

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

March 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 March 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.

**PLEDGE OF ALLEGIANCE:** Mayor Hammond led the pledge of allegiance.

**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 NGB, Niche 76, Forest Cemetery Annex in the amount of \$900.00.

**As Recommended by the City Clerk**

7. **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.

**DISCUSSION:** Councilmember Gookin mentioned that the consent agenda items were now being shown on the meeting room's projector screen. He said there were items listed on the consent agenda as routine, yet he didn't feel the large dollar amounts were routine, and noted the Open Trench Pipe Construction and Operations Building Remodel bid awards were over a million dollars each. He said he would prefer they be discussed as an agenda item instead of as consent items. Councilmember Miller noted the building remodel was a rebid and Council had heard the details at a previous Council meeting. Councilmember Gookin asked for clarification on the Live After 5 McEuen Park Concert Series agreement revisions, with Parks Director Bill Greenwood responding the revised language had been requested by the Police Department with support from Davis Enterprises, and now stated there would be one (1) security officer for each 250 event attendees, and larger events would be negotiated.

**MOTION:** Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 23-019**.

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

**PUBLIC COMMENTS:**

Diana Sheridan, Coeur d'Alene, stated she had previously made public comment regarding traffic cameras and said she had researched the camera manufacturer and they could capture license plates, facial recognition, etc., and asked where data was being stored.

Justin O'Connell, Coeur d'Alene, stated he had concerns with the recent bank closures, cost of goods, looming recession, farming issues, and suggested cutting funding to the Arts Commission.

**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.

**STAFF REPORT:** Bill Greenwood, Director of Parks and Recreation requested Council approve the lease agreement with Brooke's Seaplane Service. He said they have been leasing Bay 5 on the commercial dock and providing plane rides over the region for over 30 years and was a favorite attraction with the community and visitors alike. He mentioned the company had changed hands from the Lunt's to No Limits Aviation Inc., d/b/a Brooke's Seaplane Service, and Scenic Adventure Flights LLC. He noted for the period of April 1, 2023, through March 31, 2024, the lessee agreed to pay \$7,099.08 for the right to moorage space and the use of a portion of the dock. The breakdown of fees was as follows: \$6,959.88 based on the monthly rental of \$579.99, and \$139.20 which was the 2% fee assessed by the Department of Lands. He noted that annual fee increases would be calculated based on the previous years' fee plus the Consumer Price Index (CPI) Western for all urban consumers. He said Brooke's Seaplane Service had an existing lease in place through 2022, and the new lease with Scenic Adventure Flights and No Limits Aviation was for a five (5) year lease commencing April 1, 2023, and ending March 31, 2028. He noted the lessee may request in writing a five-year extension of the agreement for the period from April 1, 2028, to March 31, 2033, by submitting a written request for extension after April 1, 2027, and prior to September 1, 2027.

**DISCUSSION:** Councilmember Gookin asked how fees were set for the dock, with Mr. Greenwood responding the fees were set years ago, had increased each year, and were based on linear feet. Councilmember Gookin noted the Hagadone Resort charged much more than the City and asked if comparisons had been made, with Mr. Greenwood responding he was comfortable with the current fee structure and it wasn't the City's intent to compete with other businesses. Councilmember Wood asked Shane Rogers of Brooke's Seaplane Service to explain his business. Mr. Rogers said the start date was dependent on weather and he may have a soft start next week during spring break, with a full start in mid-April. He said information was available online at [www.brooksseaplane.com](http://www.brooksseaplane.com) and trips could be booked online and they accepted walk-ups. He said he had two (2) airplanes available for flights. Councilmember English said they had been approached by a member of the public who thought the lease should be based on money brought in, but he was not in favor of examining business cash flows. Mr. Rogers noted the Hagadone Corporation had a different business model in which they parked boats and his business was quite different. Councilmember McEvers asked if they flew at night, with Mr. Rogers responding they did not and that Federal Aviation Administration rules dictated hours of operation. Councilmember Miller said she also had conversations with members of the public and asked if the ticket booth was still located on the dock, with Mr. Rogers responding it was located at the four (4') foot walkway at end of dock which belonged to him. She said it was a great service to the community yet the value of real estate on the water had changed over the years. She said she was looking for a fair formula or fair market value in regard to the public asset, and the current lease fees were fairly low rates for commercial rental. She noted the previous lease had been for a three-year term, with option to renew for three years, and was now a five-year term, with option to renew for five years, with Mr. Greenwood noting it had been changed to a five-year period as Council had previously questioned why the agreements and leases were for shorter terms. Renewal of the lease would require a written letter of interest in order to renew for an additional five-year term. Councilmember Miller asked if others had been given the option to bid on the space, with Mr. Greenwood responding there were opportunities when the lessee gave up their lease, and this lease was specifically for a seaplane business and it had been the City's desire to keep the seaplane business. Mayor Hammond said the larger issue was managing summer events, recognizing resort

city status, and that visitors and locals alike enjoyed the events. It was important to balance the cost charged to vendors, versus the cost to the City. Councilmember Miller noted she would like to have the rates reviewed in the future.

**MOTION:** Motion by Wood, seconded by English, to approve **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.

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

**(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**

Mayor Hammond asked the Council if they had any conflicts of interest to report, with all councilmembers responding they had no conflicts of interest to report. Councilmember Gookin asked City Attorney Randy Adams about a letter received from Fulgham Law PLLC. stating an annexation was not a quasi-judicial hearing but was a legislative hearing. Mr. Adams explained that it depended on who the hearing affected, and when the public in general was affected, it was a legislative process. He said when specific to an individual or specific entity, as was the case before Council, it is generally considered quasi-judicial.

Mayor Hammond said the term “deliberation” in the Idaho Open Meetings Law includes the receipt or exchange of information in any form, including emails, telephone calls, and in-person conversations. In addition, when Council sits in a quasi-judicial capacity, its decision can only be based on information presented at the hearing. Therefore, he asked if any Council member had received or exchanged information related to the Coeur Terre annexation request since the last public hearing that was not included in the Council packet. He said if so, would they please disclose the information so that the applicant and the public had full knowledge of the information they possessed. All councilmembers responded they had not been in receipt or exchange of any information that was not supplied to the City Clerk to be included in the record. Councilmember Miller noted she had made an announcement at the Library Board of Trustee’s meeting stating the hearing’s date and time.

**STAFF REPORT:** Hilary Patterson, Community Planning Director, said Kootenai County Land Company, LLC, through its representative Connie Krueger, was 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. She said a hearing on the application was held before the Planning Commission on October 11, 2022, and a zoning recommendation was made on a 6 to 0 vote, with Commissioner Luttrupp absent. She noted the City Council first conducted a public hearing on the annexation and zoning request, along with the Annexation and Development Agreement (DA), on February 7, 2023. After presentations from



staff and the applicant, and testimony from members of the public, the Mayor closed the public hearing and the City Council voted 6 to 0 to defer its decision on A-4-22 to the February 21, 2023, meeting. Council directed staff to negotiate with the applicant/developer to revise the DA to address the concerns of individual Council members. She said the Mayor and City Council members subsequently provided their comments to City staff so that they could negotiate with the applicant team. She said the applicant team agreed with the requests of Council members and the DA was revised consistent with those requests and the express needs of the Police, Fire, and Streets Departments, as well as the Water and Wastewater Departments. She noted the revised DA reflected the combined efforts of staff from the Planning, Police, Fire, Streets, Water, Wastewater, Legal, and Administration Departments, as well as the Mayor and applicant team to meet the concerns and comments expressed by Council. She said that 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. She mentioned Mayor Hammond had indicated that the re-opened public hearing should be limited to addressing the new information and changes to the DA since the original February 7, public hearing. She said Council is to make a decision on Council Bill No. 23-1002, approving the annexation request with the addition of the R-3 zoning designation, and whether to approve the Annexation and Development Agreement by Resolution 23-012. She said Council must make written findings supporting its decision and that the following were four (4) findings required for 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.

She explained the addition of R-3 zoning was new, included 47.053 acres, and would provide a buffer zone between the existing neighborhoods and the project, and reduced the R-8 zoning area to 187.099 acres. She noted Police, Fire, and Streets and Engineering Departments had provided important details on public safety and service requirements related to connections to the east of the proposed annexation. The comments were utilized to draft Section 4.3 of the revised DA. She noted other changes to the DA included a maximum of 2,800 residential units, two (2) street connections to existing subdivisions on the east, no Hanley Avenue roundabouts on the northern boundary of the property, water easements, adding a right-turn lane for eastbound traffic on Hanley Avenue to the future middle school, installation of Rectangular Rapid Flashing Beacons (RRFBs) at both school sites at the owners' expense, adding a location for a future Police Substation, revised phasing plan, removal of use limitations, the addition of a section related to subdivision plans, planned unit development, site plan or boundary line adjustment requests, new construction activity section, revised concurrency analysis requirements, revised affordability covenants, and a revised conceptual Master Plan. She said the Post Falls Highway District's requested changes had been incorporated into the DA.

She said City Council would need to make separate findings for the zoning since the zoning districts had changed from the Planning Commission's recommendation, and a findings worksheet had been provided in the Council meeting packet. She noted Council had to decide whether to annex the property, the zoning if annexed, make findings on A-4-22 to approve, deny, or deny without prejudice, and a separate motion was required if Council chose to approve, approve with modifications, or reject the revised Annexation and Development Agreement.

**DISCUSSION:** Councilmember Wood clarified the two (2) street connections were not decided by a consensus of the full Council. Mayor Hammond noted the City's public safety departments had requested at least one (1) connection. Councilmember Gookin asked why the Police Department Substation had been added, with Chief White responding it was desirable to keep officers in close proximity to their work location and the proposed development was on the outskirts of the City. He explained the access points were chosen by location, the need was tied to density, and it was important to have access based on the proposed density which included two (2) school sites and commercial uses. He noted Nez Perce Road and Appaloosa Road would provide the best two (2) access connections. Councilmember Gookin said the maximum number of residential units (2,800) was based on the Wastewater Department's modeling and asked if it was based on maximum growth, with Director Mike Anderson responding the modeling assumed a certain amount of flow from all the surrounding areas of growth throughout the City. Councilmember Gookin asked why R-1 zoning was inefficient, with Ms. Patterson responding the larger the lots were, the less efficient it was to provide City services to them. Councilmember Gookin said a minimum 200' buffer had been added and would anything be changing in the future to change the amount, with Ms. Patterson responding it was locked in the DA and if changes were desired, they would have to bring the DA back to Council for revisions and approval. Councilmember Gookin stated Planned Unit Development (PUD) agreements were not approved by Council, with Ms. Patterson explaining any amendments to the DA would have to be brought before the Council for approval. Councilmember Wood commended the applicant for their efforts in making adjustments to the DA as the City had requested. She said Planning Department staff were professionals and had done a great job, yet Council had to look at the impacts to the neighborhoods, police and fire access, and she was not in favor of more than one (1) access point through the existing neighborhood and was looking for compromises all involved could live with. Councilmember Evans said at the last meeting there was a comment regarding phasing and stakes at the property. Water Department Director Terry Pickel said his department had been exploring possible well sites and the stakes were placed by his Department. He said they had drilled a test well, which failed due to fine sand, and would be looking for a new well site on the property. Councilmember Evans said she was concerned with unanticipated consequences by limiting street connections to only two (2) access points.

**APPLICANT:**

Mischelle Fulgham, attorney representing the Kootenai County Land Company, said it was beneficial to the City to manage the entire 440 acres with the DA, as it gave the City control of long-term growth. She said when the specific development was presented (Subdivision, PUD, etc.) for approval, more specific information and studies would be done. She said land use decisions were legislative matters and the Idaho Supreme Court had held historically that

annexations were legislative decisions and not subject to judicial review, and annexation was a legislative act of the City. She said the Comprehensive Plan was a guide, not a rigid mandatory document. She noted they had provided a vision for the property in May 2020 when the City was working on the Comprehensive Plan, and explained the plan had changed from what they had presented at the neighborhood meetings. She said the DA gave the City control of the property and it would travel with the land. She noted there were no laws requiring workforce housing, police substations, parks and trails, etc., and said the DA was a great tool for the City to be able to include them in the agreement. She said amendments to the DA must return as a public hearing. She stated there had been no violations of open meeting law, the annexation and development agreement met all the necessary requirements, and asked for Council's approval.

Civil Engineer Gabe Gallinger, Kootenai County Land Development, said the plan had been designed to encourage traffic west to Huetter Road and north to Hanley Avenue. In the future, the Appaloosa Road connection would have a controlled intersection. He explained the two (2) local connections of Nez Perce Road and Appaloosa Road would contain traffic diversion and calming methods. He noted the possible use of chicanes, which are alternating curved islands that create meandering roads, and speed humps to discourage and/or slow traffic. He clarified the road connections would not be done right away and would follow the phasing plan.

Councilmember Wood said she was not in favor of the Appaloosa Road connection, and asked about purchasing Industrial Loop property for a connection. Mr. Gallinger said they had looked at the Industrial Loop property and how it may be incorporated and said the challenge was it contained a radius which was not ideal for an intersection. Councilmember Wood said Nez Perce Road was also an entrance to a quiet neighborhood and asked if Mullan Avenue was no longer being looked at, with Mr. Gallinger responding the Mullan Avenue option was moved to the south to connect to Huetter Road. Councilmember Wood asked how the property would be developed without affecting the surrounding properties, with Mr. Gallinger responding all work would be done on the developer's property. Councilmember Wood noted the Police Substation would need parking, security features, and a work space. Ms. Fulgham said they would work with the Police Chief on the design. Councilmember Miller asked if the traffic calming devices and the trails would be done along with the phasing, with Mr. Gallinger responding they would. Councilmember English stated having two (2) access points was essential for public safety and the two (2) streets had been designed for connectivity.

Brad Marshall, Senior Project Manager of JUB Engineers, said they were directed by Council to meet with the neighbors. He said they had held a meeting, listened to neighborhood concerns, and returned to Council with the addition of the R-3 buffer zone. He said in the last year they had conducted many meetings and met with various community groups. He noted that, almost a year ago, they had held a robust public meeting at the Kroc Center, and would continue to work with the public as the project moved forward. He noted at the end of the hearing the Council would be required to adopt findings and that the project met all required findings.

Mayor Hammond called for a recess at 6:54 p.m., and called the meeting back to order at 7:00 p.m.

## **PUBLIC TESTIMONY:**

Sean Jackson, Coeur d'Alene, stated he was concerned with additional traffic and the safety of people as there were no sidewalks in the existing neighborhoods adjacent to the proposed development.

Tom Berube, Coeur d'Alene, stated there were currently no life safety concerns and the life safety concerns were due to the development and the developers should place a fire station in the project. He asked that the zoning be reduced to R-1.

Mike Bullard, Coeur d'Alene, stated he was in opposition to the zoning as the increased traffic would lead to impacts at the south end of Atlas Road.

Wayne Passaow, Coeur d'Alene, stated he represented his HOA and their concerns were with the traffic impacts. He requested gates be installed at the connectors for public safety access.

Ronda Bowling, Coeur d'Alene, stated she didn't feel the project met the required findings, density was an issue, and asked that the project be denied.

Mike Curtis, Coeur d'Alene, stated he understood the developer and City's positions, yet the traffic impacts would be astronomical.

Suzanne Knutson, Coeur d'Alene, stated she represented Neighbors for Responsible Growth and they were not provided an opportunity to provide slide presentations during meetings. She said she had submitted her comments to Council through the City Clerk. She noted the entire development would encompass 1100 acres in total.

Stephanie Wolf, Coeur d'Alene, stated Huetter Road was not a good alternative as it was only a two-lane road.

Nancy Barr, Coeur d'Alene, stated the development was not compatible with existing neighborhoods due to density, school location, and traffic impacts.

Robert Knutson, Coeur d'Alene, stated existing City infrastructure was not in place to support the project. He felt the process had not been done without bias and asked that the project be denied.

Bridget Sundahl, Coeur d'Alene, stated the City should look at the surrounding roads and plan for safety needs and asked for the project to be denied.

Andrea Peters, Post Falls, asked for Council to deny the annexation. She noted KMPO asked future developments to set aside property for roads and Huetter Road at the underpass at I-90 would need upgrades. She said the development was not in conformance with her neighborhood.

Brian Rodgers, Post Falls, stated he represented the No Huetter Bypass Group. He noted they were concerned with the current growth of the area and the proposed development would be a city within the City.



Lorelei Ruddick, Coeur d'Alene, stated the Planning Commission had goals and none were being met with the proposal. She asked that the project be denied with prejudice.

Roger Ruddick, Coeur d'Alene, stated the roads of his heritage neighborhood were designed to attach to a development of similar density. He said the density of the development was the issue.

Gynii Gilliam, Coeur d'Alene, stated she was president of Coeur d'Alene Area Economic Development/Jobs Plus. She said a key challenge for the community was a shortage of worker housing, and noted recent studies had shown there was a shortage of 2,000+ homes. She said existing businesses could not fill positions because of the home shortage, and the proposed development would help alleviate some of the shortages, yet also recognized there were issues with any development. She said she was in favor of the annexation and development agreement as it addressed some of the housing issues.

Scott Krajeck, Coeur d'Alene, stated an alternative would be to approve the annexation yet restrict the two (2) accesses to public safety/emergency services only.

Jeff Voeller, Coeur d'Alene, stated he represented the Coeur d'Alene School District. He noted the school sites were spread out in order to be in proximity to connections to sewer, water, and to other schools. He said a middle school was needed immediately, and the bike and walking paths were important. He mentioned it was the first time the District had been asked by a developer what they needed.

James Casper, Coeur d'Alene, said he was the executive director of Habitat for Humanity and housing was a challenge as there currently was a low supply. He said it was healthy to continue to build homes in order to have a housing supply for workers and he applauded the developer for including low-moderate income and workforce housing options.

Diana Sheridan, Coeur d'Alene, stated Huetter Road was not adequate for the current traffic and would not support the additional traffic impacts of the development. She mentioned the last time the aquifer had been studied was in 2000, and it hadn't been evaluated since.

John Bruning, Coeur d'Alene, stated as a representative of the Panhandle Affordable Housing Alliance that it unanimously supported the project. He noted the Comprehensive Plan recognized a need for new affordable workforce housing and the project set aside 5% for workforce housing. He said the project was a first and important step toward affordable housing.

Rob Orth, Coeur d'Alene, stated he was a local real estate broker and, if new inventory was not built, prices would continue to go up. He said he was in support of the project.

Nate Dyk, Coeur d'Alene, stated in 2020 the applicant had submitted a plan to the City which had less density for the entire 1100 acres. He said the current plan had changed substantially and didn't fit in with the existing neighborhoods.

Melissa Dyk, Coeur d'Alene, stated she had concerns with high-density traffic which may cut through her neighborhood. If the project was approved, it would destroy her neighborhood. She asked for the density to be reduced to that which was presented in 2020. She asked that the project be denied with prejudice.

William Cushman, Coeur d'Alene, stated the development would make additional fire apparatus necessary and the City and taxpayers would have to foot the bill. He said the project had too high of density for the area.

Daniel Finley, Hauser, stated the right thing for the people in the area was to support and approve the annexation. He said there were no starter homes or workforce housing available. He said the project would make space for families, places for children to play, was fiscally responsible, and that R-1 and R-3 zoning were luxuries. He said the project represented gentle touch density.

Mark Jacoby, Post Falls, stated the majority of the development on the southeast corner was not a good fit with existing properties. He noted there had not been a complete traffic study and the developer should dedicate property for expanding the roads. He asked for the annexation to be denied with prejudice.

Don Schmitt, Coeur d'Alene, asked Council to take a practical approach and to protect his neighborhood.

Lorraine Jacoby, Post Falls, stated there had been a lot of testimony regarding the density of the project, the density should be reduced, and asked for responsible development. She said there was trouble with funding current school levies and it may be hard to ask the citizens of Coeur d'Alene to support the new schools.

Lacy Moen, Coeur d'Alene, stated Coeur d'Alene was a community of love and that people were looking for places to live and yet there was a lack of housing. She understood the issues with traffic in the neighborhood and was still in support of the project.

**APPLICANT REBUTTAL:**

Ms. Fulgham said that many comments were related to density. The City's new Comprehensive Plan had changed allowable density and they had followed the Comprehensive Plan in applying zoning. She mentioned that during early discussions with City staff and at the Planning Commission hearing they were told to increase zoning density to R-17 since it was shown in the Comprehensive Plan for the area, but they argued it was too high of density for their project. She clarified that there was no annexation application in 2020, as the application was submitted in May 2022. She noted they had complied with City requirements and requested changes. Mr. Gallinger said the aquifer was currently under the Idaho Department of Water Resources (IDWR) and they had adopted a Rathdrum Prairie Aquifer Master Plan in July 2011, which addressed water needs for a 50-year period. He said IDWR has nine (9) monitoring wells throughout the area.

Sean Messner, Traffic Engineer with CivTech, said they had worked with Kootenai Metropolitan Planning Organization (KMPO) and City staff for traffic modeling which included the proposed 440 acres, and the 600 acres to the west of the project. He said the refined model was specific for the project, they were looking out to 2045 in relation to regional growth for the area, and it appeared there would be adequate future facilities to serve all of the growth with future road improvements. He noted additional traffic studies would be completed as the project progressed.

Councilmember McEvers said earlier it was explained that the Comprehensive Plan was a guide and now it sounded like it must be followed. Ms. Fulgham said Comprehensive Plans were not zoning ordinances and were somewhat flexible and were used for visions and goals for future development. She said Comprehensive Plans allowed for small deviations which allowed flexibility, yet R-1 was not included in the Comprehensive Plan and therefore could not be used. She said in general Comprehensive Plans should be followed when possible and that was why the project had the proposed zoning density. Councilmember Wood said it was the first she had heard about staff encouraging higher density, with Ms. Fulgham responding City staff had encouraged them to match the Comprehensive Plan's designation. Councilmember Wood asked if they would consider lowering density, with Ms. Fulgham responding the project had been reduced to 56% of the allowable zoning density. Councilmember Wood stated the total density had been reduced to 56% based on the City's ability to provide services. Councilmember Miller asked if a traffic study would be done at each phase and include traffic calming devices and public transportation, with Mr. Messner responding they would be included in studies as the items were part of the DA. Councilmember Miller asked if, in the future, a portion of Industrial Loop was purchased, would it be included in the traffic study, with Mr. Messner responding if the property was purchased, it would be a part of Phase I's traffic study. Councilmember Wood asked if there would be a buffer zone on Huetter Road, with Mr. Gallinger responding the DA set aside 25' of future right-of-way dedication and there was no buffer planned in the zoning, yet Huetter Road itself required a setback. Councilmember Wood said she was concerned with waiting on traffic studies and wanted the Industrial Loop property looked at as an option. Mr. Gallinger explained there were design considerations with the curved street, no current rights-of-way, and the property was owned by a third-party. Councilmember Gookin asked about traffic calming measures (speed humps and chicanes) and how would they may affect public safety, with Fire Chief Greif responding the Fire Department was okay with calming devices as long as they were wide enough for their apparatus, yet speed humps would be a concern due to wear and tear on vehicles.

Mr. Marshall said they felt the project met the findings required, the property was a part of the City's Area of City Impact (ACI), included in Comprehensive Plan, public utilities could be brought to the property, traffic would be mitigated, and he requested approval of the annexation and zoning.

Mayor Hammond closed the public hearing.

Councilmember Evans asked if public safety had any concerns with locked gates, with Chief Greif responding there currently weren't any being used by the Fire Department, so they had no experience with them either way. Councilmember McEvers asked if three (3) lanes would improve Atlas Road and reduce the impacts to Seltice Way. City Engineer Chris Bosley said that by adding a turn lane on Atlas Road it would help alleviate the traffic backups as motorist wait to make turns.

He said without connections to Atlas Road, Huetter Road and Hanley Avenue would be over capacity, and that intersection improvements would be needed. He noted without two (2) accesses to Atlas Road, all traffic would go to Hanley Avenue and Huetter Road. Councilmember McEvers asked for explanation regarding not crossing Huetter Road, with Ms. Patterson responding it had been discussed for the entire project, was studied during the Comprehensive Plan process, and the decision was made not to cross Huetter Road. Mayor Hammond said previous mayors had come to an agreement that Huetter Road would be the dividing line between the Cities of Post Falls and Coeur d'Alene.

**MOTION:** Motion by Gookin, seconded by Wood, to deny without prejudice 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). 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 as follows:

Finding #B8: The proposal is not in conformance with the Comprehensive Plan.

- Community and Identity Objective CI 1.1: Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement. *Opportunities were missed and more community involvement was needed.*
- Growth and Development Objective GD 1.5: Recognize neighborhood and district identities. *The goal failed for reasons stated during hearing and failed to meet the criteria noted for growth and development.*

Finding #B9: Public facilities and utilities are not available and adequate for proposed use.

- Due to Huetter and Atlas Roads being inadequate.

Finding #B10: Physical characteristics of the site are suitable.

Finding #B11: The proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and existing land uses.

- It would adversely affect the surrounding neighborhood due to the existing neighborhood being zoned R-1.

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

**Motion failed.**

**DISCUSSION:** Councilmember Wood said she liked the product, yet the impacts to existing neighborhoods remained and she would like the applicant return with additional changes. Councilmember McEvers said Coeur d'Alene Place was a success and had been a long-term project as well. He noted that businesses were struggling to find workers and this type of growth



was a good long-term project. Councilmember Miller stated all concerns they had heard were valid and it was important to provide housing and jobs. She noted the City's Comprehensive Plan guided the City with responsible growth projects. Councilmember English said he lived at Coeur d'Alene Place and was on the Council when it was approved. He noted it was a rare opportunity to have a large parcel brought forward for development, recognized that the project was asking for half of the density allowed by the zoning, and that people at all price points should be supported. Councilmember Evans said the City was tasked with balancing the needs of the existing and new neighborhoods. She said the applicant had made many concessions in the project by adding a Police Substation, trails, public spaces, two (2) school sites, to name a few. She said it had been valuable to have the involvement of the community. Mayor Hammond said there had been substantial efforts to preserve the Prairie, yet when R-1, R-2, and R-3 development was proposed, it pushed development further out into the prairie. He said the two subdivisions to the east, which had come to protest the project, sat over the aquifer and were disposing their waste right into the aquifer which was not good nor healthy for the rest of the community. He noted affordable housing was needed for workers of all types. Councilmember Gookin said he believed zoning existed to protect existing neighborhoods and the current proposed project was not protecting the neighborhoods. He noted the high-density zoning required the public safety access points through the existing neighborhoods and would like to see the project return to Council with a lower density project. He mentioned 95% of the proposed development would not be affordable housing. Councilmember Wood said the issue continued to be the best ingress/egress roads and disagreed with the placement, the project would not break ground for another year, and there was time to make a good decision.

**MOTION:** Motion by McEvers, seconded by English, to approve 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). 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.

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

### **FINDINGS AND ORDER**

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.

The Applicant is Kootenai County Land Company, LLC.

The Location is: Property north of Interstate 90 and West Woodside Avenue, south of the future West Hanley Avenue, east of North Huetter Road, and west of North Atlas Road.

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

The City Council adopts items B1 through B7.

- Finding #B1: That the existing land uses are residential and commercial.
- Finding #B2: That the Comprehensive Plan map designation is Single Family Neighborhood, Compact Neighborhood, Urban Neighborhood, and Mixed-Use Low.
- Finding #B3: That the current zoning is County Ag Suburban.
- Finding #B4: That the notices of public hearings were published on February 4, 2023, and March 4, 2023, which fulfills the legal requirement.
- Finding #B5: That a notice of public hearing was posted on the property on March 3, 2023, which fulfills the legal requirement.
- Finding #B6: That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- Finding #B7: That public testimony was heard on February 21, 2023, and March 21, 2023.

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

- Community and Identity, Goal CI 1: Coeur d'Alene citizens are well informed, responsive and involved in community discussion. *Citizens were involved and provided community input multiple times throughout the process.*
- Community and Identity Objective CI 1.1: Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement. *The development is in conformance with the Comprehensive Plan as citizens were involved in the process.*
- Community and Identity 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. *The Developer will provide low-income housing as required in the Development Agreement with a required deed restriction to a certain area median income (percentage of AMI).*

- Community and Identity Objective CI 3.1: Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing. *The Developer will up to 2,800 units of multiple housing types and bedrooms, and provide low-income housing as required in the Development Agreement with a required deed restriction to a certain area median income (percentage of AMI).*
- Growth and Development Goal GD 1: Develop a mix of land uses throughout the city that balances housing and employment while preserving the qualities that make Coeur d'Alene a great place to live. *Coeur d'Alene has a balance of land uses throughout the City and this is a mixed-use development, involving residential uses of various types and sizes, as well as commercial and civic uses.*
- Growth and Development Objective GD 1.1: Achieve a balance of housing product types and price points, including affordable housing, to meet City needs. *This is provided for in the Development Agreement.*
- Growth and Development Objective GD 1.5: Recognize neighborhood and district identities. *The Project is a great opportunity to create something unique with opportunities for families, including trails, parks, and schools.*
- Growth and Development Goal GD 2: Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth. *All of the City's utilities have examined the development proposal and planned for the future development. They are able to provide high-quality infrastructure to accommodate the proposed growth and development.*
- Growth and Development Objective GD 2.1: Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment. *The City's utilities have planned for future development and are able to provide high-quality infrastructure to accommodate growth and redevelopment.*

Finding #B9: That public facilities and utilities are available and adequate for the proposed use. This is based on *staff input, the testimony of the developer, the proposed Annexation and Development Agreement, and the staff reports.*

Finding #B10: That the physical characteristics of the site make it suitable for the request at this time because: *the land is relatively flat, there are no topographical issues or physical site constraints.*

Finding #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 adjacent to the surrounding residential subdivisions (R-3) is in accordance with the City's Comprehensive Plan. The traffic concerns are addressed in the Annexation and Development Agreement with concurrency studies to be completed with each phase.*

**ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned findings, concludes and orders that the request of KOOTENAI COUNTY LAND COMPANY, LLC, for annexation of a +/- 440-acre parcel in Kootenai County, and assigning zoning districts R-3, R-8, R-17, C-17L, and C-17 as shown in the Annexation and Development Agreement, should be approved.

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.

**MOTION:** Motion by McEvers, seconded by Evans, to move to adopt the foregoing Findings and Order.

**ROLL CALL:**

Council Member Wood	Voted No
Council Member Gookin	Voted No
Council Member Miller	Voted Aye
Council Member McEvers	Voted Aye
Council Member Evans	Voted Aye
Council Member English	Voted Aye

**Motion to approve carried by a 4 to 2 vote.**

**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.

**MOTION:** Motion by Evans, seconded by McEvers, to dispense with the rule and read **Council Bill No. 23-1002** once by title only.

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



**MOTION:** Motion by McEvers, seconded by Miller, to adopt **Council Bill 23-1002**.

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

**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.

**MOTION:** Motion by McEvers, seconded by English, to adopt **Resolution No. 23-012**, approving the Annexation and Development Agreement for A-4-22.

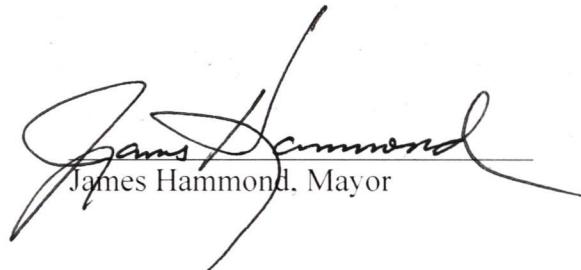
**ROLL CALL:** Evans Aye; Miller Aye; McEvers Aye; Gookin No; English Aye; Wood No.  
**Motion carried.**

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

The meeting adjourned at 9:58 p.m.

ATTEST:

  
Sherrie L. Badertscher  
Executive Assistant

  
James Hammond, Mayor