

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

September 17, 2024

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 September 17, 2024, at 6:00 p.m., there being present the following members:

Woody McEvers, Mayor) Absent

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

CALL TO ORDER: Mayor ProTem English called the meeting to order.

INVOCATION: Mayor ProTem English led the invocation.

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

CONSTITUTION WEEK: Mayor Pro Tem English read the Proclamation declaring September 17 to 23, 2024 as Constitution Week.

DAUGHTERS OF THE AMERICAN REVOLUTION DAY: Mayor Pro Tem English read the Proclamation declaring September 21, 2024 as Daughters of the American Revolution Day and was accepted by Deb Mitchell, Committee Chair. Ms. Mitchell stated that the Proclamation underscores the City's commitment to celebrating the nation's rich history. She mentioned the 250th anniversary of the Declaration of Independence with the Daughters of American Revolution (DAR) celebrating by a dedication of a stone monument event at Independence Point on September 21. She thanked Parks Director Bill Greenwood for the assistance provided to them and she also invited the Council to attend the event.

LIFESAVING AWARD FOR DAVE POWELL: EMS Officer Steven Jones and Station 1 Captain Jake Beaker presented the Lifesaving Award recognizing Dave Powell for heroic life-saving actions. Mr. Powell was commended for saving 18-year-old Lawrence from drowning on July 6, 2024.

PUBLIC COMMENTS: No public comments were received.

ANNOUNCEMENTS:

Councilmember Gookin thanked Mr. Jeff Crowe and presented a gift in honor of his 18 years of service as a contractor for the City's TV production programs. He stated that Mr. Crowe is very organized, meticulous, and excellent in running the technical aspect of the job. Mr. Crowe has done countless amazing productions for the city including the award-winning Osprey rescue piece and has missed only one council meeting. His contract will end by September 30 as he will be relocating to another state.

CONSENT CALENDAR:

1. Approval of Council Minutes for the September 3, 2024, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the September 9, 2024, Meeting.
3. Setting of General Services/Public Works Committee Meeting to be held September 23, 2024.
4. Approval of Bills as Submitted.
5. Approval of Financial Report.
6. Approval of SS-22-07c – Final Plat for Twelve Hundred Flats Subdivision
7. Approval of SS-24-04- Final Plat for Lucy's Corner Subdivision
8. Approval of **Resolution No. 24-073** -
 - a. Amendments to Personnel Rule 11 – Attendance and Leaves, in particular, Section 3, Vacation Leave; Section 4, Sick Leave; Section 5, Bereavement Leave; and Section 9, Attendance.
 - b. Approving the final design and Agreement for the Children's Library Exterior Art Project
 - c. An Agreement with Jennifer Passaro as the Coeur d'Alene Poet Laureate to serve a three-year term and receive an annual stipend of \$1,500.00
 - d. A Letter of Agreement for the purchase of an ArtCurrents piece known as "O'Keefe 8" by artist Patrick Sullivan, in the amount of \$5,000.00

MOTION: Motion by Gookin, seconded by Wood to approve the Consent Calendar as presented, including **Resolution No. 24-073**.

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

RESOLUTION NO. 24-074

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, PURSUANT TO IDAHO CODE § 67-3806(1)(a), EXPRESSING THE INTENT TO ESTABLISH A COMMERCIAL PROPERTY ASSESSED CAPITAL EXPENDITURE (C-PACE) PROGRAM IN DESIGNATED AREAS OF THE CITY OF COEUR D'ALENE.

STAFF REPORT: City Administrator Troy Tymesen noted that the legislature passed during their last session and the Governor signed House Bill 624, entitled the Commercial Property

Assessed Capital Expenditure Act (C-PACE). The Act went into effect on July 1, 2024, and added a new chapter 38 to Title 67 of the Idaho Code which states that local governments may voluntarily implement C-PACE to ensure that free and willing owners of agricultural, commercial, industrial, or multifamily residential properties can obtain low-cost, long-term financing for qualifying improvements. Mr. Tymesen stated that the Council may want to consider this to establish a brand-new program and there will be a public hearing on this during the October 15 council meeting. He stated that the C-PACE program is time-tested and has been done in at least 31 other states. The C-PACE Program is a financing mechanism that allows building owners and developers to obtain low-cost, long-term loans to make energy-related deferred maintenance upgrades in existing buildings, support new construction costs, and make renewable energy accessible and cost-effective. The loans are repaid by means of a purely voluntary benefit assessment added to the property tax bill, or by means of a special assessment, over a term that matches the useful life of improvements and/or new construction infrastructure. The assessment transfers on the sale of the property. The Program would allow the City to impose a service fee to offset the costs of administering a program, up to five hundred dollars (\$500) at the time of a property owner's application and, for approved applications, up to one percent (1%) of the total amount financed, not to exceed fifty thousand dollars (\$50,000.00). In addition, the City can designate the lender to administer the property tax or special assessment, billing the property owner, collecting the assessment together with the City's fees, and remitting the City's fees to the City.

CDA Hotel, LLC, (Marriott) reached out to the City recently, in connection with its project at 6th and Sherman, to inquire whether the City would be willing to establish such a Program in Coeur d'Alene and City staff worked on gathering documents on how this financing mechanism will move forward. This program would offer the developer owner a 30-year fixed rate commercial loan that has no due, payable in five years or has to be refinanced, and it is assumable. The City must first adopt a resolution of intent to implement the C-PACE program considering the criteria and requirements of the program as stated in the staff report. Mr. Tymesen stated that they will come back to Council with a handbook about the implementation of the program.

DISCUSSION: Councilmember Wood said that it seems to be a great program since the City is not that deeply involved and the City will be there to assess only if things go wrong. She asked if Coeur d'Alene would be the first city in Idaho who will implement this program with Mr. Tymesen responding that it would be the case since the program is so new. Councilmember Miller asked that while there is limited risk for the City on this program, if there would be compensation for staff time, with Mr. Tymesen explaining that the front end burden would be the staff work to have this program set up. He added that the ask for the C-PACE loan on the Marriott is estimated at \$10 Million so a possible \$50,000 for the City. Councilmember Miller asked for a financial analysis in the next staff report. Councilmember Gookin requested clarification about the Marriott and if there will be a hearing to approve it. Mr. Tymesen explained that what is before the Council tonight is a Resolution to express intent to establish the C-PACE program and staff will come back to Council with a guidebook and all the details for Council's approval, and then work with Marriott who signified intent to use this program. He added that the mechanism would include a public hearing for the Council's approval of individual businesses like Marriott who would be availing the program. Mr. Adams stated that its statutory provisions require an agreement with the City and the developer, and that will be approved by the Council. Mayor Pro Tem English stated that the decision point is for Council to decide to establish this program, and it would be wonderful to have

extra dollar for the City. He asked how this would be tracked with Mr. Tymesen stating that it would be under building permit fees. Councilmember Evans thanked staff for working on this program and she looks forward to the presentation of a handbook to the Council.

MOTION: Motion by Evans, seconded by Miller to adopt **Resolution No. 24-074**, Expressing the City's intent to establish a Commercial Property Assessed Capital Expenditure (C-PACE) program in the City of Coeur d' Alene and setting a public hearing pursuant to Idaho Code § 67-3806(1)(a).

DISCUSSION: Councilmember Gookin expressed that he is not comfortable implementing a program that hasn't been done in Idaho before. He did his research and found out that in other states, it is called the Commercial Property Assessed Capital Expenditure program and in other states, it is known as Assessed Clean Energy Expediency program. He stated that he doesn't like government picking sides that when a business would not have the ability to pay, the City should not come in to bail them out. He added that if the intent is to get business adopt clean energy, it can be done through the building code, hence there is no need for a new program. Councilmember Wood stated that there is nothing that says that the City would be bailing any business out. Mr. Adams explained that the program is a financing mechanism by which the developer goes to a bank to get a loan, and the City through an agreement with the developer, will assess, like a property tax, for the purpose of paying back the loan. The City is hands off once the agreement is done. Councilmember Gookin pointed out that in other states, one of the negatives is that it is attached to the property. He stated that he would like more information on how this program will work in Idaho and some examples of success.

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

COUNCIL BILL NO. 24-1015

AN ORDINANCE AMENDING ORDINANCE 3719, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, APPROPRIATING THE SUM OF \$142,245,550, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$11,734,933; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d' Alene, Kootenai County, Idaho:

Section 1

That Section 1 of Ordinance 3719, Ordinance of the City of Coeur d' Alene, be and the same is hereby amended to read as follows:

That the sum of \$142,245,550, be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2023.

Section 2

That Section 2 of Ordinance 3719; Ordinances of the City of Coeur d'Alene be and the same is hereby amended to read as follows:

That the objects and purposes for which such appropriations are made are as follows:

	FY 2023-24 BUDGET	FY 2023-24 AMENDED BUDGET
GENERAL FUND EXPENDITURES:		
Mayor and Council	\$276,433	\$276,433
Administration	243,758	\$243,758
Finance Department	1,561,709	\$1,610,634
Municipal Services	2,594,685	\$2,952,428
Human Resources	499,205	\$499,205
Legal Department	1,380,913	\$1,492,492
Planning Department	809,813	\$809,813
Building Maintenance	701,812	\$854,151
Police Department	21,930,655	\$27,161,428
Fire Department	13,587,337	\$13,822,600

General Government	2,019,067	\$2,019,067
Streets and Engineering	7,241,065	\$9,770,421
Parks Department	3,012,992	\$3,100,622
Recreation Department	829,325	\$864,552
Building Inspection	1,146,742	\$1,146,742
TOTAL GENERAL FUND EXPENDITURES:	<u>\$57,835,511</u>	<u>\$66,624,346</u>
	FY 2023-24	FY 2023-24
	BUDGET	AMENDED
		BUDGET
SPECIAL REVENUE FUND EXPENDITURES:		
Library Fund	\$2,058,968	\$2,066,968
Community Development Block Grant	389,963	\$389,963
Impact Fee Fund	63,000	\$796,490
Parks Capital Improvements	710,060	\$732,060
Annexation Fee Fund	520,000	\$520,000
Cemetery Fund	365,309	\$365,309
Cemetery Perpetual Care Fund	4,500	\$4,500
Jewett House	28,615	\$188,815
Reforestation/Street Trees/Community Canopy	120,000	\$120,000
Public Art Funds	239,500	\$239,500
TOTAL SPECIAL FUNDS:	<u>\$4,499,915</u>	<u>\$5,423,605</u>
ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund	\$760,200	\$760,200
Water Fund	14,471,783	\$14,664,191
Wastewater Fund	27,832,627	\$29,662,627
Wastewater Property Management		
Water Cap Fee Fund	3,000,000	\$3,000,000
WWTP Cap Fees Fund	3,499,100	\$3,499,100
Sanitation Fund	5,315,582	\$5,315,582
City Parking Fund	1,778,929	\$1,778,929
Drainage	2,594,890	\$2,594,890
TOTAL ENTERPRISE EXPENDITURES:	<u>\$59,253,111</u>	<u>\$61,275,519</u>
FIDUCIARY FUNDS:	\$3,447,200	\$3,447,200
CAPITAL PROJECTS FUNDS:	4,598,573	\$4,598,573
DEBT SERVICE FUNDS:	876,307	\$876,307
GRAND TOTAL OF ALL EXPENDITURES:	<u>\$130,510,617</u>	<u>\$142,245,550</u>

Section 3

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

STAFF REPORT: Finance Director/Treasurer Katie Ebner requested Council to approve the amendment of the Fiscal Year 2023-24 Budget by a total of \$11,734,933. She stated that the City Council annually amends the original appropriations ordinance for unanticipated expenditures necessary to ensure that the City of Coeur d'Alene can continue to provide essential services and maintain its infrastructure.

The projected revenues have been adjusted upward by \$11,734,933, incorporating both unanticipated income and the use of Fund Balance from carryovers or one-time costs previously approved by the Council. Key adjustments to revenues include:

- Electricity Franchise Revenues: Increased by \$130,000.
- Grants (Federal and Miscellaneous): Increased by \$2,822,542 due to additional grant awards made after the budget was set.
- Interest Earnings: Increased by \$249,084 due to higher than anticipated interest rates on the City's reserves.
- Proceeds on Lease: New revenue of \$722,735.
- ICRMP Claim Payment: New revenue of \$752,894 recognized in FY24 from a claim from ICRMP for the fire at the Police Department outbuilding.

The total budgeted General Fund expenditures have been increased by \$11,734,933. Significant adjustments include:

- Public Safety: An additional \$5,230,773 was allocated to the Police and Fire Departments, however \$5M of these costs are one-time costs in FY24. \$732,000 are related to the Police Department outbuilding fire, and \$4.3M is to reflect the total costs of the expansion of the Police Department.
- Street Department: Just over \$1M was allocated for the remodel of the Streets Department building, and just over \$700k for Street Overlay projects approved in the fiscal year.
- All other funds: The Wastewater Department's budget was adjusted by \$1.8M, to cover for the Treatment Operations building remodel, a sewer replacement, and the Solids Building improvements.
- Other Cost Increases: The remaining cost increases in the General Fund include various unanticipated expenses such as staff overtime, separation payments for accrued comp time, vacation, and retirement sick leave payouts, spending from new grant awards, and the continuation of project expenses carried over from the previous year.

PUBLIC TESTIMONY: Mayor Pro Tem English opened the public testimony. With no comments received, Mayor Pro Tem English closed the public hearing.

MOTION: Motion by Evans, seconded by Gookin, to dispense with the rule and read **Council Bill No. 24-1015** once by title only.

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

MOTION: Motion by Evans, seconded by Gookin, to adopt **Council Bill 24-1015**.

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

COUNCIL BILL NO. 24-1016

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM R-12 (RESIDENTIAL AT 12 UNITS/ACRE) AND C-17 (COMMERCIAL AT 17 UNITS/ACRE) TO R-17 (RESIDENTIAL AT 17 UNITS/ACRE), AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY AS SHOWN IN EXHIBIT "E" TO THE DEVELOPMENT AGREEMENT (RESOLUTION NO. 24-075), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 20.59 ACRES AT 3404 W. SELTICE WAY, COEUR D'ALENE, IDAHO, COMMONLY KNOWN AS RIVER'S EDGE APARTMENTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

STAFF REPORT: Associate Planner Mike Behary noted that River's Edge Apartment LLC requested for a zone change from R-12 and C-17 to R-17 and approval of a development agreement. The property is located at 3404 W Seltice Way, and legal notice was published in Coeur d'Alene Press on August 31, 2024 as well as all required notifications were made. The Planning and Zoning Commission considered this zone change request on December 13, 2022, and in a unanimous vote, recommended for Council's approval of the zone change request. Mr. Behary explained that there are four findings that should be met for a zone change request to be approved: the proposal is in conformance with the Comprehensive Plan policies; public facilities and utilities are available and adequate for the proposed use; the physical characteristics of the site do make it suitable for the request at this time; and the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and/or existing land uses. He stated that the applicant has made a commitment to allocating 5% of the new units for workforce housing at the Area Median Income (AMI) for five years. In terms of public facilities and utilities, City staff from Engineering, Streets, Water, Fire, Police, Parks, and Wastewater Department have reviewed the application request, and each department indicated that there are adequate public facilities and utilities available to serve the proposed request. Mr. Behary showed photos of the subject area and a map indicating that the topography at Seltice is higher and it slopes down towards the river. The City Engineer submitted the following findings: Seltice Way is a principal arterial; at buildout of project with proposed modification, over 1,000 additional trips per day could be generated and additional 94 morning

and 50 evening peak hour trips; Seltice Way is currently operating at an acceptable level of service; and the proposed development will not cause excessive congestion.

Mr. Behary stated that aside from the requested change to R-17, the applicant is also requesting a modification of the PUD that will lock in the use per the PUD requirement and conditions. If the zone change is approved, the project design will remove the 431 unit mini-storage facility and the 28 single-family residential lots along the river and replace them with 296 multi-family units, public open space, and a 16-foot-wide trail for the full length of the property, approximately 1,600 feet long, adjacent to the river. The trail along the river will allow for active and passive recreation. It will be owned and maintained by the applicant and will have a public access easement to allow public use of the trail and provide access to the river at four access points. The trail along the shoreline will connect to the trail within the Atlas Waterfront project to the east and the future trail through Mill River to the west.

APPLICANT: Mike Gridley stated that he is working with Mr. Lanzce Douglass, owner of River's Edge Apartments LL, and he is before Council to present the benefits of the proposed project to the city specifically having that trail along Spokane River and providing additional housing close to where people work such as the Riverstone, medical center, and schools. He explained that the said property has been approved for development, but the trail is not on the river. If the new proposal will be approved, Mr. Douglass will build the trail along the river which will extend from Atlas Park along the Spokane River for another quarter of a mile and will allow public access to a beach and swimming area. Mr. Gridley presented a video in which several citizens stated positive attributes of having a public trail and expressed the need for housing. Mr. Gridley explained that the applicant, Mr. Lanzce Douglas, is requesting for a zone change in order to increase the density of the said property to allow for additional apartments, remove the mini storage, and a trail with waterfront access for the public.

PUBLIC TESTIMONY: Mayor Pro Tem English opened the public testimony portion of the hearing with the clerk swearing-in those that gave testimony.

Tim Keaty, Hayden, shared that he rides his bike from NIC toward Beebe Blvd. and Riverstone, and eight years ago he would ride at the trail and see the most beautiful view of Coeur d'Alene, but today, the view in some areas would be the million-dollar homes. He stated that he feels like being in an alley because their driveway are literally 10 feet away from the trail. He said that this project is an opportunity to preserve that beautiful view like having another Atlas Park.

John Bruning, Coeur d'Alene, noted that the Board of Directors of the North Idaho Centennial Trail Foundation unanimously support the development agreement and encouraged Council's approval. He stated that the trail would be the connection between the Atlas Waterfront Park and to the future trail through Mill River. He added that this is an opportunity for public access to the water where there are about 500,000 trail users a year, and it continue to increase.

Karen Hansen, Coeur d'Alene, stated that she is neutral because the negotiation to have the riverfront access for the public should have happened 10 years ago, and now the developer is coming back to Council in exchange for extra zoning. She asked who will develop and finish the continuous trail.

Doug Eastwood, stated that the proposed trail is one huge piece that is one step closer to the long-term goal of putting the trail along the waterfront and giving the public to have a view of the water.

With no other comments received, Mayor Pro Tem English closed the public testimony portion of the hearing.

DISCUSSION: Mr. Gridley stated that the goal of the trail is to connect with the western edge of the existing Centennial Trail that runs along Seltice. He added that the project will also provide housing that is closer to Riverstone, medical facilities, and places where most people work. Councilmember Gookin noted that during the Coeur Terre hearing, it was discussed that the roundabout at Atlas is failing, and with Mr. Douglass' request to increase the apartment units and its impact, he asked whether he would be amendable, as part of the development agreement, to fund a full intersection to help with the traffic. Mr. Douglass responded that they are agreeing to fund a study for a traffic management plan but not willing to fund an intersection. He recalled that it was in the report that Seltice traffic would fail in 2035 regardless of whether this development project is approved or not. Councilmember Miller stated that the failing traffic in the area with or without this development puts a burden to the citizens who are already there. She also pointed out the four leased boat docks in the scale drawings which could substantially mean more boats than the 28 homes would have, hence would affect the supposed to be the public's million-dollar view. She explained that it seems the trade out would be, one side of the Centennial Trail is going to be 3-4 stories of luxury waterfront apartments, and the other side is going to be boat docks. She asked what the real benefit of this development to the public and mentioned that this might end up with the same scenario as the Bellerive Boardwalk that the public would just view as a luxury apartment. She added that there is nothing mentioned in the development agreement that the developer would build an amphitheater. While there is an effort for local workers housing which is only 15 units, certainly not going to be in the waterfront luxury condo section, Councilmember Miller stated that the proposal would be a negligible benefit. Mr. Douglass stated that the City does not have a requirement for any affordable housing in their project and the basis for the 5% for local workforce housing is the remaining of the 296 units, because the 384 out of the 680 units, were previously approved and are already built. Councilmember Evans asked if they would be willing to extend increase the percentage of local workforce housing from 5% to 10% of the 296 units for five years, with Mr. Douglass that they can do that. Councilmember Wood explained that the Council's role is to be visionary for the benefit of future generations. She stated that she doesn't want to pass up this opportunity for public access and she is pleased to know that Mr. Douglass has agreed to build more workforce housing. She added that they can come back and have future discussions about the traffic plan. Councilmember Gookin asked what will happen after five years on the agreement to increase workforce housing from 5% to 10%, with Mr. Douglass responding that it goes to market rate. Councilmember Miller pointed out that there is no unit type specified to anchor it to the AMI, hence a one-bedroom might be qualified for a family of four which would not be appropriate. In closing, Mr. Gridley said that Council can look at Mr. Douglass' track record and extend that level of trust because they don't just build and sell but rather, they are in for the long run. Councilmember Miller stated that she had to share the counterpoints or the other side of what potentially could happen, and she hopes that there will be that level of trust as they also step up for additional workforce housing.

MOTION: Motion by Evans, seconded by Wood to approve ZC-3-22, changing the zoning of property located 3404 W. Seltice Way; Applicant: River's Edge Apartments, LLC, based on the attached findings and conclusions, which are established by the undisputed evidence set forth in the staff report, during staff presentation, and the testimony of the applicant.

DISCUSSION: Councilmember Gookin stated that he disagrees with the motion because the proposed public facilities and utilities are not available and adequate with regards to traffic. He added that the proposal would adversely affect surrounding neighborhoods with regards to traffic unless the developer would be willing to improve the intersection, because it would be a burden for the public to pay, through their taxes, for the widening of Seltice and adding intersection in the future. Mayor Pro Tem English explained that the roundabout at Atlas going up is functional and also recognizing that the developer has agreed to double the number of workforce housing which is really needed in the community.

ROLL CALL: Gookin No; Wood Aye; Evans Aye; Miller No. **Motion carried**, with Mayor Pro Tem English voting Aye.

MOTION: Motion by Evans, seconded by Wood, to dispense with the rule and read **Council Bill No. 24-1016** once by title only.

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

MOTION: Motion by Evans, seconded by Wood, to adopt **Council Bill 24-1016.**

ROLL CALL: Wood Aye; Evans Aye; Miller No; Gookin No. **Motion carried, with** Mayor Pro Tem English voting Aye.

RESOLUTION NO. 24-075

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A DEVELOPMENT AGREEMENT WITH RIVER'S EDGE APARTMENTS, LLC, FOR PROPERTY LOCATED AT 3404 W. SELTICE WAY (ZC-3-22, SP-5-22, PUD-2-19m.2).

MOTION: Motion by Evans, seconded by Wood to adopt **Resolution No. 24-075**, approving the Development Agreement for ZC-2-22 and direct staff to provide a revised development agreement with agreed upon percentage change of paragraph 7.4 and condition no. 24.

ROLL CALL: Wood Aye; Evans Aye; Miller No; Gookin No. **Motion carried**, with Mayor Pro Tem English voting Aye.

RECESS: Mayor Pro Tem English called for a recess at 8:15 p.m. The meeting resumed at 8:22 p.m.

COUNCIL BILL NO. 24-1017

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 4, TOWNSHIP 50N, RANGE 4W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED AS C-17; 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.

STAFF REPORT: Associate Planner Mike Behary noted that the owners are Shawn and Ranae Luteyn, and they are represented by McArthur Engineering, requesting for annexation of 5.1 acres in conjunction with zoning approval from County Commercial to the C-17 Commercial zoning district. The property is located at 3505 W. Seltice Way. The public hearing notice was published at the CDA Press on August 31, 2024 and notices were mailed to all properties within the land being considered for annexation within 300 feet on August 29. Notice was provided to all political subdivisions and pipeline companies as well as posted on the property on August 30. The applicant has submitted a survey indicating the exact area that is to be annexed, and the zoning map illustrates that it is currently County Commercial; to the north is C-17; to the west is also C-17 with some County Commercial; and to the south are C-17, PUD and C-17 PUD; and to the east is County Commercial. In order to meet the annexation request, there are four findings that need to be met: proposal conforms with the Comprehensive Plan; public facilities and utilities are available for the proposed use; physical characteristics of the site make it suitable for the request; and would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land use. Mr. Behary stated the following findings: at the time the Comprehensive Plan was developed in 2020 – 2022, this place was envisioned to be an industrial area but since that time, the Seltice corridor has been commercial and residential; City staff from Streets and Engineering, Water, Fire, Parks, Police, and Wastewater departments have reviewed the application request and each department has indicated that there are adequate public facilities and public utilities available for the proposed annexation with zoning to C-17; the site is general flat that slightly slopes to the southwest while the western portion of the site is vacant and is relatively flat to accommodate a future development site for the CDA Hockey Academy; and the City Engineer has indicated the subject property is bordered by Seltice Way to the south which is a Principal Arterial Street. Two examples were provided by the City Engineer on the traffic: with regards to the skating rink, the proposed expansion will generate approximately 95 morning peak hour trips and 63 evening peak hour trips. There are seven recommended items to include in the annexation agreement: (1) The existing industrial milling operation (Manufacturing use) must be removed from the site prior to a building permit or site development permit is used for the new building, whichever comes first; (2) Any additional main extensions and/or fire hydrants and services for future development of the property will be the responsibility of the developer/ owner at their expense and will be done with site improvements triggered by any site development or building permit; (3) Any additional water services will have cap fees due at building permitting; (4) This project will fall under Policy #716 “One Lot, One Lateral” that only allows for one sewer lateral for parcel; (5) Any new or existing structures on this parcel must connect to City sewer and pay appropriate sewer cap fees and Mill River LS Surcharge Fee; (6) The Building Department

requires the owner to obtain permits for the proposed use of the existing building as part of the annexation agreement; and (7) All existing fire protection systems must be serviced and without any deficiencies before annexation may occur.

DISCUSSION: Councilmember Gookin asked about the difference between commercial zoning and county commercial which is the current zoning of the subject property with Mr. Behary stating that he doesn't have the specifics, but the main issue is that they will have city sewer and water as they are currently on well and septic, and they probably could not expand with the existing utilities and services they have. Councilmember Wood inquired if it's agricultural land on the east and if it's in the city with Mr. Behary responding that it is in the county.

APPLICANT: Scott McArthur of McArthur Engineering stated that the staff prepared a well-written report. He said that they called this morning to discuss recommendation number one for the annexation agreement because they are trying to be sympathetic to the existing industrial operation that operates at the southern part of the building and to give them time to relocate. At the same time, they are operating a school in this facility with 58 students at present. Mr. McArthur said that his clients are excited to expand this academy.

DISCUSSION: Councilmember Wood stated that this property is one that was envisioned to come into the City and the Planning and Zoning Commission has reviewed everything with the applicant meeting all the conditions, hence she doesn't have an issue with the annexation.

PUBLIC TESTIMONY: Mayor Pro Tem English opened the public testimony portion of the hearing with the Clerk swearing in Mr. Scott McArthur.

Councilmember Miller inquired about having a traffic flow plan considering the expansion of the academy affecting the day and evening traffic with Mr. McArthur responding that the area has westbound traffic and there is no opportunity to access the site but to utilize the roundabout at Atlas and come back to the site. He stated that the ice arena operates to the north and their students are typically walking to the site or transported to the site.

With no comments received, Mayor Pro Tem English closed the public testimony portion of the hearing.

MOTION: Motion by Evans, seconded by Wood, to approve A-1-24 Annexation of +/- 5.096 – acre annexation from County Commercial to C-17 for property located at 3505 W. Seltice Avenue based on the attached findings and conclusions, which are established by the undisputed evidence set forth in the staff report, during staff presentation, and the testimony of the applicant.

DISCUSSION: Councilmember Gookin pointed out that this is moving the property from county into the city, it will be in the same zone with same underlying use and not increasing density. He said that it is established and a thriving business, and so he is happy to support it. Councilmember Miller stated that she agrees with Councilmember Gookin but sees no reason for the annexation and there will be some signage to be put in place on Seltice.

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

MOTION: Motion by Evans, seconded by Gookin, to dispense with the rule and read **Council Bill No. 24-1017** once by title only.

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

MOTION: Motion by Evans, seconded by Gookin, to adopt **Council Bill 24-1017**.

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

RESOLUTION NO. 24-076

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN ANNEXATION AGREEMENT WITH SHAWN AND RANAE LUTEYN, OWNERS OF COEUR D'ALENE HOCKEY ACADEMY, LOCATED AT 3505 W. SELTICE WAY.

MOTION: Motion by Evans, seconded by Gookin to adopt **Resolution No. 24-076**, approving the Annexation Agreement for A-1-24 with Shawn and Ranae Luteyn, owners of Coeur d'Alene Hockey Academy, located at 3505 W. Seltice Way.

ROLL CALL: Gookin Aye; Wood Aye; Evans Aye; Miller 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 8:46 p.m.


Dan English, Mayor Pro Tem

ATTEST:


JoAnne Mateski
Executive Assistant

**COEUR D'ALENE CITY COUNCIL
FINDINGS AND ORDER
ZC-3-22**

INTRODUCTION

This matter having come before the City Council on September 17, 2024, and there being present a person requesting approval of ZC-3-22, a request for a zone change from R-12 and C-17 to R-17.

APPLICANT: RIVER'S EDGE APARTMENTS, LLC

LOCATION: 3528 & 3404 W. SELTICE WAY

A. FINDINGS OF FACT:

The City Council finds that the following facts, A1 through A15, have been established on a more probable than not basis, as shown on the record before it and on the testimony presented at the public hearing.

A1. All public hearing notice requirements have been met for item ZC-3-22.

- Notice of the public hearing must be published in the official newspaper of the City at least fifteen (15) days prior to the hearing. Idaho Code § 67-6509(a). The notice was published in the Coeur d'Alene Press on August 31, 2024, seventeen days prior to the hearing.
- Notice of the public hearing must be posted on the premises no less than one (1) week prior to the hearing. Idaho Code § 67-6511(2)(b). The Notice was posted on the property on August 30, 2024, eighteen days prior to the hearing.
- Notice of the public hearing must 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. Idaho Code § 67-6511(2)(b). Fifty-three (53) notices were mailed to all property owners of record within three hundred feet (300') of the subject property on August 29, 2024.
- Notice of the public hearing must 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. Idaho Code § 67-6509(a). The Notice was sent to all political subdivisions providing services within the planning jurisdiction, including school districts on August 29, 2024, nineteen days prior to the hearing.
- Notice of the public hearing must be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with

section 62-1104, Idaho Code. Idaho Code § 67-6511(2)(b). The Notice was sent to pipeline companies providing services within 1,000 feet of the subject property on August 29, 2024.

- A2. Public testimony was received at a public hearing on September 17, 2024.
- A3. The subject property has multifamily apartments on a portion of it. The remainder is vacant. The subject site is 25.78 acres in area.
- A4. The subject site is currently zoned R-12PUD and C-17PUD and was annexed into the City in 2014 in item A-1-13.
- A5. The surrounding uses are a mix of commercial and residential. The site is adjacent to multi-family apartments and a mixed use commercial and residential neighborhood known as Atlas Waterfront located to the east. To the south is the Spokane River. To the west are single family homes within the Mill River neighborhood and the Heritage Health facility. To the north is the Coeur d'Alene Hockey Academy facility, Frontier Ice Arena, and a single family home associated with a large agricultural property.
- A6. The Comprehensive Plan designates the subject site to be in the Planned Development place type. Compatible zoning for properties in this Place Type is not applicable. Planned developments may occur within any zoning district.
- A7. The Place Types in the Comprehensive Plan represent the form of future development, as envisioned by the residents of Coeur d'Alene. These Place Types will, in turn, 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.
- A8. According to the Comprehensive Plan, Planned Development places are locations that have completed the planned unit development application process. As part of that process, the City and the applicant have agreed to a determined set of complementary land uses that can include a number of Place Types. Large scale Planned developments often have a determined phasing and development plan and may include land uses such as housing, recreation, commercial centers, civic, and industrial parks, all within one contained development or subdivision. Building design and scale, transportation, open space, and other elements are approved through the City of Coeur d'Alene's PUD evaluation process.
- A9. The Planning and Zoning Commission identified Comprehensive Plan goals and objectives that support the request. The City Council will need to consider the Comprehensive Plan goals and objectives in their decision.

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.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d’Alene’s natural environment.

OBJECTIVE ER 1.1

Manage shoreline development to address stormwater management and improve water quality.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.2

Encourage publicly-owned and/or private recreation facilities for citizens of all ages.

This includes sports fields and facilities (both outdoor and indoor), hiking and biking pathways, open space, passive recreation, and water access for people and motorized and non-motorized watercraft.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

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.

OBJECTIVE GD 1.7

Increase physical and visual access to the lakes and rivers.

Goal GD 3

Support the development of a multimodal transportation system for all users.

OBJECTIVE GD 3.1

Provide accessible, safe, and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation.

- A10. City utilities are available to serve the project site. All departments have indicated the ability to serve the project with the additional conditions as stated at the end of the report.
- A11. The subject property is higher along Seltice Way and slopes downward toward the Spokane River to the south. There is an approximately thirty foot elevation drop on the overall property.
- A12. The subject property is bordered by Seltice Way to the north, which is a principal arterial connecting the cities of Coeur d'Alene and Post Falls. Although Seltice Way is currently operating at an acceptable Level of Service and the proposed development will not cause excessive congestion, future traffic levels forecasted by KMPO and referenced in the Trip Generation and Distribution Letter show that congestion levels by 2035 will reach undesirable levels even without this proposed development. This is due to regional growth that has been focused in the west and northwest areas of the City, as well as limited travel corridors available into Coeur d'Alene. The Streets & Engineering Department has no objection to the proposed development, but requests a Traffic Mitigation Plan be funded by the applicant to identify congestion mitigation measures that can be funded by development impact fees prior to reaching the forecasted congestion levels.
- A13. The applicant has indicated that, if this zone change request is approved, he will build according to the PUD site plan that was approved in 2022, which consists of removing the 431 unit mini-storage facility and the 28 single-family residential lots along the river from the project and replace it with 296 multi-family units, public open space, and a 16-foot wide trail adjacent to the river that allows the public access to the river.

- A14.** The Planning and Zoning Commission considered this zone change request on December 13, 2022. In a unanimous vote of 6-0 they recommended that City Council approve the zone change request including the 28 conditions. The Planning and Zoning Commission found that the proposed development would not negatively affect the surrounding neighborhood in terms traffic, neighborhood character, and existing land uses. The Planning and Zoning Commission found that the zoning is compatible with the surrounding zoning and uses.
- A15.** The applicant has been working with the City Attorney, City Administrator, and Planning Department on a Development Agreement for the River’s Edge Apartments project that is located on the subject site. The Development Agreement provides necessary information on how the property will be developed and when certain items must be completed. The Development Agreement requires Council approval. As part of the Development Agreement, the applicant has agreed to twenty-eight (28) conditions of approval.

B. CONCLUSIONS OF LAW:

Based on the foregoing Findings of Fact, the City Council makes the following Conclusions of Law.

- B1. This proposal **is** in conformance with the Comprehensive Plan.
- B2. Public facilities and utilities **are** available and adequate for the proposed use.
- B3. The physical characteristics of the site **do** make it suitable for the request.
- B4. The proposal **would not** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and/or existing land uses

C. DECISION

The City Council, pursuant to the foregoing Findings of Fact and Conclusions of Law, has determined that the requested zone change does comply with the required evaluation criteria and the zone change request is **approved with conditions**.

The City Council further orders that the zone change shall be contingent on the owner of the property signing a Development Agreement as approved by Council.

- 1) The PUD requested in PUD-2-19m2 is only valid if the Special Use Permit (SP-5-22) is approved by the Planning and Zoning Commission and the Zone Change (ZC-3-22) is approved by City Council.
- 2) A Lighting Plan must be submitted as part of the building permits for any new apartment buildings indicating full cut off lighting.

- 3) If docks are to be constructed, the Fire Department will require access to the docks including a standpipe system.
- 4) The Idaho Department of Lands will need to review and approve any dock permits.
- 5) Any additional water service will require cap fees due at time of building permitting.
- 6) Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense.
- 7) Dead-end fire apparatus access roads over 150 feet in length requires FD approved turn-around. Turning radiuses for FD is 25' interior and 50' exterior.
- 8) Temporary Street signs and Address's shall be installed until permanent signs/address are installed.
- 9) FD access streets designed to hold an imposed load of 75,000 lbs. Minimum FD access width is 20' and 26' with a hydrant.
- 10) Trees are prohibited to be planted over HARSB sewer outfall pipeline easement.
- 11) A Traffic Mitigation Plan should be funded by the applicant per the Development Agreement
- 12) Soften the 90 degree "sharp" turn in the trail on the western edge of the property.
- 13) Use 'Driveway Mix' asphalt in the construction of the trail.
- 14) Sterilize the ground with herbicide before laying down gravel and asphalt.
- 15) Maintain landscaping and amenities into perpetuity; PROVIDED, In the event of catastrophic flooding which damages the trail, the ADA access to the beach, and/or the concrete slabs within the four public beach areas, the parties agree to work together to effectuate repairs as expeditiously as possible. While this agreement cannot constitutionally bind a City Council to the expenditure of funds beyond the current fiscal year, it is the intent of the City to use its best efforts to assist the Owner in repairing the trail, the ADA access to the beach, and/or the concrete slabs within the four public beach areas in the event of damages caused by catastrophic flooding. Further, the City will be responsible for plowing snow from the trail and sweeping/blowing the surface of the trail on a regular basis.
- 16) Wastewater requires hydraulic modeling of the Mill River Sewer Pump Station per the Development Agreement.

- 17) The Subject Property is within the City of Coeur d'Alene and in accordance with the 2013 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this PUD request as proposed but any increase in density will require hydraulic modeling of the added PUD sewer flows into the Mill River Pump Station.
- 18) A utility easement or R/W for the public sewer shall be dedicated to the City prior to building permits.
- 19) An unobstructed City approved "all-weather" access shall be required over all city sewers.
- 20) Payment of the Mill River Lift Station Surcharge Fee shall be required on all building permits.
- 21) This PUD shall be required to comply with the City's One Lot-One Lateral Rule.
- 22) All sewerage lines beyond and upstream of the public sewer connection shall be privately owned and maintained by the PUD's Owner at no cost to the City.
- 23) All public sewer plans require IDEQ or QLPE Approval prior to construction.
- 24) The Owner agrees to make available, for persons who are making, at the time the lease is signed, One hundred percent (100%) of Kootenai County's Area Median Income (AMI) for a four-person household, at least ten percent (10%) of the proposed two hundred ninety-six (296) new units, meaning no fewer than thirty (30) units. This commitment shall be for five (5) years commencing when the Certificate of Occupancy for the first building containing such units is issued. The Owner further agrees to provide an annual report to the Planning Department consisting of rent rolls and application data for renters qualifying for these units
- 25) The maximum number of units for the overall project be restricted to 680.
- 26) A portion of the public trail and riverfront open space area(s) along the river shall be completed and installed before occupancy permits are issued for the 85th unit adjacent to the Spokane River. Said portion of the public trail and riverfront open space area(s) shall be completed and installed to the farthest extent of the building in which the 85th unit adjacent to the Spokane River is located, and any other building in which a unit is completed when the occupancy permit for the 85th unit is requested; PROVIDED, the entire public trail and riverfront open space areas shall be completed within thirty-six (36) months of the date the Owner obtains a permit for the seawall, unless the Owner is delayed for reasons beyond the Owner's reasonable control. The Owner shall apply for a permit for the seawall before June 30, 2025, and shall diligently pursue approval of the permit. This time may be extended by the City for good cause shown, which extension shall not be unreasonably denied.

- 27) An Open Space and Public Access easement granted to the City of Coeur d'Alene must be recorded prior to the issuance of the Certificate of Occupancy for the building containing the 85th unit adjacent to the River. The easement shall include the multiuse trail/path that lies adjacent to the Spokane River from the east property line to the west property line and the four (4) public beach areas. The easement shall reserve to the Owner the right to trespass individuals, in accordance with State law, from the Open Space and Public accesses for uses which are outside the scope of the easement to the City, and which are inconsistent with the Owner's development and property rights.
- 28) All modification requests are adhered to, as stated below:
- Decrease the maximum building height to 55 feet rather than 63 feet as allowed by the R-34;
 - Increase the maximum building height to 55 feet rather than 32 feet within 150 feet of the high-water mark as required by the Shoreline Ordinance;
 - Remove the 431 unit mini-storage facility;
 - Remove the single-family residential units along the Spokane River;
 - Replace the single-family residential units 32 feet tall set 40 feet back from the Spokane River with multifamily residential units at a height of 55 feet set 80 feet back from the Spokane River;
 - The project would allow for 680 units, and one clubhouse.
 - Decrease the maximum number of units to 680 rather than 881 units as allowed in the R-34;
 - Allow for the pedestrian trail and open space amenities including docks and dock ramps to be built within 40 of the highwater mark; and
 - Decrease the overall density of the project to 26.4 units per acres rather than 34 units per acre.

Motion by Evans, seconded by Wood, to adopt the foregoing Findings and Order and approve with conditions the request.

ROLL CALL:

COUNCIL MEMBER MILLER	Voted Nay
COUNCIL MEMBER EVANS	Voted Aye
COUNCIL MEMBER GOOKIN	Voted Nay
COUNCIL MEMBER WOOD	Voted Aye
MAYOR PRO TEM ENGLISH	Voted Aye to break the tie

Motion to approve with conditions carried by a 3 to 2 vote.

**COEUR D'ALENE CITY COUNCIL
FINDINGS AND ORDER**

A-1-24

INTRODUCTION

This matter came before the City Council on September 17, 2024, to consider A-1-24, a request to annex 5.1 acres adjacent to Seltice Way with C-17 zoning.

OWNERS: Shawn and Ranae Luteyn

APPLICANT: McArthur Engineering, Scott McArthur, agent of Shawn and Ranae Luteyn

LOCATION: 3505 W. Seltice Way, Coeur d'Alene, ID 83814

A. FINDINGS OF FACT:

The City Council finds that the following facts, A1 through A12 have been established on a more probable than not basis, as shown on the record before it and on the testimony presented at the public hearing.

A1. All public hearing notice requirements have been met for item A-1-24.

- Notice of the public hearing must be published in the official newspaper of the City at least fifteen (15) days prior to the hearing. Idaho Code § 67-6509(a). The Notice was published on August 31, 2024, seventeen days prior to the hearing.
- Notice of the public hearing must be posted on the premises no less than one (1) week prior to the hearing. Idaho Code § 67-6511(2)(b). The Notice was posted on the property on August 30, 2024, eighteen days prior to the hearing.
- Notice of the public hearing must 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. Idaho Code § 67-6511(2)(b). thirty-six (36) notices were mailed to all property owners of record within three hundred feet (300') of the subject property on August 29, 2024.
- Notice of the public hearing must 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. Idaho Code § 67-6509(a). The Notice was sent to all political subdivisions providing services within the planning jurisdiction, including school districts on August 29, 2024.
- Notice of the public hearing must be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being

considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Idaho Code § 67-6511(2)(b). The Notice was sent to pipeline companies providing services within 1,000 feet of the subject property on August 29, 2024.

- A2. The subject site is located in an unincorporated area of the County, the total area of the subject property is 5.1 acres and is zoned County Commercial.
- A3. The subject property currently has two different uses on it. The first use is a heavy industrial milling operation (manufacturing use) and the second is the education use that is run by the CDA Hockey Academy. The CDA Hockey Academy is an educational use (community education), which is a permitted use in the C-17 (Commercial at 17 units/acre) zoning district. The manufacturing use is not allowed by right in C-17 district, unless there is a special use permit for custom manufacturing. The manufacturing use is only allowed by right in the M (Manufacturing) zoning district. The community education use is not permitted in the M district.
- A4. The Comprehensive Plan (the “Plan”) Future Land Use Map designation is the General Industrial Place Type. Industrial places include manufacturing & logistics that provide a range of job types, services, and wage levels. These areas are locations that provide concentrated areas of employment areas that create goods and services with a mix of indoor industrial uses separated from residential areas. Primary uses include manufacturing, warehousing, storage, and industrial parks located in one to two-story buildings with varied building footprints and interior ceiling heights. Industrial places are located near major transportation corridors as they often require access for large vehicles. Compatible zoning in the Industrial Place Type is Manufacturing (M) and Light Manufacturing (LM). The Comprehensive Plan did not anticipate this property being commercial; however, the adjacent Frontier Ice Arena property was annexed in with C-17 zoning.
- A5. The Planning and Zoning Commission identified Comprehensive Plan goals and objectives that supported the request for particular consideration by the City Council. The City Council will need to consider the Comprehensive goals and objectives to make their decision.

Community & Identity

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 CI 2.1

Maintain the community’s friendly, welcoming atmosphere and its smalltown feel.

Education & Learning

Goal EL 3

Provide an educational environment that provides open access to resources for all people.

Objective EL 3.2

Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.

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 1.4

Increase pedestrian walkability and access within commercial development.

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 E GD 2.1

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

Jobs & Economy

Goal JE 1

Retain, grow, and attract businesses.

Objective JE 1.2

Foster pro-business culture that supports economic growth.

- A6. The Comprehensive Plan is a guide for annexations and land use decisions, and the Future Land Use Map, in conjunction with the Goals and Objectives, shall be used by City Council to make a decision on zoning in conjunction with annexation.
- A7. The subject property is bound by an ice arena to the north, a single-family home associated with a large agricultural tract to the east, a health care facility and a multi-family apartment complex is located south across Seltice Way, and a single-family home and a multi-family apartment complex are located to the west. Properties in the area are zoned C-17 Commercial or County Commercial.
- A8. The subject property has a twenty-five-foot grade change across the site, along with an existing structure, parking and maneuvering areas. There is also a relatively flat area of the property, west of the existing structure, where the applicant intends to build an additional structure.

- A9. City utilities are available to serve the project site, if annexed. All departments have indicated the ability to serve the project with the additional conditions as stated at the end of the staff report.
- A10. The proposal is anticipated to generate up to 63 PM peak hour trips per day associated with the private school and an estimated 95 AM peak hour trips per day if there were an event. The City Engineer indicated that they have shown 192 parking spaces on the site and noted that if an event drew more than 192 vehicles, they could have overflow parking impacts. The Academy currently exists on the property adjacent to the Frontier Ice Arena. The applicant is proposing upgrades to the existing building, a new structure and other site improvements as shown on the proposed site plan. Surrounding uses are commercial, manufacturing, agricultural, and residential in nature.
- A11. The Planning and Zoning Commission found that the property is surrounded by the city limits and annexation was necessary for the academy to expand. Bringing it into the City is considered orderly development and will increase the tax base.
- A12. The Planning and Zoning Commission found that the C-17 zoning was appropriate given the surrounding commercial uses and commercial zoning in both the City and County, the applicable Comprehensive Plan goals and objectives that support the request, and the fact that the Manufacturing Place Type didn't anticipate the educational use.

B. CONCLUSIONS OF LAW:

Based on the foregoing Findings of Fact, the City Council makes the following Conclusions of Law.

- B1. That this proposal **is** in conformance with the Comprehensive Plan policies.
- B2. That public facilities and utilities **are** available and adequate for the proposed use.
- B3. That the physical characteristics of the site **do** make it suitable for the request at this time.
- B4. That the proposal **would not** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **and/or** existing land uses.

C. DECISION

The City Council pursuant to the foregoing Findings of Fact and Conclusions of Law, has determined that the request for annexation of a +/- 5.1-acre parcel in Kootenai County, assigning the zoning district C-17, should be **approved with conditions**.

The City Council further orders that the Annexation shall be contingent on the owners of the property signing an Annexation Agreement as approved by Council.

1. The existing industrial milling operation (manufacturing use) must be removed from the site prior to a building permit or site development permit is issued for the new building, whichever comes first.
2. Any additional main extensions and/or fire hydrants and services for future development of the property will be the responsibility of the developer/owner at their expense and will be done with site improvements triggered by any site development or building permit.
3. Any additional water services will have cap fees due at building permitting.
4. This project will fall under Policy#716 "One Lot, One Lateral" that only allows for one sewer lateral for parcel.
5. Any new or existing structures on this parcel must connect to City sewer and pay appropriate sewer cap fees and Mill River LS Surcharge Fee.
6. The Building Department requires the owner to obtain permits for the proposed use of the existing building as part of the annexation agreement.
7. All existing fire protection systems must be serviced and without any deficiencies before annexation may occur (examples of fire protection systems sprinklers, alarms, fire extinguishers)

Motion by Evans, seconded by Wood, to adopt the foregoing Findings and Order and approve with conditions the request.

ROLL CALL:

COUNCIL MEMBER MILLER	Voted Aye
COUNCIL MEMBER EVANS	Voted Aye
COUNCIL MEMBER GOOKIN	Voted Aye
COUNCIL MEMBER WOOD	Voted Aye

Motion to approve with conditions carried by a 4 to 0 vote.