

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

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

Woody McEvers, Mayor

Dan English	)	Members of Council Present
Christie Wood	)	
Dan Gookin	)	
Kiki Miller	)	
Amy Evans	)	
Kenny Gabriel	)	

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

**PLEDGE OF ALLEGIANCE:** Councilmember Wood led the pledge of allegiance.

**Name the storm:** Streets and Engineering Director Todd Feusier introduced Ms. Korsmo and her 3<sup>rd</sup> grade students from Classical Christian Academy. They visited the Streets and Engineering Department and helped with the 2024-2025 Name the Storms project. During their visit, Mr. Feusier shared that, aside from winter operations, they also talked about the Leaf Fest, drainage program, and the Rectangular Rapid Flashing Beacon (RRFP) project. Mr. Feusier stated that the students suggested many storm names, with "Military Aircraft" being a favorite, along with ten other names that will be posted on the city website. Mayor McEvers presented Ms. Korsmo and her students with a street sign featuring their first names for their classroom. Mr. Feusier mentioned that Councilmember Gookin had asked about naming the street sweeper, and they plan to involve schools in this process. Councilmember Gookin asked if the previous day's snow would be named, Mr. Feusier explained that storms are typically named only if they are significant enough to require plowing, which was not the case for the recent snowfall.

**Winter Operations Plan:** Streets and Engineering Director Todd Feusier explained that there are proposed changes in the snow plan this year and hopes that, with the Council's approval, this plan will be in place for subsequent years and will be updated as needed. Any significant changes will be brought back to Council for approval. Mr. Feusier recommended to change the name of the plan to "Winter Operations Plan" for more coverage. Once approved, the plan will be posted to the city website. Significant information in the plan includes additional sections on pre-treating and de-icing, updated snow removal priorities, residents can report snow removal issues on the city's website and monitor updates on snow removal progress through a snow line number. Mr. Feusier reminded that the citywide plow will be implemented when there is more than 4" of snowfall on the roadway surface or 3" of snowfall on the roadway and more than 4" predicted. He cited the

ordinances preventing citizens from pushing snow into the streets. He stressed that the goal of snow gates is to reduce the berm, not eliminate it.

**DISCUSSION:** Councilmember Gabriel stated that the Streets Department is doing an amazing job. He inquired on how the cars parked on the streets affect their work with Mr. Feusier responding that it's an issue throughout the city and the crews try their best to get around them if there's a snow event and also ask residents to get their vehicles off the road; if there is an area that they have to deal with a lot of problems, then they call code enforcement and they will tag the vehicles, and the crew will remove the snow to get the vehicle out of there. During leaf fest, they work with code enforcement if there are boats or trailers parked out at the curb. Councilmember Gabriel asked if the Department makes its own deicer with Mr. Feusier responding in the affirmative and that they provide it to several municipalities in the area, North Idaho College, school districts, and city departments. Councilmember Gookin thanked the Streets Department for running the sweepers during leaf fest and the streets look great. He asked about the designation of sledding hills and Mr. Feusier stated that locations for sledding hills remain unchanged and encouraged the public to use designated areas like Cherry Hill. Councilmember Miller inquired when the new snow information will be posted live on the website so residents can see the changes as well as the interactive map. Mr. Feusier stated that upon approval of the plan, the website will be updated starting tomorrow. He added that the map is currently down for maintenance, but hopefully will be back in service before the holidays.

**MOTION:** Motion by Evans, seconded by Miller, to approve the Winter Operations Plan. **Motion carried.**

#### **PUBLIC COMMENTS:**

Paul VanNoy, Hayden, offered and led the invocation. He shared his concerns about the proposed Emergency Operations Plan and asked Council to thoroughly review it to clarify the scope of limited immunity for public employees during emergencies and who decides what constitutes critical equipment, emphasizing the need for careful definition to protect personal property. He cited that the response to power failures seem to be vague and highlighted past long-lasting power outages as a concern. He raised concerns about restricting access to properties during emergencies, especially for those who leave voluntarily. He asked the Council to delay voting on the plan until they receive more information.

#### **ANNOUNCEMENTS:**

Councilmember Gookin followed up on a question from the last Council meeting regarding the byproduct of sodium which would be produced during the chlorine generation process by the Water Department. After consulting with Assistant Director Glen Poelstra and the vendor, he clarified that the substance being converted is not salt, but something else. While byproducts are created, they are not as harmful as he initially thought.

Councilmember Gabriel announced that the Fire Department's Mobile Santa event kicked off tonight, starting from the south of town and heading north. Residents can track Santa's location on the Fire Department's page on the city website. He highlighted the great partnership between the City and Local 710 for this project. Councilmember Gabriel also mentioned that he saw on

Facebook that Coeur d'Alene has been named one of the 20 most beautiful cities in the nation. He expressed gratitude to the Fire and Police Departments for their diligence, noting that the city is also one of the safest in the country. Additionally, he thanked the Council for keeping the city vibrant and the staff for all their hard work.

Councilmember Miller shared about the feasibility study being conducted by Homeshare Kootenai County that aims to determine if the community is interested in a grant program that would provide funds to retrofit homes in exchange for housing student and teachers or healthcare workers for a certain period. The survey, which consists of about six questions, is available online until next Monday. She explained that this initiative seeks to help those in need of housing while offering homeowners some extra income or assistance.

Mayor McEvers thanked the Council and shared that he appreciates being able to learn more about the different aspects of the City. He thanked the staff and wished everyone a Merry Christmas.

#### **CONSENT CALENDAR:**

1. Approval of Council Minutes for the December 3, 2024 Council Meeting.
2. Approval of the December 9, 2024 General Services/Public Works Committee Minutes.
3. Setting of the January 13, 2025 General Services/Public Works Committee Meeting.
4. Setting of public hearing for **January 21, 2025 - (QUASI JUDICIAL) BR-1-24 - Lamar Advertising of Spokane is requesting relocation and digitization of a two-sided 300-square-foot V-structure billboard; current location is 1621 Northwest Boulevard to be removed and relocated to property located at 3119 N. 2<sup>nd</sup> Street and adjacent to Government Way.**
5. Approval of a Cemetery Lot transfer from Catherine Eachon to Robert Eachon Jr.; Section RIV, Block C, Lot 523, Forest Cemetery Riverview Annex
6. Approval of Bills as Submitted.
7. Approval of Financial Report.
8. Approval of the Annual Road and Street Financial Report for the Fiscal Year Ending September 30, 2024.
9. Approval of **Resolution No. 24-097 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE GRANT DEED FOR A UTILITY EASEMENT FROM BLUE FERN DEVELOPMENT 03, LLC, GRANTOR, IN THE ALLEY NORTH OF WALLACE AVENUE, SOUTH OF GARDEN AVENUE, BETWEEN 1ST AND 2ND STREETS FOR A SEWER LINE; AND APPROVING AMENDMENTS TO, AND A FIVE-YEAR RENEWAL OF, THE MEMORANDUM OF UNDERSTANDING WITH IDAHO DISASTER DOGS INC.**

**MOTION:** Motion by Evans, seconded by Miller to approve the Consent Calendar as presented, including **Resolution No. 24-097**.

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



## RESOLUTION NO. 24-098

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING THE KOOTENAI COUNTY EMERGENCY OPERATIONS PLAN (EOP).

**STAFF REPORT:** Fire Chief Tom Greif noted that the Kootenai County Emergency Operations Plan, which was revised last August, takes an all-hazards approach to emergency management, guiding the community not only during emergencies but also before and after they occur. He stressed that the effectiveness of these plans depends on the active participation of all entities involved. He introduced Tiffany Westbrook, Director of the Office of Emergency Management.

Ms. Westbrook presented the Kootenai County 2024 Emergency Operations Plan (EOP) for adoption of the City Council. She stated that the EOP was last updated in 2018 having 500 pages and has now been shortened to a 206-page document. She explained that the current Plan is a product of working closely with community stakeholders and they chose not to hire a contractor to ensure the plan is meaningful and reflected the community's needs for effective response efforts. This process took nine months, starting in September 2023. In her presentation, Ms. Westbrook said that the EOP's primary purpose is to guide agencies and organizations in responding to disasters beyond normal capacities, providing resources to limit impacts and help the community return to normal after emergencies. She stressed the plan does not grant additional authority or impose additional obligations on the City of Coeur d'Alene. It simply outlines the framework for partnering with response partners, community members, and non-profit organizations to efficiently and effectively return to normalcy for the benefit of the community. The EOP is dictated by Idaho Code § 46-1009 and is necessary for receiving annual Emergency Management Performance Grant (EMPG) funding. These funds support training and exercises, like the recently hosted full-scale exercise at Timberlake for active shooter response. Ms. Westbrook noted that the plan is a working document that can be updated as needed. It includes a base plan covering emergency management concepts, decision-making processes, and training. It also transitions to Emergency Support Functions (ESF) for consistency with state and federal disaster response. Incident annexes detail actions and recovery efforts for various incidents, based on risk assessments. Support annexes cover broader aspects like alerts and warnings, explaining the notification process and roles involved.

**DISCUSSION:** Councilmember Gookin noted that the Emergency Operations Plan (EOP) is required by Idaho Code. However, he raised concerns about specific contents of the plan, such as limited immunity and commandeering equipment, which were mentioned during public comments. He expressed worry about the potential for people to be arrested. Ms. Westbrook clarified that the limited immunity provision is outlined in Idaho Code § 46-1017, which addresses immunity in disaster situations under the Preparedness Act. She explained that evacuation procedures are governed by Idaho Code § 46-1008, which only applies to evacuations ordered by the Governor. She emphasized that evacuations in Kootenai County are always voluntary unless mandated by the Governor. Councilmember Gookin then asked whether the County has the choice to adopt these provisions or if they are mandated by statute. Ms. Westbrook responded that the plan does not impose additional restrictions on the City of Coeur d'Alene. Instead, it illustrates the existing framework and partnerships as noted in Idaho State Code. She added that the EOP does not provide additional authority to the County or any signatory; it simply outlines how to respond to disasters and emergencies efficiently and effectively. Councilmember Evans thanked Ms.



Westbrook for her great presentation. She asked for clarification if the Council moves to adopt this plan, if the governor's order still stands. Ms. Westbrook responded that the governor's order will still stand, and not adopting the plan means not having a seat at the table to participate in the discussion on how to improve the plan; either way, the governor's orders will stand. Councilmember Wood emphasized that people should understand this is not a tactical plan. She invited Police Chief Lee White to share his thoughts on the police role in the city. Chief White explained that the plan focuses on coordination and resource management during emergencies. He assured that the Coeur d'Alene Police Department has no intention of forcibly removing people from their homes or arresting them if they refuse to leave. Addressing concerns raised during public comments about preventing people from returning to an area, he stated that he does not foresee this happening given the size of the city. Councilmember English stated that the plan is designed to protect life and property. If an emergency is significant enough for the governor to issue a proclamation, it enables certain actions. However, local police will still have their discretion and will exercise it as they always do. He expressed trust in their training and judgment. He also noted that part of the Council's job is to safeguard the city's resources, including its finances. If the Council rejects this plan, it will lose certain protections, such as limited immunity, which allows them to act in emergencies without fear of liability. Councilmember Gabriel noted that the City must request a declaration; the Governor will not automatically issue one. The request must go through the Council and then to the County. He emphasized that the declaration is crucial because it is tied to funding. Addressing a public comment about what constitutes an emergency, he explained that the plan does not specify, but broadly covers possible emergencies. Councilmember Wood added that first responders are doing everything they can to preserve life during emergencies. Councilmember Gookin asked Ms. Westbrook what would happen if the County Commissioners decided to redo the plan. Ms. Westbrook responded that the plan is a living document, open to changes, and they welcome community involvement. Any updates will be reflected on their website. Mayor McEvers asked if the plan follows the same format as those in other Idaho counties. Ms. Westbrook explained that emergency management capabilities vary across the state; some counties have part-time emergency managers, while others require contracting. She noted that they were able to develop the plan in-house with their partners. Despite these variations, the content of the plans is generally similar. Councilmember Miller inquired about handling conflicts regarding the plan's content. Ms. Westbrook explained that it is an ongoing process, and they are open to revisiting and revising the plan as needed. They intend to review the plan annually, incorporate feedback, and make necessary adjustments. She added that if an incident occurs and valuable lessons are learned, they will update the plan to reflect those insights. Councilmember Miller emphasized that the plan serves as a template requiring everyone's participation to ensure effective responses for the benefit of all. Ms. Westbrook highlighted the unique partnerships in Kootenai County, noting the willingness of various entities to collaborate.

In closing, Chief Greif hopes that the discussion addressed community concerns that were mentioned in a recent press article. He stressed the importance of the Fire and Police departments learning and practicing the plan to effectively guide the Council during emergencies. He reiterated that the plan is a living document, emphasizing the need for active participation and resource sharing among all entities involved. He urged the Council to adopt the Emergency Operations Plan.

**MOTION:** Motion by Wood, seconded by Evans to adopt **Resolution No. 24-098**, to approve the adoption of the Kootenai County Emergency Operations Plan.

**DISCUSSION:** Councilmember Gookin stated that he cannot support the plan until it contains language that protects people’s rights. Councilmember Wood said it is just a matter of interpretation, and she sees it from a first responders’ perspective whose intention is to primarily help people and not take anyone’s rights away. They want to be able to respond appropriately and this comprehensive plan is about preserving lives and working together. City Attorney Randy Adams stated that Idaho Code § 46-1008(7) states that during the continuance of any state of disaster emergency, neither the governor nor any agency of any governmental entity or political subdivision shall otherwise limit or suspend any rights guaranteed by the United States Constitution or the State of Idaho. Councilmember English said that he will vote in support because it is in the community’s best interest.

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

**COUNCIL BILL NO. 24-1020**

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF COEUR D’ALENE MUNICIPAL CODE § 15.05.010; PROVIDING FOR THE REPEAL OF COEUR D’ALENE MUNICIPAL CODE § 15.06.050; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

**STAFF REPORT:** Deputy Fire Chief Bill Deruyter recommended replacing the current Firefighter Equipment Rooms with the new Firefighter Air Replenishment System (FARS) to enhance firefighter safety in high-rise buildings. The existing equipment rooms are difficult and expensive to maintain, while the FARS system, funded by developers, incurs no initial cost to the City. Mr. Deruyter explained that, in high-rise firefighting, responders must carry all their equipment up the building's stair system. Firefighters in full PPE gear typically carry an additional 90 to 100 pounds of equipment, including hoses, nozzles, and extra self-contained breathing apparatus (SCBA) air bottles. The higher the fire, the longer it takes to reach it. The most crucial equipment needed is breathable air and water. While water is supplied through the building's standpipe system, breathable air is carried in bottles to the fire floor. The current method, known as a “bottle brigade,” involves shuttling equipment from the ground floor to the staging floor, which is labor-intensive and may exceed local manpower capabilities. FARS fill port stations, located within the safety of stairwells, allow firefighters to refill their air bottles in two minutes without removing their SCBA packs, enabling them to quickly return to firefighting. The Firefighter Room Ordinance was passed by Council in 2006 and provides for a 16 square foot room, constructed with 2-hour protection on every 5<sup>th</sup> floor, to stage firefighter equipment such as extra hoses, tools, (4) SCBA bottles, extra nozzles, etc. The equipment would be initially purchased by the owner of the building and maintained by the fire department. However, maintenance and service issues have led to a lack of confidence in the readiness of this equipment, with fire officers expressing discomfort in relying on it. Mr. Deruyter stated that the current

ordinance with all the equipment purchased by the building owner comes to about \$75,000 plus the loss of square footage for the firefighter room. He cited the analysis conducted by Johnson Controls (JCI), which manufactures the FARS, estimated the cost of FARS to represent approximately 0.5% to 1.85% of the total building cost, with the median installation cost for the reviewed projects falling between .87% and 1.2% of the overall construction cost. He asked the Council to repeal Municipal Code § 15.06.050, the Firefighter Equipment Room Ordinance, and adopt Appendix L to the 2018 International Fire Code, with certain City-specific amendments.

**DISCUSSION:** Councilmember Gabriel expressed his appreciation for the Fire Department's efforts in finding new technology to improve safety. He recalled that he had initially proposed the firefighter rooms, which was the only option available at the time. He inquired about who would be responsible for the maintenance of the new system and how it would be documented. Deputy Fire Marshal Craig Etherton explained that the Firefighter Air Replenishment System (FARS) would be treated like other fire protection systems, such as sprinklers and alarms, and would fall under the Fire Code for maintenance. Councilmember Gabriel then asked about the number of responders needed for a high-rise fire. Mr. Deruyter stated that ideally, about 40 responders are required for a full structure fire, but there are fewer personnel on duty in Kootenai County. Councilmember Gookin asked about the testing procedures for the FARS equipment. Mr. Deruyter explained that it is tested quarterly, similar to their SCBA bottles and compressor system, and it is pressurized to trigger an alarm if there is a leak. Councilmember Gookin also inquired if new SCBA equipment would be needed for compatibility with FARS. Mr. Deruyter confirmed that the existing equipment would work with the new system. When asked why they wanted to eliminate the firefighter rooms, Mr. Etherton explained that some buildings, like Parkside, were constructed before the ordinance was passed and have rooms without equipment. Additionally, some rooms, like those at One Lakeside, were improperly built. FARS would also return valuable square footage to business owners. Councilmember Miller asked if developers could voluntarily install FARS after realizing its safety benefits. Mr. Etherton confirmed this and noted that the system could be set up alongside the water standpipe in the stairwell. She also asked if implementing FARS would result in cost savings for the City, to which Mr. Etherton agreed. Councilmember Miller shared a conversation suggesting that the solution to the problem is not to approve additional high-rise buildings. She explained that landowners in the downtown overlay district had bought property decades ago based on the Comprehensive Plan allowing taller buildings. She asked if property owners could apply to the C-PACE program for FARS installation. Mr. Adams responded that it is not specifically mentioned in the program as it focuses on water and energy, not fire safety. Councilmember Wood asked what the Fire Department or Administration is doing to educate people about the importance of FARS. Mr. Etherton said they could meet with building and property owners if the Council allowed. Councilmember Wood said she is supportive of contacting them and give direction. Councilmember Miller stated that it would be worthwhile to reach out to the property owners and suggested looking for grants to help retrofit buildings. Mr. Etherton mentioned a tax change from eight years ago that benefited sprinkler system retrofits and suggested exploring similar avenues for FARS. Councilmember Miller proposed creating a white paper to explain the Code and provide options for existing towers. Mayor McEvers asked if the County was aware and if FARS was included in their new structure. Mr. Etherton replied that it was too far along; however, it would require a water standpipe requirement that is in the Fire Code so it would have fallen into this ordinance as well. Mayor McEvers asked for the definition of high-rise



buildings requiring FARS, and Mr. Etherton stated that the current 2018 code applies to buildings four stories or 40 feet tall or more.

**MOTION:** Motion by Gookin, seconded by Miller, to dispense with the rule and read Council Bill No. 24-1020 once by title only.

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

**MOTION:** Motion by Gookin, seconded by Miller, to adopt Council Bill No. 24-1020.

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

### **COUNCIL BILL NO. 24-1021**

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING SEWER SURCHARGES FOR CERTAIN PROPERTIES LOCATED IN AN AREA CONSISTING OF 438.718 ACRES COMMONLY KNOWN AS COEUR TERRE, DESCRIBED IN EXHIBIT "A" HERETO, AND PROPERTIES WHICH MAY BE ANNEXED IN THE FUTURE; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

**STAFF REPORT:** Wastewater Director Mike Anderson recalled that in March 2023, the City of Coeur d'Alene entered into an Annexation and Development Agreement with Kootenai County Land Company and 13 limited liability companies to annex 438.72 acres (the Coeur Terre development) into the City. This agreement limits the Coeur Terre development to 2,800 Equivalent Residential Units (ERUs). For the adjacent US Forest Service (USFS) property, the same density per acre was applied as a future scenario, resulting in an additional 1,275 ERUs, totaling 4,075 potential new ERUs. The surcharges will apply to properties defined within the Annexation and Development Agreement that contribute flow to the Riverside Interceptor and/or Fairway Trunk Main, with slope modifications estimated to cost \$2.4 million. Additionally, properties on the USFS land, which has yet to be annexed and may contribute flow to the same systems, will require a parallel pipe estimated to cost \$10.5 Million. The summary of surcharge fees includes two main projects. The first project, the Fairway Trunk Main, runs along the south side of the golf course and requires slope modifications due to improper sloping that causes wastewater backups. This project has a total cost of \$2,426,000 and serves 4,075 ERUs, resulting in a surcharge of \$1,005 per ERU. The second project, the Riverside Interceptor Parallel Piping, runs along the other side of the highway along the Centennial Trail to the plant. This project has a total cost of \$10,553,000 and also serves 4,075 ERUs, leading to a surcharge of \$2,590 per ERU. Mr. Anderson explained that the proposed surcharges offer several benefits: they ensure equity by having the costs borne by those who benefit from the infrastructure, they place no financial burden on current residents, and they guarantee sufficient funding for future infrastructure needs. He requested the Council to approve the surcharges for the Coeur Terre development and USFS property. Future customers within the Coeur Terre development and the USFS property contributing flow to the Riverside Interceptor will pay \$2,590 per ERU, while those contributing flow to the Fairway Trunk Main will pay \$1,005 per ERU. These surcharges will be adjusted

annually based on the ENR Construction Cost Index, as outlined in the Annexation and Development Agreement.

**DISCUSSION:** Mayor McEvers asked if there would be instances where residents would have to pay both surcharges, with Mr. Anderson confirmed there would be, adding that residents in the northern portion would only pay one fee. Councilmember Gookin inquired about the timing of these fees and their relation to the project's completion. Mr. Anderson explained that the payments would be collected, but they would have to do the project before it's needed. Since full funding for the project would not be available immediately, they would use the accumulated payments along with some of their capital fees or cash balance and then be reimbursed by future residents that would be moving in. Councilmember Gookin asked about the current capacity of the two mains in the interceptor. Mr. Anderson responded that they are less than a quarter full, likely around 15% to 20%, and noted that two parallel pipes are used for cost-effectiveness. Councilmember Miller then inquired if it would be possible to collaborate with developers so that smaller home units would pay less for minimal use impact than custom homes that are way over the ERU category, rather than average it out to all customers. Mr. Anderson explained that what is doable is to average it out, and they have some delineation for multi-family where apartments pay less than a single-family house. He added that if they do not collect enough from the customers utilizing these lines, then the Wastewater Department would have to cover the remainder of the project costs.

**MOTION:** Motion by Gookin, seconded by Wood, to dispense with the rule and read Council Bill No. 24-1021 once by title only.

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

**MOTION:** Motion by Gookin, seconded by Wood, to adopt Council Bill No. 24-1021.

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

COUNCIL DISCUSSION ON BILLBOARD RELOCATION REGULATIONS AND DIRECTION TO STAFF TO PREPARE AMENDMENTS TO THE REGULATIONS

**STAFF REPORT:** Municipal Services Director Renata McLeod recalled that, at its June 18, 2024 meeting, the Council approved Ordinance No. 3731. This ordinance allows the owner of an existing billboard to apply for relocation within the City under specific parameters, requiring a public hearing and Council findings of fact. The first request for billboard relocation came from Lamar Advertising of Spokane, seeking to move a two-sided billboard from 1621 Northwest Boulevard to 3119 N. 2nd Street along Government Way, upgrading it to a digital "V" shaped two-sided billboard. During the application process, it became clear that the request did not meet two of the criteria established by the Council. The Code restricts the height of a relocated billboard to that of the existing one, except where additional height is needed for roadway safety. The existing billboard is approximately 25 feet 8 inches tall, while the proposed height for the relocated billboard is 37 feet. Additionally, the Code requires billboards to be more than 500 feet away from residentially zoned properties. The proposed location is approximately 380 feet from an R-12

property and 410 feet from an R-17 property. The applicant has requested that the Council amend the Code to allow for variances in height and distance requirements. Ms. McLeod stated that direction from the City Council is needed regarding potential amendments to the Sign Code.

**DISCUSSION:** Councilmember Gabriel asked why the Council is being requested to change the ordinance. Ms. McLeod explained that the sign company, Lamar, submitted an application stating they met all code requirements. However, upon detailed review, staff discovered two conflicting areas. Councilmember Miller noted that the Council's mission is to be business-friendly, which was demonstrated by previously amending the ordinance to allow for the digitization of billboards, thereby providing more opportunities for businesses to expand their market. She expressed concern that further amending the ordinance could complicate matters and lead to recurring issues. Councilmember Miller explained that significant effort went into amending the ordinance with the involvement of the sign companies in the process and felt it was a mistake to allow billboards to be moved and suggested reverting to the original code wherein the company can stay in their locations, while being permitted to upgrade to digitization.

**MOTION:** Motion by Miller, seconded by Evans to repeal all the code language and regulations that would allow billboards to be moved from its existing location.

**DISCUSSION:** Councilmember Gookin agreed with Councilmember Miller that the City should be business-friendly and should strive to accommodate existing businesses seeking assistance and deregulate. He felt the ordinance was onerous and too many places where it is not business friendly. To be more accommodating regarding views and vistas, he noted that the billboard in question is located on Northwest Boulevard, an entry point to the city, and it would be nice for it to be gone and would look better. He suggested that removing the billboard would declutter the area and improve the city's appearance, especially since the area is currently being improved, while the area of relocation isn't as pretty. He questioned the origin of the 500 feet from a residential zone distance requirement, noting that it might not be based on any specific study. He also mentioned that, according to the map shown earlier, there are many commercial structures between the residential areas and the proposed billboard location. Councilmember Gookin stated that he would not support the motion, but would favor eliminating the 500-foot distance requirement to deregulate and the height restriction is nit-picky and could be pulled out as well to send a message that the City is business-friendly and the code is really hard to follow. Councilmember Evans clarified that the code amendment was not unanimously approved, as she voted against the code amendment. Councilmember Wood clarified that the current agenda item is to instruct staff to return with proposed amendments. She expressed her opposition to the motion, noting that a hearing was initially planned to allow the applicant to present their case for updating their business and relocating their billboard to a commercial zone. However, the hearing was postponed to give the Council time to review the ordinance. She reiterated that she believes moving the billboard from the entry to the city makes sense. Councilmember Evans mentioned that Lamar and Yesco participated in the discussions and provided input during the previous ordinance amendment process. Ms. McLeod confirmed their involvement, although they did not agree with all aspects of the ordinance. Councilmember Evans inquired if future applications not meeting City requirements would still be brought before the Council. Mr. Adams responded that it would depend on the ordinance's wording, as staff typically lacks the authority to prevent items from reaching the Council; however, if a proposal does not meet the requirements the Council would have to deny it



under the law. Councilmember Miller stated that she appreciates the input from Councilmembers and noted that the City has given the billboard companies the ability to upgrade the signs to be digitized which is business friendly. One business has made the request and they were involved in the code development and had an understanding of the application process. She believes this code could lead to problematic situations to remove the residential zone requirement. Discussion occurred regarding other regulations requiring Council approval/permission of the government. Councilmember English clarified that the motion to repeal the code language is not the current agenda item. Mr. Adams reiterated that the agenda item is for the Council to discuss and direct staff to prepare amendments to the billboard regulations, which could include reviewing the entire ordinance or repealing specific paragraphs. Councilmember Wood noted that Lamar had postponed their public hearing in good faith. Mr. Adams reiterated that the action item states that Council to discuss and direct staff to prepare amendments to the billboard regulations that could include review of all of it or repeal individual paragraphs with an Ordinance being brought back at the next meeting for Council action, so a repeal would not take place tonight. Councilmember Wood pointed out that Lamar, in good faith, has postponed their public hearing and urged Council to give Lamar the opportunity at a public hearing. Mr. Adams clarified that the agenda item is to direct staff to make changes to the code, which will then come back to the Council for final approval. Mr. Tymesen added that the public hearing is proposed for the January 21, 2025, Council meeting. He emphasized that the Council cannot legally approve an application that does not meet the current ordinance, and staff can only follow the code that Council has approved, and encourage Council to decide on their course of action, as staff cannot make changes without Council approval.

**SECOND MOTION:** Motion by Wood, seconded by Gookin, to direct staff to prepare amendments to the billboard relocation regulations that are less restrictive.

**DISCUSSION:** Councilmember Miller stated that she stands by her motion based on her view and her thoughts about the future and Lamar would have had a public hearing had they met the criteria set forth in the code, which they do not. She does not believe the code works and stands by her motion. Councilmember Wood stated that Lamar was not given the opportunity for public hearing. Councilmember Gabriel noted that you shouldn't approve one thing where it might adversely affect another, which would be the reason for the 500' restrictions. He recalled that the current ordinance was recently amended in June of this year, so it could be fixed based on the desire of Council. Councilmember Miller felt that every site could have a different challenge to the code and we would be back here in the same situation and doesn't think it is necessary to allow billboards to move. Mr. Adams clarified that there are two motions being discussed, and the agenda item is to direct staff to prepare amendments, and suggested that staff draft two proposed amendments based on the Council's discussion tonight, which will be presented at the January 7 meeting for a decision. Councilmember Evans expressed her openness to considering what will be brought forward, but stated she does not support reducing the requirements. Councilmember Wood advocated for a balanced approach, avoiding over-regulation. Councilmember English noted he would not support getting rid of the distance from residential zone code, but is not sure of what is the reasonable measurement. Councilmember Evans noted that she did not support the code amendment originally and would not support reducing the requirements. Councilmember Gookin noted that the company should have the burden of proof for any variances.

Mayor McEvers instructed staff to prepare and bring back two proposed ordinances: one to repeal according to the first motion and another to allow for variances as requested by the second motion.

(LEGISLATIVE PUBLIC HEARING) VACATION V-24-02 – VACATION OF ALLEY; KNOWN AS A PORTION OF BLOCK 15, COEUR D’ALENE AND KINGS ADDITION

**COUNCIL BILL NO. 24-1022**

AN ORDINANCE OF THE CITY OF COEUR D’ALENE, VACATING A PORTION OF ALLEY RIGHT-OF-WAY WITHIN BLOCK 15, AS SHOWN ON THE PLAT OF COEUR D’ALENE AND KING’S ADDITION, RECORDED IN BOOK C OF DEEDS, PAGES 144 & 145, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS THAT PORTION OF THE ALLEY RIGHT-OF-WAY, LYING EAST OF THE FIRST STREET RIGHT-OF-WAY AND LYING WEST OF SECOND STREET RIGHT-OF-WAY BEING SITUATED IN SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**STAFF REPORT:** City Engineer Chris Bosley stated that the applicant, Blue Fern Development 03, LLC, is requesting the vacation of a 20’ feet wide alley right-of-way located within a portion of Block 15 of the Coeur d’Alene and Kings Addition. The general location is north of Wallace Avenue, south of Garden Avenue, and between 1<sup>st</sup> and 2<sup>nd</sup> Street. The purpose of this request is part of an effort to balance preserving the Roosevelt Inn and the development potential of the site. The project site encompasses 92% of the frontage along the alley to both the north and south. The alley will primarily be used for access to parking and services for the proposed development. The apartment complex on the southeast corner of the block, at the intersection of Wallace Avenue and Second Street has a limited purpose for the alley outside of the very eastern portion that provides immediate access to their parking stalls. An agreement would be put in place to ensure their access rights remain. All existing owners agreed to this vacation. The two property owners to the south of the proposed area to be vacated have relinquished their interest in their half of the area. Vacation of the alley would ensure that the alley is developed and maintained in a manner that feels seamless to the rest of the project and integrates the separate parcels into one cohesive development. This roadway would be maintained by the HOA, resulting in reduced maintenance and associated costs for the city. There are several existing utilities, including sanitary sewer, power and other franchised utilities, that are currently located in the alley. These utilities will remain and/or be replaced or upgraded during construction. Blue Fern Development will provide the necessary easements for all of these utilities once the alley is vacated and as part of the vacation ordinance. The Development Review Team was informed about this vacation. Mr. Bosley noted that a total of 73 certified mailings were sent out and no responses were received.

**PUBLIC TESTIMONY:** Mayor McEvers opened the public testimony portion of the meeting. With no comments received, Mayor McEvers closed public testimony.

**MOTION:** Motion by Gookin, seconded by Miller, to dispense with the rule and read **Council Bill No. 24-1022** once by title only.

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

**MOTION:** Motion by Gookin, seconded by Miller, to adopt **Council Bill No. 24-1022**.

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

(QUASI-JUDICIAL PUBLIC HEARING) A-2-24 – ANNEXATION REQUEST OF JBR LANDHOLDINGS FOR A 2.12-ACRE PARCEL FROM COUNTY AGRICULTURE SUBURBAN TO CITY RESIDENTIAL R-12 (RESIDENTIAL AT 12 UNITS PER ACRE); LOCATION: 3415 N. 15<sup>TH</sup> STREET, COEUR D’ALENE.

### **COUNCIL BILL NO. 24-1023**

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 1, TOWNSHIP 50N, RANGE 4W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED AS R-12 (RESIDENTIAL AT 12 UNITS PER ACRE); 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:** Senior Planner Sean Holm noted that JBR Landholdings, LLC requested for annexation of 2.12 acres in conjunction with zoning approval from County Agricultural-Suburban to the R-12PUD zoning district, and approval of an annexation agreement. The subject property is located at 3415 N. 15<sup>th</sup> Street, which is in the unincorporated area of the county and consists of one parcel that has a single-family dwelling located on it. The subject site relatively flat and adjacent to the city limits along its south and west property line. The property is currently zoned Agricultural-Suburban in the county. The subject site is located within the City’s Area of City of Impact (ACI). The Planning and Zoning Commission (Commission) considered this annexation request at their meeting on November 12, 2024, and in a unanimous vote, recommended for Council’s approval. This request was one of three submitted by the applicant as part of a comprehensive package. Alongside the annexation request, the Commission approved a Planned Unit Development and a Preliminary Plat, which are interdependent. Mr. Holm 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 outlined several findings necessary for annexation. The first finding is whether the proposal aligns with the comprehensive plan, which designates the area for mixed-use low development without a



commercial component. The comprehensive plan serves as a guide, and minor deviations do not require changes. The proposal includes townhomes and multifamily housing, aligning with the plan's transportation and policy elements. Public facilities and utilities are adequate, with no significant concerns from relevant city departments. The site is suitable for the proposed use, being fairly flat and well-documented. The proposal is expected to minimally impact traffic and is compatible with surrounding land uses. There are 19 conditions that were recommended by staff, approved by the Planning Commission, and include standard policies for future connections and services.

**DISCUSSION:** Councilmember Gookin inquired about the final density for the PUD and if it would allow for higher density with Mr. Holm responding that it is R-12; however, PUDs cannot request higher density. Councilmember Gabriel asked if this annexation would eliminate all the island within the City with Mr. Holms explaining that it is getting closer. Councilmember Miller inquired about the opportunity for putting a left turn lane in, with Mr. Bosley responding that the section was recently chip sealed but typically they should go back every seven years, and it will depend on the traffic and what will be the conditions in the area. He added that it would be costly to obliterate pavement markings.

**APPLICANT:** Connie Krueger, representing the applicant JBR Landholdings, LLC, requested Council approval for annexation with R-12 zoning, a Planned Unit Development (PUD), and a preliminary plat. She noted that there are no environmental concerns with the property, which is situated on a minor arterial capable of handling traffic volumes. The area already includes multi-family and commercial land uses, as well as community services. The project will consist of four lots, each with a six-unit townhome building, one road tract, and one open space tract (10% open space). Each unit will have three parking spaces: one garage and two external spaces. The development will feature common open space with a bench and picnic tables on a concrete pad, a fenced pet park, and pet waste receptacles. City utilities and services are available to the site, and additional right-of-way and utility easements will be provided. The owner has reviewed and accepted the 19 recommended conditions.

**DISCUSSION:** Councilmember Miller pointed out that access to attainable housing options is one of the goals and asked how this will be addressed with Ms. Krueger stating that the owner is planning to create a townhome plat of this property which is similar to the development done in Hayden area.

**PUBLIC TESTIMONY:** Mayor McEvers opened the public testimony portion of the meeting. With no other comments received, Mayor McEvers closed public testimony.

**MOTION:** Motion by Evans, seconded by English to approve A-2-24 – Annexation of 2.12-acre parcel from County Agriculture Suburban to City residential R-12 (residential at 12 units per acre); location: 3415 N. 15th Street 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 expressed his support for the annexation but raised concerns about the density being too high. Councilmember Wood inquired about the eligible zoning if the property were annexed into the City and whether it could potentially be denser than

R-12. Mr. Holm responded that the zoning request would originate from the applicant, with the Comprehensive Plan providing guidance.

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

**MOTION:** Motion by Evans, seconded by Gabriel, to dispense with the rule and read **Council Bill No. 24-1023** once by title only.

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

**MOTION:** Motion by Evans, seconded by Gabriel, to adopt **Council Bill 24-1023**.

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

### **RESOLUTION NO. 24-099**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN ANNEXATION AGREEMENT WITH JBR LANDHOLDINGS, LLC, FOR THE ANNEXATION OF 3415 N. 15<sup>TH</sup> STREET [A-2-24].

**MOTION:** Motion by Evans, seconded by Gabriel to adopt **Resolution No. 24-099**, approving the Annexation Agreement for A-2-24 with JBR Landholdings.

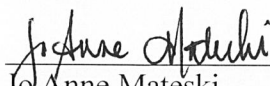
**DISCUSSION:** Councilmember Miller acknowledged the traffic concerns raised by citizens and expressed her hope that these issues will be closely monitored and mitigated promptly. She stated her support for the higher density proposal, emphasizing her hope that the applicant does try to keep ownership and prices down to an attainable range.

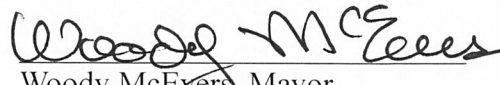
**ROLL CALL:** Wood Aye; Evans Aye; Miller Aye; Gabriel Aye; Gookin Aye; English Aye.  
**Motion carried.**

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

The meeting adjourned at 9:23 p.m.

ATTEST:

  
Jo Anne Mateski  
Executive Assistant

  
Woody McEvers, Mayor

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

**A-2-24**

**INTRODUCTION**

This matter came before the City Council on December 17, 2024, to consider A-2-24, a request to annex +/-2.12 acres with R-12PUD zoning.

APPLICANT: Connie Krueger  
OWNER: JBR Landholdings  
LOCATION: 3415 N 15<sup>th</sup> St, Coeur d'Alene, ID 83815

**A. FINDINGS OF FACT:**

**The City Council finds that the following facts, A1 through A10 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-2-24.

- 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 November 30, 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 December 4, 2024, thirteen 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). Sixty-nine (69) notices were mailed to all property owners of record within three hundred feet (300') of the subject property November 27, 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 November 27, 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 November 27, 2024.



- A2. The subject site is located in an unincorporated area of Kootenai County, with the total area of the subject property measuring 2.12 acres, and is currently zoned AG-Suburban.
- A3. The subject property is currently developed as a large lot single family home. If approved, the project would include four (4) six-plexes on four (4) lots and two (2) tracts, one as open space and the other a private street.
- A4. The Comprehensive Plan Future Land Use Map designation is the Mixed Use-Low. Mixed-Use Low places are highly walkable areas typically up to four-stories. Development types are primarily mixed-use buildings, with retail, restaurants on corners or along the entire ground floor frontage, but could also include townhomes and multifamily housing. Floors above are residential, office, or a combination of those uses. Multifamily residential development provides additional housing options adjacent to mixed-use buildings. This place type is typically developed along a street grid that has excellent pedestrian and bike facilities, with mid-block crossings, as needed, to provide pedestrian access.
- A5. The Planning and Zoning Commission identified Comprehensive Plan goals and objectives for particular consideration by the City Council. The Council will determine if there are other applicable goals and objectives to support their decision from the attached Comprehensive Plan goals and objectives worksheet.

### **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 Policies shall be used by the City Council to make a recommendation on zoning in conjunction with annexation.
- A7. The property is flat and a multitude of residential housing types are located within the vicinity of the subject site. The natural features of the site are consistent with the natural features of the surrounding properties.
- A8. City utilities and facilities 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.
- A9. The subject property is bordered by 15th Street to the east which is a major collector street but is being reclassified as a minor arterial through the Kootenai Metropolitan Planning Organization (KMPO). Using the Land Use Code 231 – Low-Rise Residential Condominium/Townhouse from the ITE Trip Generation Manual, traffic from the four proposed residential lots is estimated to generate approximately 16 trips in the AM peak hour and 19 trips in the PM peak hour. 2018 traffic counts indicate 15th Street experiences an average of 770 PM peak hour trips.
- A10. The Planning and Zoning Commission found that the R-12PUD zoning was appropriate given the neighboring properties are residential in nature, this request is less intense than what the future land use map anticipated within the Comprehensive Plan (mixed-use use low development place type), and 15<sup>th</sup> Street is able to accommodate the projected traffic per the City Engineer.

## 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, **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 +/- 2.12-acre parcel in Kootenai County, assigning the zoning district R-12PUD should be **approved, with conditions to be included in the annexation agreement.**

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. Approximately 10 feet of right-of-way along 15th Street shall be deeded to the City to create the required 40-foot half-width.
2. The on-site sidewalk should be concrete rather than asphalt as it will be poorly defined across the frontages of the garages and is likely to be blocked by parked cars. Additionally, the proposed asphalt surface is more susceptible than concrete to rutting, heaving, and other distortions resulting in accessibility issues.
3. Must meet fire flow requirements of 2018 IFC and fire hydrants spacing requirements.
4. FD access minimum 20'. Minimum at fire hydrant locations is 26'.
5. Proposed turn around appears to meet fire code requirements.
6. All other Fire policies will be met at time of building permit.
7. The creation of a homeowner's association (HOA) will be required to ensure the perpetual maintenance of the open space, all other common areas, the private street, stormwater maintenance, and snow removal.



8. The open space must be completed, or bonded for (150%), prior to recordation of the plat. The open space areas shall be consistent with this approval and include the same or better amenities and features. If bonded for, the open space must be completed prior to the first certificate of occupancy.
9. The applicant's requests for subdivision, PUD, and annexation run concurrently. The subdivision and PUD designs are reliant upon one another. If the PUD is approved and in the future subject to expiration due to non-performance, the city may de-annex the subject property.
10. An access/utility easement over the private road will be required to allow for automobile circulation for all residents of the future vehicular connection on the north stub. In turn, staff will request the same treatment on the property to the north if developed similarly, with the goal of creating a looped system.
11. Sewer Policy #719 requires a 20' wide "All-Weather" surface permitting unobstructed O&M access in a utility easement (30' if shared with Public Water) to be dedicated to the city for all city sewers.
12. An unobstructed City approved "all-weather" access shall be required over all city sewers.
13. This PUD shall be required to comply with Sewer Policy #716 requires all legally recognized parcels within the City to be assigned with a single (1) city sewer connection. "One Lot, One Lateral".
14. City sewer shall be run to and through this project and installed to all city specifications and standards.
15. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans prior to construction.
16. WW would ask that sewer lateral for Lot #4 be installed into dead-end manhole.
17. Cap any unused sewer laterals at the city main (In 15<sup>th</sup> St.)
18. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permit.
19. Any unused water services currently serving this property must be abandoned.

Motion by Evans, seconded by English, to adopt the foregoing Findings and Order and approve with conditions in the annexation agreement.

**ROLL CALL:**

COUNCIL MEMBER MILLER	Voted Aye
COUNCIL MEMBER EVANS	Voted Aye
COUNCIL MEMBER GOOKIN	Voted Nay
COUNCIL MEMBER WOOD	Voted Aye
COUNCIL MEMBER ENGLISH	Voted Aye
COUNCIL MEMBER GABRIEL	Voted Aye

Motion to approve with conditions carried by a 5 to 1 vote.