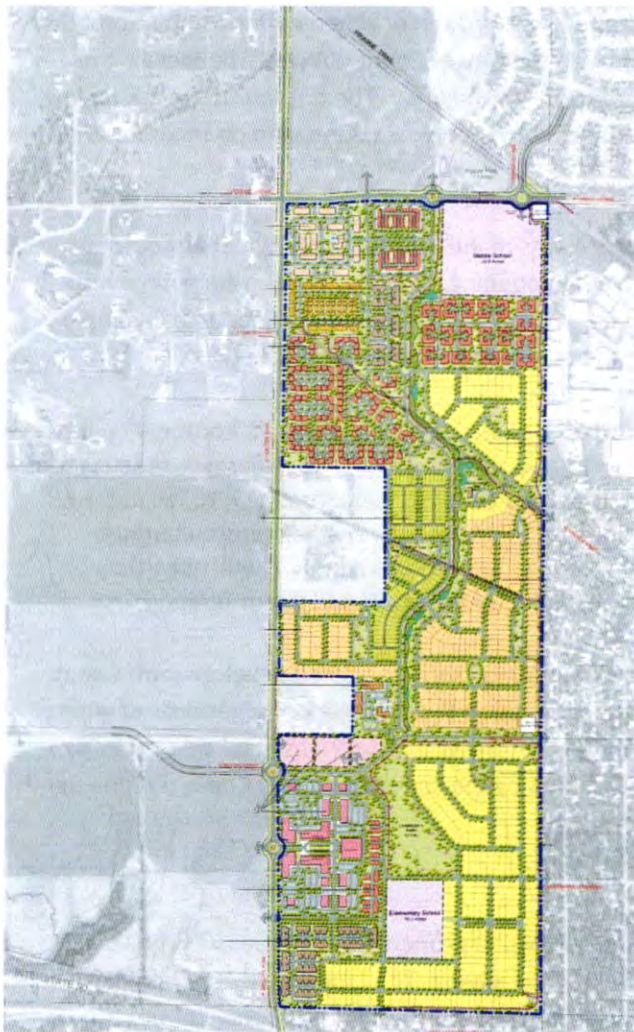
We ask you to give this serious consideration. Please acknowledge receipt. Thank you.

The Community Against the Kootenai County Land Company, LLC Coeur Terre Project

Planning Commission
City of Coeur d'Alene
710 E Mullan Ave
Coeur D Alene, ID 83814

Dear the City of Coeur d'Alene Planning Commission,

The intent of the letter is to voice the disagreement with the submitted proposal for the Kootenai County Land Company, LLC's Coeur Terre project. It is also the intent of the letter to stop any annexation request as it is not required. The project is requesting a proposed +/-442.64-acre annexation form Ag Sub to R-8, R-17, C17, and C-17L.



Summary

The proposed development is failed; it is simply not community development that supports vibrant neighborhoods and safety. It does not cover all the needed concepts for such a large, high-density undertaking, including, but not limited to, police departments, fire departments, medical facilities, greenspace, and ecological impacts. The project will destroy the local community, negatively impact surrounding houses for aesthetics and property value, and obliterate the road system.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The project has not published an expected start date to break ground or schedule for completion but is asking that the 442.64-acres of property be annexed into the City of Coeur d'Alene. The fact that no projected start date is in place should stop this annexation immediately. The burden to the tax-paying citizens for the public hearing is already too significant as there is no execution plan on record and no current need.

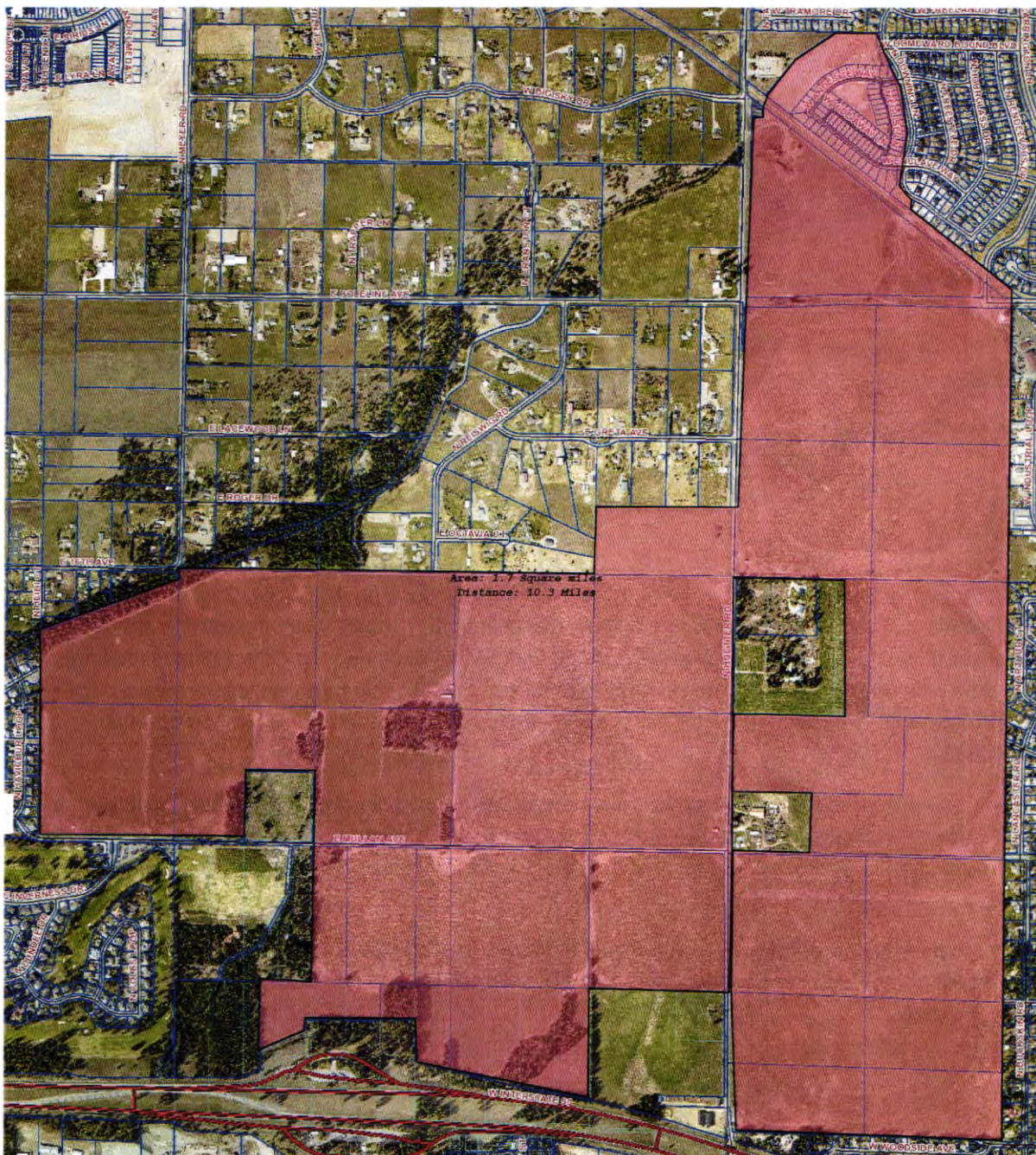
Upon contacting the Kootenai County planning office, it was made clear to the public that Kootenai county does not have the right to keep this action from happening. The fact that the current governing body of the land cannot stop this action appears to be a legal loophole. It is appalling, and developers have used the loophole to push their agendas over the community's best interest.

Annexation at this time, before the Idaho Transportation Department even starts its Kootenai county road assessment, is deliberate. The developer will purposely start housing builds nearest to the current Huetter Road to keep their land from being used for any road expansion and forcing it to fall entirely inside Post Falls. They would be supporting the KMPO's current vision for road expansion but not necessarily the right idea for the county. Keeping the current, unresearched vision will make the developer more money while gravely impacting the residents of Post Falls and Coeur d'Alene.

The proposal for this much land development is that of another city, not a small development. Coeur d'Alene Planning department does not have the right to sanction this annexation, regardless of what they feel their legal authority is currently. The likelihood that the entire area would be split off into another small city in the future is high. It is also not desired by the community, and Coeur d'Alene needs to respect the majority over the minority parties involved.

LEV [NN] LLC

The holding company of the land being reviewed and additional property in the area uses the legal company name of 'LEV' and then a number and then 'LLC' to manage the land assets. The original proposal for the Coeur Terre project, which has now been removed from the Kootenai County Land Company, LLC's website, had initially planned to have less density for their entire acreage, which is over 1,050 acres.



However, the company has left behind a rough view of the master plan on the page for The Enclave , as seen below. The plan is massive and will turn this section of the prairie into a city.

Simply, the Kootenai County Land Company, LLC is being disingenuous, and all their current and future plans must be reviewed.

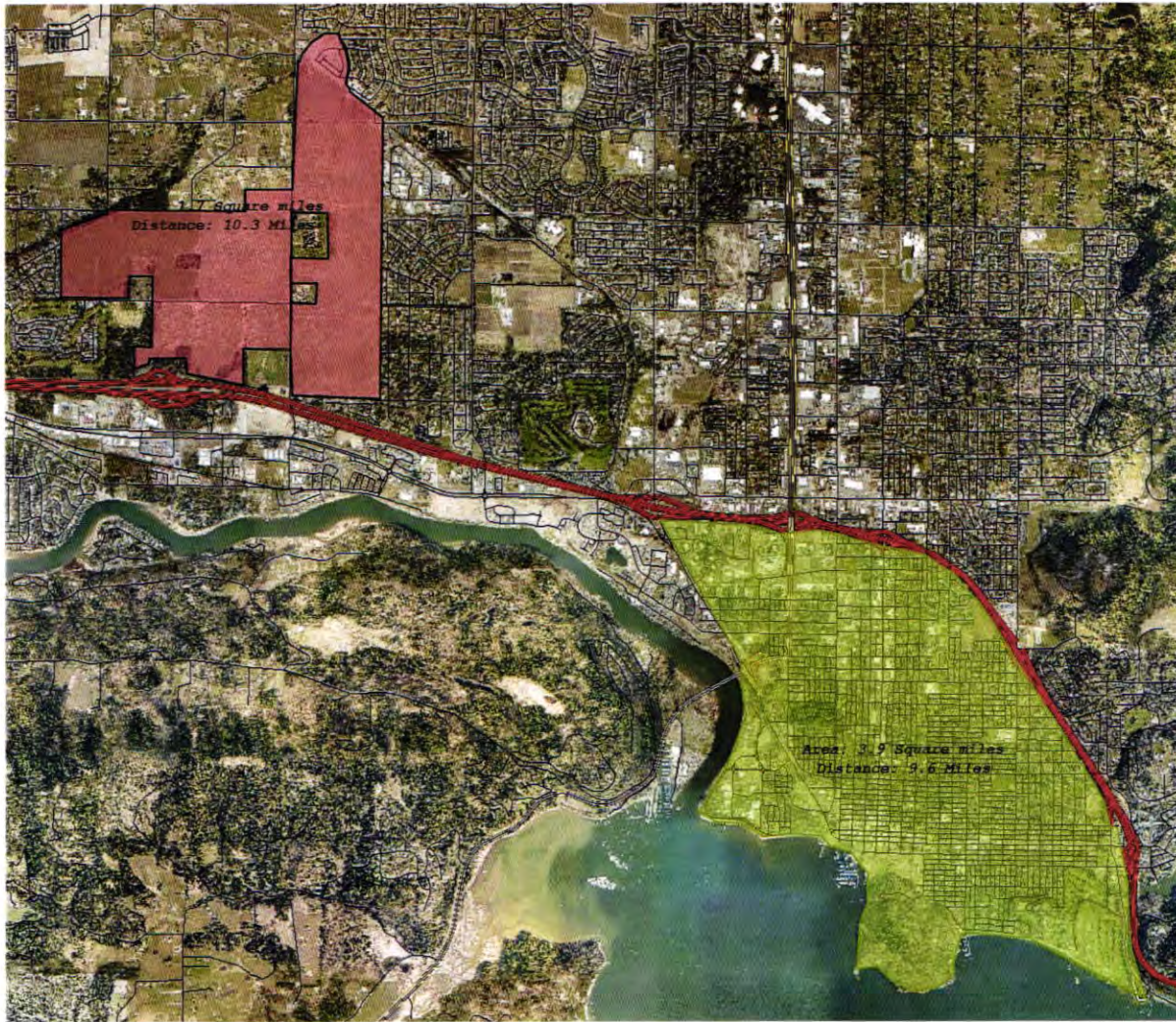


Another City, Not Residential

It is incorrect to say that the Coeur Terre project promotes orderly growth, preserves the quality of Coeur d'Alene, protects the environment, promotes economic prosperity, and fosters the safety of the residents. It must do this to comply with both the Idaho State Code and the Coeur d'Alene Planning Commission's charter. An argument that this was part of the 2040 planning document does not make it valid for growth. The planning document contains many inaccuracies around development and economics.

The density proposed for the 442 acres is city development, not a simple, small residential development. In addition, the proposal does not account for the new development to the North and the lack of roads, schools, and other needs for long-term growth and to ensure the quality of Coeur d'Alene remains intact.

The total potential development area is nearly half the size of the City of Coeur d'Alene proper, south of I-90, much of the same density, less green space (by almost 60%), fewer roads, less access to transportation, and less ability for local stores.



Roads

The annexation is requested before the Idaho Transportation Department (ITD) finishes its review for improved road systems in the area. ITD has decided a county-wide population and traffic model needs to be updated for the PEL study; it could be years before the NEPA is started and completed.

The developer's design also doesn't include the already over-saturated report for Seltice Way, which will gridlock the area due to the overbuilding by the river between Atlas Road and Riverstone Drive as shown in the SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech.

The current estimate for Seltice Way would require 3-lane roads in both directions to accommodate the amount of traffic from the excessive development at the river, let alone another development of this magnitude at Huetter Road.

SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech
However, even with this more moderate growth rate of 2% annually, the dual lane

roundabout is projected to start breaking down by 2045, with and without the Coeur Terre site traffic – negating the need to change to a traffic signal system along the corridor and prepare for three-lanes in the westbound direction of travel.

The proposed changes to Huetter Road from the Kootenai County Land Company, LLC will take most of the speeds on the road from 45 miles per hour to 20 miles per hour or less. Additional traffic jams can be expected at all major turn lanes at Prairie Avenue, Poleline Avenue, and Seltice Way.

City and Community Needs (Safety and Healthcare)

In nearly the same square miles of potential building area, the City of Coeur d'Alene has three (3) elementary schools (Winton, Fernan, Bryan), not just one (1). It also has several academy schools as well. Post Falls is becoming overcrowded after having just built a new school less than two years ago. The expected growth in the area will require more than just one elementary school and one middle school. It should also account for more parks and recreation areas. It would also require more large sports fields to support more school teams.

Currently, the area is serviced by Kootenai County Sheriff's Department, and their response time for the area is lengthy today. Adding another 4,000+ residents into that area will place strain on public safety as there would be new stress placed on Coeur d'Alene's police department.

Fire and rescue departments are not in the developer's designs which will be even more critical with the growth of the population. Additional service for the 442 acres and the misplanned development by the riverfront at Atlas Road continues to show development companies cannot be trusted to promote sustainable growth.

Emergency medical treatment and healthcare centers are not in the design either. However, the roads have already been found not to support timely responses in the case of an emergency.

Buyers Are Not Residents

It has become abundantly pervasive that buyers of these locations are not residents of the home. They are typically investors who then rent out the properties. Rental properties and micro-leases do not support residences and healthy communities. Throughout the United States of America, these impacts are being fought against due to the drastic adverse effects on the community and its people.

Northern Idaho is not unique in its problem with housing development requests nor in ignoring the learnings from other parts of the country where expansive growth has destroyed what was in place.

Landlords are removing low-income families' ability to gain home equity. The renters are also subjected to the landlords' rent increases which can happen every six (6) months.

Idaho Code

55-2006 (3) A landlord shall give written notice of such change to each affected home owner at least ninety (90) days prior to any amendment to the rental agreement. The landlord may not amend the rental agreement or rules more frequently than once in a six (6) month period.

Conclusion

The annexation must not be permitted as there is enough evidence that the development proposed does not support Idaho Code. It is also not a design that meets the needs of the community.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The plans of the Kootenai County Land Company, LLC are dangerous and adversely impact Kootenai county in total. The project is not ready to be reviewed because of the lack of roads, schools, green space, community needs, and city planning.

It is no question that growth in Kootenai county will continue in the future. The question is the value of the growth as it has been completed today and what the impacts will be with development projects which have not yet been completed.

Sincerely,

Signatures on Next Page

Name

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Dr. Philip Spradley <philip.spradley@gmail.com>
Kristi Haney <lakelandpiesale@gmail.com>
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Andrea Baass Peters

Andrea Baass Peters (Oct 10, 2022 13:17 PDT)

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Anthony Perers (Oct 9, 2022 20:52 PDT)

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[Brett Haney \(Oct 9, 2022 14:18 PDT\)](#)

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[Brian Adams \(Oct 10, 2022 08:06 PDT\)](#)

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Brian Rogers

[Brian Rogers \(Oct 10, 2022 16:31 PDT\)](#)

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[Christopher Good \(Oct 10, 2022 12:31 PDT\)](#)

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[Dan A Vossler \(Oct 10, 2022 15:33 PDT\)](#)

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[Darla Pavlish \(Oct 9, 2022 19:40 PDT\)](#)

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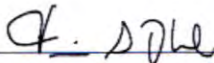
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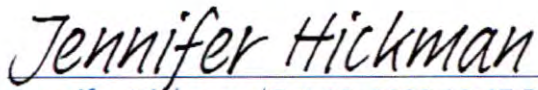
6886 E Greta Ave. Post Falls Idaho 83854



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Jennifer Hickman (Oct 10, 2022 10:47 PDT)

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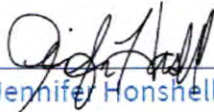
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Sincerely,



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John K. McGuire (Oct 9, 2022 15:08 PDT)

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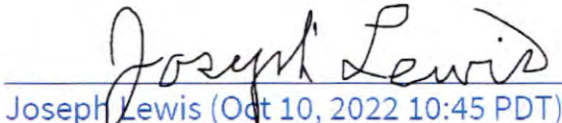
coastiejkm@gmail.com

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208 7556342

Street Address

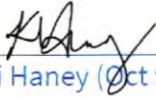
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Lloran Johnson (Oct 10, 2022 07:56 PDT)

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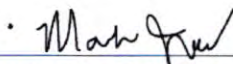
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Randy Pavlish

[Randy Pavlish \(Oct 10, 2022 14:53 PDT\)](#)

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[Ronald C McGhie \(Oct 9, 2022 15:44 PDT\)](#)

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Teresa

Teresa Marks (Oct 10, 2022 12:01 PDT)

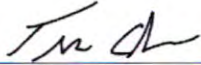
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Tim Shaw (Oct 10, 2022 14:53 PDT)

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The City of Coeur d' Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814
October 7, 2022

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission,

The Rathdrum Area Chamber of Commerce Board of Directors supports the Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene. We support the future development of the property into a well-planned, mixed-use project consisting of a wide variety of housing types, commercial areas, school sites, and parks to be developed through phasing over 20-30 years. [Coeur Terre | Kootenai County Land Company \(kcolandcompany.com\)](https://www.kcolandcompany.com) The project will directly benefit the community by providing much needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City services.

The property is in the City's Area of City Impact (ACI), and the City's Comprehensive Plan and nearby zoning support the project. In addition, the site is adjacent to existing city limits connected to existing development, streets, and utilities and is a natural progression of outward growth of the city. More specifically the project will include a wide variety of housing types, from small to large lot single family homes, townhomes, apartments, senior housing, retail, office and medical space, parks, and school sites. As a mixed-use project, the development will reduce vehicle trips to the City Center for services and provide on-site employment opportunities and commercial property tax revenue for the associated city services. As members of the business community, we need housing for our employees, customers, and patients and recognize that the income from services and supplies from the development of the property will benefit our community as a whole.

In summary, we are respectfully requesting both the City of Coeur d Alene Planning Commission and City Council to approve the proposed annexation and zoning of the Coeur Terre Property based on the ACI, Comprehensive Plan, adjacent zoning, street, utilities, proposed housing types and needs, parks, school sites and the economic benefits to our City.

Respectfully,



[Chantel Koho \(Oct 7, 2022 11:27 PDT\)](#)

Board of Directors
Rathdrum Area Chamber of Commerce







Rathdrum Chamber Letter of Support

Final Audit Report

2022-10-07

Created:	2022-10-07
By:	Chantel Koho (Chantelk@stcu.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOecbLnhDeXx6CqhsUQePCCmctvm1ngls

"Rathdrum Chamber Letter of Support" History

-  Document created by Chantel Koho (Chantelk@stcu.org)
2022-10-07 - 6:22:08 PM GMT
-  Document emailed to chantelkoho@outlook.com for signature
2022-10-07 - 6:22:27 PM GMT
-  Email viewed by chantelkoho@outlook.com
2022-10-07 - 6:22:35 PM GMT
-  Signer chantelkoho@outlook.com entered name at signing as Chantel Koho
2022-10-07 - 6:27:17 PM GMT
-  Document e-signed by Chantel Koho (chantelkoho@outlook.com)
Signature Date: 2022-10-07 - 6:27:19 PM GMT - Time Source: server
-  Agreement completed.
2022-10-07 - 6:27:19 PM GMT

STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Wednesday, August 10, 2022 9:41 AM
To: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: RE: Coeur Terre Annexation Support

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you. We will add to our public comments on Coeur Terre.

From: MCLEOD, RENATA <RENATA@cdaid.org>
Sent: Wednesday, August 10, 2022 9:32 AM
To: ANDERSON, HILARY <HANDERSON@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: FW: Coeur Terre Annexation Support

I think this might be for your upcoming hearing... R

From: Shawn Anderson <shawn@monarchcustomhomes.com>
Sent: Monday, August 8, 2022 2:02 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre Annexation Support

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

Hello,

I am writing to encourage annexation of the land needed to develop the Coeur Terre project. It is a much needed affordable housing opportunity for local residents and the blue color workers needed to support our area's growth.

Thank you!

Shawn Anderson
Owner



RCE-2869



5097 N. Building Center Drive
Coeur d'Alene, ID 83815
(208) 772-9333 ~ (208) 772-9484 FAX
www.monarchcustomhomes.com

STUHMILLER, SHANA

From: MCLEOD, RENATA
Sent: Friday, July 22, 2022 12:46 PM
To: ANDERSON, HILARY; STUHMILLER, SHANA
Subject: FW: Written Comment Coeur Terre Annexation

Follow Up Flag: Follow up
Flag Status: Flagged

I assume this is an upcoming annexation, do you want to include it with the staff report to Council??? Thanks r

From: Levi Snyder <levistheauthor@gmail.com>
Sent: Friday, July 22, 2022 11:27 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Written Comment Coeur Terre Annexation

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

Levi Snyder
4363 W. Woodhaven Lp.
Coeur d'Alene

I am writing to express support for the Coeur Terre Master plan, from what I have seen the project represents a thoughtful attempt to present a variety of housing options with some new commercial opportunities as well. I appreciate that the time has been taken to consult the school district and create a new school location easily accessible to these neighborhoods with walking/biking access.

Sincerely,
Levi Snyder

from the desk of
DON J. SCHMITT, M.D.

American Board of Family Medicine

Retired, 44 year Coeur d'Alene Resident
May 6th, 2022

to Cda City Council
& City Planning Department

Dear fellow citizens,

We are homeowners on **Arrowhead Drive**, Cda, off Atlas road westward, on one of the "thru streets" to serve the south end of the new development **Coeur Terra**. We have concrete or asphalt **driveways**, **landscaping** and **mailboxes** up to the pavement of Arrowhead. Many of us have **fences** also within the 12-13 1/2 foot boundary of City right of way. We have photos of the driveways and landscaping on the last page of this letter, for your reference.

We all have "one-acre" lots. Many of us were members of the Indian Meadows Homeowner's Association. Sidewalks came up to the east border of Indian Meadows, but as a **low-foot-traffic, horse rich, low density** neighborhood, we were inclined to landscape and access right up to the pavement. It gave our neighborhood a special charm and beauty. Compliments abound for **streetside flowers**. **Quail** love the **junipers**. It's the most beautiful part of our special, so far most beautiful city in the U.S.

We would like to **KEEP OUR LANDSCAPING**, **OUR FENCES** and **OUR DRIVEWAY ENTRANCES** as they exist. **Please do not widen our street** (there should be no fast-traffic-left-turn issues on Moccasin and the other north-south streets with low traffic).

PAGE 1

We are aware that moving utility poles in our neighborhood (to gain street width) will be very **expensive** to the city, as well.

We are also concerned about a **possible oversight by planners**: Nez Perce lines up E→W with **Mullan** thru Coeur Terra and is already a much **wider access/exit** to the new development. **Nez Perce** is also **centered north-and-south** into the greater development, and has some potential for high traffic barrier fence on the north side right of way, as anticipated already by residents on that road (as evidenced by solid fences and driveways built onto Buckskin and **Moccasin**, not Nez Perce).

Nez Perce also will feed quickly into **W. Kathleen Ave**, Holy Family School, U.S. Forest Service, B.L.M., Ramsey Elementary School, Woodland Middle school, Kootenai dump site, law enforcement, city fire station, a large gravel pit facility, Fred Meyer and nearby businesses: restaurants, Parker Toyota, Super 1, Auto Parts, Charter Academy, Home Depot, Idaho Rec with Fish and Game, Spectrum and other public and commercial outfits.

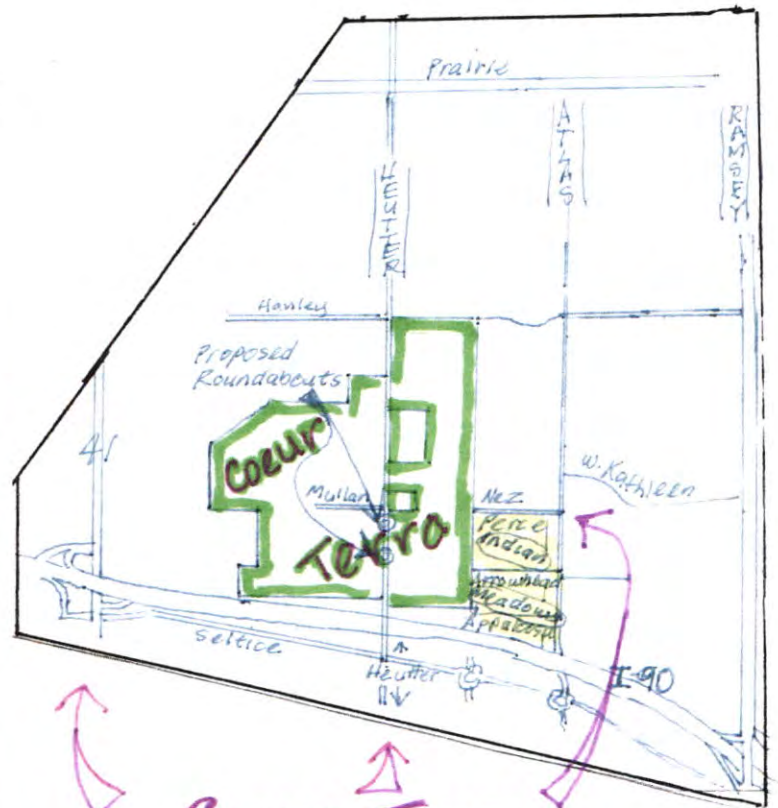
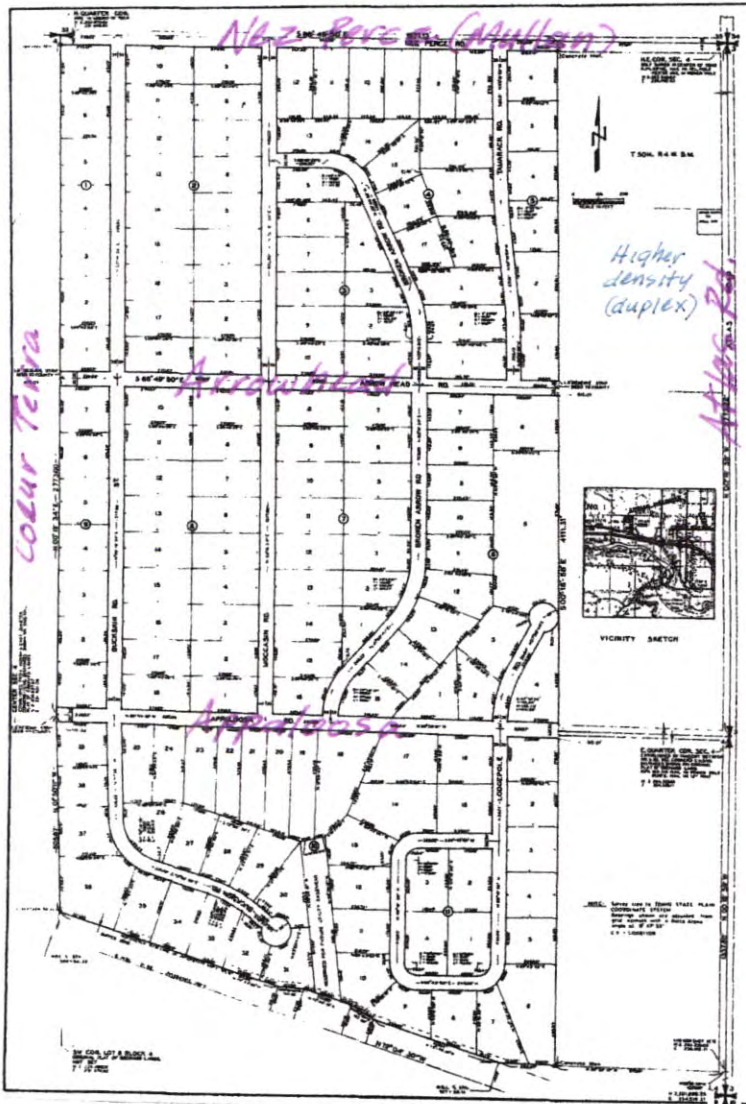
**THIS GUARANTEES HEAVY PUBLIC-
SAFETY AND COMMERCIAL TRAFFIC
ON MULLAN ↔ NEZ PERCE** ^{(for decades).}

(See Page 4 for a general map of this route.)

Below is a platt of Indian Meadows bordering Coeur Terra. There is a street map showing I-90 exchanges at Ramsey and Hwy. 41, depicting access to Coeur Terra aside from through our neighborhood. Note that Heutter road should be considered the "high-traffic" access to I-90 (and we see some more motive in that fact for expanding North-South traffic via Heutter).

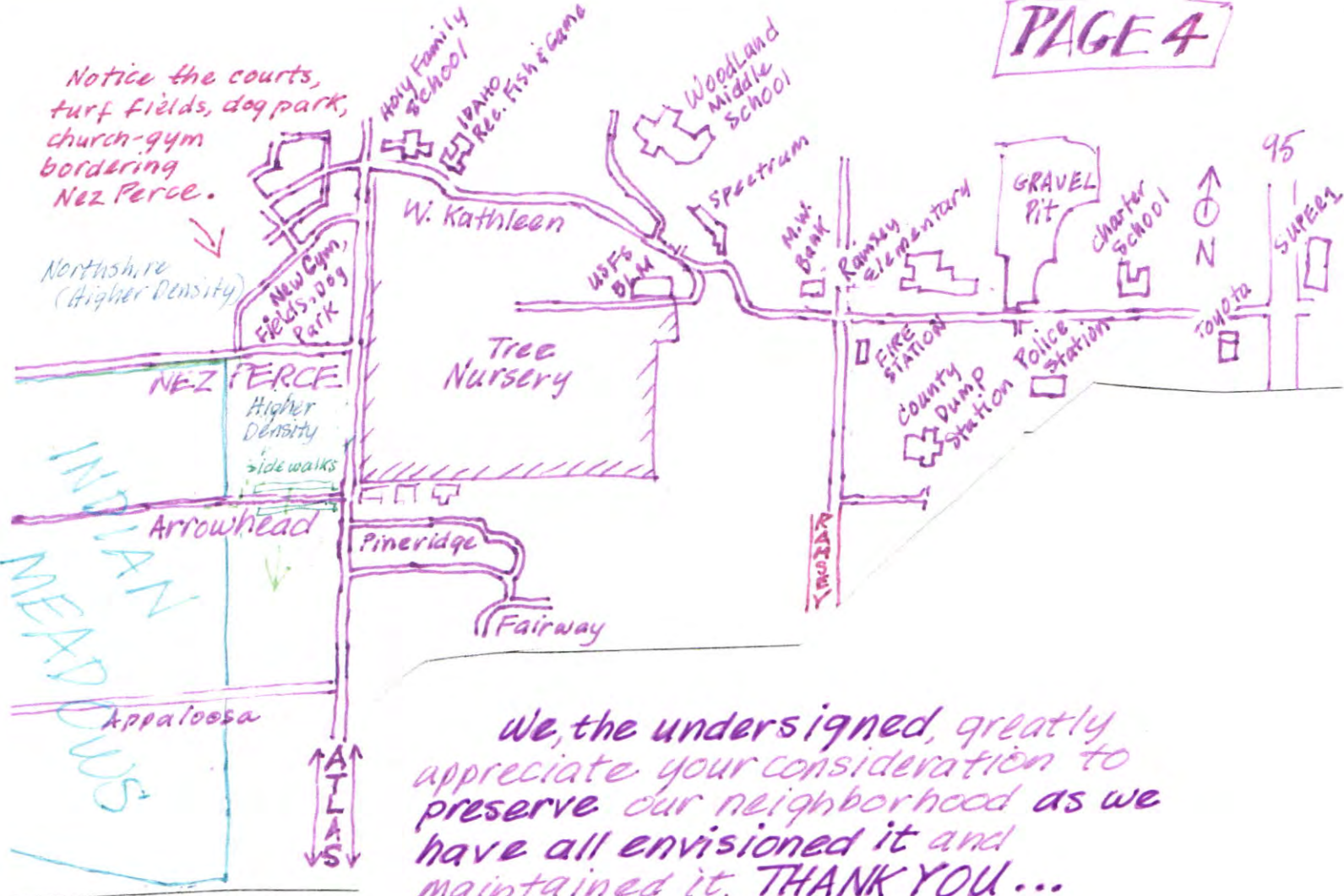
We fully support increased housing in our city. Lakeside Capital Group LLC and it's subsidiary Kootenai County Land Co. and the builders involved have a good plan for use of this special place on the prairie. Please don't let it spoil our special place in the pines.

INDIAN MEADOWS



Coeur Terra access

Notice the courts, turf fields, dog park, church-gym bordering Nez Perce.



We, the undersigned, greatly appreciate your consideration to preserve our neighborhood as we have all envisioned it and maintained it. THANK YOU...

TRIPPIN MEADOWS

Mike Curtis name ✓
 Rick name ✓
 Buckskin signature ✓
 Donald name ✓
 Don Schmitt name ✓
 Rickie Matthews name ✓
 Jake name ✓
 Robert Florey name ✓
 In C. name ✓
 Nancy M Barr name ✓
 Nancy M Barr name ✓
 Theresa Potts name ✓
 Theresa Potts name ✓
 Deborah name ✓
 Broken Arrow name ✓
 Arrowhead name ✓
 Sharp name ✓

PHOTOS of Arrowhead driveways, landscaping, fences & mailboxes on PAGE 5



STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:18 PM
To: MCLEOD, RENATA; TYMESEN, TROY; ADAMS, RANDY; BOSLEY, CHRIS; GREENWOOD, BILL; HOLM, SEAN; BEHARY, MIKE; STUHMILLER, SHANA
Subject: FW: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

See email from Glenn Miles below.

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:15 PM
To: G Miles <gmiles@kmpo.net>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

Thank you, Glenn. I appreciate the additional details. We will share your email with the Planning Commission and City Council so that they have the background and full picture.

From: G Miles <gmiles@kmpo.net>
Sent: Monday, June 06, 2022 2:04 PM
To: ANDERSON, HILARY <HANDERSON@cdaid.org>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

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

Good afternoon Hilary,

Thanks for forwarding the information. As you know, the corridor was officially approved by elected officials on the KMPO Board in 2009. The corridor was updated in July of 2022. The corridor is adopted in the KMPO Metropolitan Transportation Plan and a designated corridor on the Federal Functional Classification System as an National Highway System future route. Several individuals have moved into the adjacent area since that time and some who participated in the original extensive public involvement process in 2009, do not want the long planned for corridor to move forward.

I am very aware of Mr. McGhie's concerns. As Mr. McGhie has been informed, the U.S. 95 Alternate Corridor has been accepted by the ITD Board and was funded for completion of the environmental documents by the Idaho Transportation Department Board in May 2021. The effort has been assigned to the ITD District 1 Office who is contracting with HDR Engineering to conduct the effort.

Mr. McGhie (and others he is associated with) have expressed his concerns to the KMPO Board. I have also been told by ITD District 1 staff that he has also been assured that the ITD District 1 Office will keep him apprised of opportunities for stakeholder involvement and participation during the environmental process.

Regards,

Glenn

June 5, 2022

Hilary Anderson, MS
City of CDA
Community Planning Director

I recently watched the videos of both the planning commission and city council approval of the CDA Comprehensive Plan 2022-2042. I must say I was very impressed with you and your staff's presentations and replies. After reading the plan, I can say it is a good plan for a downtown urban city but lacking in the area covering the city's transition to adjoining rural areas.

I live in Big Sky Estates on the south side of Big Sky Drive. My home is on the second lot west of Huetter and my son owns the lot adjacent to Huetter Road. We both are members of the No Huetter Bypass Group.

Huetter Bypass

We have worked with Dave Callahan at the county to stop the proposed overlay until the ITD Bypass NEPA study is complete.

Instead of the Bypass, I have been proposing an Alt I-90 Corridor from Hwy 53 at PV interchange along the BNFS RR that crosses the Prairie on the south side of Wyoming. After crossing Hwy 41 it goes along the easterly side of the UP RR to Hwy 95 above Boekel Rd. The existing Huetter Road may need a turn lane, but it is ridiculous to remove and lower the road while making a 354-foot-wide Bypass. Unfortunately, KATT and KMPO have failed to consider anything that would actually help the problems on Hwy 95 or I-90 in their goal to get the traffic off the Rathdrum Prairie. (See attached letter to Damon Allen and Mega Jahns).

Scenic Corridor

I would like to see the existing Huetter Rd declared a Scenic Corridor and protected. This scenic corridor is one of the last rural-agricultural routes that still runs through the Rathdrum Prairie, from Seltice Way to Boekel Rd. I will be asking all government agencies to help protect the view along this route through zoning and community cooperation. The public should not have to look at high-rise buildings along this corridor!

Coeur Terre Development

For the last several years I have kept in touch with Gabe Gallinger PE, who is the Land Development Manager for Lakeside Capital Group. He has kept me informed on the progress of the Coeur Terre Project. When he first told me they were going to meet with your office around the first of May, I called your office and asked if it was going to be a public meeting. I was informed the public meeting would be around June or July.

I am not against appropriate or reasonable growth, but I don't think the present vision of the Coeur Terre development is close to being either appropriate or reasonable. (See attached email to Gabe Gallinger)

The area along both sides of Huetter Road have been agricultural and rural 5 acre minimum since zoning was established. I fully understand why the agricultural land is being sold and buyers' right to develop. However, the development should have to be reasonable with the ACI area and the surrounding community.

During the declaration for annexation stage, I urge you to consider the following:

1. The Comp Plan 2022-2042 is a good plan for a city but is heavily weighted by the CDA 2030 group that uses the United Nations 17 Sustainable Development Goals and the CDA Economic Development Organization. While their goals of high density and commercial development and zoning may fit in the urban city, it does not fit this rural and agricultural area.
2. The Comp Plan 2022-2042 on page 7, showing the Reference to State Statute, does not show any Policy Framework being considered under the Special Areas or Site. On page 61, it states, "Although the role of the Comprehensive Plan is primarily to address citywide planning issues, it can be challenging to address the specific issues and needs of the areas. (This should be addressed in an amendment to the plan making the existing Huetter Rd a Special Area.)"
3. Action CI 2.1C02 states, "Foster a collaborative relationship with surrounding communities to manage development transition at the city and county limits and establish unique identities while maintaining connectivity. Consider mutually agreed upon wayfinding signage and open space buffers in transition areas." (A buffer is needed to protect the scenic Huetter Corridor.)
4. Action ER 2.2.C01 states, "Review and consider changing the Zoning Code to discourage obstruction of open view corridors of both public and private parks, green spaces and natural area". (How about R1 -1ac. zone along both sides of the existing Huetter Rd. with open green areas and trees.)
5. Action ER 4.1.J01 states, "Partner with other organizations to identify potential funding strategies and management structures to preserve open space on the Rathdrum Prairie for public benefit." (Ask Lakeside Capital to provide green areas with trees along both side of Huetter Rd.)
6. Action GD 1.7.C1 states, "Establish a visual resources inventory in community and determine if there are specific guidelines that should be

defined and established in the City Code for public view corridors in development projects.”

7. I ask, what is a community? Is it the block, the track, the neighborhood, the town, the city, the county, the state, or is it a particular ethos? How does one community affect the others? Are there things each separate community does to help each other or the entire community? One would think that saving a scenic rural road through the Rathdrum Prairie would be a benefit to all the drivers no matter where they live. **If these scenic routes are not protected now, they will soon be gone.**
8. We do not need a Town of Coeur Terre! Please don't ruin what little rural area we have left. **The traffic that these proposed densities and zoning would create would be intolerable!**
9. Currently, the Coeur Terre project area is KC-Rural and Agricultural, with CDA- R-1, R-3, and R8 to the north, south, and east, with no building over two stories. It would be nice to see 1ac lots along Huetter with green areas and trees, with nothing over the densities allowed in CDA R8 zonings throughout.
10. The developers have done a good job to the north, without three story building, commercial, and very high-density design. The new paper on June 2, 2022 stated, "Architerra Homes steps up for the community" and "We want to come up with creative ways to support the community." I hope this is true and that you will ask for their help.
11. Please work with developers, Kootenai County, and all the cities and State ITD to stop the Huetter Bypass and make it a protected scenic rural road through the Rathdrum Prairie, from Seltice Way to Boekel Road. It's now or never and the only good rural route remaining.
12. It's premature to design a development anywhere within a ¼ miles from either side of the existing Huetter Rd. until ITD decides about the Bypass.

Hope to meet you at the Tuesday Council Meeting.

Ronald C McGhie
7253 W Big Sky Drive
970-759-9697

STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Wednesday, August 10, 2022 9:41 AM
To: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: RE: Coeur Terre Annexation Support

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you. We will add to our public comments on Coeur Terre.

From: MCLEOD, RENATA <RENATA@cdaid.org>
Sent: Wednesday, August 10, 2022 9:32 AM
To: ANDERSON, HILARY <HANDERSON@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: FW: Coeur Terre Annexation Support

I think this might be for your upcoming hearing... R

From: Shawn Anderson <shawn@monarchcustomhomes.com>
Sent: Monday, August 8, 2022 2:02 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre Annexation Support

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Hello,

I am writing to encourage annexation of the land needed to develop the Coeur Terre project. It is a much needed affordable housing opportunity for local residents and the blue color workers needed to support our area's growth.

Thank you!

Shawn Anderson
Owner



RCE-2869



5097 N. Building Center Drive
Coeur d'Alene, ID 83815
(208) 772-9333 ~ (208) 772-9484 FAX
www.monarchcustomhomes.com

STUHMILLER, SHANA

From: MCLEOD, RENATA
Sent: Friday, July 22, 2022 12:46 PM
To: ANDERSON, HILARY; STUHMILLER, SHANA
Subject: FW: Written Comment Coeur Terre Annexation

Follow Up Flag: Follow up
Flag Status: Flagged

I assume this is an upcoming annexation, do you want to include it with the staff report to Council??? Thanks r

From: Levi Snyder <levistheauthor@gmail.com>
Sent: Friday, July 22, 2022 11:27 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Written Comment Coeur Terre Annexation

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

Levi Snyder
4363 W. Woodhaven Lp.
Coeur d'Alene

I am writing to express support for the Coeur Terre Master plan, from what I have seen the project represents a thoughtful attempt to present a variety of housing options with some new commercial opportunities as well. I appreciate that the time has been taken to consult the school district and create a new school location easily accessible to these neighborhoods with walking/biking access.

Sincerely,
Levi Snyder

from the desk of
DON J. SCHMITT, M.D.

American Board of Family Medicine

Retired, 44 year Coeur d'Alene Resident
May 6th, 2022

to Cda City Council
& City Planning Department

Dear fellow citizens,

We are homeowners on **Arrowhead Drive**, Cda, off Atlas road westward, on one of the "thru streets" to serve the south end of the new development **Coeur Terra**. We have concrete or asphalt **driveways**, **landscaping** and **mailboxes** up to the pavement of Arrowhead. Many of us have **fences** also within the 12-13 1/2 foot boundary of City right of way. We have photos of the driveways and landscaping on the last page of this letter, for your reference.

We all have "one-acre" lots. Many of us were members of the Indian Meadows Homeowner's Association. Sidewalks came up to the east border of Indian Meadows, but as a **low-foot-traffic, horse rich, low density** neighborhood, we were inclined to landscape and access right up to the pavement. It gave our neighborhood a special charm and beauty. Compliments abound for **streetside flowers**. **Quail** love the **junipers**. It's the most beautiful part of our special, so far most beautiful city in the U.S.

We would like to **KEEP OUR LANDSCAPING**, **OUR FENCES** and **OUR DRIVEWAY ENTRANCES** as they exist. **Please do not widen our street** (there should be no fast-traffic-left-turn issues on Moccasin and the other north-south streets with low traffic).

PAGE 1

We are aware that moving utility poles in our neighborhood (to gain street width) will be very **expensive** to the city, as well.

We are also concerned about a **possible oversight by planners**: Nez Perce lines up E→W with **Mullan** thru Coeur Terra and is already a much **wider access/exit** to the new development. **Nez Perce** is also **centered north-and-south** into the greater development, and has some potential for high traffic barrier fence on the north side right of way, as anticipated already by residents on that road (as evidenced by solid fences and **driveways built onto Buckskin and Moccasin**, not Nez Perce).

Nez Perce also will feed quickly into **W. Kathleen Ave**, Holy Family School, U.S. Forest Service, B.L.M., Ramsey Elementary School, Woodland Middle school, Kootenai dump site, law enforcement, city fire station, a large gravel pit facility, Fred Meyer and nearby businesses: restaurants, Parker Toyota, Super 1, Auto Parts, Charter Academy, Home Depot, Idaho Rec with Fish and Game, Spectrum and other public and commercial outfits.

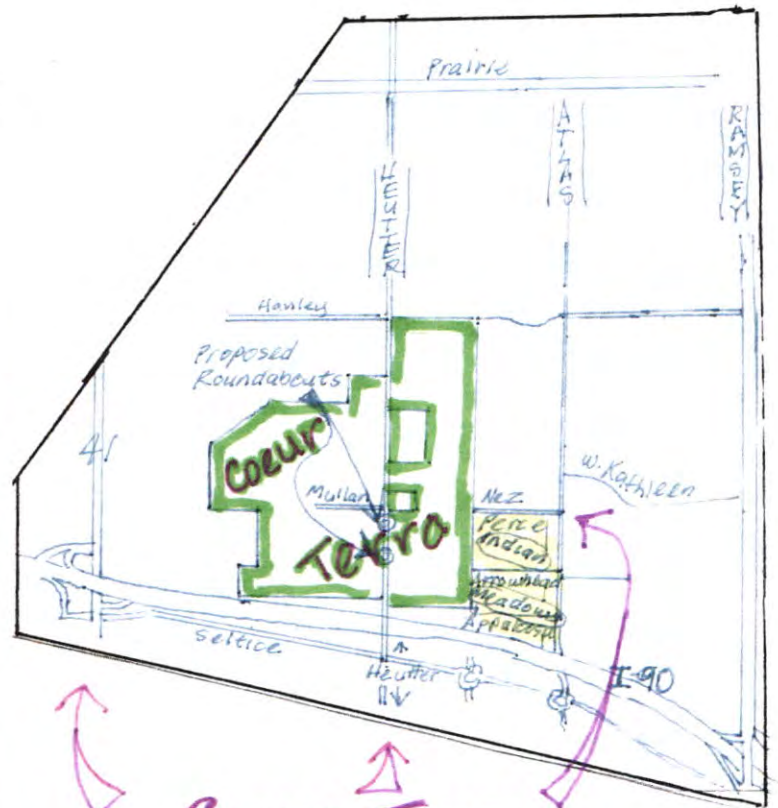
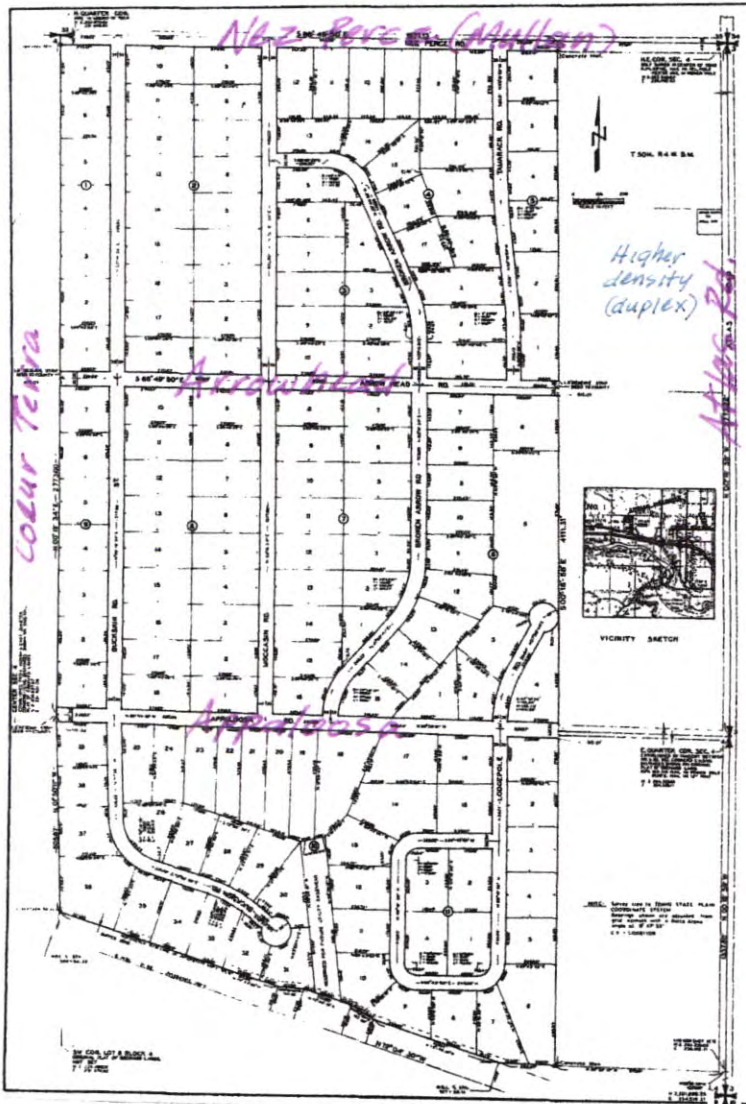
**THIS GUARANTEES HEAVY PUBLIC-
SAFETY AND COMMERCIAL TRAFFIC
ON MULLAN ↔ NEZ PERCE** ^{(for decades).}

(See Page 4 for a general map of this route.)

Below is a platt of Indian Meadows bordering Coeur Terra. There is a street map showing I-90 exchanges at Ramsey and Hwy. 41, depicting access to Coeur Terra aside from through our neighborhood. Note that Heutter road should be considered the "high-traffic" access to I-90 (and we see some more motive in that fact for expanding North-South traffic via Heutter).

We fully support increased housing in our city. Lakeside Capital Group LLC and it's subsidiary Kootenai County Land Co. and the builders involved have a good plan for use of this special place on the prairie. Please don't let it spoil our special place in the pines.

INDIAN MEADOWS



Coeur Terra access



From the desk of Roger & Lorelei Ruddick, May 9, 2022.

To the Coeur d'Alene City Planning and City Council ~

Dear fellow citizens,

As property owners on Arrowhead Road and the surrounding neighborhood, it comes as quite a surprise to many of us to hear that our roads are to be widened and extended to accommodate traffic from a large housing development yet to be built. We are shocked, and somewhat suspicious, that as the people who would be most affected by this proposal, we have never been contacted by anyone from the city or road planning commission or the developers themselves. Some of us have only recently heard of this proposal by word of mouth from our neighbors in the Indian Meadows community.

The primary concern we have is the increased traffic, through roads, stoplights, etc., would completely change the quasi-rural character of our neighborhood. For the past nearly 50 years, this has been a low foot traffic, low vehicle traffic, low density neighborhood, complete with resident goats and horses. We enjoy walking our dogs and meeting our neighbors and chatting in the streets.

Our guess is that none of you have ever visited our neighborhood and we invite you to come.

We understand that growth happens.

We understand the need for more housing.

We even understand people not caring about things like this because it doesn't affect them personally.

What we can't understand is adopting a plan which seems like a short sighted willingness to "solve a problem" by destroying part of what makes our city so delightful, lessening our quality of life, and the probability of lowered property values.

Leanne Robb
Jamie Bell
(3704 N. Tamarack corner of Arrowhead)

There are other options. We suggest going around.

Yes. Go around.

Wallace, Idaho is a perfect example. Instead of ruining the town, the interstate went around. If you've ever been to Wallace you will agree that the best decision, not the easiest, was to preserve that town in all it's charm and glory.

Atlas Road, the egress area for all this extra traffic, is one lane in each direction.

Far better for the traffic to be diverted around to Seltice to the south and Hanley to the north.

We ask you to consider going around.

Thank you from all of us on Arrowhead Road and all of Indian Meadows!

3059 N. Bucksland
Mike & Deborah
Rick & Nancy
Mathews
4208 CDA ID 83815
Sharon & Don
4203 W Arrowhead
Dayna Williams
4211 W Arrowhead Rd.
Nancy M. Bark
4407 Arrowhead Rd.
CDA Idaho - 83815

Janie Charleski
DAN & JULIE CHARLESKI
4212 W ARROWHEAD RD
Sheresa Potts
4103 W. Arrowhead Rd.
CDA 83815

3610 Broken Arrow Rd
Coeur d'Alene 83815
Roger & Lorelei Ruddick
5.7.22
Roger and Lorelei
Ruddick
4108 W Arrowhead Rd
CDA, ID 83815

FORNICK & DEBORAH WILSON
4104 W. Arrowhead Rd.
Deborah Wilson
Terry & Rebecca J. Wilton
3609 N. Bucksland

December 18, 2022

Mayor, City Council, City Administrator
CC: City Planning Development, Coeur Terre Development
City of Coeur d'Alene
710 E. Mullan Ave.
Coeur d'Alene, Idaho

RE: Coeur Terre Development - Negative Impacts

Dear Mayor, Council, and City Administrator,

My name is Don Webber and I live at 4211 W. Arrowhead Rd. in Coeur d'Alene. I wanted to talk to you tonight (by proxy) regarding a topic that you have been hearing about over the past few Council meetings - the negative impact expected in our neighborhoods by the Coeur Terre development. I sent this note to you by email, so you should have it in the Council packet you're holding tonight. Our neighborhood has also sent two additional letters to you, along with more than 200 signatures of like-minded neighbors who share the same concerns.

You will soon be asked to review the Coeur Terre Development Agreement. We are asking that the City Council ensure that there is language in that Agreement that addresses our concerns and protects our neighborhood for the duration of the Coeur Terre development process.

The reason we are seeking language in their Development Agreement is because we have seen recent evidence that this Council (along with your Planning Commission) is allowing uncontrolled growth - specifically, unfettered, high-density growth, in our wonderful community.

Growth is both necessary and good. But ONLY when it is well-planned, controlled, and takes the well-being of the entire community into consideration.

Strategic plans and Comprehensive Plans are excellent tools. But ONLY when you follow the guidelines and objectives in the pursuit of your stated goals.

Our reluctance to place our neighborhoods' future into your hands or the developer's hands is based on past and recent performance by this body. I've included a photograph of the three-story apartment buildings at the intersection of Atlas and Seltice. You will notice that your own stated objective of "maintaining sitelines to the Spokane River", contained in your recently adopted Comprehensive Plan, was NOT followed. Thus, creating the eyesore that now exists. That particular property has significant grade changes and there was no reason that these three-story boxes couldn't have been set at a lower level.

Another example of not adhering to the Comprehensive Plan is last week's recommendation by the Planning Commission to approve an increase in density in the next Phase of The River's

Edge project that you have previously denied. That proposal includes 4-story apartment buildings more than 50 feet high - thus replacing 28 single family homes with 296 multi-family units! This will obviously further block the site lines to the river, not to mention an after-the-fact density increase.

That same Comprehensive Plan calls for the protection of Heritage Neighborhoods, but it seems that the City is choosing to ignore certain stated objectives. We are a Heritage Neighborhood. Please do not allow our neighborhood to be ruined.

Please help us to trust you and the process as you represent current residents.

Please ensure us that there will be language in the Coeur Terre Development Agreement stating no traffic is to be allowed through our existing local streets.

Thank you.

Don Webber

Comp.Plan Objective; "Maintain site lines to river"



Failed attempt at meeting Objective

From: [BADERTSCHER, SHERRIE](#)
To: [STUHMILLER, SHANA](#)
Subject: FW: Coeur Terre Egress Concerns
Date: Tuesday, January 17, 2023 10:00:20 AM

Would you please add to the comment file?

Thanks!

From: Vikki Conway <vikkiconway@gmail.com>
Sent: Tuesday, January 17, 2023 9:06 AM
To: MCLEOD, RENATA <RENATA@cdaid.org>
Subject: Coeur Terre Egress Concerns

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

To the City Council,

I reside at 3504 Moccasin Road, in Indian Meadows, Coeur d Alene.

Coeur Terre is proposing eventually having 12,000 homes between the Coeur d Alene portion and the Post Falls portion on either side of Heutter. As the average home has 2 vehicles, not accounting for teenage drivers or roommates, we need to anticipate a huge increase in traffic over the next few years. In addition, there is also businesses and school traffic to consider. And don't forget the construction traffic while building is being done. All of this will destroy our quiet, R1 zoned neighborhood. Are the main roads being built taking all of this into account? Maybe.

Using Appaloosa, Arrowhead, Woodside and Nez Perce as through streets will disrupt our neighborhood and put an unnecessary burden on homeowners. We are seniors, multi-generational homes, elder care and or homes with children. We also have homes with dogs and cats, goats and horses and chickens. And don't forget the occasional deer or moose. There are better ways to do this. Also, that traffic can't get past Atlas as all of the proposed streets end at Atlas.

To widen our neighborhood streets would entail taking away from existing properties and forcing people to incur the expense of redoing their landscaping, losing part of their property and lowering property values.

Huetter should bear the burden of this additional traffic. Make Heutter a 4-lane road now to handle the traffic as it increases and not wait until 5 years down the road when it's more expensive and the roundabouts are obsolete.

The development at Seltice is already being built, please don't add Coeur Terre to the mix.

We are not against growth in our city but please do not destroy our neighborhood in the process.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King

From: [PATTERSON, HILARY](#)
To: [STUHMILLER, SHANA](#)
Subject: FW: Coeur Terre Project
Date: Thursday, December 29, 2022 11:25:40 AM

Please add to the Coeur Terre correspondence folder.

From: MCLEOD, RENATA <RENATA@cdaid.org>
Sent: Tuesday, December 27, 2022 10:44 AM
To: PATTERSON, HILARY <HPATTERSON@cdaid.org>; HOLM, SEAN <SHOLM@cdaid.org>;
BADERTSCHER, SHERRIE <SHERRIE@cdaid.org>
Subject: FW: Coeur Terre Project

Not sure if you were blind cc'd on this...

From: Vikki Conway <vikkiconway@gmail.com>
Sent: Monday, December 26, 2022 10:08 AM
Subject: Coeur Terre Project

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

I understand that this new development will become our new neighbors, however I do have issues with how this will impact our existing neighborhood of which I have lived here in Indian Meadows for just shy of 11 years. Why is it that something this big that will affect our entire neighborhood is just now coming to light by word of mouth to many of us. I understand some neighbors heard of this in October but many have been kept in the dark. Something should have been mailed out to our entire area to appraise us of this major change to our lives.

We went through months of work done on Seltice and in the end we still have only a two-lane road in each direction with two roundabouts added. Now we are getting between 380 and 680 new homes / apartments on Seltice which will add between 740 and 1480 minimum cars onto Seltice. The average household has two vehicles. Atlas is only one lane in each direction and has high traffic now. Many of those new cars from Seltice will be filtering onto Atlas. There appears to be no way to widen Atlas. We have been hearing rumors for a few years of an off ramp from Hwy 90 at Huetter that would relieve some of the burden on Atlas. Is this still in the works?

Opening up Appaloosa, Arrowhead, Nez Perce, Woodside and Spiers would be an unnecessary burden on our entire neighborhood. Our neighborhood was not built for that type of traffic and if a light is added to Atlas vehicles will start flying down our side streets to bypass the light. Nez Perce is wide enough to have lanes added and handle heavier traffic but Arrowhead and Appaloosa are not. How will those properties be affected?

Having lived in a high-density housing area before, moving to Indian Meadows was a dream come true, we found a home in a Low-Density development. We do not want sidewalks to maintain or excessive traffic. We also do not want our zoning to be affected. Our children and grandchildren want the ability to play safely in front of our

homes and ride their bikes and our older neighbors, of which I am one, want to safely walk our dogs down our roads and stop and talk to neighbors. We are also a horse friendly neighborhood and the additional traffic will put all of this in danger. Also, all mailboxes are on one side of the street on streets going north and south, ie Moccasin, Buckskin, etc. so this will also become hazardous. This will impact so many aspects of our lives and not in a good way. We don't need nor want the heavy equipment of the builders coming through our neighborhood either, tearing up our streets and causing massive congestion for months. Making a High-Density development have access through our Low-Density development will adversely affect our development and we will lose much of what was planned for our neighborhood and what makes it so appealing. Additionally, how will all of this affect our property values? Will it drive our values down? We are now a sought-after area to live in, but for how long?

If Coeur Terre is going to contain a school that will add even more congestion with more buses and parents racing down our streets to pick up and drop off their children twice a day.

With the building of Coeur Terre, which will be even much larger than the Seltice project, the traffic from this new "high density" development should all be routed onto Huetter Rd. There is the ability to widen Huetter to accommodate these vehicles prior to building and Hanley is already available as a cut through to Ramsey and 95 as a 4-lane road. Huetter already connects to Seltice, Hanley, and Prairie for access to downtown and Hwy 95 business.

We are not against growth in our city but please do not destroy our neighborhood in the process.

Thank you for your time and I hope you appreciate and understand our concerns.

Vivian Conway, Jeri King and Tamara Conway-King
3504 Moccasin Road

From: [HOLM, SEAN](#)
To: [STUHMILLER, SHANA](#)
Subject: FW: Coeur Terre Support Letter
Date: Tuesday, January 24, 2023 2:55:19 PM

FYI

From: MCLEOD, RENATA <RENATA@cdaid.org>
Sent: Tuesday, January 24, 2023 2:03 PM
To: HOLM, SEAN <SHOLM@cdaid.org>; PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: FW: Coeur Terre Support Letter

Not sure if there were blind cc's on this, so passing it along for public comments. Renata

From: Levi Snyder <levistheauthor@gmail.com>
Sent: Tuesday, January 24, 2023 1:39 PM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre Support Letter

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

To Whom It May Concern,

I am writing to express my support for the further approval of the Coeur Terre development. This development presents many opportunities for workforce housing and thoughtful improvement to the Coeur d'Alene to Post Falls corridors.

Sincerely,
Levi Snyder
4363 W. Woodhaven Lp. Coeur d'Alene

STUHMILLER, SHANA

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:18 PM
To: MCLEOD, RENATA; TYMESEN, TROY; ADAMS, RANDY; BOSLEY, CHRIS; GREENWOOD, BILL; HOLM, SEAN; BEHARY, MIKE; STUHMILLER, SHANA
Subject: FW: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

See email from Glenn Miles below.

From: ANDERSON, HILARY
Sent: Monday, June 06, 2022 2:15 PM
To: G Miles <gmiles@kmpo.net>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

Thank you, Glenn. I appreciate the additional details. We will share your email with the Planning Commission and City Council so that they have the background and full picture.

From: G Miles <gmiles@kmpo.net>
Sent: Monday, June 06, 2022 2:04 PM
To: ANDERSON, HILARY <HANDERSON@cdaid.org>
Subject: RE: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

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

Good afternoon Hilary,

Thanks for forwarding the information. As you know, the corridor was officially approved by elected officials on the KMPO Board in 2009. The corridor was updated in July of 2022. The corridor is adopted in the KMPO Metropolitan Transportation Plan and a designated corridor on the Federal Functional Classification System as an National Highway System future route. Several individuals have moved into the adjacent area since that time and some who participated in the original extensive public involvement process in 2009, do not want the long planned for corridor to move forward.

I am very aware of Mr. McGhie's concerns. As Mr. McGhie has been informed, the U.S. 95 Alternate Corridor has been accepted by the ITD Board and was funded for completion of the environmental documents by the Idaho Transportation Department Board in May 2021. The effort has been assigned to the ITD District 1 Office who is contracting with HDR Engineering to conduct the effort.

Mr. McGhie (and others he is associated with) have expressed his concerns to the KMPO Board. I have also been told by ITD District 1 staff that he has also been assured that the ITD District 1 Office will keep him apprised of opportunities for stakeholder involvement and participation during the environmental process.

Regards,

Glenn

From: ANDERSON, HILARY [<mailto:HANDERSON@cdaid.org>]
Sent: Monday, June 06, 2022 1:32 PM
To: G Miles <gmiles@kmpo.net>; amarienau@kmpo.net
Subject: FW: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

FYI.

From: Ronald McGhie <mcghie1945@gmail.com>
Sent: Monday, June 06, 2022 12:55 PM
To: ANDERSON, HILARY <handerson@cdaid.org>; MCLEOD, RENATA <cityclerk@cdaid.org>
Subject: Concerns about Huetter Bypass, making it Scenic Corridor & Coeur Terre Development

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

Attn:Hilary Anderson, MS

Please see the attached letter about concerns I would like to discuss with you. I need to know your opinion on the best way to present them to the Planning Commision and the City Council. Attached also is what I have sent to ITD and Gabe Gallinger at Lakeside Capital Group for your information..

Also attached are my June 7th public comments for the city clerk. I would like to have the city clerk get copies of Hilary's letter and all the others docx as they are all related to my comments on the June 7th Resolution No. 22-025 to the City Council.

Thank You

Ronald C McGhie
Big Sky Estates



HAYDEN AREA REGIONAL SEWER BOARD

Protecting the Aquifer Since '88

10789 N. Atlas Road • Hayden, Idaho 83835 • Fax (208) 772-3863

Ken Windram, Administrator
Phone (208) 772-0672

January 27, 2023

Coeur d'Alene Planning Department
710 E Mullan Avenue
Coeur d'Alene, ID 83814

Re: Item A-4-22 Public Hearing Comment

To Whom It May Concern:

The Hayden Area Regional Sewer Board (HARSB) received notification of the Public Hearing for Item A-4-22 regarding the annexation of approximately 440 acres south of Poleline between Huetter and the City Limits.

The HARSB collects, treats and appropriately disposes of wastewater from the Hayden Lake Sewer District, City of Hayden, and the Kootenai County Airport. The treated wastewater is discharged during the winter months to the Spokane River, through a sewer pipeline along Atlas Road¹. This is currently the only pipeline to the river discharge.

The HARSB Facility Plan (dated October 2018, prepared by J-U-B Engineers, Inc) outlines a critically important improvement to the discharge pipeline system, proposing to install a second sewer pipeline along Huetter Road. This provides redundancy in the scenario that the Atlas pipeline is damaged or needs to be maintained during the discharge season. The cost feasibility of this improvement relies on the cooperation of proposed development(s) and other jurisdictions.

Therefore, HARSB is submitting a public comment requesting the proposed development include a utility easement for the purpose of the HARSB sewer pipeline along Huetter Rd.

Please feel free to contact me with any questions (208-772-0672).

Sincerely,

Ken Windram

Ken Windram
Administrator
Hayden Area Regional Sewer Board

KW/amw

¹ The treated wastewater is disposed of through land application during the summer months, at a site on the Prairie.

June 5, 2022

Hilary Anderson, MS
City of CDA
Community Planning Director

I recently watched the videos of both the planning commission and city council approval of the CDA Comprehensive Plan 2022-2042. I must say I was very impressed with you and your staff's presentations and replies. After reading the plan, I can say it is a good plan for a downtown urban city but lacking in the area covering the city's transition to adjoining rural areas.

I live in Big Sky Estates on the south side of Big Sky Drive. My home is on the second lot west of Huetter and my son owns the lot adjacent to Huetter Road. We both are members of the No Huetter Bypass Group.

Huetter Bypass

We have worked with Dave Callahan at the county to stop the proposed overlay until the ITD Bypass NEPA study is complete.

Instead of the Bypass, I have been proposing an Alt I-90 Corridor from Hwy 53 at PV interchange along the BNFS RR that crosses the Prairie on the south side of Wyoming. After crossing Hwy 41 it goes along the easterly side of the UP RR to Hwy 95 above Boekel Rd. The existing Huetter Road may need a turn lane, but it is ridiculous to remove and lower the road while making a 354-foot-wide Bypass. Unfortunately, KATT and KMPO have failed to consider anything that would actually help the problems on Hwy 95 or I-90 in their goal to get the traffic off the Rathdrum Prairie. (See attached letter to Damon Allen and Mega Jahns).

Scenic Corridor

I would like to see the existing Huetter Rd declared a Scenic Corridor and protected. This scenic corridor is one of the last rural-agricultural routes that still runs through the Rathdrum Prairie, from Seltice Way to Boekel Rd. I will be asking all government agencies to help protect the view along this route through zoning and community cooperation. The public should not have to look at high-rise buildings along this corridor!

Coeur Terre Development

For the last several years I have kept in touch with Gabe Gallinger PE, who is the Land Development Manager for Lakeside Capital Group. He has kept me informed on the progress of the Coeur Terre Project. When he first told me they were going to meet with your office around the first of May, I called your office and asked if it was going to be a public meeting. I was informed the public meeting would be around June or July.

I am not against appropriate or reasonable growth, but I don't think the present vision of the Coeur Terre development is close to being either appropriate or reasonable. (See attached email to Gabe Gallinger)

The area along both sides of Huetter Road have been agricultural and rural 5 acre minimum since zoning was established. I fully understand why the agricultural land is being sold and buyers' right to develop. However, the development should have to be reasonable with the ACI area and the surrounding community.

During the declaration for annexation stage, I urge you to consider the following:

1. The Comp Plan 2022-2042 is a good plan for a city but is heavily weighted by the CDA 2030 group that uses the United Nations 17 Sustainable Development Goals and the CDA Economic Development Organization. While their goals of high density and commercial development and zoning may fit in the urban city, it does not fit this rural and agricultural area.
2. The Comp Plan 2022-2042 on page 7, showing the Reference to State Statute, does not show any Policy Framework being considered under the Special Areas or Site. On page 61, it states, "Although the role of the Comprehensive Plan is primarily to address citywide planning issues, it can be challenging to address the specific issues and needs of the areas. (This should be addressed in an amendment to the plan making the existing Huetter Rd a Special Area.)"
3. Action CI 2.1C02 states, "Foster a collaborative relationship with surrounding communities to manage development transition at the city and county limits and establish unique identities while maintaining connectivity. Consider mutually agreed upon wayfinding signage and open space buffers in transition areas." (A buffer is needed to protect the scenic Huetter Corridor.)
4. Action ER 2.2.C01 states, "Review and consider changing the Zoning Code to discourage obstruction of open view corridors of both public and private parks, green spaces and natural area". (How about R1 -1ac. zone along both sides of the existing Huetter Rd. with open green areas and trees.)
5. Action ER 4.1.J01 states, "Partner with other organizations to identify potential funding strategies and management structures to preserve open space on the Rathdrum Prairie for public benefit." (Ask Lakeside Capital to provide green areas with trees along both side of Huetter Rd.)
6. Action GD 1.7.C1 states, "Establish a visual resources inventory in community and determine if there are specific guidelines that should be

defined and established in the City Code for public view corridors in development projects.”

7. I ask, what is a community? Is it the block, the track, the neighborhood, the town, the city, the county, the state, or is it a particular ethos? How does one community affect the others? Are there things each separate community does to help each other or the entire community? One would think that saving a scenic rural road through the Rathdrum Prairie would be a benefit to all the drivers no matter where they live. **If these scenic routes are not protected now, they will soon be gone.**
8. We do not need a Town of Coeur Terre! Please don't ruin what little rural area we have left. **The traffic that these proposed densities and zoning would create would be intolerable!**
9. Currently, the Coeur Terre project area is KC-Rural and Agricultural, with CDA- R-1, R-3, and R8 to the north, south, and east, with no building over two stories. It would be nice to see 1ac lots along Huetter with green areas and trees, with nothing over the densities allowed in CDA R8 zonings throughout.
10. The developers have done a good job to the north, without three story building, commercial, and very high-density design. The new paper on June 2, 2022 stated, "Architerra Homes steps up for the community" and "We want to come up with creative ways to support the community." I hope this is true and that you will ask for their help.
11. Please work with developers, Kootenai County, and all the cities and State ITD to stop the Huetter Bypass and make it a protected scenic rural road through the Rathdrum Prairie, from Seltice Way to Boekel Road. It's now or never and the only good rural route remaining.
12. It's premature to design a development anywhere within a ¼ miles from either side of the existing Huetter Rd. until ITD decides about the Bypass.

Hope to meet you at the Tuesday Council Meeting.

Ronald C McGhie
7253 W Big Sky Drive
970-759-9697

Historic Preservation Commission Meeting June 23, 2022

Please submit my Public Comments

Attn:

Shana Stuhlmiller

Public Hearing Assistant

Planning Department, City of Coeur d'Alene

My name is Ronald C McGhie, and I live at 7253 Big Sky Drive, which is the first house w/o Huetter Road on the s/s of Big Sky Drive. My son is the owner of the lot between me and is adjacent to Huetter

I thank you for your time today and I am here to request your assistance in making the existing Huetter Road a protected Scenic Rural Corridor through the Rathdrum Prairie from Seltice Way to Boekel Road.

After I purchased my home in 2015, I became aware that KCATT has been studying the Huetter Corridor since the 1970's, and KMPO and the State ITD has been studying this Corridor since 2003. After reviewing many of these studies, it's obvious that protecting the Rathdrum Prairie and this scenic Corridor was not high on their list. My family has had the pleasure of driving this Scenic Corridor and enjoying the view for the last seven years. I have now decided to try and get all the cities, county, and the state to consider protectngi this treasure for my children and the public for the future.

The KMPO April 2009, Huetter Corridor Right of Way Needs Report, on page 67 Environmental Conclusions summary states,

“North of Interstate 90, land use along the Corridor is primarily agricultural with rural large lot developments on the west and urban density are residential development from Poleline Avenue to Prairie Avenue. Areas north of Prairie Avenue are primarily rural in nature with agriculture being the predominant use.”
[The environmental scan revealed] *“Natural ecological communities have undergone nearly complete conversion to agriculture and urban land uses.”*
[The Recommendations state] *“There are no known environmental constraints with the Huetter Corridor study area that would preclude development of a high-speed route.... For most resources, some additional data collection and documentation would be necessary to confirm that impacts would be low or easily mitigated.”*

I must point out that the references to urban density and urban land used in the KMPO Needs Report are very questionable. The area within a half mile of either side of Huetter Rd appears to have been agricultural from 1982-1992, with rural large lots being added on the west side around 1998-2005. The Residential Landing and Trails developments

were added after 2006. Currently, the entire area within a half mile of Huetter Rd., including the Area of City Impact, appears to be void of any commercial, retail, or urban type development or building over two stories.

The Huetter Bypass would totally destroy this beautiful area! KMPO has now turned over the study to ITD for environmental assessment. To remove this scenic corridor and lower the portion adjacent to the ACI to 26 feet below the existing pavement is totally insane. In trying to mitigate one problem, KMPO has created several more.

I am a member of the No Huetter Bypass group, and our members have been contacting the ITD and will be contacting the City of Coeur d' Alene. The proposed bypass route should be stopped before the city approves any annexation request. I have submitted an alternate route for the ITD to consider. (See attached)

I am not against appropriate or reasonable growth, but I don't think the present vision of the Coeur Terre development is neither appropriate nor is it reasonable!

Their presentation at the Kroc Center displayed the vision of urban townhouses, commercial shops, and three-story buildings with an extremely high density that does not fit in with the current rural area or the nearby residential development. Can you picture driving down a scenic corridor to look at four story buildings with outside parking? The extremely high density of this project will make the traffic intolerable in the rural and residential area.

Lakeside Real Estate Holdings is doing a reasonable and appropriate development at the Trails. They should be required to do a similar development in the ACI area. The CDA Comprehensive Plan on page 43 shows the Area of City Impact to have a land use type of Single-Family Neighborhood along with Urban and Compact Neighborhood or Mixed Use. To save the Huetter Scenic View, the cities land use type of the Urban, Compact, or Mixed Use, high density should be removed from the ACI area. Single-Family Neighborhood land type should be required. Please consider requiring larger lots, green areas, and trees along and adjacent to Huetter Route.

I respectfully ask your assistance with the following.

1. Convince members to KCATT, KMPO, and the ITD to find a better route than the Huetter Corridor and help save the Rathdrum Prairie scenic area.
2. Convince Planning Commission and the City Council to understand that the goals they have set are not being properly addressed in the application for annexation of the Area of City Impact. (See attached goals)
3. Like the City of Post Falls, postpone the annexation request until the ITD finishes their environmental assessment.

4. Please let me know if there are any sites or building that currently have any or need Historic Preservation along Huetter Road or in the Rathdrum Prairie beside those previous mentioned.

5. "We recognize that others are drawn to the beauty of our area, continuing to expand our population. *Because we place such high value on our natural surroundings, we responsible plan for, manage and mitigate the impacts of growth on those surroundings.*"-Kezziah Watkins Report

Thank you for your time and consideration

Coeur d'Alene_2042CompPlan

Guiding Principles

Goals & Actions

Not being address properly

Community & Identity Goal CI 1 p 73

Action CI 2.1.C02

Foster a collaborative relationship with surrounding communities to manage development transitions at the city and county limits and establish unique identities while maintaining connectivity. Consider mutually agreed upon wayfinding signage and open space buffers in transition areas.

Environment & Recreation ER 2 p 85

Action ER 2.2.C01

Review and consider changing the Zoning Code to discourage obstruction of open view corridors of both public and private parks, green spaces, and natural areas.

Environment & Recreation ER 4 p 89

Action ER 4.1.J01

Partner with other organizations to identify potential funding strategies and management structures to preserve open space on the Rathdrum for public benefit.

Growth & Development GD 1 p 95

Action GD 1.7.C01

Establish a visual resources inventory in the community and determine if there are specific guidelines that should be defined and established in the City Code for public view corridors in development projects.

Growth & Development GD 1 p 95

Action GD 1.7.C02

Evaluate if building heights in zoning districts adjacent to shorelines should be modified to protect view corridors and limit shadows.

Growth & Development GD 2 p 97

Action GD 2.2.C04

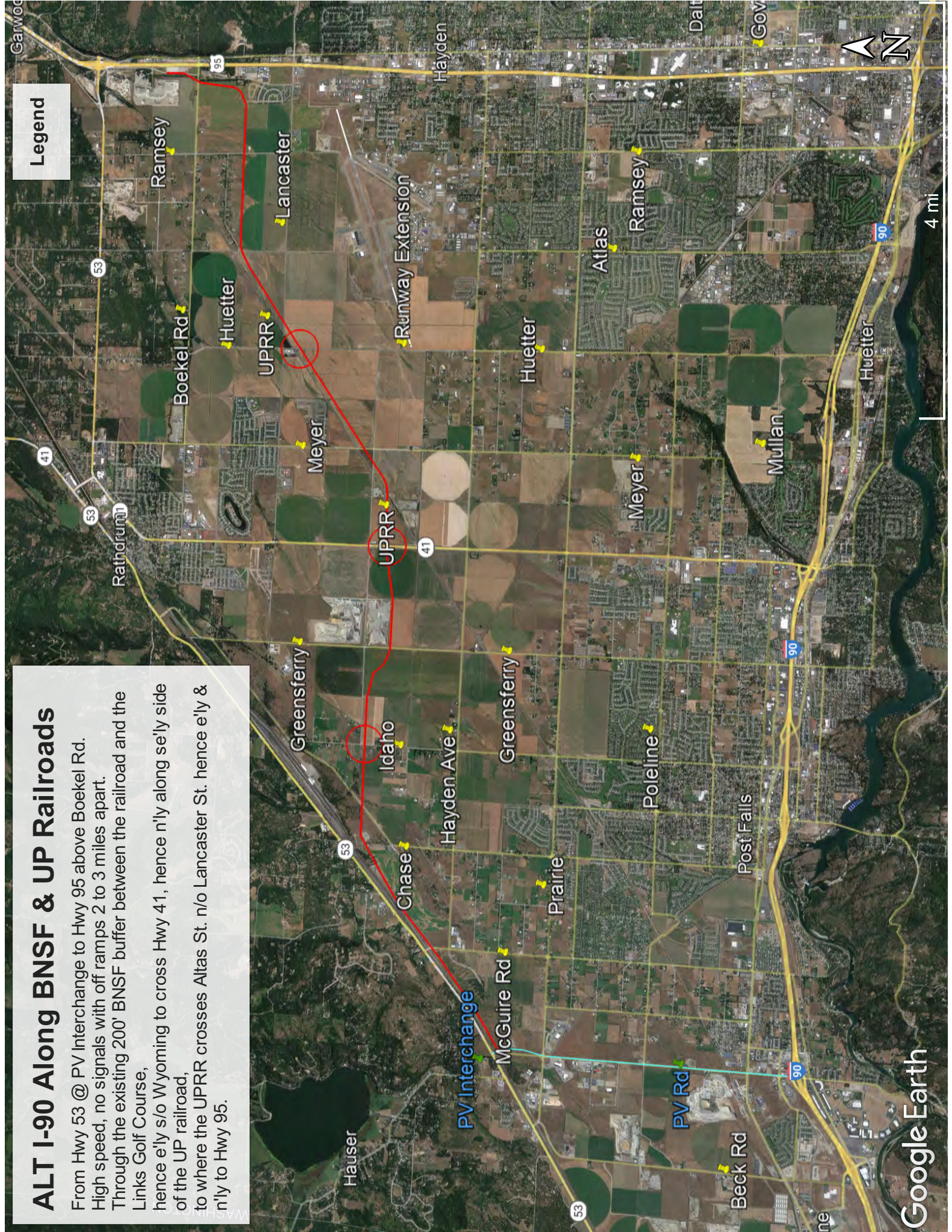
Work with utility providers to relocate existing above ground utilities underground, as viable, as streets and alleys are built or reconstructed providing resiliency to weather and ensuring continued quality service while reducing the visual impacts.

G

ALT I-90 Along BNSF & UP Railroads

From Hwy 53 @ PV Interchange to Hwy 95 above Boekel Rd. High speed, no signals with off ramps 2 to 3 miles apart. Through the existing 200' BNSF buffer between the railroad and the Links Golf Course, hence e'ly s/o Wyoming to cross Hwy 41, hence n'ly along se'ly side of the UP railroad, to where the UPRR crosses Atlas St. n/o Lancaster St. hence e'ly & n'ly to Hwy 95.

Legend



November 14, 2022

Dear Mayor Jim Hammond and City Council Members,

Indian Meadows is a special neighborhood within Coeur d'Alene. It is kind of a secret area that most people who have lived in Coeur d'Alene do not know about, unlike Dalton Gardens. Within Coeur d'Alene, this is the only neighborhood that has R1 zoning allowing the owners to have horses, goats, sheep, etc. Our neighborhood is a haven for grouse, moose, owls, raccoons, and many types of birds. We also have wildflowers that bloom throughout the neighborhood. Many of us bought in Indian Meadows because it is a little bit of country in the city. Nothing else like it. Indian Meadows was county and was added into city limits, but we kept our country feel.

The developer who purchased the land off of Hutter Road is wanting access through our neighborhood. The developer wants to widen our streets, which will take some of our land away. The developer wants to trade our green belts for the ones in Coeur Terre. When the developer purchased the property there was no access through our neighborhood. We are not the ones who are developing the land that has been farmed for many many years. We are not the ones who will benefit from the developer. We will suffer the loss of our quiet neighborhood, the loss of our land, the loss of wildlife, and the first right of being a property owner which is the right of enjoyment of our property. Traffic will increase with the approximate twelve thousand new people, and noise will increase. Our lifestyle will decrease.

The developer can do whatever they want with the land that they now own, but they need to use the access it came with off of Hutter. The farmer who has farmed that land never drove farm equipment through our neighborhood to reach the land. The farm trucks and tractors accessed the land from Hutter. The developer will say that we will benefit from the new schools and the shops and restaurants. In today's world, current businesses are struggling to stay afloat. Placing new buildings does not mean that they are wanted or needed. What this area needs is a real mall. This is North Idaho and we do get bad weather. Walking outside between stores in snowstorms is unpleasant. I would rather order from Amazon. Our neighborhood is full of retired residents and has a small percentage of residents with young children. The new schools are a benefit to the city and the existing overcrowded schools, but we should not be punished by the increase in traffic and noise, and pollution due to the poor planning of the school district. Annex the land, but don't change our neighborhood. Progress for the city should not hurt long-time residents.

Please do not allow the developer to take our lifestyle away and our rights as property owners to enjoy our property.

Sincerely,

Brenda Nearpass

3510 N Buckskin Road

Coeur d'Alene, Idaho

From: Vikki Conway
To: [GOOKIN, DAN](#); [EVANS, AMY](#); [WOOD, CHRISTIE](#); [MILLER, KIKI](#); [ENGLISH, DAN](#); [MCEVERS, WOODY](#); [HAMMOND, JIM](#); [MCLEOD, RENATA](#); [PlanningDiv](#); [HOLM, SEAN](#); [Suzanne Knutson](#)
Subject: Letter re: Coeur Terre Project
Date: Wednesday, January 04, 2023 2:35:01 PM

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

This in part was read at the City Council Meeting on 1-3-23

1-4-2023

Coeur Terre Project: info read in part to City Council n 1-3-23

Good evening,

Growth is inevitable. We know it happens and there is no stopping it. However, I would prefer to live in a city that takes the old and what is working into account and not destroy what we have to add the new.

Those of us who live in Indian Meadows, we cherish our surroundings. Peaceful streets where children can ride their bikes and people can walk their dogs and visit with neighbors. Sometimes someone rides their horse down the street and we even have an occasional moose drop by, and get some wonderful photos. It's a quiet neighborhood and we like it that way. Growth does not have to mean we get brushed aside in the scramble for new dense areas. We can both coexist with a little thought.

I have looked at the proposed map of Coeur Terre next to Indian Meadows. I have concerns.

1- Change Huetter from a 2-lane road to a 4-lane, 2 in each direction north to south, this will accommodate the higher traffic Coeur Terre will add. Atlas is already getting heavy traffic and has only two lanes.

2- Open an egress onto Huetter north of Armstrong Farm as this will eliminate the need for access to open on Spears and tie into Nez Perce.

3- The first egress onto Huetter appears to be by the underpass of the highway which makes the egress to West Woodside unnecessary. Why is there a need to weave through a neighborhood when you are mere yards from Seltice?

4- Arrowhead is not needed to accommodate additional traffic when Coeur Terre has Huetter to feed into which will run north/south and ties into Seltice, Hanley, Prairie which run east/west.

Many of our housing developments are not built for through traffic from adjoining developments. That is why we need to focus on our main roads, i.e., Atlas, Huetter, Hanley, Prairie etc. Emergency vehicles don't usually want to weave through all kinds of back streets to get to a call, they will go on main roads as much as possible.

Another consideration is Indian Meadows has only been plowed I think three times this

winter. Appaloosa, Arrowhead and Nez Perce are riddled with sheets of thick ice and new pot holes even now. Before the temperature went up a bit you couldn't see the ice for all the thick slush and mess. Many of our corners even now can only be navigated at about two miles an hour as you slide around. Even our garbage trucks have chains on the tires.

Also, much of Atlas was repaved this summer and due to the heavier traffic, it is riddled with potholes and cracks. They patched some potholes by the gas station and within 48 hours the patches were breaking out. This will continue to get worse when all the homes and town-houses on Seltice are completed with the development being moved up to over 600 units. Adding Coeur Terre traffic to this will be a disaster waiting to happen.

Please be mindful of the changes you may be making to our lives too when you open up our streets to this unnecessary traffic. We have a peaceful neighborhood where we want the quiet and slower pace but still have access to downtown and highways. Please don't ruin our neighborhood to add another "high density" development, we can co-exist without destroying what we have. We have a sought-after area and we also don't want this to affect our zoning or property values adversely.

Let's try to get ahead of our traffic issues before we build something that is outdated and obsolete before it's even completed. Please don't destroy our neighborhood.

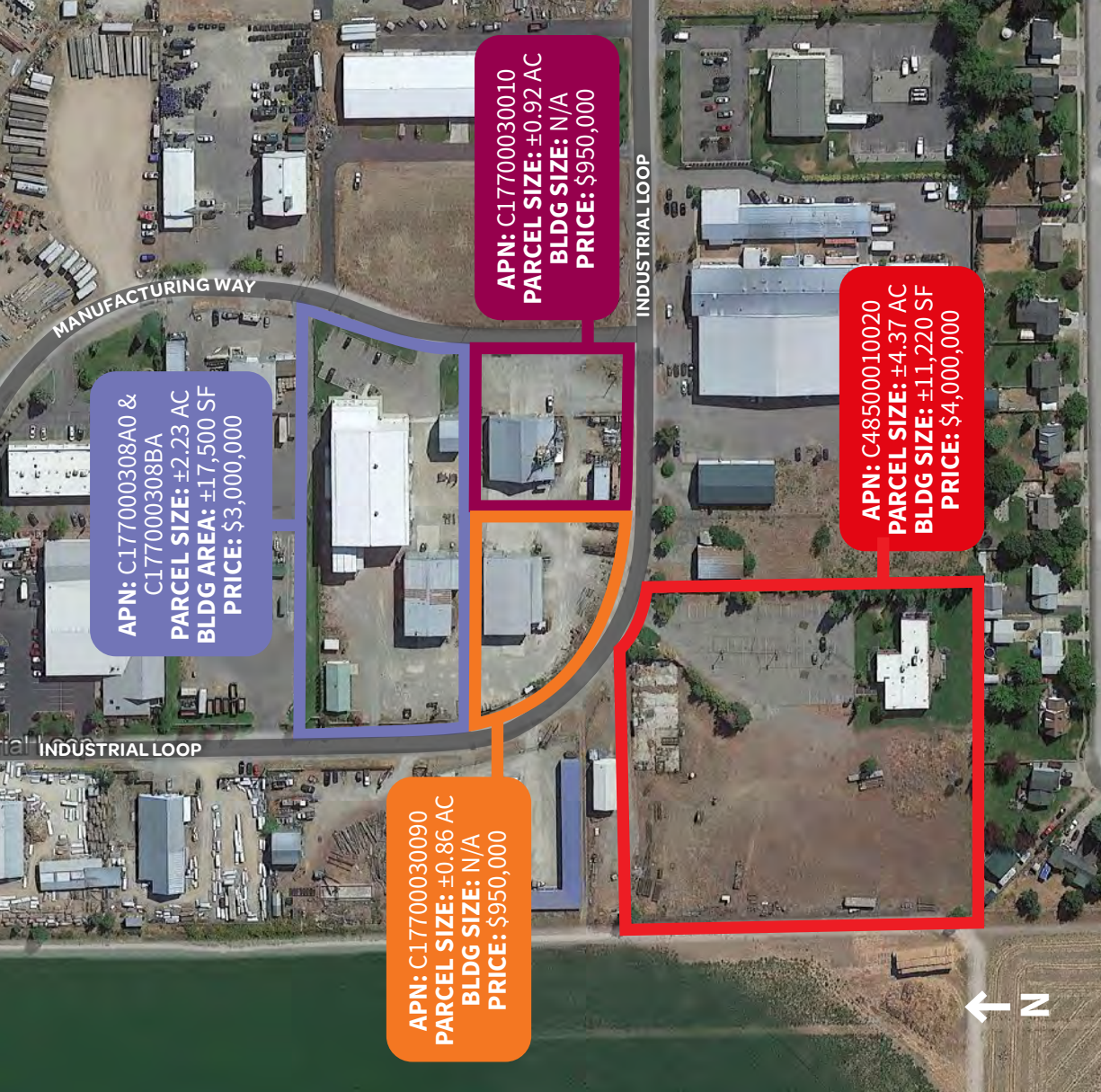
Thank you for your time,

Vivian Conway, Jeri King, Tamara Conway-King
3504 Moccasin Road, CDA, ID

P.S. As of this morning the pot holes by the gas station on Atlas were filled again using what appeared to be a different method.

For Sale

Industrial Loop, Coeur d'Alene, ID

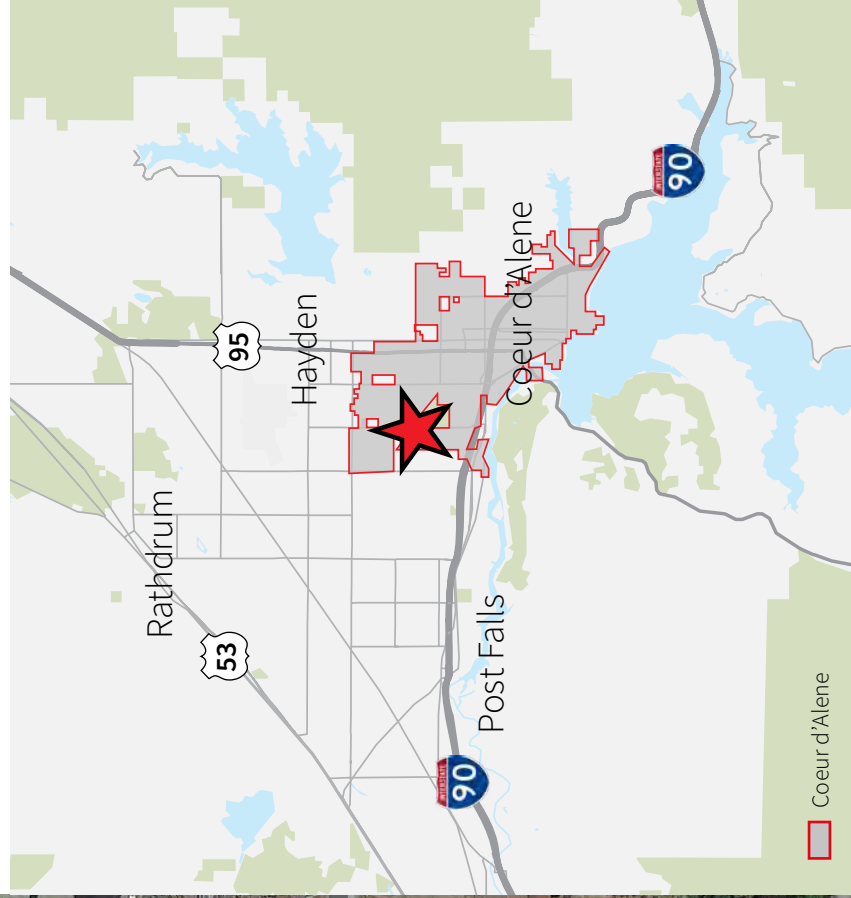


APN: C177000308A0 & C177000308BA
PARCEL SIZE: ±2.23 AC
BLDG AREA: ±17,500 SF
PRICE: \$3,000,000

APN: C17700030090
PARCEL SIZE: ±0.86 AC
BLDG SIZE: N/A
PRICE: \$950,000

APN: C17700030010
PARCEL SIZE: ±0.92 AC
BLDG SIZE: N/A
PRICE: \$950,000

APN: C48500010020
PARCEL SIZE: ±4.37 AC
BLDG SIZE: ±11,220 SF
PRICE: \$4,000,000



Property Highlights

- ±8.38 Acres
- Zoning: Manufacturing

- Kootenai County
- Pricing: See map above

JARED DEAN SMITH
Senior Associate
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+1 509 505 7459
ID RE License #SP54152



Jones Lang LaSalle Brokerage, Inc. Lic. #01856260

3639 W INDUSTRIAL LOOP



For Sale

3639 W Industrial Loop
Coeur d'Alene, ID

APN C177000308A0 &
C177000308BA

Parcel Size ±2.23 AC

Building Area ±17,500 SF

Pricing \$3,000,000

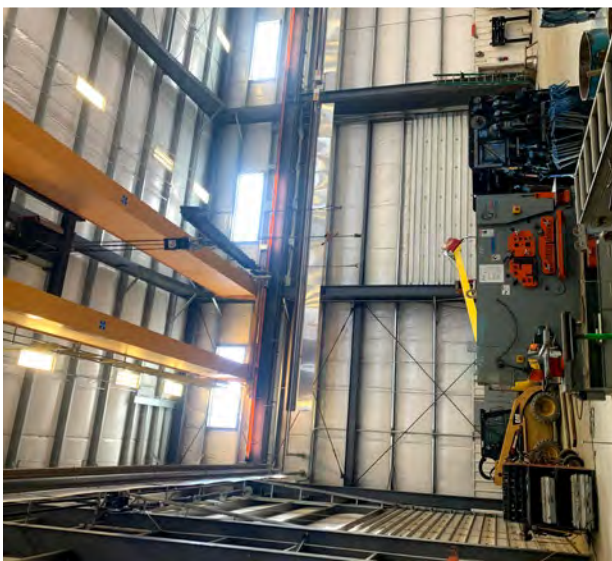
Property Features

- Abundant power
- Small two-story office
- 2 sizable 5 ton cranes
- 1 overhead 25 ton crane
- 30'+ clear height
- 5 drive-in doors
- 17 parking spaces
- ±3 AC of yard / trailer parking
- Equipment available for purchase for buyer

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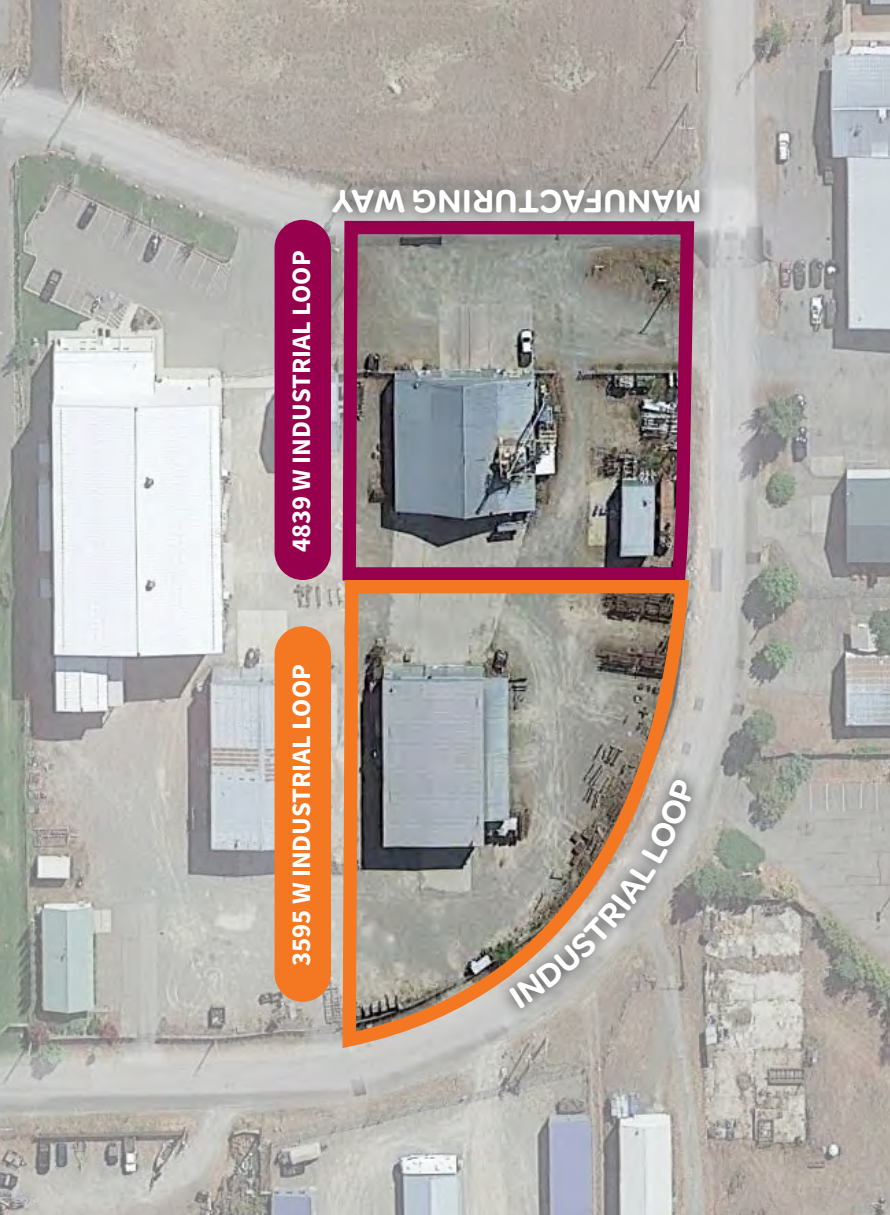


Jones Lang LaSalle Brokerage, Inc.
Lic #01856260



For Sale

3595 & 4839 W Industrial Loop
Coeur d'Alene, ID



APN

3595 W Industrial Loop: C17700030090
4839 W Industrial Loop: C17700030010

Parcel Size

3595 W Industrial Loop: ± 0.86 AC
4839 W Industrial Loop: ± 0.92 AC

Building Size

N/A

Pricing

\$950,000 each parcel

Property Features

- Industrial land
- 3 metal buildings for storage or various shop functions
- ± 0.5 Acres of lay down yard space



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+1 509 505 7459
ID RE License #SP54152



Jones Lang LaSalle Brokerage, Inc.
Lic #01856260

For Sale

3568 W Industrial Loop
Coeur d'Alene, ID

APN C48500010020

Parcel Size ±4.37 AC

Building Size ±11,220 SF

Pricing \$4,000,000

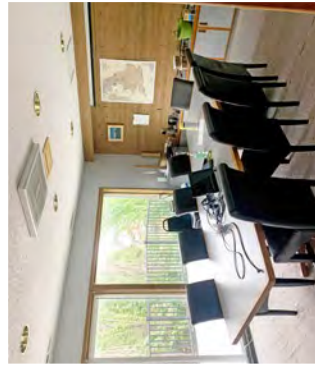
Property Features

- Paved parking lot (±61 spaces)
- ±3 acres of yard
- Office building features:
 - Lobby/reception area
 - Heavy private office buildout
 - Open cubicle areas
 - Conference rooms
 - Kitchen/break room

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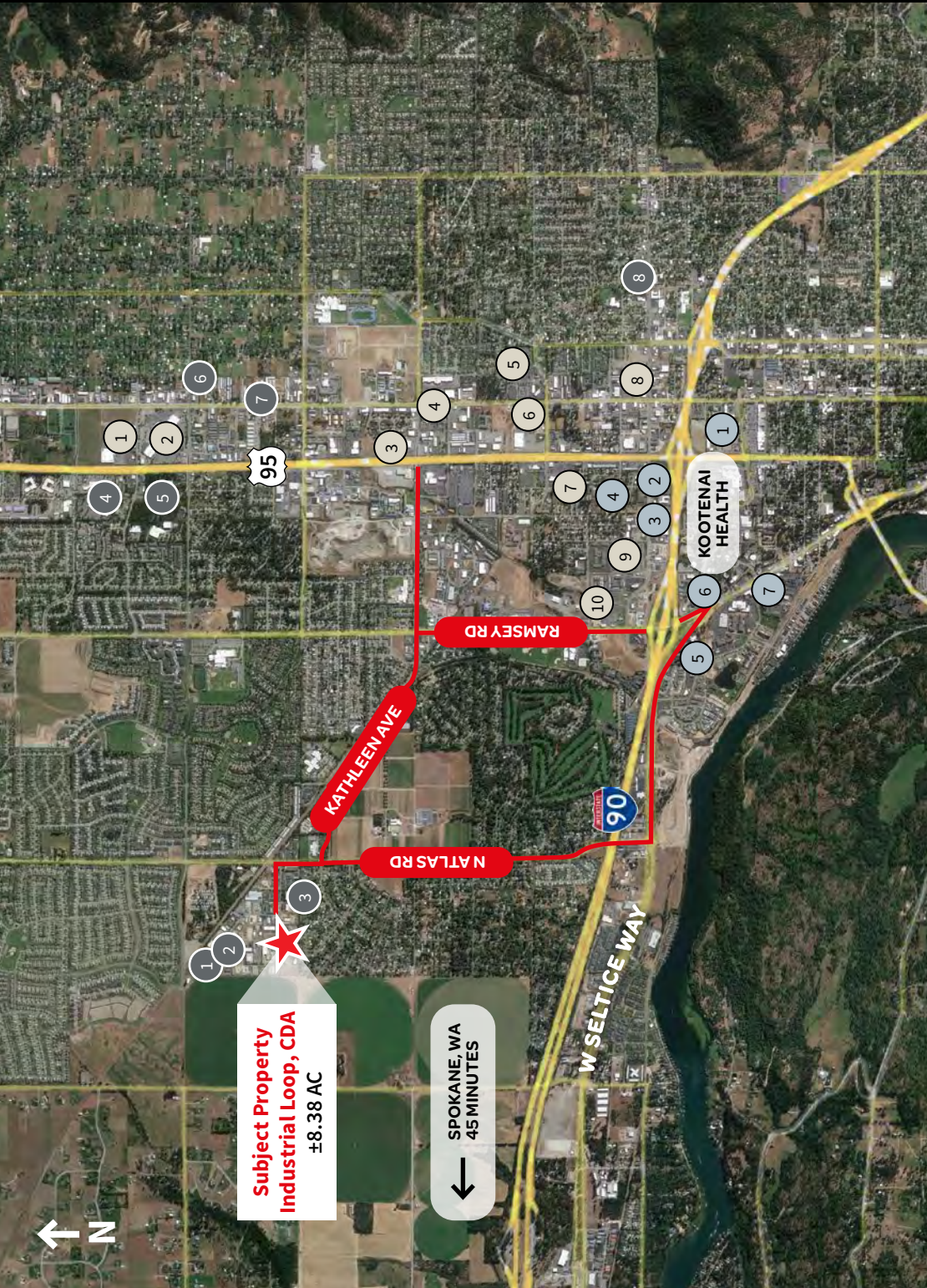
Jones Lang LaSalle Brokerage, Inc.
Lic #01856260





Subject Property
Industrial Loop, CDA
 ±8.38 AC

← **SPOKANE, WA**
 45 MINUTES



COEUR D'ALENE RESORT
GOLF COURSE
 (5 MILES)




For more information:

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Amenities & local users

- | | | |
|---|-------------------------------|---|
|  | Retail | <ol style="list-style-type: none"> 1. Target 2. Black Sheep Sporting Goods 3. Super 1 Foods 4. The Home Depot 5. Costco Wholesale 6. Safeway 7. Harbor Freight Tools 8. Big 5 Sporting Goods 9. Lowe's Home Improvement 10. WinCo Foods |
|  | Hospitality | <ol style="list-style-type: none"> 1. La Quinta Inn & Suites 2. Best Western Plus Inn 3. Comfort Inn & Suites 4. Super 8 by Wyndham 5. SpringHill Suites by Marriott 6. Days Inn by Wyndham 7. Staybridge Suite 8. Huettner Lane Extended Stay |
|  | Local industrial users | <ol style="list-style-type: none"> 1. Integrated Ideas & Technologies 2. Catalyst Industries 3. Northwest Machine Inc. 4. Advanced Input Systems 5. Hecla Mining Company 6. Odenthal Manufacturing 7. Hardkore Production 8. Precision Steel Rule Die |

Local industrial users

1. Integrated Ideas & Technologies
2. Catalyst Industries
3. Northwest Machine Inc.
4. Advanced Input Systems
5. Hecla Mining Company
6. Odenthal Manufacturing
7. Hardkore Production
8. Precision Steel Rule Die

November 2, 2022

Mayor and City Council Members
City Manager
City of Coeur D'Alene
710 E. Mullan Ave.
Coeur d'Alene, ID 83814-3958

RE: Negative Impact: Coeur Terre Development

Dear Mayor, City Council Members, and City Manager,

We are a unified group of property owners living in the neighborhoods immediately adjacent to the proposed development/annexation area. While we understand that new development is important for our community, we are concerned as to the negative impact expected in our neighborhoods.

As our elected representatives, and our only advocates with respect to a project such as Coeur Terre, we implore you to consider our concerns and mitigate the anticipated negative impacts to our neighborhoods. We understand that the Development Agreement language will soon be coming to you for comment and/or approval. We trust our concerns will be taken into consideration and made a part of that Development Agreement as the planning, design and development progresses.

We expect negative impacts (cut-through traffic, etc.). However, the developer's plan to allow direct access into this development via local Arrowhead, Appaloosa, and Woodside Roads will certainly exacerbate the negative traffic impact in our R1 and R3 neighborhoods. Outside of our peaceful neighborhoods, the developer shows 10 other points of ingress/egress, all onto collector streets. It seems too high of a cost to sacrifice the safety and security of our neighborhood to gain 2 more local points of access into Coeur Terre.

We need your help in keeping our Heritage Neighborhood peaceful, safe, and clean. Please honor your stated Objectives in the recently-adopted Comprehensive Plan. For example;

Goal CI 2

Maintain a high quality of life for residents and businesses that make Coeur d'Alene a great place to live and visit.

OBJECTIVE GD 1.5

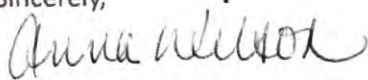
Recognize neighborhood and district identities.

The city is failing US in this regard.

We are committed to protecting our neighborhoods and to being involved in this project to ensure our concerns are addressed.



Please let us know what we can do to support our City Council in keeping ALL of Coeur D'Alene a community that continues to be a desirable place for families.

Sincerely,



Indian Meadows Neighborhood Group
(see list of signatures attached)

Neighborhood Signatures opposing Indian Meadows / Woodside (Appaloosa and Arrowhead) entrances to Coeur Terre

Full Name	Signature	Address	Email	Cell Phone #
Anna M. Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645
James Wilson		3808 Moccasin Rd. Coeur d'Alene, ID	juawilson1995@gmail.com	208-660-5645

Tuesday, November 22, 2022

Dear Mayor Jim Hammond and City Council Members, Dan Gookin; Amy Evans; Christie Wood;
Kiki Miller; Dan English and Woody McEvers.

RE: Coeur Terra Annexation

My name is Nancy Barr and I live at 4107 West Arrowhead Road which is in the middle of the Indian Meadows subdivision off of Atlas Rd. in Coeur d Alene The property is adjacent to the Coeur Terra property that Kootenai Land Company plans to develop in the near future. Recently this land was approved for a zone change from agricultural to multi use, now it is requesting an annexation into the City of Coeur a Alene.

My concerns are for access to Coeur Terra subdivision, traffic controls on Atlas Rd, and the loss of the integrity of the Indian Meadows properties. Coeur Terra lies between Atlas Road and Huetter Road adjacent to our neighborhood. According to Kootenai Land Company web site access will be through the Indian Meadows subdivision. The traffic volume will be greatly increased though our neighborhood which consists of large lots of at least an acer of land with a nice 3-4 bedroom home with a shop. This neighborhood was designed to be similar to Dalton Gardens in the 1960's and was annexed into the city of Coeur d Alene in the 1980's for an increased tax base. At that time the residents of Indian Meadows Homeowners Association opted to keep the neighborhood a low traffic and low density annexation. There are no sidewalks or curbs. Today the neighborhood has special charm and beauty. Its residents walk their dogs, ride horses and walk/run the streets for exercise. It is the only place within the city where residents can have livestock.

Indian Meadows is bound by Appaloosa Rd on the south and Nez Pearce to the North (which has a divider in the middle) and connects with Mullen road to the west of Huetter in Post Falls. North of Nez Pearce is a higher density neighborhood. Arrowhead Road runs directly through the middle of Indian Meadows. Making it a through street would impact the neighborhood in a very negative way.

Due to the amount of traffic into the Coeur Terra subdivision from Atlas Rd, traffic lights on Atlas would be required on Appaloosa, Arrowhead Rd and Nez Pearce. There is already lights at Kathleen, the entry to the Industrial park, the crossroads for the Atlas bike trail and at Hanley Rd creating a traffic pattern much like Highway 95.

~~Coeur~~ Terra design indicates an Elementary school would be built at the end of where Arrowhead presently ends. My suggestion would be for the Coeur Terra Developers to consider moving the elementary school north 1 block so access to that school could be accessed from Nez Pearce and Huetter Rd. This would greatly decrease the proposed traffic increase along Arrowhead Rd. and preserve our neighborhood.

Indian meadows is one of the more desirable neighborhoods to reside in the City of Coeur d Alene.

Thank you for your consideration.

Sincerely,

Nancy Barr



4107 Arrowhead Rd

Coeur d Alene, Idaho 83815

November 14, 2022

Dear Mayor Jim Hammond,

Indian Meadows is a special neighborhood within Coeur d'Alene. It is kind of a secret area that most people who have lived in Coeur d'Alene do not know about, unlike Dalton Gardens. Within Coeur d'Alene, this is the only neighborhood that has R1 zoning allowing the owners to have horses, goats, sheep, etc. Our neighborhood is a haven for grouse, moose, owls, raccoons, and many types of birds. We also have wildflowers that bloom throughout the neighborhood. Many of us bought in Indian Meadows because it is a little bit of country in the city. Nothing else like it.

The developer who purchased the land off of Hutter Road is wanting access through our neighborhood. The developer wants to widen our streets, which will take some of our land away. The developer wants to trade our green belts for the ones in Coeur Terre. When the developer purchased the property there was no access through our neighborhood. We are not the ones who are developing the land that has been farmed for many many years. We are not the ones who will benefit from the developer. We will suffer the loss of our quiet neighborhood, the loss of our land, the loss of wildlife, and the first right of being a property owner which is the right of enjoyment of our property. Traffic will increase, and noise will increase. Our lifestyle will decrease.

The developer can do whatever they want with the land that they now own, but they need to use the access it came with off of Hutter. The farmer who has farmed that land never drove farm equipment through our neighborhood to reach the land. The farm trucks and tractors accessed the land from Hutter.

Please do not allow the developer to take our lifestyle away and our rights as property owners to enjoy our property.

Sincerely,

Brenda Nearpass

3510 N Buckskin Road

Coeur d'Alene, Idaho

January 14, 2023

Cd'A City Council Members
710 E. Mullan Ave.
Coeur d'Alene, ID 83814

Re: Coeur Terra Development

Dear City Council Members,

It is with great concern that I am writing you today in regards to the Coeur Terra development coming to our neighborhood. I have lived in Coeur d'Alene since 1971 and my husband since 1999. We have lived at 3708 Moccasin Rd. for 14 years now and chose this area because of all of its qualities. I'd like to start by describing what a wonderful peaceful community we live in.

The area is nestled in a forest like atmosphere with lots of Pine trees yet only 10-15 min. from town. People ride by on their horses, our grandkids love to see the goats and we have occasional moose, owls and raccoons that visit. It's an avid dog walking and exercising neighborhood where you rarely need to watch for traffic when crossing the streets, because there is none! It is only local residents going to and from their homes.

We know our neighbors and converse with them often. In fact, if anyone happens to be gone for any extended period we watch their house, water plants; pick up mail/packages and snow blow for each other when necessary. If an emergency situation arises we pull together to help one another. We have potlucks and get-together celebrations throughout the year. If there is a strange vehicle or something odd going on we generally notice it almost immediately. It is a proud, protected and safe neighborhood. We want it to remain this way.

I'm not afraid of change and realize this will happen with the town's growth to our beautiful city but I believe there are better solutions to avoid heavy traffic coming to impact our area. This will surely happen if the proposed streets of Arrowhead and Appaloosa are made into thru streets to the Coeur Terra development. I'd like to suggest that the thru streets be made farther North of Atlas on Industrial Loop or even Hanley Ave. where there are already traffic lights in place.

In closing I'd like to thank the council for hearing my concerns and opinions and hope that you will take this into consideration when deciding on the future of mine and our neighbors little piece of paradise.

Warmest Regards,



Lori J. Barker

4203 W. ARROUHEAD

Dear Dan,

Thank you for your time and effort serving on the council for our beautiful city. I spoke at planning committee and the public council meeting regarding access to Cour Terre on the prairie. Thanks for listening: I've spent a tiny amount of time addressing this traffic issue and writing this note, compared to the days and weeks you've devoted to the people & neighborhoods of Cour d'Alene in your public role.

THANKS AGAIN, DAN!

This note is mostly a VISUAL testimony about our neighbors. The photo which I took yesterday is of Melissa Dyk and her kids and their pony. They live on Appalosa and were riding/walking back home on my street, Arrothead. We have Lone-Ranger-ettes (cougaris) exercising their acre-contained horses and pulling carriages & sleds out here. I just wanted you to see it (like I do... about weekly in January, daily in the Spring, Summer, & fall).

I'm at least as concerned about affordable housing and job compensation in our city as I am about traffic and safety and neighborhood integrity. So, I'm not a one-issue citizen. Safety includes emergency access which should be prioritized for the eventual twelve thousand residents of Cour Terre. School access, too huh? Please, no response, Dan... just thanks!

Don Schmitt



1/23/11 11:30 AM

M0-054.jpg

STUHMILLER, SHANA

From: HOLM, SEAN
Sent: Wednesday, December 07, 2022 3:03 PM
To: STUHMILLER, SHANA; MCLEOD, RENATA
Subject: FW: Through Traffic from Atlas West to New Coeur Terre Project

FYI: Coeur Terre comments

From: Tom Sanner <tmsanner@gmail.com>
Sent: Wednesday, December 7, 2022 3:00 PM
To: HOLM, SEAN <SHolm@cdaid.org>; Gabe Gallinger <gabe@thinklakeside.com>; Suzanne Knutson <sknutson@startmail.com>; kayla.stiegemeier@gmail.com; Dan English <dan@toteavote.com>
Subject: Through Traffic from Atlas West to New Coeur Terre Project

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

Dear, Gabe, Sean, and Dan

I will attach the email that is circulating in our neighborhood at the end of my suggestion.

In the Southwest corner of the Cda Industrial Park is a parcel of commercial property for sale that would link Atlas Road via Industrial Loop to the new Coeur Terre project. There is a traffic light already at the Intersection of Atlas Road and Industrial Loop. Please consider this as a viable link to the new Coeur Terre project. Please feel free to contact me for any further discussions.

Respectfully,
Tom Sanner

Dear Neighbors,

Thank you to all those who attended the Cda City Council meeting on 12/6, and to those who spoke up. It seems that there were 10-12 neighbors who spoke up with some very important points. It is very important that we continue to speak up before the public hearing on Coeur Terre, most likely in January. The City Council is hearing our concerns beforehand, so let's keep it up.

Hillary Patterson, the head of the CdA Planning Department was there, and heard our thoughts too. Whether they will make it to Sean Holm, who is the planner working on the project, we don't know. Feel free to send your comments to him also. SHolm@CdAID.org,

One neighbor on Arrowhead mentioned that he is a home inspector and has inspected homes all over CdA for many years. He moved into Indian Meadows just two years ago, with his family, from Cougar Gulch after keeping a close eye on our neighborhood. Another neighbor on Buckskin mentioned that because of cut-through traffic in an adjacent neighborhood, Fairway Forest, no children play and no people walk or ride bikes there because it is not safe. Another Neighbor on Sherwood spoke up about high traffic on Atlas and cut through traffic already effecting our streets. A neighbor on

Tamarak spoke of the concern for connecting traffic flowing to the proposed elementary school. I told the council that many folks do not trust the city council to care about us and our property values, safety, and quality of life and that we need them to care.

Last week I spoke with Cheif Greif of the Fire Department. He told me that 85% of the calls they go to are medical and are mostly to elder care homes and multi family housing, and therefore, the Fire Department's first choice for travel to Coeur Terre is via Hanley. He could not come up with a second choice, but said he would call me if he figured it out after looking further. He was supportive of our concerns and said that they do not like to take fire trucks through neighborhoods to emergencies, but being response time based, they would use our roads to get through if it was a shorter response time. With their current firehouse on Atlas near Hanley, and with the proposed project highest density housing designed at Hanley and Huetter, it makes sense for the emergency crews to use Huetter. He said the next fire station will likely be off Seltice in the Mill River area, which is not ideal, as it only serves a "semi circle" area, with the river on one side and being so close to the Post Falls border. That project should come up in the next 5 years.

The Police captain I spoke with said police calls will most likely be to the proposed commercial development in Coeur Terre and to the highest density development at Huetter and Hanley. He also said it would help if there was a police substation in the area as there are none in Coeur d'Alene. .

Council member, Dan English, did approach me afterward to explain the he lives "there" but he is in Coeur d'Alene place, which is NOT Indian Meadows, Woodside, Queen Anne Estates, Northshire, or Orchard Lands.

The next CdA City Council Meeting is on December 20 and it is KEY that the city council continue to hear from residents who have not spoken up yet--Is there anyone in Woodside or Northshire who would like to chime it too?

Next Tuesday, December 13 at 5:30pm, the Cda planning commission will hear a proposal from the developer of the River's Edge Apartments currently under construction off Atlas and Seltice. The developer wants to increase the zoning from R-17 to R-34, which doubles the unit count from 384 to 680 units. This was denied by city council in 2019. Depending on the decision of the city council, it could be an indicator of the PUD/zone process we can expect with the Coeur Terre project also.

If you have not yet spoken at a city council meeting or written to the City Council and Planning Departments, please consider a short note telling them

- Your address
- Your neighborhood
- How long you have lived there
- why you chose to live there

- how you feel about the development
- how you feel about the proposed connection of Woodside, Appaloosa, Arrowhead, Nez Perce, and Spiers roads to the Coeur Terre development.
- Thank them for listening

dgookin@cdaid.org

aevans@cdaid.org

cwood@cdaid.org

kmiller@cdaid.org

denglish@cdaid.org

wmcevers@cdaid.org

mayor@cdaid.org

RENATA@cdaid.org

PlanningDiv@cdaid.org

SHolm@cdaid.org

Sent from my iPhone

STUHMILLER, SHANA

From: Stuart Bryan <sbryan@trinitycda.org>
Sent: Friday, December 16, 2022 12:15 PM
To: HOLM, SEAN
Cc: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: Re: Coeur Terre

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Thank you very much!

On Fri, Dec 16, 2022 at 12:12 PM HOLM, SEAN <SHOLM@cdaid.org> wrote:

Stuart,

Thank you for your comment.

Staff will ensure this email is provided to City Council in consideration of the Coeur Terre annexation request.

All the best,

Sean E. Holm

Senior Planner | City of Coeur d'Alene

208.676.7401





From: Stuart Bryan <sbryan@trinitycda.org>
Sent: Thursday, December 15, 2022 3:38 PM
To: HOLM, SEAN <SHolm@cdaid.org>
Subject: Coeur Terre

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

Mr. Holm,

Greetings! I understand that you are the planner in charge of the Coeur Terre development. My family has lived at the corner of Broken Arrow and Arrowhead Roads in the Indian Meadows neighborhood for the last 15+ years (3610 Broken Arrow Road). It has been a delightful place to raise a family. Our tiny neighborhood was developed with small acre lots. It is bordered by Appaloosa Road on the south and Nez Perce Road on the north. The only other east-west road in our little neighborhood is Arrowhead Road.

I was recently informed by some concerned neighbors that the developers of the Coeur Terre addition are petitioning to make Arrowhead one of the east-west access roads for that addition. I fear that if that were approved it would essentially erase our Indian Meadows neighborhood and devastate our property values. It would cut our neighborhood in half and make it a place of heavy traffic rather than a spot that has been a safe place for our children and grandchildren to play and ride their bikes. In addition, it would bring additional traffic to Atlas Road which is already heavily utilized for its relative size.

It would seem to me that east-west travel along Seltice, Prairie, and Hanley where there are existing traffic signals or through the Industrial Park where there is a new light and the increased traffic would not be a detriment to a

neighborhood would make far more sense and be far less disruptive. If those access ways are not sufficient, then I guess the other option would be to make Nez Pierce an east-west carrier since there is an existing city park along Nez Perce, it would connect with Mullan Road at Huetter, and it could be widened without intruding into the existing home lots by eliminating the tree lane which currently divides the two lanes of traffic. Any widening of Arrowhead, however, would disrupt the many homes along and that front Arrowhead including our own.

I certainly understand the need for additional housing and building in the area. I have children (and grandchildren!) who would love to be able to settle long-term in this area and that means we are going to need an additional supply of homes - so yay for additional single family homes! However, it would seem to me that that additional expansion could be accomplished without radically disrupting our existing neighborhood.

I appreciate your willingness to receive citizen input.

Sincerely,

Stuart W. Bryan

Pastor

Trinity Church

A Reformed & Evangelical Congregation

Coeur d'Alene, Idaho

www.trinitycda.org

"Beware of ever aspiring to such purity that you do not want to seem to yourself, or to be, a sinner. For Christ dwells only in sinners."
Martin Luther

--

Sent from my iPhone.

STUHMILLER, SHANA

From: PATTERSON, HILARY
Sent: Tuesday, January 24, 2023 4:37 PM
To: HOLM, SEAN; STUHMILLER, SHANA
Subject: FW: CdA City Council Meeting of Feb 7th Public Hearing on the Coeur Terra development and specifically, ingress and egress.

From: GOOKIN, DAN <DGOOKIN@cdaid.org>
Sent: Tuesday, January 24, 2023 4:14 PM
To: MCLEOD, RENATA <RENATA@cdaid.org>; PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: Fw: CdA City Council Meeting of Feb 7th Public Hearing on the Coeur Terra development and specifically, ingress and egress.

as requested

From: Joe Verner <joev@maryhammerlylaw.com>
Sent: Tuesday, January 24, 2023 4:12 PM
To: GOOKIN, DAN <dgookin@cdaid.org>; ENGLISH, DAN <denglish@cdaid.org>; WOOD, CHRISTIE <cwood@cdaid.org>; EVANS, AMY <aevals@cdaid.org>; MCEVERS, WOODY <wmcevers@cdaid.org>; MILLER, KIKI <kmiller@cdaid.org>
Cc: HAMMOND, JIM <jhammond@cdaid.org>
Subject: CdA City Council Meeting of Feb 7th Public Hearing on the Coeur Terra development and specifically, ingress and egress.

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January 23, 2023

Dear City Council Members and Mayor Hammond:

My wife and I are retired and relocated to CdA in the Fall of 2020, coming from the east-of-Seattle side of the mountains. We have grandchildren in Spokane and Liberty Lake. We are residents of Coeur d'Alene on the west edge of CdA Place, specifically, near the corner of Atlas Rd and Hanley Avenue. I have "scouted out" the proposed site of the future Coeur Terra development from Huetter Rd, Atlas Road, and from the Indian Meadows neighborhood that borders a sizeable portion the eastern side of the proposed development. I have a brief opinion to share about the Coeur Terra development. Please forward a copy of this email to the City Council clerk so that individual may include it for the public record. Thank you. I look forward to meeting you for the first time at the Feb 7th, 4PM City Council public hearing on the Coeur Terra project.

Generally speaking, I do not have an issue with the Coeur Terra development itself, only the developments ingress and egress if it is not limited to Huetter Road. However, we do object to any ingress / egress access through *anywhere* within the Indian Meadows and surrounding neighborhood(s) that specifically puts additional traffic onto Atlas Road, period. Here is why: Atlas Road is already a heavily travelled two (2) lane road and is becoming even more so with all of the

other growth density developments over the last dozen or so years. There is no land available to widen Atlas Road. As with Atlas Rd, there is no land available on Huetter Rd between Seltice and Prairie Ave unless the City or County or State or Developer acquires land to widen Huetter Rd. from Seltice to at least Prairie Ave. Speaking of Atlas Rd, besides no land available to widen Atlas, Atlas' roadway is "unsuitable for more traffic" because of its roadbed. In the winter time Atlas is full of roadway divots and chuckholes because of weather conditions and the fact that the divot and chuckhole repairs are merely temporary roadway fixes, we local-area residents have to deal with chuckholes and divots throughout the year due to traffic wear and tear. The same comment applies to Kathleen Avenue from Atlas Rd through US-95. I can't comment on the Huetter Rd. roadway surface inasmuch as I do not drive on it but a few times a year. Perhaps the City can specify that the Developer build a better roadway bed on Huetter and repave Huetter with current technology as part of its "impact fee".

I suppose, from fire safety and health safety issues, perhaps Hanley Ave "could be an ingress / egress roadway" a Developer "impact fee" item to and from Coeur Terra for the current Fire Station near the corner of Atlas and Hanley, unless, the City has already tasked the Developer to build a Fire Station within the Coeur Terra development or close by on Huetter Rd as part of its "impact fee/s"

Thank you for listening; and, especially for considering the welfare, needs and roadways of existing CdA residents on the Atlas Rd side of Coeur Terra.

Joe Verner

6364 N Descartes Dr, CDA, ID 83815; 206-972-6990; joev@maryhammerlylaw.com

STUHMILLER, SHANA

From: Jerry Weaver <jerryinidaho@hotmail.com>
Sent: Wednesday, January 25, 2023 12:06 PM
To: STUHMILLER, SHANA
Subject: Coeur Terre

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

We are opposed to the project for two reasons. 1 Growth has far exceeded our infrastructure's ability to handle current traffic congestion. 2. The planned traffic ingress and egress to Coeur Terre via Indian Meadows residential property will create hazards and increased congestion. Atlas Rd has become a major throughfare for both auto and truck traffic, with only one traffic light between to Seltice and Prairie Ave, its almost impossible to access atlas from Indian Meadows during peak hours. Coeur Terre will only increase the problems. Coeur Terre traffic should be required to utilize existing major throughfares or develop extensions to existing roads like Poleline, Hanley, and Huetter.

Sincerely,
Jerry & Glenda Weaver

STUHMILLER, SHANA

From: Polak, Chad M <Chad.M.Polak@p66.com>
Sent: Wednesday, September 14, 2022 2:43 PM
To: STUHMILLER, SHANA
Subject: FW: City of Coeur d'Alene Planning Department, Public Hearing Notice
Attachments: A-4-22 public Hearing notice2.pdf

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

Good Afternoon Shana,

YPL does not have any comments regarding the annexation as identified in the notice. However, the developer should plan to discuss any proposed projects with YPL as the pipeline is located at multiple locations on the tract of land looking to be annexed.

Let me know if there are any questions or feel free to pass along my contact details to the 3rd party.

Sincerely,

Chad M. Polak
Agent, Real Estate Services
O: (+1) 303.376.4363 | M: (+1) 720.245.4683
3960 East 56th Avenue | Commerce City, CO 80022
Phillips 66

From: STUHMILLER, SHANA <SHANA@cdaid.org>
Sent: Wednesday, September 14, 2022 2:26 PM
To: Avista <Jamie.Howard@avistacorp.com>; Brittany Stottlemire <Brittany.Stottlemire@avistacorp.com>; Polak, Chad M <Chad.M.Polak@p66.com>; Chet Gaede <chet.gaede@msn.com>; Chris Riedeman <criedeman@kec.com>; citizen <mcghie1945@gmail.com>; Corp of Engineers <michael.aburgan@usace.army.mil>; Cyndi(Citizen <cdarling@icehouse.net>; East Side Highway District <eshd@imaxmail.net>; emily blunt <emily@cdadowntown.com>; jeff boller <jboller@cdaschool.org>; Jeff Voeller <jvoeller@cdaschools.org>; John Cowley Dist Supt NW Pipeline Corp <ty.broyles@williams.com>; Karen Hansen <barnun33@hotmail.com>; Kate Orozco <korozco@cdaschool.org>; Ken Windram <ken@harsb.org>; Kootenai County <dcallahan@kcgov.us>; Kris Jackson <krisj1216@gmail.com>; Mark Hinders <Mark@cdagarbage.com>; Megan O'Dowd <megan@lyonsodowd.com>; Michael Thomas <mthomas@kec.com>; Mike Ahmer <mahmer@idl.idaho.gov>; Pam Westberg <pwestberg@cdaschool.org>; Philip Evander <pevander@kec.com>; Planning <planning@cityofhaydenid.us>; Sandy Emerson <jasandyemerson@gmail.com>; Scott Davis <sdavis@kec.com>; Scott Maben (smaben@cdaschools.org) <smaben@cdaschools.org>; Sharon Bosley <kea@kealliance.org>; Shon Hocker <shon.hocker@cdaschools.org>; Stephanie Oliver <soliver@harsb.org>; susie snedaker <susansneadaker@earthlink.net>; Tony Berns <tonyb@ignitecda.org>; Trina Caudle <tcadele@cdaschool.org>; Williams Gas Pipeline <Michael.Fitchner@williams.com>; Worley Highway District <worleyhwy@worleyhwy.com>; Sharpe, Mike R <Mike.R.Sharpe@p66.com>
Subject: [EXTERNAL]City of Coeur d'Alene Planning Department, Public Hearing Notice

This Message Is From an External Sender

This message came from outside your organization.

Greetings,

Attached is a copy of public hearing notice for A-4-22.

This item will be heard at the next Planning Commission Meeting held on Tuesday, October 11th and 12th(if needed).

If you have any comments please let me know.

Thanks,

Shana Stuhlmiller
Planning Department, City of Coeur d'Alene
Public Hearing Assistant

208.769-2240 ext. 240
shana@cdaid.org

February 1, 2023

Dear Mayor and Council:

My family and I live at 3704 North Tamarack Road in Indian Meadows. We are writing to you to express our concerns about the **Coeur Terre** Subdivision.

This subdivision's density as approved by the Planning Commission is too high. The main roads surrounding this entire area are not built or designed to safely accommodate high density, especially adding two schools. Imagine if you will the impact of the people living in the surrounding neighborhoods as busses, parents, students and employees travel to and from these schools every day, especially the elementary school proposed in the southeast corner of the development. There is no quick or convenient entry or exit to this area without severely impacting the existing neighborhoods.

Indian Meadows is a unique, long-established neighborhood. Many of the property owners have lived here for 30 to 40 years. The things that make our neighborhood special will be negatively impacted by our roads being extended into Coeur Terre. We have neighbors with livestock, horses and riders, moose, etc. throughout our neighborhood. It is safe for walkers, bike riders, children and pets, even without sidewalks. **Please do not extend Nez Perce, Arrowhead or Appaloosa Roads.**

If the decision is in favor of Coeur Terre, as presented, our neighborhood will become noisy with heavily increased through traffic. Traffic and speeding will be a constant problem. We lived in another city across town for 30 plus years. We experienced the daily impact of high density, increased traffic and all that come with trying to cram too many people in too small a space without proper infrastructure, and the speeding traffic using neighborhood streets as "shortcuts". We moved to Indian Meadows to provide aging parents and ourselves a safe, quiet neighborhood. **The negative impact can never be reversed. The quality of life enjoyed by the residents in Indian Meadows should not be diminished by a new high density adjoining development.**

One partial solution may be to move the proposed elementary school to the north, closer to the proposed middle school and thereby closer to Hanley Avenue. No homes front Hanley and it is more suited for through traffic.

Please consider the enormity of this development and its negative impact on the surrounding neighborhoods. Please reduce the density, placement of the school near Woodside, and no through streets from Indian Meadows.

Respectfully

Bill and Laurie Robb

Concerns/questions about Coeur Terre development and Atlas Waterfront development;

1. Where is the source of water for these new developments going to come from?
2. What is the capability of the CDA Sewage treatment plant? The national average for water consumption is 60 gallons per day per person. That means with 11,000 + new people there will be a demand to handle over 660,000 gallons of water of additional waste water per day.
3. Is a new water treatment in the plans for the future?
4. Is Appaloosa Road going to be a through road to Coeur Terre?

Sincerely,
Patrick Hatfield
(resident of Woodside Park)



RECEIVED
FEB 1 2023
BY: _____

A-4-22 Public Comments Feb 7, 2023

I am Ron McGhie 7253 Big Sky Dr. KC Thank you very much for your time.

I question why you are being asked to approve zoning for an annexation that has not been fully defined by the applicant but has been unanimously approved by the planning department. I call it the wait and see plan, because after 20 or 30 years you will see what you approved.

You are very aware that the Comp Plan is a vision to consider, not something you follow if it violates the rights of others without just compensation as required by state and federal law. The Urban Neighborhood, Compact Neighborhoods and the Mixed-Use Low land types allow C-17 and R-17 zoning density with *multifamily units that is not* compatible in the ACI area. The multifamily will allow 3 ½ times the density and over double the height of the surrounding neighborhood. It will severely affect the amount of traffic and the property value and safety of thousands of residents on both sides of Huetter Road.

67-6519(3)

When considering an application which relates to a public-school facility, the commission shall specifically review the application for the effect it will have on increased vehicular volumes on the adjacent roads. The appropriate local highway district jurisdiction shall review the application and shall report to the commission on the following as appropriate: the land use master plan, access safety, need for traffic control, and anticipated future improvements.

No zoning approval should be granted before the following is address;

1. The final locations of both school sites are approved.
2. The maximum allowable number of units in each land type, and the number of commercial units are agreed upon
3. The estimated number of retail employees and school employees will have to be addressed.
4. The increased vehicle traffic and improvement on adjacent roads are studied and addressed in a new Traffic Impact Study.
5. No residential zoning over R-12
6. The proposed development should not be approved without receiving more public input from the neighborhoods being affected.

The percentage of single families is being reduced as multifamily are being increased. This is creating a shortage in single families that will continue to make single families

Received 02/02/23

more expensive for workforce housing. *Single- family homes usually cost less than multi-properties and are easier to finance.*

The multifamily is median to high density zoning, R-17, R-34 & C-17. Most are owned by investors and are rentals. It is naive to think multifamily is the answer to workforce housing. The appropriate area for multifamily is closer to downtown or in infill areas east of the ACI.

My neighbors and I have too many concerns with the development agreement to address in 3min. I respectfully request you to have a public workshop before approving zoning or the development agreement.

Thank you.
Ron McGhie

Coeur d'Alene Planning Department
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

Comments

JAN 30 2023

THIS IS IN REFERENCE TO THE ANNEXATION OF COEUR
TERRE. I AM VERY MUCH OPPOSED TO THIS REQUEST. FIRST
I THINK YOU SHOULD PUT AT LEAST A FIVE YEAR
MORATORIUM ON PROJECT. IN THAT RESPECT YOU COULD
GET A HOLD ON THE INFRASTRUCTURE. MAINLY TRAFFIC SCHOOLS
WATER, SEWER, RIGHT NOW I DO NOT FEEL THIS IS A NEEDED
PROJECT. WE HAVE ENOUGH PROBLEMS RIGHT NOW WITH
GROWTH. WE NEED TO PUT A HALT ON IT. TAKE A GOOD LONG
HARD LOOK AT THIS. LOOK AT THE ROADS AND MAYBE EVEN
DRIVE ON THEM. MAYBE LISTEN TO THE PEOPLE BY THE
PEOPLE FOR THE PEOPLE.

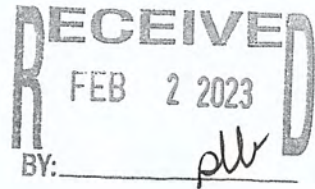
LELAND ERWIN

4009 LANCASTER Rd COEUR D'AL 83815

Leland Erwin

Please cut here

1. If you would like to send in a comment, please use this portion of the notice and return to the Planning Department office before Monday, February 6, 2023
- &/or 2. Phone or visit our office (769-2240) with your concerns or questions.
- &/or 3. Email your comments to shana@cdaid.org
- &/or 4. Come to the public hearing.



ITEM: A-4-22

Nate and Melissa Dyk
4010 W Appaloosa Rd.
Couer d'Alene, ID 83815
nate.dyk@gmail.com

Dear Mayor and Council Members,

Thank you for your service to the city of Couer d'Alene and your consideration of the Couer Terre Annexation.

I am a Project Manager for Eric Hedlund Design and have worked on several commercial and residential projects within Couer d'Alene. I was also previously employed by Lakeside Capital until 2019 when I amicably departed to work at my current firm. Based on my architectural career, home location on Appaloosa, and familiarity with the applicant team, I have a very unique interest in this proposed development.

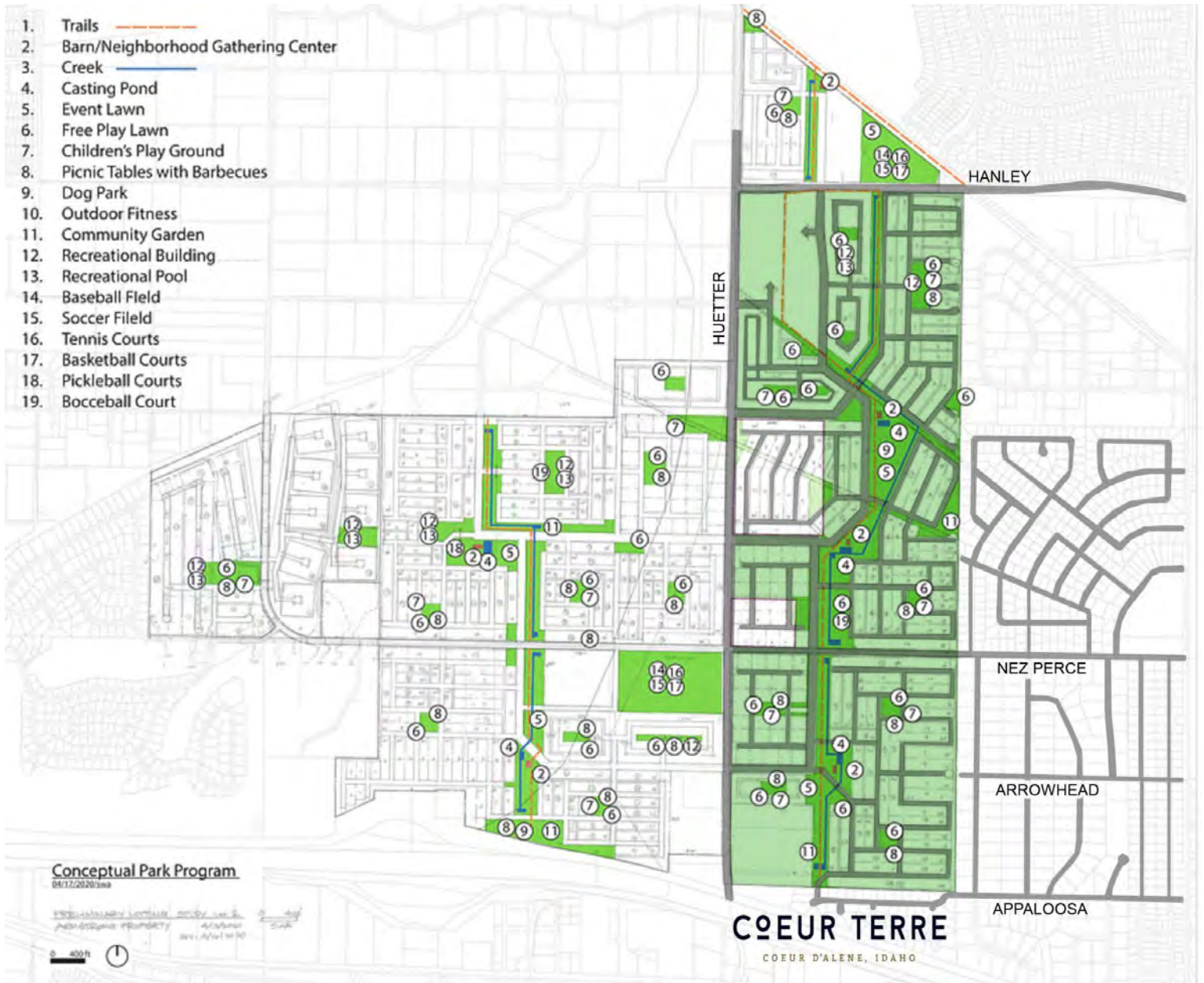
Interestingly, up until 7/1/22 Kootenai Land Co. presented a much more appealing master plan on their website - See next page.

The previous design included many features residents, council, and planning are asking for;

- 2 street connections at Appaloosa and Nez Perce
- More respectful of adjacent neighborhoods
- Street design which encourages traffic to the West.
- Integrated trails, parks, and open space
- Reduced density
- Flexibility for School Sites
- Opportunities for Multi-Family Housing Along Huetter/Hanley

Why was the previous master plan abandoned in favor of the current plan? The previous plan also depicts the applicant's vision for the development West of Heutter, which raises further questions.

Note: Road labels, Coeur Terre logo, and poche was added for clarity.



<https://web.archive.org/web/20220319213539/https://www.kcolandcompany.com/wp-content/uploads/2020/07/Coeur-Terre.png>

Additionally, below are the following concerns with the latest revisions to the agreement:

The East traffic is funneled through Appaloosa and Nez Perce, which creates greater impacts:

1. Reducing the East connections to two streets funnels additional traffic through Appaloosa and Nez Perce. The revised proposal will have an even greater impact on Indian Meadows than the previous iteration.
2. If mitigation measures are implemented to direct traffic West, away from Appaloosa, then Fire and Police will favor access from Nez-Perce/Huetter/Hanley. This defeats the point of connection in the first place!
3. The cut through traffic generated on a narrow, residential street, without sidewalks, generates its own life-safety issues.
4. Appaloosa will no longer be safe for our young children and animals to walk and enjoy other parts of the neighborhood. Other residents will also be discouraged to walk on Appaloosa which will cut us off from our neighbors.
5. Because Appaloosa is straight and is adjacent to a high density development, the revised agreement makes Appaloosa into a cut through street which will be worse than traffic on Masters/Fairway. Already, people speed down Appaloosa at 50+ mph.
6. We appreciate the council's suggestion to encourage traffic flow to the West, however ***by what metric will traffic 'encouragement' be measured?*** Adding verbiage is non-scientific and implementation is left to the discretion of the developer and City Planning, who have largely ignored our concerns.

Revisions to the Coeur Terre Master Plan are needed before annexation moves forward:

7. Without concrete street design revisions to the Master Plan to support the agreement, the applicant will prioritize the cheapest and quickest traffic solutions that serve their interest.
8. The revisions in the agreement does not specify which of the 3 connections (2 at Woodside, 1 at Appaloosa) into Appaloosa will be made. The traffic impacts can vary greatly depending on the connection points and street design within Coeur Terre.
9. An East connection into Industrial loop has not been explored. This would be a win-win scenario as it redirects traffic away from Indian Meadows and provides additional visibility and opportunity for business within Industrial Loop. This will promote development and growth for an under-utilized commercial zone.

10. The Master Plan and Zoning Exhibits must be revised to address the connection and traffic concerns. We are creating short-cuts by putting bandaids on the agreement when there are still overwhelming concerns with the Master Plan. The Master Plan needs to be revised first!

Density remains a concern:

11. The 2,800 unit limit in the agreement will be subject to future revisions and will be asked to be increased. The street connections will be made early in the development and cannot be modified. As a result, the applicant must provide a revised street design with corresponding traffic studies in order to demonstrate compliance with Finding B11.
12. There are no reductions to the R-17 and C-17 zones which have height, adjacency, and density issues with the neighbors to the North and West. The zones will be subject to future density increases.

The Coeur Terre Mater Plan has been rushed and does not address resident's concerns:

13. We keep hearing Coeur Terre has been in development for over 10 years, but this is blatantly incorrect. Yes, there were early discussions with Mr. Armstrong, but the latest Master Plan has only been available online since 7/22. It is also drastically different from the original master plan that was presented earlier on the applicant's web site.
14. As someone in design and construction, a few months is not enough time for public input for a development of this size. The applicant team should have engaged local residents throughout the design process and not after-the-fact when they are vying for annexation approval. Additionally, as a current or former employee and an Indian Meadows resident, I was not interviewed or consulted prior to planning commission approval.
15. There are far too many concerns from residents for the project to move forward in its current proposal. Please refer to the meeting minutes from our 'Stakeholder' meeting with The Langdon Group, KLC's collaboration consultant. To my knowledge, we have not received a response from KLC or The Langdon group regarding our questions or concerns from the meeting.

From the concerns above, it is clear that the recent changes to the agreement fall short and still do not bring Coeur Terre into compliance with Finding B11. As a result the annexation must be denied so that a genuine interaction between the residents, the planning department, and the applicant team takes place so that we can find more equitable solutions for all interested parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Dyk". The signature is fluid and cursive, with a large initial "N" and "D".

Nate Dyk

STUHMILLER, SHANA

From: barb barbyeager.com <barb@barbyeager.com>
Sent: Tuesday, February 07, 2023 2:24 PM
To: MCLEOD, RENATA
Subject: Coeur Terre

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

I'm in favor of the development. There will be many more outlets to post falls, seltice, the future i90/huetter interchange and the future i95 north bypass.

Architerra has proven to be a quality subdivision and home builder.

Barbara Yeager
(208)819-1973

Barbara Yeager
(208)819-1973

STUHMILLER, SHANA

From: Ronda Bowling <rondabowling@gmail.com>
Sent: Thursday, February 23, 2023 12:08 PM
To: MCLEOD, RENATA
Subject: Re: Coeur Terre-Police/Fire

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

Yes, I have the above information. The Feb.10th meeting of staff I'm referring to was mentioned in the City Council Staff Report - Coeur Terre Revised Annexation and Development Agreement- Summary Of Changes. Feb. 21st packet.
Pg 1 under History.

Ronda Bowling

On Thu, Feb 23, 2023, 11:05 AM MCLEOD, RENATA <RENATA@cdaid.org> wrote:

I would direct you to the public records portal in the future for public records requests, but I can tell you there are no records based on your request below. There were no public meetings held on February 10 in which staff reports and minutes would have been taken. Can you give me a bit more of a description of what meeting you might be referring to?

All of the Coeur Terre staff reports are available within the City Council packets posted to the City website at (February 7 and February 21 packets would be the ones you are looking for City Council action): <https://www.cdaid.org/3155/departments/council/council-agenda-packets>

You can also access the Planning Commission packets at that same website.

I hope this helps, let me know if you are looking for something different. Renata

Additional public record requests can be made through our records portal at: [https://coeurdaleneid.govqa.us/WEBAPP/rs/\(S\(f5ped23vtgbwxx4apmldxqq2\)\)/SupportHome.aspx](https://coeurdaleneid.govqa.us/WEBAPP/rs/(S(f5ped23vtgbwxx4apmldxqq2))/SupportHome.aspx)

From: Ronda Bowling <rondabowling@gmail.com>
Sent: Thursday, February 23, 2023 10:46 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre-Police/Fire

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

Hi Renata,

I would like a copy of the written staff reports and or minutes from the February 10th meetings with City Staff from Police, Fire, Streets & Engineering, Wastewater, Legal, Municipal Services and Planning that took place regarding the Coeur Terre development.

Can you help me with that?

Thank you!

Ronda Bowling

208-964-2102

STUHMILLER, SHANA

From: Stuart Bryan <sbryan@trinitycda.org>
Sent: Monday, March 13, 2023 3:42 PM
To: STUHMILLER, SHANA; MCLEOD, RENATA
Subject: Coeur Terre Annexation

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

Dear Coeur d'Alene City Council Members and Planning Staff,

Good afternoon. I want to issue my hearty thanks for the time and effort you have spent endeavoring to mitigate the impact of the Coeur Terre addition on the Indian Meadows neighborhood. As I have written before, my family has lived at the corner of Broken Arrow and Arrowhead Roads in the Indian Meadows neighborhood for the last 15+ years (3610 Broken Arrow Road). Hence, the decision by the developers to reduce the number of east-west access roads to their proposed development by excluding Arrowhead Road from the development is good news indeed and I am thankful.

While I had considered just leaving it at that, my conscience told me that I should spend a few lines advocating for my neighbors on Appaloosa and Nez Perce Roads. If I lived on either of those roads, this proposed annexation would still cause me incredible distress. Why should these property owners have to bear the cost for this annexation? If the addition consisted of a mixture of small acre lots (R-1) and residential neighborhoods (R-3), then it would seem that granting access may be reasonable. However, the density of the addition would radically transform these streets and devastate my neighbors' property values. If I were in their shoes, I would want them to speak up on my behalf - and so I am speaking up on theirs.

It seems to me that east-west travel along Seltice Way, Prairie Avenue, and Hanley Avenue where there are existing traffic signals, or perhaps even through the Industrial Park where there is a new traffic signal and the increased traffic would not be a detriment to an existing neighborhood, would make far more sense and be far less disruptive. Hence, I would urge you to vote AGAINST this annexation so long as the developers are seeking access via existing neighborhoods for an addition of such density. I believe that additional expansion could be accomplished without destroying the character of our existing neighborhoods.

I appreciate your willingness to receive citizen input.

Sincerely,

Stuart W. Bryan

Pastor

Trinity Church

A Reformed & Evangelical Congregation

Coeur d'Alene, Idaho

www.trinitycda.org

"Beware of ever aspiring to such purity that you do not want to seem to yourself, or to be, a sinner. For Christ dwells only in sinners." Martin Luther

STUHMILLER, SHANA

From: Stuart Bryan <sbryan@trinitycda.org>
Sent: Monday, March 13, 2023 3:42 PM
To: STUHMILLER, SHANA; MCLEOD, RENATA
Subject: Coeur Terre Annexation

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STUHMILLER, SHANA

From: GOOKIN, DAN
Sent: Monday, March 06, 2023 4:24 PM
To: MCLEOD, RENATA; PATTERSON, HILARY
Subject: Fw: Coeur Terre Project

From: rcliffor@roadrunner.com <rcliffor@roadrunner.com>
Sent: Monday, March 6, 2023 1:07 PM
To: GOOKIN, DAN <dgookin@cdaid.org>; EVANS, AMY <aevans@cdaid.org>; ENGLISH, DAN <denglish@cdaid.org>; WOOD, CHRISTIE <cwood@cdaid.org>; MILLER, KIKI <kmiller@cdaid.org>; MCEVERS, WOODY <wmcevers@cdaid.org>; HAMMOND, JIM <jhammond@cdaid.org>
Subject: Coeur Terre Project

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

Dear Mayor and City Council,

First, I would like to thank you for extending the comment period on this very important project due to the proposed changes presented. However, I was very disappointed in the changes in regards to emergency responder access. I have to wonder if the developer and the city planner actually visited the Indian Meadows neighborhood.

Appaloosa Road is simply not designed to safely handle increased traffic flow. (I am writing this after watching the children standing in the street this morning waiting for the school bus). I would suggest sitting in front of Ramsy School or Woodland School on any school day morning to see the traffic jams that occur daily. I would also point out that there is no practical way to add sidewalks on Appaloosa due to the steep embankment along both sides of the street (particularly just east of Buckskin).

Nez Perce would definitely require widening and the land is available assuming that the City is willing to remove many (if not all) of the more than 60 trees located in the center median. Please also remember that there is a childrens' playground along the side of Nez Perce.

Most importantly, I would like to remind you neither street is actually a connector street for first responders due to the lack of direct access from Atlas Road going east to Ramsey. Assuming emergency vehicles will not want to weave around the golf course residential streets, the only routes available are to go south to Seltice, or go north to Kathleen or Hanley. Note that the fire station is located just north of Hanley. And either direction means travelling on an already very busy (and too narrow) Atlas Road.

It seems very obvious the most appropriate connector streets for emergency and public access to and from Coeur Terre are Hanley and Seltice.

Thank you.

Robert Clifford
4151 W. Appaloosa Rd

4108 W. Appaloosa Rd
Coeur d' Alene, ID 83815

Re: Coeur Terre Annexation / Indian Meadows traffic.

Dear Mayor and City Council Members,

This letter is to address some issues that came up during the February 21st council meeting.

When the revised Coeur Terre plan was explained it was stated that there would need to be two east side access streets through the Indian Meadows neighborhood. These access points were described as having been requested by the fire and police departments for emergency response vehicles.

I'm not going to argue against emergency vehicle access. However, I feel that these access points will need to be gated so as to only allow authorized vehicle access.

My neighbors and I have stated repeatedly that allowing the volume of traffic that will come and go from Coeur Terre to pass through our neighborhood totally disregards the safety of the Indian Meadows residents.

In my view access gates on the east side of Coeur Terre are no different than the entrance gates for gated communities. Authorized vehicles can access these points without allowing traffic from the general public. Gated communities exist everywhere including Coeur d'Alene.

During this same meeting it was proposed that the Coeur Terre street layout should be designed to encourage traffic to use Huetter Road rather than cutting through Indian Meadows when going to points east. One thing that I've learned about getting around CDA in recent years is to plan a route that minimizes the number of traffic lights that I have to pass through. They slow my progress more than anything else. I'm sure that I'm not the only one that uses this strategy.

I can absolutely guarantee that if there is a way to get through, the Coeur Terre residents and those on the Post Falls side of Huetter will cut through Indian Meadows and the adjoining CDA golf course neighborhood to get to points east of Ramsey Rd.

Here are two routes that a Coeur Terre resident at the south end could choose from.

- 1) Cut through Indian Meadows and the CDA golf course neighborhood arriving at the intersection of Ramsey and Appleyway = 2.25 miles and only 1 traffic light at Ramsey.

2) Go west to Huetter, south to Selice, east to NW Blvd. / Ramsey Rd. then north to the same Ramsey / Appleway intersection = 3.25 miles and 7 traffic lights.

Which route do you think they are going to choose ?

Indian Meadows and the CDA golf course neighborhood were not designed to handle high traffic volume. Neither one has sidewalks for pedestrians. But cutting through these two neighborhoods will be the preferred route to get to any destination north of I-90 and east of Ramsey. This is my part of town and I know where the short cuts are and the Coeur Terre residents will figure this out as well.

Thank You,

A handwritten signature in black ink, appearing to be "Andrew K. ...".



4752 W. Riverbend Avenue • Post Falls, ID 83854
(208) 773-6745 • Fax (208) 777-4080
www.riverbendcp.com

March 8, 2023

The City of Coeur d'Alene
City Council and Planning Commission
710 E. Mullan Ave.
Coeur d' Alene, ID 83814

RE: Coeur Terre Land Annexation

Dear City Council and Planning Commission:

Riverbend Commerce Park supports Kootenai County Land Company's proposed annexation of the Coeur Terre property into the City of Coeur d'Alene and encourages the City to approve their application. As the developers of Riverbend Commerce Park in Post Falls, and home to Buck Knives, Ednetics, Raycap, ALK Source Materials, University of Idaho, North Idaho College, etc., we know our tenants need an inventory of housing options for employees. Whether it is retaining an existing business, or bringing a new business to our area, housing options are critical to the economic success of our community.

The project will include a wide variety of housing types which will directly benefit the community by providing needed housing, employment opportunities, parks, schools, and property and sales tax revenue for City and County services.

Architerra provides quality homes throughout the county in their many projects. The master planned Coeur Terre project will provide a variety of housing options and amenities for a wide range people for decades to come.

We are requesting that the City of Coeur d'Alene approve the proposed annexation and zoning of the Coeur Terre Property. The site is adjacent to the existing city limits and is a natural progression of outward growth of the city.

Respectfully,

A handwritten signature in blue ink, appearing to be "Tom Shuman", is written over the word "Respectfully,".

Riverbend Commerce Park

STUHMILLER, SHANA

From: Joan Dudney <joanrdudney@outlook.com>
Sent: Wednesday, February 08, 2023 7:11 AM
To: MCLEOD, RENATA
Subject: Fwd: Coeur Terre

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

Sent from my iPhone

Begin forwarded message:

From: Joan Dudney <joanrdudney@outlook.com>
Date: February 5, 2023 at 10:06:35 PM PST
To: cwood@cdaid.org
Subject: Coeur Terre

Christie,

As you know Don and I have lived in our house on Broken Arrow Rd in Indian Meadows for 41 years. You have been to our home before and know what a quiet and unique area it is.

People in the neighborhood have chickens, ride their horses on the streets, walk their dogs and even one neighbor walks her ducks. Kids play in the street. It's safe for everyone because there is very little traffic. We want to keep it that way.

Why should a big Land Development Company be allowed to come in and destroy our peace and quiet, shrink our property values, increase traffic on our streets and increase safety issues?

Recently, Kootenai County and especially Coeur d'Alene, have created an over abundance of developments being approved and plugged into or around our quiet neighborhoods. Mostly unaffordable and unattractive apartments surrounded by as many houses as developers can place there? I see this everywhere in the area and don't want it out my back door.

The members of the City Council were elected to represent ALL of the people of Coeur d'Alene not just the wealthy and powerful.

Please rethink what you will be doing to our neighborhoods.
Would you want this to happen in your neighborhood?

Sincerely,

Don & Joan Dudney
Sent from my iPad

STUHMILLER, SHANA

From: Lorelei Dunbar <loreleidunbar@yahoo.com>
Sent: Tuesday, February 07, 2023 3:01 PM
To: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: Annexation

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

I am voicing my concern over the annexation and zoning density of the proposed Coeur Terre project.

The prior Coeur d'Alene Comprehensive Plan lists the characteristics of Atlas Prairie neighborhoods. The very first bullet point reads "The overall density may approach 4 to 5 units per acre, however, pockets of higher density housing and multi-family units are appropriate in compatible areas".

What the developer has laid out FAR exceeds this. (R8 and R17 vs. R5) Almost the ENTIRE project is higher density ... not just a couple of pockets. It's nearly twice the planned density ... climbing to 4x that in "pocket" areas.

As has been stated in the past, allowing developers to cram as much as they can into as little as they can is akin to winning one of Wonka's Golden Tickets.

The City Council is not here to serve the interests and desires of this corporation but to those of the citizens, present and future, of our wonderful city.

I'm asking the City Council to delay this annexation ...

hold onto this card ...

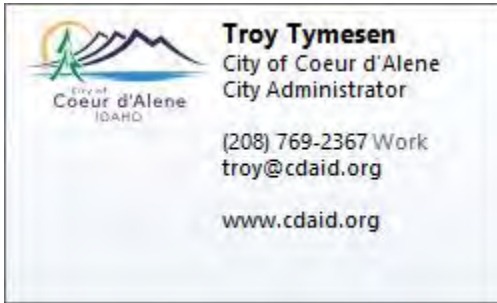
while you negotiate a less dense, more creative, mixed used housing development.

We have one chance to do this right.

Thank you.
Lorelei Ruddick
4108 W Arrowhead Road
Coeur d'Alene, Idaho 83815

STUHELMILLER, SHANA

From: TYMESEN, TROY
Sent: Monday, March 06, 2023 8:14 AM
To: PATTERSON, HILARY
Subject: FW: Coeur Terre Revisions to Annexation Agreement Letter



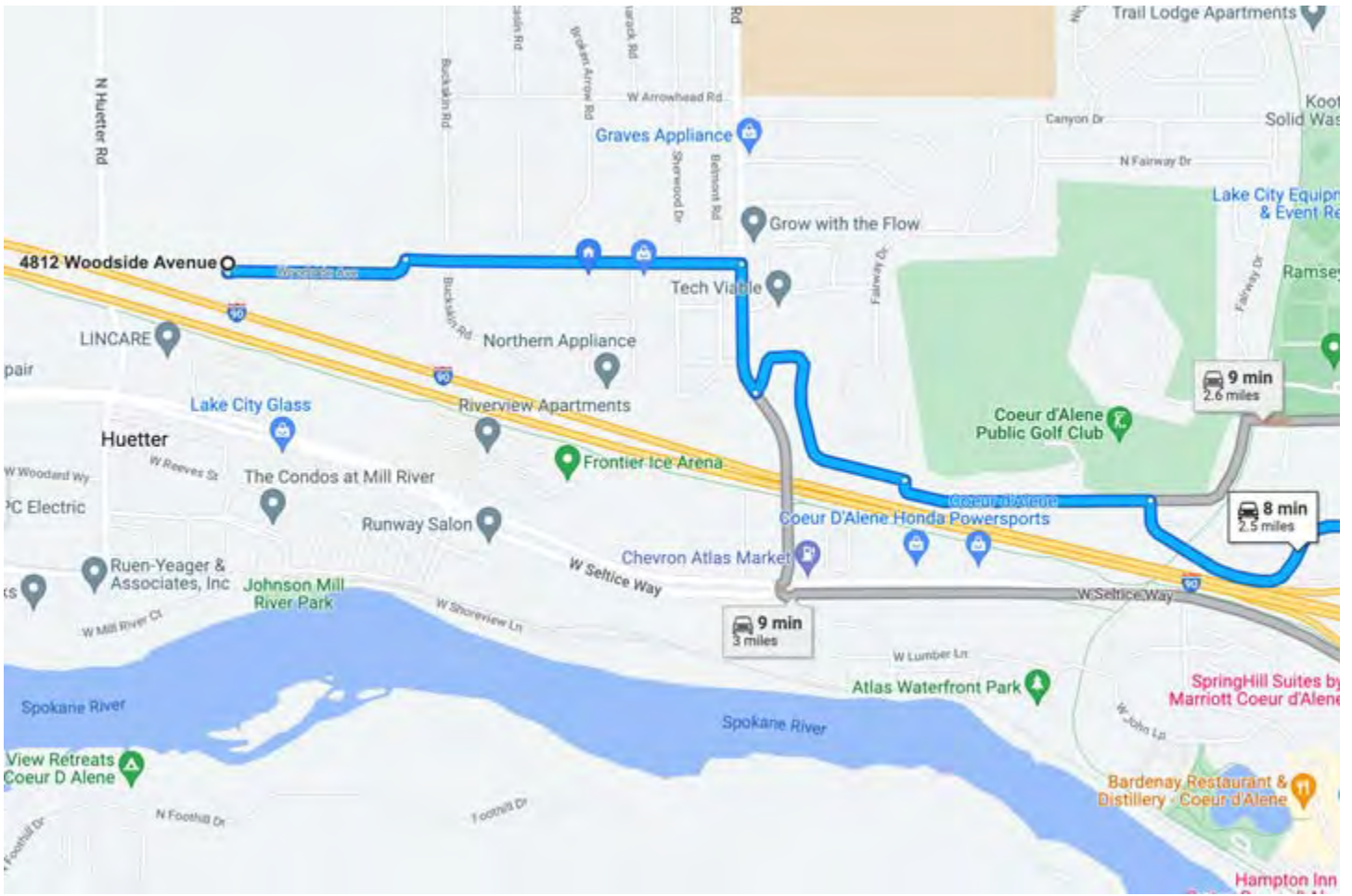
From: Nathaniel Dyk <nate.dyk@gmail.com>
Sent: Saturday, March 04, 2023 9:52 AM
To: HAMMOND, JIM <mayor@cdaid.org>; GOOKIN, DAN <dgookin@cdaid.org>; ENGLISH, DAN <denglish@cdaid.org>; EVANS, AMY <aevans@cdaid.org>; MILLER, KIKI <kmiller@cdaid.org>; WOOD, CHRISTIE <cwood@cdaid.org>; MCEVERS, WOODY <wmcevers@cdaid.org>; TYMESEN, TROY <troy@cdaid.org>; MCLEOD, RENATA <renata@cdaid.org>
Cc: Melissa Dyk <melissa.c.dyk@gmail.com>
Subject: Re: Coeur Terre Revisions to Annexation Agreement Letter

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

Mayor and Council Members,

For your consideration, I would like to add one final point to my previous letter;

In order to avoid the 6+ stoplights on Heutter, Seltice, and Northwest Blvd, Coeur Terre motorists will be encouraged to utilize Masters & Fairway Dr. to access services on Appleway. This will be a disaster for residents in the Fairway neighborhood and create additional safety issues for roads that are already heavily impacted. It would be bad street planning and a public hazard to connect 2, high-density commercial zones with narrow, residential streets. ***Will KLC's PUD traffic studies analyze the impact on the Fairway neighborhood?***



Again, thank you for your service and consideration.

Best,

Nate Dyk

On Thu, Mar 2, 2023 at 8:33 AM Nathaniel Dyk <nate.dyk@gmail.com> wrote:

Dear Mayor and Council Members,

Attached is a letter that contains my concerns regarding the latest revisions to the Coeur Terre annexation agreement.

Also attached are the meeting minutes from our roundtable 'sounding board' with The Langdon Group and KLC. To my knowledge, we have not received a follow-up response to our many questions from the meeting.

Please deny the annexation so that a genuine interaction between the residents, the planning department, and the applicant team takes place to find more equitable solutions for all interested parties.

Thank you for your consideration and your service to Coeur d'Alene.

Best regards,

Nate Dyk

STUHMILLER, SHANA

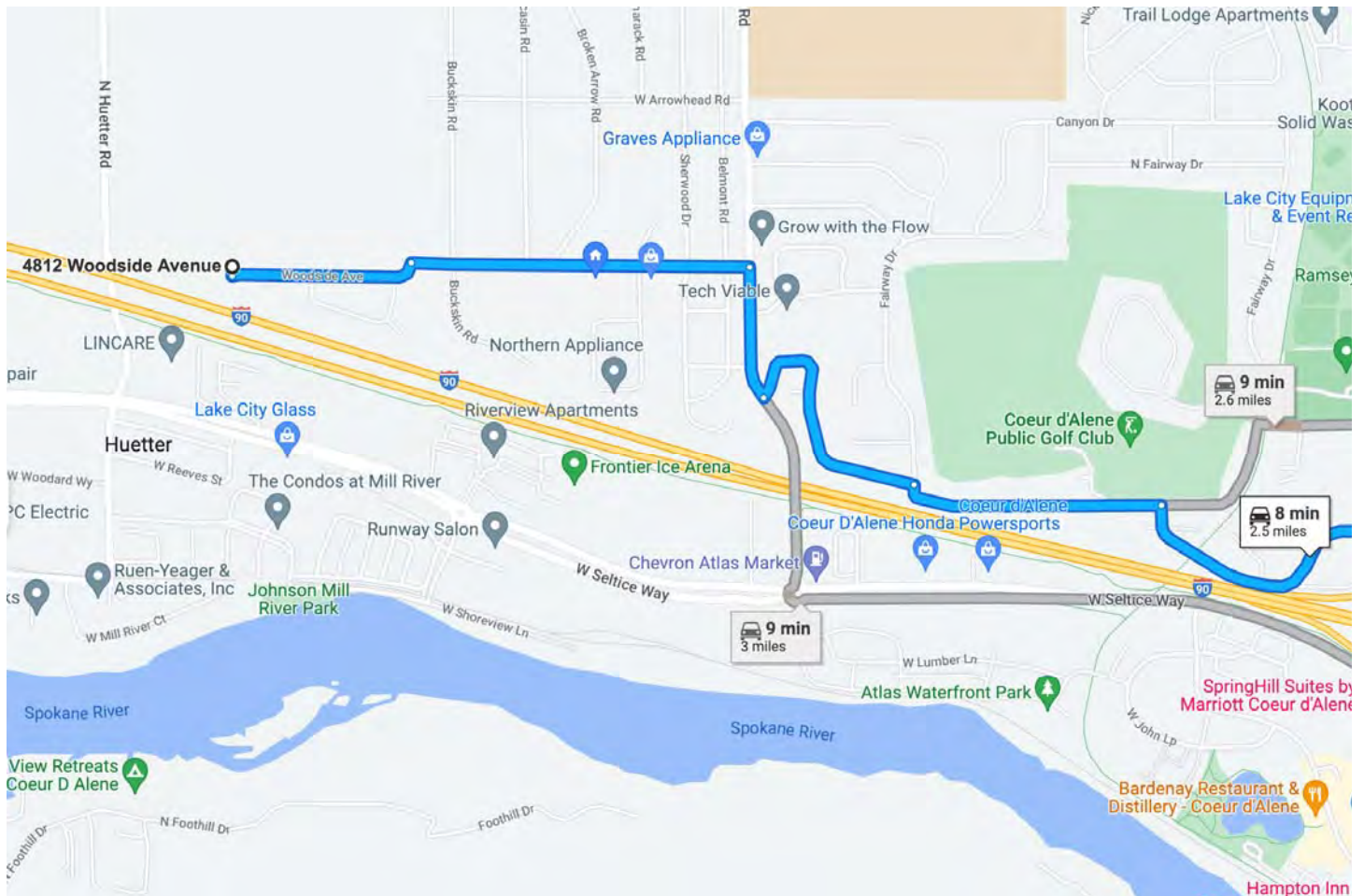
From: Nathaniel Dyk <nate.dyk@gmail.com>
Sent: Saturday, March 04, 2023 9:52 AM
To: HAMMOND, JIM; GOOKIN, DAN; ENGLISH, DAN; EVANS, AMY; MILLER, KIKI; WOOD, CHRISTIE; MCEVERS, WOODY; TYMESEN, TROY; MCLEOD, RENATA
Cc: Melissa Dyk
Subject: Re: Coeur Terre Revisions to Annexation Agreement Letter

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Again, thank you for your service and consideration.

Best,

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Please deny the annexation so that a genuine interaction between the residents, the planning department, and the applicant team takes place to find more equitable solutions for all interested parties.

Thank you for your consideration and your service to Coeur d'Alene.

Best regards,

Nate Dyk

STUHMILLER, SHANA

From: Corinna Gardiner <die.nette.netty@gmail.com>
Sent: Tuesday, February 07, 2023 1:23 PM
To: MCLEOD, RENATA
Subject: Fwd: Coeur d Terre

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

----- Forwarded message -----

From: **Corinna Gardiner** <die.nette.netty@gmail.com>
Date: Fri, Jan 13, 2023, 12:34 PM
Subject: Coeur d Terre
To: <letters@cdapress.com>

My name is Corinna Gardiner. I live in CDA , India Meadows .
208 699 8358

We have lived in Indian Meadows for 25 years and chose it because it is a little bit of country living in the middle of CDA, what other city has that.

In our neighborhood you will find homes with goats, ponies, chickens, and horses. There is very little traffic and there are always people out riding, biking or walking their dogs. The Coeur d Terre project is planning on building 4500 living units that will back up against Indian Meadows plus there will be 2 schools and businesses. We desperately need housing , the project is not the problem, but we are deeply concerned about the traffic that the developers want to channel through our quiet streets.

There are other options, multiple entrances of off Hutter Rd seem to me the best way to go but if they really need entrance of off Atlas Rd why not use the industrial loop or Hanley Rd.

We don't have to destroy the old and unique for the new.

Sent from my iPad

To:
Comments
CBA Planning Department

March 7, 2023

My 2 concerns in regards to the proposed development of Coeur Terre are:

#1. The density of the housing. Please regard R4 zoning vs. R8.

#2. The locations of the 2 new proposed schools. I think that the elementary school should be built alongside the Jr. High with Hanley Rd as the main route for busing and access.

Steve + Mary Hoffman

Comments

Hello my concerns are placement of multi-person buildings. Also placement of parks, schools

Please email if possible.
mmorganstear@hotmail.com

Thank
you

Alexandra

STUHMILLER, SHANA

From: Sam Hunter <shunter76mg@gmail.com>
Sent: Tuesday, February 07, 2023 9:26 AM
To: MCLEOD, RENATA
Subject: Coeur Terre Proposed Development

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RE Proposed development on the west side of CDA referred to as Coeur Terre

I took a look at the proposed development plan and have concerns about a density of over C8. Seems it would not be good stewardship to place this higher density with up to C17 next to an established development of 1 acre parcels.

The recent COVID stay in place experience underscored the need for reasonable size in dwelling spaces. I watched as the City of Coeur d'Alene dismantled play structures in a nearby park and placed yellow caution tape around the area. So having a large nearby park and restaurants, and other public amenities didn't meet the mental health and social requirements of people living and working in spaces of less than 800 square feet.

Please limit the density in this development to a maximum of C8.

Sincerely,

Sam Hunter
4045 N. 21st Street
CDA, ID 83815



Virus-free. www.avast.com

STUHMILLER, SHANA

From: Kendall Laidlaw <kdgjevre@gmail.com>
Sent: Saturday, March 04, 2023 2:26 PM
To: STUHMILLER, SHANA
Subject: Public Hearing Coeur Terre comments

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Thank you for the brief opportunity to supply comments for a meeting I am unable to attend.

I currently reside in the Indian Meadows neighborhood that will be greatly impacted by this development. I am not opposed to the development as understand houses are going to be built.

What I am opposed to is accessing the new CT neighborhood via Appaloosa or Arrowhead streets. Neither of the streets is built for any increased traffic. They are not wider than a normal residential street NOR DO THEY EVEN HAVE SIDEWALKS.

The only street that could be made wide enough to accommodate an East entry into the new CT neighborhood would be Nez Perz. If you view the number of times the City of COEUR D'ALENE patrol has already had to put a speed display meteor on Appaloosa you will see the street already struggles with people driving slow enough for a residential street. This street in no way should feed the large development being proposed.

If I understand correctly, the meeting on the 21st is to support annexation. It doesn't hurt to bring that property into COEUR D'ALENE but you will have a tough time getting other things past the community if you destroy one neighborhood to build another. Most access should be via Huetter and Prairie Ave.

--

Thanks,
Kendall Laidlaw
3410 N. Buckskin Road
COEUR D'ALENE, ID 83815

15 February 2023

Coeur Terre Meeting (Invitation)

Coeur D Alene Library Public Meeting Room – 11:00am

The meeting was attended by just over 30 people, including approximately 5 staff from the Developer. Resident representation was broken down as follows (by approximation):

- 4 people from Big Sky/Bricker Estates (~16%)
- 1 person from Hayden (~4%)
- 11 people from Northshire, primarily from Lancaster Road (~40%)
- 10 people from Indian Meadows (~40%)
- No representatives from the City of CDA (e.g., Planning Dept.)

The facilitator was Hannah Anderson from the Langdon Group. A sign-in sheet was circulated. Agenda included soliciting feedback concerning proposal presented at the City Council Meeting on 2/7/23; to hear, understand, and record feedback with regard to what we liked about the proposal, issues and possible solutions. Hannah could not promise that everything discussed by the group would be incorporated; there was also no feedback yet from the City. After several questions from those in attendance, it was clarified that nothing was “on the table” from the Developer. A comment from an attendee was that it would take a lot longer than 2 hours to change 10 years of planning. After opening remarks, most of the 2-hour meeting involved allowing residents in attendance the opportunity to voice their primary concerns with the proposed development. This generally included two opportunities for each person in attendance to speak to the issues of their greatest concern (down-the-line/around the room style). Representatives of Coeur Terre were generally silent throughout the meeting, save for brief closing comments from Melissa Wells.

The following list of roundtable issues voiced by residents included the following concerns (note that these are a summary and that there may be some redundancy). It’s worth noting that most of those in attendance repeatedly vocalized support for comments by other residents, via a “ditto”).

Key Issues:

- Lack of compatible and precise zoning
- Density and related traffic impacts
- Incompatible zoning backing up to existing neighborhoods (i.e., Indian Meadows, etc.)
- No traffic studies have been presented that show impacts to Indian Meadows/Northshire
- Visual impacts of the development have not been considered (e.g., viewshed, building height)
- The development as a whole (i.e., into The Highlands/Royal Highlands) and related impacts, such as traffic, have not been considered and are not represented
- Additional traffic on Atlas Road is a concern
- Residents prefer no through traffic in existing neighborhoods

- A positive attribute of the development was the proposal to give some land to a school (commenter suggested that all school land should be given to the schools)
- School sites should be combined and moved to the north of the development and access should only be allowed to Huetter and Hanley
- Traffic studies need to be completed and analyzed before zoning is decided
- Residents want reduced density where the Development backs up to existing neighborhoods (Northshire, Indian Meadows)
- Residents want no access through existing neighborhoods [i.e., to the east/south]
- Residents are concerned with pedestrian safety and a resultant decrease in the quality of life in existing neighborhoods if traffic access is allowed in existing neighborhoods
- A suggestion was made that gated access could be created for emergency vehicles but that pedestrian access could be allowed
- A suggestion was made for east/west access through Industrial Loop
- Residents were concerned with the scope and scale of the development “behind our fences”
- Residents are concerned with traffic and lack of road maintenance
- Aquifer level, quality, and quantity. Question: Where is the study that shows what is to be pulled out of the aquifer and what will go into the Spokane River?
- Any changes/concessions that are agreed to by the Developer should be recorded/documentated as part of the Development Agreement with the City to ensure permanence.
- Question: Was an EIS (Environmental Impact Statement) prepared? [This could be triggered as a result of the interstate nature of resource use/impact]
- What is the plan for aquifer protection?
- What about traffic on Huetter Road.
- Why is the City planning process broken/why are they not in attendance/the City needs to be accountable to the process
- The Master Plan and Annexation Agreement are tied together; the master plan requires updating to demonstrate/codify any adjustments
- Why are roundabouts proposed on Huetter and Hanley when it is demonstrated that they are already failing around town and the City Police have commented that they are not safe?
- Question: When is any Atlas Road improvement supposed to occur?
- Question: When all the acreage west of Huetter is developed, what is the projected population at that point? [Answer from attendee = 30-35,000 people]
- Huetter Bypass plans are a concern; the Developer should give up their undeveloped land rather than force taking of legacy residential property [already built], since 13 existing homes/estates would be affected [there are no residents on the Developers land yet]
- Building height [lack of limits] is a concern, since mountain views of existing residents would be blocked, which is illegal.
- Zoning should be R5. Desired exceptions would then be pursued [don’t start with high-density zoning with a promise that construction would actually occur at a lower density.
- School location should be decided first to facilitate proper design of required Collectors
- The Coeur Terre Development is in conflict with the marketed vision for The Trails (same Developer), to the north, which emphasized being outdoors and connection to the land.

- A professional traffic study needs to be performed by an independent party
- Question: What is the width of the proposed perimeter trail [abutting the existing neighborhoods]? How far off the existing property line will the trail be? Will there be any green/open space on either side of the trail?
- Question: There is a percentage of housing dedicated to low-income individuals, but will any housing be reserved for local residents (as opposed to these offerings going to out-of-area buyers)? [An attendee responded that HOA's might be an appropriate mechanism for this type of regulation]
- There is a lack of faith in City Planning; the residents in attendance are relying on the Developer to bring this information to the City
- Question: What do fence lines look like at the boundary lines of the Development [i.e., where the new Development backs up to existing development] and who is responsible for fencing?
- A resident commented that, according to IDOT, the Huetter Bypass will not happen [at least not for many years, if at all]. Question: How does this affect the proposed development?
- CDA's Planning has failed us. It is our understanding that representatives could have been in attendance (though City Council would be prohibited) but their absence is an issue [this meeting would not have occurred had the Planning Commission done an adequate job]. There was little or no community engagement.
- Too much fencing will affect deer [wildlife] migration
- Stop building tract homes. Residents are here because of "the place" [the outdoors/environmental setting] and these tract homes and high-density developments work against that.

Next Step

- Developer will consider what, if any, feedback can be incorporated into the proposed plan.

Meeting concluded at 1:01 PM.

STUHMILLER, SHANA

From: Suzanne Knutson <sknutson@startmail.com>
Sent: Wednesday, February 08, 2023 9:52 AM
To: MCLEOD, RENATA; STUHMILLER, SHANA
Cc: rondabowling@gmail.com; Nathaniel Dyk
Subject: Coeur Terre Update

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Hi Renata,

The residents are somewhat freaked out about not having any say after changes in the development agreement.

A couple questions about the "deferment". Hillary told me that the city planning dept cannot talk with residents about our concerns but I believe our concerns are with the planning dept and not just with the developer. I don't think the developer really cares how people get in and out of their project--it is the city who makes those judgements. We can work with the developer all we want but the city is the issue, as I understand it. Does Council know that?

As far as all the subdivision approvals go who has final say? I assume that residents/citizens will not be privy to most of that information, hence, our concern since Oct. 11 P&Z... am I incorrect?

What does the City Council have final say on?

What does the Planning Department have final say on?

What does Planning and Zoning Commission have final say on?

I am trying to understand this process so I can mitigate many of my neighbors from coming down there and bugging you. :)

~Suzanne

Feb. 15, 2023

Dear City Council,

First, thank you for tabling the decision on annexation as proposed by Coeur Terre. I feel that was a wise decision in light of the paucity of real data related to this annexation. I would like to address a few concerns and maybe provide some enlightenment.

It appeared to me that the high density zoning and traffic concerns were issues common to almost every speaker, myself included. Lack of public process was a third major concern.

During the Planning Department presentation and the Kootenai Land Company presentation the R8 zoning was frequently referred to as “single family dwellings”. This phrase was used repeatedly and for a purpose. That phrase conjures up an image of a single house with yard and a car in the driveway. In actuality R8 zoning allows 8 of those detached homes, 4 duplexes or 2 fourplexes per acre. When you crowd that many buildings on an acre the only way to end up with enough square footage per dwelling is to make them 2 stories tall or more. All the residents in Indian Meadows and Northshire fronting the new development will look out on a residential wall twelve feet behind their property line. In my opinion this whole project is far too densely zoned.

During discussions around the street routing and traffic issues you never heard your Planning Department, KMPO or the Kootenai Land Company use common traffic measure terms like “trips per day”. You weren’t provided with the current baseline traffic information and you weren’t provided with any forecast future traffic volume. Probably because it doesn’t exist. You absolutely need that information in order to measure the magnitude of impact of this project on the city. The infrastructure concessions the developer has agreed to is nowhere adequate to compensate for the impact their development is going to have on the city. I am not sure if any one pointed it out but if the Huetter bypass happens there will only be 3 west side exits to this project. The south connection to Huetter, Mullan Rd., and Hanley. This forces all traffic east through our neighborhoods. That is simply unacceptable with the current high density development proposal.

The city is going to get stuck with redevelopment costs for Atlas Rd., Kathleen (two lanes between Atlas and N. Player Dr. is not going to handle the traffic volume coming off Hanley), Nez Perce and any other streets that end up being connectors. You need more information to inform your decision.

Today I attended the talking session the Kootenai Land Company and their planning staff put on. The last seven years of my career I was deeply involved in public involvement land use planning. Today’s effort should have taken place at least 6 months ago as a follow up to the open house. Again, only two hours were allotted to the process. This is not robust stakeholder involvement. What it appears to be is an attempt to put a better face on their process. People

in the meeting today appeared to be willing to talk and listen to KLC as long as they thought something might come of it. I truly hope something comes of it because the project as proposed is a disaster for our neighborhoods and a huge screaming liability for the city.

I do not understand the urgency to get the annexation done by the next council meeting. It is obvious the proponent and the city have not done their homework and expediting this decision is fraught with unknowns. I would urge you, the City Council, to table this annexation until such time as a more robust public process can take place, a thorough traffic study with explainable metrics is presented by the proponent and zoning is scaled back to a density that is acceptable.

Truly, Thank You for your hard work and patience.

Edwin R. "Ted" Smith

Indian Meadows

710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

Comments MAYOR, CITY COUNCIL, PLANNING DEPARTMENT,
THIS IS REGARDS TO COEUR TERRA. FIRST I AM OPPOSED TO
THIS ANNEXATION. THERE SHOULD BE A MORE INDEPTH
TRAFFIC STUDY, NEXT SEWER ISSUES, THEN WATER. THERE
IS A PROBLEM, JUST GOING TO RAN OBT. THERE IS A
POLLUTION. COEUR & ALENE LAKE IS ALREADY INTO PROBLEMS
AS WITH FERN LAKE. BEFORE YOU ISSUE A PERMIT
YOU SHOULD LOOK INTO THESE ISSUES WITH DEPTH
AND CONCERN.

Leland Ewen

4009 LANCASTER RD

COEUR & ALENE ID 83815

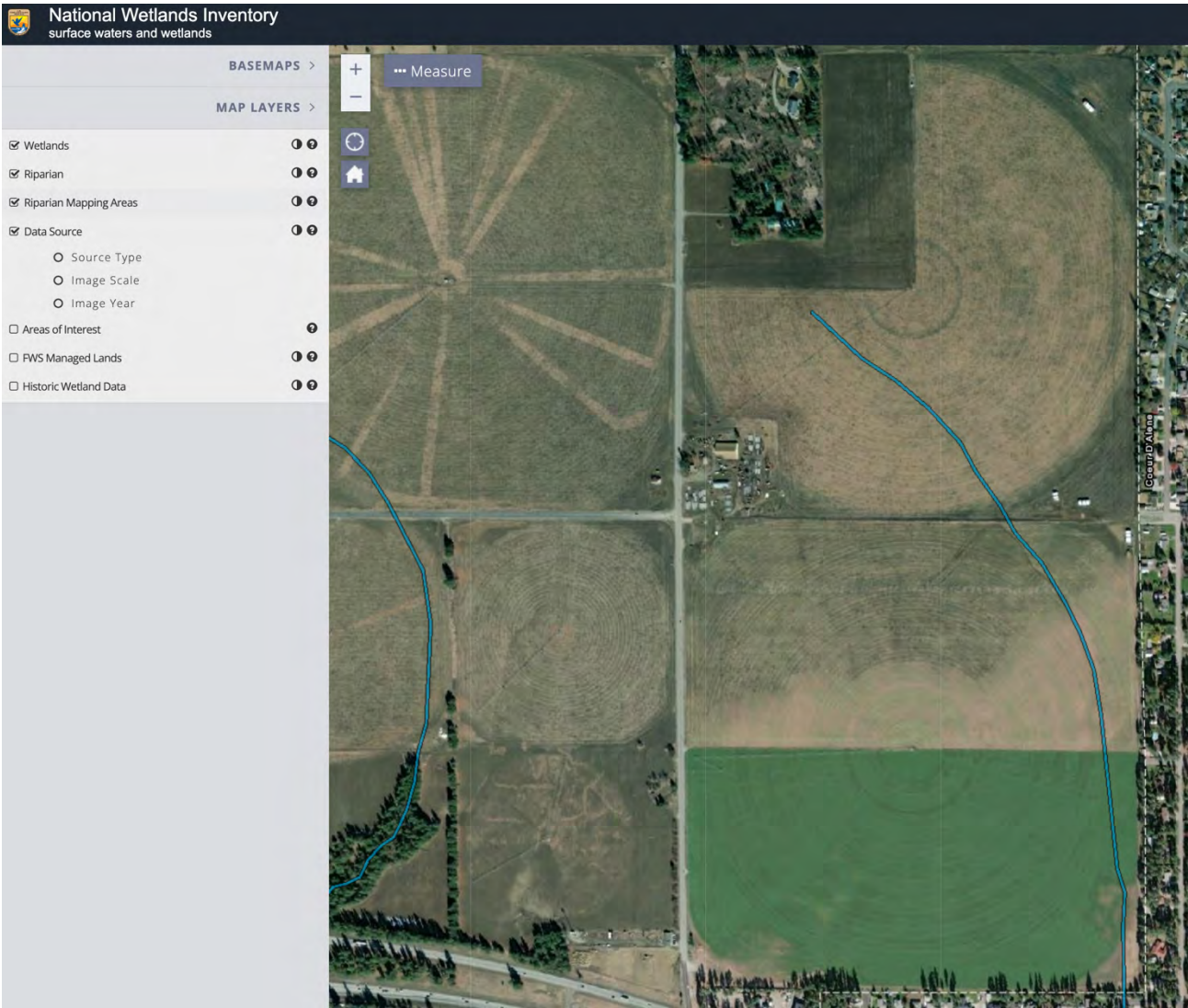
2087659250

City of Coeur d'Alene
renata@cdaid.org

RE: A-4-22, the Proposed Annexation of Coeur Terre lands to the City of Coeur d'Alene

Unstudied environmental and public safety impacts are among the reasons that the proposed annexation of the Coeur Terra lands should be disapproved or deferred until associated impacts can be thoroughly studied.

- 1) It's well known that the land proposed for annexation had been farmed for many years. Where are the records that indicate that the chemicals, fertilizers, or pesticides applied to that land throughout the years have been applied legally by a licensed applicator or according to the Federal Insecticide, Fungicide and Rodenticide Act? What residue remains? Where are the soil test results that prove that the soil is safe to turn without negative health effects on nearby residents who will be forced to breathe the dust created by grading and leveling in the years to come? What about future residents and children who will play at the parks and future schools? If these results are available, were they collected or verified by a neutral third party?
- 2) Has a wetlands delineation been completed and submitted to the US Army Corps of Engineers to demonstrate that wetlands are not present on the southern properties? Impact to any existing wetlands would otherwise be a violation of the Federal Clean Water Act.



Source: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

- 3) With increases in surface runoff and discharge of treated sewage into Lake Coeur d'Alene or the Spokane River, have potential impacts on federally listed species been addressed per the Federal Endangered Species Act?

Respectfully,

Rob Knutson
4208 W. Appaloosa

STUHMILLER, SHANA

From: Madelyn Knutson <knutsonsmadelyn@gmail.com>
Sent: Tuesday, February 07, 2023 2:48 PM
To: MCLEOD, RENATA
Cc: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: Please DENY or TABLE Coeur Terre Development Plan & Annexation

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

To the city councilmembers, regarding the Coeur Terre annexation and development plan,

I don't think I oppose this land being developed, but I do oppose this half-baked planning process and the possibility of it being so high-density. I believe in healthy, sustainable growth— building infrastructure before it's needed to keep up with projected growth, making sure that growth is in line with local values and supports healthy community.

The infrastructure to support this enormous development is not adequate— thus this desire to use the streets of Indian Meadows, a quiet neighborhood where kids ride their horses and ponies and elderly people walk their dogs in the street (we don't have sidewalks!) from residential use to thoroughfares for through-traffic to higher density zones and commercial and school use is *incredibly inconsiderate*. Putting the brunt of the burden of traffic on our existing neighborhood instead of requiring the developer to create another thoroughfare on their property from Huetter and Hanley, or before planning to broaden Atlas and Seltice (as is much needed to support current and future traffic needs with the riverfront developments currently occurring) is ridiculous.

Not only that, but you and the developer have both made mention of how this development will contain "workforce housing" and "affordable housing" in its apartments and such... but my friends and I, all between the ages of 22 and 32, many of whom are still hoping to start families soon even in this time of economic and housing market insanity— not a single one of my many friends enjoys living in a rental or an apartment. All of us would like to own a home-- single family homes with gardens and some room for chickens, while still being close enough to be involved in our communities... That's our collective dream. Indian Meadows IS that dream! Monotonous R8 and crowded R17 zoning? If you cared to ask "the workforce" about our housing hopes, that's not the life we would choose.

I urge you to vote to table this until firm traffic plans are in place that will not destroy my neighborhood with unwarranted traffic, and until Coeur Terre has a plan that is more in line with the dreams of Coeur d'Alene's current and future citizens-- and your actual constituents.

Thank you for your time,

Madelyn Knutson

STUHMILLER, SHANA

From: Dawn Papineau <papdawn@gmail.com>
Sent: Monday, March 13, 2023 3:57 PM
To: MCLEOD, RENATA
Subject: Coeur Terre

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Please deny with prejudice the annexation and development of Couer Terre.

Traffic studies still need to be done. As a Northshire resident, the damage from high density traffic will be of great consequence. There are aquifer concerns. Who will bear the cost of schools, police, fire stations etc? Everyone in the city will. This is both a moral and environmental disaster waiting to happen. Let's avoid this and at the very least pause the annexation until further investigation and studies are done.

Thank you.

Dawn Papineau
Northshire, Cd'a

Public Comments

March 21, 2023

STUHMILLER, SHANA

From: Peters <acbpeters@gmail.com>
Sent: Tuesday, February 07, 2023 3:15 PM
To: MCLEOD, RENATA; STUHMILLER, SHANA
Subject: Re: Against Annexation of Coeur Terre

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

Please send confirmation of receipt of this email. Thank you!
Andrea Baass Peters

On Feb 6, 2023, at 12:11 PM, Peters <acbpeters@gmail.com> wrote:

Dear City of Coeur d'Alene City Council,

I am sending this letter in opposition to the request for Annexation and Development by the Kootenai County Land Company, LLC's Coeur Terre Project on Tuesday, February 7, 2023.

I have lived in Post Falls since 2001. The first 3 years in a rental home and the last 18 years in the home we built on approximately 4.5 acres on the prairie. We have a Post Falls postal address and a Coeur d'Alene landline phone number. My family members work and go to school in both Post Falls and Coeur d'Alene. We consider both of these communities as well as Hayden our home. We love where we live. We enjoy that it is a safe, quiet area and have enjoyed access to miles of dirt farm roads to exercise, recharge and take in the beautiful views of the area.

Nineteen and a half years ago we purchased our lot in Brickert Estates. Prior to purchasing the lot I heard a rumor that Huetter Road would be widened. I visited the Coeur d'Alene Streets and Engineering Department hoping to get some answers. I was told this had been talked about for a long time, that it wouldn't happen any time soon and I shouldn't be concerned. They could not give me any specific information. Years later the KMPO started to meet and include Huetter Road on its agenda. I along with many others attended these meetings. Our voices were not heard. Although empty farm fields were to the east of Huetter Road the road expansion plans to encroach on the west side of Huetter were pushed forward without regard to the homes along its path. My understanding is that the Huetter Road project has now been turned over to the State of Idaho. There is still no answer as to how the road expansion will proceed yet the City of Coeur d'Alene continues to approve the building of massive subdivisions along the east side of Huetter Road with little setback. I find this irresponsible.

I drive south on Huetter Road to Seltice Road to get to my place of work in Coeur d'Alene. It has been a beautiful, peaceful drive. However, Seltice Road is no longer a beautiful road surrounded by trees and views of the river. It is turning into a corridor without views. This road will need to be widened with all the proposed construction to the north and south of Seltice Road. I imagine that some day the median along with the trees that line it will be removed to make way for more lanes for the increased traffic from not only the proposed Coeur Terre Project but also the construction that is occurring between Seltice Road and the Spokane River. Isn't this one of the things we want to preserve? Open space and the natural beauty of where we live?

I know that growth is inevitable but let's do it responsibly. Have you driven through the new Foxtail development in Post Falls? It is a development by Architerra the same company proposing the Coeur Terre project, Lot sizes are shrinking, green space is disappearing. It reminds me of the board game Monopoly. We are creating a concrete jungle. How about soccer fields for the children to play, swimming pools to safely learn to swim and open space to stay active and healthy? An 18 acre park is not enough

for the size of this development. I am interested in maintaining the beauty of North Idaho. Please hear my plea to take another look at this massive development before it is too late!

Sincerely,

Andrea Baass Peters
acbpeters@gmail.com

STUHMILLER, SHANA

From: Anne Patterson <annerpatterson@gmail.com>
Sent: Wednesday, February 08, 2023 5:12 PM
To: MCLEOD, RENATA
Subject: Coeur Terre Development

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

To the honorable mayor and city council members:

regarding the proposed annexation of 400+ acres of farmland between Post Falls and Coeur d'Alene

I wish to express my opposition to the colossal planned development and annexation of the Coeur Terre project. The problems of rapid growth in North Idaho are complicated and difficult to address. Pro-growth advocates may have convinced you that high density "smart growth" is the best way forward and that large scale "affordable housing" projects are inevitable. Most residents deplore this type of development and want to resist it, and I urge you to please listen to us.

A serious problem seems to exist regarding the assessed vs. the taxable value of this 412 acre parcel. It is true that if acreage is used primarily for agricultural purposes, it can qualify for an agricultural exemption so that the taxable value of the land is less than the assessed value. Yet when one looks at a summary of these values for 2022, we find the Taxable Value is the same as the Assessed Market Value. There are no agriculture exemptions involved. Why is that? It would appear it is because the assessed value of the land is so low, there is no need for an agricultural exemption. For comparison, the market value of buildable land in nearby Kootenai county runs somewhere around \$400,000 per acre depending on location and zoning. And even in unincorporated areas, suburban rural, un-subdivided parcels are valued at at least \$50K per acre. The market value of the 10-acre parcel immediately adjacent to the Coeur Terre property is \$677,979, or \$68K per acre. I am not a tax expert, so I am sure there is a reasonable explanation for these absurdly low market Values that I am unaware of. But it appears that the assessed value of all land owned by Lakeside Capital's Real Estate Holding Company—that is intended to be annexed into Coeur d'Alene—is currently valued at a rate of only about \$1600 per acre, vastly lower than its real market worth. I urge you to reject this proposed annexation and development. While I would never question the integrity of our city's elected governors, there is a clear danger that the public might. Since you have previously condemned "cronyism" when it appears in other elected bodies, and have declared that protecting the integrity of our neighborhoods is of a high priority, I am hopeful that you will entirely reject this development and annexation. I expect that you will demonstrate your integrity, honesty, and complete dedication to serving the constituents who elected you, and who depend on you to put our interests first, rather than lining the very deep pockets of developers who will continue to line up to reap the benefits of big development in Coeur d'Alene, ID.

Sincere thanks for your service to the people who elected you.

*James and Anne Patterson
Coeur d'Alene residents
2201 Monte Vista Dr.*

STUHMILLER, SHANA

From: Theresa Potts <pottstheresa2@gmail.com>
Sent: Tuesday, February 07, 2023 9:56 AM
To: MCLEOD, RENATA
Subject: Annexation Hearing Today

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

I am writing to express some of my concerns re: the annexation of property located at the west end of Indian Meadows.

Have the required studies been completed for traffic in the Huetter Corridor? It is my understanding that there is an Idaho code requiring traffic studies be done before annexation. I am also concerned about the huge amount of traffic on Atlas, Seltice, Appaloosa, Arrowhead, and Woodside. These are streets that have very little traffic now. Increased traffic will prevent children from riding bikes and playing in the street. Walking our dogs will be a challenge as well as our own walks. It seems a travesty to take this away from us.

I have never received any info from the city about the Coeur Terre development and what it might mean for the residents of Indian Meadows, Northshire, Woodside, and Queen Ann Estates. I know that there was some sort of public meeting at the Kroc Center but I was not able to attend. I believe that tabling the annexation for a time would' give the public a chance to ask question of the council, P and Z, as well as the developers. Perhaps this could bring about solutions to our concerns.

Theresa Potts
4103 Arrowhead Rd.
Coeur d'Alene

Dear Mayor and City Council Members, And Staff.

February 6, 2023

I have had a very difficult time narrowing down biggest problem of this potential development, and that was before the staff report was available. Now that I have read the development agreement, there are more problems than can be addressed in a 3 minute formality.

This is supposedly a master planned community, but it has changed several time since the PR stunt at the Kroc center last May. and Ms Krueger told the press on May 21 that it will continue to change. What exactly is planned other than high density zoning? What is stopping the applicant from selling off parcels after re-zoning?

CDA has hired outside consultants to study short term rentals but you approve the applicant's participation on the development of the new, ultra urbanized Comprehensive plan, writing their own golden ticket? And now, the plan that once praised the heritage neighborhoods, trees, lake, river, and mountain vistas, fits their project perfectly. What a coincidence?

If it's property tax money you're after, start by collecting what the ag land is actually worth and not just the bargain price the applicant is paying at the undervalued \$2000 per acre.

The project narrative points are false. The project does not "fit nicely" with surrounding neighborhoods" and will not "make our lives more convenient".

The applicant mentioned that stakeholders have been consulted and are in favor of the project. None of my neighbors were consulted as stakeholders. Who is a bigger stakeholder than the residents of the neighborhoods that will be unrecognizable if the city puts our neighborhood streets through from Atlas to the proposed development and beyond. the roads in Indian Meadows are 1/2 mile long.

The planning department wants to alleviate traffic on Prairie, Hanley and Seltice by dumping it all on Atlas? How absurd?

The Applicant says "We Care". Well we care too. We live here, we worship here, we work here, we go to school here, we volunteer here, we sit on non profit boards here, we shop here, we live here, and we vote here.

The proposed development is in conflict with Idaho code—for starters [Title 67-6519 \(3\)](#), [Title 50-222](#), and [Title 67-6508](#).

According to one council member, municipal codes need updating. Is it in the best interest of the current citizens of CdA to approve this monstrous project without code revisions and more specific details ironed out?

Do housing trends really say multi family housing is the answer? No. It will bankrupt our city. This proposal should be either denied or tabled. More information is needed.

Sincerely,

Suzanne Knutson. 4208 W. Appaloosa Road, Coeur d'Alene.

Commission Meeting 10-11-22.docx
Coeur Terre Finding and Orders Justification of Facts
Not Properly Address by Commission

- B1. The Comprehensive Plan Map future envision of the existing land uses in the ACI are residential and Commercial. *There is, however, no Commercial Permitted Right or existing uses in the ACI and the adjacent surrounding neighborhoods. Most of the suggested land use types and proposed zoning density do not conform at all!*
- B2. The Single-Family Neighborhood is the only one of the Land Use Types that is shown on the Comprehensive Plan Map, that will conform to the existing and surrounding neighborhood. *There is not an established street grid that would handle the density and type of units the Compact Neighborhood, Urban Neighborhood and Mixed-Use land type would allow. This could over triple the number of units and traffic in the ACI. The Commercial business could attract outside business and cars from the thousands of existing residents between Coeur d' Alene Place and Parkllyn. The multiple-unit configuration and proposed density are not compatible with the adjacent neighborhood on both the south and east side. This type of zone is primarily applied in areas where such residentially designated areas are readily serviced by collectors and arterial streets suitable for higher levels of traffic. The height of the buildings being proposed in the Compact, Urban and Mixed-land types are double the existing neighborhood. The building heights should be lowered and addressed in the developer's agreement.*
- B8 CI 1 The Comprehensive Plan was written for an urban city and was heavily influenced by the 2030 group, the Economic Development groups, Construction & Commercial Builders, Retail & Professional Business and input from other city department, the chambers of commerce and KMPO. These groups heavily overshadowed the traffic and other concerns of the existing surrounding residents and their property rights. *While it's a good envision for an urban city, it does not "protect and preserve existing neighborhoods from incompatible land uses and developments", per the 2007-2027 Comp Plan objective 3.05.*
- B8 CI 1.1--Actions affecting businesses do not promote community unity with the residents because of the high density and that three-and four-story buildings are not compatible with the existing residential buildings.
- B8 CI 3 The proposed 5% affordable housing is very admirable but amounts to only 100 units. Just the employees needed at the proposed schools and commercial business will require over five times that amount.
- B8 CI 3.1 To provide opportunities for more new affordable workforce housing, the 50 acres of the proposed C-17 zoning should be change to NC and R-12, to allow for the location of enterprises, to mainly serve the immediate surrounding residential area and that provide a scale and character with the residential

Feb 21, 2023 City Council Meeting Comments

The mayor said, the 2022-2042 Comprehensive Plan addresses the State of Idaho requirements, however, many of the state requirements and public comment were simply ignored and not addressed by Planning Staff and Commissioners.

The new Comp Plan was a collaborative effort with the City of CDA, Planning Dept, Cda2030, KC Land Company, and at the applicant's suggestion, the MIG Company from San Francisco were all heavily involved in the future Land Use Types Map as shown on Comp Plan page 43

With the exception of Single Family, none of the proposed Land Use Types were in previous Comp Plans. Using these new land types, the conceptional town of Coeur Terror was designed. Anyone can see the master plan does not conform with the surrounding neighborhoods. If you look closer you will see the southern 39 acres of C-17 zone, is not allowed in the Compact Neighborhood area. (see attached pages 10-13 of the staff report).

It's very obvious that the Kootenai County Land Company, the Planning Department and the Planning Commission are only using the Comp Plan when they want to and ignore it when it doesn't fit.

FINDING #B8, B9 and B11 are NOT IN CONFORMANCE WITH THE COMP PLAN.
(see attached list of concerns previously ignored)

This proposed amendment is only a little carrot for the Indian Meadows residents, but does not address any of the concerns of the step children than live on the west side of Huetter or the thousands of people that are concerned about the traffic that will be increased by the high density C-17 and R-17 zoning or the people having their view of the mountains blocked by three and four story buildings .

The **Oct 11th Staff Report page #13** shows the land use type and location which have the approximate size as follows;

Compact Neighborhood—39% R-17

Urban Neighborhood—33% C-17

Single Family—17% minus 6% Armstrong Property= **only 11% SF**

Mixed Use low—**C-17**--11% Including Armstrong Property

Does the above layout look like it fits nicely with only 11% single family neighborhood and 39% R-17 with 50% C-17 as shown in the Comp Plan?

It is more than obvious that the Award-Winning Comprehensive Plan does not fit in the ACI Area. The Planning Dept should have requested the City Council to take Legislative action to remove the Compact, Urban and Mixed Use Place Types from the ACI area to protect the property rights of the existing neighbors by reducing density in order to reduce traffic and protect the existing and future residents.

This annexation needs to be sent back to planning after you fix the Comp Plan to lower the density and the height. If the developer wants to build a city, it should be in an infill area, not in the middle of this agricultural, rural and residential area.

The local residents have tried to point out many times that State Codes were not being addressed and have been ignored. I am sure the amended proposal that was made without public input is going to be addressed. The saying, you can't fight City Hall, is not true, it's just a damn slow and expensive process!

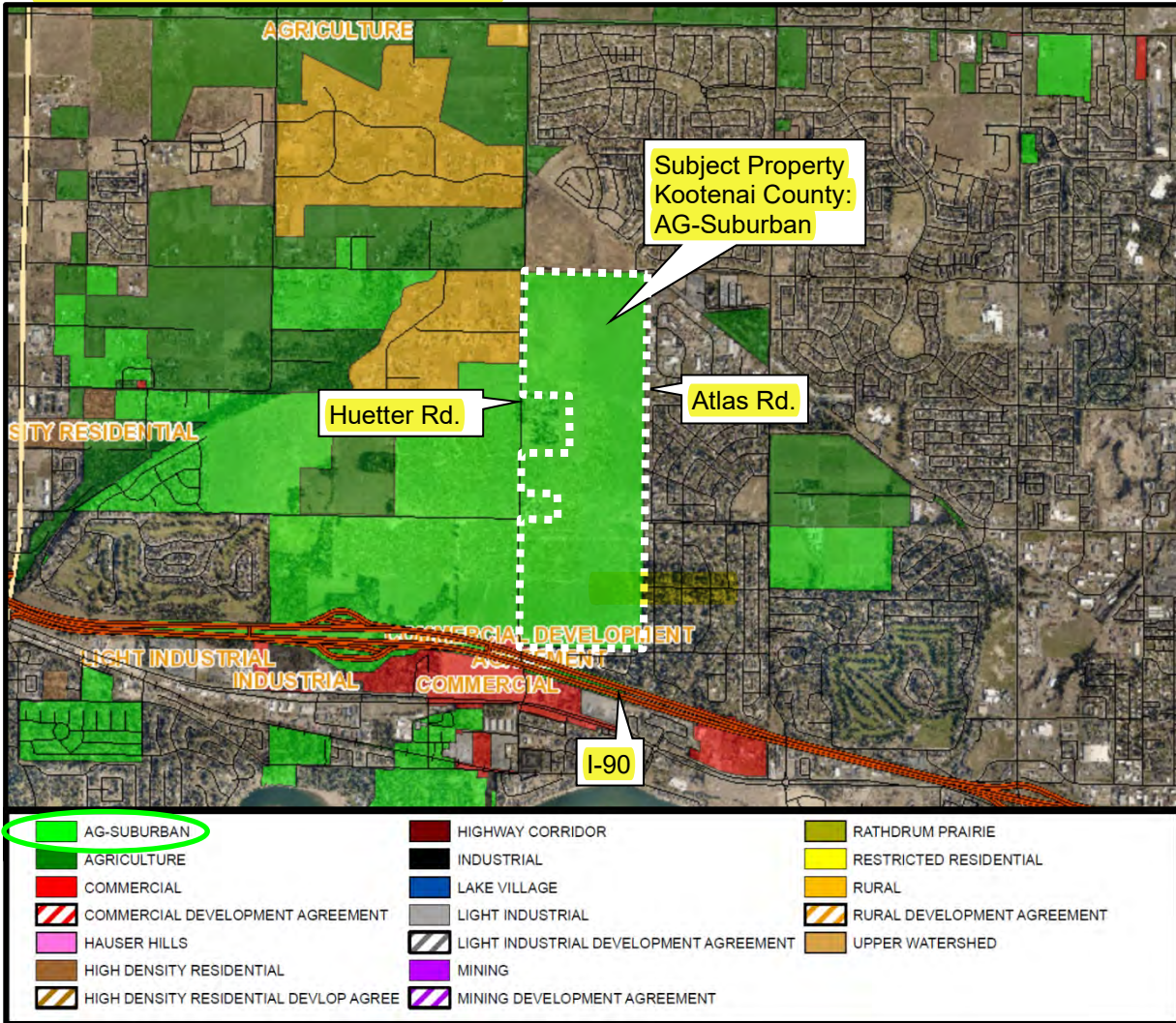
I want to thank all the Council members and Commissioners for their empathy, but I am very concerned that the state codes, open public meeting laws and property rights are being ignored by so many.

Ronald McGhie
Big Sky Estates

buildings that are compatible. If the development agreement allow a density around R-12 this could allow for up to 600 affordable units.

- GD 1 Developing mixed land uses and commercial business will attract more traffic into the ACI and make the traffic intolerable. The thousands of existing residents surrounding the ACI will be attracted to commercial establishments. Just the construction of Parkllyn has already doubled the traffic through Big Sky Estates to the Trails Subdivision. The proposed commercial development at Coeur Terre does not protect and preserve existing neighborhoods from incompatible land uses and developments.
- GD1.5 Does not recognize the adjacent neighborhood is low density and is not properly addressing the solutions for the traffic increase and effect on the adjacent neighborhoods.
- GD 2 Does not properly address the need or location of collectors and arterial streets until the PUD stage and after the zoning is approved. This might be too late.
- B9.3. The existing street system does not show or provide adequate access to or from the property. Until the whole street system is shown and the amount of traffic is known the annexation should be put on hold. The Multiple-unit configuration at moderate to high density is primarily applied in areas where such residentially designated areas are readily serviced by collectors and arterial streets suitable for higher levels of traffic. To protect the adjacent property rights on the east and south side of the ACI a collector/arterial street should be installed from W Hanley Ave running south along the east side to the south line of the ACI and westerly to Huetter Road. This would loop the perimeter of the ACI and reduce the traffic through the over 600 residential homes between the east side of the ACI and Atlas Street.
- B 11.1 While annexation itself may not adversely affect the area in regard to traffic, the zoning and land use types definitely will! Not knowing the location, type and number of housing units before an area is zoned, is putting the cart before the horse. No area should be annexed or zoned, without a proper traffic study. A grid system of collector and arterial streets for the entire ACI area should be addressed and planned before the start of individual PUD Subdivisions.
- B11.2 The proposed R-17 and C-17 would allow a Permitted Right to 3 times the density that the applicant states he is going to build and 4 times the density of the existing residential neighborhood to the east and south.
The proposed buildings are zoned for up to 4 stories which is double the height of all surrounding buildings within a half mile of the exterior of the ACI area.
- B11.3 The commercial business and retail stores will attract outside traffic from the thousands of residential homes between Prairie Ave. and Hwy I-90 and between Atlas St. and the Parkllyn development. This will make traffic and parking intolerable. The surrounding neighborhoods and property values will be negatively changed.

KOOTENAI COUNTY ZONING MAP:



CURRENT KOOTENAI COUNTY ZONING:

ARTICLE 2.3. AGRICULTURAL SUBURBAN ZONE

8.2.301: GENERAL DESCRIPTION:

The Agricultural Suburban Zone is a zoning district in which the land has been found to be suitable for residential and small-scale agricultural uses.

8.2.302: RESTRICTIONS:

In the Agricultural Suburban Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title), except for the following uses in accordance with the standards set forth in this article.

8.2.303: LOT SIZE, DENSITY AND SITE AREA:

The minimum lot size in the Agricultural Suburban Zone, except in conservation subdivisions, shall be two (2.00) acres.

Note: Since the subject property is located over the Rathdrum Prairie Aquifer, it cannot be subdivided to less than 5.0 acres in size. Moreover, the density shall be a maximum of (1) single family residence on 5.0 acres, thus prohibiting Accessory Living Units (ALUs) unless the parcel is 10.0 acres or greater in size.

-Submitted by Vlad Finkel, Planner III, Kootenai County Community Development

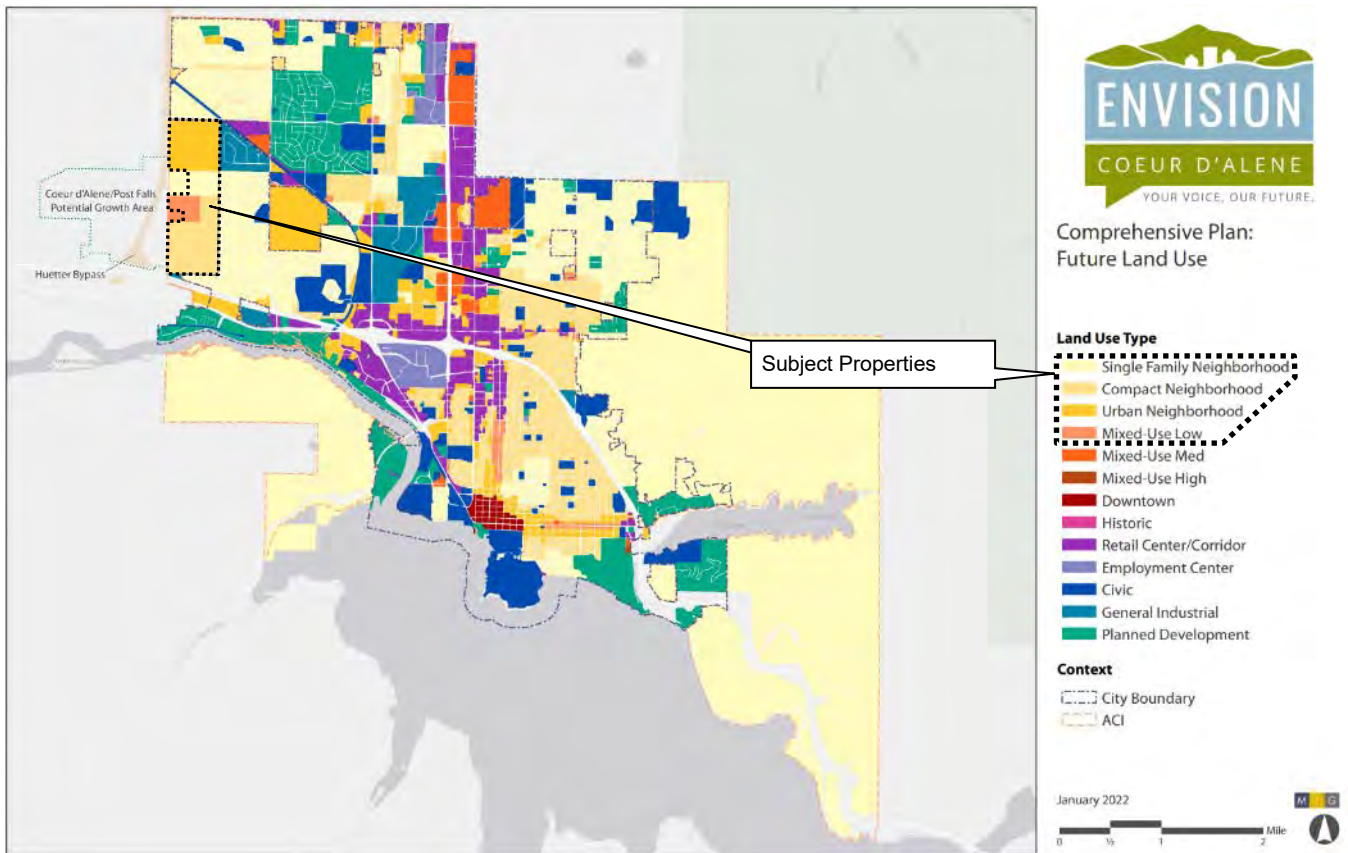
REQUIRED FINDINGS FOR ANNEXATION:

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

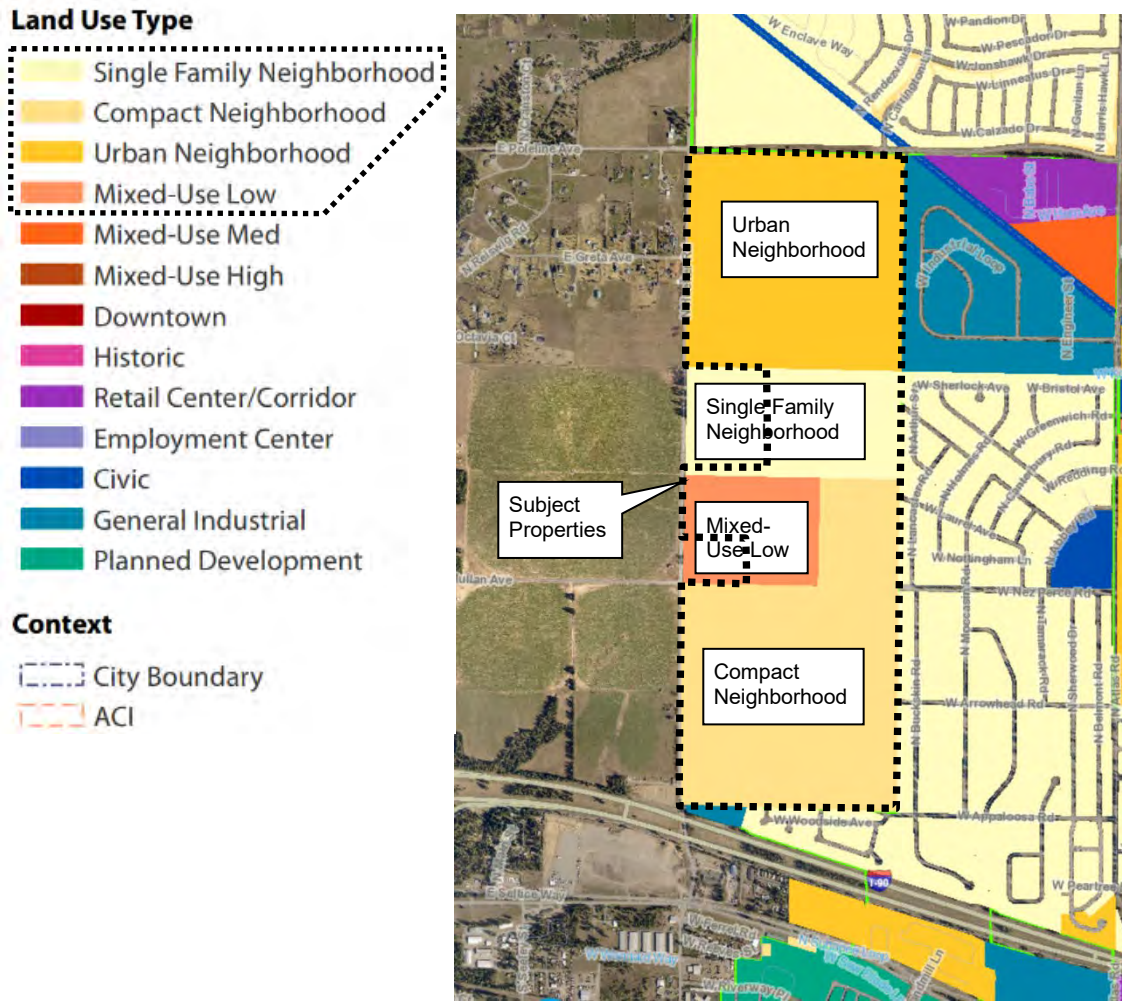
2022-2042 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is within the Area of City Impact (ACI).
- The City’s 2022-2042 Comprehensive Plan categorizes this area as:
 - Single Family Neighborhood
 - Compact Neighborhood
 - Urban Neighborhood
 - Mixed-Use Low

Future Land Use Map (City Context):



Future Land Use Map (Neighborhood Context):



Place Types

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

STUHMILLER, SHANA

From: Tom Sanner <tmsanner@gmail.com>
Sent: Tuesday, February 07, 2023 10:15 AM
To: MCLEOD, RENATA
Subject: Coeur Terre Denial

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

Please enter my comments as to DENY the proposed Coeur Terre Project.
Tom Sanner
3430 Bristol
Coeur d Alene, 83815
Sent from my iPhone

From: Jeff Voeller <jvoeller@cdaschools.org>
Sent: Thursday, February 16, 2023 12:57 PM
To: PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: Re: Email requested

Hilary, Thank you for reaching out to me earlier in the week to discuss the schools site locations in the Coeur Terre Development and to share the concerns that Council Members shared as well. Here are my responses based on the comments you shared with me.

As a District, working with Coeur Terre, we strategically requested the location of the school sites in the general areas as they have been depicted on the development plans for quite some time.

When the District completed our reboundary to bring Northwest Expedition Academy (NExA) into the district at the new school site in 2020, we looked at future growth projections factoring estimated growth along the western part of the district including the build out of Coeur d'Alene Place and the Coeur Terre Development.

Location of Middle School: We feel like the Middle School needs to be located as far North as possible for several reasons:

- * It creates some separation from Woodland Middle School.
- * Locating the Middle School to the south or in the middle of the development is too close to Woodland and creates awkward zoning.
- * Based on the modeling for this future middle school and enrollment projections, this middle school would most likely draw students from Atlas and NExA to provide necessary relief at Woodland. It could also draw from the new elementary school in the South of Coeur Terre, either way it is appropriately located for these potential school zones.
- * The Middle School in the south or middle of the Coeur Terre land would significantly impact the potential to draw from the North Western Elementary Schools.
- * It is our desire to create a feeder system to the extent possible, so a complete elementary zone would feed a specific middle school and the middle schools feed a high school. This 4th Middle School would allow that to happen and location in the Northern portion of Coeur Terre makes that possible. Otherwise we may have some unique zones and could have to revert back to splitting Elementary zones to serve different middle schools.
- * The northern location as shown on the drawings is adjacent to a sewer lift station that the school could tie into. It keeps the option open for the District to build a school ahead of the developer rather than relying on infrastructure of the development.
- * We like the connectivity of this location due to the proximity to the Prairie Trail that will provide safe walking and biking paths to school
- * It makes sense to put a school next to the existing water tower rather than single family homes.

Regarding Concern of proximity to C17 Zoning allowing commercial with the idea of a convenient store:

- * Middle School Campuses are not open during the day, so students are not allowed to leave as you see at the high schools.
- * Students are not allowed to go to the market immediately before school. Existing schools have crossing guards and staff to help manage the flow of students.
- * We would advocate for safe crossings to be installed using Rapid Flashing Beacons or controlled crossings during construction and build out.

Location of the Elementary School:

- * The District has strategically requested placement in the South of the Coeur Terre Development
- * The Future Growth Modeling and proposed future school zone would draw the Coeur Terre Development (N/S) and Extend E/W with the Freeway as the southern border likely to Hwy 95. This location is nicely suited to be central to this likely school zone.
- * A central or north Location of an elementary School is too close to Skyway
- * This location is also near sewer on the South of the development that could potentially be accessed ahead of development.

Regarding the idea of a shared campus:

- * There are pros and cons to each model. Sharing play fields, parking, etc are positives,
- * Currently this is not a model we have in our District
- * We feel like a shared campus would increase the traffic impact for longer periods in a given area and there is overlap as parents stage to pick up for an elementary school, near the time the middle school is releasing students
- * We feel like separating the school sites helps to disperse and minimizes the traffic disruption to a specific area
- * We hear that people would appreciate separation of middle school and elementary school because the varying levels of maturity between the age ranges.
- * Increases infrastructure required to serve a larger combined campus, especially sewer. Separation allows for flow to separate lift stations.

Central Location:

Coeur Terre has shared with us that locating the school sites in the middle of the development could delay accessibility to school site for 10+ years as it would be awhile before development and infrastructure is extended to the middle of the development.

Regarding the comment that the schools to be turnkey, in that the developer would pay fully for the schools and hand them over to the district.

Currently the law does not allow for School Districts to collect Impact Fees from Developers. Even in states that collect Impact Fees, I am unaware of any fees that would fully fund the construction of schools, however some other states do either fully or partially fund construction.

We appreciate that Coeur Terre has offered to dedicate a 10 acre parcel and has agreed to sell the 20 acre parcel below market value to the district. This is the first time in over 30 years a developer has voluntarily offered to work with the school district in allocating sites, working with the district to plan the location of sites, and dedicating the land for a site, with the purchase of the second site below market value. We greatly appreciate this donation and partnership in planning for the future of the district's needs.

The district has set aside funds for the purchase of the 20 acres using the Sale of the Hayden Meadow 10 Acre Field and the Old Hayden Lake School.

With the annexation, two school sites will be owned by the district, at no cost to the local taxpayers, allowing for the future construction of schools to provide a path for the district to accommodate current crowding and anticipated growth. Since the State of Idaho does not provide any

funding for construction or remodels of schools, after acquisition of the sites, the School Board will need to consider the appropriate timing and funding mechanisms to construct the schools.

As such, we request that Council consider the planning, work and thought that has gone into the school site locations.

Please let me know if you have any additional questions or concerns. I would be happy to discuss and share school zone maps if that would help clarify the siting decisions of school locations.

Thank you,

Jeff Voeller
Director of Operations
Coeur d'Alene School District
1400 N Northwood Center Court
Coeur d'Alene, Idaho 83814
Office: 208.664.8241 x 10004
Fax: 208.676.1011

STUHMILLER, SHANA

From: marilyn shields <shieldsfamilykoa@hotmail.com>
Sent: Tuesday, February 07, 2023 2:46 PM
To: MCLEOD, RENATA
Subject: Coeur Terre annexation

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

To the City Council,

We are residents of Kootenai county for over 40 years. For the last 10 years we have lived in Indian Meadows. We urge you tonight to deny or table the annexation of the Coeur Terre development to do more studies of the impact it will be to our quiet neighborhoods.

Thank you for our consideration
John and Marilyn Shields
3401 Lodgepole rd
208-755-0777

Sent from my iPad

STUHMILLER, SHANA

From: ADAMS, RANDY
Sent: Thursday, February 09, 2023 9:36 AM
To: sknutson@startmail.com
Cc: MCLEOD, RENATA; PATTERSON, HILARY; HOLM, SEAN; HAMMOND, JIM; GOOKIN, DAN; MCEVERS, WOODY; MILLER, KIKI; EVANS, AMY; ENGLISH, DAN; WOOD, CHRISTIE
Subject: Procedures

Ms. Knutson—

In response to your email to Renata (quoted below), I have prepared the following outline of the procedures relevant to the Coeur Terre application for annexation. It is important to note that this is not being offered as legal advice, but as a convenience and courtesy to you. You may share it with anyone you wish. If you have specific legal questions, of course, you will have to consult with your own attorney. In brief, the City has made every effort to give citizens a voice in this matter in a manner consistent with the applicable statutory, municipal, and case law, and Council and staff greatly value the input.

Randall Adams
City Attorney/Legal Services Director
(208) 769-2350
radams@cdaid.org

ANNEXATION/ZONING/SUBDIVISION/PUD PROCESS

1. Cities are empowered by State law to annex property contiguous with their borders

Idaho Code § 50-222(1): “The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.”

2. When all private property owners in the area to be annexed agree to the annexation, it is a Category “A” annexation. See Idaho Code § 50-222(3)(a). Here, all of the private property owners in the area to be annexed not only agreed to the annexation, but were applicants for the annexation.

3. The City first determines if the request for annexation meets the requirements of a Category “A” annexation and, if so, initiates the planning and zoning procedures. Here, the City determined that the requirements of a Category “A” annexation were met.

Idaho Code § 50-222(5)(a): “Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.”

4. In Idaho, zoning for the entire City is established by the Zoning Ordinance. See Idaho Code § 67-6511(1).

5. The Zoning Ordinance is amended when the zoning classification of property within the City is changed or when new property comes into the City by annexation and must be zoned. The Zoning Ordinance will have to be amended if the annexation is approved, showing the approved zoning classifications.

6. Amendment of the Zoning Ordinance begins with the Planning and Zoning Commission. Here, the Commission heard the application for zoning in advance of annexation as required by Code.

Idaho Code § 67-6511(2)(a): “Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.

7. The notice and hearing procedures require that the Commission conduct a public hearing. At the public hearing, any interested persons have an opportunity to be heard (to testify). All interested persons were given the opportunity to testify before the Commission.

Idaho Code § 67-6509(a): “The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.”

8. Notice of the public hearing and the opportunity to testify is required to be published in the City’s official newspaper, sent to all political subdivisions providing services within the City, mailed to certain nearby residents, and posted on the property. In this case, notice was provided as required by State law.

Idaho Code § 67-6509(a): “At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission.”

Idaho Code § 67-6511(2)(b): “additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice.”

9. “Due process” for hearings is not governed by statutes, but by decisions of various Courts. Generally, due process requires notice and an opportunity to be heard. “The . . . requirements of procedural due process relate to notice and hearing in the deprivation of a significant life, liberty, or property interest. A procedural due process inquiry is focused on determining whether the procedure employed is fair. Due process is not a rigid doctrine; rather, it calls for such procedural protections as are warranted by a particular situation.” *Doe v. Doe*, 517 P.3d 830, 838 (2022). Proper notice was provided and all interested persons were provided an opportunity

to participate in not one, but two hearings. It is not a violation of due process that an applicant, who bears the burden of persuasion in a matter, has more time to present at a hearing than others. In addition, members of the public were allowed to submit comments in writing that were not limited in size. Members of the public are not entitled to participate at every stage of a proceeding, such as the drafting of contracts between the City and a third party. Also, once the public hearing is closed after interested parties have had an opportunity to testify, and the hearing body (here, the City Council) begins to consider a matter, due process does not require further participation where no new information (evidence) is being provided to Council. The revisions to the Annexation and Development Agreement are based on the evidence presented at the hearing.

10. Following the public hearing, the Commission will evaluate the request for a Zoning Ordinance amendment and may recommend and the City Council adopt or reject an ordinance amendment. Here, the Planning and Zoning Commission recommended that Council adopt the Zoning Ordinance amendment as proposed by the applicant.

Idaho Code § 67-6511(2)(a): The Commission “shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner’s lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

11. Once a recommendation has been made by the Commission to Council, the Council may, but is not required by State law to, conduct another public hearing. However, by City Ordinance, Council conducts a second public hearing if the Commission recommends approval of the request for a Zoning Ordinance amendment. All interested persons were allowed to testify before Council.

Idaho Code § 67-6509(b): “The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission.”

Municipal Code § 17.09.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice.”

12. After the hearing, Council normally makes a decision regarding the Zoning Ordinance amendment using the criteria set out in State law.

Idaho Code § 67-6511(2)(c): “The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

13. If, however, Council makes a material change to the Commission’s recommendations as to zoning, another public hearing must be held. At this point, no material changes have been made to the Commission’s recommendation. In addition, the public hearing conducted by Council on February 7 satisfies this requirement.

Idaho Code § 67-6509(b): “Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.”

14. In this case, Council decided to delay a decision on both the zoning and annexation for 15 days for further study. This is permissible under State law.

Idaho Code § 67-6521(1)(c): “After a hearing, the commission or governing board may: (i) Grant or deny an application; or (ii) Delay such a decision for a definite period of time for further study or hearing. Each commission or governing board shall establish by ordinance or resolution a time period within which a recommendation or decision must be made.”

Municipal Code § 17.098.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice. If the proposal is approved by the City Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.”

15. A person affected by a final decision of Council may appeal to the Courts. At this point, no final decision has been made.

Idaho Code § 67-6521: “(1)(a) As used herein, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by: * * * (ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to section 67-6511, Idaho Code”

Idaho Code § 67-6521(d): “An affected person aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code.”

16. A decision is “final” “after all remedies have been exhausted under local ordinances.” Exhaustion of remedies requires that an affected person aggrieved by a final decision must ask Council to reconsider its decision. Failure to exhaust available remedies will result in the court dismissing the petition for judicial review.

Idaho Code § 67-6535(2)(b): “Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.”

17. After the annexation is complete, with final zoning established, development of the property may be accomplished through either the subdivision or planned unit development (PUD) process. A preliminary formal subdivision plat first goes to the Commission.

Municipal Code § 16.25.030(A): “The commission will, after notice, hold a public hearing to consider the proposed preliminary plat and render a decision. The commission may approve, conditionally approve, deny or deny the request without prejudice.”

18. The notice required for the hearing on a preliminary formal subdivision plat is publication and, in some cases, mailing to property owners within 300 feet of the subdivision.

Municipal Code § 16.25.020: “The required notice will be given by publication in the city's newspaper of record and by mailing a notice to each property owner listed on the owner's list not less than fifteen (15) days prior to the date of the hearing. When notice is required to be mailed to two hundred (200) or more property owners, notice will be provided by publication in the newspaper only.

Municipal Code § 16.25.010(A)(5): “An ownership list prepared by a title company or obtained through the county assessor's office. The list must contain the boundaries of the property described in the application, and provide the last known name and address, as shown on the latest adopted tax roll of Kootenai County, of all property owners within the boundaries of the subject property and within a radius of three hundred feet (300') from the external boundaries of the property described in the application.”

19. An affected person can appeal the Commission’s decision to Council, which will hold a public hearing on the appeal. If there is no appeal, the Commission’s decision is final.

Municipal Code § 16.25.050(A): “An affected person may request an appeal of the Planning Commission's decision by filing a written request for appeal with the Planning Director within fifteen (15) days after the decision by the Planning Commission. The appeal must be accompanied by the fee established by the City Council. Upon receipt of an appeal, the Planning Director will notify the City Clerk, so that a time and place may be set for a public hearing by the City Council.”

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Idaho Code § 50-1302: “Every owner creating a subdivision, as defined in section 50-1301, Idaho Code, shall cause a land survey and a plat thereof to be made which shall particularly and accurately describe and set forth all the streets, easements, public grounds, blocks, lots, and other essential information, and shall record said plat.”

21. Council’s approval is based upon the review and findings made by the City engineer that the final plat complies with the law. However, the final decision is Council’s. This approval by Council does not require a public hearing.

Municipal Code § 16.50.040(B): “The city engineer will review the final plat and forward a recommendation to the city council for final plat approval.”

22. Council is not required to approve the final plat and, if it takes no action, the final plat is deemed denied.

Municipal Code § 16.50.050: “If the council has not taken any action on the final plat within the one hundred twenty (120) day period, the plat will be deemed to be denied.”

23. As noted above, an aggrieved person can appeal a subdivision decision to the Courts after first seeking reconsideration. See Idaho Code § 67-6521(d).

24. A property owner may apply for a PUD for all or part of the property.

Idaho Code § 67-6515: “A planned unit development may be defined in a local ordinance as an area of land in which a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. Planned unit development ordinances may include, but are not limited to, requirements for minimum area, permitted uses, ownership, common open space, utilities, density, arrangements of land uses on a site, and permit processing. Planned unit developments may be permitted pursuant to the procedures for processing applications for special use permits following the notice and hearing procedures provided in section 67-6512, Idaho Code.”

25. After submission of a development plan, the Commission holds a public hearing.

Municipal Code § 17.09.470: “Between twenty one (21) and sixty (60) days following submission of development plan, a public hearing shall be held before the planning commission for formal action on the proposed development. When appropriate, a public hearing may also consider material submitted as required by the subdivision ordinance and/or zone change procedure. The public hearing shall be held in accordance with subsections 17.09.120A through C of this chapter.”

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27. If appealed, the City Council will hold a public hearing. The public can testify at such hearing as was done at the Coeur Terre’s hearings.

Municipal Code § 17.09.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice. If the proposal is approved by the City Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.”

28. Any land use planning decision made by the City could be considered an unconstitutional taking of private property without just compensation. See Idaho Code § 67-8001 et seq. If such a taking occurs, the City may be liable for substantial damages. Therefore, the City acts very carefully in denying zone change applications, subdivision requests, PUD requests, etc.

Hi Renata,

The residents are somewhat freaked out about not having any say after changes in the development agreement.

A couple questions about the "deferment". Hillary told me that the city planning dept cannot talk with residents about our concerns but I believe our concerns are with the planning dept and not just with the developer. I don't think the developer really cares how people get in and out of their project--it is the city who makes those judgements. We can work with the developer all we want but the city is the issue, as I understand it. Does Council know that?

As far as all the subdivision approvals go who has final say? I assume that residents/citizens will not be privy to most of that information, hence, our concern since Oct. 11 P&Z... am I incorrect?

What does the City Council have final say on?

What does the Planning Department have final say on?

What does Planning and Zoning Commission have final say on?

I am trying to understand this process so I can mitigate many of my neighbors from coming down there and bugging you. :)

~Suzanne

STUHMILLER, SHANA

From: Suzanne Knutson <sknutson@startmail.com>
Sent: Friday, February 10, 2023 11:18 AM
To: ADAMS, RANDY
Cc: MCLEOD, RENATA; PATTERSON, HILARY; HOLM, SEAN; HAMMOND, JIM; GOOKIN, DAN; MCEVERS, WOODY; MILLER, KIKI; EVANS, AMY; ENGLISH, DAN; WOOD, CHRISTIE
Subject: Re: Procedures

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

Mr. Adams,

I hope it is appropriate for me to ask a few other questions. I realize we are not entitled to be included in the process, I am looking for clarification.

I was wondering about your question to me, after the end of the council meeting, If "we" would be willing to agree to one east access". I said I didn't think so, and that I could not answer that for all those in the neighborhood. Did that question come from the KLC Attorney or from you, or Planning? We were under the impression that the KLC attorney said they agreed to NO east access to Atlas. Some residents wondered if that included Woodside, which is to the south of the proposed development but uses Appaloosa to access that neighborhood. I sent your question out to the email addresses of residents that I do have, which is not everyone, and they all came back with an emphatic NO EAST ACCESS.

We have not yet been contacted by Kootenai Land Co, but one of our residents, Nate Dyk, did send an email to them this morning.

Thank you for your consideration.

Suzanne Knutson

On Thursday, February 9, 2023 9:36 AM, "ADAMS, RANDY" <RADAMS@cdaid.org> wrote:

Ms. Knutson—

In response to your email to Renata (quoted below), I have prepared the following outline of the procedures relevant to the Coeur Terre application for annexation. It is important to note that this is not being offered as legal advice, but as a convenience and courtesy to you. You may share it with anyone you wish. If you have specific legal questions, of course, you will have to consult

with your own attorney. In brief, the City has made every effort to give citizens a voice in this matter in a manner consistent with the applicable statutory, municipal, and case law, and Council and staff greatly value the input.

Randall Adams

City Attorney/Legal Services Director

(208) 769-2350

radams@cdaid.org

ANNEXATION/ZONING/SUBDIVISION/PUD PROCESS

1. Cities are empowered by State law to annex property contiguous with their borders

Idaho Code § 50-222(1): “The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.”

2. When all private property owners in the area to be annexed agree to the annexation, it is a Category “A” annexation. See Idaho Code § 50-222(3)(a). Here, all of the private property owners in the area to be annexed not only agreed to the annexation, but were applicants for the annexation.

3. The City first determines if the request for annexation meets the requirements of a Category “A” annexation and, if so, initiates the planning and zoning procedures. Here, the City determined that the requirements of a Category “A” annexation were met.

Idaho Code § 50-222(5)(a): “Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of

category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.”

4. In Idaho, zoning for the entire City is established by the Zoning Ordinance. See Idaho Code § 67-6511(1).

5. The Zoning Ordinance is amended when the zoning classification of property within the City is changed or when new property comes into the City by annexation and must be zoned. The Zoning Ordinance will have to be amended if the annexation is approved, showing the approved zoning classifications.

6. Amendment of the Zoning Ordinance begins with the Planning and Zoning Commission. Here, the Commission heard the application for zoning in advance of annexation as required by Code.

Idaho Code § 67-6511(2)(a): “Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.

7. The notice and hearing procedures require that the Commission conduct a public hearing. At the public hearing, any interested persons have an opportunity to be heard (to testify). All interested persons were given the opportunity to testify before the Commission.

Idaho Code § 67-6509(a): “The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.”

8. Notice of the public hearing and the opportunity to testify is required to be published in the City’s official newspaper, sent to all political subdivisions providing services within the City, mailed to certain nearby residents, and posted on the property. In this case, notice was provided as required by State law.

Idaho Code § 67-6509(a): “At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission.”

Idaho Code § 67-6511(2)(b): “additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice.”

9. “Due process” for hearings is not governed by statutes, but by decisions of various Courts. Generally, due process requires notice and an opportunity to be heard. “The . . . requirements of procedural due process relate to notice and hearing in the deprivation of a significant life, liberty, or property interest. A procedural due process inquiry is focused on determining whether the procedure employed is fair. Due process is not a rigid doctrine; rather, it calls for such procedural protections as are warranted by a particular situation.” *Doe v. Doe*, 517 P.3d 830, 838 (2022). Proper notice was provided and all interested persons were provided an opportunity to participate in not one, but two hearings. It is not a violation of due process that an applicant, who bears the burden of persuasion in a matter, has more time to present at a hearing than others. In addition, members of the public were allowed to submit comments in writing that were not limited in size. Members of the public are not entitled to participate at every stage of a proceeding, such as the drafting of contracts between the City and a third party. Also, once the public hearing is closed after interested parties have had an opportunity to testify, and the hearing body (here, the City Council) begins to consider a matter, due process does not require further participation where no new information (evidence) is being provided to Council. The revisions to the Annexation and Development Agreement are based on the evidence presented at the hearing.

10. Following the public hearing, the Commission will evaluate the request for a Zoning Ordinance amendment and may recommend and the City Council adopt or reject an ordinance amendment. Here, the Planning and Zoning Commission recommended that Council adopt the Zoning Ordinance amendment as proposed by the applicant.

Idaho Code § 67-6511(2)(a): The Commission “shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner’s lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

11. Once a recommendation has been made by the Commission to Council, the Council may, but is not required by State law to, conduct another public hearing. However, by City Ordinance, Council conducts a second public hearing if the Commission recommends approval of the request for a Zoning Ordinance amendment. All interested persons were allowed to testify before Council.

Idaho Code § 67-6509(b): “The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission.”

Municipal Code § 17.09.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice.”

12. After the hearing, Council normally makes a decision regarding the Zoning Ordinance amendment using the criteria set out in State law.

Idaho Code § 67-6511(2)(c): “The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

13. If, however, Council makes a material change to the Commission's recommendations as to zoning, another public hearing must be held. At this point, no material changes have been made to the Commission's recommendation. In addition, the public hearing conducted by Council on February 7 satisfies this requirement.

Idaho Code § 67-6509(b): "Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan."

14. In this case, Council decided to delay a decision on both the zoning and annexation for 15 days for further study. This is permissible under State law.

Idaho Code § 67-6521(1)(c): "After a hearing, the commission or governing board may: (i) Grant or deny an application; or (ii) Delay such a decision for a definite period of time for further study or hearing. Each commission or governing board shall establish by ordinance or resolution a time period within which a recommendation or decision must be made."

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15. A person affected by a final decision of Council may appeal to the Courts. At this point, no final decision has been made.

Idaho Code § 67-6521: “(1)(a) As used herein, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by: * * * (ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to section 67-6511, Idaho Code”

Idaho Code § 67-6521(d): “An affected person aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code.”

16. A decision is “final” “after all remedies have been exhausted under local ordinances.” Exhaustion of remedies requires that an affected person aggrieved by a final decision must ask Council to reconsider its decision. Failure to exhaust available remedies will result in the court dismissing the petition for judicial review.

Idaho Code § 67-6535(2)(b): “Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.”

17. After the annexation is complete, with final zoning established, development of the property may be accomplished through either the subdivision or planned unit development (PUD) process. A preliminary formal subdivision plat first goes to the Commission.

Municipal Code § 16.25.030(A): “The commission will, after notice, hold a public hearing to consider the proposed preliminary plat and render a decision. The commission may approve, conditionally approve, deny or deny the request without prejudice.”

18. The notice required for the hearing on a preliminary formal subdivision plat is publication and, in some cases, mailing to property owners within 300 feet of the subdivision.

Municipal Code § 16.25.020: “The required notice will be given by publication in the city's newspaper of record and by mailing a notice to each property owner listed on the owner's list not less than fifteen (15) days prior to the date of the hearing. When notice is required to be mailed to two hundred (200) or more property owners, notice will be provided by publication in the newspaper only.

Municipal Code § 16.25.010(A)(5): “An ownership list prepared by a title company or obtained through the county assessor's office. The list must contain the boundaries of the property described in the application, and provide the last known name and address, as shown on the latest adopted tax roll of Kootenai County, of all property owners within the boundaries of the subject property and within a radius of three hundred feet (300') from the external boundaries of the property described in the application.”

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~Suzanne

STUHMILLER, SHANA

From: Bill Todd <billmtodd@outlook.com>
Sent: Tuesday, February 07, 2023 2:19 PM
To: MCLEOD, RENATA
Subject: SAY NO TO COUER TERRE ANNEXATION

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

Dear City of Coeur d'Alene Councilmembers,

As a 20-year homeowner in Indian Meadows, we ask that you don't allow the traffic to flow through our neighborhood for Coeur Terre. When our development was planned 40 years ago it was designed to provide a quiet space on large 1-acre lots for families in a rural setting. Allowing traffic through this neighborhood would take away from the unique qualities that this neighborhood offers to the families who already live here and have for generations.

We understand that growth is inevitable, but please reconsider the traffic flow plans and the location of the school in that development. The long-term citizens of Indian Meadows don't deserve the disruption that this new planned community will do to us for the sake of out-of-staters moving in.

Respectfully,

William M Todd
4302 W. Appaloosa Rd.
Coeur d' Alene, ID 83815

STUHMILLER, SHANA

From: Tom Sanner <tmsanner@gmail.com>
Sent: Sunday, March 12, 2023 2:09 PM
To: STUHMILLER, SHANA
Subject: Deny With Prejudice

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.

I live in Coeur d Alene and would like to register my vote as no to using Appaloosa for entry into Coeur Terre. I do support Nez Perce Hanley and Industrial Loop.

Respectfully Tom Sanner

Sent from my iPhone

Public Comments

March 21, 2023

STUHMILLER, SHANA

From: HOLM, SEAN
Sent: Tuesday, February 07, 2023 8:12 AM
To: BADERTSCHER, SHERRIE; STUHMILLER, SHANA; MCLEOD, RENATA
Subject: FW: Coeur Terre Student Input

From: Daniel Wilson <danielfwilson2004@gmail.com>
Sent: Monday, February 6, 2023 10:22 PM
To: HOLM, SEAN <SHolm@cdaid.org>
Subject: Coeur Terre Student Input

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

Dear Coeur d'Alene City Council Members and other Representatives of the People,

Hello there, I am a high school Senior and am currently dual enrolled at North Idaho College. I have lived with my family in Indian Meadows on Arrowhead road for five years and have spent many summer days riding my bike around the neighborhood with my brothers. It is my understanding that the Coetr Terre development plans on making Arrowhead a through street. While I am fine with the development of more houses in the Coeur d'Alene area, I myself would like to live in the area someday, I must object to this proposal. Our neighborhood has no sidewalks, is very quiet and has light traffic. These things make Indian Meadows a very unique community. If traffic from Coeur Terre is funnelled through Arrowhead road it will ruin the uniqueness of the neighborhood.

I also understand that a large number of apartment complexes will be put in. Most apartment renters are young singles, who, admittedly, I would be one of them, are not known for driving safely or looking out for small children. This will change the character of the neighborhood quite a bit.

I have saved the best for last. It also appears that a "Public" Elementary School would be put in at the current end of Arrowhead. This is my greatest reason for concern, whereas I am not opposed to urban development, I am opposed to "Public Education". This school would cause a huge periodic increase in traffic on a street system that was not designed for.

I understand that Coeur Terre development must go in. I am simply asking, as a resident and tax payer, that you postpone the approval of Coeur Terre until the plans divert a reasonable amount of traffic elsewhere. Thank you for your time and service.

Sincerely,
Daniel Wilson

STUHMILLER, SHANA

From: MCLEOD, RENATA
Sent: Tuesday, February 07, 2023 8:07 AM
To: BADERTSCHER, SHERRIE
Subject: FW: Coure Terre Development meeting

From: Patrick Wilson <pwilson66@aol.com>
Sent: Monday, February 6, 2023 11:02 PM
To: MCLEOD, RENATA <Renata@cdaid.org>; STUHMILLER, SHANA <shana@cdaid.org>
Subject: Coure Terre Development meeting

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

Dear Coeur d'Alene City Council Members and Planning Staff,

Thank you for your service to the city in general and to listening to our input on this issue in particular. My family have been residents of the Indian Meadows neighborhood in CDA for nearly 5 years. Prior to that, we had lived for over a decade in the country. However, as our kids were growing up and needed proximity to jobs and friends, **we moved to Indian Meadows because it is the only neighborhood of it's kind in CDA.** The lots are all one acre and zoned so that many residents have not just chickens, but goats and horses. Residents ride their horses down the street, old folks and families go for quiet walks and chat with neighbors on our streets and our kids ride their bikes in safety because of the limited traffic.

If the development were more 1 acre single family homes, it would increase traffic a little, but not fundamentally alter the character of the neighborhood. However, **making our quiet little street (West Arrowhead) into a through-street connecting 5,000 plus people to the rest of CDA and putting a school on this road will simply destroy the neighborhood as it has existed for 50 years.** That may be hard to measure, but the loss of resale value for all of our homes will be measured and felt by all of us who live here as our homes become dramatically less attractive.

I understand and support the need for affordable housing. I have 6 kids and I hope that they will all find jobs and housing nearby so that I can see them (and my future grandkids) frequently as they grow up. However, destroying this unique neighborhood is not a just and fair option. **All of the benefit goes to the Big Corporation and all of the cost is borne by the residents who don't make a dime, but lose their neighborhood and the equity in their homes.**

Currently, **WE have no access WEST and have to go EAST to Atlas and then north to Prairie or south to Seltice before going West. Coeur Terre residents could easily do the same in the opposite direction:** Go West to Huetter and then north to Prairie or south to Seltice before going East. Easy Peasy. It's fair, it costs nothing and it doesn't put an unfair burden of cost on the long-time residents of Indian Meadows.

Please save the unique nature of our little neighborhood and don't sacrifice our interests in order to maximize the profits of the developer.

Thanks for your consideration!
Patrick A. Wilson
4104 W. Arrowhead Road
Coeur D'Alene, ID 83815

The Community Against the Kootenai County Land Company, LLC Coeur Terre Project

Planning Commission
City of Coeur d'Alene
710 E Mullan Ave
Coeur D Alene, ID 83814

Dear the City of Coeur d'Alene Planning Commission,

The intent of the letter is to voice the disagreement with the submitted proposal for the Kootenai County Land Company, LLC's Coeur Terre project. It is also the intent of the letter to stop any annexation request as it is not required. The project is requesting a proposed +/-442.64-acre annexation form Ag Sub to R-8, R-17, C17, and C-17L.



Summary

The proposed development is failed; it is simply not community development that supports vibrant neighborhoods and safety. It does not cover all the needed concepts for such a large, high-density undertaking, including, but not limited to, police departments, fire departments, medical facilities, greenspace, and ecological impacts. The project will destroy the local community, negatively impact surrounding houses for aesthetics and property value, and obliterate the road system.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The project has not published an expected start date to break ground or schedule for completion but is asking that the 442.64-acres of property be annexed into the City of Coeur d'Alene. The fact that no projected start date is in place should stop this annexation immediately. The burden to the tax-paying citizens for the public hearing is already too significant as there is no execution plan on record and no current need.

Upon contacting the Kootenai County planning office, it was made clear to the public that Kootenai county does not have the right to keep this action from happening. The fact that the current governing body of the land cannot stop this action appears to be a legal loophole. It is appalling, and developers have used the loophole to push their agendas over the community's best interest.

Annexation at this time, before the Idaho Transportation Department even starts its Kootenai county road assessment, is deliberate. The developer will purposely start housing builds nearest to the current Huetter Road to keep their land from being used for any road expansion and forcing it to fall entirely inside Post Falls. They would be supporting the KMPO's current vision for road expansion but not necessarily the right idea for the county. Keeping the current, unresearched vision will make the developer more money while gravely impacting the residents of Post Falls and Coeur d'Alene.

The proposal for this much land development is that of another city, not a small development. Coeur d'Alene Planning department does not have the right to sanction this annexation, regardless of what they feel their legal authority is currently. The likelihood that the entire area would be split off into another small city in the future is high. It is also not desired by the community, and Coeur d'Alene needs to respect the majority over the minority parties involved.

LEV [NN] LLC

The holding company of the land being reviewed and additional property in the area uses the legal company name of 'LEV' and then a number and then 'LLC' to manage the land assets. The original proposal for the Coeur Terre project, which has now been removed from the Kootenai County Land Company, LLC's website, had initially planned to have less density for their entire acreage, which is over 1,050 acres.

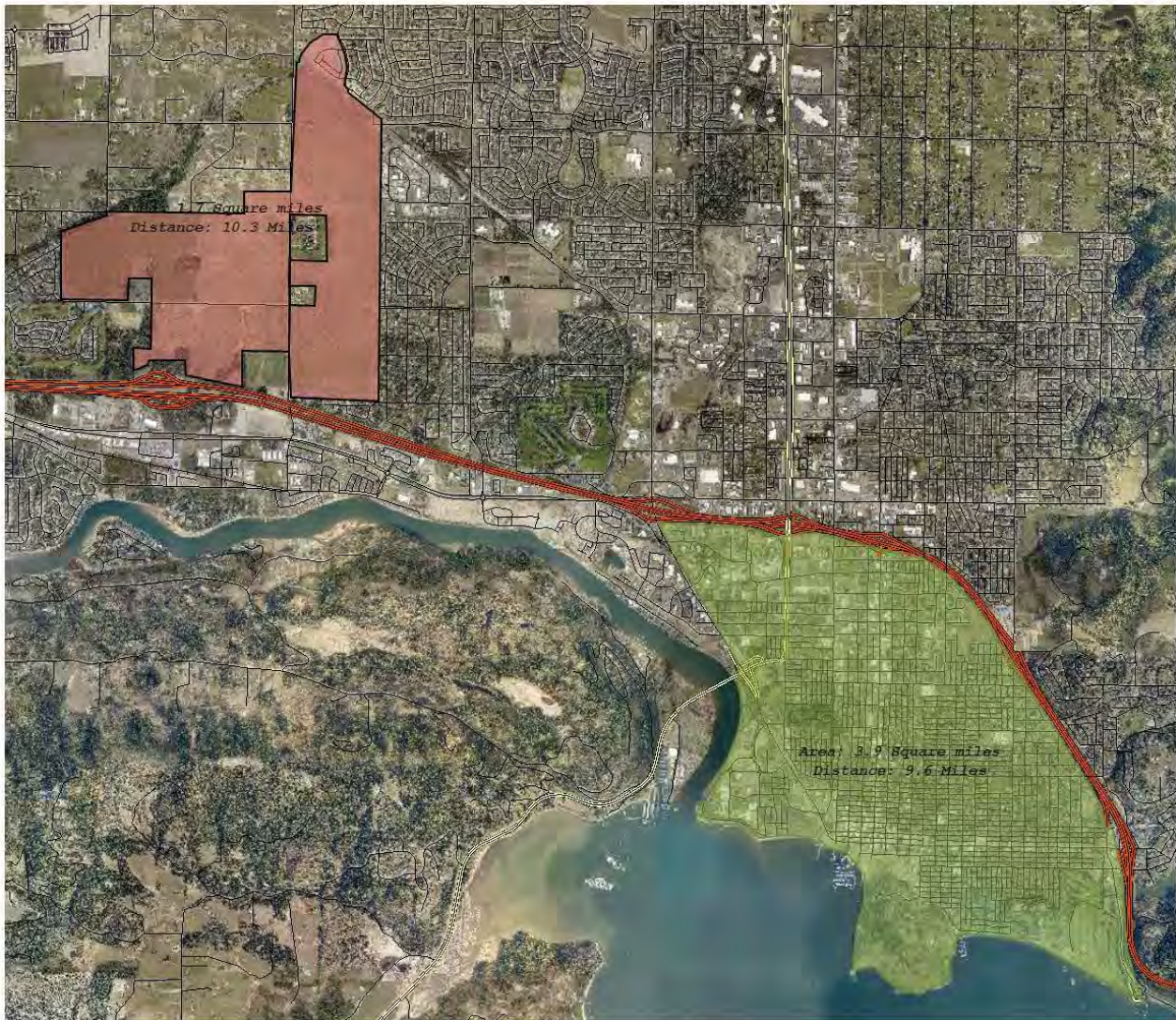


Another City, Not Residential

It is incorrect to say that the Coeur Terre project promotes orderly growth, preserves the quality of Coeur d'Alene, protects the environment, promotes economic prosperity, and fosters the safety of the residents. It must do this to comply with both the Idaho State Code and the Coeur d'Alene Planning Commission's charter. An argument that this was part of the 2040 planning document does not make it valid for growth. The planning document contains many inaccuracies around development and economics.

The density proposed for the 442 acres is city development, not a simple, small residential development. In addition, the proposal does not account for the new development to the North and the lack of roads, schools, and other needs for long-term growth and to ensure the quality of Coeur d'Alene remains intact.

The total potential development area is nearly half the size of the City of Coeur d'Alene proper, south of I-90, much of the same density, less green space (by almost 60%), fewer roads, less access to transportation, and less ability for local stores.



Roads

The annexation is requested before the Idaho Transportation Department (ITD) finishes its review for improved road systems in the area. ITD has decided a county-wide population and traffic model needs to be updated for the PEL study; it could be years before the NEPA is started and completed.

The developer's design also doesn't include the already over-saturated report for Seltice Way, which will gridlock the area due to the overbuilding by the river between Atlas Road and Riverstone Drive as shown in the SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech.

The current estimate for Seltice Way would require 3-lane roads in both directions to accommodate the amount of traffic from the excessive development at the river, let alone another development of this magnitude at Huetter Road.

SELTICE ADDITIONAL ANALYSIS – COEUR TERRE ADDENDUM conducted by CivTech
However, even with this more moderate growth rate of 2% annually, the dual lane

roundabout is projected to start breaking down by 2045, with and without the Coeur Terre site traffic – negating the need to change to a traffic signal system along the corridor and prepare for three-lanes in the westbound direction of travel.

The proposed changes to Huetter Road from the Kootenai County Land Company, LLC will take most of the speeds on the road from 45 miles per hour to 20 miles per hour or less. Additional traffic jams can be expected at all major turn lanes at Prairie Avenue, Poleline Avenue, and Seltice Way.

City and Community Needs (Safety and Healthcare)

In nearly the same square miles of potential building area, the City of Coeur d'Alene has three (3) elementary schools (Winton, Fernan, Bryan), not just one (1). It also has several academy schools as well. Post Falls is becoming overcrowded after having just built a new school less than two years ago. The expected growth in the area will require more than just one elementary school and one middle school. It should also account for more parks and recreation areas. It would also require more large sports fields to support more school teams.

Currently, the area is serviced by Kootenai County Sheriff's Department, and their response time for the area is lengthy today. Adding another 4,000+ residents into that area will place strain on public safety as there would be new stress placed on Coeur d'Alene's police department.

Fire and rescue departments are not in the developer's designs which will be even more critical with the growth of the population. Additional service for the 442 acres and the misplanned development by the riverfront at Atlas Road continues to show development companies cannot be trusted to promote sustainable growth.

Emergency medical treatment and healthcare centers are not in the design either. However, the roads have already been found not to support timely responses in the case of an emergency.

Buyers Are Not Residents

It has become abundantly pervasive that buyers of these locations are not residents of the home. They are typically investors who then rent out the properties. Rental properties and micro-leases do not support residences and healthy communities. Throughout the United States of America, these impacts are being fought against due to the drastic adverse effects on the community and its people.

Northern Idaho is not unique in its problem with housing development requests nor in ignoring the learnings from other parts of the country where expansive growth has destroyed what was in place.

Landlords are removing low-income families' ability to gain home equity. The renters are also subjected to the landlords' rent increases which can happen every six (6) months.

Idaho Code

55-2006 (3) A landlord shall give written notice of such change to each affected home owner at least ninety (90) days prior to any amendment to the rental agreement. The landlord may not amend the rental agreement or rules more frequently than once in a six (6) month period.

Conclusion

The annexation must not be permitted as there is enough evidence that the development proposed does not support Idaho Code. It is also not a design that meets the needs of the community.

State Codes

50-222. It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities. The proposed development is not reasonable, necessary, or orderly.

67-6502 (g)-The Plan creates an undue concentration of population and overcrowding of land.

The plans of the Kootenai County Land Company, LLC are dangerous and adversely impact Kootenai county in total. The project is not ready to be reviewed because of the lack of roads, schools, green space, community needs, and city planning.

It is no question that growth in Kootenai county will continue in the future. The question is the value of the growth as it has been completed today and what the impacts will be with development projects which have not yet been completed.

Sincerely,

Signatures on Next Page

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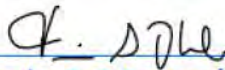
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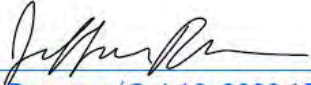
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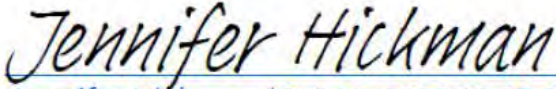
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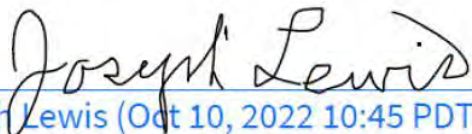
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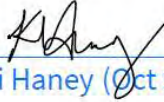
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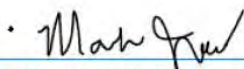
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[Teresa Marks \(Oct 10, 2022 12:01 PDT\)](#)

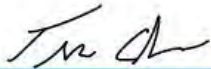
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CITY OF COEUR D'ALENE
MAYOR AND CITY COUNCIL

FEB 12 2023

DEAR MEMBERS,

THIS IS IN RESPONSE TO THE COEUR TERRE
ANNEXATION. FIRST I AM OPPOSED TO THIS.
I FEEL THAT A FIVE YEAR OR LONGER
MORTATORIUM SHOULD BE PUT INTO PLACE.
I THINK YOU ARE MISSING SOME VERY
IMPORTANT PROBLEMS. REALLY THINK ABOUT
THIS. THE ROADS ARE ALREADY FULL. ATLAS,
HRETTER KALTHEEN AND HANLEY. SCHOOLS OVER
CROWDED, FIRE AND POLICE DEPARTMENTS.
NOW THE MAIN ISSUE IS WATER. LAKE
COEUR D'ALENE IS INTO PROBLEMS, WITH
POLLUTION, TEMPERATURE OF WATER, THE
AQUA FEA IS INTO PROBLEMS. YOU CAN
CONTACT JAMIE BRUNNER AT DEPARTMENT
OF ENVIRONMENTAL QUALITY OF STATE OF
IDAHO, AT 208 7691422, IF YOU WOULD
LIKE TO, TO GET FULL CONCEPT OF
PROBLEM.

THANK YOU IN ADVANCE

LELAND KAWIN

Leland Kavin

4009 LANCASTER RD

COEUR D'ALENE ID 83815

Feb. 15, 2023

Dear City Council,

First, thank you for tabling the decision on annexation as proposed by Coeur Terre. I feel that was a wise decision in light of the paucity of real data related to this annexation. I would like to address a few concerns and maybe provide some enlightenment.

It appeared to me that the high density zoning and traffic concerns were issues common to almost every speaker, myself included. Lack of public process was a third major concern.

During the Planning Department presentation and the Kootenai Land Company presentation the R8 zoning was frequently referred to as "single family dwellings". This phrase was used repeatedly and for a purpose. That phrase conjures up an image of a single house with yard and a car in the driveway. In actuality R8 zoning allows 8 of those detached homes, 4 duplexes or 2 fourplexes per acre. When you crowd that many buildings on an acre the only way to end up with enough square footage per dwelling is to make them 2 stories tall or more. All the residents in Indian Meadows and Northshire fronting the new development will look out on a residential wall twelve feet behind their property line. In my opinion this whole project is far too densely zoned.

During discussions around the street routing and traffic issues you never heard your Planning Department, KMPO or the Kootenai Land Company use common traffic measure terms like "trips per day". You weren't provided with the current baseline traffic information and you weren't provided with any forecast future traffic volume. Probably because it doesn't exist. You absolutely need that information in order to measure the magnitude of impact of this project on the city. The infrastructure concessions the developer has agreed to is nowhere adequate to compensate for the impact their development is going to have on the city. I am not sure if any one pointed it out but if the Huetter bypass happens there will only be 3 west side exits to this project. The south connection to Huetter, Mullan Rd., and Hanley. This forces all traffic east through our neighborhoods. That is simply unacceptable with the current high density development proposal.

The city is going to get stuck with redevelopment costs for Atlas Rd., Kathleen (two lanes between Atlas and N. Player Dr. is not going to handle the traffic volume coming off Hanley), Nez Perce and any other streets that end up being connectors. You need more information to inform your decision.

Today I attended the talking session the Kootenai Land Company and their planning staff put on. The last seven years of my career I was deeply involved in public involvement land use planning. Today's effort should have taken place at least 6 months ago as a follow up to the open house. Again, only two hours were allotted to the process. This is not robust stakeholder involvement. What it appears to be is an attempt to put a better face on their process. People

in the meeting today appeared to be willing to talk and listen to KLC as long as they thought something might come of it. I truly hope something comes of it because the project as proposed is a disaster for our neighborhoods and a huge screaming liability for the city.

I do not understand the urgency to get the annexation done by the next council meeting. It is obvious the proponent and the city have not done their homework and expediting this decision is fraught with unknowns. I would urge you, the City Council, to table this annexation until such time as a more robust public process can take place, a thorough traffic study with explainable metrics is presented by the proponent and zoning is scaled back to a density that is acceptable.

Truly, Thank You for your hard work and patience.

Edwin R. "Ted" Smith

Indian Meadows

Nate and Melissa Dyk
4010 W Appaloosa Rd.
Couer d'Alene, ID 83815
3/9/23

Dear Mayor and Council Members,

Thank you for your service to the city of Couer d'Alene and your consideration of the Couer Terre Annexation.

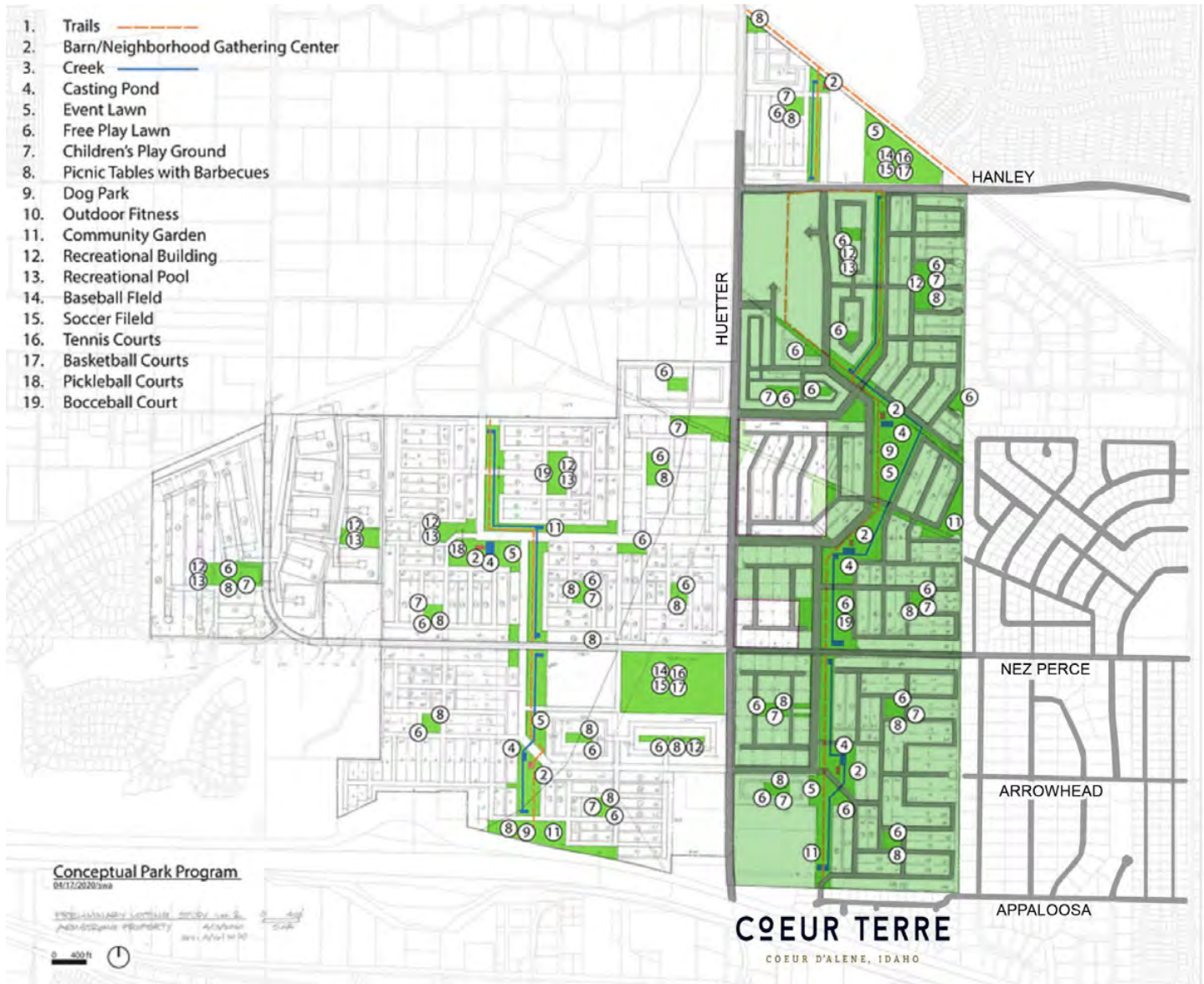
I am a Project Manager for Eric Hedlund Design and have worked on several commercial and residential projects within Couer d'Alene. I was also previously employed by Lakeside Capital until 2019 when I amicably departed to work at my current firm. Based on my architectural career, home location on Appaloosa, and familiarity with the applicant team, I have a very unique interest in this proposed development.

Interestingly, Kootenai Land Co. presented a much more appealing Master Plan concept in their 6/2/20 letter to city council. The master plan below was also shown on the applicant's website until 7/1/22.

The previous design included many features residents, council, and planning are asking for;

- 2 street connections at Appaloosa and Nez Perce
- More respectful of adjacent neighborhoods
- Street design which encourages traffic to the West.
- Integrated trails, parks, and open space
- Reduced density
- Improved school, commercial, and urban housing adjacencies

Why was the previous Master Plan abandoned in favor of the current plan? The Master Plan below and the applicant's 6/2/20 request to include the full property in the Comprehensive Plan Update process demonstrates their intent to develop the entire 1,100 acre site. The traffic study provided by KMPO should be considered incomplete as the model was based on a portion of their development plans. It may have been a strategic measure to subdivide the property into a smaller 440 acre annexation in order to show reduced traffic impacts. ***At any point, did KMPO produce traffic modeling for the entire development?***



Note: Road labels, Coeur Terre logo, and poche was added for reference.

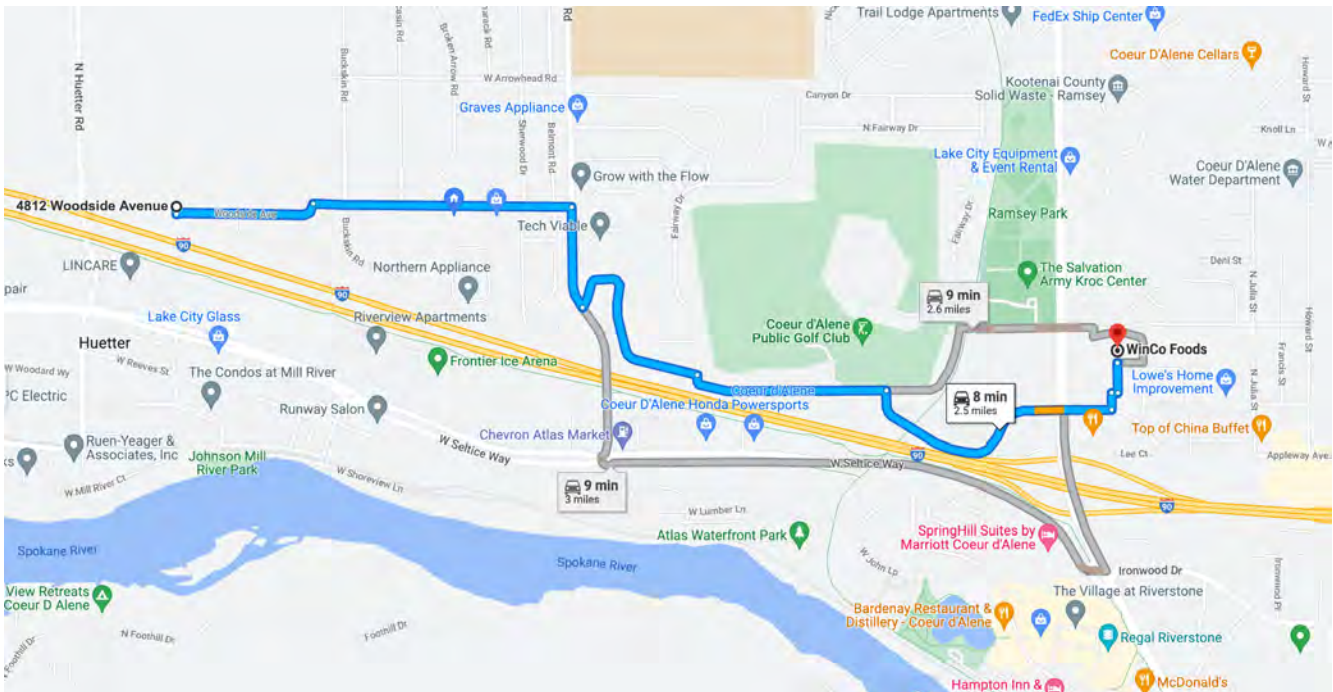
“...but importantly [the development team] wants the City Council to know that the owner’s proposed overall gross density and land uses are planned to align closely with what is already planned for this area in the City’s existing Comprehensive Plan [2007-2027].” - John Hemmingson, 5/22/20 Letter to Planning
<https://web.archive.org/web/20220319213539/https://www.kcolandcompany.com/wp-content/uploads/2020/07/Coeur-Terre.png>
<https://www.cdaid.org/files/Council/Packet060220.pdf>

Additionally, below are the following concerns with the latest revisions to the agreement:

A. The East traffic is funneled through Appaloosa and Nez Perce, which creates greater impacts:

1. Reducing the East connections to two streets funnels additional traffic through Appaloosa and Nez Perce. The revised proposal will have an even greater impact on Indian Meadows than the previous iteration.
2. No studies have been provided for the Indian Meadows residential streets which show current traffic counts and the resulting traffic increases as a result of the development. Per CDA's traffic calming process, scientific data must be collected prior to implementation of mitigation measures. Without this data, the Mayor and Council cannot adequately determine if the development complies with Finding B11.
3. The cut through traffic generated on a narrow, residential street, without sidewalks, creates its own life-safety issues. Indian Meadows and Fairway residents will be sacrificing their safety for a slight improvement in response time to Coeur Terre.
4. Appaloosa will no longer be safe for our young children and animals to walk and enjoy other parts of the neighborhood. Other residents will also be discouraged to walk on Appaloosa which will cut us off from our neighbors.
5. Because Appaloosa is straight and is adjacent to a high density development, the revised agreement makes Appaloosa into a cut through street which will be worse than traffic on Masters/Fairway. Already, people speed down Appaloosa at 50+ mph.
6. We appreciate the council's suggestion to encourage traffic flow to the West, however ***by what metric will traffic 'encouragement' be measured?*** There has been no data provided in order to quantify traffic mitigation. Adding verbiage is non-scientific and implementation is left to the discretion of the developer and City Planning, whose primary goal is to alleviate congestion on Huetter and Hanley.

7. In order to avoid the 6+ stop lights on Heutter, Seltice, and Northwest Blvd, Coeur Terre motorists will be encouraged to utilize Appaloosa, Masters, & Fairway Dr. to access services on Appleway. This will be a disaster for residents in the Fairway neighborhood and create additional safety issues on roads that are already heavily impacted. It will create a significant public hazard when the shortest, most direct route between two commercial zones is via narrow, residential neighborhoods. ***Will KLC's PUD traffic studies analyze the impact on the Fairway neighborhood?***



8. A potential mitigation solution may be to install semi-deverters/partial closers, among other measures, on Nez Perce and Appaloosa to block eastbound traffic, but allow westbound traffic into Coeur Terre. This would provide emergency vehicle access into the development but will also mitigate traffic impacts into the adjacent neighborhood. This is an acceptable solution which is listed in CDA's traffic calming measures presentation from 3/3/20. <https://www.cdaid.org/files/Council/Packet030320.pdf>

B. Density remains a concern:

9. The 2,800 unit limit in the agreement will be subject to future revisions and will be asked to be increased. The street connections will be made early in the development and cannot be modified. Based on the applicant's 5/22/20 letter to council, the unit limit should be around 1,800 units.
10. There are no reductions to the R-17 and C-17 zones which have height, adjacency, and density issues with the neighbors to the North and West. These zones are also subject to future density increases.
11. The traffic and emergency access problems are being compounded by the proposed commercial and urban uses, not the street connections. If the Coeur Terre omitted or relocated the urban/commercial zones, these issues would not be as significant and less exception would be taken to connecting local residential roads.

C. The Coeur Terre Master Plan and Agreement need refinement before annexation moves forward:

12. The Zoning exhibits are inconsistent between the KLC's Annexation Application, the Planning Commission Staff Report, and the latest Agreement revisions. The latest Zoning Exhibit does not indicate the school sites and associated zoning - See exhibit below.
13. The revisions in the agreement does not specify which of the 3 connections (2 at Woodside, 1 at Appaloosa) into Appaloosa will be made. The traffic impacts can vary greatly depending on the connection points and street design within Coeur Terre.
14. An East connection at Industrial loop in lieu of Appaloosa has not been explored. This would be a win-win scenario as it redirects traffic away from Indian Meadows and provides additional visibility for businesses within Industrial Loop. This will promote development and growth for an under-utilized commercial zone.
15. The Master Plan and Zoning Exhibits must be revised to address the connection and traffic concerns prior to approval. We are creating short-cuts by putting bandaids on the agreement when there are still overwhelming concerns with the Master Plan. Without concrete street design revisions to the Master Plan to support the agreement, our traffic concerns will be secondary to other interests..

16. We keep hearing Coeur Terre has been in the works for over 10 years, however the latest Master Plan has only been available online since 7/1/22. It is also drastically different from the applicant's concepts that were presented in their 6/2/20 letter to council, which was much more appealing.
17. A few months is not enough time for public input for a development of this size. The city and applicant team should have engaged local residents throughout the design process and not after-the-fact when they are vying for annexation approval.
18. There are far too many concerns from residents for the project to move forward in its current proposal. Please refer to the meeting minutes from our 'Stakeholder' meeting with The Langdon Group, KLC's collaboration consultant. To my knowledge, we have not received a response from KLC or The Langdon group regarding our questions or concerns from the meeting.

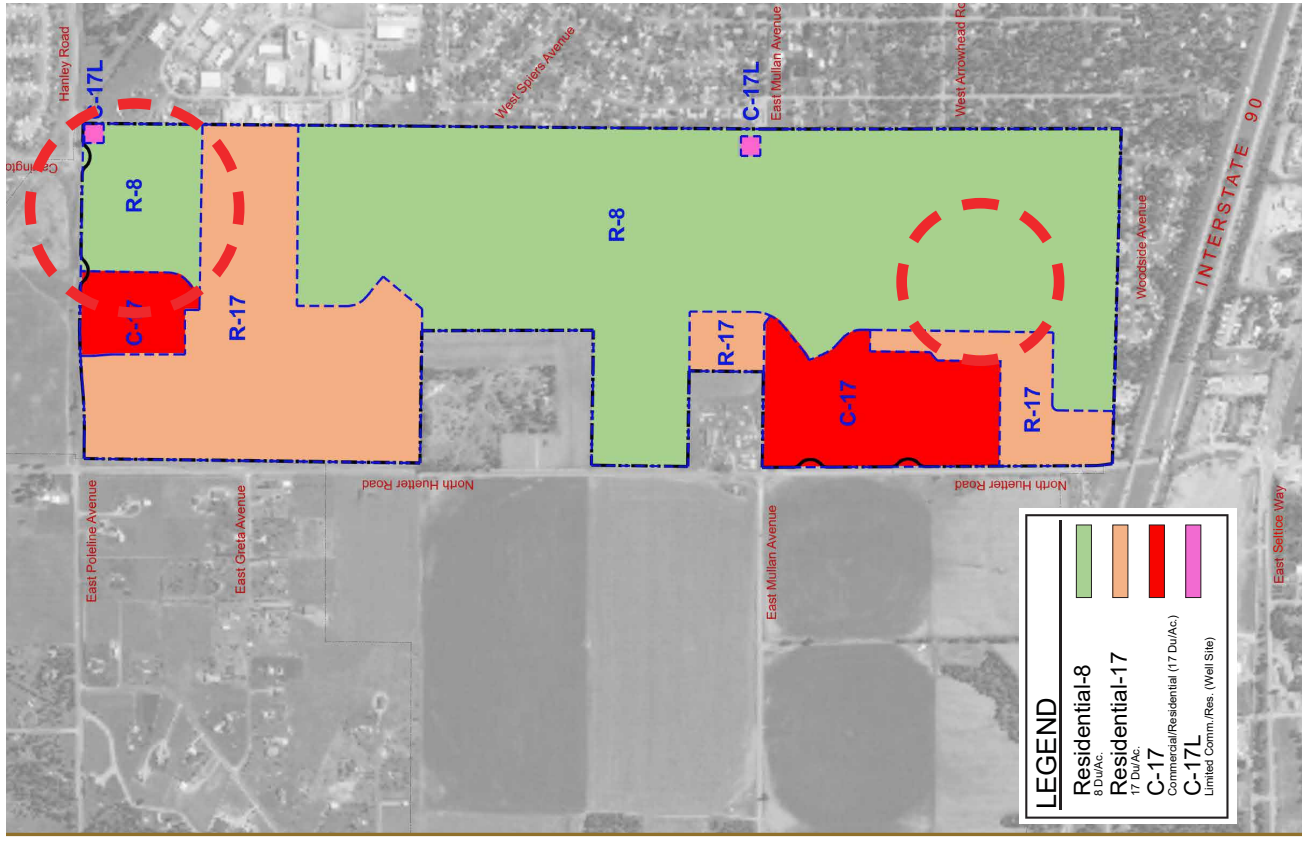
From the points above, it is clear that the recent changes to the agreement fall short and still do not bring Coeur Terre into compliance with Finding B11. As a result, the annexation must be denied so that further collaboration between the residents, the planning department, and the applicant team can take place to find more equitable solutions for all interested parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Dyk". The signature is fluid and cursive, with a prominent loop at the end.

Nate Dyk
nate.dyk@gmail.com
4010 W Appaloosa Rd.
Coeur d'Alene, ID

COEUR TERRE ZONING REVISIONS EXHIBIT:

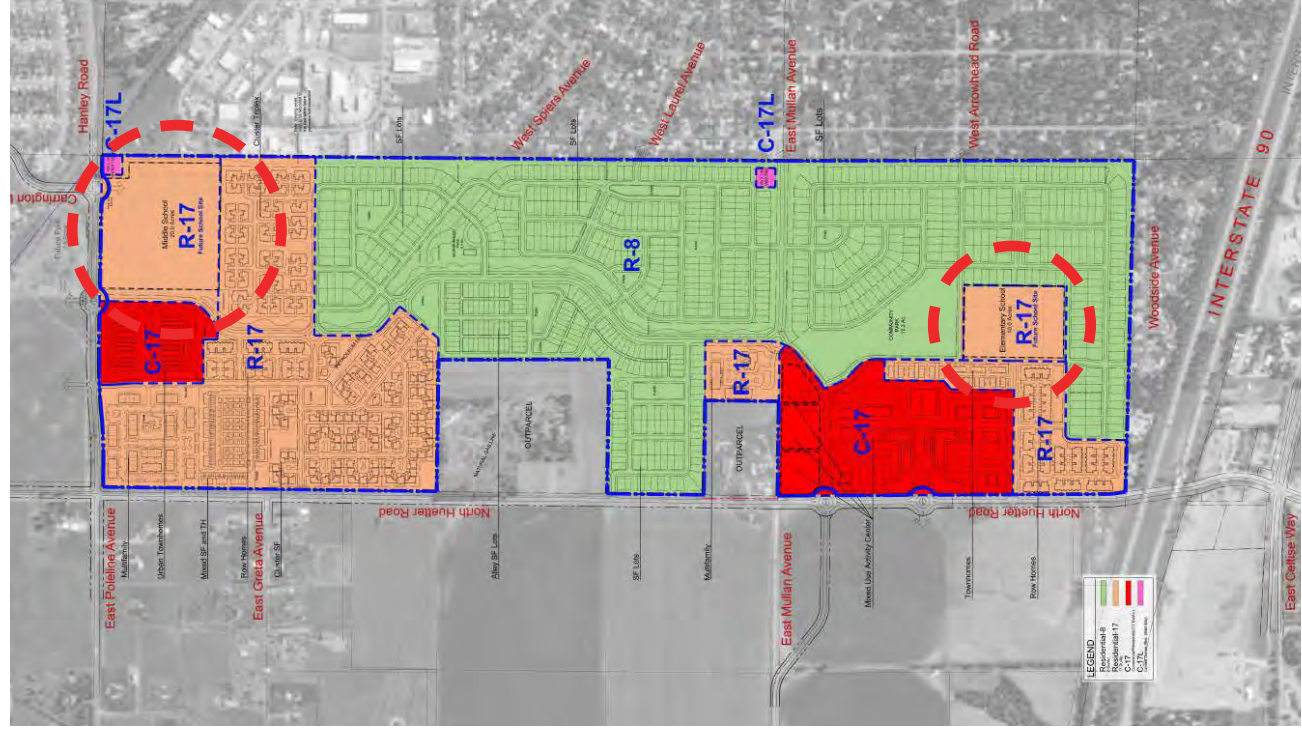


**Version 1:
School sites depicted as R-8 zoning**

Proposed Zoning and Land Use Plan

Coeur Terre Annexation Application
January 25, 2022

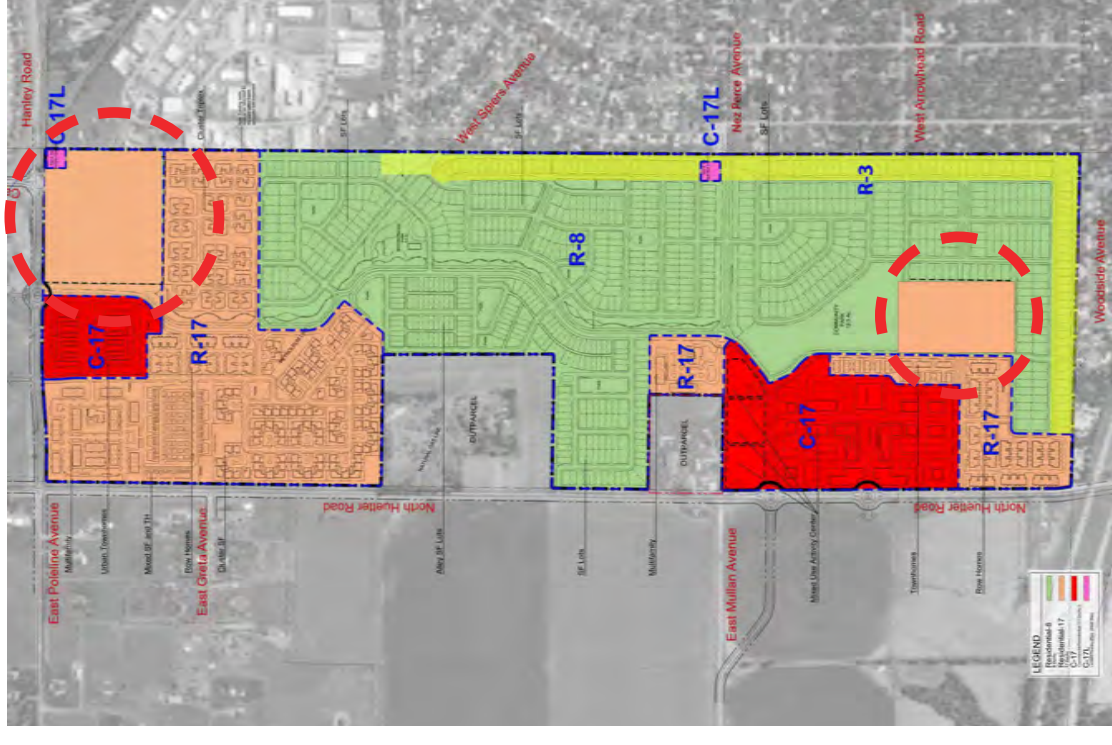
Kootenai Land Co. Community Open House
April, 2022



**Version 2:
School sites depicted as R-17 zoning**

Proposed Zoning District Map

Coeur Terre Planning Commissions Staff Report
October 11, 2022



**Version 3:
Zoning and 'Future School Site' indications
are missing/not provided.**

Annexation and Development Agreement Revisions

Coeur Terre Corresponding Zoning Map, pg.42
February 21, 2023

Nate and Melissa Dyk
4010 W Appaloosa Rd.
Couer d'Alene, ID 83815
nate.dyk@gmail.com

Dear Mayor and Council Members,

Thank you for your service to the city of Couer d'Alene and your consideration of the Couer Terre Annexation.

I am a Project Manager for Eric Hedlund Design and have worked on several commercial and residential projects within Couer d'Alene. I was also previously employed by Lakeside Capital until 2019 when I amicably departed to work at my current firm. Based on my architectural career, home location on Appaloosa, and familiarity with the applicant team, I have a very unique interest in this proposed development.

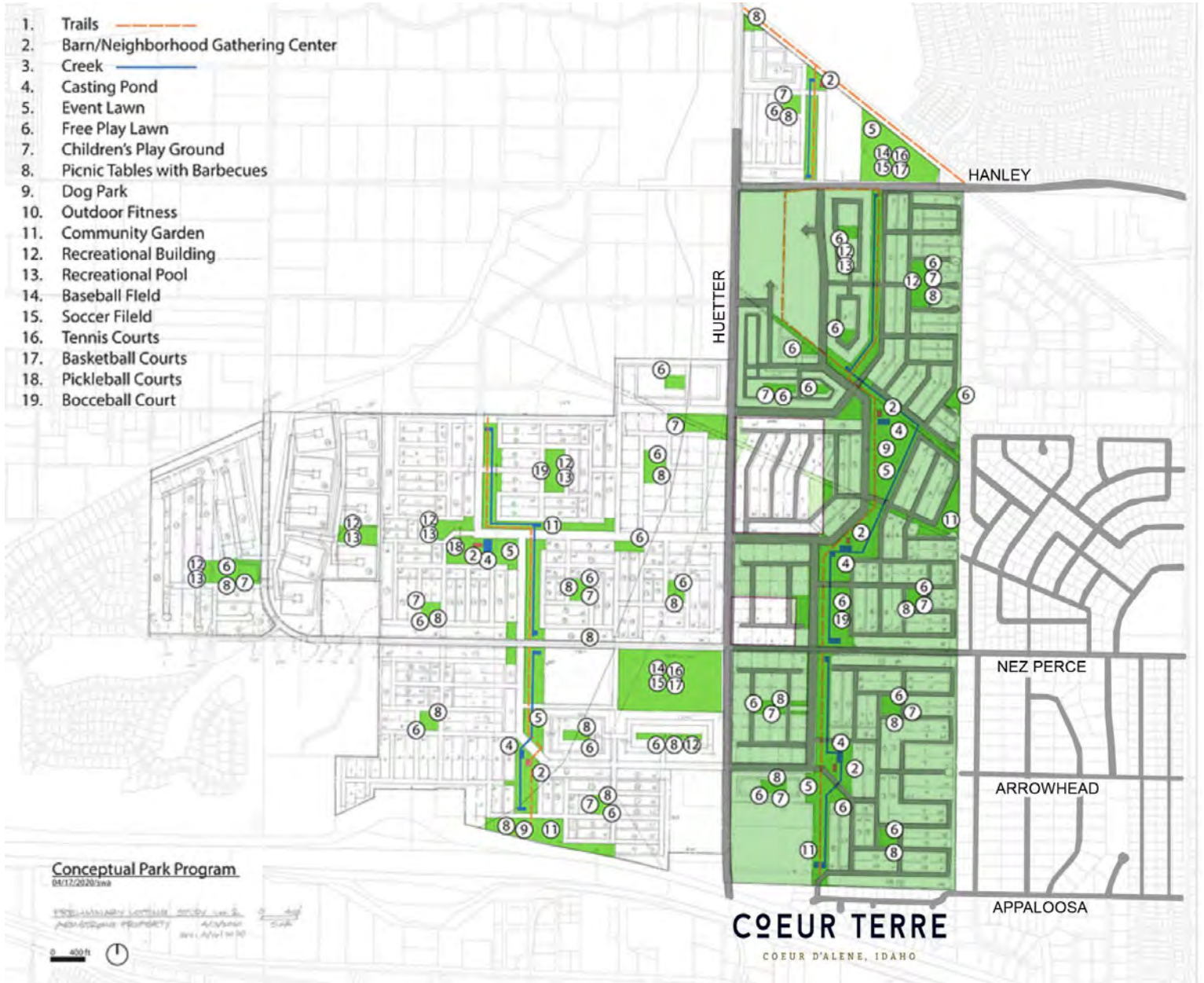
Interestingly, up until 7/1/22 Kootenai Land Co. presented a much more appealing master plan on their website - See next page.

The previous design included many features residents, council, and planning are asking for;

- 2 street connections at Appaloosa and Nez Perce
- More respectful of adjacent neighborhoods
- Street design which encourages traffic to the West.
- Integrated trails, parks, and open space
- Reduced density
- Flexibility for School Sites
- Opportunities for Multi-Family Housing Along Huetter/Hanley

Why was the previous master plan abandoned in favor of the current plan? The previous plan also depicts the applicant's vision for the development West of Heutter, which raises further questions.

Note: Road labels, Coeur Terre logo, and poche was added for clarity.



<https://web.archive.org/web/20220319213539/https://www.kcolandcompany.com/wp-content/uploads/2020/07/Coeur-Terre.png>

Additionally, below are the following concerns with the latest revisions to the agreement:

The East traffic is funneled through Appaloosa and Nez Perce, which creates greater impacts:

1. Reducing the East connections to two streets funnels additional traffic through Appaloosa and Nez Perce. The revised proposal will have an even greater impact on Indian Meadows than the previous iteration.
2. If mitigation measures are implemented to direct traffic West, away from Appaloosa, then Fire and Police will favor access from Nez-Perce/Huetter/Hanley. This defeats the point of connection in the first place!
3. The cut through traffic generated on a narrow, residential street, without sidewalks, generates its own life-safety issues.
4. Appaloosa will no longer be safe for our young children and animals to walk and enjoy other parts of the neighborhood. Other residents will also be discouraged to walk on Appaloosa which will cut us off from our neighbors.
5. Because Appaloosa is straight and is adjacent to a high density development, the revised agreement makes Appaloosa into a cut through street which will be worse than traffic on Masters/Fairway. Already, people speed down Appaloosa at 50+ mph.
6. We appreciate the council's suggestion to encourage traffic flow to the West, however ***by what metric will traffic 'encouragement' be measured?*** Adding verbiage is non-scientific and implementation is left to the discretion of the developer and City Planning, who have largely ignored our concerns.

Revisions to the Coeur Terre Master Plan are needed before annexation moves forward:

7. Without concrete street design revisions to the Master Plan to support the agreement, the applicant will prioritize the cheapest and quickest traffic solutions that serve their interest.
8. The revisions in the agreement does not specify which of the 3 connections (2 at Woodside, 1 at Appaloosa) into Appaloosa will be made. The traffic impacts can vary greatly depending on the connection points and street design within Coeur Terre.
9. An East connection into Industrial loop has not been explored. This would be a win-win scenario as it redirects traffic away from Indian Meadows and provides additional visibility and opportunity for business within Industrial Loop. This will promote development and growth for an under-utilized commercial zone.

10. The Master Plan and Zoning Exhibits must be revised to address the connection and traffic concerns. We are creating short-cuts by putting bandaids on the agreement when there are still overwhelming concerns with the Master Plan. The Master Plan needs to be revised first!

Density remains a concern:

11. The 2,800 unit limit in the agreement will be subject to future revisions and will be asked to be increased. The street connections will be made early in the development and cannot be modified. As a result, the applicant must provide a revised street design with corresponding traffic studies in order to demonstrate compliance with Finding B11.
12. There are no reductions to the R-17 and C-17 zones which have height, adjacency, and density issues with the neighbors to the North and West. The zones will be subject to future density increases.

The Coeur Terre Mater Plan has been rushed and does not address resident's concerns:

13. We keep hearing Coeur Terre has been in development for over 10 years, but this is blatantly incorrect. Yes, there were early discussions with Mr. Armstrong, but the latest Master Plan has only been available online since 7/22. It is also drastically different from the original master plan that was presented earlier on the applicant's web site.
14. As someone in design and construction, a few months is not enough time for public input for a development of this size. The applicant team should have engaged local residents throughout the design process and not after-the-fact when they are vying for annexation approval. Additionally, as a current or former employee and an Indian Meadows resident, I was not interviewed or consulted prior to planning commission approval.
15. There are far too many concerns from residents for the project to move forward in its current proposal. Please refer to the meeting minutes from our 'Stakeholder' meeting with The Langdon Group, KLC's collaboration consultant. To my knowledge, we have not received a response from KLC or The Langdon group regarding our questions or concerns from the meeting.

From the concerns above, it is clear that the recent changes to the agreement fall short and still do not bring Coeur Terre into compliance with Finding B11. As a result the annexation must be denied so that a genuine interaction between the residents, the planning department, and the applicant team takes place so that we can find more equitable solutions for all interested parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Dyk". The signature is fluid and cursive, with a large initial "N" and "D".

Nate Dyk

From: Theresa Potts
To: [MCLEOD, RENATA](#)
Subject: Annexation Hearing Today
Date: Tuesday, February 07, 2023 9:56:12 AM

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

I am writing to express some of my concerns re: the annexation of property located at the west end of Indian Meadows.

Have the required studies been completed for traffic in the Huetter Corridor? It is my understanding that there is an Idaho code requiring traffic studies be done before annexation. I am also concerned about the huge amount of traffic on Atlas, Seltice, Appaloosa, Arrowhead, and Woodside. These are streets that have very little traffic now. Increased traffic will prevent children from riding bikes and playing in the street. Walking our dogs will be a challenge as well as our own walks. It seems a travesty to take this away from us.

I have never received any info from the city about the Coeur Terre development and what it might mean for the residents of Indian Meadows, Northshire, Woodside, and Queen Ann Estates. I know that there was some sort of public meeting at the Kroc Center but I was not able to attend. I believe that tabling the annexation for a time would give the public a chance to ask questions of the council, P and Z, as well as the developers. Perhaps this could bring about solutions to our concerns.

Theresa Potts
4103 Arrowhead Rd.
Coeur d'Alene

From: Lorelei Dunbar
To: [MCLEOD, RENATA](#); [STUHLMILLER, SHANA](#)
Subject: Annexation
Date: Tuesday, February 07, 2023 3:01:26 PM

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

I am voicing my concern over the annexation and zoning density of the proposed Coeur Terre project.

The prior Coeur d'Alene Comprehensive Plan lists the characteristics of Atlas Prairie neighborhoods. The very first bullet point reads "The overall density may approach 4 to 5 units per acre, however, pockets of higher density housing and multi-family units are appropriate in compatible areas".

What the developer has laid out FAR exceeds this. (R8 and R17 vs. R5) Almost the ENTIRE project is higher density ... not just a couple of pockets. It's nearly twice the planned density ... climbing to 4x that in "pocket" areas.

As has been stated in the past, allowing developers to cram as much as they can into as little as they can is akin to winning one of Wonka's Golden Tickets.

The City Council is not here to serve the interests and desires of this corporation but to those of the citizens, present and future, of our wonderful city.

I'm asking the City Council to delay this annexation ...

hold onto this card ...

while you negotiate a less dense, more creative, mixed used housing development.

We have one chance to do this right.

Thank you.
Lorelei Ruddick
4108 W Arrowhead Road
Coeur d'Alene, Idaho 83815

Dear City Council Members,


As a 21 year resident of Indian Meadows we ask you all to deny the Coeur Terre development with prejudice as it is currently planned. Here are the reasons why:

1. Why disrupt a complete neighborhood for the benefit of people who may not be invested in our community?
2. We believe there should be no access from the east into the development, because even with two accesses (Nez Perce and Appaloosa) people will by nature find the faster route out, impacting the whole Indian Meadows neighborhood!
3. Atlas road is already super busy and the River's Edge project is not even finished. When it is, Atlas Road will become their favorite way out.
4. No traffic studies have been done for Atlas and the two accesses they want from the east.
5. They talk about having a police substation which should suffice, so the police won't need access from the east.
6. We have watched every city council meeting and am concerned that a few members don't really know what they are voting for.

We are not opposed to the development but we are opposed to using Indian Meadows as a pass-through. Please consider the long-time residents of an already established neighborhood when you vote. Thank you for your time.

Sincerely,

Bill and Darci Todd
4302 West Appaloosa Road

To: The Coeur d'Alene City Council 
From: Holladay and Sandy Sanderson, Sherwood Drive, CDA/Queen Anne Estates
between Indian Meadows and Atlas
RE: Coeur Terre, Appaloosa and Nez Perce
Date: March 15, 2023

Holladay attended the February 7 City Council meeting and both of us attended the February 21 City Council meeting because we live in Queen Anne on Sherwood Drive between Appaloosa and Nez Perce and between Indian Meadows and Atlas. We were hopeful after the close of the February 7 meeting because:

1. McEvers asked about NO East Access for Coeur Terre and other members concurred.
2. The land company said they could work with no East Access. According to a City staff member, the attorney for the land company said they would agree to no East Access.
3. The land company mentioned their development, The Trails, to the north of Coeur Terre. There is no East Access there, they said, and it works.
4. While the Police Chief named Nez Perce and Appaloosa as nice access points south of Hanley, the Fire Chief spoke of a new station at Seltice and Atlas, emphasizing response time needs. This implied to hearers more of a use of Hanley and Seltice for access to Coeur Terre.

After hearing of the meeting that the Indian Meadows group had to ask for with the land company after the City Council meeting on 2/7, we learned that "No East Access" not in the mix.

One Sunday, after the 2/7 meeting, we were out for an afternoon drive and we discovered that, actually, at **The Trails**, there is no WEST access on Huetter. We wondered how homeowners got in if there was no East Access. On February 22, after we sat through the 2nd City Council meeting that gave Indian Meadows and our Queen Anne one more reprieve from cross-through streets and added one more public hearing, Holladay drove through The Trails via the entrance to Hawks Nest on Hanley in order to discover how The Trails could be accessed.

Holladay went to the Trails because it seemed that the City Staff and the land company both "**listened but they did not hear**" the concerns of the people in our neighborhoods. In fact, while attending that meeting and hearing the presentation, we felt as if all our concerns were dismissed far too easily. Our concerns did not seem to matter nor did they seem to be seriously considered.

Behind Hawks Nest and The Landings is a wide boulevard named Carrington. This road goes north-south and connects all the homes in the THREE developments (Hawks Nest, The Landings, and The Trails) to Prairie. In addition, both Johnshawk (Hawks Nest) and Newbrook (The Landings) offer East Access for The Trails. So The Trails does have East Access to Atlas.

These cross streets of Johnshawk and Newbrook are very wide boulevards (like Carrington) with a lot of property on both sides before one reaches the fence line that protects the homes from these wide cross streets east of The Trails. The Trails connects to them on Carrington via traffic circle. We ardently hope that cross streets like that will never be in the plan for Nez Perce and Appaloosa, those (now) cross-through streets we had hoped would be left alone.

Alas not so. At the February 7th meeting, the KMPO representative spoke of using Mullan/Nez Perce between Huetter and Atlas as a means of *lowering* traffic on Huetter. Every street along Appaloosa and Nez Perce will be impacted by the presence of these two cross-throughs to Coeur Terre. There were no maps with readily visible depictions of how the traffic would be “discouraged” by road patterns in Coeur Terre. It is not heartening at all to be asked to settle back and hope someone cares how much traffic will be added to Appaloosa and Nez Perce or how much traffic will effectively spoil our neighborhoods to the east of Coeur Terre for all time.

Another matter arising in the Feb 21 meeting was that it has now become a public safety issue to require the cross streets when it was NOT so urgent during the “No East Access” discussions at the February 7 meeting. Councilman Wood specifically asked about this and received a response from staff that it was a public safety issue. How important are they if Coeur Terre is supposedly going to engineer the streets to discourage the use of Nez Perce and Appaloosa as cross through streets? If those two streets must be used, will they have to be widened or otherwise changed?

The cross-through streets needed by the Police Department leaves us with more fear re: any developing planning of these cross throughs. Ongoing re-evaluations of traffic are promised in the future. What will be “altered” to accommodate Coeur Terre years down the road while dismissing our already-existing neighborhoods? Whom can we trust to keep us in mind?

Coeur Terre is going to require an upgrade of the Appaloosa Trunk Main. How much street construction will that require and will the city be trying to widen the street while it is done to satisfy the Coeur Terre needs? Are there plans to condemn some of the property lines in our neighborhoods to create those wide cross streets seen in Hawks Nest and The Landings? Will curb and gutter requirements be altered to meld better with Coeur Terre? Which neighborhood has to lose its character for the other? Why are Indian Meadows and, by extension, Queen Anne and Northshire, the ones to have our character and identities sacrificed for the sake of this outsize development?

So much is still not known. How can the Council be ready to approve this annexation?

The Zoning between Coeur Terre and Indian Meadows is not compatible either in spacing or design. Using The Trails as a model of the building designs of Coeur Terre, the designs do NOT mesh with the adjoining neighborhoods. Nothing at The Trails (which is already expanding westward into a new neighborhood) matches Indian Meadows or Northshire...both of which will have a whole twelve feet of buffer between R-1 and R-3.

There has been no traffic study to see how 10,000-20,000 more cars will impact Indian Meadows, Queen Anne, and Northshire on Nez Perce and Appaloosa.... both of which DEAD END onto Atlas.

Atlas has too much traffic as it is. The number of cars passing through WILL make traffic worse at Atlas as well as destroying the character of both of our neighborhoods. Atlas in our area south of Kathleen is a collection of streets on both sides that dead end onto Atlas and never cross. Add in Coeur Terre cramming into Indian Meadows/Queen Anne and the situation merely gets worse.

The KMPO proposed a **middle lane on Atlas**. South of Kathleen will truly become a nightmare with all those streets that have exits so close together. Do you really think that only one car will be waiting to enter Pineridge when another car comes up to get into Appaloosa or Arrowhead? A third lane will simply fill the middle lane with drivers not knowing who should yield to whom in which direction while trying to enter Queen Anne or Fairway Hills. No doubt all these dead ends at Queen Anne and Fairway Hills on Atlas were to discourage traffic passing through our neighborhoods. All together they can create traffic clogs instead of removing them.

And now there is this proposal to invite Coeur Terre to add to the traffic challenge at Atlas. Please keep all this traffic off our roads. Please do not cross through to our neighborhoods from Coeur Terre. Atlas will become unsafe to drive south of Kathleen and north of the bridge.

Queen Anne has smaller lots than Indian Meadows, but **it will be less safe with more and more traffic to continue with quiet walks "around the block."** Any of the two blocks we pick for walks will have to deal with Nez Perce and/or Appaloosa and perhaps even Arrowhead as drivers dodge past backups onto Atlas. Adding traffic from Coeur Terre through Indian Meadows and Queen Anne on Appaloosa and Nez Perce will basically destroy the neighborhood we have long enjoyed. Why do our neighborhoods have to bear the burden for a higher density development? Why destroy our neighborhoods for the sake of more development.

Amid all of this talk of traffic, no one has even considered the **impact on Atlas and Nez Perce with that new building complex** that is being built in Northshire by the Dog Park and Tennis Courts. That completion and Coeur Terre will make Nez Perce even more dangerous.

What has been unsaid about Coeur Terre that could still impact us? There is so much planning that is unsaid and unknown that we are being asked to take on good faith. It may take 30 years for the full impact to be felt, but we should have as much information as possible now before the aquifer is depleted and before Indian Meadows, Queen Anne and Northshire are all destroyed as quiet neighborhoods... and all for the sake of more tax dollars and more development. Please hear our concerns.

Please, we ask you to DENY WITH PREJUDICE the annexation of Coeur Terre.

From: marilyn shields
To: [MCLEOD, RENATA](#)
Subject: Coeur Terre annexation
Date: Tuesday, February 07, 2023 2:46:35 PM

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

To the City Council,

We are residents of Kootenai county for over 40 years. For the last 10 years we have lived in Indian Meadows. We urge you tonight to deny or table the annexation of the Coeur Terre development to do more studies of the impact it will be to our quiet neighborhoods.

Thank you for our consideration
John and Marilyn Shields
3401 Lodgepole rd
208-755-0777

Sent from my iPad

From: Stuart Bryan
To: [STUHMILLER, SHANA](#); [MCLEOD, RENATA](#)
Subject: Coeur Terre Annexation
Date: Monday, March 13, 2023 3:42:14 PM

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

Dear Coeur d'Alene City Council Members and Planning Staff,

Good afternoon. I want to issue my hearty thanks for the time and effort you have spent endeavoring to mitigate the impact of the Coeur Terre addition on the Indian Meadows neighborhood. As I have written before, my family has lived at the corner of Broken Arrow and Arrowhead Roads in the Indian Meadows neighborhood for the last 15+ years (3610 Broken Arrow Road). Hence, the decision by the developers to reduce the number of east-west access roads to their proposed development by excluding Arrowhead Road from the development is good news indeed and I am thankful.

While I had considered just leaving it at that, my conscience told me that I should spend a few lines advocating for my neighbors on Appaloosa and Nez Perce Roads. If I lived on either of those roads, this proposed annexation would still cause me incredible distress. Why should these property owners have to bear the cost for this annexation? If the addition consisted of a mixture of small acre lots (R-1) and residential neighborhoods (R-3), then it would seem that granting access may be reasonable. However, the density of the addition would radically transform these streets and devastate my neighbors' property values. If I were in their shoes, I would want them to speak up on my behalf - and so I am speaking up on theirs.

It seems to me that east-west travel along Seltice Way, Prairie Avenue, and Hanley Avenue where there are existing traffic signals, or perhaps even through the Industrial Park where there is a new traffic signal and the increased traffic would not be a detriment to an existing neighborhood, would make far more sense and be far less disruptive. Hence, I would urge you to vote AGAINST this annexation so long as the developers are seeking access via existing neighborhoods for an addition of such density. I believe that additional expansion could be accomplished without destroying the character of our existing neighborhoods.

I appreciate your willingness to receive citizen input.

Sincerely,

Stuart W. Bryan

Pastor

Trinity Church

A Reformed & Evangelical Congregation
Coeur d'Alene, Idaho
www.trinitycda.org

“Beware of ever aspiring to such purity that you do not want to seem to yourself, or to be, a sinner. For Christ dwells only in sinners.” Martin Luther

From: Tom Sanner
To: [MCLEOD, RENATA](#)
Subject: Coeur Terre Denial
Date: Tuesday, February 07, 2023 10:14:50 AM

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

Please enter my comments as to DENY the proposed Coeur Terre Project.

Tom Sanner
3430 Bristol
Coeur d Alene, 83815
Sent from my iPhone

From: Anne Patterson
To: [MCLEOD, RENATA](#)
Subject: Coeur Terre Development
Date: Wednesday, February 08, 2023 5:12:49 PM

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

To the honorable mayor and city council members:

regarding the proposed annexation of 400+ acres of farmland between Post Falls and Coeur d'Alene

I wish to express my opposition to the colossal planned development and annexation of the Coeur Terre project. The problems of rapid growth in North Idaho are complicated and difficult to address. Pro-growth advocates may have convinced you that high density "smart growth" is the best way forward and that large scale "affordable housing" projects are inevitable. Most residents deplore this type of development and want to resist it, and I urge you to please listen to us.

A serious problem seems to exist regarding the assessed vs. the taxable value of this 412 acre parcel. It is true that if acreage is used primarily for agricultural purposes, it can qualify for an agricultural exemption so that the taxable value of the land is less than the assessed value. Yet when one looks at a summary of these values for 2022, we find the Taxable Value is the same as the Assessed Market Value. There are no agriculture exemptions involved. Why is that? It would appear it is because the assessed value of the land is so low, there is no need for an agricultural exemption. For comparison, the market value of buildable land in nearby Kootenai county runs somewhere around \$400,000 per acre depending on location and zoning. And even in unincorporated areas, suburban rural, un-subdivided parcels are valued at at least \$50K per acre. The market value of the 10-acre parcel immediately adjacent to the Coeur Terre property is \$677,979, or \$68K per acre. I am not a tax expert, so I am sure there is a reasonable explanation for these absurdly low market Values that I am unaware of. But it appears that the assessed value of all land owned by Lakeside Capital's Real Estate Holding Company—that is intended to be annexed into Coeur d'Alene—is currently valued at a rate of only about \$1600 per acre, vastly lower than its real market worth. I urge you to reject this proposed annexation and development. While I would never question the integrity of our city's elected governors, there is a clear danger that the public might. Since you have previously condemned "cronyism" when it appears in other elected bodies, and have declared that protecting the integrity of our neighborhoods is of a high priority, I am hopeful that you will entirely reject this development and annexation. I expect that you will demonstrate your integrity, honesty, and complete dedication to serving the constituents who elected you, and who depend on you to put our interests first, rather than lining the very deep pockets of developers who will continue to line up to reap the benefits of big development in Coeur d'Alene, ID.

Sincere thanks for your service to the people who elected you.

James and Anne Patterson
Coeur d'Alene residents
2201 Monte Vista Dr.

Greg Keim

3-1-2023

4108 W. Appaloosa Rd

Coeur d' Alene, ID 83815

Re: Coeur Terre Annexation / Indian Meadows traffic.

Dear Mayor and City Council Members,

This letter is to address some issues that came up during the February 21st council meeting.

When the revised Coeur Terre plan was explained it was stated that there would need to be two east side access streets through the Indian Meadows neighborhood. These access points were described as having been requested by the fire and police departments for emergency response vehicles.

I'm not going to argue against emergency vehicle access. However, I feel that these access points will need to be gated so as to only allow authorized vehicle access.

My neighbors and I have stated repeatedly that allowing the volume of traffic that will come and go from Coeur Terre to pass through our neighborhood totally disregards the safety of the Indian Meadows residents.

In my view access gates on the east side of Coeur Terre are no different than the entrance gates for gated communities. Authorized vehicles can access these points without allowing traffic from the general public. Gated communities exist everywhere including Coeur d'Alene.

During this same meeting it was proposed that the Coeur Terre street layout should be designed to encourage traffic to use Huetter Road rather than cutting through Indian Meadows when going to points east. One thing that I've learned about getting around CDA in recent years is to plan a route that minimizes the number of traffic lights that I have to pass through. They slow my progress more than anything else. I'm sure that I'm not the only one that uses this strategy.

I can absolutely guarantee that if there is a way to get through, the Coeur Terre residents and those on the Post Falls side of Huetter will cut through Indian Meadows and the adjoining CDA golf course neighborhood to get to points east of Ramsey Rd.

Here are two routes that a Coeur Terre resident at the south end could choose from.

- 1) Cut through Indian Meadows and the CDA golf course neighborhood arriving at the intersection of Ramsey and Appleway = 2.25 miles and only 1 traffic light at Ramsey.

- 2) Go west to Huetter, south to Seltice, east to NW Blvd. / Ramsey Rd. then north to the same Ramsey / Appleway intersection = 3.25 miles and 7 traffic lights.

Which route do you think they are going to choose ?

Indian Meadows and the CDA golf course neighborhood were not designed to handle high traffic volume. Neither one has sidewalks for pedestrians. But cutting through these two neighborhoods will be the preferred route to get to any destination north of I-90 and east of Ramsey. This is my part of town and I know where the short cuts are and the Coeur Terre residents will figure this out as well.

Thank You,

A handwritten signature in black ink, appearing to read "Ang Hein". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

From: Debbie Bean
To: [MCLEOD, RENATA](#)
Subject: Coeur Terre Project
Date: Wednesday, March 15, 2023 11:38:06 AM

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

To whom it may concern:

Please deny with prejudice, the annexation and development of Coeur Terre . Due to the already high traffic on Atlas Road and at the connection of Seltice, clearly there will need to be an intense traffic study done. All the neighborhoods east and west of Atlas will suffer and never be the same . If this WAS to go through -the better choice of corridors into this “ new city” would be Huetter at Seltice as it has a light already in place ., which, for the amount of increased traffic would be better than another roundabout, as nobody can get in when there’s a lot of traffic. ...also for this size of this development it will need to have a fire Department, police station , schools built, road maintenance, waste water, treatment, etc. So will WE the people of the city of Coeur d’Alene pay for this by an increase in our already unaffordable property taxes? This enormous project will not only affect these neighborhoods off Atlas ... It will affect all of the residence in Coeur d’Alene as somebody has to pay for it, and again it looks like it will be WE the people ... please respond back so that I know this statement has been received .. I’m glad I’m one that votes ...

This development does not give me a warm fuzzy feeling at all !

D Bruss

From: Sam Hunter
To: [MCLEOD, RENATA](#)
Subject: Coeur Terre Proposed Development
Date: Tuesday, February 07, 2023 9:26:38 AM

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RE Proposed development on the west side of CDA referred to as Coeur Terre

I took a look at the proposed development plan and have concerns about a density of over C8. Seems it would not be good stewardship to place this higher density with up to C17 next to an established development of 1 acre parcels.

The recent COVID stay in place experience underscored the need for reasonable size in dwelling spaces. I watched as the City of Coeur d'Alene dismantled play structures in a nearby park and placed yellow caution tape around the area. So having a large nearby park and restaurants, and other public amenities didn't meet the mental health and social requirements of people living and working in spaces of less than 800 square feet.

Please limit the density in this development to a maximum of C8.

Sincerely,

Sam Hunter
4045 N. 21st Street
CDA, ID 83815



Virus-free. www.avast.com

From: Suzanne Knutson
To: [MCLEOD, RENATA](#); [STUHMILLER, SHANA](#)
Cc: rondabowling@gmail.com; [Nathaniel Dyk](#)
Subject: Coeur Terre Update
Date: Wednesday, February 08, 2023 9:51:37 AM

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Hi Renata,

The residents are somewhat freaked out about not having any say after changes in the development agreement.

A couple questions about the "deferment". Hillary told me that the city planning dept cannot talk with residents about our concerns but I believe our concerns are with the planning dept and not just with the developer. I don't think the developer really cares how people get in and out of their project--it is the city who makes those judgements. We can work with the developer all we want but the city is the issue, as I understand it. Does Council know that?

As far as all the subdivision approvals go who has final say? I assume that residents/citizens will not be privy to most of that information, hence, our concern since Oct. 11 P&Z... am I incorrect?

What does the City Council have final say on?

What does the Planning Department have final say on?

What does Planning and Zoning Commission have final say on?

I am trying to understand this process so I can mitigate many of my neighbors from coming down there and bugging you. :)

~Suzanne

From: barb barbyeager.com
To: [MCLEOD, RENATA](#)
Subject: Coeur Terre
Date: Tuesday, February 07, 2023 2:24:34 PM

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

I'm in favor of the development. There will be many more outlets to post falls, seltice, the future i90/huetter interchange and the future i95 north bypass.

Architerra has proven to be a quality subdivision and home builder.

Barbara Yeager
(208)819-1973

Barbara Yeager
(208)819-1973

From: Dawn Papineau
To: [MCLEOD, RENATA](#)
Subject: Coeur Terre
Date: Monday, March 13, 2023 3:57:25 PM

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

Please deny with prejudice the annexation and development of Couer Terre. Traffic studies still need to be done. As a Northshire resident, the damage from high density traffic will be of great consequence. There are aquifer concerns. Who will bear the cost of schools, police, fire stations etc? Everyone in the city will. This is both a moral and environmental disaster waiting to happen. Let's avoid this and at the very least pause the annexation until further investigation and studies are done.

Thank you.

Dawn Papineau
Northshire, Cd'a

Dear Mayor Hammond and Members of the Council,

As a neighborhood, residents of Coeur d'Alene, and residents of Post Falls we come before you again, united against the Coeur Terre development. We CONTINUE to come to you because there continues to be the SAME PROBLEM of high density housing accessed through our one of a kind, low-density, quiet, peaceful neighborhoods. We will continue to ask for your help and continue to fight until we get the protection for our streets and properties we need and deserve. Our neighborhood DOES NOT deserve to be ripped apart by busy roads and heavy traffic, and we DO NOT deserve to bear the full burden of Coeur Terre. It does not make sense to DESTROY our heritage R1 zoned unique neighborhood for an R8 zoned compacted cookie cutter neighborhood. Not only will I lose the quiet peacefulness of the street I live on, I will also be losing the beautiful view of the mountains, the trees, and the sunset out my back yard.

After the meeting on 2/7/23 I felt HOPE. I took my kids on a walk up Buckskin to Nez Perce and over onto Moccasin to feed the goats and horses. On that walk I felt hope that our voices had been heard, and that what we had asked for would be put into place. No access on Nez Perce, Appaloosa, and Arrowhead. I felt happy and had faith in the council's remarks about no east access through neighborhoods.

After the meeting on 2/21/23 I felt DISSAPOINTMENT, SADNESS, AND HOPELESSNESS. Disappointment that those who had the power to help us were choosing not to. Sadness to think how our quiet streets would be changed, our way of life disrupted because the developer and planner with money in their pockets wants convenience. Hopelessness that some people no longer want to hear our concerns, and hopelessness that we will be silenced and overrun.

As a paramedic and firefighter I do not get to pick and choose who I help. I help everyone equally. If you or someone else calls for help, I respond and do everything in my power to help you. Therefore picking and choosing who to help is beyond me. I do not understand. Especially as we stand before you, asking and begging you to help us, yet your answer is no?! It is easy I suppose because you do not live in the impacted neighborhoods. It does not affect you to say, "Oh well, too bad" or, "No, I am not going to help".

The developer and planer took our concerns as a community and spun it around to make it "public safety concerns". Really, it is just more convenient for them to use our streets. It will appeal better to buyers in their high density track housing neighborhoods to have more access. Since their argument for Appaloosa and Nez Perce to connect is public safety, then there should be zero argument against emergency access only. Emergency access is a low frequency event. You should not allow for high density traffic as a tradeoff for these low frequency events. It seemed the developer and planning were ready to give up east access through the neighborhood if the plan was approved then and there that night. They can still have what they want, yet give us what WE NEED; no access through our neighborhoods. Access to Coeur Terre from the east

should be from Hanley and Industrial only. More access than that will only encourage more traffic eastwards. We all know that Atlas cannot handle the increased traffic from Coeur Terre and we all know there is no money or space in which to widen and improve Atlas. The current Coeur Terre plan for traffic DOES NOT WORK.

We feel the developer and planning are maliciously dismantling our neighborhood. Our neighborhood is more than just a neighborhood, it is OUR WAY OF LIFE.

PLEASE DENY OR DENY WITH PREJUDICE the Coeur Terre Annexation.

Thank you for your time.

Sincerely,

Katherine Hall
3801 N Buckskin Rd.
Coeur d'Alene, ID 83815

Rec'd
3/7/23
pww

CdA Council Meeting
March 7, 2023
Public Comments on Coeur Terre A-4-22

My name is Ron McGhie from Big Sky Estates.

I want to again thank the Mayor and Council for their consideration and time.

Tonight I would like to **show you page 10 of** the Staff report that I have drawn and labeled the Land Types over the top of the proposed zoning. I hope a picture is worth a thousand words.

The C-17 zoning in the Compact Neighborhood area is not compatible zone per Comp Plan page 45.

The Single Family zoning shown between the two private lands is not a compatible zone in the Mixed Use Low per Comp Plan page 46.

The Single Family zone shown in the southeast corner of the Urban Neighborhood area is not compatible zone per Comp Plan page 45.

Therefore, the C-17 zone is not in conformance with the Comp Plan per B-8.

All of the Urban, Mixed Use Low and the Compact Neighborhood land type are compatible with the NC zoning.

Prairie & Atlas page shows the 1.7ac commercial would fit nicely in a NC zone. You will have to ask planning why is zoned with a higher density.

The NC zone allows for the location of enterprises that mainly serve the immediate surrounding areas at a scale compatible with residential buildings and reachable by walking or bicycling rather than driving

Using the transect approach the residential zoning would progress from R-1 though R-8 with a height limit of 2 ½ stories. The NC is also 2-1/2 stories and allows residents above the ground only.

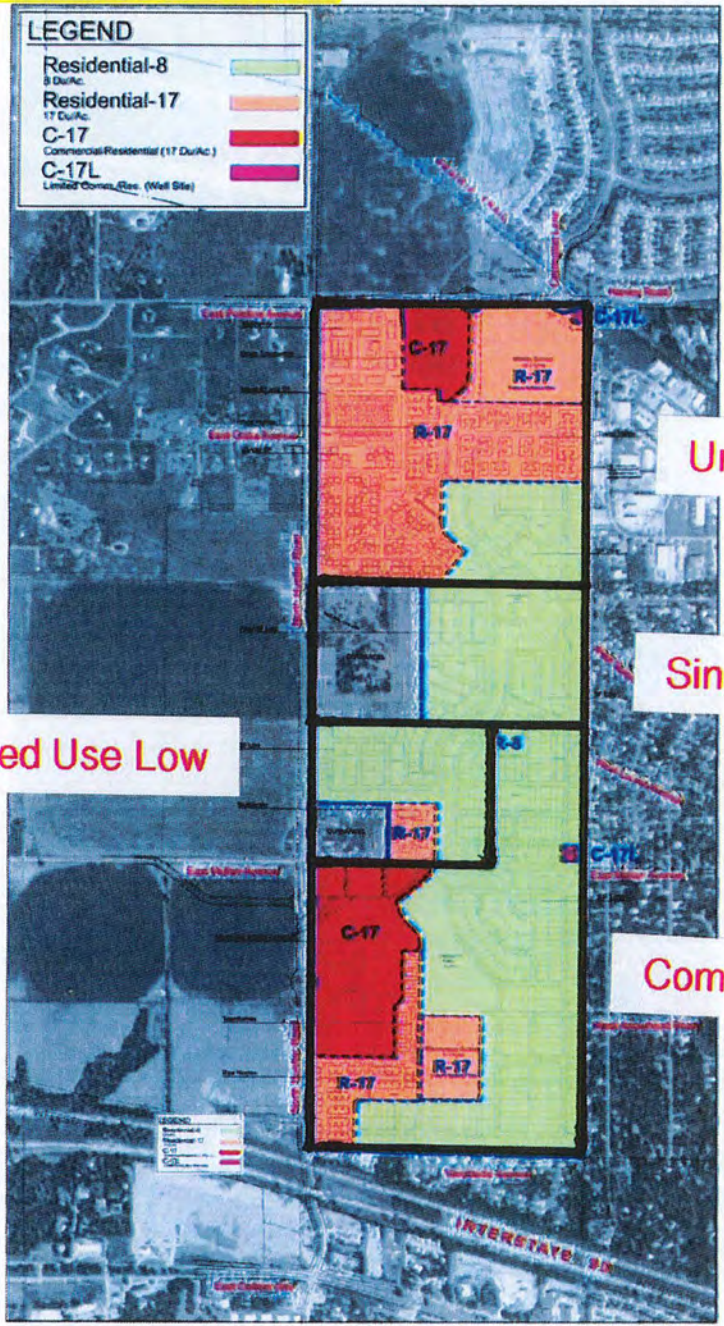
See the proposed **Urban Town Home** and the **Multifamily** The C-17 and R-17 zones are not in conformance with the Comp Plan per B-11.

This project has problems bigger than just addressing the zoning in a 200 ft strip. There is no need to establish a permitted right to a higher density than is needed. If you double the density, you will double the traffic you are trying to divert!

This project needs to be sent back for a redo! Lets all work together this time to reduce density to what is actually needed and the reduce building heights to be consistent with the neighborhood contest. This is the best way to reduce the traffic and provide for the safety and protection for all of the people, not just the ones that live within 300ft.

Thanks again Ron McGhie

PROPOSED ZONING DISTRICT MAP:



Urban Neighborhood

Single Family

Mixed Use Low

Compact Neighborhood

Prairie & Atlas

Write a description for your map.

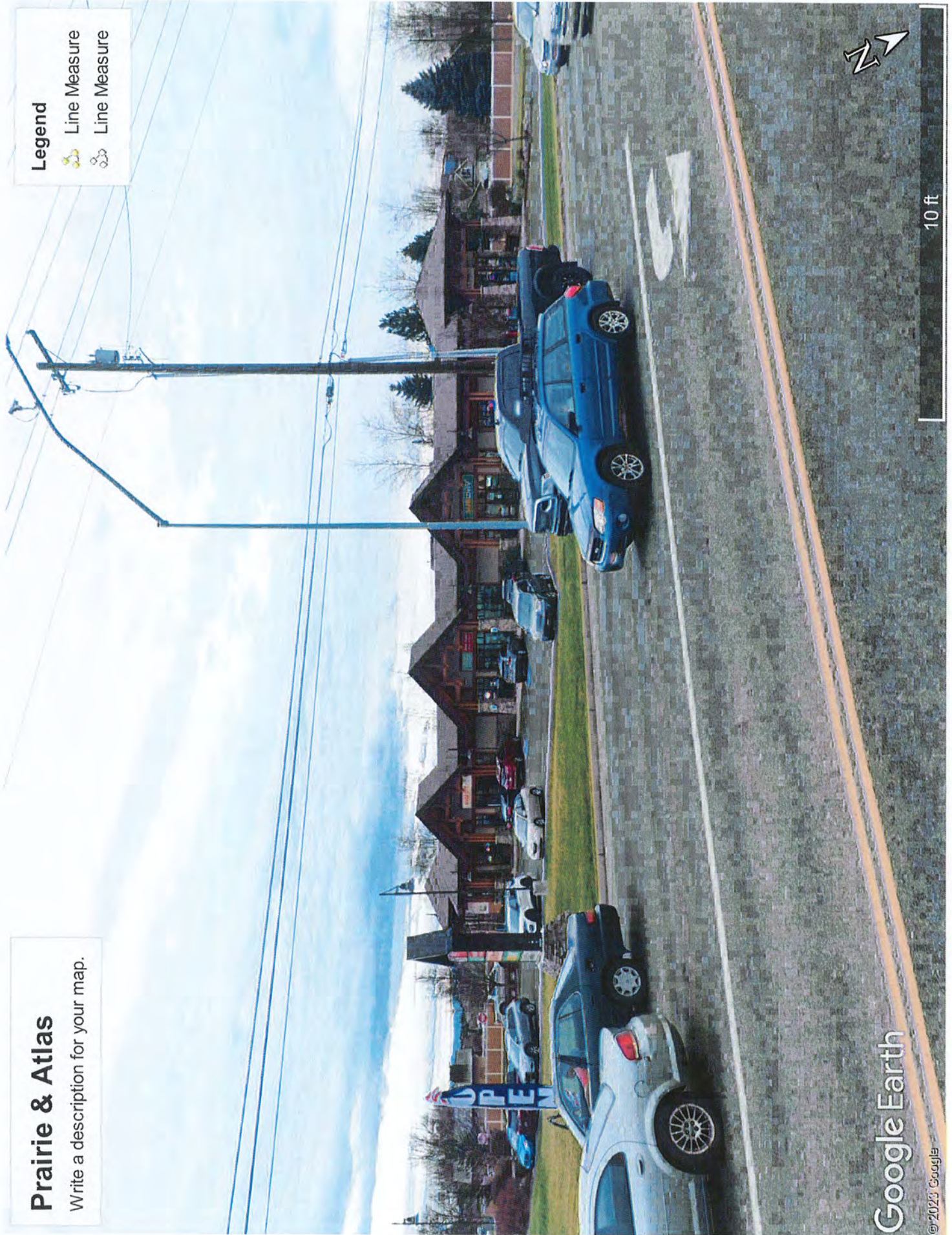
Legend



Line Measure



Line Measure

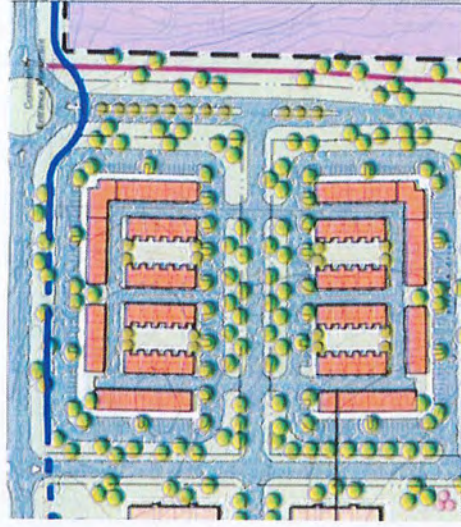
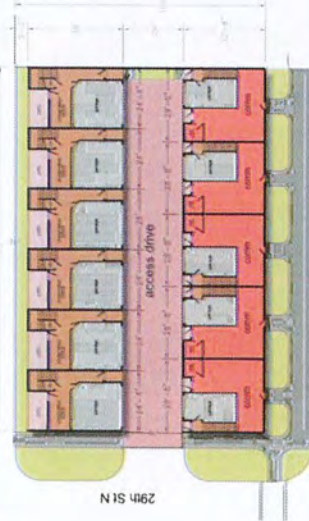


10 ft

COMMUNITY VISION- NORTH CENTRAL



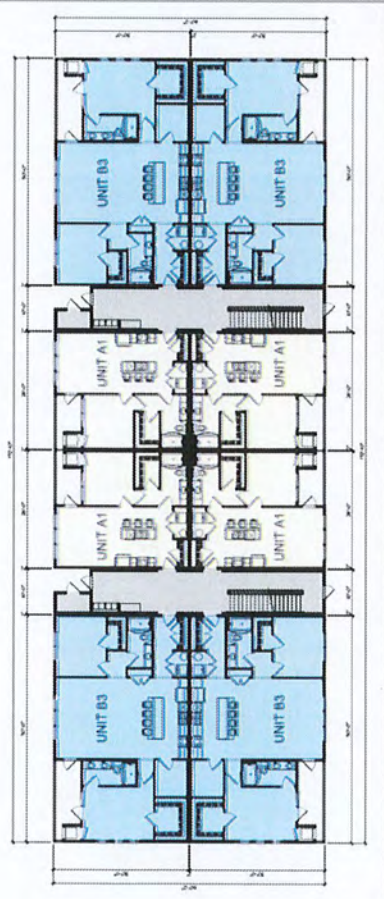
- Urban Town Homes
- Live/work
- Interior units
- 1 and 2 bedrooms



COMMUNITY VISION- NORTHWEST



- Multi-family
 - Garden style
 - Clubhouse
 - 1, 2 and 3 bedrooms
 - Exterior parking
 - Three story
 - Double breezeway buildings--half or full



Northwest Neighborhood – Multi-family

Feb 21, 2023 City Council Meeting Comments

The mayor said, the 2022-2042 Comprehensive Plan addresses the State of Idaho requirements, however, many of the state requirements and public comment were simply ignored and not addressed by Planning Staff and Commissioners.

The new Comp Plan was a collaborative effort with the City of CDA, Planning Dept, Cda2030, KC Land Company, and at the applicant's suggestion, the MIG Company from San Francisco were all heavily involved in the future Land Use Types Map as shown on Comp Plan page 43

With the exception of Single Family, none of the proposed Land Use Types were in previous Comp Plans. Using these new land types, the conceptional town of Coeur Terror was designed. Anyone can see the master plan does not conform with the surrounding neighborhoods. If you look closer you will see the southern 39 acres of C-17 zone, is not allowed in the Compact Neighborhood area. (see attached pages 10-13 of the staff report).

It's very obvious that the Kootenai County Land Company, the Planning Department and the Planning Commission are only using the Comp Plan when they want to and ignore it when it doesn't fit.

FINDING #B8, B9 and B11 are NOT IN CONFORMANCE WITH THE COMP PLAN.
(see attached list of concerns previously ignored)

This proposed amendment is only a little carrot for the Indian Meadows residents, but does not address any of the concerns of the step children than live on the west side of Huetter or the thousands of people that are concerned about the traffic that will be increased by the high density C-17 and R-17 zoning or the people having their view of the mountains blocked by three and four story buildings .

The **Oct 11th Staff Report page #13** shows the land use type and location which have the approximate size as follows;

Compact Neighborhood—39% R-17

Urban Neighborhood—33% C-17

Single Family—17% minus 6% Armstrong Property= **only 11% SF**

Mixed Use low—**C-17**--11% Including Armstrong Property

Does the above layout look like it fits nicely with only 11% single family neighborhood and 39% R-17 with 50% C-17 as shown in the Comp Plan?

It is more than obvious that the Award-Winning Comprehensive Plan does not fit in the ACI Area. The Planning Dept should have requested the City Council to take Legislative action to remove the Compact, Urban and Mixed Use Place Types from the ACI area to protect the property rights of the existing neighbors by reducing density in order to reduce traffic and protect the existing and future residents.

This annexation needs to be sent back to planning after you fix the Comp Plan to lower the density and the height. If the developer wants to build a city, it should be in an infill area, not in the middle of this agricultural, rural and residential area.

The local residents have tried to point out many times that State Codes were not being addressed and have been ignored. I am sure the amended proposal that was made without public input is going to be addressed. The saying, you can't fight City Hall, is not true, it's just a damn slow and expensive process!

I want to thank all the Council members and Commissioners for their empathy, but I am very concerned that the state codes, open public meeting laws and property rights are being ignored by so many.

Ronald McGhie
Big Sky Estates

From: [GOOKIN, DAN](#)
To: [MCLEOD, RENATA](#); [PATTERSON, HILARY](#)
Subject: Fw: Coeur Terre Project
Date: Monday, March 06, 2023 4:24:19 PM

From: rcliffor@roadrunner.com <rcliffor@roadrunner.com>

Sent: Monday, March 6, 2023 1:07 PM

To: GOOKIN, DAN <dgookin@cdaid.org>; EVANS, AMY <aevans@cdaid.org>; ENGLISH, DAN <denglish@cdaid.org>; WOOD, CHRISTIE <cwood@cdaid.org>; MILLER, KIKI <kmiller@cdaid.org>; MCEVERS, WOODY <wmcevers@cdaid.org>; HAMMOND, JIM <jhammond@cdaid.org>

Subject: Coeur Terre Project

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

Dear Mayor and City Council,

First, I would like to thank you for extending the comment period on this very important project due to the proposed changes presented. However, I was very disappointed in the changes in regards to emergency responder access. I have to wonder if the developer and the city planner actually visited the Indian Meadows neighborhood.

Appaloosa Road is simply not designed to safely handle increased traffic flow. (I am writing this after watching the children standing in the street this morning waiting for the school bus). I would suggest sitting in front of Ramsy School or Woodland School on any school day morning to see the traffic jams that occur daily. I would also point out that there is no practical way to add sidewalks on Appaloosa due to the steep embankment along both sides of the street (particularly just east of Buckskin).

Nez Perce would definitely require widening and the land is available assuming that the City is willing to remove many (if not all) of the more than 60 trees located in the center median. Please also remember that there is a childrens' playground along the side of Nez Perce.

Most importantly, I would like to remind you neither street is actually a connector street for first responders due to the lack of direct access from Atlas Road going east to Ramsey. Assuming emergency vehicles will not want to weave around the golf course residential streets, the only routes available are to go south to Seltice, or go north to Kathleen or Hanley. Note that the fire station is located just north of Hanley. And either direction means travelling on an already very busy (and too narrow) Atlas Road.

It seems very obvious the most appropriate connector streets for emergency and public access to and from Coeur Terre are Hanley and Seltice.

Thank you.

Robert Clifford
4151 W. Appaloosa Rd

From: [HOLM, SEAN](#)
To: [BADERTSCHER, SHERRIE](#); [STUHMILLER, SHANA](#); [MCLEOD, RENATA](#)
Subject: FW: Coeur Terre Student Input
Date: Tuesday, February 07, 2023 8:12:36 AM

From: Daniel Wilson <danielwilson2004@gmail.com>
Sent: Monday, February 6, 2023 10:22 PM
To: HOLM, SEAN <SHolm@cdaid.org>
Subject: Coeur Terre Student Input

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Dear Coeur d'Alene City Council Members and other Representatives of the People,

Hello there, I am a high school Senior and am currently dual enrolled at North Idaho College. I have lived with my family in Indian Meadows on Arrowhead road for five years and have spent many summer days riding my bike around the neighborhood with my brothers. It is my understanding that the Coetr Terre development plans on making Arrowhead a through street. While I am fine with the development of more houses in the Coeur d'Alene area, I myself would like to live in the area someday, I must object to this proposal. Our neighborhood has no sidewalks, is very quiet and has light traffic. These things make Indian Meadows a very unique community. If traffic from Coeur Terre is funnelled through Arrowhead road it will ruin the uniqueness of the neighborhood.

I also understand that a large number of apartment complexes will be put in. Most apartment renters are young singles, who, admittedly, I would be one of them, are not known for driving safely or looking out for small children. This will change the character of the neighborhood quite a bit.

I have saved the best for last. It also appears that a "Public" Elementary School would be put in at the current end of Arrowhead. This is my greatest reason for concern, whereas I am not opposed to urban development, I am opposed to "Public Education". This school would cause a huge periodic increase in traffic on a street system that was not designed for.

I understand that Coeur Terre development must go in. I am simply asking, as a resident and tax payer, that you postpone the approval of Coeur Terre until the plans divert a reasonable amount of traffic elsewhere.

Thank you for your time and service.

Sincerely,
Daniel Wilson

From: Corinna Gardiner
To: MCLEOD.RENATA
Subject: Fwd: Coeur d Terre
Date: Tuesday, February 07, 2023 1:23:01 PM

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----- Forwarded message -----

From: **Corinna Gardiner** <die.nette.netty@gmail.com>
Date: Fri, Jan 13, 2023, 12:34 PM
Subject: Coeur d Terre
To: <letters@cdapress.com>

My name is Corinna Gardiner. I live in CDA , India Meadows .
208 699 8358

We have lived in Indian Meadows for 25 years and chose it because it is a little bit of country living in the middle of CDA, what other city has that.

In our neighborhood you will find homes with goats, ponies, chickens, and horses. There is very little traffic and there are always people out riding, biking or walking their dogs. The Coeur d Terre project is planning on building 4500 living units that will back up against Indian Meadows plus there will be 2 schools and businesses. We desperately need housing , the project is not the problem, but we are deeply concerned about the traffic that the developers want to channel through our quiet streets.

There are other options, multiple entrances of off Hutter Rd seem to me the best way to go but if they really need entrance of off Atlas Rd why not use the industrial loop or Hanley Rd. We don't have to destroy the old and unique for the new.

Sent from my iPad

From: [MILLER, KIKI](#)
To: [MCLEOD, RENATA](#)
Subject: Fwd: Coeur Terre Project
Date: Monday, March 06, 2023 1:47:23 PM

Sent from my iPhone

Begin forwarded message:

From: rcliffor@roadrunner.com
Date: March 6, 2023 at 1:07:14 PM PST
To: "GOOKIN, DAN" <DGOOKIN@cdaid.org>, "EVANS, AMY" <AEVANS@cdaid.org>, "ENGLISH, DAN" <DENGLISH@cdaid.org>, "WOOD, CHRISTIE" <CWOOD@cdaid.org>, "MILLER, KIKI" <KMILLER@cdaid.org>, "MCEVERS, WOODY" <WMCEVERS@cdaid.org>, "HAMMOND, JIM" <JHAMMOND@cdaid.org>
Subject: Coeur Terre Project

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

Dear Mayor and City Council,

First, I would like to thank you for extending the comment period on this very important project due to the proposed changes presented. However, I was very disappointed in the changes in regards to emergency responder access. I have to wonder if the developer and the city planner actually visited the Indian Meadows neighborhood.

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Most importantly, I would like to remind you neither street is actually a connector street for first responders due to the lack of direct access from Atlas Road going

east to Ramsey. Assuming emergency vehicles will not want to weave around the golf course residential streets, the only routes available are to go south to Seltice, or go north to Kathleen or Hanley. Note that the fire station is located just north of Hanley. And either direction means travelling on an already very busy (and too narrow) Atlas Road.

It seems very obvious the most appropriate connector streets for emergency and public access to and from Coeur Terre are Hanley and Seltice.

Thank you.

Robert Clifford
4151 W. Appaloosa Rd

From: Joan Dudney
To: [MCLEOD, RENATA](#)
Subject: Fwd: Coeur Terre
Date: Wednesday, February 08, 2023 7:11:41 AM

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Sent from my iPhone

Begin forwarded message:

From: Joan Dudney <joanrdudney@outlook.com>
Date: February 5, 2023 at 10:06:35 PM PST
To: cwood@cdaid.org
Subject: Coeur Terre

Christie,

As you know Don and I have lived in our house on Broken Arrow Rd in Indian Meadows for 41 years. You have been to our home before and know what a quiet and unique area it is.

People in the neighborhood have chickens, ride their horses on the streets, walk their dogs and even one neighbor walks her ducks. Kids play in the street. It's safe for everyone because there is very little traffic. We want to keep it that way.

Why should a big Land Development Company be allowed to come in and destroy our peace and quiet, shrink our property values, increase traffic on our streets and increase safety issues?

Recently, Kootenai County and especially Coeur d'Alene, have created an over abundance of developments being approved and plugged into or around our quiet neighborhoods. Mostly unaffordable and unattractive apartments surrounded by as many houses as developers can place there? I see this everywhere in the area and don't want it out my back door.

The members of the City Council were elected to represent ALL of the people of Coeur d'Alene not just the wealthy and powerful.

Please rethink what you will be doing to our neighborhoods.
Would you want this to happen in your neighborhood?

Sincerely,

Don & Joan Dudney

Sent from my iPad

From: [MILLER, KIKI](#)
To: [MCLEOD, RENATA](#)
Subject: Fwd: letter to the editor
Date: Sunday, March 05, 2023 7:59:26 AM

Sent from my iPhone

Begin forwarded message:

From: Howard Burns <burns_crew@yahoo.com>
Date: March 4, 2023 at 10:57:41 AM PST
To: letters@cdapress.com
Subject: letter to the editor
Reply-To: Howard Burns <burns_crew@yahoo.com>

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

Confusion in Coeur Terre. The most recent article in the CDA Press on the Coeur Terre project notes that the Developer has agreed to 'limit' the 440 acre section to 2,800 homes yet the Press also continues to support what is clearly a myth by stating that the overall project, an additional 600 acres, will have 'approximately 4500 homes'. A simple extrapolation of $2800/440 = 6.36$ potential housing units per acre, multiply that by 600 acres = 3,816 add in the 2800 'max' and the total units in the 1040 acres becomes approximately 6,600 not approximately 4500.

Additionally, while the "undiscussed" 600 acre portion is in the Post Falls sphere of influence, the Developer and the City of Post Falls have noted that the Developer is intending to annex that land into the City of CDA, **NOT** Post Falls. That would suggest the CDA School District would be providing schools, not Post Falls, and would also seem to suggest that the 30 acres for schools planned in the 440 acres of land would be 'the' schools for the 600 remaining acres, so it could be assumed that there would be 30 'more' acres available for homes in the 600 acre section, implying perhaps 200-300 additional homes? And why contemplate just Coeur Terre's initial 440 acre annexation? There are another 40 acres east of Huetter not owned by the CT Developer. What zoning will those remainder properties get? They all seem to border R-17 or C-17 designations in the CT Plan

so let's add 40 acres at 17 units per acre or 680 additional homes. Isn't 7000 homes extremely likely?

The 1040 acre plan should be annexed in all at once, fully formed, limited to a maximum number of units, with a requirement for a full interchange connection to the freeway at Huetter before the 500th unit is occupied. Annexation is a discretionary vote, there are no 'rights' to be annexed. No Annexation Now.

Howard Burns,

15 February 2023

Coeur Terre Meeting (Invitation)

Coeur D Alene Library Public Meeting Room – 11:00am

The meeting was attended by just over 30 people, including approximately 5 staff from the Developer. Resident representation was broken down as follows (by approximation):

- 4 people from Big Sky/Bricker Estates (~16%)
- 1 person from Hayden (~4%)
- 11 people from Northshire, primarily from Lancaster Road (~40%)
- 10 people from Indian Meadows (~40%)
- No representatives from the City of CDA (e.g., Planning Dept.)

The facilitator was Hannah Anderson from the Langdon Group. A sign-in sheet was circulated. Agenda included soliciting feedback concerning proposal presented at the City Council Meeting on 2/7/23; to hear, understand, and record feedback with regard to what we liked about the proposal, issues and possible solutions. Hannah could not promise that everything discussed by the group would be incorporated; there was also no feedback yet from the City. After several questions from those in attendance, it was clarified that nothing was “on the table” from the Developer. A comment from an attendee was that it would take a lot longer than 2 hours to change 10 years of planning. After opening remarks, most of the 2-hour meeting involved allowing residents in attendance the opportunity to voice their primary concerns with the proposed development. This generally included two opportunities for each person in attendance to speak to the issues of their greatest concern (down-the-line/around the room style). Representatives of Coeur Terre were generally silent throughout the meeting, save for brief closing comments from Melissa Wells.

The following list of roundtable issues voiced by residents included the following concerns (note that these are a summary and that there may be some redundancy). It’s worth noting that most of those in attendance repeatedly vocalized support for comments by other residents, via a “ditto”).

Key Issues:

- Lack of compatible and precise zoning
- Density and related traffic impacts
- Incompatible zoning backing up to existing neighborhoods (i.e., Indian Meadows, etc.)
- No traffic studies have been presented that show impacts to Indian Meadows/Northshire
- Visual impacts of the development have not been considered (e.g., viewshed, building height)
- The development as a whole (i.e., into The Highlands/Royal Highlands) and related impacts, such as traffic, have not been considered and are not represented
- Additional traffic on Atlas Road is a concern
- Residents prefer no through traffic in existing neighborhoods

- A positive attribute of the development was the proposal to give some land to a school (commenter suggested that all school land should be given to the schools)
- School sites should be combined and moved to the north of the development and access should only be allowed to Huetter and Hanley
- Traffic studies need to be completed and analyzed before zoning is decided
- Residents want reduced density where the Development backs up to existing neighborhoods (Northshire, Indian Meadows)
- Residents want no access through existing neighborhoods [i.e., to the east/south]
- Residents are concerned with pedestrian safety and a resultant decrease in the quality of life in existing neighborhoods if traffic access is allowed in existing neighborhoods
- A suggestion was made that gated access could be created for emergency vehicles but that pedestrian access could be allowed
- A suggestion was made for east/west access through Industrial Loop
- Residents were concerned with the scope and scale of the development “behind our fences”
- Residents are concerned with traffic and lack of road maintenance
- Aquifer level, quality, and quantity. Question: Where is the study that shows what is to be pulled out of the aquifer and what will go into the Spokane River?
- Any changes/concessions that are agreed to by the Developer should be recorded/documentated as part of the Development Agreement with the City to ensure permanence.
- Question: Was an EIS (Environmental Impact Statement) prepared? [This could be triggered as a result of the interstate nature of resource use/impact]
- What is the plan for aquifer protection?
- What about traffic on Huetter Road.
- Why is the City planning process broken/why are they not in attendance/the City needs to be accountable to the process
- The Master Plan and Annexation Agreement are tied together; the master plan requires updating to demonstrate/codify any adjustments
- Why are roundabouts proposed on Huetter and Hanley when it is demonstrated that they are already failing around town and the City Police have commented that they are not safe?
- Question: When is any Atlas Road improvement supposed to occur?
- Question: When all the acreage west of Huetter is developed, what is the projected population at that point? [Answer from attendee = 30-35,000 people]
- Huetter Bypass plans are a concern; the Developer should give up their undeveloped land rather than force taking of legacy residential property [already built], since 13 existing homes/estates would be affected [there are no residents on the Developers land yet]
- Building height [lack of limits] is a concern, since mountain views of existing residents would be blocked, which is illegal.
- Zoning should be R5. Desired exceptions would then be pursued [don’t start with high-density zoning with a promise that construction would actually occur at a lower density.
- School location should be decided first to facilitate proper design of required Collectors
- The Coeur Terre Development is in conflict with the marketed vision for The Trails (same Developer), to the north, which emphasized being outdoors and connection to the land.

- A professional traffic study needs to be performed by an independent party
- Question: What is the width of the proposed perimeter trail [abutting the existing neighborhoods]? How far off the existing property line will the trail be? Will there be any green/open space on either side of the trail?
- Question: There is a percentage of housing dedicated to low-income individuals, but will any housing be reserved for local residents (as opposed to these offerings going to out-of-area buyers)? [An attendee responded that HOA's might be an appropriate mechanism for this type of regulation]
- There is a lack of faith in City Planning; the residents in attendance are relying on the Developer to bring this information to the City
- Question: What do fence lines look like at the boundary lines of the Development [i.e., where the new Development backs up to existing development] and who is responsible for fencing?
- A resident commented that, according to IDOT, the Huetter Bypass will not happen [at least not for many years, if at all]. Question: How does this affect the proposed development?
- CDA's Planning has failed us. It is our understanding that representatives could have been in attendance (though City Council would be prohibited) but their absence is an issue [this meeting would not have occurred had the Planning Commission done an adequate job]. There was little or no community engagement.
- Too much fencing will affect deer [wildlife] migration
- Stop building tract homes. Residents are here because of "the place" [the outdoors/environmental setting] and these tract homes and high-density developments work against that.

Next Step

- Developer will consider what, if any, feedback can be incorporated into the proposed plan.

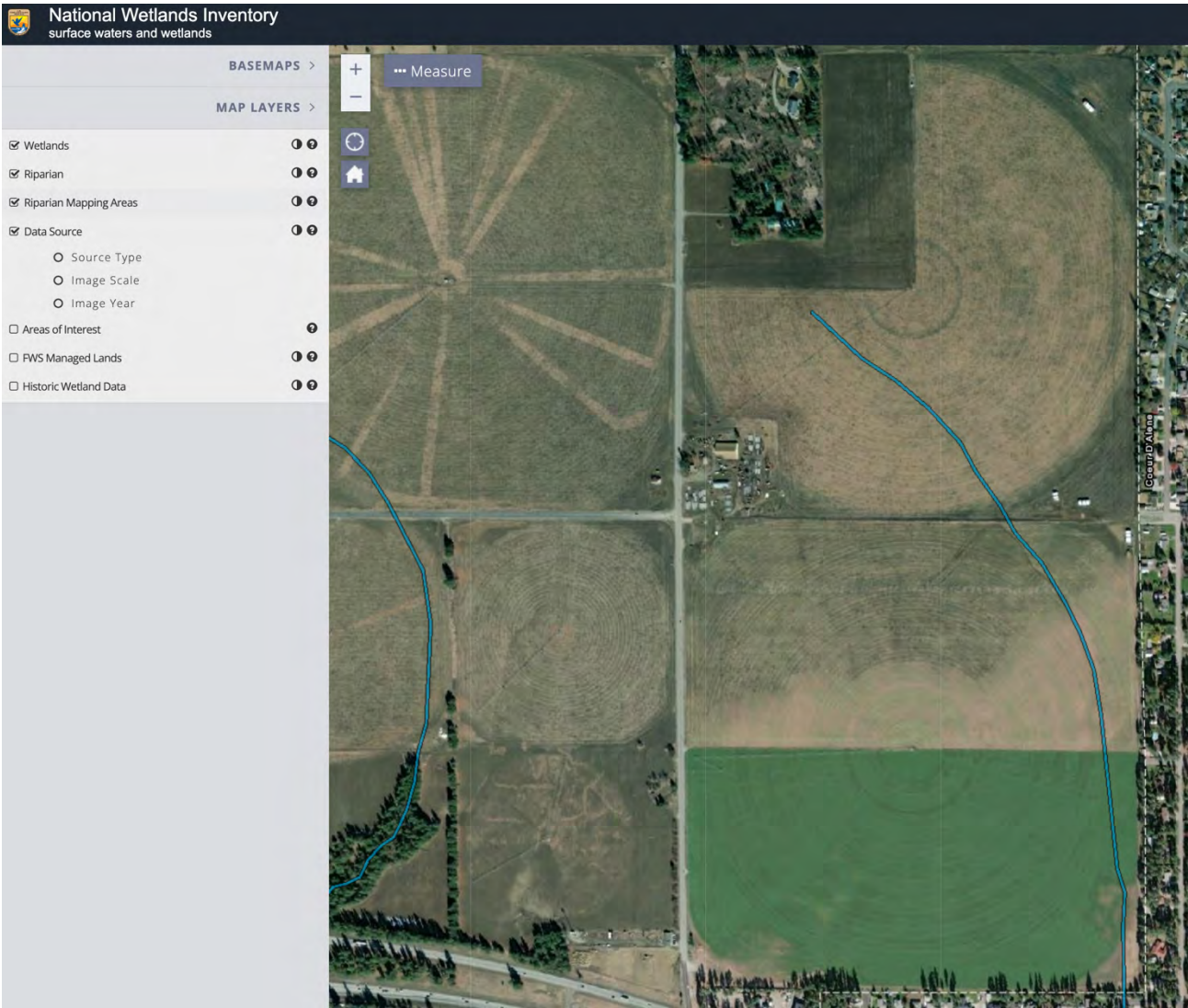
Meeting concluded at 1:01 PM.

City of Coeur d'Alene
renata@cdaid.org

RE: A-4-22, the Proposed Annexation of Coeur Terre lands to the City of Coeur d'Alene

Unstudied environmental and public safety impacts are among the reasons that the proposed annexation of the Coeur Terra lands should be disapproved or deferred until associated impacts can be thoroughly studied.

- 1) It's well known that the land proposed for annexation had been farmed for many years. Where are the records that indicate that the chemicals, fertilizers, or pesticides applied to that land throughout the years have been applied legally by a licensed applicator or according to the Federal Insecticide, Fungicide and Rodenticide Act? What residue remains? Where are the soil test results that prove that the soil is safe to turn without negative health effects on nearby residents who will be forced to breathe the dust created by grading and leveling in the years to come? What about future residents and children who will play at the parks and future schools? If these results are available, were they collected or verified by a neutral third party?
- 2) Has a wetlands delineation been completed and submitted to the US Army Corps of Engineers to demonstrate that wetlands are not present on the southern properties? Impact to any existing wetlands would otherwise be a violation of the Federal Clean Water Act.



Source: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

- 3) With increases in surface runoff and discharge of treated sewage into Lake Coeur d'Alene or the Spokane River, have potential impacts on federally listed species been addressed per the Federal Endangered Species Act?

Respectfully,

Rob Knutson
4208 W. Appaloosa

From: Madelyn Knutson
To: [MCLEOD, RENATA](#)
Cc: [MCLEOD, RENATA](#); [STUHMILLER, SHANA](#)
Subject: Please DENY or TABLE Coeur Terre Development Plan & Annexation
Date: Tuesday, February 07, 2023 2:47:53 PM

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

To the city councilmembers, regarding the Coeur Terre annexation and development plan,

I don't think I oppose this land being developed, but I do oppose this half-baked planning process and the possibility of it being so high-density. I believe in healthy, sustainable growth— building infrastructure before it's needed to keep up with projected growth, making sure that growth is in line with local values and supports healthy community.

The infrastructure to support this enormous development is not adequate— thus this desire to use the streets of Indian Meadows, a quiet neighborhood where kids ride their horses and ponies and elderly people walk their dogs in the street (we don't have sidewalks!) from residential use to thoroughfares for through-traffic to higher density zones and commercial and school use is *incredibly inconsiderate*. Putting the brunt of the burden of traffic on our existing neighborhood instead of requiring the developer to create another thoroughfare on their property from Huetter and Hanley, or before planning to broaden Atlas and Seltice (as is much needed to support current and future traffic needs with the riverfront developments currently occurring) is ridiculous.

Not only that, but you and the developer have both made mention of how this development will contain "workforce housing" and "affordable housing" in its apartments and such... but my friends and I, all between the ages of 22 and 32, many of whom are still hoping to start families soon even in this time of economic and housing market insanity— not a single one of my many friends enjoys living in a rental or an apartment. All of us would like to own a home-- single family homes with gardens and some room for chickens, while still being close enough to be involved in our communities... That's our collective dream. Indian Meadows IS that dream! Monotonous R8 and crowded R17 zoning? If you cared to ask "the workforce" about our housing hopes, that's not the life we would choose.

I urge you to vote to table this until firm traffic plans are in place that will not destroy my neighborhood with unwarranted traffic, and until Coeur Terre has a plan that is more in line with the dreams of Coeur d'Alene's current and future citizens-- and your actual constituents.

Thank you for your time,

Madelyn Knutson

From: [ADAMS, RANDY](#)
To: sknutson@startmail.com
Cc: [MCLEOD, RENATA](#); [PATTERSON, HILARY](#); [HOLM, SEAN](#); [HAMMOND, JIM](#); [GOOKIN, DAN](#); [MCEVERS, WOODY](#); [MILLER, KIKI](#); [EVANS, AMY](#); [ENGLISH, DAN](#); [WOOD, CHRISTIE](#)
Subject: Procedures
Date: Thursday, February 09, 2023 9:36:02 AM

Ms. Knutson—

In response to your email to Renata (quoted below), I have prepared the following outline of the procedures relevant to the Coeur Terre application for annexation. It is important to note that this is not being offered as legal advice, but as a convenience and courtesy to you. You may share it with anyone you wish. If you have specific legal questions, of course, you will have to consult with your own attorney. In brief, the City has made every effort to give citizens a voice in this matter in a manner consistent with the applicable statutory, municipal, and case law, and Council and staff greatly value the input.

Randall Adams
City Attorney/Legal Services Director
(208) 769-2350
radams@cdaid.org

ANNEXATION/ZONING/SUBDIVISION/PUD PROCESS

1. Cities are empowered by State law to annex property contiguous with their borders

[Idaho Code § 50-222\(1\)](#): “The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.”

2. When all private property owners in the area to be annexed agree to the annexation, it is a Category “A” annexation. See [Idaho Code § 50-222\(3\)\(a\)](#). Here, all of the private property owners in the area to be annexed not only agreed to the annexation, but were applicants for the annexation.

3. The City first determines if the request for annexation meets the requirements of a Category “A” annexation and, if so, initiates the planning and zoning procedures. Here, the City determined that the requirements of a Category “A” annexation were met.

[Idaho Code § 50-222\(5\)\(a\)](#): “Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.”

4. In Idaho, zoning for the entire City is established by the Zoning Ordinance. See Idaho Code § 67-6511(1).

5. The Zoning Ordinance is amended when the zoning classification of property within the City is changed or when new property comes into the City by annexation and must be zoned. The Zoning Ordinance will have to be amended if the annexation is approved, showing the approved zoning classifications.

6. Amendment of the Zoning Ordinance begins with the Planning and Zoning Commission. Here, the Commission heard the application for zoning in advance of annexation as required by Code.

Idaho Code § 67-6511(2)(a): “Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.”

7. The notice and hearing procedures require that the Commission conduct a public hearing. At the public hearing, any interested persons have an opportunity to be heard (to testify). All interested persons were given the opportunity to testify before the Commission.

Idaho Code § 67-6509(a): “The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.”

8. Notice of the public hearing and the opportunity to testify is required to be published in the City’s official newspaper, sent to all political subdivisions providing services within the City, mailed to certain nearby residents, and posted on the property. In this case, notice was provided as required by State law.

Idaho Code § 67-6509(a): “At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission.”

Idaho Code § 67-6511(2)(b): “additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property

owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice.”

9. “Due process” for hearings is not governed by statutes, but by decisions of various Courts. Generally, due process requires notice and an opportunity to be heard. “The . . . requirements of procedural due process relate to notice and hearing in the deprivation of a significant life, liberty, or property interest. A procedural due process inquiry is focused on determining whether the procedure employed is fair. Due process is not a rigid doctrine; rather, it calls for such procedural protections as are warranted by a particular situation.” *Doe v. Doe*, 517 P.3d 830, 838 (2022). Proper notice was provided and all interested persons were provided an opportunity to participate in not one, but two hearings. It is not a violation of due process that an applicant, who bears the burden of persuasion in a matter, has more time to present at a hearing than others. In addition, members of the public were allowed to submit comments in writing that were not limited in size. Members of the public are not entitled to participate at every stage of a proceeding, such as the drafting of contracts between the City and a third party. Also, once the public hearing is closed after interested parties have had an opportunity to testify, and the hearing body (here, the City Council) begins to consider a matter, due process does not require further participation where no new information (evidence) is being provided to Council. The revisions to the Annexation and Development Agreement are based on the evidence presented at the hearing.

10. Following the public hearing, the Commission will evaluate the request for a Zoning Ordinance amendment and may recommend and the City Council adopt or reject an ordinance amendment. Here, the Planning and Zoning Commission recommended that Council adopt the Zoning Ordinance amendment as proposed by the applicant.

Idaho Code § 67-6511(2)(a): The Commission “shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner’s lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

11. Once a recommendation has been made by the Commission to Council, the Council may, but is not required by State law to, conduct another public hearing. However, by City Ordinance, Council conducts a second public hearing if the Commission recommends approval of the request for a Zoning Ordinance amendment. All interested persons were allowed to testify before Council.

Idaho Code § 67-6509(b): “The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission.”

Municipal Code § 17.09.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice.”

12. After the hearing, Council normally makes a decision regarding the Zoning Ordinance amendment using the criteria set out in State law.

Idaho Code § 67-6511(2)(c): “The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

13. If, however, Council makes a material change to the Commission’s recommendations as to zoning, another public hearing must be held. At this point, no material changes have been made to the Commission’s recommendation. In addition, the public hearing conducted by Council on February 7 satisfies this requirement.

Idaho Code § 67-6509(b): “Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.”

14. In this case, Council decided to delay a decision on both the zoning and annexation for 15 days for further study. This is permissible under State law.

Idaho Code § 67-6521(1)(c): “After a hearing, the commission or governing board may: (i) Grant or deny an application; or (ii) Delay such a decision for a definite period of time for further study or hearing. Each commission or governing board shall establish by ordinance or resolution a time period within which a recommendation or decision must be made.”

Municipal Code § 17.098.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice. If the proposal is approved by the City Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section

17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.”

15. A person affected by a final decision of Council may appeal to the Courts. At this point, no final decision has been made.

Idaho Code § 67-6521: “(1)(a) As used herein, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by: * * * (ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to section 67-6511, Idaho Code”

Idaho Code § 67-6521(d): “An affected person aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code.”

16. A decision is “final” “after all remedies have been exhausted under local ordinances.” Exhaustion of remedies requires that an affected person aggrieved by a final decision must ask Council to reconsider its decision. Failure to exhaust available remedies will result in the court dismissing the petition for judicial review.

Idaho Code § 67-6535(2)(b): “Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.”

17. After the annexation is complete, with final zoning established, development of the property may be accomplished through either the subdivision or planned unit development (PUD) process. A preliminary formal subdivision plat first goes to the Commission.

Municipal Code § 16.25.030(A): “The commission will, after notice, hold a public hearing to consider the proposed preliminary plat and render a decision. The commission may approve, conditionally approve, deny or deny the request without prejudice.”

18. The notice required for the hearing on a preliminary formal subdivision plat is publication and, in some cases, mailing to property owners within 300 feet of the subdivision.

Municipal Code § 16.25.020: “The required notice will be given by publication in the city's newspaper of record and by mailing a notice to each property owner listed on the owner's list not less than fifteen (15) days prior to the date of the hearing. When notice is required to be mailed to two hundred (200) or more property owners, notice will be provided by publication in the newspaper only.

Municipal Code § 16.25.010(A)(5): “An ownership list prepared by a title company or obtained through the county assessor's office. The list must contain the boundaries of the property described in the application, and provide the last known name and address, as shown on the latest adopted tax roll of Kootenai County, of all property

owners within the boundaries of the subject property and within a radius of three hundred feet (300') from the external boundaries of the property described in the application.”

19. An affected person can appeal the Commission’s decision to Council, which will hold a public hearing on the appeal. If there is no appeal, the Commission’s decision is final.

Municipal Code § 16.25.050(A): “An affected person may request an appeal of the Planning Commission's decision by filing a written request for appeal with the Planning Director within fifteen (15) days after the decision by the Planning Commission. The appeal must be accompanied by the fee established by the City Council. Upon receipt of an appeal, the Planning Director will notify the City Clerk, so that a time and place may be set for a public hearing by the City Council.”

20. After approval of a preliminary formal subdivision plat, a final plat still has to be recorded with the County. No final plat can be recorded without approval by Council.

Municipal Code § 16.50.010: “No map, plat, replat or plan of a subdivision subject to the provisions of this title may be recorded or received for recording in any public office unless or until that map, plat, replat or plan has been approved by the city council and bears the certificate of final approval signed by the city engineer and the city clerk as required by Idaho Code section 50-1308.”

Idaho Code § 50-1302: “Every owner creating a subdivision, as defined in section 50-1301, Idaho Code, shall cause a land survey and a plat thereof to be made which shall particularly and accurately describe and set forth all the streets, easements, public grounds, blocks, lots, and other essential information, and shall record said plat.”

21. Council’s approval is based upon the review and findings made by the City engineer that the final plat complies with the law. However, the final decision is Council’s. This approval by Council does not require a public hearing.

Municipal Code § 16.50.040(B): “The city engineer will review the final plat and forward a recommendation to the city council for final plat approval.”

22. Council is not required to approve the final plat and, if it takes no action, the final plat is deemed denied.

Municipal Code § 16.50.050: “If the council has not taken any action on the final plat within the one hundred twenty (120) day period, the plat will be deemed to be denied.”

23. As noted above, an aggrieved person can appeal a subdivision decision to the Courts after first seeking reconsideration. See Idaho Code § 67-6521(d).

24. A property owner may apply for a PUD for all or part of the property.

Idaho Code § 67-6515: “A planned unit development may be defined in a local ordinance as an area of land in which a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. Planned unit development ordinances may include, but are not limited to, requirements for

minimum area, permitted uses, ownership, common open space, utilities, density, arrangements of land uses on a site, and permit processing. Planned unit developments may be permitted pursuant to the procedures for processing applications for special use permits following the notice and hearing procedures provided in section 67-6512, Idaho Code.”

25. After submission of a development plan, the Commission holds a public hearing.

Municipal Code § 17.09.470: “Between twenty one (21) and sixty (60) days following submission of development plan, a public hearing shall be held before the planning commission for formal action on the proposed development. When appropriate, a public hearing may also consider material submitted as required by the subdivision ordinance and/or zone change procedure. The public hearing shall be held in accordance with subsections 17.09.120A through C of this chapter.”

26. The decision of the Commission is final unless there is an appeal.

Municipal Code § 17.09.472(E): “A copy of the Planning Commission decision shall be mailed to the applicant and the Director shall make the commission's decision available for public inspection. Approval or denial of a development plan shall become effective fifteen (15) days after the decision by the Planning Commission, unless an appeal has been made by any affected party, including the applicant, to the City Council pursuant to subsection 17.09.125B of this chapter.”

27. If appealed, the City Council will hold a public hearing. The public can testify at such hearing as was done at the Coeur Terre’s hearings.

Municipal Code § 17.09.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice. If the proposal is approved by the City Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.”

28. Any land use planning decision made by the City could be considered an unconstitutional taking of private property without just compensation. See Idaho Code § 67-8001 et seq. If such a taking occurs, the City may be liable for substantial damages. Therefore, the City acts very carefully in denying zone change applications, subdivision requests, PUD requests, etc.

Hi Renata,

The residents are somewhat freaked out about not having any say after changes in the development agreement.

A couple questions about the "deferment". Hillary told me that the city planning dept cannot talk with residents about our concerns but I believe our concerns are with the planning dept and not just with the developer. I don't think the developer really cares how people get in and out of their project--it is the city who makes those judgements. We can work with the developer all we want but the city is the issue, as I understand it. Does Council know that?

As far as all the subdivision approvals go who has final say? I assume that residents/citizens will not be privy to most of that information, hence, our concern since Oct. 11 P&Z... am I incorrect?

What does the City Council have final say on?

What does the Planning Department have final say on?

What does Planning and Zoning Commission have final say on?

I am trying to understand this process so I can mitigate many of my neighbors from coming down there and bugging you. :)

~Suzanne

From: Wayne Passow
To: [STUHMILLER, SHANA](#); [MCLEOD, RENATA](#)
Subject: Proposed development
Date: Wednesday, March 15, 2023 9:00:03 AM

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I'm Wayne Passow and President of Orchard Lands HOA which is boarded by Appaloosa on the north and Atlas on the east. The board members of Orchard Lands have attended past meetings. The HOA is concerned to hear that they are considering Nez Perce and Appaloosa as through streets. I would agree that those streets may be needed for Police and emergency services but not for the general public. Rather than making these through streets the city could develop city bus service to this proposed development. They could use controlled emergency gates for the police and emergency vehicles that can be opened remotely. Im sure the technology exists. Our concern in Orchard Lands would be traffic backing up on Appaloosa and people using southbound Belmont and Sherwood to access Peartree which is one block south of Appaloosa to reach Atlas. Traffic lights at Appaloosa and Nez Perce would be needed for safety which would mean 4 traffic lights in just over a mile on Atlas. Once that happens people will start using Evergreen and other neighborhood streets that line the golf course to the east. We use those streets now to avoid Kathleen. That additional traffic would impact not only the neighborhoods east of Coeur Terre but also the neighborhoods east of Atlas. It would only get worse. At this time it is difficult if not dangerous at times to enter Atlas from either Appaloosa or Peartree. Hanley should be the only east access as Hanley could be widened from Atlas to Ramsey as there is plenty of room to do so plus the traffic control is already installed.

Other concerns would be for the Aquifer both usage and pollution from the continued growth of this area. There are numerous places in the USA who have water problems due to ground water depletion. In the past 4-5 years there already has been an explosion of homes and apartment complexes and I wonder where all these people work as I don't see equivalent growth in the business sector. Maybe Coeur D Alene wants to support the employers of Washington. I believe the infrastructure is already stressed with the growth that has occurred just in the recent past. The city should concentrate on development within the city rather than uncontrolled expansion. I see new apartment complexes on Government Way and 4th street and also some new homes that have replaced older structures. This type of development will benefit the neighborhood business by increasing density in an already developed area. The proposed development does nothing for the city other than increasing the needs for additional infrastructure and cost. Does the City really want to take on this burden. I would say the majority of residents would say no if it were to be voted on.

I am asking the council to deny with prejudice

Dear Mayor and City Council Members, And Staff.

February 6, 2023

I have had a very difficult time narrowing down biggest problem of this potential development, and that was before the staff report was available. Now that I have read the development agreement, there are more problems than can be addressed in a 3 minute formality.

This is supposedly a master planned community, but it has changed several time since the PR stunt at the Kroc center last May. and Ms Krueger told the press on May 21 that it will continue to change. What exactly is planned other than high density zoning? What is stopping the applicant from selling off parcels after re-zoning?

CDA has hired outside consultants to study short term rentals but you approve the applicant's participation on the development of the new, ultra urbanized Comprehensive plan, writing their own golden ticket? And now, the plan that once praised the heritage neighborhoods, trees, lake, river, and mountain vistas, fits their project perfectly. What a coincidence?

If it's property tax money you're after, start by collecting what the ag land is actually worth and not just the bargain price the applicant is paying at the undervalued \$2000 per acre.

The project narrative points are false. The project does not "fit nicely" with surrounding neighborhoods" and will not "make our lives more convenient".

The applicant mentioned that stakeholders have been consulted and are in favor of the project. None of my neighbors were consulted as stakeholders. Who is a bigger stakeholder than the residents of the neighborhoods that will be unrecognizable if the city puts our neighborhood streets through from Atlas to the proposed development and beyond. the roads in Indian Meadows are 1/2 mile long.

The planning department wants to alleviate traffic on Prairie, Hanley and Seltice by dumping it all on Atlas? How absurd?

The Applicant says "We Care". Well we care too. We live here, we worship here, we work here, we go to school here, we volunteer here, we sit on non profit boards here, we shop here, we live here, and we vote here.

The proposed development is in conflict with Idaho code—for starters [Title 67-6519 \(3\)](#), [Title 50-222](#), and [Title 67-6508](#).

According to one council member, municipal codes need updating. Is it in the best interest of the current citizens of CdA to approve this monstrous project without code revisions and more specific details ironed out?

Do housing trends really say multi family housing is the answer? No. It will bankrupt our city. This proposal should be either denied or tabled. More information is needed.

Sincerely,

Suzanne Knutson. 4208 W. Appaloosa Road, Coeur d'Alene.

From: Peters
To: [MCLEOD, RENATA](#); [STUHMILLER, SHANA](#)
Subject: Re: Against Annexation of Coeur Terre
Date: Tuesday, February 07, 2023 3:14:50 PM

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Please send confirmation of receipt of this email. Thank you!
Andrea Baass Peters

On Feb 6, 2023, at 12:11 PM, Peters <acbpeters@gmail.com> wrote:

Dear City of Coeur d'Alene City Council,

I am sending this letter in opposition to the request for Annexation and Development by the Kootenai County Land Company, LLC's Coeur Terre Project on Tuesday, February 7, 2023.

I have lived in Post Falls since 2001. The first 3 years in a rental home and the last 18 years in the home we built on approximately 4.5 acres on the prairie. We have a Post Falls postal address and a Coeur d'Alene landline phone number. My family members work and go to school in both Post Falls and Coeur d'Alene. We consider both of these communities as well as Hayden our home. We love where we live. We enjoy that it is a safe, quiet area and have enjoyed access to miles of dirt farm roads to exercise, recharge and take in the beautiful views of the area.

Nineteen and a half years ago we purchased our lot in Brickert Estates. Prior to purchasing the lot I heard a rumor that Huetter Road would be widened. I visited the Coeur d'Alene Streets and Engineering Department hoping to get some answers. I was told this had been talked about for a long time, that it wouldn't happen any time soon and I shouldn't be concerned. They could not give me any specific information. Years later the KMPO started to meet and include Huetter Road on its agenda. I along with many others attended these meetings. Our voices were not heard. Although empty farm fields were to the east of Huetter Road the road expansion plans to encroach on the west side of Huetter were pushed forward without regard to the homes along its path. My understanding is that the Huetter Road project has now been turned over to the State of Idaho. There is still no answer as to how the road expansion will proceed yet the City of Coeur d'Alene continues to approve the building of massive subdivisions along the east side of Huetter Road with little setback. I find this irresponsible.

I drive south on Huetter Road to Seltice Road to get to my place of work in Coeur d'Alene. It has been a beautiful, peaceful drive. However, Seltice Road is no longer a beautiful road surrounded by trees and views of the river. It is turning into a corridor without views. This road will need to be widened with all the proposed construction to the north and south of Seltice Road. I imagine that some day the median along with the trees that line it will be removed to make way for more lanes for the increased traffic from not only the proposed Coeur Terre Project but also the construction that is occurring between Seltice Road and the Spokane River. Isn't this one of the things we want to preserve? Open space and the natural beauty of where we live?

I know that growth is inevitable but let's do it responsibly. Have you driven through the new

Foxtail development in Post Falls? It is a development by Architerra the same company proposing the Coeur Terre project, Lot sizes are shrinking, green space is disappearing. It reminds me of the board game Monopoly. We are creating a concrete jungle. How about soccer fields for the children to play, swimming pools to safely learn to swim and open space to stay active and healthy? An 18 acre park is not enough for the size of this development. I am interested in maintaining the beauty of North Idaho. Please hear my plea to take another look at this massive development before it is too late!

Sincerely,

Andrea Baass Peters
acbpeters@gmail.com

From: Nathaniel Dyk
To: [HAMMOND, JIM](#); [GOOKIN, DAN](#); [ENGLISH, DAN](#); [EVANS, AMY](#); [MILLER, KIKI](#); [WOOD, CHRISTIE](#); [MCEVERS, WOODY](#); [TYMESEN, TROY](#); [MCLEOD, RENATA](#)
Cc: [Melissa Dyk](#)
Subject: Re: Coeur Terre Revisions to Annexation Agreement Letter
Date: Saturday, March 04, 2023 9:52:39 AM
Attachments: [Screen Shot 2023-03-04 at 8.57.26 AM.png](#)

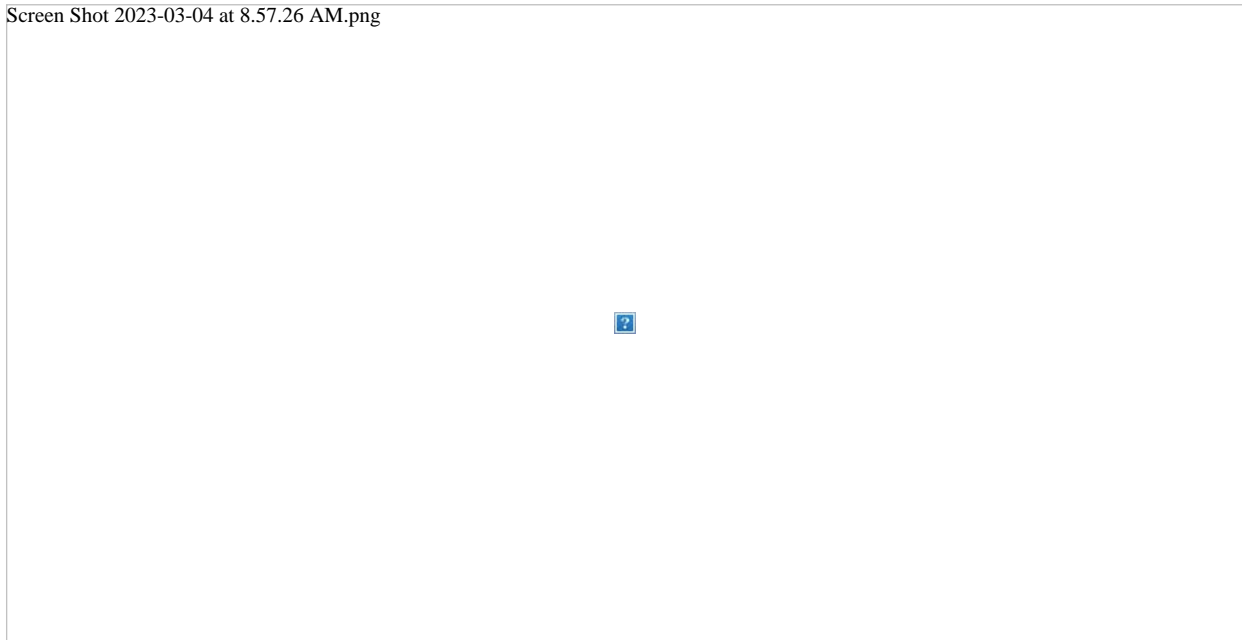
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Mayor and Council Members,

For your consideration, I would like to add one final point to my previous letter;

In order to avoid the 6+ stoplights on Heutter, Seltice, and Northwest Blvd, Coeur Terre motorists will be encouraged to utilize Masters & Fairway Dr. to access services on Appleway. This will be a disaster for residents in the Fairway neighborhood and create additional safety issues for roads that are already heavily impacted. It would be bad street planning and a public hazard to connect 2, high-density commercial zones with narrow, residential streets. **Will KLC's PUD traffic studies analyze the impact on the Fairway neighborhood?**

Screen Shot 2023-03-04 at 8.57.26 AM.png



Again, thank you for your service and consideration.

Best,

Nate Dyk

On Thu, Mar 2, 2023 at 8:33 AM Nathaniel Dyk <nate.dyk@gmail.com> wrote:

Dear Mayor and Council Members,

Attached is a letter that contains my concerns regarding the latest revisions to the Coeur Terre annexation agreement.

Also attached are the meeting minutes from our roundtable 'sounding board' with The Langdon Group and KLC. To my knowledge, we have not received a follow-up response to our many questions from the meeting.

Please deny the annexation so that a genuine interaction between the residents, the planning department, and the applicant team takes place to find more equitable solutions for all interested parties.

Thank you for your consideration and your service to Coeur d'Alene.

Best regards,

Nate Dyk

From: Ronda Bowling
To: [MCLEOD, RENATA](#)
Subject: Re: Coeur Terre-Police/Fire
Date: Thursday, February 23, 2023 12:08:34 PM

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Yes, I have the above information. The Feb. 10th meeting of staff I'm referring to was mentioned in the City Council Staff Report - Coeur Terre Revised Annexation and Development Agreement- Summary Of Changes.

Feb. 21st packet.

Pg 1 under History.

Ronda Bowling

On Thu, Feb 23, 2023, 11:05 AM MCLEOD, RENATA <RENATA@cdaid.org> wrote:

I would direct you to the public records portal in the future for public records requests, but I can tell you there are no records based on your request below. There were no public meetings held on February 10 in which staff reports and minutes would have been taken. Can you give me a bit more of a description of what meeting you might be referring to?

All of the Coeur Terre staff reports are available within the City Council packets posted to the City website at (February 7 and February 21 packets would be the ones you are looking for City Council action): <https://www.cdaid.org/3155/departments/council/council-agenda-packets>

You can also access the Planning Commission packets at that same website.

I hope this helps, let me know if you are looking for something different. Renata

Additional public record requests can be made through our records portal at: [https://coeurdaleneid.govqa.us/WEBAPP/_rs/\(S\(f5ped23vtgbwxx4apmldxqq2\)\)/SupportHome.aspx](https://coeurdaleneid.govqa.us/WEBAPP/_rs/(S(f5ped23vtgbwxx4apmldxqq2))/SupportHome.aspx)

From: Ronda Bowling <rondabowling@gmail.com>
Sent: Thursday, February 23, 2023 10:46 AM
To: MCLEOD, RENATA <renata@cdaid.org>
Subject: Coeur Terre-Police/Fire

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Hi Renata,

I would like a copy of the written staff reports and or minutes from the February 10th meetings with City Staff from Police, Fire, Streets & Engineering, Wastewater, Legal, Municipal Services and Planning that took place regarding the Coeur Terre development.

Can you help me with that?

Thank you!

Ronda Bowling

208-964-2102

From: Suzanne Knutson
To: [PATTERSON, HILARY](#)
Cc: [ADAMS, RANDY](#); [MCLEOD, RENATA](#)
Subject: Re: Inability to communicate with staff
Date: Thursday, February 09, 2023 11:02:40 AM

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Thank you Hillary.

I was very grateful for the exchange between you and myself after the council meeting. Thank you for helping me better understand the process. I tried to convey your points to neighbors and did let Don Webber know he could find the information regarding how the Development Agreement works on the city website and that he could notify your office if he didn't see it. Apparently there was miscommunication and I am not sure where it happened. I think Mr. Adams' response will help people to better understand the process.

Was that subject heading Don Webber's choice? Yikes!

Thanks again. I am learning a lot and am grateful for your courtesy in the chaos.

Have a great day.
Suzanne Knutson

On Thursday, February 9, 2023 9:38 AM, "PATTERSON, HILARY"
<HPATTERSON@cdaid.org> wrote:

Hi Suzanne.

I would also like you to see my emails with Don Webber that clarify what appears to be a miscommunication.

Best regards.

Hilary

From: Don Webber <donharvest2u@gmail.com>

Sent: Wednesday, February 08, 2023 8:07 PM
To: PATTERSON, HILARY <HPATTERSON@cdaid.org>
Cc: PlanningDiv <PlanningDiv@cdaid.org>; STUHMILLER, SHANA <SHANA@cdaid.org>
Subject: Re: Inability to communicate with staff

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Thank you for the very comprehensive response.

On Wed, Feb 8, 2023, 6:59 PM PATTERSON, HILARY <HPATTERSON@cdaid.org> wrote:

Hi Don.

Thanks for reaching out. Staff is more than happy to talk to residents and answer questions about process and next steps, and to answer questions about the code and development agreement.

Either I misunderstood Suzanne's question or she misunderstood my response. I thought Suzanne was asking how to be involved in this stage and if we needed to meet with neighborhood representatives.

The public hearing process is over. We have collected all of the testimony and comments, and staff and City Council have heard the neighborhoods' concerns.

I told Suzanne last night to reach out if she had questions, needed help finding the applicable codes to better understand the procedures, or help understanding the development agreement.

At this point we are going to work on revising the development agreement based on City Council and negotiations with the applicant team and bring that back to the February 21st Council meeting. The revised agreement will be made available to the public and will be included in the Council agenda packet.

Here's some additional information about this stage of the process:

Members of the public are not entitled to participate at every stage of a proceeding, such as the drafting of contracts between the City and a third party. Also, once the public hearing is closed after interested parties have had an opportunity to testify, and the hearing body (here, the City Council) begins to consider a matter, due process does not require further participation, especially when no new information is being provided to Council with respect to the revisions to the Annexation and Development Agreement.

Best regards,

Hilary

On Feb 8, 2023, at 12:42 PM, Don Webber
<donharvest2u@gmail.com> wrote:

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Hilary,

Can you please point me to the ordinance (or?) that states City Staff cannot communicate with citizenry on a topic that is under consideration by the City Council? I understand you have told that to our group, but I'm not able to find the actual text.

Thank you.

Don Webber

Indian Meadows Neighborhood Group

(951) 760-6570

From: [ADAMS, RANDY](#)
To: [Mischelle Fulgham](#)
Cc: [*CITYCOUNCIL](#); [PATTERSON, HILARY](#); [HOLM, SEAN](#); [Gabe Gallinger](#); [Melissa Wells](#); [Brad E. Marshall](#); [Connie Krueger](#)
Subject: RE: New Hearing Date for Coeur Terre?
Date: Monday, February 27, 2023 1:53:56 PM

I believe staff (not me).

Randall Adams
City Attorney/Legal Services Director
(208) 769-2350
radams@cdaid.org

From: Mischelle Fulgham <mischelle@fulghamlawpllc.com>
Sent: Monday, February 27, 2023 1:53 PM
To: ADAMS, RANDY <RADAMS@cdaid.org>
Cc: *CITYCOUNCIL <CITYCOUNCIL@cdaid.org>; PATTERSON, HILARY <HPATTERSON@cdaid.org>; HOLM, SEAN <SHOLM@cdaid.org>; Gabe Gallinger <gabe@thinklakeside.com>; Melissa Wells <melissa@thinklakeside.com>; Brad E. Marshall <bmarshall@jub.com>; Connie Krueger <ckrueger@stonehenge-us.com>
Subject: Re: New Hearing Date for Coeur Terre?

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Thanks Randy,
We are curious where the revisions to 1.4 originated. Was it from Staff? Or Council? Or other?
Mischelle

On Mon, Feb 27, 2023 at 9:44 AM ADAMS, RANDY <RADAMS@cdaid.org> wrote:

The Planning Department is fine with removing the additions to paragraph 1.4. I have shown those deletions on the attached. Council, of course, has the final say on the Agreement.

Randall Adams
City Attorney/Legal Services Director
(208) 769-2350
radams@cdaid.org

From: Mischelle Fulgham <mischelle@fulghamlawpllc.com>
Sent: Monday, February 27, 2023 8:26 AM
To: ADAMS, RANDY <RADAMS@cdaid.org>
Cc: PATTERSON, HILARY <HPATTERSON@cdaid.org>; HOLM, SEAN <SHOLM@cdaid.org>; Gabe Gallinger <gabe@thinklakeside.com>; Melissa Wells <melissa@thinklakeside.com>; Brad E. Marshall <bmarshall@jub.com>; Connie Krueger <ckrueger@stonehenge-us.com>
Subject: Re: New Hearing Date for Coeur Terre?

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Good Morning Randy,

We have reviewed the additional revisions you sent over on Thursday Feb 23, 2023.

The City's proposed revision to paragraph 1.4 is declined. The proposed additional language creates confusion and ambiguity regarding the meaning and application of "equivalent". The combination of residential and commercial uses, as per the Wastewater Collection Study Table 2-1 would actually put the total Number of Equivalent Dwelling Units over 3600. See attached table. It is better to keep the agreed number of residential units at 2800 (and not combine and increase it to exceed 3600 as per the Study table 2-1), and keep the word "equivalent" out of the paragraph. It is unclear why or where these proposed changes originated, but none of these proposed changes were discussed with us or requested by the neighbors or the City Council. My client respectfully declines this proposed change to para. 1.4.

The City's proposed revision to paragraph 4.3 is acceptable.

Please advise when the public hearing date is confirmed.

Thank you.

Mischelle R. Fulgham, Attorney

FULGHAM LAW, PLLC

C: 208-699-6339

Mischelle@fulghamlawpllc.com

On Thu, Feb 23, 2023 at 2:13 PM ADAMS, RANDY <RADAMS@cdaid.org> wrote:

Attached is the second revised Annexation and Development Agreement for the Coeur Terre project. The text in red is the text that was added after the first Development Agreement. These changes were made in response to the comments of Council, the Mayor, staff, and the development team. There are some cross outs as well, indicating material deleted after the original Development Agreement. The language requested by the Mayor and included in Council's motion at the February 21 Council meeting is in blue in paragraph 4.3.

This has been provided to Council and will be posted on the City's website for public access.

Randall Adams

City Attorney/Legal Services Director

(208) 769-2350
radams@cdaid.org

From: Michelle Fulgham <mischelle@fulghamlawpllc.com>

Sent: Wednesday, February 22, 2023 12:34 PM

To: ADAMS, RANDY <RADAMS@cdaid.org>; PATTERSON, HILARY <HPATTERSON@cdaid.org>;
HOLM, SEAN <SHOLM@cdaid.org>

Cc: Connie Krueger <ckrueger@stonehenge-us.com>; Gabe Gallinger
<gabe@thinklakeside.com>; Melissa Wells <melissa@thinklakeside.com>; Brad E. Marshall
<bmarshall@jub.com>

Subject: Re: New Hearing Date for Coeur Terre?

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Randy,

I checked with our Team and specifically, Gabe, our engineer. We have not coordinated any staking or development activity in that area.

The stakes in question may be related to the City of CDA preparing to drill a test well in the mutually agreed future well location, just north of the west terminus of Nez Perce Road. It would be helpful for the City Council to know if it was the City Water Department initiating that work. It was not done by Kootenai County Land Company or our affiliates.

Thanks,
Michelle

From: Suzanne Knutson
To: [ADAMS, RANDY](#)
Cc: [MCLEOD, RENATA](#); [PATTERSON, HILARY](#); [HOLM, SEAN](#); [HAMMOND, JIM](#); [GOOKIN, DAN](#); [MCEVERS, WOODY](#); [MILLER, KIKI](#); [EVANS, AMY](#); [ENGLISH, DAN](#); [WOOD, CHRISTIE](#)
Subject: Re: Procedures
Date: Friday, February 10, 2023 11:17:51 AM

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Mr. Adams,

I hope it is appropriate for me to ask a few other questions. I realize we are not entitled to be included in the process, I am looking for clarification.

I was wondering about your question to me, after the end of the council meeting, If "we" would be willing to agree to one east access". I said I didn't think so, and that I could not answer that for all those in the neighborhood. Did that question come from the KLC Attorney or from you, or Planning? We were under the impression that the KLC attorney said they agreed to NO east access to Atlas. Some residents wondered if that included Woodside, which is to the south of the proposed development but uses Appaloosa to access that neighborhood. I sent your question out to the email addresses of residents that I do have, which is not everyone, and they all came back with an emphatic NO EAST ACCESS.

We have not yet been contacted by Kootenai Land Co, but one of our residents, Nate Dyk, did send an email to them this morning.

Thank you for your consideration.
[Suzanne Knutson](#)

On Thursday, February 9, 2023 9:36 AM, "ADAMS, RANDY" <RADAMS@cdaid.org> wrote:

Ms. Knutson—

In response to your email to Renata (quoted below), I have prepared the following outline of the procedures relevant to the Coeur Terre application for annexation. It is important to note that this is not being offered as legal advice, but as a convenience and courtesy to you. You may share it with anyone you wish. If you have specific legal questions, of course, you will have to consult with your own attorney. In brief, the City has made every effort to give citizens a voice in this matter in a manner consistent with the applicable statutory, municipal, and case law, and Council and staff greatly value the input.

Randall Adams

City Attorney/Legal Services Director

(208) 769-2350

radams@cdaid.org

ANNEXATION/ZONING/SUBDIVISION/PUD PROCESS

1. Cities are empowered by State law to annex property contiguous with their borders

Idaho Code § 50-222(1): “The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.”

2. When all private property owners in the area to be annexed agree to the annexation, it is a Category “A” annexation. See Idaho Code § 50-222(3)(a). Here, all of the private property owners in the area to be annexed not only agreed to the annexation, but were applicants for the annexation.

3. The City first determines if the request for annexation meets the requirements of a Category “A” annexation and, if so, initiates the planning and zoning procedures. Here, the City determined that the requirements of a Category “A” annexation were met.

Idaho Code § 50-222(5)(a): “Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the

planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.”

4. In Idaho, zoning for the entire City is established by the Zoning Ordinance. See Idaho Code § 67-6511(1).

5. The Zoning Ordinance is amended when the zoning classification of property within the City is changed or when new property comes into the City by annexation and must be zoned. The Zoning Ordinance will have to be amended if the annexation is approved, showing the approved zoning classifications.

6. Amendment of the Zoning Ordinance begins with the Planning and Zoning Commission. Here, the Commission heard the application for zoning in advance of annexation as required by Code.

Idaho Code § 67-6511(2)(a): “Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.

7. The notice and hearing procedures require that the Commission conduct a public hearing. At the public hearing, any interested persons have an opportunity to be heard (to testify). All interested persons were given the opportunity to testify before the Commission.

Idaho Code § 67-6509(a): “The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.”

8. Notice of the public hearing and the opportunity to testify is required to be published in the City’s official newspaper, sent to all political subdivisions providing services within the City, mailed to certain nearby residents, and posted on the property. In this case, notice was provided as required by State law.

Idaho Code § 67-6509(a): “At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission.”

Idaho Code § 67-6511(2)(b): “additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice.”

9. “Due process” for hearings is not governed by statutes, but by decisions of various Courts. Generally, due process requires notice and an opportunity to be heard. “The . . . requirements of procedural due process relate to notice and hearing in the deprivation of a significant life, liberty, or property interest. A procedural due process inquiry is focused on determining whether the procedure employed is fair. Due process is not a rigid doctrine; rather, it calls for such procedural protections as are warranted by a particular situation.” *Doe v. Doe*, 517 P.3d 830, 838 (2022). Proper notice was provided and all interested persons were provided an opportunity to participate in not one, but two hearings. It is not a violation of due process that an applicant, who bears the burden of persuasion in a matter, has more time to present at a hearing than others. In addition, members of the public were allowed to submit comments in writing that were not limited in size. Members of the public are not entitled to participate at every stage of a proceeding, such as the drafting of contracts between the City and a third party. Also, once the public hearing is closed after interested parties have had an opportunity to testify, and the hearing body (here, the City Council) begins to consider a matter, due process does not require further participation where no new information (evidence) is being provided to Council. The revisions to the Annexation and Development Agreement are based on the evidence presented at the hearing.

10. Following the public hearing, the Commission will evaluate the request for a Zoning Ordinance amendment and may recommend and the City Council adopt or reject an ordinance amendment. Here, the Planning and Zoning Commission recommended that Council adopt the Zoning Ordinance amendment as proposed by the applicant.

Idaho Code § 67-6511(2)(a): The Commission “shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner’s lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

11. Once a recommendation has been made by the Commission to Council, the Council may, but is not required by State law to, conduct another public hearing. However, by City Ordinance, Council conducts a second public hearing if the Commission recommends approval of the request for a Zoning Ordinance amendment. All interested persons were allowed to testify before Council.

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Municipal Code § 17.09.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice.”

12. After the hearing, Council normally makes a decision regarding the Zoning Ordinance amendment using the criteria set out in State law.

Idaho Code § 67-6511(2)(c): “The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

13. If, however, Council makes a material change to the Commission’s recommendations as to zoning, another public hearing must be held. At this point, no material changes have been made to the Commission’s recommendation. In addition, the public hearing conducted by Council on February 7 satisfies this requirement.

Idaho Code § 67-6509(b): “Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.”

14. In this case, Council decided to delay a decision on both the zoning and annexation for 15 days for further study. This is permissible under State law.

Idaho Code § 67-6521(1)(c): “After a hearing, the commission or governing board may: (i) Grant or deny an application; or (ii) Delay such a decision for a definite period of time for further study or hearing. Each commission or governing board shall establish by ordinance or resolution a time period within which a recommendation or decision must be made.”

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Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.”

15. A person affected by a final decision of Council may appeal to the Courts. At this point, no final decision has been made.

Idaho Code § 67-6521: “(1)(a) As used herein, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by: * * * (ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to section 67-6511, Idaho Code”

Idaho Code § 67-6521(d): “An affected person aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code.”

16. A decision is “final” “after all remedies have been exhausted under local ordinances.” Exhaustion of remedies requires that an affected person aggrieved by a final decision must ask Council to reconsider its decision. Failure to exhaust available remedies will result in the court dismissing the petition for judicial review.

Idaho Code § 67-6535(2)(b): “Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.”

17. After the annexation is complete, with final zoning established,

development of the property may be accomplished through either the subdivision or planned unit development (PUD) process. A preliminary formal subdivision plat first goes to the Commission.

Municipal Code § 16.25.030(A): “The commission will, after notice, hold a public hearing to consider the proposed preliminary plat and render a decision. The commission may approve, conditionally approve, deny or deny the request without prejudice.”

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Municipal Code § 16.25.010(A)(5): “An ownership list prepared by a title company or obtained through the county assessor's office. The list must contain the boundaries of the property described in the application, and provide the last known name and address, as shown on the latest adopted tax roll of Kootenai County, of all property owners within the boundaries of the subject property and within a radius of three hundred feet (300') from the external boundaries of the property described in the application.”

19. An affected person can appeal the Commission’s decision to Council, which will hold a public hearing on the appeal. If there is no appeal, the Commission’s decision is final.

Municipal Code § 16.25.050(A): “An affected person may request an appeal of the Planning Commission's decision by filing a written request for appeal with the Planning Director within fifteen (15) days after the decision by the Planning Commission. The appeal must be accompanied by the fee established by the City Council. Upon receipt of an appeal, the Planning Director will notify the City Clerk, so that a time and place may be set for a public hearing by the City Council.”

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Idaho Code § 50-1302: “Every owner creating a subdivision, as defined in section 50-1301, Idaho Code, shall cause a land survey and a plat thereof to be made which shall particularly and accurately describe and set forth all the streets, easements, public grounds, blocks, lots, and other essential information, and shall record said plat.”

21. Council’s approval is based upon the review and findings made by the City engineer that the final plat complies with the law. However, the final decision is Council’s. This approval by Council does not require a public hearing.

Municipal Code § 16.50.040(B): “The city engineer will review the final plat and forward a recommendation to the city council for final plat approval.”

22. Council is not required to approve the final plat and, if it takes no action, the final plat is deemed denied.

Municipal Code § 16.50.050: “If the council has not taken any action on the final plat within the one hundred twenty (120) day period, the plat will be deemed to be denied.”

23. As noted above, an aggrieved person can appeal a subdivision decision to the Courts after first seeking reconsideration. See Idaho Code § 67-6521(d).

24. A property owner may apply for a PUD for all or part of the property.

Idaho Code § 67-6515: “A planned unit development may be defined in a local ordinance as an area of land in which a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. Planned unit development ordinances may include, but are not limited to, requirements for minimum area, permitted uses, ownership, common open space, utilities, density, arrangements of land uses on a site, and permit processing. Planned unit developments may be permitted pursuant to the procedures for processing applications for special use permits following the notice and hearing procedures provided in section 67-6512, Idaho Code.”

25. After submission of a development plan, the Commission holds a public hearing.

Municipal Code § 17.09.470: “Between twenty one (21) and sixty (60) days following submission of development plan, a public hearing shall be held before the planning commission for formal action on the proposed development. When appropriate, a public hearing may also consider material submitted as required by the subdivision ordinance and/or zone change procedure. The public hearing shall be held in accordance with subsections 17.09.120A through C of this chapter.”

26. The decision of the Commission is final unless there is an appeal.

Municipal Code § 17.09.472(E): “A copy of the Planning Commission decision shall be mailed to the applicant and the Director shall make the commission's decision available for public inspection. Approval or denial of a development plan shall become effective fifteen (15) days after the decision by the Planning Commission, unless an appeal has been made by any affected party, including the applicant, to the City Council pursuant to subsection 17.09.125B of this chapter.”

27. If appealed, the City Council will hold a public hearing. The public can testify at such hearing as was done at the Coeur Terre’s hearings.

Municipal Code § 17.09.125(C): “The City Council shall, after notice of

the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice. If the proposal is approved by the City Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.”

28. Any land use planning decision made by the City could be considered an unconstitutional taking of private property without just compensation. See Idaho Code § 67-8001 et seq. If such a taking occurs, the City may be liable for substantial damages. Therefore, the City acts very carefully in denying zone change applications, subdivision requests, PUD requests, etc.

Hi Renata,

The residents are somewhat freaked out about not having any say after changes in the development agreement.

A couple questions about the "deferment". Hillary told me that the city planning dept cannot talk with residents about our concerns but I believe our concerns are with the planning dept and not just with the developer. I don't think the developer really cares how people get in and out of their project--it is the city who makes those judgements. We can work with the developer all we want but the city is the issue, as I understand it. Does Council know that?

As far as all the subdivision approvals go who has final say? I assume that residents/citizens will not be privy to most of that information, hence, our concern since Oct. 11 P&Z... am I incorrect?

What does the City Council have final say on?

What does the Planning Department have final say on?
What does Planning and Zoning Commission have final say on?

I am trying to understand this process so I can mitigate many of my neighbors from coming down there and bugging you. :)

~Suzanne

From: [ADAMS, RANDY](#)
To: [Suzanne Knutson](#)
Cc: [MCLEOD, RENATA](#); [PATTERSON, HILARY](#); [HOLM, SEAN](#); [HAMMOND, JIM](#); [GOOKIN, DAN](#); [MCEVERS, WOODY](#); [MILLER, KIKI](#); [EVANS, AMY](#); [ENGLISH, DAN](#); [WOOD, CHRISTIE](#)
Subject: RE: Procedures
Date: Friday, February 10, 2023 11:37:23 AM

Ms. Knutson—

Thank you for your email. I remind you that the public hearing was closed and that all in attendance, including you, were clearly informed that further communication with Council on a matter which had been taken under advisement was not permitted. I am sorry that you chose to copy Council on this email. Please refrain from contacting Council, even to the point of copying the members on emails sent to staff.

The answer to your question is that I asked it as a point of clarification. However, I do not have a vote on the Agreement nor did I testify. Your answer to me and your email do not form part of the public record upon which Council must base its decision.

Randall Adams
City Attorney/Legal Services Director
(208) 769-2350
radams@cdaid.org

From: Suzanne Knutson <sknutson@startmail.com>
Sent: Friday, February 10, 2023 11:18 AM
To: ADAMS, RANDY <RADAMS@cdaid.org>
Cc: MCLEOD, RENATA <RENATA@cdaid.org>; PATTERSON, HILARY <HPATTERSON@cdaid.org>; HOLM, SEAN <SHOLM@cdaid.org>; HAMMOND, JIM <JHAMMOND@cdaid.org>; GOOKIN, DAN <DGOOKIN@cdaid.org>; MCEVERS, WOODY <WMCEVERS@cdaid.org>; MILLER, KIKI <KMILLER@cdaid.org>; EVANS, AMY <AEVANS@cdaid.org>; ENGLISH, DAN <DENGLISH@cdaid.org>; WOOD, CHRISTIE <CWOOD@cdaid.org>
Subject: Re: Procedures

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

Mr. Adams,

I hope it is appropriate for me to ask a few other questions. I realize we are not entitled to be included in the process, I am looking for clarification.

I was wondering about your question to me, after the end of the council meeting, If "we" would be willing to agree to one east access". I said I didn't think so, and that I could not answer that for all those in the neighborhood.

Did that question come from the KLC Attorney or from you, or Planning? We were under the impression that the KLC attorney said they agreed to

NO east access to Atlas. Some residents wondered if that included Woodside, which is to the south of the proposed development but uses Appaloosa to access that neighborhood. I sent your question out to the email addresses of residents that I do have, which is not everyone, and they all came back with an emphatic NO EAST ACCESS.

We have not yet been contacted by Kootenai Land Co, but one of our residents, Nate Dyk, did send an email to them this morning.

Thank you for your consideration.

[Suzanne Knutson](#)

On Thursday, February 9, 2023 9:36 AM, "ADAMS, RANDY" <RADAMS@cdaid.org> wrote:

Ms. Knutson—

In response to your email to Renata (quoted below), I have prepared the following outline of the procedures relevant to the Coeur Terre application for annexation. It is important to note that this is not being offered as legal advice, but as a convenience and courtesy to you. You may share it with anyone you wish. If you have specific legal questions, of course, you will have to consult with your own attorney. In brief, the City has made every effort to give citizens a voice in this matter in a manner consistent with the applicable statutory, municipal, and case law, and Council and staff greatly value the input.

Randall Adams

City Attorney/Legal Services Director

(208) 769-2350

radams@cdaid.org

ANNEXATION/ZONING/SUBDIVISION/PUD PROCESS

1. Cities are empowered by State law to annex property contiguous with their

borders

Idaho Code § 50-222(1): “The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.”

2. When all private property owners in the area to be annexed agree to the annexation, it is a Category “A” annexation. See Idaho Code § 50-222(3)(a). Here, all of the private property owners in the area to be annexed not only agreed to the annexation, but were applicants for the annexation.

3. The City first determines if the request for annexation meets the requirements of a Category “A” annexation and, if so, initiates the planning and zoning procedures. Here, the City determined that the requirements of a Category “A” annexation were met.

Idaho Code § 50-222(5)(a): “Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.”

4. In Idaho, zoning for the entire City is established by the Zoning Ordinance. See Idaho Code § 67-6511(1).

5. The Zoning Ordinance is amended when the zoning classification of property within the City is changed or when new property comes into the City by annexation and must be zoned. The Zoning Ordinance will have to be amended if the annexation is approved, showing the approved zoning classifications.

6. Amendment of the Zoning Ordinance begins with the Planning and

Zoning Commission. Here, the Commission heard the application for zoning in advance of annexation as required by Code.

Idaho Code § 67-6511(2)(a): “Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.

7. The notice and hearing procedures require that the Commission conduct a public hearing. At the public hearing, any interested persons have an opportunity to be heard (to testify). All interested persons were given the opportunity to testify before the Commission.

Idaho Code § 67-6509(a): “The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.”

8. Notice of the public hearing and the opportunity to testify is required to be published in the City’s official newspaper, sent to all political subdivisions providing services within the City, mailed to certain nearby residents, and posted on the property. In this case, notice was provided as required by State law.

Idaho Code § 67-6509(a): “At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission.”

Idaho Code § 67-6511(2)(b): “additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries

of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice.”

9. “Due process” for hearings is not governed by statutes, but by decisions of various Courts. Generally, due process requires notice and an opportunity to be heard. “The . . . requirements of procedural due process relate to notice and hearing in the deprivation of a significant life, liberty, or property interest. A procedural due process inquiry is focused on determining whether the procedure employed is fair. Due process is not a rigid doctrine; rather, it calls for such procedural protections as are warranted by a particular situation.” *Doe v. Doe*, 517 P.3d 830, 838 (2022). Proper notice was provided and all interested persons were provided an opportunity to participate in not one, but two hearings. It is not a violation of due process that an applicant, who bears the burden of persuasion in a matter, has more time to present at a hearing than others. In addition, members of the public were allowed to submit comments in writing that were not limited in size. Members of the public are not entitled to participate at every stage of a proceeding, such as the drafting of contracts between the City and a third party. Also, once the public hearing is closed after interested parties have had an opportunity to testify, and the hearing body (here, the City Council) begins to consider a matter, due process does not require further participation where no new information (evidence) is being provided to Council. The revisions to the Annexation and Development Agreement are based on the evidence presented at the hearing.

10. Following the public hearing, the Commission will evaluate the request for a Zoning Ordinance amendment and may recommend and the City Council adopt or reject an ordinance amendment. Here, the Planning and Zoning Commission recommended that Council adopt the Zoning Ordinance amendment as proposed by the applicant.

Idaho Code § 67-6511(2)(a): The Commission “shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner’s lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby After considering the comprehensive plan and other evidence gathered

through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code.”

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Municipal Code § 16.25.010(A)(5): “An ownership list prepared by a title company or obtained through the county assessor's office. The list must contain the boundaries of the property described in the application, and provide the last known name and address, as shown on the latest adopted tax roll of Kootenai County, of all property owners within the boundaries of the subject property and within a radius of three hundred feet (300') from the external boundaries of the property described in the application.”

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all the streets, easements, public grounds, blocks, lots, and other essential information, and shall record said plat.”

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Municipal Code § 16.50.040(B): “The city engineer will review the final plat and forward a recommendation to the city council for final plat approval.”

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24. A property owner may apply for a PUD for all or part of the property.

Idaho Code § 67-6515: “A planned unit development may be defined in a local ordinance as an area of land in which a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. Planned unit development ordinances may include, but are not limited to, requirements for minimum area, permitted uses, ownership, common open space, utilities, density, arrangements of land uses on a site, and permit processing. Planned unit developments may be permitted pursuant to the procedures for processing applications for special use permits following the notice and hearing procedures provided in section 67-6512, Idaho Code.”

25. After submission of a development plan, the Commission holds a public hearing.

Municipal Code § 17.09.470: “Between twenty one (21) and sixty (60) days following submission of development plan, a public hearing shall be held before the planning commission for formal action on the proposed development. When appropriate, a public hearing may also consider material submitted as required by the subdivision ordinance and/or zone change procedure. The public hearing shall be held in accordance with subsections 17.09.120A through C of this chapter.”

26. The decision of the Commission is final unless there is an appeal.

Municipal Code § 17.09.472(E): “A copy of the Planning Commission decision shall be mailed to the applicant and the Director shall make the commission's decision available for public inspection. Approval or denial of a development plan shall become effective fifteen (15) days after the decision by the Planning Commission, unless an appeal has been made by any affected party, including the applicant, to the City Council pursuant to subsection 17.09.125B of this chapter.”

27. If appealed, the City Council will hold a public hearing. The public can testify at such hearing as was done at the Coeur Terre’s hearings.

Municipal Code § 17.09.125(C): “The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice. If the proposal is approved by the City Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.”

28. Any land use planning decision made by the City could be considered an unconstitutional taking of private property without just compensation. See Idaho Code § 67-8001 et seq. If such a taking occurs, the City may be liable for substantial damages. Therefore, the City acts very carefully in denying zone change applications, subdivision requests, PUD requests, etc.

Hi Renata,

The residents are somewhat freaked out about not having any say after changes in the development agreement.

A couple questions about the "deferment". Hillary told me that the city planning dept cannot talk with residents about our concerns but I believe our concerns are with the planning dept and not just with the developer. I don't think the developer really cares how people get in and out of their project--it is the city who makes those judgements. We can work with the developer all we want but the city is the issue, as I understand it. Does Council know that?

As far as all the subdivision approvals go who has final say? I assume that residents/citizens will not be privy to most of that information, hence, our concern since Oct. 11 P&Z... am I incorrect?

What does the City Council have final say on?

What does the Planning Department have final say on?

What does Planning and Zoning Commission have final say on?

I am trying to understand this process so I can mitigate many of my neighbors from coming down there and bugging you. :)

~Suzanne

Commission Meeting 10-11-22.docx
Coeur Terre Finding and Orders Justification of Facts
Not Properly Address by Commission

- B1. The Comprehensive Plan Map future envision of the existing land uses in the ACI are residential and Commercial. *There is, however, no Commercial Permitted Right or existing uses in the ACI and the adjacent surrounding neighborhoods. Most of the suggested land use types and proposed zoning density do not conform at all!*
- B2. The Single-Family Neighborhood is the only one of the Land Use Types that is shown on the Comprehensive Plan Map, that will conform to the existing and surrounding neighborhood. *There is not an established street grid that would handle the density and type of units the Compact Neighborhood, Urban Neighborhood and Mixed-Use land type would allow. This could over triple the number of units and traffic in the ACI. The Commercial business could attract outside business and cars from the thousands of existing residents between Coeur d' Alene Place and Parkllyn. The multiple-unit configuration and proposed density are not compatible with the adjacent neighborhood on both the south and east side. This type of zone is primarily applied in areas where such residentially designated areas are readily serviced by collectors and arterial streets suitable for higher levels of traffic. The height of the buildings being proposed in the Compact, Urban and Mixed-land types are double the existing neighborhood. The building heights should be lowered and addressed in the developer's agreement.*
- B8 CI 1 The Comprehensive Plan was written for an urban city and was heavily influenced by the 2030 group, the Economic Development groups, Construction & Commercial Builders, Retail & Professional Business and input from other city department, the chambers of commerce and KMPO. These groups heavily overshadowed the traffic and other concerns of the existing surrounding residents and their property rights. *While it's a good envision for an urban city, it does not "protect and preserve existing neighborhoods from incompatible land uses and developments", per the 2007-2027 Comp Plan objective 3.05.*
- B8 CI 1.1--Actions affecting businesses do not promote community unity with the residents because of the high density and that three-and four-story buildings are not compatible with the existing residential buildings.
- B8 CI 3 The proposed 5% affordable housing is very admirable but amounts to only 100 units. Just the employees needed at the proposed schools and commercial business will require over five times that amount.
- B8 CI 3.1 To provide opportunities for more new affordable workforce housing, the 50 acres of the proposed C-17 zoning should be change to NC and R-12, to allow for the location of enterprises, to mainly serve the immediate surrounding residential area and that provide a scale and character with the residential

Feb 21, 2023 City Council Meeting Comments

The mayor said, the 2022-2042 Comprehensive Plan addresses the State of Idaho requirements, however, many of the state requirements and public comment were simply ignored and not addressed by Planning Staff and Commissioners.

The new Comp Plan was a collaborative effort with the City of CDA, Planning Dept, Cda2030, KC Land Company, and at the applicant's suggestion, the MIG Company from San Francisco were all heavily involved in the future Land Use Types Map as shown on Comp Plan page 43

With the exception of Single Family, none of the proposed Land Use Types were in previous Comp Plans. Using these new land types, the conceptional town of Coeur Terror was designed. Anyone can see the master plan does not conform with the surrounding neighborhoods. If you look closer you will see the southern 39 acres of C-17 zone, is not allowed in the Compact Neighborhood area. (see attached pages 10-13 of the staff report).

It's very obvious that the Kootenai County Land Company, the Planning Department and the Planning Commission are only using the Comp Plan when they want to and ignore it when it doesn't fit.

FINDING #B8, B9 and B11 are NOT IN CONFORMANCE WITH THE COMP PLAN.
(see attached list of concerns previously ignored)

This proposed amendment is only a little carrot for the Indian Meadows residents, but does not address any of the concerns of the step children than live on the west side of Huetter or the thousands of people that are concerned about the traffic that will be increased by the high density C-17 and R-17 zoning or the people having their view of the mountains blocked by three and four story buildings .

The **Oct 11th Staff Report page #13** shows the land use type and location which have the approximate size as follows;

Compact Neighborhood—39% R-17

Urban Neighborhood—33% C-17

Single Family—17% minus 6% Armstrong Property= **only 11% SF**

Mixed Use low—**C-17**--11% Including Armstrong Property

Does the above layout look like it fits nicely with only 11% single family neighborhood and 39% R-17 with 50% C-17 as shown in the Comp Plan?

It is more than obvious that the Award-Winning Comprehensive Plan does not fit in the ACI Area. The Planning Dept should have requested the City Council to take Legislative action to remove the Compact, Urban and Mixed Use Place Types from the ACI area to protect the property rights of the existing neighbors by reducing density in order to reduce traffic and protect the existing and future residents.

This annexation needs to be sent back to planning after you fix the Comp Plan to lower the density and the height. If the developer wants to build a city, it should be in an infill area, not in the middle of this agricultural, rural and residential area.

The local residents have tried to point out many times that State Codes were not being addressed and have been ignored. I am sure the amended proposal that was made without public input is going to be addressed. The saying, you can't fight City Hall, is not true, it's just a damn slow and expensive process!

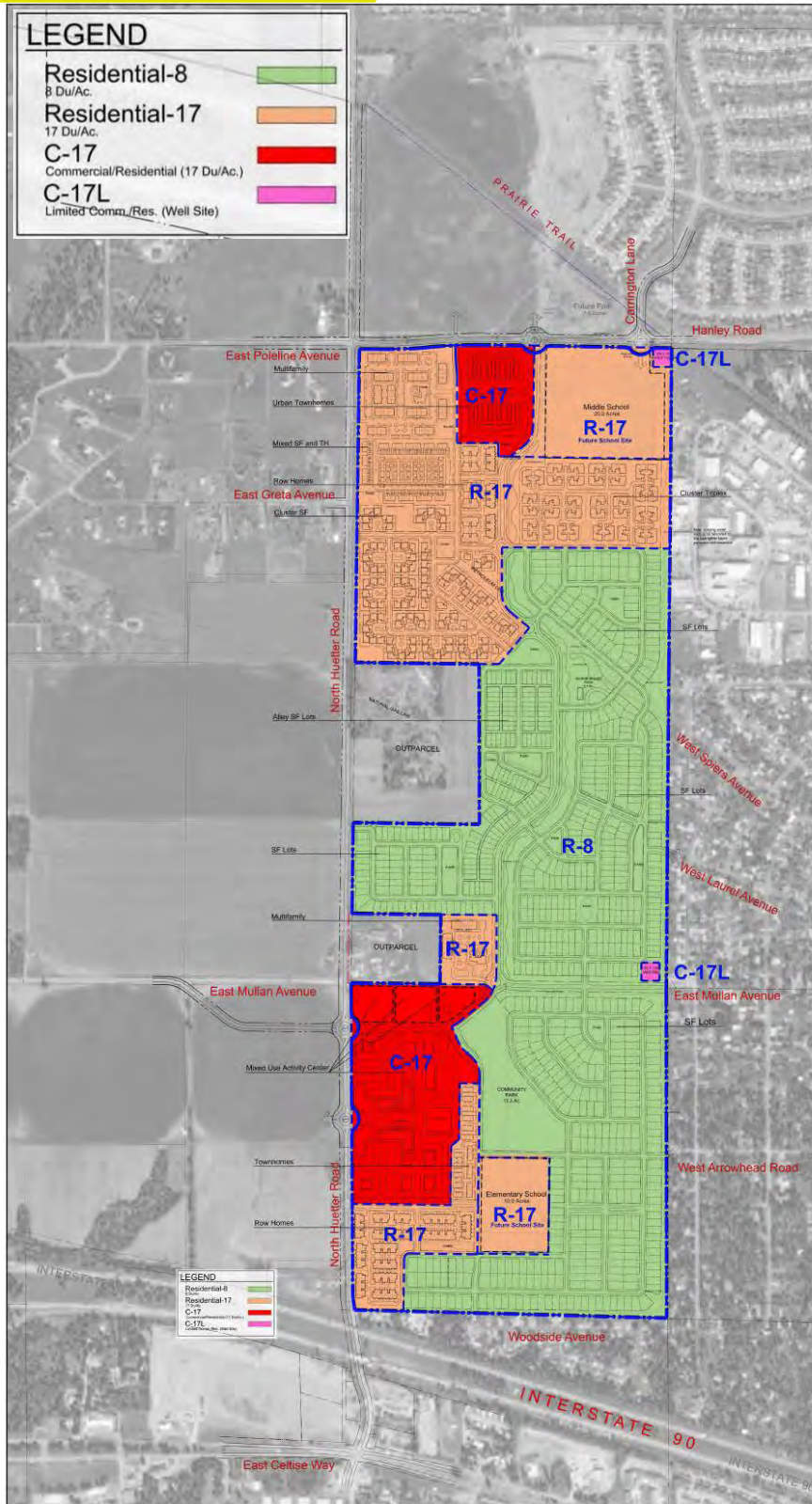
I want to thank all the Council members and Commissioners for their empathy, but I am very concerned that the state codes, open public meeting laws and property rights are being ignored by so many.

Ronald McGhie
Big Sky Estates

buildings that are compatible. If the development agreement allow a density around R-12 this could allow for up to 600 affordable units.

- GD 1 Developing mixed land uses and commercial business will attract more traffic into the ACI and make the traffic intolerable. The thousands of existing residents surrounding the ACI will be attracted to commercial establishments. Just the construction of Parkllyn has already doubled the traffic through Big Sky Estates to the Trails Subdivision. The proposed commercial development at Coeur Terre does not protect and preserve existing neighborhoods from incompatible land uses and developments.
- GD1.5 Does not recognize the adjacent neighborhood is low density and is not properly addressing the solutions for the traffic increase and effect on the adjacent neighborhoods.
- GD 2 Does not properly address the need or location of collectors and arterial streets until the PUD stage and after the zoning is approved. This might be too late.
- B9.3. The existing street system does not show or provide adequate access to or from the property. Until the whole street system is shown and the amount of traffic is known the annexation should be put on hold. The Multiple-unit configuration at moderate to high density is primarily applied in areas where such residentially designated areas are readily serviced by collectors and arterial streets suitable for higher levels of traffic. To protect the adjacent property rights on the east and south side of the ACI a collector/arterial street should be installed from W Hanley Ave running south along the east side to the south line of the ACI and westerly to Huetter Road. This would loop the perimeter of the ACI and reduce the traffic through the over 600 residential homes between the east side of the ACI and Atlas Street.
- B 11.1 While annexation itself may not adversely affect the area in regard to traffic, the zoning and land use types definitely will! Not knowing the location, type and number of housing units before an area is zoned, is putting the cart before the horse. No area should be annexed or zoned, without a proper traffic study. A grid system of collector and arterial streets for the entire ACI area should be addressed and planned before the start of individual PUD Subdivisions.
- B11.2 The proposed R-17 and C-17 would allow a Permitted Right to 3 times the density that the applicant states he is going to build and 4 times the density of the existing residential neighborhood to the east and south.
The proposed buildings are zoned for up to 4 stories which is double the height of all surrounding buildings within a half mile of the exterior of the ACI area.
- B11.3 The commercial business and retail stores will attract outside traffic from the thousands of residential homes between Prairie Ave. and Hwy I-90 and between Atlas St. and the Parkllyn development. This will make traffic and parking intolerable. The surrounding neighborhoods and property values will be negatively changed.

PROPOSED ZONING DISTRICT MAP:

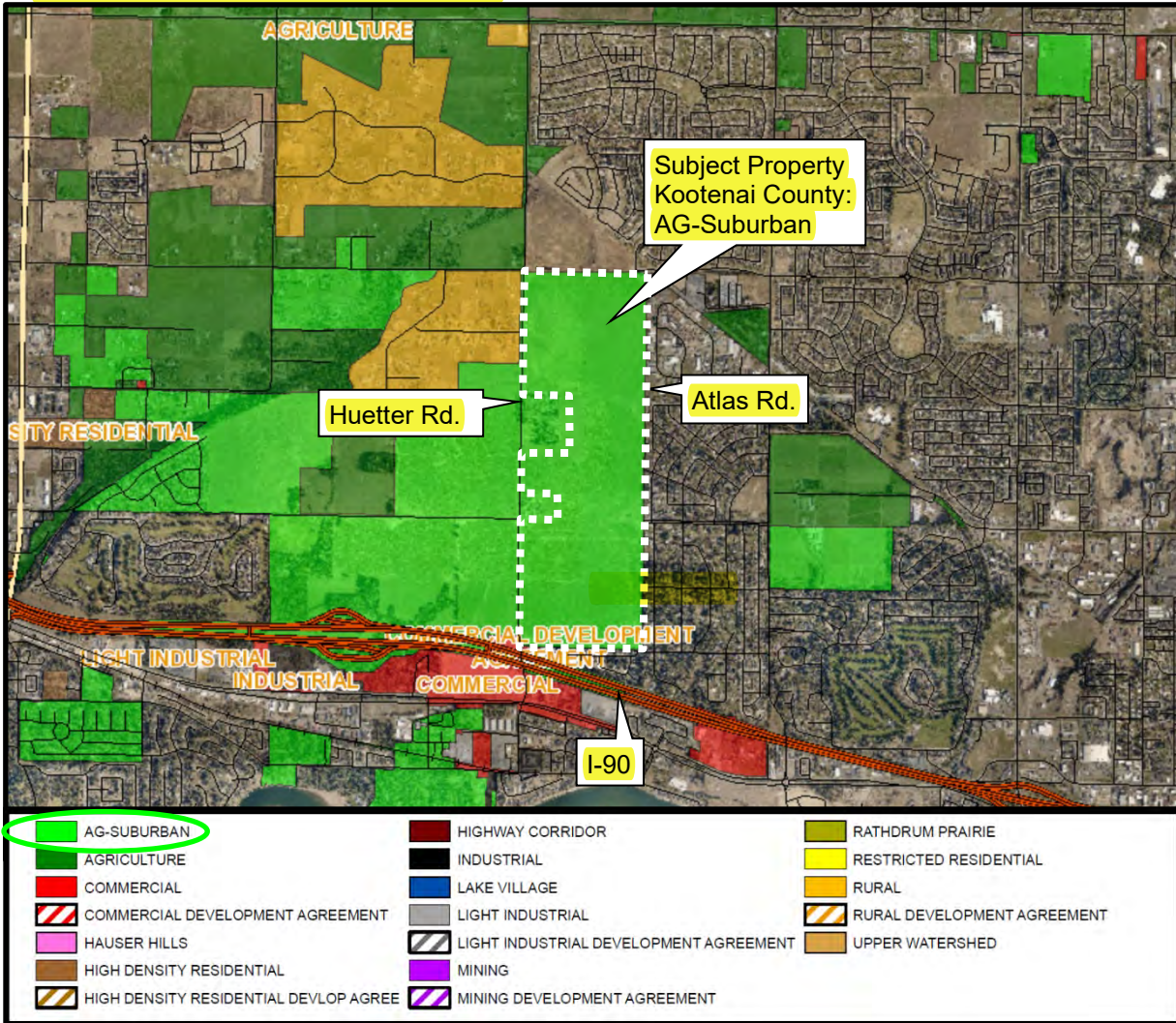






Proposed Zoning and Land Uses
 East Neighborhood
 Kootenai County Idaho
 BSB
 DESIGN
 Date: May 1, 2022
 Revised: July 8, 2022
 BSBDESIGN.COM

KOOTENAI COUNTY ZONING MAP:



CURRENT KOOTENAI COUNTY ZONING:

ARTICLE 2.3. AGRICULTURAL SUBURBAN ZONE

8.2.301: GENERAL DESCRIPTION:

The Agricultural Suburban Zone is a zoning district in which the land has been found to be suitable for residential and small-scale agricultural uses.

8.2.302: RESTRICTIONS:

In the Agricultural Suburban Zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title), except for the following uses in accordance with the standards set forth in this article.

8.2.303: LOT SIZE, DENSITY AND SITE AREA:

The minimum lot size in the Agricultural Suburban Zone, except in conservation subdivisions, shall be two (2.00) acres.

Note: Since the subject property is located over the Rathdrum Prairie Aquifer, it cannot be subdivided to less than 5.0 acres in size. Moreover, the density shall be a maximum of (1) single family residence on 5.0 acres, thus prohibiting Accessory Living Units (ALUs) unless the parcel is 10.0 acres or greater in size.

-Submitted by Vlad Finkel, Planner III, Kootenai County Community Development

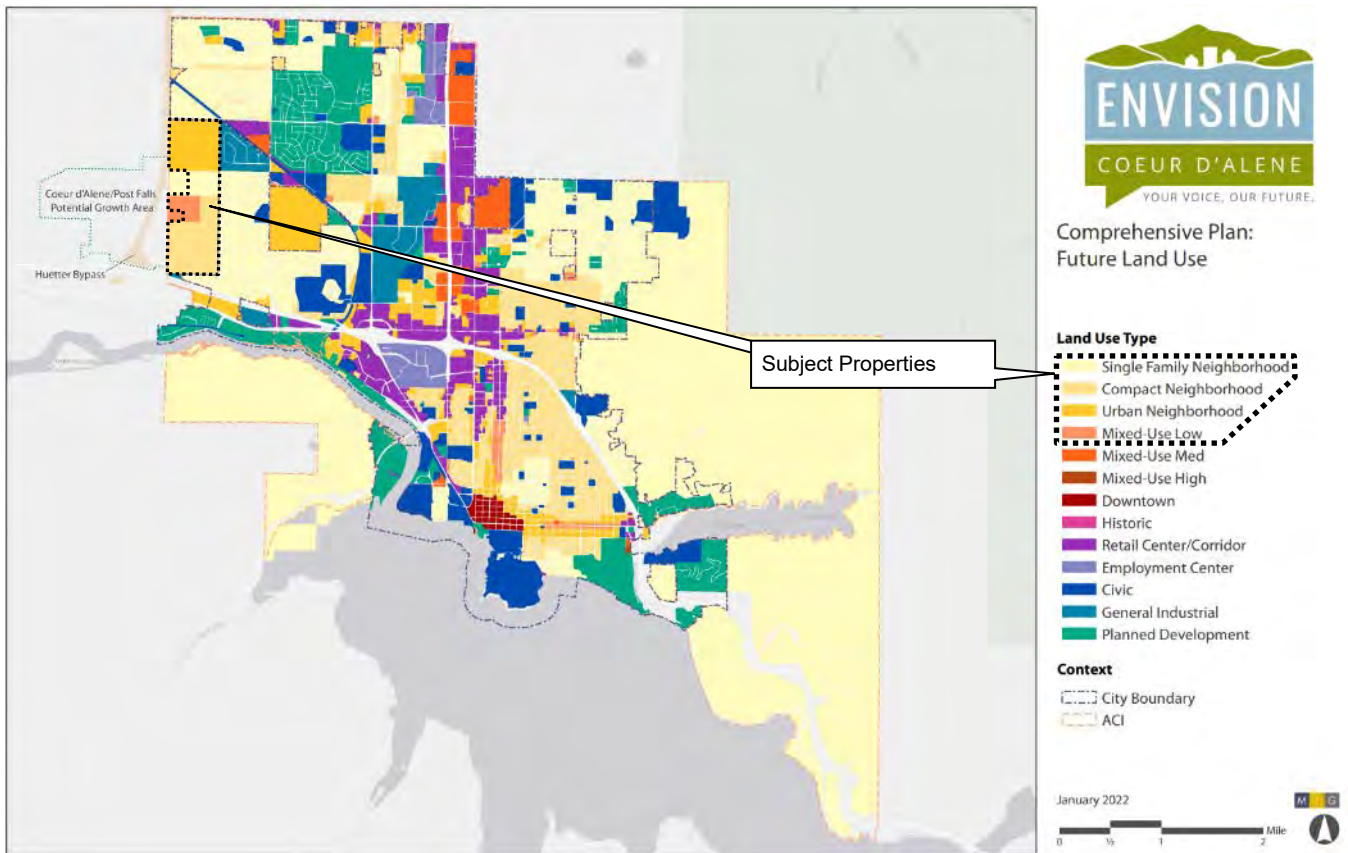
REQUIRED FINDINGS FOR ANNEXATION:

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

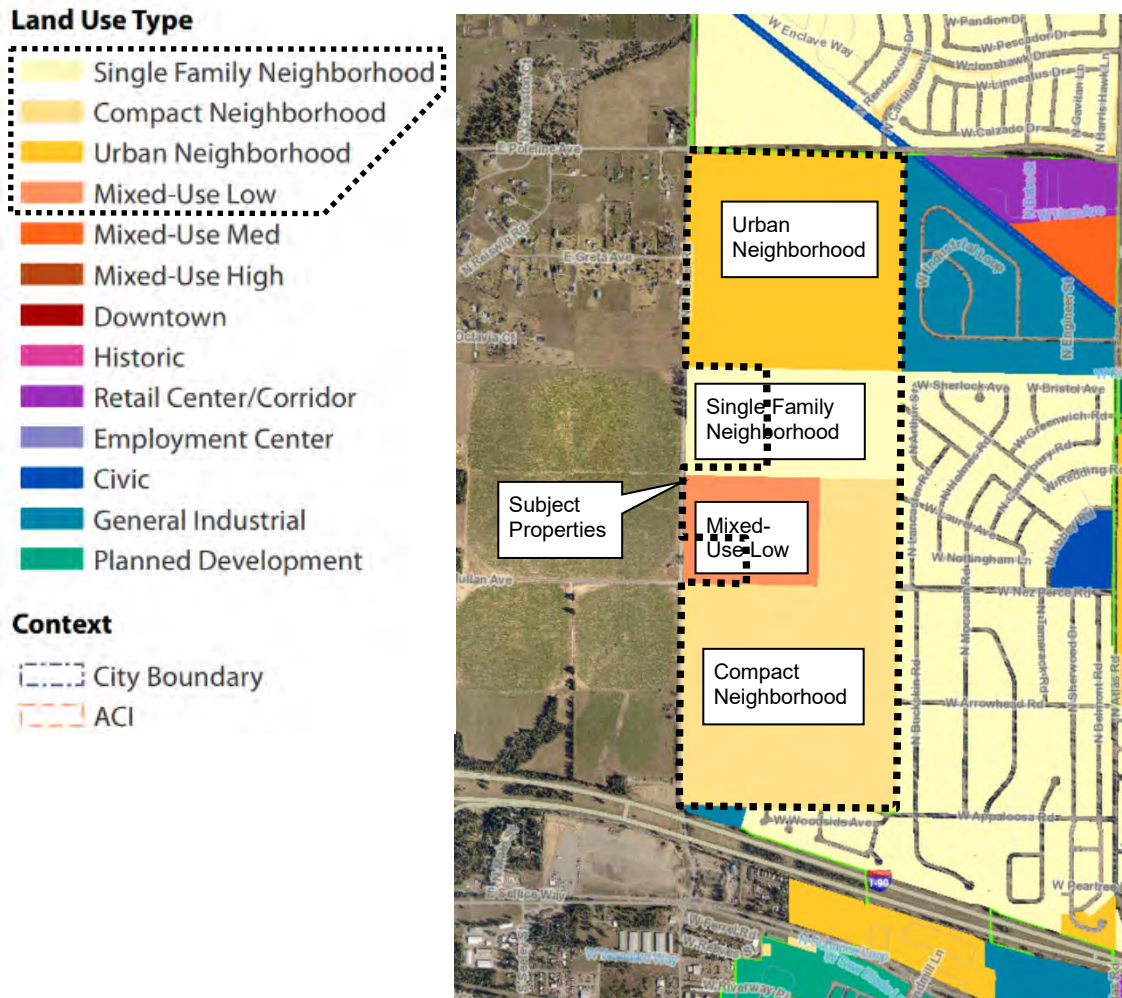
2022-2042 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is within the Area of City Impact (ACI).
- The City’s 2022-2042 Comprehensive Plan categorizes this area as:
 - Single Family Neighborhood
 - Compact Neighborhood
 - Urban Neighborhood
 - Mixed-Use Low

Future Land Use Map (City Context):



Future Land Use Map (Neighborhood Context):



Place Types

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

From: Bill Todd
To: [MCLEOD, RENATA](#)
Subject: SAY NO TO COUER TERRE ANNEXATION
Date: Tuesday, February 07, 2023 2:19:37 PM

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

Dear City of Coeur d'Alene Councilmembers,

As a 20-year homeowner in Indian Meadows, we ask that you don't allow the traffic to flow through our neighborhood for Coeur Terre. When our development was planned 40 years ago it was designed to provide a quiet space on large 1-acre lots for families in a rural setting. Allowing traffic through this neighborhood would take away from the unique qualities that this neighborhood offers to the families who already live here and have for generations.

We understand that growth is inevitable, but please reconsider the traffic flow plans and the location of the school in that development. The long-term citizens of Indian Meadows don't deserve the disruption that this new planned community will do to us for the sake of out-of-staters moving in.

Respectfully,

William M Todd
4302 W. Appaloosa Rd.
Coeur d' Alene, ID 83815

From: Jeff Voeller <jvoeller@cdaschools.org>
Sent: Thursday, February 16, 2023 12:57 PM
To: PATTERSON, HILARY <HPATTERSON@cdaid.org>
Subject: Re: Email requested

Hilary, Thank you for reaching out to me earlier in the week to discuss the schools site locations in the Coeur Terre Development and to share the concerns that Council Members shared as well. Here are my responses based on the comments you shared with me.

As a District, working with Coeur Terre, we strategically requested the location of the school sites in the general areas as they have been depicted on the development plans for quite some time.

When the District completed our reboundary to bring Northwest Expedition Academy (NExA) into the district at the new school site in 2020, we looked at future growth projections factoring estimated growth along the western part of the district including the build out of Coeur d'Alene Place and the Coeur Terre Development.

Location of Middle School: We feel like the Middle School needs to be located as far North as possible for several reasons:

- * It creates some separation from Woodland Middle School.
- * Locating the Middle School to the south or in the middle of the development is too close to Woodland and creates awkward zoning.
- * Based on the modeling for this future middle school and enrollment projections, this middle school would most likely draw students from Atlas and NExA to provide necessary relief at Woodland. It could also draw from the new elementary school in the South of Coeur Terre, either way it is appropriately located for these potential school zones.
- * The Middle School in the south or middle of the Coeur Terre land would significantly impact the potential to draw from the North Western Elementary Schools.
- * It is our desire to create a feeder system to the extent possible, so a complete elementary zone would feed a specific middle school and the middle schools feed a high school. This 4th Middle School would allow that to happen and location in the Northern portion of Coeur Terre makes that possible. Otherwise we may have some unique zones and could have to revert back to splitting Elementary zones to serve different middle schools.
- * The northern location as shown on the drawings is adjacent to a sewer lift station that the school could tie into. It keeps the option open for the District to build a school ahead of the developer rather than relying on infrastructure of the development.
- * We like the connectivity of this location due to the proximity to the Prairie Trail that will provide safe walking and biking paths to school
- * It makes sense to put a school next to the existing water tower rather than single family homes.

Regarding Concern of proximity to C17 Zoning allowing commercial with the idea of a convenient store:

- * Middle School Campuses are not open during the day, so students are not allowed to leave as you see at the high schools.
- * Students are not allowed to go to the market immediately before school. Existing schools have crossing guards and staff to help manage the flow of students.
- * We would advocate for safe crossings to be installed using Rapid Flashing Beacons or controlled crossings during construction and build out.

Location of the Elementary School:

- * The District has strategically requested placement in the South of the Coeur Terre Development
- * The Future Growth Modeling and proposed future school zone would draw the Coeur Terre Development (N/S) and Extend E/W with the Freeway as the southern border likely to Hwy 95. This location is nicely suited to be central to this likely school zone.
- * A central or north Location of an elementary School is too close to Skyway
- * This location is also near sewer on the South of the development that could potentially be accessed ahead of development.

Regarding the idea of a shared campus:

- * There are pros and cons to each model. Sharing play fields, parking, etc are positives,
- * Currently this is not a model we have in our District
- * We feel like a shared campus would increase the traffic impact for longer periods in a given area and there is overlap as parents stage to pick up for an elementary school, near the time the middle school is releasing students
- * We feel like separating the school sites helps to disperse and minimizes the traffic disruption to a specific area
- * We hear that people would appreciate separation of middle school and elementary school because the varying levels of maturity between the age ranges.
- * Increases infrastructure required to serve a larger combined campus, especially sewer. Separation allows for flow to separate lift stations.

Central Location:

Coeur Terre has shared with us that locating the school sites in the middle of the development could delay accessibility to school site for 10+ years as it would be awhile before development and infrastructure is extended to the middle of the development.

Regarding the comment that the schools to be turnkey, in that the developer would pay fully for the schools and hand them over to the district.

Currently the law does not allow for School Districts to collect Impact Fees from Developers. Even in states that collect Impact Fees, I am unaware of any fees that would fully fund the construction of schools, however some other states do either fully or partially fund construction.

We appreciate that Coeur Terre has offered to dedicate a 10 acre parcel and has agreed to sell the 20 acre parcel below market value to the district. This is the first time in over 30 years a developer has voluntarily offered to work with the school district in allocating sites, working with the district to plan the location of sites, and dedicating the land for a site, with the purchase of the second site below market value. We greatly appreciate this donation and partnership in planning for the future of the district's needs.

The district has set aside funds for the purchase of the 20 acres using the Sale of the Hayden Meadow 10 Acre Field and the Old Hayden Lake School.

With the annexation, two school sites will be owned by the district, at no cost to the local taxpayers, allowing for the future construction of schools to provide a path for the district to accommodate current crowding and anticipated growth. Since the State of Idaho does not provide any

funding for construction or remodels of schools, after acquisition of the sites, the School Board will need to consider the appropriate timing and funding mechanisms to construct the schools.

As such, we request that Council consider the planning, work and thought that has gone into the school site locations.

Please let me know if you have any additional questions or concerns. I would be happy to discuss and share school zone maps if that would help clarify the siting decisions of school locations.

Thank you,

Jeff Voeller
Director of Operations
Coeur d'Alene School District
1400 N Northwood Center Court
Coeur d'Alene, Idaho 83814
Office: 208.664.8241 x 10004
Fax: 208.676.1011

Sheet1

parcel number	AIN	acreage	assessed value 2021	Tax 2021	Tax 2022
440 acres Annexation					
51n04w333100	343012	39.15	\$56,432.00	\$443.17	\$311.09
51n04w332500	343011	40	\$86,330.00	\$639.20	\$546.42
51n04w343700	143623	40	\$57,686.00	\$499.04	\$364.04
51n04w343300	142685	40	\$58,800.00	\$459.27	\$321.67
05700001001av	128956	40.39	\$59,292.00	\$393.28	\$254.50
05700001005a	185900	35.6	\$546,182.00	\$3,575.66	\$3,957.00
05700002001a	128181	41.28	\$60,287.00	\$402.40	\$260.34
50n04w043100	343779	39.56	\$57,055.00	\$378.67	\$245.13
50n04w042600	142685	39.9	\$58,657.00	\$389.11	\$251.88
50n04w043700	343780	20	\$28,843.00	\$194.24	\$126.95
50n04w044300	343781	20	\$29,400.00	\$197.91	\$129.09
50n04w044000	103743	19.78	\$28,843.00	\$194.24	\$126.75
50n04w044600	106733	20	\$28,400.00	\$197.91	\$129.09
	total>>	435.66		\$7,964.10	\$7,023.95
				\$18.02	\$15.89

	AIN	acres	2021 assessed value Land	Tax 2022
600 acre portion				
50N04W050400	109548	32.68	\$48,044.00	\$206.68
04840000013A	100326	29.78	\$116,393.00	\$426.55
04840000017A	136308	8.7	\$51,111.00	\$236.69
04840000019A	101098	11.25	\$16,543.00	\$73.14
04840000023A				
04840000028A	142475	12.21	\$430,299.00 <imp too **	\$2,301.65
48400000290	103741	10.05	\$46,180.00	\$126.32
04840000030A	118031	20.13	\$29,594.00	\$126.32
048400000320	258986	10.08	\$14,815.00	\$66.08
04840000033A	258985	40.29	\$59,223.00	\$247.04
50N04W050100	236812	39.6	\$58,216.00	\$292.09
51N04W329000	343034	39.95	\$65,356.00	\$288.79
51N04W328500	104597	40	\$58,800.00	\$245.33
51N04W327000	343028	40	\$139,356.00	\$576.26
51N04W226000	343024	29.38	\$80,024.00	\$294.64
51N04W319500	343019	40	\$57,464.00	\$241.00
51N04W317500	130137	28.14	\$89,746.00	\$322.41
51N04W325500	148141	39.75	\$67,275.00	\$272.62
51N04W324900	109606	40	\$58,800.00	\$263.57
51N04W328000	343032	40	\$58,800.00	\$245.33
51N04W327350	343033	40	\$57,686.00	\$240.78
51N04W322300	140473	20	\$28,812.00	\$123.15
	Total.>>	611.99		\$7,216.44

04840000023A	122570	18.04	\$373,866.00	\$10.60
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comparison				Per acre tax \$
50N04W052300	105542	2.95	\$201,552.00	\$948.00 \$321.36

Sheet1

50N04W052275	137642	1.59	\$235,683.00	\$843.35	\$530.41
05700001007A	106182	22.02	\$223,995.00	\$1,178.66	\$53.53
05700001006A	338895	10	\$204,878.00	\$1,031.50	\$103.15
051N04W336400	105796	10	\$521,193.00	\$2,355.09	\$235.51
brickett estates on greta					
00965002003O	210559	4.87	\$247,986.57	\$1,433.80	\$294.42
00965002001B	224126	4.5	\$242,520.37	\$1,469.86	\$326.64
			7 above average=		\$266.43

per acre tax

<<<IDOT owns

**land 310609, imp 119600 27.8% improved
zero or oh AT END?

\$14,240.39

\$11.79 ,per acre tax paid

<<<IDOTowns adj rest area on west

rate per acre AV per acre
0.0047 \$68,322.71

fwy huetter

Sheet1

0.00358 \$148,228.30

1 north of above

\$10,172.34

559585, 59.97 farm1

armstrong

\$20,487.80

603058, 66.03 Farm 2

\$52,119.30

521193, 32.99 farm3

brickett estate SWC Greta and Huetter

\$50,921.27

560295

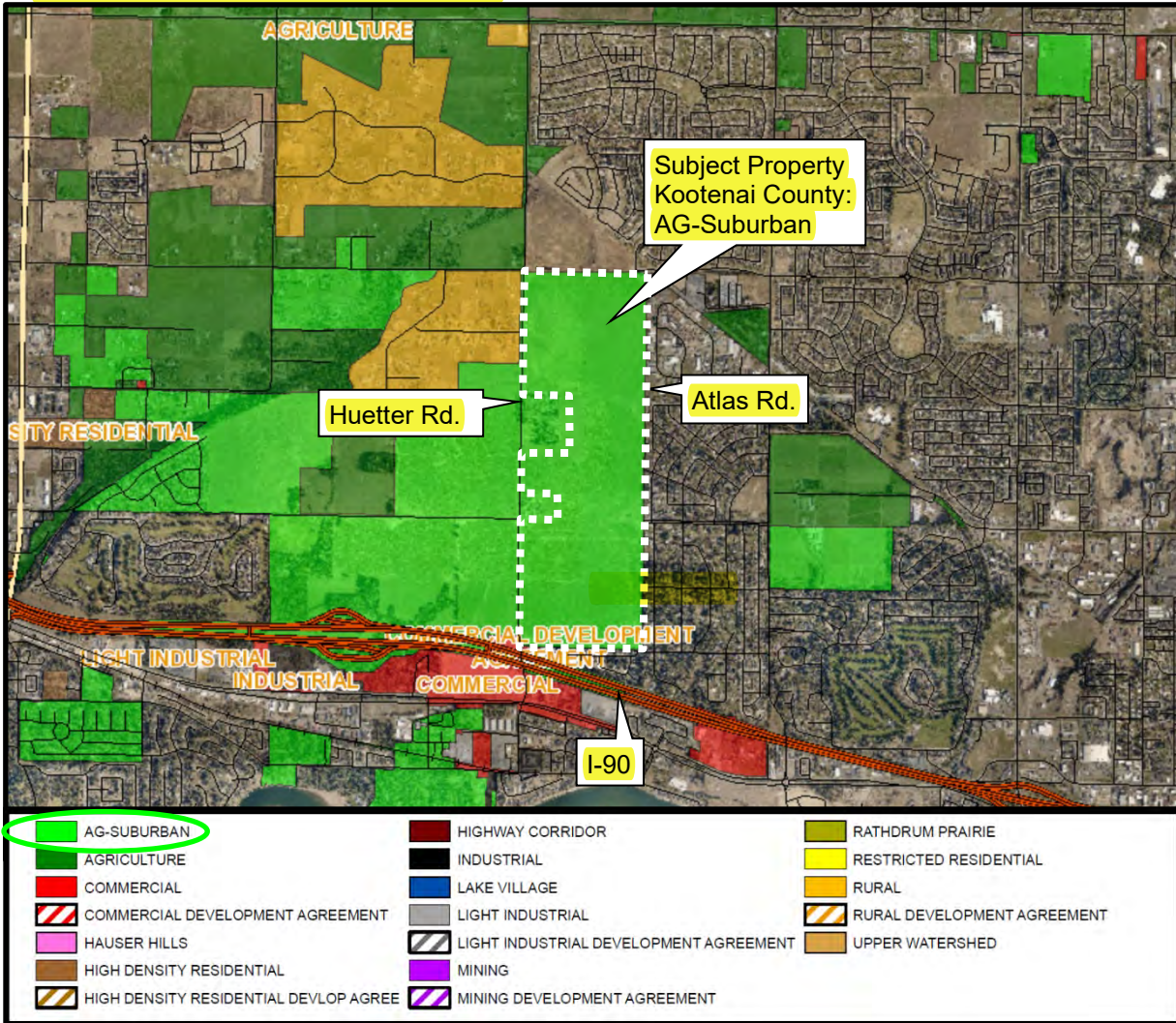
0.5574

\$53,893.42

736920

0.6709

KOOTENAI COUNTY ZONING MAP:



CURRENT KOOTENAI COUNTY ZONING:

ARTICLE 2.3. AGRICULTURAL SUBURBAN ZONE

8.2.301: GENERAL DESCRIPTION:

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Note: Since the subject property is located over the Rathdrum Prairie Aquifer, it cannot be subdivided to less than 5.0 acres in size. Moreover, the density shall be a maximum of (1) single family residence on 5.0 acres, thus prohibiting Accessory Living Units (ALUs) unless the parcel is 10.0 acres or greater in size.

-Submitted by Vlad Finkel, Planner III, Kootenai County Community Development

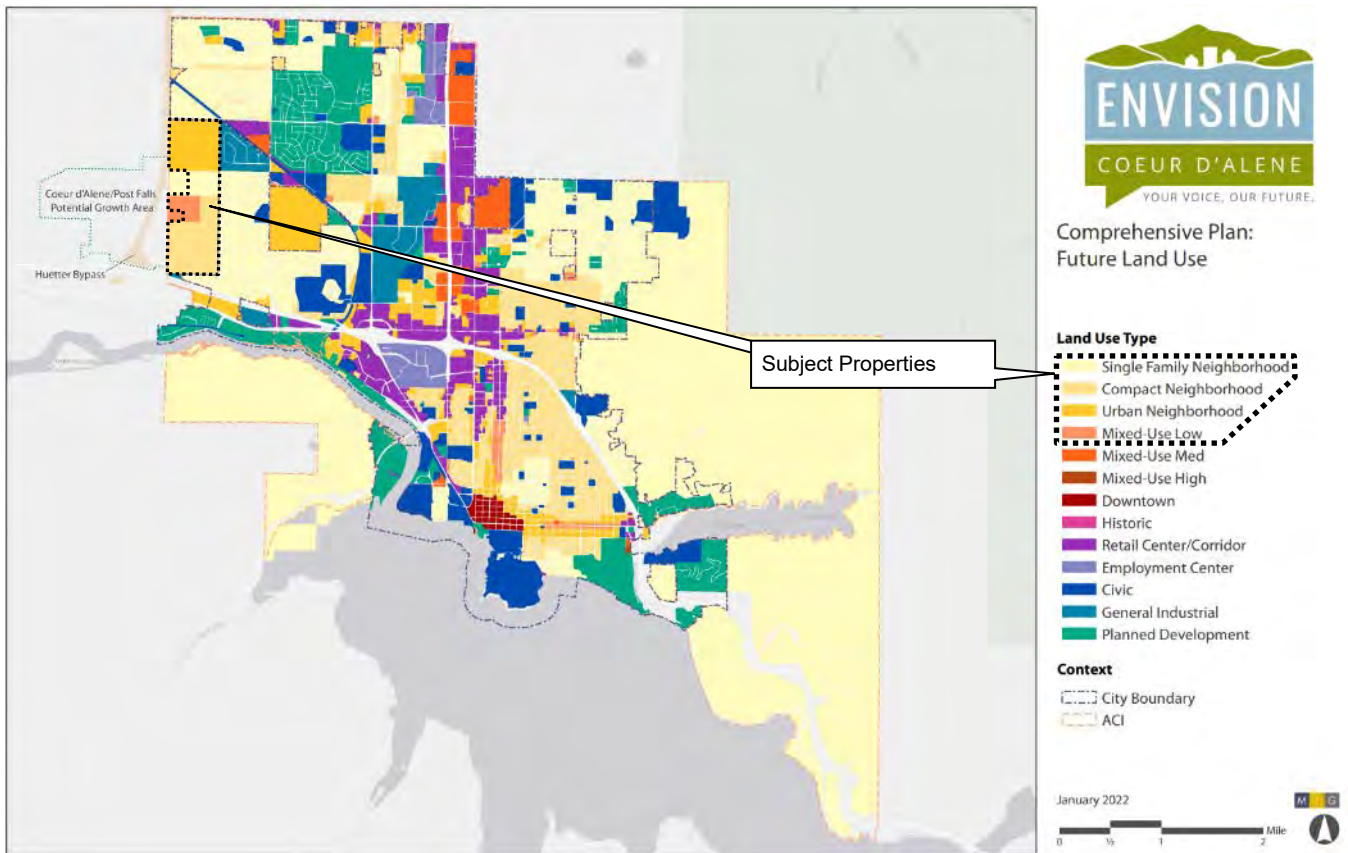
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2022-2042 COMPREHENSIVE PLAN- LAND USE CATEGORIES:

- The subject property is within the Area of City Impact (ACI).
- The City’s 2022-2042 Comprehensive Plan categorizes this area as:
 - Single Family Neighborhood
 - Compact Neighborhood
 - Urban Neighborhood
 - Mixed-Use Low

Future Land Use Map (City Context):



City of Coeur d'Alene City Council,

March 14, 2023

I would request that The City of Coeur d'Alene not approve the Coer Terre development request as listed.

The concerns of my family are as follows:

1) An increase in population density of 22,000 + is the size of a city. This will place a huge burden on tax payers, Police, Fire, Street Department, Sewer System and Water Systems.

2) Zoning on the east side of the proposed development lists R-8 and does not serve to blend zoning into Indian Meadows or our neighborhood which is Northshire. The quality of life would no doubt suffer for the existing neighborhoods. Would you want someone looking down from a second story window into your bathroom? I think not.

3) Traffic flows have obviously not been studied. In Northshire, traffic is already heavy enough and speeding vehicles are a normal occurrence. The developer has been suggesting the use of Nez Perce Dr. as one of the main ingress and egress routes to the proposed development. For all practical purposes, that will turn Nez Perce Dr. into a heavy-use street. ALL residents are also concerned that the trees will be cut down in the center of Nez Perce Dr. which would be a terrible thing to do or allow to be done so as to satisfy the developer.

4) There has been no studies of the aquifer, it's safety and it's ability to serve yet another community without depleting it's reserves. No person wants to be water rationed for the sake of a developer wanting to build and sell/rent housing units.

I would ask each and every one of you if having a development such as this put in or at the edge of your neighborhood would enhance or degrade your quality of life. Especially considering that the land in question has been beautiful farm land for so long. Let your conscience be your guide.

Sincerely,

Brian & Denise Kitchen
4110 N Lancaster Rd (Northshire)
Coeur d'Alene, ID 83815

Dear City Council Members,

As a 21 year resident of Indian Meadows we ask you all to deny the Coeur Terre development with prejudice as it is currently planned. Here are the reasons why:

1. Why disrupt a complete neighborhood for the benefit of people who may not be invested in our community?
2. We believe there should be no access from the east into the development, because even with two accesses (Nez Perce and Appaloosa) people will by nature find the faster route out, impacting the whole Indian Meadows neighborhood!
3. Atlas road is already super busy and the River's Edge project is not even finished. When it is, Atlas Road will become their favorite way out.
4. No traffic studies have been done for Atlas and the two accesses they want from the east.
5. They talk about having a police substation which should suffice, so the police won't need access from the east.
6. We have watched every city council meeting and am concerned that a few members don't really know what they are voting for.

We are not opposed to the development but we are opposed to using Indian Meadows as a pass-through. Please consider the long-time residents of an already established neighborhood when you vote. Thank you for your time.

Sincerely,

Bill and Darci Todd
4302 West Appaloosa Road

From: Wayne Passow
To: [STUHMILLER, SHANA](#); [MCLEOD, RENATA](#)
Subject: Proposed development
Date: Wednesday, March 15, 2023 9:00:02 AM

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

I'm Wayne Passow and President of Orchard Lands HOA which is boarded by Appaloosa on the north and Atlas on the east. The board members of Orchard Lands have attended past meetings. The HOA is concerned to hear that they are considering Nez Perce and Appaloosa as through streets. I would agree that those streets may be needed for Police and emergency services but not for the general public. Rather than making these through streets the city could develop city bus service to this proposed development. They could use controlled emergency gates for the police and emergency vehicles that can be opened remotely. Im sure the technology exists. Our concern in Orchard Lands would be traffic backing up on Appaloosa and people using southbound Belmont and Sherwood to access Peartree which is one block south of Appaloosa to reach Atlas. Traffic lights at Appaloosa and Nez Perce would be needed for safety which would mean 4 traffic lights in just over a mile on Atlas. Once that happens people will start using Evergreen and other neighborhood streets that line the golf course to the east. We use those streets now to avoid Kathleen. That additional traffic would impact not only the neighborhoods east of Coeur Terre but also the neighborhoods east of Atlas. It would only get worse. At this time it is difficult if not dangerous at times to enter Atlas from either Appaloosa or Peartree. Hanley should be the only east access as Hanley could be widened from Atlas to Ramsey as there is plenty of room to do so plus the traffic control is already installed.

Other concerns would be for the Aquifer both usage and pollution from the continued growth of this area. There are numerous places in the USA who have water problems due to ground water depletion. In the past 4-5 years there already has been an explosion of homes and apartment complexes and I wonder where all these people work as I don't see equivalent growth in the business sector. Maybe Coeur D Alene wants to support the employers of Washington. I believe the infrastructure is already stressed with the growth that has occurred just in the recent past. The city should concentrate on development within the city rather than uncontrolled expansion. I see new apartment complexes on Government Way and 4th street and also some new homes that have replaced older structures. This type of development will benefit the neighborhood business by increasing density in an already developed area. The proposed development does nothing for the city other than increasing the needs for additional infrastructure and cost. Does the City really want to take on this burden. I would say the majority of residents would say no if it were to be voted on.


I am asking the council to deny with prejudice

From: Sean Jackson
To: [STUHMILLER, SHANA](#)
Subject: Coeur Terre impact on existing neighborhoods
Date: Wednesday, March 15, 2023 9:35:46 AM

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

Council, please deny with prejudice the plan for this proposed development. There are too many concerns by too many existing Coeur d'Alene residents to allow this to pass. Thank you,

Sean Jackson
3205 Buckskin Rd
Coeur d'Alene

To: The Coeur d'Alene City Council 
From: Holladay and Sandy Sanderson, Sherwood Drive, CDA/Queen Anne Estates
between Indian Meadows and Atlas
RE: Coeur Terre, Appaloosa and Nez Perce
Date: March 15, 2023

Holladay attended the February 7 City Council meeting and both of us attended the February 21 City Council meeting because we live in Queen Anne on Sherwood Drive between Appaloosa and Nez Perce and between Indian Meadows and Atlas. We were hopeful after the close of the February 7 meeting because:

1. McEvers asked about NO East Access for Coeur Terre and other members concurred.
2. The land company said they could work with no East Access. According to a City staff member, the attorney for the land company said they would agree to no East Access.
3. The land company mentioned their development, The Trails, to the north of Coeur Terre. There is no East Access there, they said, and it works.
4. While the Police Chief named Nez Perce and Appaloosa as nice access points south of Hanley, the Fire Chief spoke of a new station at Seltice and Atlas, emphasizing response time needs. This implied to hearers more of a use of Hanley and Seltice for access to Coeur Terre.

After hearing of the meeting that the Indian Meadows group had to ask for with the land company after the City Council meeting on 2/7, we learned that "No East Access" not in the mix.

One Sunday, after the 2/7 meeting, we were out for an afternoon drive and we discovered that, actually, at **The Trails**, there is no WEST access on Huetter. We wondered how homeowners got in if there was no East Access. On February 22, after we sat through the 2nd City Council meeting that gave Indian Meadows and our Queen Anne one more reprieve from cross-through streets and added one more public hearing, Holladay drove through The Trails via the entrance to Hawks Nest on Hanley in order to discover how The Trails could be accessed.

Holladay went to the Trails because it seemed that the City Staff and the land company both "**listened but they did not hear**" the concerns of the people in our neighborhoods. In fact, while attending that meeting and hearing the presentation, we felt as if all our concerns were dismissed far too easily. Our concerns did not seem to matter nor did they seem to be seriously considered.

Behind Hawks Nest and The Landings is a wide boulevard named Carrington. This road goes north-south and connects all the homes in the THREE developments (Hawks Nest, The Landings, and The Trails) to Prairie. In addition, both Johnshawk (Hawks Nest) and Newbrook (The Landings) offer East Access for The Trails. So The Trails does have East Access to Atlas.

These cross streets of Johnshawk and Newbrook are very wide boulevards (like Carrington) with a lot of property on both sides before one reaches the fence line that protects the homes from these wide cross streets east of The Trails. The Trails connects to them on Carrington via traffic circle. We ardently hope that cross streets like that will never be in the plan for Nez Perce and Appaloosa, those (now) cross-through streets we had hoped would be left alone.

Alas not so. At the February 7th meeting, the KMPO representative spoke of using Mullan/Nez Perce between Huetter and Atlas as a means of *lowering* traffic on Huetter. Every street along Appaloosa and Nez Perce will be impacted by the presence of these two cross-throughs to Coeur Terre. There were no maps with readily visible depictions of how the traffic would be “discouraged” by road patterns in Coeur Terre. It is not heartening at all to be asked to settle back and hope someone cares how much traffic will be added to Appaloosa and Nez Perce or how much traffic will effectively spoil our neighborhoods to the east of Coeur Terre for all time.

Another matter arising in the Feb 21 meeting was that it has now become a public safety issue to require the cross streets when it was NOT so urgent during the “No East Access” discussions at the February 7 meeting. Councilman Wood specifically asked about this and received a response from staff that it was a public safety issue. How important are they if Coeur Terre is supposedly going to engineer the streets to discourage the use of Nez Perce and Appaloosa as cross through streets? If those two streets must be used, will they have to be widened or otherwise changed?

The cross-through streets needed by the Police Department leaves us with more fear re: any developing planning of these cross throughs. Ongoing re-evaluations of traffic are promised in the future. What will be “altered” to accommodate Coeur Terre years down the road while dismissing our already-existing neighborhoods? Whom can we trust to keep us in mind?

Coeur Terre is going to require an upgrade of the Appaloosa Trunk Main. How much street construction will that require and will the city be trying to widen the street while it is done to satisfy the Coeur Terre needs? Are there plans to condemn some of the property lines in our neighborhoods to create those wide cross streets seen in Hawks Nest and The Landings? Will curb and gutter requirements be altered to meld better with Coeur Terre? Which neighborhood has to lose its character for the other? Why are Indian Meadows and, by extension, Queen Anne and Northshire, the ones to have our character and identities sacrificed for the sake of this outsize development?

So much is still not known. How can the Council be ready to approve this annexation?

The Zoning between Coeur Terre and Indian Meadows is not compatible either in spacing or design. Using The Trails as a model of the building designs of Coeur Terre, the designs do NOT mesh with the adjoining neighborhoods. Nothing at The Trails (which is already expanding westward into a new neighborhood) matches Indian Meadows or Northshire...both of which will have a whole twelve feet of buffer between R-1 and R-3.

There has been no traffic study to see how 10,000-20,000 more cars will impact Indian Meadows, Queen Anne, and Northshire on Nez Perce and Appaloosa.... both of which DEAD END onto Atlas.

Atlas has too much traffic as it is. The number of cars passing through WILL make traffic worse at Atlas as well as destroying the character of both of our neighborhoods. Atlas in our area south of Kathleen is a collection of streets on both sides that dead end onto Atlas and never cross. Add in Coeur Terre cramming into Indian Meadows/Queen Anne and the situation merely gets worse.

The KMPO proposed a **middle lane on Atlas**. South of Kathleen will truly become a nightmare with all those streets that have exits so close together. Do you really think that only one car will be waiting to enter Pineridge when another car comes up to get into Appaloosa or Arrowhead? A third lane will simply fill the middle lane with drivers not knowing who should yield to whom in which direction while trying to enter Queen Anne or Fairway Hills. No doubt all these dead ends at Queen Anne and Fairway Hills on Atlas were to discourage traffic passing through our neighborhoods. All together they can create traffic clogs instead of removing them.

And now there is this proposal to invite Coeur Terre to add to the traffic challenge at Atlas. Please keep all this traffic off our roads. Please do not cross through to our neighborhoods from Coeur Terre. Atlas will become unsafe to drive south of Kathleen and north of the bridge.

Queen Anne has smaller lots than Indian Meadows, but **it will be less safe with more and more traffic to continue with quiet walks "around the block."** Any of the two blocks we pick for walks will have to deal with Nez Perce and/or Appaloosa and perhaps even Arrowhead as drivers dodge past backups onto Atlas. Adding traffic from Coeur Terre through Indian Meadows and Queen Anne on Appaloosa and Nez Perce will basically destroy the neighborhood we have long enjoyed. Why do our neighborhoods have to bear the burden for a higher density development? Why destroy our neighborhoods for the sake of more development.

Amid all of this talk of traffic, no one has even considered the **impact on Atlas and Nez Perce with that new building complex** that is being built in Northshire by the Dog Park and Tennis Courts. That completion and Coeur Terre will make Nez Perce even more dangerous.

What has been unsaid about Coeur Terre that could still impact us? There is so much planning that is unsaid and unknown that we are being asked to take on good faith. It may take 30 years for the full impact to be felt, but we should have as much information as possible now before the aquifer is depleted and before Indian Meadows, Queen Anne and Northshire are all destroyed as quiet neighborhoods... and all for the sake of more tax dollars and more development. Please hear our concerns.

Please, we ask you to DENY WITH PREJUDICE the annexation of Coeur Terre.

City Council Meeting



March 21, 2023

A-4-22: Coeur Terre (440+/- Acre Annexation)

APPLICANT:

Kootenai County Land Company, LLC
1859 N. Lakewood Dr. #200
Coeur d'Alene, ID 83814

CONSULTANT:

Connie Krueger, AICP
1859 N. Lakewood Dr. #102
Coeur d'Alene, ID 83814



A-4-22: Coeur Terre (440+/- Acre Annexation) Request

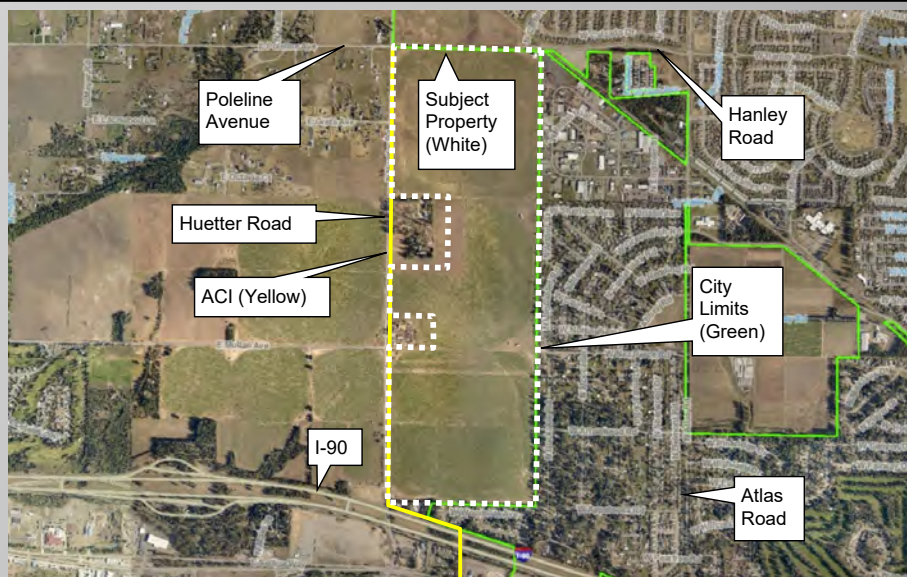
Kootenai County Land Company, LLC, through their representative Connie Krueger, is requesting consideration of annexation for a +/-440-acre parcel in Kootenai County, currently zoned AG-Suburban, to be incorporated into city limits with a mix of zoning designations including:

R-3, R-8, R-17, C-17L, and C-17.*

**Note: A separate motion is required for an annexation & development agreement.*



A-4-22: Coeur Terre (440+/- Acre Annexation) Vicinity Map



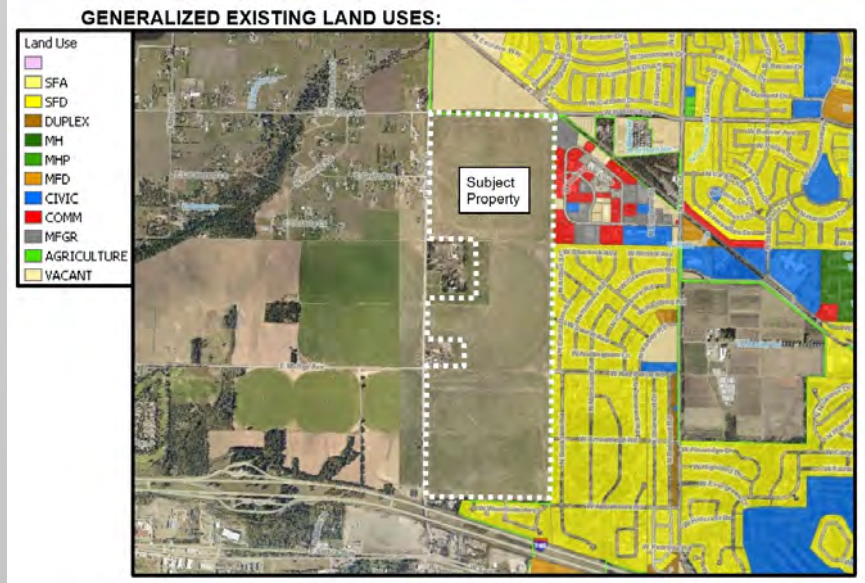
A-4-22: Coeur Terre (440+/- Acre Annexation) Bird's Eye View - Looking North



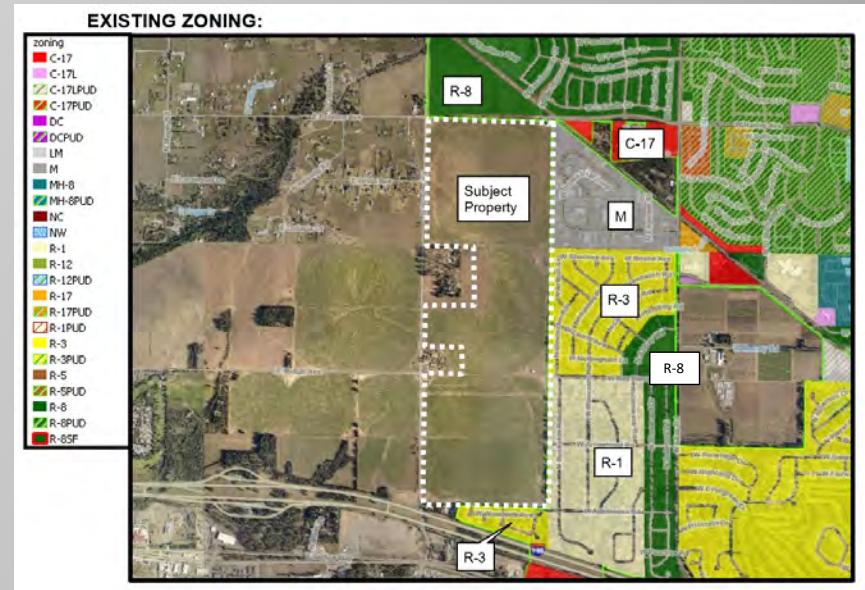
A-4-22: Coeur Terre (440+/- Acre Annexation) Surrounding Neighborhoods and Uses



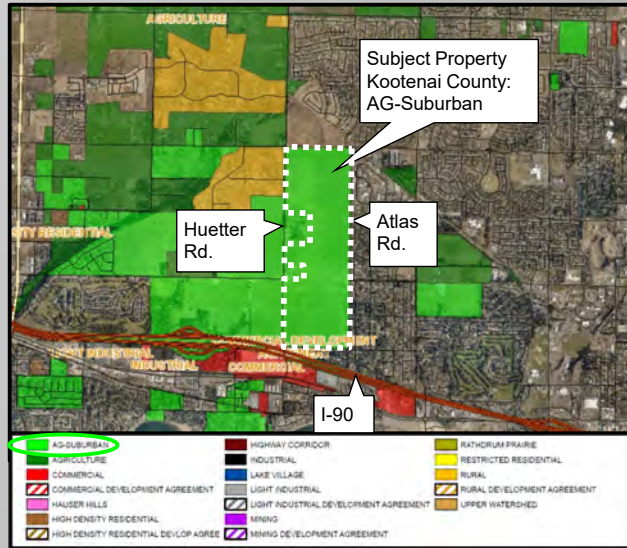
A-4-22: Coeur Terre (440+/- Acre Annexation) Existing Land Uses



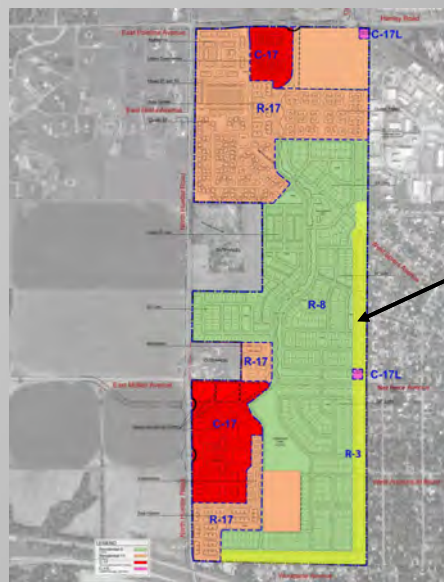
A-4-22: Coeur Terre (440+/- Acre Annexation) Existing City Zoning Districts



A-4-22: Coeur Terre (440+/- Acre Annexation) Existing County Zoning Districts



A-4-22: Coeur Terre (440+/- Acre Annexation) REVISED Zoning Map (Exhibit C)



New R-3 Zoning Buffer Area



A-4-22: Coeur Terre (440+/- Acre Annexation) Five Requested Zoning Districts

R-3: (NEW)

- Buffer Area
 - 47.053 acres

R-8: (REDUCED IN SIZE)

- Main District
 - 187.099 acres

R-17:

- North District
 - 114.941 acres
- Middle District
 - 6.076 acres
- South District
 - 30.428 acres

C17L:

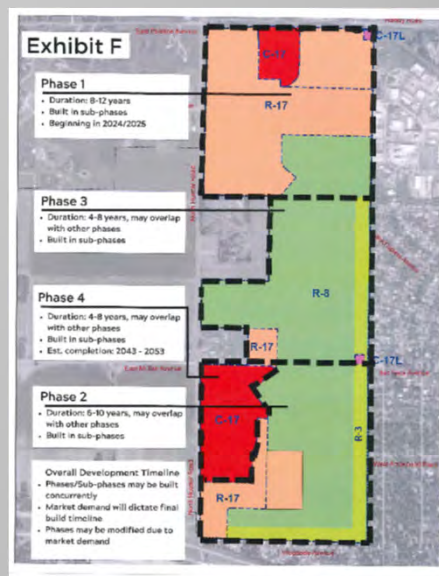
- Existing Water Tower Site:
 - 0.517 acres
- Future Well Site: To be dedicated to City
 - 0.517 acres

C-17:

- North District
 - 12.239 acres
- South District
 - 39.158 acres



A-4-22: Coeur Terre (440+/- Acre Annexation) NEW Preliminary Phasing Plan (Exhibit F)



A-4-22: Coeur Terre (440+/- Acre Annexation) NEW R-3 Zoning

17.05.010: GENERALLY:

- A. The R-3 District is intended as a residential area that permits single-family detached housing at a density of three (3) units per gross acre (i.e., the density for an acre of unsubdivided land, regardless of where streets, etc., may or may not be located, will be calculated at a minimum of 3 units).
- D. A maximum of two (2) dwelling units are allowed per lot provided the lot meets the minimum lot square footage for two (2) units and each dwelling unit meets the minimum yard (setback) requirements.
1. For the purposes of this section, the term "two (2) dwelling units" shall mean two (2) single family dwelling units or one single family dwelling unit and one accessory dwelling unit.



A-4-22: Coeur Terre (440+/- Acre Annexation) NEW R-3 Zoning

17.05.020: PERMITTED USES; PRINCIPAL:

- Principal permitted uses in an R-3 District shall be as follows:
- Administrative.
- Essential service (underground).
- "Home occupation", as defined in this title.
- Neighborhood recreation.
- Public recreation.
- Single-family detached housing. (Ord. 3332 §4, 2008: Ord. 2049 §20, 1987: Ord. 1691 §1(part), 1982)

17.05.030: PERMITTED USES; ACCESSORY:

- Accessory permitted uses in an R-3 District shall be as follows:
- Accessory dwelling units.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed). (Ord. 3288 §7, 2007: Ord. 1691 §1(part), 1982)

A-4-22: Coeur Terre (440+/- Acre Annexation) Required Findings

Finding #B8:

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

Finding #B9:

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

Finding #B10:

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

Finding #B11:

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

A-4-22: Coeur Terre (440+/- Acre Annexation) City Council Annexation and Development Agreement Considerations

Overview of Revisions to the Agreement:

- **1.3: Zoning Districts and Zoning Map (REVISED)**
 - 200-foot R-3 Buffer
 - Updated Exhibit C
- **1.4: Maximum Number of Residential Units (NEW)**
 - 2,800 units added to address maximum number of residential allowed
 - Clarifies density is governed by underlying zoning and consistent with the Conceptual Master Plan

A-4-22: Coeur Terre (440+/- Acre Annexation) City Council Annexation and Development Agreement Considerations

- **1.5: Buffer Zone (NEW)**
 - 200-foot R-3 zoning buffer
 - Limitations within buffer area:
 - SF uses, open space, trails and public utilities
 - 32-foot maximum height
- **4.3: Street Connections to Existing Subdivisions (NEW)**
 - Limits street connections to two required access points at Nez Perce and Appaloosa
 - Bollards and lock gates are not acceptable methods of discouraging through traffic
 - Specifies traffic calming features to discourage speeding and, to the greatest extent reasonably possible, through-traffic
 - Remaining streets can be permanently terminated but that pedestrian and bicycle access shall be provided at the terminuses of these streets

A-4-22: Coeur Terre (440+/- Acre Annexation)

Existing Rights-of-Way



A-4-22: Coeur Terre (440+/- Acre Annexation) City Council Annexation and Development Agreement Considerations

- **4.4: Roundabouts (NEW)**
 - Roundabouts are prohibited on Hanley Avenue
- **4.5: Wastewater Easements (NEW)**
 - Preserves access to wastewater infrastructure
 - Prevents homes and other structures from being constructed over the lines
 - Clarifies Wastewater Department easement requirements:
 - 20 feet wide on private property
 - Any manholes on private property be located within easements
 - Unobstructed, all-weather surface so that manholes can be accessible
 - No wastewater system or public sewer line shall traverse across private land outside of an easement

A-4-22: Coeur Terre (440+/- Acre Annexation) City Council Annexation and Development Agreement Considerations

- **4.10: School Sites (REVISED)**
 - *This section was revised to incorporate feedback from the Police Department and School District. The School District selected the locations of the school sites identified in the first agreement and has asked that they not be combined.*
 - A right-turn lane for eastbound traffic on Hanley Avenue for the future middle school (PD requirement)
 - Owners would be responsible for the cost of necessary Rectangular Rapid Flashing Beacons (RRFBs), including installation costs, for both school sites
- **4.11: Police Substation (NEW)**
 - Provides for a future location of a police substation within the commercial area.

A-4-22: Coeur Terre (440+/- Acre Annexation)
City Council Annexation and Development Agreement Considerations

- **6.1: Subdivision, Planned Unit Development, Site Plan, Boundary Line Adjustment, and other Land Use Applications (REVISED)**
 - A new Phasing Plan (Exhibit F) has been provided
- **6.2: Use Limitations (DELETED)**
- **6.3: Construction Activities (NEW)**
 - Restricts construction vehicles from driving through the established neighborhoods, and requiring their access to be from Huetter Road and Hanley Avenue
- **6.4: Concurrency Analysis (REVISED)**
 - Clarifies that the concurrency analyses will include unit count, and overall density by zone, phase, and the subject property as a whole, including compliance with the total cap on density and units

A-4-22: Coeur Terre (440+/- Acre Annexation)
City Council Annexation and Development Agreement Considerations

- **6.5: Affordability Covenants with Use, Refinance, and Resale Restrictions and Purchase Options (REVISED)**
 - A mix of affordable housing to be 5% of the rental residential units and 5% of the for-sale units that meets 80-130% AMI for the date on which it is sold or rented
 - Ensures a mix of bedroom counts for all residential units
 - Affordable and workforce housing will be protected by deed restriction or another equally effective method
 - A first right of refusal for Habitat for Humanity for a minimum one (1) multifamily parcel
- **6.6: Conceptual Master Plan (REVISED):** The exhibit reference was changed from E to D.

A-4-22: Coeur Terre (440+/- Acre Annexation) Decision Points

Decision Points:

- Approval of the ordinance for the annexation request (A-4-22) *with the addition of the R-3 zoning designation* (Council Bill No. 23-1002)
- Approval of the Annexation and Development Agreement (Resolution 23-012)

A-4-22: Coeur Terre (440+/- Acre Annexation) Action Alternatives

City Council is tasked with making findings to: **approve, deny, or deny without prejudice.**

Also, **a separate motion** for the annexation & development agreement is required.

If City Council decides to *approve* the request, upon signature of the annexation & development agreement, the following will occur:

- The subject property is incorporated into city limits
- The appointed zoning will be applied as described
- The annexation & development agreement become binding

ORDINANCE NO. 3714
COUNCIL BILL NO. 23-1002

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 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, AND PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 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, upon the request of the owners, 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 to City R-3, R-8, R-17, C-17L, & C-17, as specifically provided in the zoning map attached to the contemporaneously approved Annexation and Development Agreement.

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 March 21, 2023.

APPROVED by the Mayor this 21st day of March, 2023.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3714

A-4-22 – Coeur Terre

(lying north of I-90, south of Hanley Ave, east of Huetter Rd.)

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 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 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. 3714 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3714, A-4-22 – Coeur Terre (lying north of I-90, S. of Hanley Ave, east of Huetter Rd.), 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 21st day of March, 2023.

Randall R. Adams, City Attorney

EXHIBIT "A"

(Legal Description & Annexation Map: Excludes Property Outside ACI)

KOOTENAI COUNTY LAND COMPANY

CITY OF COEUR D' ALENE ANNEXATION

THAT PART OF THE WEST HALF OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 33; THENCE SOUTH 88°39'33" EAST, ALONG THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ALONG THE EXISTING CITY LIMITS BOUNDARY OF THE CITY OF COEUR D'ALENE THE FOLLOWING 5 COURSES AND DISTANCES:

1. THENCE SOUTH 88°39'33" EAST 2587.01 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 33;
2. THENCE SOUTH 00°52'54" WEST 2641.95 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 33;
3. THENCE SOUTH 00°53'34" WEST 2645.44 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33;
4. THENCE SOUTH 00°19'49" WEST, ALONG THE WESTERLY BOUNDARY OF THE PLAT OF INDIAN MEADOWS, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'E' OF PLATS, PAGE 130, RECORDS OF KOOTENAI COUNTY, IDAHO, A DISTANCE OF 2737.32 TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4;
5. THENCE NORTH 88°04'43" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; A DISTANCE OF 1830.40 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 2 OF THE PLAT OF WOODSIDE PARK FIRST ADDITION, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'G' OF PLATS, PAGE 368, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE DEPARTING SAID EXISTING CITY LIMITS BOUNDARY, CONTINUING NORTH 88°04'43" WEST 751.85 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD THE FOLLOWING 4 COURSES AND DISTANCES:

1. THENCE NORTH 07°59'16" WEST 239.25 FEET
2. THENCE NORTH 00°05'34" EAST 1962.47 FEET;
3. THENCE SOUTH 88°47'00" EAST 15.00 FEET;
4. THENCE NORTH 00°05'34" EAST 507.07 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 33;

THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD, SOUTH 88°47'00" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 745.81 FEET;

THENCE NORTH 01°08'46" EAST, PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 575.74 FEET;

THENCE NORTH 88°46'45" WEST 760.82 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE NORTH 01°08'46" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD 745.56 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD, SOUTH 88°46'22" EAST 1062.89 FEET;

THENCE NORTH 00°15'35" EAST 1325.02 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

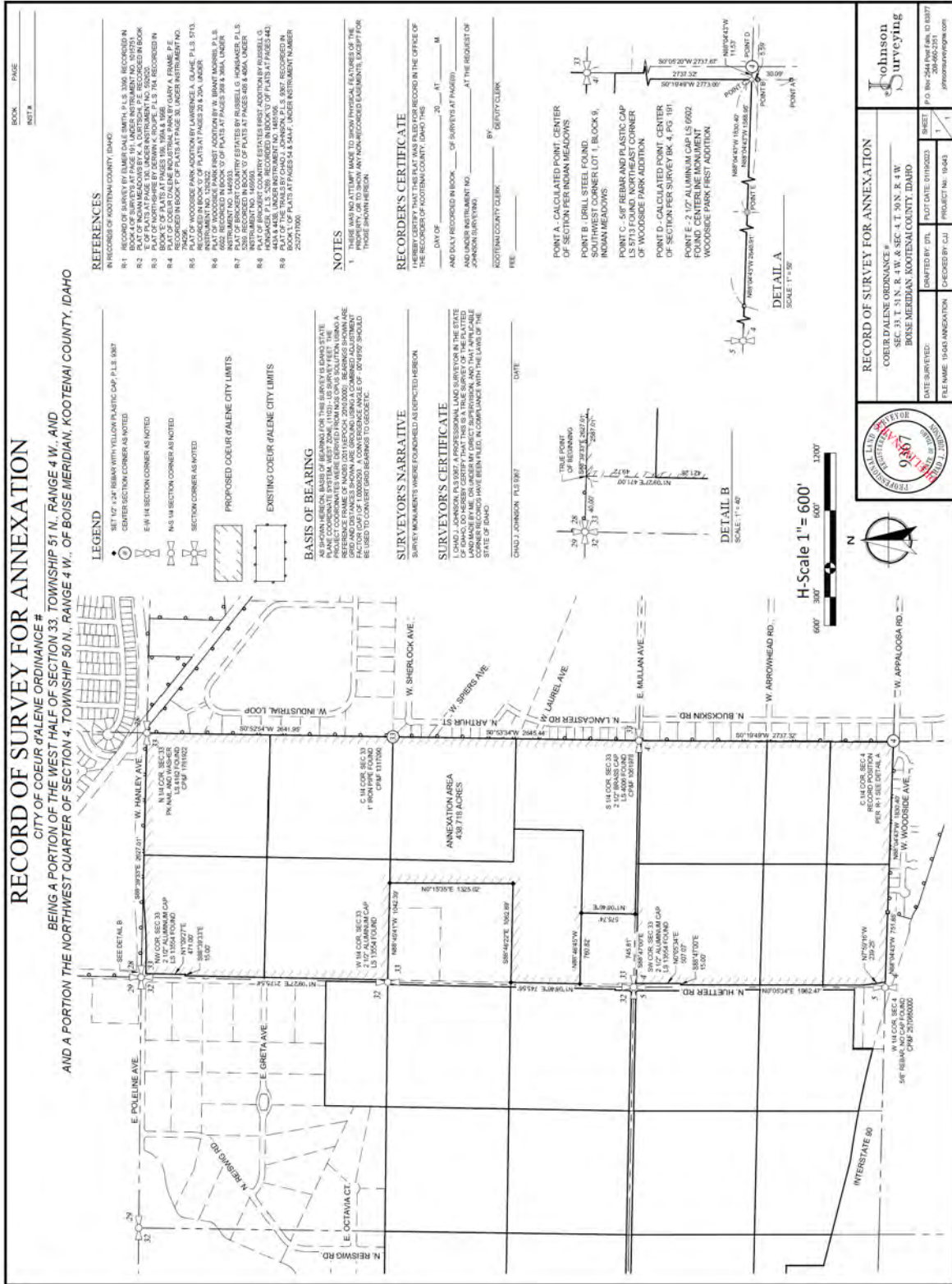
THENCE NORTH 88°45'41" WEST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 1042.39 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD THE FOLLOWING 3 COURSES AND DISTANCES:

1. THENCE NORTH 01°09'27" EAST 2175.54 FEET;
2. THENCE SOUTH 88°39'33" EAST 15.00 FEET;
3. THENCE NORTH 01°09'27" EAST 471.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 438.718 ACRES, MORE OR LESS.

ANNEXATION MAP:



RESOLUTION NO. 23-012

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ANNEXATION AND DEVELOPMENT AGREEMENT WITH KOOTENAI COUNTY LAND COMPANY, LLC, LREV 27 LLC, LREV 28 LLC, LREV 29 LLC, LREV 30 LLC, LREV 31 LLC, LREV 32 LLC, LREV 33 LLC, LREV 34 LLC, LREV 35 LLC, LREV 36 LLC, LREV 37 LLC, LREV 38 LLC, AND LREV 39 LLC.

WHEREAS, an Annexation and Development Agreement has been negotiated between the City of Coeur d'Alene and Kootenai County Land Company, LLC, LREV 27 LLC, LREV 28 LLC, LREV 29 LLC, LREV 30 LLC, LREV 31 LLC, LREV 32 LLC, LREV 33 LLC, LREV 34 LLC, LREV 35 LLC, LREV 36 LLC, LREV 37 LLC, LREV 38 LLC, and LREV 39 LLC, hereinafter referred to as the "Owners," containing the terms and conditions set forth in said agreement, a copy of which is attached hereto as exhibit "A" 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 the Annexation and Development Agreement with the Owners 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 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 21st day of March, 2023.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

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

_____ was absent. Motion _____.

ANNEXATION AND DEVELOPMENT AGREEMENT

(File No. A-4-22)

THIS ANNEXATION AND DEVELOPMENT AGREEMENT (hereinafter referred to as the “Agreement”) is made and dated this ____ day of _____, 2023, by and between the **City of Coeur d’Alene**, 710 E. Mullan Avenue, Coeur d’Alene, ID 83814, a municipal corporation organized and existing pursuant to the laws of the state of Idaho, hereinafter referred to as the “City,” and **Kootenai County Land Company, LLC**, an Idaho limited liability company, together with its affiliated entities which hold legal title to the subject Property, **LREV 27 LLC**, an Idaho limited liability company, **LREV 28 LLC**, an Idaho limited liability company, **LREV 29 LLC**, an Idaho limited liability company, **LREV 30 LLC**, an Idaho limited liability company, **LREV 31 LLC**, an Idaho limited liability company, **LREV 32 LLC**, an Idaho limited liability company, **LREV 33 LLC**, an Idaho limited liability company, **LREV 34 LLC**, an Idaho limited liability company, **LREV 35 LLC**, an Idaho limited liability company, **LREV 36 LLC**, an Idaho limited liability company, **LREV 37 LLC**, an Idaho limited liability company, **LREV 38 LLC**, an Idaho limited liability company, and **LREV 39 LLC**, an Idaho limited liability company, all Attn: Melissa Wells, 1859 N. Lakewood Drive, Coeur d’Alene, ID 83814, and C/O J. Todd Taylor, Randall | Danskin, 601 W. Riverside Avenue, Suite 1500, Spokane, WA 99201. Such affiliated entities are referred to herein collectively as the “Owners.”

W I T N E S S E T H:

WHEREAS, the Developer, as an affiliate of the Owners holding title to the subject property, intends to develop 438.718 acres of land, comprised of fourteen (14) parcels, adjacent to the City limits of the City which the Developer wishes to develop in phases over the next twenty (20) to thirty (30) years, and the Developer (together with the Owners) has applied for annexation to the City and said property to be annexed is more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (hereinafter referred to as the “Property”); and

WHEREAS, on October 11, 2022, the Coeur d’Alene Planning and Zoning Commission recommended zoning of the Property in advance of annexation and approval of the requested annexation, subject to the successful completion of the annexation process. A copy of the approved Findings and Order are attached hereto and incorporated herein by reference as Exhibit “B;” 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 Developer, the Owners, or their affiliates, performing the conditions hereinafter set forth; and

WHEREAS, the Community Planning Director and 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 for the City to enter into a Development Agreement with the Developer and Owners of the Property pursuant to the terms contained herein; and

WHEREAS, the Developer and Owners have participated in the drafting of this Agreement and acknowledge that the terms hereof are fair and reasonable; and

WHEREAS, the Developer and Owners consent and agree to the terms of this Agreement.

NOW, THEREFORE,

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

ARTICLE I: PURPOSE, LEGAL DESCRIPTION, ANNEXATION MAP, AND ZONING

- 1.1 Purpose: Developer and Owners enter into this Agreement, in part, in order to obtain annexation and zoning of the Property, while the City seeks to obtain partial mitigation of the impacts of annexation, zoning, and the future phased development of the Property; and that the promises of Owners to mitigate as contained in this Agreement are a partial inducement for City to do so. The terms “Owner” and “Owners” includes any and all successors in interest of the Property, and/or any portion of the Property. This Agreement will be recorded as an encumbrance against the Property and all obligations herein shall attach and run with the land.
- 1.2 Legal Description and Annexation Map: The Property is 438.718 acres, comprised of fourteen (14) parcels, generally located east of Huetter Road, south of future Hanley Avenue, west of the Industrial Park, Northshire and Indian Meadows neighborhoods, and north of the Woodside neighborhood, and is more particularly described in Exhibit “A.”
- 1.3 Zoning Districts and Zoning Map: The agreed upon zoning districts are described and shown on the zoning map attached hereto and incorporated herein by reference as Exhibit “C.”
- 1.4 Maximum Number of Residential Units: Despite zoning that could theoretically allow for approximately four thousand nine hundred forty (4,940) residential units, the Owner agrees to a maximum equivalent residential unit count of two thousand eight hundred (2,800). This is the number that the City’s wastewater system is capable of handling at the time of this Agreement, as evaluated in the May 2022 Wastewater Collection Study, and is a combination of residential and commercial uses. The distribution of density shall be governed by underlying zoning and shall be generally consistent with the Conceptual Master Plan (Exhibit “D”).
- 1.5 Buffer Zone: The Owner shall provide a minimum of two hundred (200) feet of R-3 zoning abutting existing residential neighborhoods to the east and south. Properties zoned R-3 shall be limited to single-family residential with a maximum height of thirty-two (32) feet.

Other allowable uses within this R-3 zoning district include open space, trails and public utilities.

- 1.6 Dedication of Huetter Right-of-Way: The Owners agree that, within sixty (60) days after the recording of this Agreement, an agreed portion of property owned by the Owners located west of the annexation boundary (Exhibit “A”) and within the City’s Area of City Impact (“ACI”) shall be dedicated to the Post Falls Highway District in order to establish the eastern edge of the Huetter right-of-way. This dedication is intended to provide the required fifty-foot (50’) half right-of-way on the east side of Huetter Road.

ARTICLE II: STANDARDS

- 2.1. Construction to City Standards: The Owners agree that all improvements required by this Agreement, or by any and all applicable codes, regulations, and policies adopted by the City, will be built to City standards or to the standards of the public agency with jurisdiction over a particular service to the Property. The Owners further agree to adhere to all applicable City policies and procedures regarding such improvements, including, but not limited to, sanitary sewer, water lines, fire hydrants, parks, flood works, storm water management, curbs, sidewalks, street trees, streetlights, pedestrian/bicycle facilities, traffic control devices, and roads. Such policies specifically include those concerning extension of utility lines in a manner acceptable to the City to make service available to adjoining lands and limiting site access from arterial and collector roadways utilizing access management policy.
- 2.2. Effective Date of Applicable Standards: The Owners agree that all laws, codes, standards, policies, and procedures regarding public improvement construction that the Owners are required to comply with or otherwise meet pursuant to this Agreement or applicable City codes are those in effect when construction of each such improvement is commenced. If the Owners fail to comply with applicable laws in the course of constructing improvements on the Property, public or otherwise, the Owners acknowledge that the City may withhold further development approvals for the Property including, but not limited to, building permits, certificates of occupancy, site plan approval, and subdivision approval, until such compliance is attained. The Owners further acknowledge that the City may also pursue any other legal remedy for its failure to comply with applicable laws.
- 2.3. Inspection and Testing: The Owners agree that it will retain the services of a civil engineer, licensed by the State of Idaho, to perform construction inspection and testing during the construction of all public improvements on the Property. The Owners agree to provide copies of all field inspection reports and test results to the City Engineer accompanied by a certification that the improvements have been installed in compliance with applicable City requirements prior to requesting that the City accept the public improvements for ownership and maintenance. The inspection, testing and certification reports must be provided at no cost to the City and comply with City submittal standards. The Owners agree that a representative of the City must be present at the pressure testing of water mains

and sanitary sewer mains. The Owners agree to provide the City with at least twenty-four (24) hours-notice before such testing. The City retain sole authority to determine if the public improvement meets City requirements for acceptance.

- 2.4. As-Built Drawings: The Owners agree to provide the City accurate “as-built” drawings, conforming with City submittal standards, of all public improvements within thirty (30) days of the date of substantial completion of construction of any specific public improvement on the Property or portion thereof if the public improvement is to be built in phases. If as-builts are not provided as required by this Agreement, the Owners agree that the City may withhold further development approvals for the Property and waives, on behalf of itself and its successors in interest, any and all claims against the City relating to the City withholding development approvals. The Owners understand and agree that the City will not accept public improvements for maintenance or allow occupancy of structures using said improvements until accurate “as-builts” are provided, the improvements have passed City inspection referenced in Section 2.3, and the improvements have been accepted for public maintenance or approved for private use.

ARTICLE III. UTILITIES

- 3.1. Water: The Owners agree to use a public water supply system for any development of the Property and to pay all required fees and charges, including all connection and/or capitalization charges generally applicable at the time service is requested. If water service cannot be obtained from a public water supply system that has the legal authority to provide service to the Property, the Owners may seek to obtain water service from any lawful source whether public or private beginning ninety (90) days after the date that the Owners requested water service from each public water supply system that has legal authority to serve the Property. The Owners may continue to use existing wells on the Property, subject to the subsection below, for irrigation of agriculture, common areas, open space; for use in water features and ponds; and in public or private parks only. Use of such wells for any other purpose shall constitute a violation of this Agreement.
- 3.1.1 Water Rights: The parties agree that the City shall apply for domestic water rights, with the Owners reimbursing the City for the application fee. If the new domestic water rights are not granted, the Owners agree to grant to the public water supply system agreeing to provide water service to the Property, in a form acceptable to the City, a portion of water right # 95-7049 in the amount of 5 CFS, in order to assure that the public water system has adequate water rights to supply domestic water and/or irrigation to the Property. Nothing shall preclude the Owners from developing their own irrigation system using existing and/or new irrigation water rights.
- 3.2. Wastewater: The Owners agree to use the City Sanitary Sewer system for all development of the Property and to be responsible for all required fees and charges, including all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with the rules and

regulations of the City in effect at the time of request. The City does not warrant that sanitary sewer capacity will be available at the time the Owners request connection to the sanitary sewer system. Any connections and associated projects must not negatively impact the progression and continuity of the City's wastewater collection system.

3.2.1 Limitation on Development Based on Sewer Flows: In the October 2021 study performed by JUB Engineering, entitled "Coeur Terre Development Wastewater Collection Study," five (5) "limiting reaches" were identified when adding planned flow from the Coeur Terre Development (hereinafter referred to as the "Development") into the City's collection system based on the 2013 Master Plan ("2013 MP") Flows. The following identifies those limiting reaches and establishes the City's requirements for the corrective projects necessitated by additional future flows contemplated in the 2013 Master Plan, which includes the planned growth of the Coeur Terre Development. The project timing specified supersedes any conflicting information in the 2021 JUB Study. The City reserves the right to reassess available capacity based on actual flow meter data. An annual report shall be submitted by the Owners updating the ERU's contributing to each "reach" as well as expected ERU's to be contributing in the coming year.

3.2.1.1 Hawk's Nest Lift Station: The lift station currently has an excess capacity of 325 gallons per minute ("gpm") under all 2013 MP scenarios. City Staff has determined that if the flow into the lift station is increased, the capacity of the lift station must be increased to maintain the current excess capacity of 325 gpm. The Development is anticipated to increase the flow into the lift station to 1,130 gpm. Therefore, upgrades are required to increase the capacity of the Hawk's Nest Lift Station in order to maintain the 325 gpm excess capacity.

- a. To increase the capacity of the Hawk's Nest Lift Station, larger pumps, electrical switchgear, and VFD controls are required per the City's lift station standards. In addition, it will be necessary to provide onsite natural gas for future emergency power generation.
- b. To ensure adequate capacity for existing customers, wastewater requires the pump station be upgraded prior to the recordation of any plat.
- c. The Owners will be responsible for all costs, engineering, and construction associated with these modifications.

3.2.1.2 Laurel/Sherwood Trunk Main: This main will be minimally impacted by the Development considering the 2013 MP pipe design parameters. This

section will not need modification based on the information provided at the time of this study.

- a. If it is subsequently determined that modification is needed based on the increased density, revised sewer routing, or similar factor of the Development, the Owners will be responsible for its proportionate share of the costs, engineering, and construction associated with the Development's impacts.

3.2.1.3 Appaloosa Trunk Main: The existing Appaloosa Trunk Main does not have sufficient remaining capacity to accommodate the Development flow. The gravity sewer in Appaloosa Road to Atlas Road should be upsized to a fifteen-inch (15") pipe. In addition, the existing pipe slopes are variable and contain several near-flat reaches as well as steep reaches. To avoid the need to upsize the pipe diameter further, modifications to the pipe slope shall be made to increase the capacity of the fifteen-inch (15") pipe by straight grading and creating a more uniform slope that is still steeper than the minimum slope of a fifteen-inch (15") gravity sewer pipe.

- a. There is minimal flow in this line currently and it can handle approximately 908 additional ERUs (@155 gpd per ERU) before reaching design maximum. The City requires that this main be modified based on a modeled 0.5 d/D or 454 new ERUs as a result of the Development.
- b. The Owners will be responsible for all costs, engineering, and construction associated with these modifications.

3.2.1.4 Fairway Trunk Main: The existing eighteen-inch (18") Fairway Trunk Main does not have sufficient remaining capacity to accommodate the additional projects necessitated by additional future flows contemplated in the 2013 Master Plan, which includes the planned growth of the Coeur Terre development. The existing pipe slopes are variable and contain several near-flat reaches as well as steep reaches. In order to avoid upsizing the pipe diameter, which would result in excess capacity that likely would not be used, modifications to the pipe slope will need to be made to increase the capacity of the existing 18-inch pipe by straight grading and creating a more uniform slope.

- a. This pipe section can handle approximately 3,354 additional ERUs (@155 gpd per ERU) before reaching design maximum.

- b. The City will adopt a surcharge for this improvement within one year of recording this Agreement, evaluated annually based on the regional Construction Cost Index. The surcharge to be paid with each building permit within the Property that contributes to this section of sewer main line. The Owners will pay the surcharge as required by the adopting ordinance.
- c. The Owners will only be responsible for its proportionate share of the costs, engineering, and construction associated with the Development's impacts.

3.2.1.5 Riverside Interceptor: With the addition of the Development flow, the existing twenty-four inch (24") Riverside Interceptor will experience a maximum flow of 8.34 million gallons per day ("mgd") and a d/D that is greater than the acceptable maximum. In order to reduce the resulting d/D of the existing twenty four-inch (24") interceptor, flow from the Hawk's Nest Lift Station force main and the Fairway Trunk Main must be rerouted into a new parallel twenty-four inch (24") pipe along the same alignment.

- a. The existing pipe section can handle approximately 5,617 additional ERUs (@155 gpd per ERU) before reaching design maximum.
- b. The City will adopt a surcharge for this improvement within one year of recording this agreement, evaluated annually based on the regional Construction Cost Index. The surcharge to be paid with each building permit within the Property that contributes to this section of sewer main line. The Owners will pay the surcharge as required by the adopting ordinance.
- c. The Owners will only be responsible for its proportionate share of the costs, engineering, and construction associated with the Development's impacts.

3.3 Size of Water and Sewer Mains: The Owners agree on-site water and sewer mains will be adequately sized to provide service to the Property as determined by the City or other public entity providing water or sewer service to the Property. For water and sewer lines to be dedicated to the City, the City will determine the appropriate main size based on adopted City master plans and may require the Owners to oversize the mains or to construct the mains with increased depth beyond the size/depth needed to serve the Property. If required to oversize water or sewer mains (including additional depth), the Owners may request reimbursement for oversizing costs during the subdivision or other development approval process.

- 3.4 Garbage Collection: The Owners agree that, upon the expiration of the term of any existing contract which provides garbage collection services to the Property, the Owners will begin using the garbage collection service contracted by the City. The City agrees that its garbage collection contractor will provide curb side garbage service to all approval accesses, including arterials, collectors, local streets, private streets, and alleyways. The Owners are responsible for contacting the City's garbage collection vendor to determine if the vendor has capacity to serve the Development. If the vendor does not have such capacity, the Owners shall arrange for garbage collection services for the Development with a vendor of its choice.
- 3.5 Street Lights: The Owners agree to adhere to City policies and standards for street light design and construction.
- 3.6 Street Trees: The Owners agree to adhere to City policies and standards for street trees.

ARTICLE IV: PUBLIC IMPROVEMENTS & DEDICATIONS

- 4.1. Installation of Public Improvements: The Owners agree that, with each phase of development in a subdivision, PUD, or site plan, prior to occupancy, and prior to issuance of any building permits, it shall submit plans for approval and construct and install, or otherwise secure the required construction and installation, in a manner acceptable to the City for all improvements required by City Code, policy, or this Agreement, including, but not limited to, sanitary sewer improvements, storm water disposal, water lines, hydrants, monumentation, grading, subbase, paving, curbs, dry utility conduit, street lights, street trees, pedestrian/bicycle paths, traffic control devices, and sidewalks. The City shall have no obligation for maintenance of any such improvement until the City formally accepts said improvement.
- 4.2. Rights-of-Way and Easements: As partial consideration for this Agreement, the Owners agree to dedicate the following rights-of-way and grant the following easements to the City at the time of execution of this Agreement and/or with subsequent development requests as required by the City.
- 4.2.1 Until the final alignment of the Huetter Bypass is determined with the alternatives analysis planning process that is underway with the Idaho Transportation Department, the Owners agree to hold, in a reserve area for future right-of-way dedication to the Post Falls Highway District, the easterly fifty feet (50') of S.33, T.51N., R.4W., B.M., and S.4, T.50N., R.4W., B.M., within the Property as legally described on Exhibit "A." This will ensure that if future improvements are needed to bring Huetter Road to an arterial road standard, adequate area is available for the necessary right-of-way. The Owners agree that signage, parking, circulation facilities, landscaping, and buffers typically associated with roads shall be the only items allowed to be placed within the Huetter Road reserve area.

- 4.2.2 With the first phase of development, Hanley Avenue shall be constructed to three lanes, along with installation of pedestrian facilities to accommodate Hanley Avenue's full future buildout. The full buildout of Hanley Avenue will be based on concurrency analysis. The Owners shall pay its proportionate share of the Hanley-Huetter signalized intersection at a time as determined by the affected agencies.
- 4.2.3 In order to address cumulative traffic impacts associated with phased development, the Owners, including its agents, representatives, and assigns, shall install urban standard transportation improvements concurrent with each phase of development, in compliance with City standards and the current City of Coeur d'Alene Trails and Bikeways Master Plan. Traffic studies acceptable to the City, in consultation with the Post Falls Highway District where applicable, shall be required for each major project phase, as mutually determined by the Parties. A traffic concurrency analysis shall be completed with each subdivision application or every two years, whichever comes first, until the build-out of the project. Concurrent improvements within each phase shall provide independent utility to address the trips generated by that phase, and may not rely on previous improvements not designed or constructed to meet the anticipated travel demand of the new phase nor any subsequent transportation improvements anticipated in future phases. Proposed connections to the existing transportation network in each phase will be determined through the City's development review process.
- 4.2.4 All access onto Huetter Road from the development shall be approved by Post Falls Highway District prior to construction.

4.3 Street Connections to Existing Subdivisions: Currently, the following streets through subdivisions to the east and south of the Property dead end at the eastern Property boundary: W. Appaloosa Rd., W. Arrowhead Rd., W. Nez Perce Rd., W. Laurel Ave., W. Woodside Ave., W. Wedgewood Loop, and W. Spiers Ave. The Owners agree that only W. Nez Perce Rd. and W. Appaloosa Rd., shall be allowed to connect the Property with the residential subdivisions to the east. These two (2) connections are necessary for public safety reasons. The Owners, in consultation with the City, shall design and construct the connections with traffic calming features to discourage speeding and, to the greatest extent reasonably possible, through-traffic, and to ensure designs that encourage traffic originating in Coeur Terre to exit onto W. Hanley Ave. and N. Huetter Rd. instead of to the east. Bollards and lock gates will not be acceptable methods of discouraging through traffic. The remaining streets shall permanently terminate at the Property's eastern and southern boundaries, but pedestrian and bicycle access shall be provided at the terminuses of these streets.

4.4 Roundabouts: No roundabouts on W. Hanley Ave., along the northern boundary of the Property, shall be allowed.

4.5 Wastewater Easements: Any wastewater infrastructure not located in the public right-of-way shall be located within a minimum twenty (20) foot wide easement granted to the City of Coeur d'Alene. Any manholes located within easements shall have an unobstructed, all-weather

surface so that manholes can be accessible. No wastewater system or public sewer line shall traverse private land outside of an easement.

4.6 Impact Fee Credit: The Owners agree that any credit towards the payment of the City's Impact Fees shall be determined by State law and the City Code at the time of assessment.

4.7 Public Parklands:

4.7.1 Neighborhood Park: The Owners have agreed to donate to the City, via Warranty Deed, approximately five point four (5.4) acres of land in the Development to the City for a public neighborhood park. The Owners further agree to complete baseline improvements for the park, according to a design and layout approved by the City, including items such as parking lots, perimeter sidewalks, rough grading, and installation of irrigation and utility stubouts to the park, and to transfer the park to the City by the commencement of the development of the eighty-first (81st) gross acre of the Property (school sites and water assets excluded). This park shall be counted toward the required ten percent (10%) open space for any approved Planned Unit Development (PUD), but shall not serve to satisfy any deficiencies of open space which may exist in a PUD developed prior to the construction of the park.

4.7.2 Community Park: The Owners have agreed to develop and donate to the City, via Warranty Deed, approximately twelve point three (12.3) acres of land in the Development to the City for a public community park. The Owners further agree to complete baseline improvements for the park, according to a design and layout approved by the City, including items such as parking lots, perimeter sidewalks, rough grading, and installation of irrigation and utility stubouts to the park, and to transfer the park to the City by the commencement of the development of the one-hundred ninety-ninth (199th) gross acre of the Property (school sites and water assets excluded). This park shall be counted toward the required ten percent (10%) open space for any approved Planned Unit Development (PUD), but shall not serve to satisfy any deficiencies of open space which may exist in a PUD developed prior to the construction of the park.

4.7.3 Public Trail/Multiuse Path System (N-S): The Owners have agreed to develop and dedicate two (2) traversing north-south trails to City standards that connect out of the Development to facilities for public use a minimum of twelve feet (12') wide and paved to City standards. The north-south trails shall be developed and dedicated adjacent to each phase of development and shall eventually extend the entire length of the Development, to be constructed as development of each phase progresses or once the water transmission main is relocated, whichever is sooner.

4.7.4 Public Trail/Multiuse Path System (E-W): The Owners have agreed to develop and dedicate two (2) traversing east-west trails to City standards that connect out of the

Development to facilities for public use a minimum of ten feet (10') wide and paved to City standards. The east-west trails shall be developed and dedicated adjacent to each phase of development.

- 4.7.5 Pre-Construction Work: Prior to dedicating any park parcel, the Owners agree to maintain the site in a manner that facilitates future park development by avoiding contaminants, soil compaction, improper fill, and the like. The Owners will also remove any construction waste or debris and decompact the soil prior to dedication to the City. This property will be mass graded to match adjacent street grades, and to address infrastructure needs such as utility cover, and the like.

4.8 Water Facilities:

- 4.8.1 Water Tower Site: The Owners acknowledge that the existing City Water System Master Plan identifies the parcel upon which an existing water storage facility is located, pursuant to a perpetual lease under a previous owner's grant, which parcel was to be transferred by Warranty Deed to the City upon annexation. Therefore, the Owners agree to transfer to the City a parcel of at least one-hundred fifty feet by one-hundred fifty feet (150'x150') at the current location for the water storage facility. The transfer of property ownership shall occur contemporaneously with the annexation of the Property.
- 4.8.2 Well Site: The Owners acknowledge that the City Water System Master Plan identifies the need for a well in the quadrant where the Property is located. Therefore, the Owners agree to transfer to the City a parcel at least one-hundred fifty feet by one-hundred fifty feet (150'x150') at a mutually acceptable location for a new City well. The transfer of ownership shall occur within seven (7) days after determination that the well site meets City standards. The well site must meet City standards for water quality and flow. The City will commence test drilling on the proposed site within one (1) year from the date of dedication. If the proposed site does not meet the City's water quality or flow requirements, the Owners shall provide another site at a mutually acceptable location. This process will continue until a site is found that meets the City's water quality and flow requirements. The Owners are not responsible for any cost associated with the testing or construction of the well except for the transfer of ownership of the site.
- 4.9 Compliance with conditions of approval: The conditions of approval, within the Planning and Zoning Commission's Findings and Order attached as Exhibit "B," are expressly incorporated into this Agreement as binding provisions of this Agreement. The Owners specifically agree to fulfill each condition of approval, as clarified and adopted in this Agreement, as if such condition was specifically enumerated in this Agreement.

- 4.10 School Sites: Pursuant to the Memorandum of Understanding entered into by the Owners and School District #271, a copy of which is attached to and incorporated herein by reference as Exhibit “DE,” the Owners will convey two future school sites to School District #271. **The Owners agree to defer to the City Council on combining the school sites and are willing to do so via an updated MOU with the School District if required by City Council. If a school is constructed on W. Hanley Ave., a right-turn lane for eastbound traffic on W. Hanley Ave. shall be required. Additionally, the Owners shall be responsible for the cost of Rectangular Rapid Flashing Beacons (RRFBs), including installation costs, for both school sites. The Concurrency Analyses shall determine the exact locations, how many are required for each school, and the timing of installation.**
- 4.11 Police Substation: **The Owners shall provide space in a commercial development with convenient access to Huetter Road for a police substation. The size of the substation shall be adequate for use by officers to write reports and carry out other official functions. The Owners agree to work with the Police Department to satisfy this requirement.**

ARTICLE V: CONSIDERATION & FEES

- 5.1. Annexation Fee: The Owners agree to provide, as an annexation fee, a total cash payment in the amount of Two Million Dollars (\$2,000,000.00). One Million Dollars (\$1,000,000.00) of this will be paid to the City at the time of recordation of the Annexation ordinance and this Agreement, and One Million Dollars (\$1,000,000.00) will be paid to the City no later than two (2) years after the date of recordation of the annexation agreement. This negotiated annexation fee is based on the policy adopted by the City Council by Resolution 98-112, which Resolution provides for consideration in lieu of fees as proposed by the developer and as agreed by the City, which consideration includes benefits to the City of dedication, donations, and below market sales of lands and improvements over and above City code requirements as well as the anticipated build-out densities of the development which are limited by unbuildable lands, development restrictions, and sewer capacity. The negotiated Two Million Dollar Fee, as provided for by this Agreement, is deemed by the parties to be a reasonable annexation fee for City benefits and services provided 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 Increase in Zoning Density: If, within two (2) years of the recordation of the Annexation ordinance and this Agreement, the Owners, or any successor-in-interest, requests a zone change which results in an increase in density, the Owners agree to pay an additional Annexation Fee representing the difference between the fee described in paragraph 5.1 and the fee which would have been owed had the density increase been utilized in the original calculation of the Annexation Fee, based on the fee in effect at the time of the increase in zoning density.

- 5.3 Other Consideration: The Owners agree that other fees and promises set out in this Agreement constitute additional consideration for the Agreement between the parties. The consideration specified herein is deemed by the parties to be good and sufficient, and reasonable in exchange for the benefits provided by the City to the Owners for the use and development of the Property, including, but not limited to: public safety, street services, police and fire equipment, community, and traffic planning.
- 5.4 No Extension of Credit: The parties, after careful determination of the actual burdens on the City, have agreed to a specific timeline governing when the consideration will become due. This timeline anticipates specific payment at a specific date and is, in no manner, a loan of services or an extension of credit by the City in violation of the State Constitution.
- 5.5 Payment of Annexation Fees: If the fees required by this Agreement are not paid in a timely manner, 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.
- 5.6 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. Fees referred to in this section are established by Municipal Ordinance and/or resolution and arise independent of this Agreement.
- 5.7 Owners' Reimbursement to the City: The Parties agree that the City has utilized substantial staff time to prepare the Annexation and Development 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 agree that such fee shall be in the amount of Five Thousand and no/100 Dollars (\$5,000.00).

ARTICLE VI. MISCELLANEOUS

- 6.1. Subdivision, Planned Unit Development, Site Plan, Boundary Line Adjustment, and other Land Use Applications: The Parties acknowledge that it is the Owners' intent to develop the Property in phases through the subdivision, planned unit development (PUD), and other land use application processes, such as site plans and boundary line adjustments, over the next twenty (20) to thirty (30) years. **The Owners agree that Exhibit "F" hereto represents a preliminary phasing plan which will serve as a general outline for the Project. Council shall be notified of any significant change in the preliminary phasing plan. Future PUD and subdivision proposals shall consider compatibility with surrounding neighborhoods.** ~~The Parties agree that phased development of the Property, with future subdivision plats, planned unit developments (PUDs), site plans, and/or boundary line adjustments may be necessary and shall be accepted for application. The Owners agree that in the event a subdivision plat, a planned unit development (PUD), site plan, or boundary line adjustment~~

is desired, then the Owners will submit a proper and complete application in compliance with the City's development ordinances in effect at the time of the desired action.

~~6.2 Use Limitations: The Owners agree that certain uses are not compatible in the location of the proposed Annexation. The following uses are prohibited: Adult Entertainment; Billboards; Industrial Uses; Heliports; Outdoor Sales or Rental of Boats, Vehicles, or Equipment; Outdoor Storage of materials and equipment (except during construction); Repair of Vehicles (unless entirely within a building); Sewage Treatment Plants and other Extensive Impact activities (unless publicly owned); Work Release Facilities; Wrecking Yards; and Vehicle Washing (unless located within a building or parking structure).~~

6.2 The Owners agree that in the event a subdivision plat, a planned unit development (PUD), site plan, or boundary line adjustment is desired, then the Owners will submit a proper and complete application in compliance with the City's development ordinances in effect at the time of the desired action.

6.3 Construction Activities: The Owners shall provide that all construction vehicles, including delivery vehicles and private vehicles of construction employees, shall access the Property from W. Hanley Ave. or N. Huetter Rd. without traveling through the Indian Meadows, Northshire, or Woodside Park subdivisions.

6.4 Concurrency Analysis: The Owners agree that concurrency with the minimum approved standards of this Agreement and any future approvals is borne by the Owners. Each phase and/or subdivision request made to the City shall be accompanied by a concurrency analysis of the Development, as a whole and as to the phase, to address compliance for each proposed plat with current codes, regulations, and policies. Open space, parks, trails/multiuse paths, affordable and professional worker housing, transportation, water, sanitary sewer, **unit count**, and **overall density by zone, phase, and the subject property as a whole, including compliance with the total cap on density and units**, shall be tracked and reported throughout the project duration in a timely manner by the Owners to the Planning Department.

6.5 Affordability Covenants with Use, Refinance, and Resale Restrictions and Purchase Option: The Owners agree to reserve at least five percent (5%) of **owned residential units and five percent (5%) of the rental residential units** for affordable and professional workforce housing that meets 80-130% of Area Median Income (AMI) for the date on which it is sold or rented. **All residential units shall be a variety of bedroom counts. The affordable and workforce housing requirement shall be protected by deed restriction or another equally effective method, and shall be reviewed in light of the addendum study to the Housing Availability and Affordability Study by PAHA, CDAEDC and U of I. Habitat for Humanity shall be given First Right of Refusal on a minimum one (1) multi-family parcel for its land trust inventory.** The Owners shall be entitled to build thirty (30) market-rate units before this requirement is triggered. Thereafter, the Owners agree that the five

percent (5%) reserved-units requirement shall be met with each phase, provided that a subsequent phase may have less than five percent (5%) to the extent that previous phases exceeded five percent (5%). The reserved units shall be a mix of rental and owned, as well as a mix of housing types. The Owners agree to work with Panhandle Area Housing Alliance (PAHA), other housing agencies, and/or shall self-administer the program. The Owners agree to provide an annual report to the City of how this requirement has been addressed in the preceding twelve-month period and will also conceptually outline plans for the next twelve-month period as to how this will be addressed. If the City determines that there are concerns with the reporting and/or satisfaction of this condition, the Owners agree to an independent third-party audit and compliance measures as agreed upon by the Parties to effectuate this condition.

- 6.6 Conceptual Master Plan: Future subdivision and PUD applications shall generally adhere to the alignment of the transportation network, product and place types, trails/multiuse paths, and public parks as shown in the conceptual design, attached hereto and incorporated herein by reference as Exhibit “ED,” subject to the Zoning Code in effect at the time of development.
- 6.7 Remedies and Deannexation: The Parties agree that in the event a Party fails to comply with the terms of this Agreement, commits any material breach, defaults, or otherwise fails to perform any substantive and material term or condition of this Agreement, and does not cure such breach, default, or failure within thirty (30) days of written notice from the adverse Party, or in the case of a breach, default, or failure to perform that is incapable of being cured within the thirty (30) day time period from written notice from the adverse Party, the Party fails to cure the same and thereafter to prosecute the cure of such breach with reasonable due diligence and continuity, then the adverse Party may deannex any property that has not been developed following the City’s notice and public hearing process for Annexation pursuant to the City.
- 6.8 Force Majeure: Notwithstanding the foregoing, the Owners, on behalf of all successors and assigns, shall be held to a standard of reasonableness and shall not be liable to the City or considered in breach or default of this Agreement, based upon matters outside its control, including but not limited to acts of God, civil riot, war, strikes, labor unrest, or shortage of labor or materials. In such an event, the City shall grant Owners and their successors and assigns, extensions, upon the request of Owners or successors and assigns, for such period of time as said matters may remain in effect.
- 6.9 Notices: All notices under this Agreement shall be in writing, shall be delivered to each of the Parties, and shall be (i) delivered in person or (ii) mailed, postage prepaid, either by registered or certified mail, return receipt requested, or by overnight express carrier, addressed in each case to the Party, address set forth in the introductory paragraph of this Agreement, or (iii) sent by facsimile and email with the original to follow by mail in the manner described above. It is provided, however, that any Party may change its respective

address for purposes of receipt of any such communication by giving ten (10) days prior written notice of such change to the other party hereto in the manner provided above. All notices sent pursuant to the terms of this paragraph shall be deemed received (i) if sent by overnight, express carrier, on the next business day immediately following the day sent, (ii) if sent by registered or certified mail, on the third business day following the day sent or (iii) if sent by facsimile or email on the date so sent.

- 6.10 Reliance by Parties: This Agreement is intended by Owners to be considered by the City as part of the Owners' request for annexation of the Property and for Owners' future applications for subdivision approval, PUD approval, and other. This Agreement is contingent upon said annexation. Owners acknowledge and intends the City to consider and rely upon this Agreement in its review and consideration of said annexation request and future subdivision and PUD applications.
- 6.11 Relationship of Parties: It is understood that the contractual relationship between the City, and the Owners is such that no Party is the agent, partner, or joint venturer of any other Party.
- 6.12 Successors and Assigns: Recorded Covenant Running with Land: This Agreement shall inure to the benefit of the City, the Owners, and each of their respective heirs, successors and assigns. This Agreement, including all covenants, terms, and conditions set forth herein, shall be and is hereby declared a covenant running with the land with regard to the Property or any portion thereof, and is binding on all parties to this Agreement as well as their respective heirs, successors and assigns.
- 6.13 No Waiver: In the event that the Parties or their respective successors and assigns, do not strictly comply with any of the obligations and duties set forth herein, thereby causing a default under this Agreement, any forbearance of any kind that may be granted or allowed by the City, the Owners, or any successor or assign, to the other party under this Agreement shall not in any manner be deemed or construed as waiving or surrendering any of the conditions or covenants of this Agreement with regard to any subsequent default or breach.
- 6.14 Partial Invalidity: In the event that any provision of this Agreement is deemed to be invalid by reason of the operation of any law, or by reason of the interpretation placed thereon by any court or other governmental body, this Agreement shall be construed as not containing such provision and the invalidity of such provision shall not affect the validity of any other provision hereof, and any and all other provisions hereof which otherwise are lawful and valid shall remain in full force and effect.
- 6.15 Entire Agreement: This Agreement sets forth the entire understanding of the Parties hereto, and shall not be changed or terminated orally. Any other agreements between the Parties, express or implied, are hereby cancelled and of no further force nor effect. It is understood and agreed by the Parties hereto that there are no verbal or written promises, agreements,

stipulations or other representations of any kind or character, express or implied, other than as set forth in writing in this Agreement.

- 6.16 Exhibits: All exhibits referred to herein are incorporated in this Agreement by reference, whether or not actually attached.
- 6.17 Authority: Each of the persons executing this Agreement represents and warrants that he has the lawful authority and authorization to execute this Agreement, as well as all deeds, easements, liens and other documents required hereunder, for and on behalf of the entity executing this Agreement.
- 6.18 Time is of the Essence: Time is of the essence in this Agreement. The Parties agree that this Agreement will be finalized and recorded within six (6) months of annexation and zoning approval by the City Council.
- 6.19 Merger: The representations, warranties, covenants, conditions, and agreements of the parties contained in this Agreement shall survive the acceptance of any deeds, dedications, and/or easements.
- 6.20 Recordation, Merger, and 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.
- 6.21 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.
- 6.22 Compliance with Applicable Laws: The Owners agree to comply with all applicable Federal, State, and local laws and regulations.
- 6.23 Publication of Ordinance: The parties agree that, until the date of publication of the annexation ordinance, no final annexation of the 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.
- 6.24 Promise of Cooperation and Mediation: 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. If the Parties cannot amicably resolve the disagreement, then they agree to retain a mediator,

acceptable to both parties, and to conduct at least four (4) hours of mediation prior to initiating a lawsuit against the adverse party.

6.25 Venue, Jurisdiction, and Governing Law: If no voluntary resolution is obtained through direction negotiations or mediation, and legal action is initiated, then any legal action shall be brought in Kootenai County, Idaho. Idaho law shall govern and all disputes.

6.26 Enforcement - Attorney's Fees: Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party will be entitled to its reasonable attorney's fees and related costs of enforcement.

IN WITNESS WHEREOF, the City of Coeur d'Alene has caused this Agreement to be executed by its Mayor and City Clerk and its corporate seal affixed hereto, and Melissa Wells has caused the same to be executed on behalf of the Owners, the day and year first above written.

CITY OF COEUR D'ALENE

ATTEST:

By _____
James Hammond, Mayor

Renata McLeod, City Clerk

<p>DEVELOPER KOOTENAI COUNTY LAND COMPANY, LLC</p> <p>By _____ Melissa Wells, Manager</p>	
OWNERS	
<p>LREV 27 LLC</p> <p>By _____ Melissa Wells, Manager</p>	<p>LREV 28 LLC</p> <p>By _____ Melissa Wells, Manager</p>
<p>LREV 29 LLC</p> <p>By _____ Melissa Wells, Manager</p>	<p>LREV 30 LLC</p> <p>By _____ Melissa Wells, Manager</p>
<p>LREV 31 LLC</p> <p>By _____ Melissa Wells, Manager</p>	<p>LREV 32 LLC</p> <p>By _____ Melissa Wells, Manager</p>
<p>LREV 33 LLC</p> <p>By _____ Melissa Wells, Manager</p>	<p>LREV 34 LLC</p> <p>By _____ Melissa Wells, Manager</p>
<p>LREV 35 LLC</p> <p>By _____ Melissa Wells, Manager</p>	<p>LREV 36 LLC</p> <p>By _____ Melissa Wells, Manager</p>
<p>LREV 37 LLC</p> <p>By _____ Melissa Wells, Manager</p>	<p>LREV 38 LLC</p> <p>By _____ Melissa Wells, Manager</p>
<p>LREV 39 LLC</p> <p>By _____ Melissa Wells, Manager</p>	

EXHIBIT "A"

(Legal Description & Annexation Map: Excludes Property Outside ACI)

KOOTENAI COUNTY LAND COMPANY

CITY OF COEUR D' ALENE ANNEXATION

THAT PART OF THE WEST HALF OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 33; THENCE SOUTH 88°39'33" EAST, ALONG THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ALONG THE EXISTING CITY LIMITS BOUNDARY OF THE CITY OF COEUR D'ALENE THE FOLLOWING 5 COURSES AND DISTANCES:

1. THENCE SOUTH 88°39'33" EAST 2587.01 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 33;
2. THENCE SOUTH 00°52'54" WEST 2641.95 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 33;
3. THENCE SOUTH 00°53'34" WEST 2645.44 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33;
4. THENCE SOUTH 00°19'49" WEST, ALONG THE WESTERLY BOUNDARY OF THE PLAT OF INDIAN MEADOWS, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'E' OF PLATS, PAGE 130, RECORDS OF KOOTENAI COUNTY, IDAHO, A DISTANCE OF 2737.32 TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4;
5. THENCE NORTH 88°04'43" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; A DISTANCE OF 1830.40 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 2 OF THE PLAT OF WOODSIDE PARK FIRST ADDITION, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'G' OF PLATS, PAGE 368, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE DEPARTING SAID EXISTING CITY LIMITS BOUNDARY, CONTINUING NORTH 88°04'43" WEST 751.85 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD THE FOLLOWING 4 COURSES AND DISTANCES:

1. THENCE NORTH 07°59'16" WEST 239.25 FEET
2. THENCE NORTH 00°05'34" EAST 1962.47 FEET;
3. THENCE SOUTH 88°47'00" EAST 15.00 FEET;
4. THENCE NORTH 00°05'34" EAST 507.07 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 33;

THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD, SOUTH 88°47'00" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 745.81 FEET;

THENCE NORTH 01°08'46" EAST, PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 575.74 FEET;

THENCE NORTH 88°46'45" WEST 760.82 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE NORTH 01°08'46" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD 745.56 FEET;

THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD, SOUTH 88°46'22" EAST 1062.89 FEET;

THENCE NORTH 00°15'35" EAST 1325.02 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

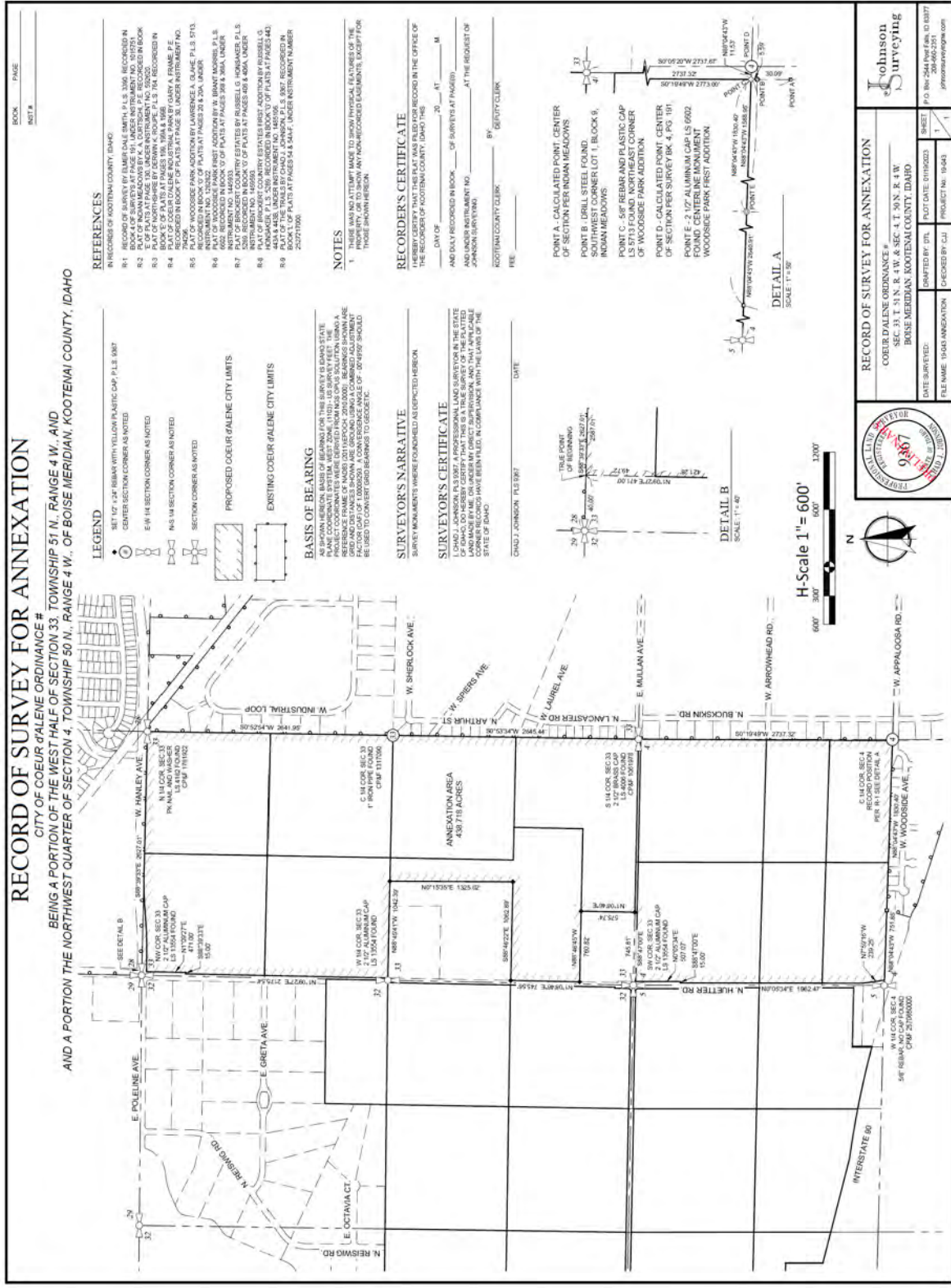
THENCE NORTH 88°45'41" WEST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 1042.39 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD THE FOLLOWING 3 COURSES AND DISTANCES:

1. THENCE NORTH 01°09'27" EAST 2175.54 FEET;
2. THENCE SOUTH 88°39'33" EAST 15.00 FEET;
3. THENCE NORTH 01°09'27" EAST 471.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 438.718 ACRES, MORE OR LESS.

ANNEXATION MAP:



ANNEXATION AND DEVELOPMENT AGREEMENT

EXHIBIT “B”

(Planning and Zoning Commission Findings and Order)

COEUR D'ALENE PLANNING COMMISSION

FINDINGS AND ORDER

A-4-22

A. INTRODUCTION

This matter having come before the Planning Commission on October 11, 2022 and there being present a person requesting approval of ITEM A-4-22, a request for zoning prior to annexation of +/- 440 acres from County Ag Suburban to City R-8, R-17, C-17L, and C-17.

APPLICANT: KOOTENAI COUNTY LAND COMPANY, LLC

LOCATION: PROPERTY NORTH OF INTERSTATE-90 AND WOODSIDE AVENUE,
SOUTH OF WEST HANLEY AVENUE, EAST OF HUETTER ROAD, AND
WEST OF ATLAS ROAD

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

(The Planning Commission may adopt Items B1 to B7.)

- B1. That the existing land uses are residential and commercial
- B2. That the Comprehensive Plan Map designation is Single Family Neighborhood, Compact Neighborhood, Urban Neighborhood and Mixed-Use Low.
- B3. That the zoning is County Ag Suburban.
- B4. That the notice of public hearing was published on, September 17, 2022, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on October 3, 2022 , which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on October 11, 2022.
- B8. That this proposal is in conformance with the Comprehensive Plan as follows:

Community & Identity

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

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

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

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

Growth & Development

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

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

Objective GD 1.5: Recognize neighborhood and district identities.

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

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

- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on all staff input, testimony and in the staff report noting pages 22 and 23 listing all the conditions from the various departments the capacity to serve this property.

- B10. That the physical characteristics of the site make it suitable for the request at this time because the land is flat with exception of portions in the south with no topography issues or physical site constraints.

- B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because the zoning that is proposed provides the right adjacent capability with surrounding areas. KMPO said in their presentation "Most facilities with planned improvements can tolerate additional traffic and are in support of this development and later be able to evaluate this project as phases come forward. He stated the zones selected R-17. C-17L and C-17 are designed to provide a good buffer to the surrounding properties.

C. ORDER: CONCLUSION AND DECISION

Planning Commission is tasked with recommending zoning for the annexation request. The Commission shall provide a recommendation of zoning to City Council along with an evaluation of how the proposed annexation does meet the required evaluation criteria for the requested annexation.

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

Note: The following items are specific to this annexation request and are potential conditions that are subject to negotiation between the parties. All other policies and department requirements for development are obligatory and included in the annexation and development agreement.

Water:

- Existing public utility easements for the City's 24" transmission main will be maintained or replaced at the developer's expense.
- The property for an existing water storage facility under the tank, as mutually agreed upon, shall be transferred to the City.
- A well parcel for a potential new water source is required to be transferred to the City as the developer's contribution toward the expense of developing an additional water source to adequately serve the community. The well site is requested to be transferred upon confirmation of acceptable water quality through City installation of a test well on an agreed upon site.
- Water rights for the property, both domestic potable and irrigation, will be addressed in the annexation and development agreement.

Wastewater:

- There are 5 potential projects highlighted by Lakeside Real Estate Holdings and JUB Engineering to upgrade sewer collection system sewer capacity. These projects are laid out in the "Coeur Terra Development Wastewater Collection Study" (May 2022) from the developer and JUB Engineering. Five (5) "limiting reaches" were identified when adding planned flow from the Coeur Terre project into the City sewer collection system at 2013 Master Plan Flows. Below is a list of these. The development agreement specifies Wastewater's response and defines the necessary corrective projects proposed in this study.
 1. HAWKS NEST LIFT STATION
 2. LAUREL/SHERWOOD TRUNK MAIN
 3. APPALOOSA TRUNK MAIN
 4. FAIRWAY TRUNK MAIN
 5. RIVERSIDE INTERCEPTOR

Streets & Engineering (Transportation/Traffic):

- In the areas where the Bypass project does not impact the existing Huetter Road, Huetter Road shall be reconstructed to the Post Falls and City of Coeur d'Alene standards, as applicable. The City desires that Huetter Road shall be reconstructed from the southern extent of the development to Hanley Road for three lane Arterials,

including bike lanes, a shared-use path on the east side, and dedication of right-of-way to meet the City Standard of 100 feet minimum. The design, alignment and extent of improvements are subject to the location and design of the proposed Huetter Bypass.

- Additional right-of-way shall be set aside and made available as determined by the Idaho Transportation Department for the future Huetter Bypass.
- The Hanley Avenue/Huetter Road intersection shall be reconstructed to its future configuration as modeled for 2045, which includes five lanes on Hanley Ave, reducing to three lanes at the planned collector street into the proposed development. Bike lanes and shared-use paths are also required on both sides of Hanley Ave.
- The Nez Perce Road/Hanley Ave intersection shall be constructed to its future configuration as modeled for 2045. In order to manage increases in traffic, connectivity to existing streets is required without delay throughout the construction of the phased development. The owner shall commit to constructing five road connections to existing streets to the south and east by phases and in a manner that does not allow for this connectivity to be delayed to future phases.
- Any property owned by the applicant that is west of the city's ACI along Huetter Road must be subdivided and conveyed or dedicated to Post Falls Highway District per conversations with the applicant, Post Falls Highway District, and Kootenai County. Property outside the ACI should not be annexed into the City at this time.

Parks:

- Ten (10) acres for one Community Park
- Eight (8) acres of land for one Residential Park
- Two (2) traversing north-south trails that connect out of the development
- Two (2) traversing east-west trails that connect out of the development
- Timing for large scale public park improvements and dedication(s) along with trails connections and improvements to be defined in the annexation and development agreement.

Planning:

- Proposed use limitations: No Adult Entertainment, Billboards, Industrial Uses, Heliports, Outdoor Sales or Rental of Boats, Vehicles, or Equipment, Outdoor Storage of materials and equipment (except during construction), Repair of Vehicles (unless entirely within a building), Sewage Treatment Plants and other Extensive Impact activities (unless publicly owned), Work Release Facilities, Wrecking Yards, and Vehicle Washing (unless located within a building or parking structure).
- Five percent (5%) of the residential units qualify as "affordable/workforce housing" in conjunction with PAHA (or similar organization as exists at the time of implementation) as the administrating entity. This level of commitment was discussed with the applicant prior to any hearings with details to be addressed in the annexation and development agreement.
- Ongoing concurrency analysis for total acreage developed, open space improvements (parks and trails), transportation improvements (volume and connections), and affordable/workforce housing will be provided by zone and phase.
- This request is for annexation and zoning designations only. The applicant has provided preliminary conceptual design information that is not binding at this time. Staff

suggests that at a minimum the annexation and development agreement include language that ties future subdivision applications to generally adhere to: alignment of transportation, product types (place types), trails and public parks as shown in the conceptual design.

Other:

- The developer has a Memorandum of Understanding (MOU) with School District #271 for two (2) future school sites. While the City is not a party to the MOU between the developer and the School District, this commitment should be considered in the annexation and development agreement.
- Electric transmission lines, natural gas, and any other existing easements for utilities may exist on the subject properties. The applicant must adhere to the required easements or seek legal changes to alter/extinguish, if needed.

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

ROLL CALL:

Commissioner Fleming	Voted Yes
Commissioner Ingalls	Voted Yes
Commissioner Mandel	Voted Yes
Commissioner McCracken	Voted Yes
Commissioner Ward	Voted Yes
Chairman Messina	Voted Yes

Commissioner Luttrupp was absent.

Motion to approve carried by a 6 to 0 vote.



CHAIRMAN TOM MESSINA

EXHIBIT "C"

(Legal Descriptions of Zoning Districts & Corresponding Zoning Map)

ZONE C-17L (WATER TOWER)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER;

THENCE SOUTH 00°52'54" WEST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER 150.00 FEET;

THENCE NORTH 88°39'33" WEST, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER 150.00 FEET;

THENCE NORTH 00°52'54" EAST 150.00 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER;

THENCE SOUTH 88°39'33" EAST 150.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22501 SQ. FT OR 0.517 ACRE, MORE OF LESS.

ZONE C-17 (NORTH)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88°39'33" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF WEST HANLEY AVENUE, 1135.12 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 01°20'27" WEST 676.63 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF SOUTH 26°24'24" WEST, A CHORD DISTANCE OF 169.46 FEET, THROUGH A CENTRAL ANGLE OF 50°07'53", A DISTANCE OF 174.99 FEET;

THENCE SOUTH 51°28'20" WEST 145.79 FEET;

THENCE NORTH 88°38'42" WEST 99.77 FEET;

THENCE NORTH 00°44'36" EAST 113.94 FEET;

ANNEXATION AND DEVELOPMENT AGREEMENT

THENCE NORTH 89°43'47" WEST 343.18 FEET;

THENCE NORTH 00°24'13" EAST 554.45 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET; A CHORD BEARING OF NORTH 01°54'22" WEST, A CHORD DISTANCE OF 40.30 FEET, THROUGH A CENTRAL ANGLE OF 04°37'10", A DISTANCE OF 40.31 FEET;

THENCE NORTH 04°12'57" WEST 103.40 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CHORD BEARING OF NORTH 01°54'22" WEST, A CHORD DISTANCE OF 24.18 FEET, THROUGH A CENTRAL ANGLE OF 04°34'10", A DISTANCE OF 24.19 FEET;

THENCE NORTH 00°24'13" EAST 86.26 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST HANLEY AVENUE;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WEST HANLEY AVENUE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4960.00 FEET, A CHORD BEARING OF NORTH 88°50'10" EAST, A CHORD DISTANCE OF 186.03 FEET, THROUGH A CENTRAL ANGLE OF 02°08'57", A DISTANCE OF 186.04 FEET;

THENCE SOUTH 88°39'33" EAST 466.07 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 12.239 ACRES, MORE OR LESS.

ZONE R-17 (NORTH)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88°39'33" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF WEST HANLEY AVENUE, 150.00 FEET TO THE **TRUE POINT OF BEGINNING;**

THENCE NORTH 88°39'33" WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF WEST HANLEY AVENUE 985.12 FEET;

THENCE SOUTH 01°20'27" WEST 676.63 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF SOUTH 26°24'24" WEST, A CHORD DISTANCE OF 169.46 FEET, THROUGH A CENTRAL ANGLE OF 50°07'53", A DISTANCE OF 174.99 FEET;

THENCE SOUTH 51°28'20" WEST 145.79 FEET;

ANNEXATION AND DEVELOPMENT AGREEMENT

THENCE NORTH 88°38'42" WEST 99.77 FEET;

THENCE NORTH 00°44'36" EAST 113.94 FEET;

THENCE NORTH 89°43'47" WEST 343.18 FEET;

THENCE NORTH 00°24'13" EAST 554.45 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET; A CHORD BEARING OF NORTH 01°54'22" WEST, A CHORD DISTANCE OF 40.30 FEET, THROUGH A CENTRAL ANGLE OF 04°37'10", A DISTANCE OF 40.31 FEET;

THENCE NORTH 04°12'57" WEST 103.40 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CHORD BEARING OF NORTH 01°54'22" WEST, A CHORD DISTANCE OF 24.18 FEET, THROUGH A CENTRAL ANGLE OF 04°34'10", A DISTANCE OF 24.19 FEET;

THENCE NORTH 00°24'13" EAST 86.26 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST HANLEY AVENUE;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WEST HANLEY AVENUE THE FOLLOWING 3 COURSES AND DISTANCES:

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4960.00, A CHORD BEARING OF SOUTH 86°29'36" WEST, A CHORD DISTANCE OF 219.56 FEET, THROUGH A CENTRAL ANGLE OF 02°32'11", A DISTANCE OF 219.57 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4050.00 FEET, A CHORD BEARING OF SOUTH 88°17'10" WEST, A CHORD DISTANCE OF 432.53 FEET, THROUGH A CENTRAL ANGLE OF 06°07'19", A DISTANCE OF 432.74 FEET;

THENCE NORTH 88°39'10" WEST 149.13 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF NORTH HUETTER ROAD THE FOLLOWING 3 COURSES AND DISTANCES:

THENCE SOUTH 01°09'27" WEST 421.28 FEET;

THENCE NORTH 88°39'33" WEST 15.00 FEET;

THENCE SOUTH 01°09'27" WEST 2175.54 FEET, TO THE SOUTH LINE OF SAID NORTHWEST QUARTER;

THENCE SOUTH 88°45'41" EAST, ALONG LAST SAID SOUTH LINE 1209.14 FEET;

THENCE NORTH 39°57'50" EAST 393.70 FEET;

THENCE NORTH 50°02'10" WEST 202.18 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF NORTH 24°38'47" WEST, A CHORD DISTANCE OF 171.51 FEET, THROUGH A CENTRAL ANGLE OF 50°46'46", A DISTANCE OF 177.25 FEET;

THENCE NORTH 00°44'36" EAST 381.86 FEET;

THENCE SOUTH 89°09'46" EAST 1389.12 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 00°52'54" EAST, ALONG LAST SAID EAST LINE 1512.42 FEET;

THENCE NORTH 88°39'33" WEST, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER 150.00 FEET;

THENCE NORTH 00°52'54" EAST 150.00 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 114.941 ACRES, MORE OR LESS.

ZONE R-8

THAT PART OF THE WEST HALF OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 88°45'41" EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 1067.39 FEET, TO THE **TRUE POINT OF BEGINNING;**

THENCE SOUTH 88°45'41" EAST 166.75 FEET;

THENCE NORTH 39°57'50" EAST 393.70 FEET;

THENCE NORTH 50°02'10" WEST 202.18 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF NORTH 24°38'47" WEST, A CHORD DISTANCE OF 171.51 FEET, THROUGH A CENTRAL ANGLE OF 50°46'46", A DISTANCE OF 177.25 FEET;

THENCE NORTH 00°44'36" EAST 381.86 FEET;

THENCE SOUTH 89°09'46" EAST 1389.12 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33;

ANNEXATION AND DEVELOPMENT AGREEMENT

THENCE SOUTH 00°52'54" WEST, ALONG LAST SAID EAST LINE 979.52 FEET TO THE CENTER OF SAID SECTION 33;

THENCE SOUTH 00°53'34" WEST 2645.44 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33;

THENCE SOUTH 00°19'49" WEST, ALONG THE WEST LINE OF THE PLAT OF INDIAN MEADOWS, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'E' OF PLATS, PAGE 130, RECORDS OF KOOTENAI COUNTY, IDAHO, A DISTANCE OF 2737.32 TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4;

THENCE NORTH 88°04'43" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; A DISTANCE OF 2171.16 FEET;

THENCE NORTH 01°10'25" EAST 435.05 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 42.50 FEET, A CHORD BEARING OF NORTH 46°10'25" EAST, A CHORD DISTANCE OF 60.10 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 66.76 FEET;

THENCE SOUTH 88°49'35" EAST 1143.59 FEET;

THENCE NORTH 01°10'30" EAST 833.70 FEET;

THENCE NORTH 88°49'35" WEST 587.50 FEET;

THENCE NORTH 01°10'25" EAST 645.87 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF NORTH 23°08'37" WEST, A CHORD DISTANCE OF 164.71 FEET, THROUGH A CENTRAL ANGLE OF 48°38'04", A DISTANCE OF 169.77 FEET;

THENCE NORTH 47°27'39" WEST 62.22 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CHORD BEARING OF NORTH 34°53'56" WEST, A CHORD DISTANCE OF 130.50 FEET, THROUGH A CENTRAL ANGLE OF 25°07'26", A DISTANCE OF 131.55 FEET;

THENCE NORTH 22°20'13" WEST 119.08 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 295.00 FEET, A CHORD BEARING OF NORTH 59°34'04" EAST, A CHORD DISTANCE OF 83.08 FEET, THROUGH A CENTRAL ANGLE OF 16°11'27", A DISTANCE OF 83.36 FEET; THENCE NORTH 51°28'20" EAST 244.38 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 295.00 FEET, A CHORD BEARING OF NORTH 26°05'43" EAST, A CHORD DISTANCE OF 252.86 FEET, THROUGH A CENTRAL ANGLE OF 50°45'15", A DISTANCE OF 261.32 FEET;

THENCE NORTH 00°43'05" EAST 493.51 FEET;

THENCE NORTH 88°46'45" WEST 1217.16 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE NORTH 01°08'46" EAST, ALONG LAST SAID EAST RIGHT OF WAY LINE 745.56 FEET;

THENCE SOUTH 88°46'22" EAST 1062.89 FEET;

THENCE NORTH 00°15'35" EAST 1325.02 FEET TO THE **TRUE POINT OF BEGINNING**.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 33, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PLAT OF NORTHSHIRE, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'E' OF PLATS, PAGE 199, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE SOUTH 00°53'34" WEST, ALONG THE WEST LINE OF SAID PLAT OF NORTHSHIRE, 2605.44 FEET TO THE SOUTHWEST CORNER OF SAID PLAT OF NORTHSHIRE;

THENCE SOUTH 00°53'34" WEST 40.00 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33;

THENCE SOUTH 00°19'49" WEST 40.00 FEET TO THE NORTHWEST CORNER OF INDIAN MEADOWS, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'E' OF PLATS, PAGE 130, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE SOUTH 00°19'49" WEST, ALONG THE WEST LINE OF SAID PLAT OF INDIAN MEADOWS, 2697.32 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF WOODSIDE PARK ADDITION, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'G' OF PLATS, PAGE 20, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE NORTH 88°04'43" WEST ALONG THE NORTH LINE OF SAID PLAT OF WOODSIDE PARK ADDITION AND THE NORTH LINE OF WOODSIDE PARK FIRST ADDITION, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'G' OF PLATS, PAGE 368, RECORDS OF KOOTENAI COUNTY, IDAHO; 1830.40 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF WOODSIDE PARK FIRST ADDITION;

THENCE NORTH 01°55'17" EAST 300 FEET;

THENCE SOUTH 88°04'43" EAST 1521.95 FEET TO A POINT WHICH IS 300 FEET WEST OF THE WEST LINE OF SAID PLAT OF INDIAN MEADOWS;

THENCE NORTH 00°19'49" EAST 2430.34 FEET;

THENCE NORTH 00°53'34" EAST 2648.72 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

THENCE SOUTH 88°45'41" EAST 300.01 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 187.099 ACRES, MORE OR LESS.

ZONE R-3

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 33, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PLAT OF NORTHSHIRE, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'E' OF PLATS, PAGE 199, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE SOUTH 00°53'34" WEST, ALONG THE WEST LINE OF SAID PLAT OF NORTHSHIRE, 2605.44 FEET TO THE SOUTHWEST CORNER OF SAID PLAT OF NORTHSHIRE;

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THENCE SOUTH 00°53'34" WEST 40.00 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33;

THENCE SOUTH 00°19'49" WEST 40.00 FEET TO THE NORTHWEST CORNER OF INDIAN MEADOWS, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'E' OF PLATS, PAGE 130, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE SOUTH 00°19'49" WEST, ALONG THE WEST LINE OF SAID PLAT OF INDIAN MEADOWS, 2697.32 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF WOODSIDE PARK ADDITION, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'G' OF PLATS, PAGE 20, RECORDS OF KOOTENAI COUNTY, IDAHO;

THENCE NORTH 88°04'43" WEST ALONG THE NORTH LINE OF SAID PLAT OF WOODSIDE PARK ADDITION AND THE NORTH LINE OF WOODSIDE PARK FIRST ADDITION, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN BOOK 'G' OF PLATS, PAGE 368, RECORDS OF KOOTENAI COUNTY, IDAHO; 1830.40 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF WOODSIDE PARK FIRST ADDITION;

THENCE NORTH 01°55'17" EAST 300 FEET;

THENCE SOUTH 88°04'43" EAST 1521.95 FEET TO A POINT WHICH IS 300 FEET WEST OF THE WEST LINE OF SAID PLAT OF INDIAN MEADOWS;

THENCE NORTH 00°19'49" EAST 2430.34 FEET;

THENCE NORTH 00°53'34" EAST 2648.72 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

THENCE SOUTH 88°45'41" EAST 300.01 FEET TO THE **POINT OF BEGINNING**.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE NORTH 88°47'00" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 53.95 FEET; THENCE NORTH 00°24'13" EAST 53.05 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00°24'13" EAST 150.00 FEET;

THENCE NORTH 89°35'47" WEST 150.00 FEET;

THENCE SOUTH 00°24'13" WEST 150.00 FEET;

THENCE SOUTH 89°35'47" EAST 150.00 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 47.053 ACRE, MORE OR LESS.

ZONE C-17L (WELL SITE)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE NORTH 88°47'00" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 53.95 FEET; THENCE NORTH 00°24'13" EAST 53.05 FEET TO THE **TRUE POINT OF BEGINNING;**

THENCE CONTINUING NORTH 00°24'13" EAST 150.00 FEET;

THENCE NORTH 89°35'47" WEST 150.00 FEET;

THENCE SOUTH 00°24'13" WEST 150.00 FEET;

THENCE SOUTH 89°35'47" EAST 150.00 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 22500 SQ. FT. OR 0.517 ACRE, MORE OR LESS.

ZONE R-17 (MIDDLE)

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE SOUTH 88°47'00" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 785.82 FEET TO THE **TRUE POINT OF BEGINNING;**

THENCE CONTINUING SOUTH 88°47'00" EAST 371.35 FEET;

THENCE SOUTH 67°40'56" EAST 73.76 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 295.00 FEET, A CHORD BEARING OF NORTH 11°31'05" EAST, A CHORD DISTANCE OF 110.55 FEET, THROUGH A CENTRAL ANGLE OF 21°35'59", A DISTANCE OF 111.21 FEET;

THENCE NORTH 00°43'05" EAST 493.51 FEET;
THENCE NORTH 88°46'45" WEST 456.34 FEET;
THENCE SOUTH 01°08'46" WEST 575.74 FEET TO THE **TRUE POINT OF BEGINNING.**
CONTAINING 6.076 ACRES, MORE OR LESS.

ZONE C-17 (SOUTH)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 88°47'00" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 40.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HUETTER ROAD AND **TRUE POINT OF BEGINNING;**

THENCE ALONG THE EAST RIGHT OF WAY LINE OF NORTH HUETTER ROAD THE FOLLOWING 3 COURSES AND DISTANCES:

1. THENCE SOUTH 00°05'34" WEST 507.07 FEET;
2. THENCE NORTH 88°47'00" WEST 15.00 FEET;
3. THENCE SOUTH 00°05'34" WEST 1322.51 FEET;

THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, SOUTH 88°49'35" EAST 831.44 FEET;

THENCE NORTH 01°10'25" EAST 490.42 FEET;

THENCE NORTH 50°14'22" EAST 83.48 FEET;

THENCE NORTH 01°10'25" EAST 464.64 FEET;

THENCE SOUTH 88°49'35" EAST 165.32 FEET;

THENCE NORTH 01°10'25" EAST 65.95 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF NORTH 23°08'37" WEST, A CHORD DISTANCE OF 164.71 FEET, THROUGH A CENTRAL ANGLE OF 48°38'04", A DISTANCE OF 169.77 FEET;

THENCE NORTH 47°27'39" WEST 62.22 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CHORD BEARING OF NORTH 34°53'56" WEST, A CHORD DISTANCE OF 130.50 FEET, THROUGH A CENTRAL ANGLE OF 25°07'26", A DISTANCE OF 131.55 FEET;

ANNEXATION AND DEVELOPMENT AGREEMENT

THENCE NORTH 22°20'13" WEST 119.08 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 295.00 FEET, A CHORD BEARING OF NORTH 59°34'04" EAST, A CHORD DISTANCE OF 83.08 FEET, THROUGH A CENTRAL ANGLE OF 16°11'27", A DISTANCE OF 83.36 FEET;

THENCE NORTH 51°28'20" EAST 244.38 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 295.00 FEET, A CHORD BEARING OF NORTH 36°53'42" EAST, A CHORD DISTANCE OF 148.49 FEET, THROUGH A CENTRAL ANGLE OF 29°09'16", A DISTANCE OF 150.11 FEET;

THENCE NORTH 67°40'56" WEST 73.76 FEET, TO THE NORTH LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 88°47'00" WEST 1117.16 FEET TO THE **TRUE POINT OF BEGINNING**;

CONTAINING 39.158 ACRES, MORE OR LESS.

ZONE R-17 (SOUTH)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 88°47'00" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 40.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HUETTER ROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF NORTH HUETTER ROAD THE FOLLOWING 3 COURSES AND DISTANCES:

1. THENCE SOUTH 00°05'34" WEST 507.07 FEET;
2. THENCE NORTH 88°47'00" WEST 15.00 FEET;
3. THENCE SOUTH 00°05'34" WEST 1322.51 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, SOUTH 88°49'35" EAST 831.44 FEET;

THENCE NORTH 01°10'25" EAST 490.42 FEET;

THENCE NORTH 50°14'22" EAST 83.48 FEET;

THENCE NORTH 01°10'25" EAST 464.64 FEET;

THENCE SOUTH 88°49'35" EAST 165.32 FEET;

ANNEXATION AND DEVELOPMENT AGREEMENT

THENCE SOUTH 01°10'25" WEST 579.91 FEET;

THENCE SOUTH 88°49'35" EAST 587.50 FEET;

THENCE SOUTH 01°10'30" WEST 833.70 FEET;

THENCE NORTH 88°49'35" WEST 1143.59 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 42.50 FEET, A CHORD BEARING OF SOUTH 46°10'25" WEST, A CHORD DISTANCE OF 60.10, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 66.76 FEET;

THENCE SOUTH 01°10'25" WEST 435.05 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 88°04'43" WEST, ALONG LAST SAID SOUTH LINE 411.09 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HUETTER ROAD;

THENCE NORTH 07°59'16" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 239.25 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°05'34" EAST 639.95 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 30.428 ACRES, MORE OR LESS.

CORRESPONDING ZONING MAP:

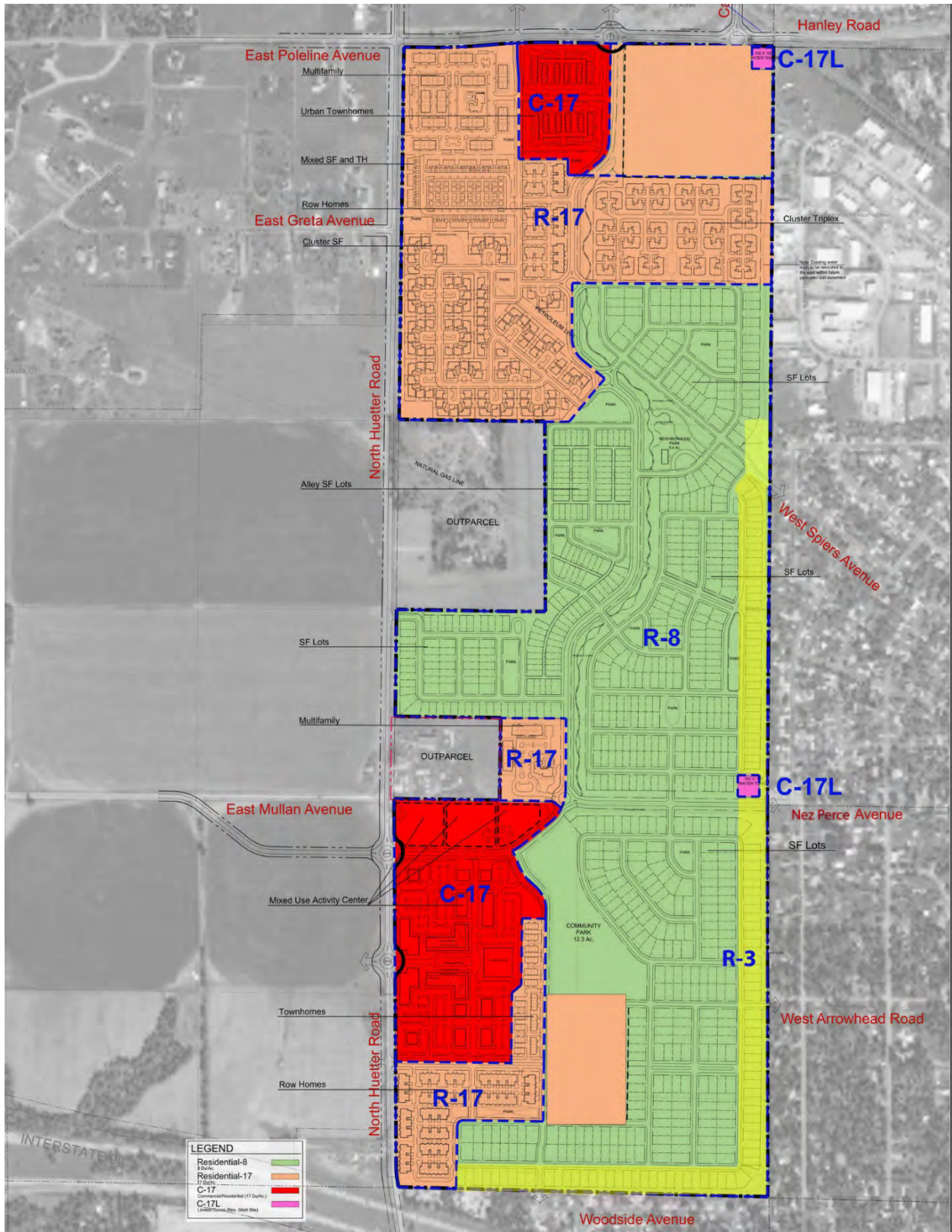


EXHIBIT "D"

(Generally Adhered to Design: Conceptual Master Plan)

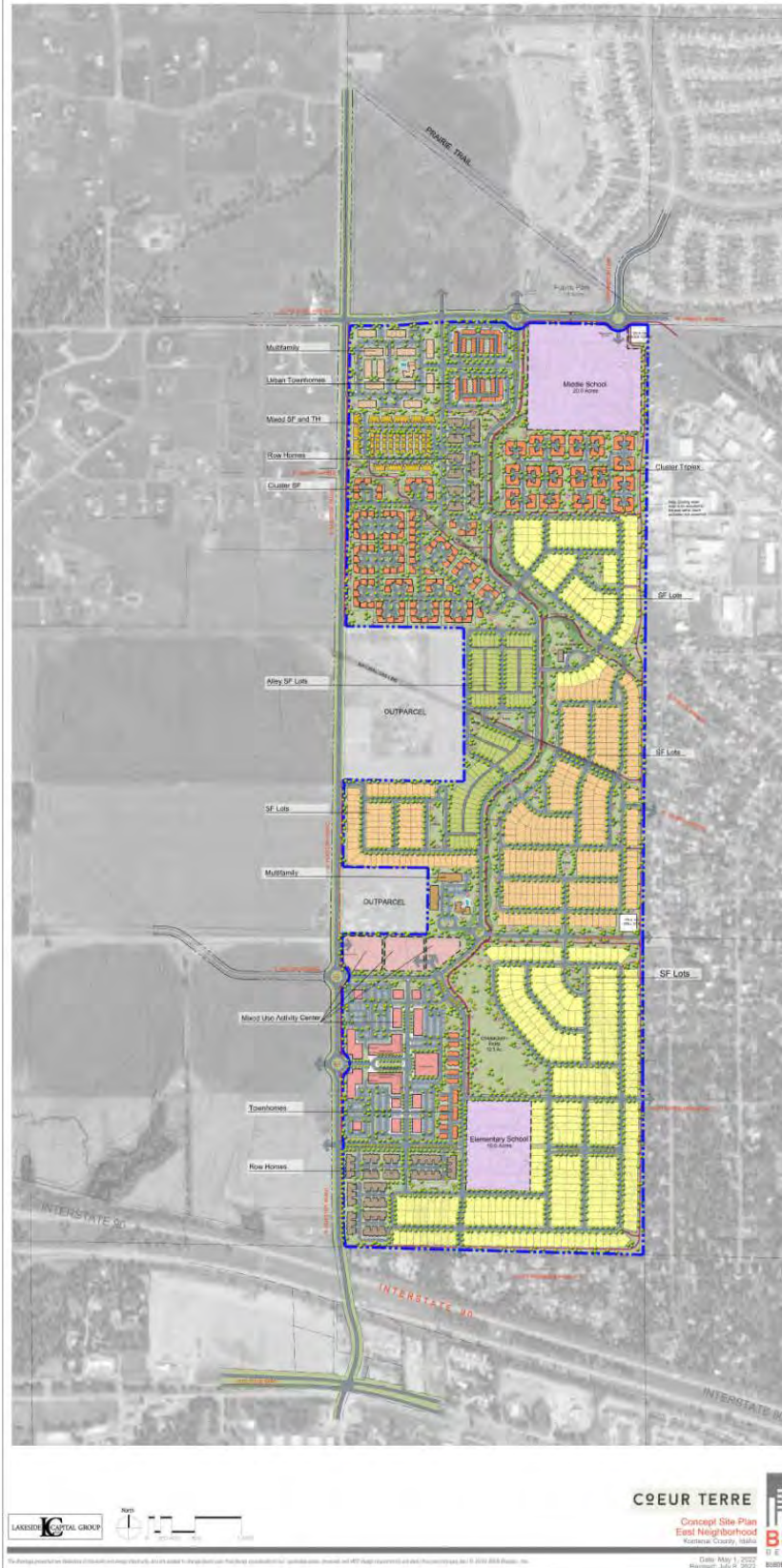


EXHIBIT "E"

(Copy of MOU with School District #271)

MEMORANDUM OF UNDERSTANDING

Coeur d'Alene School District #271 and LRE V, LLC

This memorandum of understanding ("MOU") is entered into on this 7th day of February, 2022 (the "Effective Date"), by and between LRE V, LLC, an Idaho limited liability company and its wholly owned subsidiaries which hold title to the subject properties (together with its successors and assigns, collectively referred to herein as, "Owner") and the Coeur d'Alene School District #271 (the "District). Collectively, the District and Owner are referred to herein as the "Parties"; provided, however, the Parties acknowledge and agree that: (1) LRE V LLC holds the property for investment and does not intend to develop the subject Property and, instead, shall convey its interest in the subject Property, to an entity which intends to develop the Property and incident to that conveyance the transferee shall assume all obligations of the Owner under this MOU and (2) any reference herein to development, annexation or subdivision of the subject Property is in reference to actions to be taken by the transferee or successor in interest to the present Owner, which is signatory to this MOU.

RECITALS:

- A. The District is in need of, and has had significant difficulty locating, at a feasible price, appropriate real property for purposes of a new elementary school and middle school.
- B. The Owner desires to work with the District to donate certain property and sell other property to meet the District's needs as outlined below.
- C. Owner is the owner of certain unimproved real property located east of N. Huetter Rd., bounded to the north by what will be an extension of N. Hanley and to the south by W. Appaloosa Road, all of which property is located in Kootenai County, Idaho within the District's boundaries and generally depicted on Exhibit "A" hereto (the "Property").
- D. Owner intends to annex the Property into the jurisdiction of the City of Coeur d'Alene, Idaho in conjunction with (or followed by) an application for zoning and subdivision approval (the "Project").
- E. Owner intends to donate, and the District desires to accept, a subdivided or boundary adjusted parcel of land included in the Property, consisting of approximately ten (10) acres, located within the Project near W. Appaloosa Road as generally depicted on Exhibit "B" hereto (the "Donated School Property"), subject to the terms of this MOU.
- F. In addition to the Donated School Property, the District intends to purchase, and Owner desires to sell, a subdivided or boundary adjusted parcel of land included in the Property, consisting of approximately twenty (20) acres, located within the Project near N. Hanley as depicted on Exhibit "B" (the "Purchased School Property"). The Donated School Property and the Purchased School Property are sometimes referred to herein, collectively, as the "School Lots."

MOU: Coeur d'Alene School District #271 and Armstrong Development Property - 1

- G. The Parties desire to work together, in good faith, to achieve the mutual goals and interests outlined herein.

NOW THEREFORE, the Parties agree that the following steps outline the basic terms of the intended donative and sale transfers contemplated by the Parties:

1. Owner agrees (or to cause its successors in interest to agree) to work in good faith toward the following goals:
 - a. To submit (or cause its successor in interest to submit) applications to the City of Coeur d'Alene for the purposes of annexation, rezoning and subdivision of the Property in a timely manner not to exceed 180 days from the Effective Date of this agreement.
 - b. To include (or cause its successors in interest to include) on all application materials its intent, and conditional obligation, to donate the Donated School Property to the District.
 - i. The location, layout, size and requested zoning of the Donated School Property shall be subjected to review by and coordination with the District before submission to the City.
 - ii. The sewer, water, roads, traffic, zoning and plat content relating to the Donated School Property and required for development thereof shall be subjected to review by and coordination with the District before submission to the City.
 - c. To include (or cause its successors in interest to include) on all application materials its intent, and conditional obligation, to sell the Purchased School Property to the District.
 - i. The location, layout, size and requested zoning of the Purchased School Property shall be subjected to review by and coordination with the District before submission to the City.
 - ii. The sewer, water, roads, traffic, zoning and plat content relating to the Purchased School Property and required for development thereof shall be subjected to review by and coordination with the District before submission to the City.
 - d. To include (or cause its successors in interest to include) in its plans and factoring for the Project, the size and location of the School Lots as depicted on Exhibit "B", and to include the same in all studies submitted (including but not limited to sewer, water, roads and traffic) in order to complete all necessary submittals and infrastructure required to obtain final plat approval from the City of Coeur d'Alene.
2. The District agrees to work in good faith toward the following goals:
 - a. To work with Owner (or its successors in interest) on the location, layout, size and requested zoning of the School Lots consistent with the parameters outlined herein.

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- b. To write a letter of support in favor of annexation and development of the Property to the City of Coeur d'Alene and otherwise support annexation and development of the Property as reasonably requested by Owner or its successors in interest.
- 3. The Parties recognize and agree that this Agreement is preliminary in nature and only addresses the conceptual shared goals of (i) annexation of the Property into the City; (ii) donation of the Donated School Property; and (iii) purchase of the Purchased School Property. If the Property is successfully annexed into the City, the Parties agree to work together in good faith to negotiate a subsequent MOU to address additional details such as (but not limited to) the purchase price for the Purchased School Property and the potential to share the cost of necessary infrastructure associated with the School Lots.
- 4. The Parties recognize and agree that any donation and/or purchase of real property requires the approval of the District's then sitting Board of Trustees, in addition to other requirements mandated by Idaho law.
- 5. All obligations of Owner under this MOU, any subsequent MOU, any Purchase Agreement or Donation Agreement shall be contingent on the prior annexation of the Property into the City of Coeur d'Alene and approval and undertaking of the subdivision and development of the subject Property.
- 6. This MOU shall take effect on the Effective Date and can only be modified by a written document signed by the Parties. The Parties may mutually agree to terminate this MOU at any time and this MOU may be terminated by either party in the event of a material breach of any obligations set forth herein.
- 7. The Parties agree to work in good faith towards the goals outlined herein.

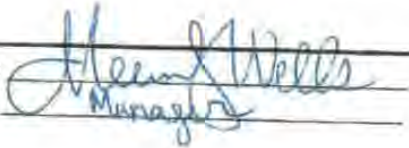
In witness hereof, the Parties hereto have executed this Memorandum of Understanding on the date set forth below.

Coeur d'Alene School District #271

LRE V, LLC, an Idaho limited liability company



By: Dr. Shon Hocker
Its: Superintendent



By:
Its:

EXHIBIT "F"
(Preliminary Phasing Plan)

