

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

October 3, 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 October 3, 2023, at 6:00 p.m., there being present the following members:

James Hammond, Mayor) Absent

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

CALL TO ORDER: Mayor Pro Tem McEvers called the meeting to order.

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

PRESENTATION: Library Director Michael Priest and Library Board of Trustees Chairman Jim Windisch presented Fay Sweney with a plaque in recognition of her 42 years of volunteer service to the Library. Library Board Chairman Windisch said Ms. Sweney had begun her volunteer service when 20,000 people lived in Coeur d'Alene, 42 years later the population had doubled, and now the Library was in its new location. He said Ms. Sweney always sought out training and skills for the Board to ensure the highest standards were followed. He thanked her for her many years of financial oversight and developing good policies. Ms. Sweney thanked Mr. Windisch for the kind words and said it had been a privilege to serve the Coeur d'Alene Library, that great libraries seek to build communities, and she was grateful to former mayors and councilmembers who had shared the Board's vision for the library. She said it had been an honor, privilege, and gift to serve.

ANNOUNCEMENTS:

Councilmember Miller thanked Ms. Sweney for her many years of service to the Library and the citizens of Coeur d'Alene. She said the Library had approved their Strategic Plan and had received two (2) grants to purchase Chromebooks. She mentioned she had been a host of the welcoming dinner for the USS Idaho nuclear submarine crew. She said she was recently appointed to the Association of Idaho Cities (AIC) Board of Directors, representing the five (5) North Idaho counties, and the swearing in would take place in Boise on October 24.

Mayor Pro Tem McEvers requested the appointment of Iris Siegler to the Childcare Commission.

MOTION: Motion by Wood, seconded by Evans, to appoint Iris Siegler to the Childcare Commission.

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

PUBLIC COMMENTS:

Diana Sheridan, Coeur d'Alene, thanked Council for moving public comment before the consent calendar on the agenda. She said she was concerned with the recently approved FY23-24 budget using 3% property tax increase and Fund Balance. She said city reserves would be below recommended amounts and suggested Council review budgeted amounts now in order to make the needed cuts.

Clark Albritten, Coeur d'Alene, said he echoed Ms. Sheridan's concerns and that the budget was in need of review now.

Justin O'Connell, Coeur d'Alene, made comments in regard to pharmacies and the sheriff checking out and not returning books to the library.

CONSENT CALENDAR:

1. Approval of Council Minutes for the September 19, 2023, Council Meeting.
2. Setting of General Services/Public Works meeting for October 9, 2023.
3. Approval of Bills as Submitted.

MOTION: Motion by Gookin, seconded by Evans, to approve the Consent Calendar as presented.

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

RESOLUTION NO. 23-073

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND AWARDING THE CONTRACT TO, R&R NORTHWEST LLC, FOR THE 3RD STREET MOORING DOCK REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$483,823.75.

STAFF REPORT: City of Coeur d'Alene Trails Coordinator Monte McCully said that in 1999/2000 the Parks Department received a grant to build mooring docks at 3rd Street. Over the next 20 years, the docks were heavily used by the boating public. He noted they were made of wood and had only a limited life span. He said last year the Parks Department applied for a Waterfront Improvement Grant through the Idaho Department of Parks and Recreation which had been awarded this year. He mentioned the original estimate to rebuild the docks was \$511,500, with the City committed to paying a 32% match. The project went out to bid and R&R Northwest LLC was the lowest bidder at \$483,823.75. He noted the City's match at 32% would be \$154,823.60 and come from the Parks Department Waterfront Improvement Fund (WIF). The

remaining funding for the project would come from State WIF Grant Funds in the amount of \$329,000.15.

DISCUSSION: Councilmember Wood said she appreciated Mr. McCully's efforts to seek and secure funds to replace the docks. Councilmember Miller asked which docks would be replaced, with Mr. McCully responding the mooring docks near the Buoy Restaurant and Fire Boat House.

MOTION: Motion by Evans, seconded by Miller, to approve **Resolution No. 23-073** - Approving a Contract with R&R Northwest, LLC. for the 3rd Street Mooring Dock Replacement Project.

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

RESOLUTION NO. 23-074

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND AWARDING THE CONTRACT TO, STANCRAFT CONSTRUCTION GROUP FOR THE STREETS & ENGINEERING DEPARTMENT BUILDING RENOVATION IN AN AMOUNT NOT TO EXCEED \$1,036,987.00.

STAFF REPORT: Streets and Engineering Director Todd Feusier said Council had previously approved the Streets & Engineering Building Remodel Project. The project was placed out for bids, and advertisements were run in the CDA Press on August 17, 2023, and August 24, 2023. The bid openings took place on September 21, 2023, with two (2) responding bids from StanCraft Construction Group (\$1,036,987.00) and TW Clark Construction LLC (\$1,118,400.00). He said the total funding requested for the project was \$1,036,987.00 for the StanCraft Construction Group bid including all add alternates. The FY 2023-24 Budget included \$1,000,000.00 for the project, with \$600,000.00 coming from American Rescue Plan Act (ARPA) funds, and \$400,000.00 from the General Fund's Fund Balance. He mentioned an additional \$36,987.00 would be allocated to the project from cost savings due to the purchase of a dump truck coming in under budget. He said approval of the agreement would allow the City to proceed with the remodel project which included offices, meeting rooms, restrooms, and similar related support spaces for the Streets & Engineering Department's relocation to the renovated areas of the Maintenance Building. He mentioned the improvements would bring the building into compliance with current life-safety code requirements for the planned occupancy and that both bids received were below the engineer's estimate.

DISCUSSION: Councilmember Wood said that Stancraft completed quality projects and asked when the project would be completed, with Mr. Feusier responding in March/April 2024. Councilmember English noted it was a good project and appreciated the scope of it meeting the City's needs. Mayor Pro Tem McEvers asked how old the building was and if construction would impact the Department's regular work, with Mr. Feusier responding it was built in the 1990's and the project would be completed during daytime hours with phasing implemented in order to keep the staff working.

MOTION: Motion by English, seconded by Wood, to approve **Resolution No. 23-074** - Approving an Agreement with StanCraft Construction Group for the Streets and Engineering Building remodel.

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

RESOLUTION NO. 23-075

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE SOLE SOURCE PROCUREMENT OF SEVEN (7) POLICE VEHICLES FROM CHALMERS FORD IN NEW MEXICO IN THE AMOUNT OF \$365,470.00, AND AUTHORIZING THE CITY CLERK TO PUBLISH THE NOTICE OF A SOLE SOURCE PROCUREMENT REQUIRED BY IDAO CODE § 67-2808(2).

STAFF REPORT: Police Captain David Hagar said the Police Department (Department) was currently requesting six (6) new patrol vehicles to replace high mileage, worn patrol vehicles currently in use by the Department. He noted the purchase of the vehicles were included in the FY 2023-24 Budget. He said the Department must also replace one (1) patrol vehicle that was totaled in a collision. He mentioned new police rated patrol vehicles were currently in very short supply, and the Department's order which had been placed in October 2022 had been cancelled by the manufacturer along with many other agencies orders. He said at this time the only vehicles available for purchase were the randomly fulfilled orders by various dealerships around the country and, when a dealership received an order, agencies around the country were trying to acquire the vehicles. On Friday afternoon, September 15, 2023, the Department received information that Chalmers Ford in New Mexico received a shipment of 20 Police Ford Explorer Interceptors from an earlier order. Within a couple hours, 11 of the vehicles were purchased by another agency. The Department worked quickly to research the vehicle options and costs and determined that they were a fit for the Department. After consultation with the City Administrator, a purchase order was provided to the dealer to hold the vehicles for the Department as there were several other agencies vying for the same vehicles. The sole source purchase of the vehicles was due to extremely limited inventory of police-rated vehicles as no other vendor could be located at this time. Any delay in claiming the vehicles may result in them going to other purchasers. Because of the short supply and high demand for police vehicles, the 14-day timeline for public notice of bid requests would not have been possible. Failure to move on the currently available vehicles would have resulted in the Department not acquiring the vehicles needed to replace worn, high mileage vehicles. He said the six (6) replacement vehicles have been authorized in the 2023-2024 budget and the additional vehicle to replace the one that was totaled in an accident would be funded through the City's insurance claim and Department position vacancy savings.

DISCUSSION: Councilmember Wood said she appreciated the networking to locate the police cars and was in favor of the purchase. Councilmember McEvers asked what made a police car different than regular cars, with Captain Hagar responding they had a better alternator, second battery to power the additional electronics, ballistic panels in doors, prewired for emergency equipment, predrilled pillars for spotlights, and they were purchased without a back seat as the Department would install a different one which met their needs.

MOTION: Motion by Wood, seconded by Gookin, to approve **Resolution No. 23-075 - Approving the Sole Source Purchase of Seven Police Vehicles from Chalmers Ford in New Mexico, in the Amount of \$365,471.00.**

DISCUSSION: Councilmember Miller explained that sole source purchasing was used when there wasn't another supplier available, with City Attorney Adams adding that Subsection 8 of the State Code says it is to be used when the competitive solicitation was impractical, disadvantageous, or unreasonable under the circumstances.

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

(QUASI-JUDICIAL) APPEAL OF THE PLANNING COMMISSION DENIAL ON AUGUST 8, 2023 OF S-5-23; PUD-1-23; KAUFMAN ESTATES, LOCATED AT 2810 N. 17TH STREET

Mayor Pro Tem McEvers said there were many people signed up to give public testimony and asked for City Attorney Randy Adams to explain the appeal hearing process.

Mr. Adams said the item before Council was the appeal of the denial of S-5-23/PUD-1-23 Kaufman Estates from a decision by the Planning and Zoning Commission. An appeal to City Council was governed by Municipal Code § 17.09.125. The appeal was a quasi-judicial proceeding, meaning Council were acting as the judges of the facts. It was Council's duty to be impartial, fair, and thorough. The City ordinances required Council to hold a public hearing on the appeal. He said it was not a de novo hearing, which meant that the record from the earlier Planning Commission hearing was evidence in the Council hearing. He noted that, during the public hearing, Council would hear from staff, who would provide the background relevant to the appeal without taking sides, from the applicant, and from members of the public who wished to testify. He said all evidence relevant to the appeal was admissible and if Council had any questions about the relevancy of any piece of evidence, the Mayor Pro Tem may ask legal counsel. He noted Council must decide the appeal on a majority vote based on all the evidence. He said if any Council Member had received or otherwise obtained information related to the matter before them tonight, they should state when they received it, from whom or by what means, and explain the substance of the communication. He said it must be done before the appellant presented his case so that he had an opportunity to address any information Council had received. If it was new evidence and the appellant requests additional time to respond, the appeal hearing should be continued. He said the appellant had what was called the burden of persuasion, which meant that the appellant must show, or prove that his application should be granted. He noted a fact that was important to Council's decision was proved if they believed it was more likely true than not true. He said that, at the conclusion of the hearing, Council would discuss the appeal and evidence in public session. He noted the options were to approve the application, to conditionally approve it, to refer it back to the Planning Commission for further findings, or to deny it with or without prejudice. He said if something was denied without prejudice, the applicant may reapply immediately. If something was simply denied, the applicant had to wait at least one-year to reapply. In addition, Council could defer a decision to a later date and ask the parties to provide additional information if Council believed there was a need. He said that in making its decision, the Council should consider the purpose and intent of the PUD regulations, as well as the language of those regulations contained in M.C. § 17.09.715(B). He said a worksheet had been provided to Council which indicated what

the applicant must show in order to be approved, the decision should be made by motion, the motion should address each element on the worksheet, and should also include a specific factual basis for each element.

Mayor Pro Tem McEvers said the City Clerk would swear in those giving public testimony and asked all those in attendance who wished to give public testimony to stand and be sworn in.

APPLICANT: Jeramie Terzulli, Olson Engineering, said he was representing Todd Kaufman owner and developer of Kaufman Estates for the Subdivision S-5-23/PUD-1-23 appeal of the Planning Commission's denial of the project. He said the PUD conformed with the Comprehensive Plan, was compatible with the location, uses on adjacent properties, natural features on the site and surrounding area, was adequately served by streets and services, provided adequate open space/common areas, sufficient parking, and the HOA would provide the common area maintenance. He noted the Planning Commission's Finding B8, Objective CI 1.1, that the project did not foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement, was incorrect as the community had an opportunity to be involved. He mentioned public comment was provided at the 2022 Planning Commission meeting, they met with adjacent property owners after the 2022 public hearing, had redesigned the project including the 25% density reduction and increased parking and open space, and public comment was held during the 2023 Planning Commission public hearing. He noted there was a lot of public involvement in the process. He said in regard to Finding B8, Objective 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 project was consistent with the Comprehensive Plan Future Land Use Map, "Compact Neighborhood" zones and housing types, close to commercial corridors, and the Downtown Business District and I-90. He said the homes were intended for workforce/entry level housing, provided an underrepresented housing type in the area, and was consistent with infill objectives, and he noted because of the before mentioned items, they were confused by the Planning Commission's finding on this goal. He said in regard to Finding #B8B, the project was close to downtown and commercial services, a walkable/bikeable distance to Best Ave, Government Way, and Kathleen Ave, close to recreational areas, was in an urban to suburban transition area, there were several infill projects within a ¼ mile radius, there were a mix of single-family, multi-family, and duplexes within a ½ mile radius, and the change in architectural style was more consistent with surrounding homes. Additionally, the design and planning of the site was compatible for the location, setting, and existing uses on adjacent properties. He said he used the term adjacent to represent the ¼ and ½ mile radius of similar projects. He noted I-90's width at 15th Street at 350' and felt the definition of adjacent would include the higher density locations in the previous request. He said the request was for 18 twin homes and the only deviation was the reduced setbacks. He noted the property was zoned R-12 which allowed for 8 duplexes (16 units) to be built on the property with a subdivision, and that the R-12 duplex option would require less design criteria. He said if the appeal was not overruled, they would submit for approval of the duplex option. He stated the basis of the appeal was misplaced discretion by the Planning Commission.

DISCUSSION: Councilmember Gookin asked for additional information on twin-homes, with Mr. Terzulli explaining that each party wall shared by units was the property line and each were a separate unit and owned individually, and that a duplex was owned by the same one owner. Councilmember Wood asked for the difference between tiny homes and twin homes, with Mr. Terzulli responding that tiny homes were on average 300-400 sq feet, and a twin home was 1200-1400 sq feet per unit and normally 2-3 bedrooms in each home. He said nine (9) twin homes equaled 18 units. Councilmember Wood said the Comprehensive Plan was open to interpretation. Mr. Terzulli said the Comprehensive Plan designated the project area as compact neighborhood and encouraged this type of project and density. Mr. Terzulli said some of the neighborhood concerns included that the units would all become rentals and a land grab to the east. Councilmember English noted Habitat for Humanity's current model was similar to the proposed project and the Comprehensive Plan did contain some areas where higher density was allowed. Councilmember Miller asked how many parcels were similar to the project's size, with Mr. Terzulli responding there weren't many similarly sized to his project. Councilmember Miller said the 2.3-acre site could be developed into 16 duplexes which couldn't be owned individually, with Mr. Terzulli noting the eight (8) duplexes would sell in the \$750,000 range per structure. Councilmember Miller said that, according to the area median income, 20% of people currently living in Coeur d'Alene could not afford to purchase a home, and homes in the \$350,000 range were needed. She noted a Development Agreement could be drafted which would contain tools such as a deed restriction and could help guarantee they were designated for median income levels and ensure that after purchase they were not converted to rentals. Mr. Terzulli said they would be willing to have a conversation on deed restrictions, but wouldn't agree to one without reviewing the details beforehand. Councilmember Miller noted there were tools available and could be offered to the local worker range which was 80-120% of area median income. Councilmember Miller asked if twin-homes were listed in the compact neighborhood designation of the Comprehensive Plan, with Mr. Terzulli responding there were similar housing types and the twin-home was a less impactful land use than a duplex. Councilmember Evans asked Mr. Terzulli to expand on the affordability of the twin-homes and what was being done to ensure the units stayed affordable, with Mr. Terzulli responding he was unsure how they could guarantee affordability and noted they had been working on getting approval for the project for 18 months. He said units would be priced in the \$335,000 to \$395,000 range. Councilmember Miller noted the area medium income language should be used for possible deed restrictions, and not housing price. Councilmember McEvers asked how could it be guaranteed that the units would not become rentals, with Mr. Terzulli responding it could be written into the CC & R's. City Attorney Adams noted Council could approve the project with conditions which could be contained in an accompanying Development Agreement.

STAFF REPORT: Associate Planner Tami Stroud said Olson Engineering, on behalf of Todd Kaufman, applied for approval of a Planned Unit Development (PUD) request to allow 18 lots and two (2) tracts known as "Kaufman Estates" PUD in the R-12 (residential at 12 units per acre) Zoning District. The Planning Commission conducted a public hearing on August 8, 2023, and unanimously denied the application. The applicant filed a timely appeal. The subject property is located at 2810 N. 17th Street, slightly southeast of Stiner Avenue, north of Gilbert Avenue, and south of Nettleton Gulch Road. The property is an approximately 2.3-acre site with an existing single-family dwelling and accessory structure that will be removed. The applicant proposed a PUD as part of the request. She said the PUD, as designed, would consist of 18 lots, with two (2) open space tracts, one tract that will contain the private road and the other tract will contain the

required open space. The applicant indicated that the 18 lots are designed for twin-homes, which are like duplexes except that they are on individual lots with one shared wall and zero lot line construction, have separate utilities, and may be sold as real property. She noted the project was designed for one of the units in each structure to contain a one-car garage with a smaller overall footprint, while the other unit would be larger and contain a two-car garage. The 18 proposed buildable lots would have access to a private road within the development and the private road would have a single access connection to N. 17th Street. The total number of units would be 18. She said the applicant had also proposed an additional 22 parallel parking stalls along the south side of the private road. The applicant proposed 12,400 square feet (SF) of open space (or 12%) that would be located in a tract known as "Tract B" on the preliminary plat. She noted the open space amenities included a grassy area with a walking path, trees, shrubs, and a picnic area with a gazebo. She mentioned the open space area would be maintained by a Homeowners' Association (HOA). The applicant had indicated that the project would be completed in one phase with construction beginning in spring/summer of 2024 and completed by late 2024/early 2025. She said the proposal originally came to the Planning Commission for a public hearing at the August 9, 2022, meeting. It was presented to Planning Commission with a request for 24 twin-home units on a 2.3-acre parcel with two (2) open space tracts and a private road. The request was unanimously denied. On February 10, 2023, the development team, including Jeramie Terzulli, of Olson Engineering and Todd Kaufman, owner and developer of Kaufman Estates, met with several of the neighbors surrounding the proposed development to discuss the project. The neighbors shared their concerns with the density and compatibility, and their hope that single-family homes would be built on the parcel. Mr. Terzulli and Mr. Kaufman explained that they would like to build the twin-homes and sell them individually. On August 8, 2023, the Planning Commission conducted a public hearing on the new proposed PUD and Preliminary Plat, and again the application was unanimously denied. The modified request was for 18 twin-homes on the 2.3-acre parcel. The PUD request included a +/- 12,000 SF of open space that would be open to the public. It also included an additional 22 parallel parking spaces proposed on the south side of the private street for visitor parking, in response to the comments and feedback from the hearing on August 9, 2022. The applicant is appealing the Planning Commission's August 8, 2023, denial, contending that the Planning Commission abused its discretion because of bias in favor of members of the public who were opposed to the application. In addition, the applicant contends that the Planning Commission manipulated the term "adjacent" and erroneously applied the term to the application. She said the applicant requested approval of "Kaufman Estates" PUD with the following deviations: Lots fronting on a private street rather than a public street, allow for twin-home type construction in the R-12 Zoning District, Minimum Lot Area of 2,663 SF for a twin-home unit rather than 3,500 SF, side setback (interior) of 5' and 0' rather than 5' on one side and 10' on the other, street-side setback of 5' rather than 10', sidewalk on one side of street rather than sidewalks on both sides of street, and 30-foot lot frontage for each twin-home lot. She explained that if Council decided that the denial of the PUD was in error, it should address each of the requested deviations or remand the matter to the Planning Commission to address the deviations. She said a Planned Unit Development may be approved only if the proposal conforms to the following criteria and to the satisfaction of the Commission:

Required Findings (PUD):

- Finding #B8A: The proposal (is) (is not) in conformance with the Comprehensive Plan.
- Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.
- Finding #B8C: The proposal (is) (is not) compatible with natural features of the site and adjoining properties.
- Finding #B8D: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.
- Finding #B8E: The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.
- Finding #B8F: Off-street parking (does) (does not) provide parking sufficient for users of the development. Finding #B8G: That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.

Required Findings (Subdivision):

- Finding #B7A: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.
- Finding #B7B: That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.
- Finding #B7C: That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.
- Finding #B7D: The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district. She said Council must determine, based on the information before them, whether or not the lots proposed in the preliminary plat do, or do not meet the requirements of the applicable zoning district.

DISCUSSION: Councilmember McEvers asked if the HOA would provide all of the snow plowing and stormwater management, and how many parking spaces were required, with Ms. Stroud responding the CC&Rs would cover the required maintenance, and that two (2) parking spaces per unit were required. Councilmember Gookin asked if there were any other twin-home projects, with Ms. Stroud responding there was a project which had been done on Atlas Road by Prairie Avenue. Councilmember Gookin asked the City Attorney to explain the appellants

reference to the Planning Commission as being biased to members of the public in their decision to deny the project and why was the public allowed to testify if an applicant could later say there was bias, with Mr. Adam's responding that bias had a specific meaning of a prejudgment in favor or against and in this case was an allegation by the appellant.

Mayor Pro Tem McEvers opened the public testimony portion of the hearing.

PUBLIC TESTIMONY:

Tom Hungerford, Coeur d'Alene, was in opposition and noted the project was not compatible with the existing uses and the neighborhood's single-family properties. He said there was pocket housing located adjacent to his neighborhood and that it was no longer an allowed zoning type. He said twin-homes were the same as pocket homes and not compatible with the neighborhood.

Amber Hicks, Coeur d'Alene, was in opposition and said she lived adjacent to the subject property and agreed with Mr. Hungerford's concerns. She noted she had safety concerns as the streets were extremely narrow. The proposal required the developer to pave the street and would take away the existing property owner's ability to park on 17th street. She said the neighborhood would be impacted negatively by an increase of traffic produced by 2-3 cars per unit, and that traffic would be pushed onto the alley, then onto an unpaved road, and then into an unmonitored intersection.

Shannon Sardell, Coeur d'Alene, was in opposition and said her property was adjacent to the subject property. She noted they had chosen the location due to the single-family homes and sense of community. She said there were young families in the community and noted the proposed development didn't fit with the neighborhood or with the safety needs of the neighborhood.

Elsie Bell, Coeur d'Alene, was in opposition and said the neighborhood was not old as there were kids throughout.

Tom Berube, Coeur d'Alene, was in opposition and noted developers were focused on words in the Comprehensive Plan and they were trying to make the most money possible on the property.

Kyle Holmes, Coeur d'Alene, was in opposition and noted he lived near the intersection and had renovated his home. He said there was a bus stop on Nettleton and 17th and that the neighborhood kids currently walked along the alley to get there. He said median income in Kootenai County was \$65,000, and with the price stated on the proposed units, allowing for a 20% down payment, it would equate to 43% of the borrower's income going towards the mortgage, and 28% or less was recommended. He noted the homes would be out of reach for anyone with a household income of less than \$100,000. He said the street would need to be developed as there was no access once they leave the property.

Cody Jahns, Coeur d'Alene, was in opposition and said he owned a 9-acre parcel adjacent to the subject property and was developing the parcel into 4 homes. He noted the proposal would clash with existing properties. He said Mr. Kaufman had stated in a prior meeting that the units would be sold to whoever was willing to buy.

Rick Rainbolt, Coeur d'Alene, was in opposition and stated his property abutted the subject property and that traffic would be an issue. He said he was concerned with the higher density proposed, most existing lots were 1 acre, and he requested Council deny the developer's request.

Todd Kaufman, Coeur d'Alene, was in favor and said they had gone back to the drawing board and reduced density of original project. He noted the property was zoned R-12 and he had employees and his own children who also needed housing. He said they had met all the requirements of the City, and had designed their own street which would be maintained by the HOA. He said the density had been reduced, as had been requested by the neighbors, and they had added additional parking. He noted R-17 zoning fit into the compact neighborhood designation.

Derick Driyas, (Coeur d'Alene), was in favor and said he was a current renter who would qualify for a mortgage on a twin-home as they were easier to mortgage than other housing types. He noted the twin-home model was an improvement and hoped Council would approve the project.

Jeffrey Coulter, Coeur d'Alene, was in opposition and said the proposal had a compatibility issue and the pocket houses should not have been built. He said he was opposed to the current proposal and there were issues with stormwater runoff and he was unsure how it would be mitigated.

Kelley Wilderson, Coeur d'Alene, was in opposition and said she was a long-time resident of the area. She noted the project would be 88% concrete and pavement, and the water runoff would affect other homes in the area. She said another concern was the single-lane alley and children walking to and from the bus stop.

Al Mesbah, Coeur d'Alene, was in opposition and said the property did not match the existing parcels and the 17th Street alley was used as a playground by area children. He noted the neighborhood helped each other and should be looked at as an example of how a sustainable neighborhood should be. He said he was concerned with rain/stormwater runoff flooding of the area. He said Council should take a trip to the area to see what a community was.

Kathleen Vergers, Coeur d'Alene, was in opposition and said her truck would not fit in the proposed driveways of the twin-homes.

Rhea Giffin, Coeur d'Alene, was in opposition and said she had lived in the neighborhood for many years. She noted the neighborhood was a great walking area and was concerned with safety as there were no sidewalks in the area and the proposal would bring increased traffic. She said the development of the parcel should be something compatible with the existing neighborhood.

Jim Mathey, Coeur d'Alene, was in opposition and said he had been delivering mail in the neighborhood for many years. He noted 17th Street was not suitable for increased traffic due to its size and property would have to be condemned and appropriated from property on either side. He said from a traffic standpoint, the project was not a good idea, and he agreed with others who had noted it wasn't compatible with the existing neighborhood.

APPLICANT REBUTTAL: Mr. Terzulli said there were 20 plus items which would be addressed as part of the conditions of approval in regard to the health and safety concerns, such as paving 17th Street and internal streets. He said there was a lot of subjectivity in the Comprehensive Plan and they had followed it in regard to infill development, land use, and affordable housing. He noted financing would be similar to a standard 30-year fixed rate mortgage and not require 20% down, property to the east was a county island, a commenter had stated they owned a 9-acre parcel adjacent to the subject property and he wanted to clarify it was 9/10th of an acre, an analysis had been done and the property was not in a floodplain, and that City design standards required stormwater to be treated on-site. He said they were open to the idea of adding a sidewalk to 17th Street if it would fit, and the 17th Street alley was very narrow and would not be used for commuting. The proposed driveways were 20' foot and met City Code requirements. He said the project would either be the proposed 18 twin-homes, or if not approved it would be eight (8) structures which would be 16 duplexes.

Councilmember Miller asked for clarification of the stormwater regulations and must it stay on the property, with Mr. Terzulli responding the stormwater runoff must be designed to stay on the subject property and the runoff area would be dedicated to the City. Councilmember Miller asked if 17th Street was an actual street or an alley, with City Engineer Chris Bosley responding it was a street.

Mayor Pro Tem McEvers closed the public testimony portion of the hearing, called for a recess at 8:59 p.m., and called the meeting back to order at 9:06 p.m.

Mayor Pro Tem McEvers said the hearing was now closed and Council would now deliberate to determine whether the proposed use conformed to the applicable PUD and Subdivision regulations. He said Council may affirm the Planning Commission's denial of S-5-23 and PUD-1-23 (Subdivision and PUD), affirm the denial with such reasonable conditions as are in its judgment necessary to ensure conformity to the criteria, remand the matter back to the Planning Commission for further proceedings, or reverse the decision and approve either or both applications.

DISCUSSION: Councilmember Gookin asked if 17th Street was 20' wide, with Mr. Bosley noting it was 19 ½ - 20'. Councilmember Gookin asked if eminent domain would be needed to get the street to a 25' width, with Mr. Bosley responding the land required would come from the applicant's property. Mr. Bosley noted that 17th Street to the north of the property was the size of a one-way street. Councilmember Gookin asked what method was used to determine the street impact by the number of cars, with Mr. Bosely responding he used the land use code and a number of equations were sometimes used as well as estimates based on national trends. Councilmember Gookin asked at what threshold was traffic unsustainable, with Mr. Bosley responding traffic congestion which leads to gridlock. Councilmember Gookin mentioned that Council was not allowed to view the property outside of the public hearing. Councilmember Wood noted she was familiar with the area as she had once lived there. She said Mr. Kaufman had done other quality projects in the community, yet the project before Council did not conform with the neighborhood as it was too high a density and did not meet the design of the existing neighborhood. She was in agreement with the Planning Commission's decision. Councilmember Miller asked what governed what could be built on .90 or less of an acre in the R-12 zone, with Community Planning Director Hilary Patterson responding gross density was 12 units per acre yet it also depended on

square footage per unit based on zoning code. She said the deviation request was to reduce it down. For a duplex, Code required 3,500 SF per unit, meet minimum road size, and for a paved road it was 50 ft of platted right-of-way. Councilmember Miller asked if an adjacent property of 1-acre could build four (4) homes, with Ms. Patterson responding it would depend, and if the project met zoning requirements, it could be done. Councilmember Miller noted there was a housing crisis, it was important to address community needs, and there was an opportunity to place additional requirements on the project at this time by adding a Development Agreement. She mentioned that the property may come back as duplexes. Councilmember English said he appreciated the testimony, there was a housing need, yet he didn't feel the proposal was compatible for the location. He said the decision point was did they allow the planned use development as proposed, and said the Planning Commission had made the right decision.

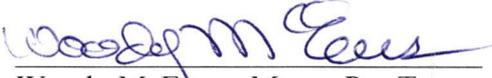
MOTION: Motion by Gookin, seconded by Wood, to affirm the Planning Commission's denial of S-5-23 and PUD-1-23, by Applicant Todd Kaufman, Located at 2810 N. 17th Street: A proposed Subdivision and PUD "Kaufman Estates" and direct staff to adopt the Findings and Order of the Planning Commission.

DISCUSSION: Councilmember Gookin said he appreciated all the comments Council had received during the hearing.

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

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

The meeting adjourned at 9:29 p.m.


Woody McEvers, Mayor Pro Tem

ATTEST:


Sherrie L. Badertscher
Executive Assistant