

**HISTORIC PRESERVATION COMMISSION
MINUTES**

April 24, 2024

City Hall – Conference Room #6

COMMISSIONERS PRESENT:

Walter Burns, Chair
Anneliese Miller, Vice Chair
Ann Anderson, Secretary
Dan McCracken
Sandy Emerson
Shannon Sardell
Rick Shaffer
Doug Harro
Tyler Douglas Lowe (On Teams)

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Traci Clark, Admin. Assistant
Kiki Miller, Council Liaison

12:00 p.m. CALL TO ORDER:

MINUTES: **ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM**

Motion by Commissioner Shaffer, seconded by Commissioner Miller, to approve the minutes for March 20, 2024. Motion carried.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

Ms. Patterson stated that May is Preservation Month and there will be a proclamation and this will be presented during the May 7 City Council meeting. She would like someone from the commission to receive this. Chairman Burns said he will be there that evening. She would like everyone to RSVP to the May 1 Jewett House reception. The commission has been confirmed with sharing a booth with the library on May 15 and is welcome to participate for the whole month of May. The library will bring an extra table for the commission. We just need to bring some chairs, posters and the coloring pages. Also, the Riverstone location is confirmed for participation at the Museum's table during the farmer's market. The Museum tours will be going on as well.

Commissioner Sardell stated she will need help with the QR codes and maybe the write up about the history of the buildings.

Ms. Patterson suggested to have the QR code go to the HPC City website page for now. She has also reached out the director of the library they have a story walk along the trail in McEuen Park. They will have the poster in the story walk in the month of May. The Downtown Association will also have the poster in their May newsletter.

The commission members will need to help distribute the Preservation Month posters to businesses.

Ms. Patterson showed a book that was found in the Planning Department that had been done years ago and would be a great tool to use in the effort of evaluating the downtown overlay in the zoning code and the design standards and the reconnaissance survey, which will be funded by the grant from SHPO.

May: Historic Preservation Month Celebrations

Chairman Burns would like the commission members to email the electronic copy of the Jewett House reception invitation to people they think would be interested in the event and spread the word since it is open to the general public.

Ms. Patterson stated that a few City Council members have confirmed and a few Planning Commission members have confirmed as well. Quannah Matheson from the Coeur d'Alene Tribe will do the blessing and the Mayor will present the award, Kiki Miller will present the acknowledgment regarding the land of the tribe.

Commissioner Emerson confirmed that Mr. John Swallow and his family will be in attendance. The narrative of the plaque still needs to be worked on and a photo sent to Everson's as well.

Ms. Patterson stated she has updated the website with the Museum's tours.

Chairman Burns stated he will not be doing any Garden District tours.

Commissioner Sardell commented that there has been some great press with the Roosevelt with attention that the public has noticed historic preservation. Having articles about historic resources and preservation going into the month May has been great press for the commission and we should just keep going with the momentum.

Downtown Development Standards & Design Guideline Review

Commissioner Miller stated she has nothing to add. Maybe if she had a meeting, she could have a deadline and she could get something accomplished.

Chairman Burns stated with all of the press around the Roosevelt, Marriott, and Hagadone Tower, this has made the people more aware of historic preservation and has allowed the commission to have more free press and attention to what is important on preserving the history of Coeur d'Alene.

Liaison Miller stated the council received an email from Mr. Tymesen, City Administrator when the Overlay guidelines review was going to be presented to council.

Ms. Patterson stated she thinks it will be in July and it will be a check in. It will not be finished.

Liaison Miller stated in November the City Council will be looking at the Design Review Guidelines according to Mr. Tymesen's email.

Chairman Burns stated he met with Ms. Patterson and discussed having a task force with maybe about three people from the commission. Jon Mueller said he might join. Commissioner Miller and Commissioner Sardell will help as well.

Ms. Patterson stated it would be helpful to add Planning Commissioners and Design Review Commissioners as well.

Commissioner Sardell asked Commissioner Shaffer about the Overlays in Wallace Idaho. Council Liaison Miller said that having representation from all three commissions would really strengthen the effort and be important for City Council to have them involved.

Emergency Ordinance/Moratorium on Demolition of Historic Properties

Chairman Burns commented that Deb Mitchell proposed at the last City Council meeting a 6-month Moratorium on any demolition in the Downtown Overlay buildings that would be torn down.

Ms. Patterson stated it is up to Council to determine if they would like to do a moratorium and, if so, if it would apply to certain areas and properties that are on the national register. It is now tasked to this group to evaluate that and bring something back to City Council to evaluate.

Liaison Miller stated it will be hard for the staff to come up with certain structures. Speaking for herself, if there was an appropriate time it would be now. It has to be within the definition of an appropriate definition of moratorium and council has to make the findings that says this is why we approved a moratorium and the legality to have it in place. The ideas that have been suggested include referencing the importance of historic properties, the work that is being done to evaluate the historic districts and survey downtown properties, and the mental health concerns that have been raised as a result of loss of historic resources and community character.

Commissioner Anderson commented that there is also the property owner's mental health as well. The property owner has been maintaining the property (the Roosevelt for the past ten years) and the benefit of their efforts to the community.

Commissioner Emerson commented there is the loss of Dr. Fox's house that took things to another level recently with the demolishing of this house. Lakeshore Drive both East and West could be candidates for the process of the buildings being torn down.

Ms. Patterson stated the Historic Preservation Commission could draft some language for consideration to present to City Council.

Commissioner McCracken asked what does the commission need to say "the commission does not support knocking down historic buildings?"

Chairman Burns stated he would like the moratorium so the commission could have time to work on some of the projects that the commission has been tasked with such as the demolition review, and the Downtown Overlay reviews that they have been working on to allow us to be able to recommend that for a step back.

Liaison Miller mentioned the key component from every angle would be to present a case that is defensible.

Commissioner Emerson stated that Idaho is a private property state and it is very difficult to tell somebody what they can do with their property that they own.

Commissioner McCracken asked the question how does this Commission weigh in since we do not have the legal opinion and all of the legal moratorium criteria. He asked if our scope is more of the historical aspect, is that correct.

Ms. Patterson stated yes, that is what that process would look like. Other cities in the state of Idaho have done this. We need to look at those Idaho codes. Council is asking the commission to weigh in and if this went into place what would the commission like to see, such as the demolition review authority, if it would be for 6 months or a year to allow an ordinance to be developed and to look at the Downtown Design guidelines. If there are other aspects like Liaison Miller was saying of historic preservation related to the criteria that are required to do a moratorium, general welfare, etc., those would need to be specified.

Liaison Miller stated we are losing our town's identity. It does become incumbent upon Council to say we have done everything that we can do, but we need to hear what are the options and bring them forward quickly. We know that the community members are saying do something. If the commission comes together and provides options. She would also look at the City to purchase properties, deeds restrict them and turn them over to other entities. What tools are available? This needs to come forward in the staff report. If this moratorium were here, what are the solutions. Council can say we will take the risk, we will go with a moratorium but not if we do not know what will happen at the end of it because it would be hard to support it. If we can keep the property owner's whole, we can do some demolition permit review that are going to be fair and legal, we can put forward some Overlay area or find out if there is a buy/sell options that we might have or can we partner with another entity to say if this situation comes up, we can go through this other entity and the city and support options that maybe were not there before. If this

comes forward for the Council to make a decision and there are half a dozen things that can solve this problem, that's what the community wants and that is what the Council needs to hear.

Chairman Burns states would you like this information in the staff report rather than our voice.

Commissioner McCracken asked what would be more valuable. Would it be if we could say what we are more interested in at looking at more of a review process before the historic structures get demolished. We do not have that tool yet. Or we would like to come up with some way of protecting a historic building while we work on that and maybe more of the options. Would we be pigeonholing ourselves with a moratorium. We might look more broadly at what are the ways to protect historic buildings for 6 to 12 months while we work on the process. We could look at other communities and tools out there that we do not see.

Liaison Miller stated the moratorium just buys time and if historic preservation has reviewed this. That is why City Council has appointed the commission to do that work for the Council and the public.

Commissioner Emerson stated it is entirely responsible of the commission to talk about hitting the pause button whenever the demolition permit come in to say what is involved and if there are artifacts. They may not have been renovated since 1925 like Dr. Fox's home.

Liaison Miller stated a question of moratorium could come to Council. We have the legal review and we have the time, but what is the end game. We asked the commission to put as many examples in the staff report such as if you are demolishing a property and you find Native American remains, the demolition stops immediately. There is precedent out there to say we have the ability to write something into code for that but we need time to be fair and the buying time argument is really what the Council is going to need to say we are willing to take the risk because we have enough evidence to say this gave us enough confidence to initiate the moratorium because we feel like we are within the law and we have an end game.

Commissioner McCracken asked if this would come before the council on May 7 or later.

Liaison Miller stated Troy Tymesen agreed a review back to council by Monday of this week which he did. But its back in the court of Ms. Patterson.

Ms. Patterson replied yes. It is her understanding it is with staff and this commission. She would like the commission to look some State Statute that allows this process and other jurisdictions in Idaho so the commission can see the codes that were drafted and what it looks like plus some of the other information that you all have seen before and bits and pieces before on demolition review authority and what that looks like.

Commissioner Lowe commented on the topic of Moratorium and the destruction. He sent everyone the codes of Jacksonville, FL that has really good successes with their demolition review process. They had that same problems a number of years ago with developer coming in and knocking down valuable architecture and using the ordinance and codes they have done the opposite now all the way down to windows. Now in some of the certified historic districts, if you want to get your windows replaced there is a review process. If you want to demolish a structure in one of these historic districts that has some historic value, there is a review process and accountability for it as well. Once we establish a moratorium, we should be able to borrow some of the language from here and help develop the next steps after.

Liaison Miller would like this to come forward in June.

Ms. Patterson stated this would need to be faster tracked for a June Council meeting. Again, Council would need to find that a moratorium meets all the legal requirements and if they want to do it because it would allow time for the codes and design guidelines to be reviewed and amended.

Liaison Miller states it speaks to the importance of the conversation of a potential moratorium moving forward quickly because it is dealing with an imminent issue. There would be one more commission meeting to discuss this.

Commissioner Lowe stated he had Ms. Patterson forward the GBX review that he did last year to the Commissioners. The commission could borrow language on the why the Roosevelt should be eligible for historic tax credits. Hopefully we can take or adopt some of this language.

Chairman Burns stated he hopes this can get on the City Council agenda in June. If it fails, this will be a discussion and it will keep it on the top of people's minds. We want to keep the momentum, even if we do not get a Moratorium. We will want to develop something related to demolition review.

Commissioner Sardell asked if there could be a historic preservation easement on the building to the State Historic Preservation Office (SHPO) and they have a clear process for how this works. SHPO has updated their game recently with the easement tool.

Commissioner Lowe stated he did work last year and he has emails for SHPO confirming that it does in fact qualify for easement and would be no issue in order to do. GBX was the client. He does not know why the sale did not go through.

Chairman Burns stated that SHPO has done a façade easement in other communities, because of the commission coming forward putting pressure on to preserve a historic property.

Commissioner Harro asked about the legal consequences of doing a moratorium with a developer, even if it's only 6 months, will they sue the city.

Liaison Miller states that's why the council has been convinced that this would be a defensible decision. We have to have enough confidence to vote and say as a body we agree that what has been presented here is legal and defensible, should we be challenged on it.

Ms. Patterson stated the moratorium itself is just a temporary stay. There is a whole regulatory taking analysis that State Statutes allow for if a property owner feels that their property rights have been impacted.

Liaison Miller stated the property owner might state the city is delaying our progress and moving our project back by 6 months and it cost us this much money. Council would need to consider what is the temperature of the builder to sue the city over that much money. The City Council needs to make sure that the reasons we made a decision would stand up in court.

Commissioner Anderson stated you need to take into consideration the property owner as well and what they could potentially lose as well the interest rates affecting them.

Liaison Miller replied it does need to check all the boxes and we need to make a defensible decision all points on both sides.

Chairman Burns stated by June there might be some resolution in place for the Roosevelt. There are some discussions going right now between the potential buyers and the City on incentives to preserve the structure and allow for development rights on the rest of the property.

Commissioner Emerson commented that John Swallow sent copies of how brick buildings are being moved in Seattle and showed his designated piece of property that he would move and building to this piece of property moving forward. Hopefully we would not have to do that but maybe as a last-ditch effort on the Roosevelt.

Demolition Review Authority

Chairman Burns stated he would like the commission to start putting together tangible items to consider on what we think that would look like.

Ms. Patterson suggested looking at some of the emails that she sent previously that shows language from the State Statutes and other communities that have done this, and what is the commission asking for, do we want to review and have time to coordinate with the museum on taking photographs, documenting the history and potential salvaging, versus someone coming in and pulling demolition permits and then the building is gone. She found out today from Ted Lantzy, the City's Building Official, there are two demolition companies in town that only pull demolition permits about 50% of the time. This needs to stop. This is very concerning. Mr. Lantzy said he would be happy to come to a future meeting and speak with the commission.

Chairman Burns stated he has had conversations before about having to designate specific things to have a red flag on a demolition and if we know about them and if there is still time for a review.

Commissioner Anderson stated some of the buildings might not be in the Overlay District that are being demolished. Such as Dr. Fox's.

Chairman Burns stated the other matter the commission talked about after the demolition happens is what is going to be put in its place. Knocking it down there might not be another structure going in.

Commissioner Emerson commented that there should be a pause in place, such as did you think about this, here are some alternatives, can we talk about it. We are not going to tell you, you can't do it, but you should be aware of things. The commission would like to weigh in on it.

Commissioner Sardell stated she looked up the demolition review, permits and processes across the country. She will send this to the commissioners after the meeting. It has a flow chart, what things require, review and the process, evaluation, age of the property, if it is in an historic district, did the Historic Preservation Commission evaluate it, did Planning and Zoning evaluate, is there public comment. She will send this as a sample.

Possible Historic Overlay Districts

Chairman Burns stated there is interest in working on an Overlay District of the East and West Lakeshore Drives. It may be more pressing that the Government Way corridor. He thought it would be worth seeing if the neighbors would be interested or not.

Commissioner Sardell suggested using 12 to 24 properties with a potential Overlay as a test to see if a model for Government Way.

Chairman Burns stated he would like to do Government Way too, but if it was pushed back a little bit, we could see if Lakeshore Drive property owners have some interest.

Commissioner Emerson would like to make a motion to do an Overlay District on East and West Lakeshore Drive, seconded by Commissioner Sardell. Motion carried.

Other historic preservation priorities/concerns

Commissioner Sardell commented that there is a lot of information about historic preservation on the National Park Service Historic Preservation Website. They have preservation briefs and information about national register nominations. She would like the commission members to go to the National Park Service technical preservation services or the National Register of Historical Places website. It provides helpful information about what historic places are and how we evaluate them for a national historical district, or a

national register nomination defines different language and vocabulary like character defining features. It is important that we are consistent in some way with the way SHPO would be as they are the carrier of that torch.

Chairman Burns commented that Brit Thurman from the Museum wrote to him and said they want the museum to be more involved in historic preservation of buildings. He met with her last week to talk about some ideas. One of the ideas is a local Historic Register that looks at things that would be historically important here, maybe that don't qualify for the National Register but it has an important history and played an important part in Coeur d'Alene history. The museum has access to that kind of information.

Ms. Patterson stated that Commissioner McCracken is on the Museum's board.

Commissioner Miller stated we could invite representatives from the Museum to come to the subcommittee meeting.

Commissioner Emerson stated that he would like to initiate the Depot to be put on the National Register of Historic Places, since this Commission was involved with putting together their award.

Ms. Patterson commented that the commission would be involved with a nomination even if it doesn't initiate the nomination. When the Hamilton House went forward, it came before this Commission for a recommendation to the Mayor, who sends in a letter to SHPO.

Commissioner Emerson stated that Don Pischner is calling the State today to initiate that process.

Chairman Burns stated again that Ms. Thurman from the museum would like to become more involved with the commission.

Commissioner Sardell commented she does not want Coeur d'Alene to adopt the model where the CLG is under the guise under the Arts Commission like it is for the City of Sandpoint. It makes it really hard for historic resources to come to the top of their concern lists.

Chairman Burns stated he believes Ms. Thurman would agree with that. It would not be a power play.

Commissioner Sardell stated she was not implying that, she has just seen it was harder in Sandpoint to work on historic district issues, demolition, new construction, etc. She thinks it would be great to have better a connection and better communication path.

Commissioner Lowe stated he agrees having a better relationship with the Museum of North Idaho especially with the trajectory that is going with its own development is going to be a great way to get in a message of preservation a value of history out to the community there is definitely an information campaign relationship that we can do with the museum. This is very smart to foster a better relationship.

Calendar

- Identify public meetings, stakeholder outreach, deadlines and target dates

TRACKING TIME:

Chairman Burns reminded the commission to track their time and send it to Commissioner Anderson.

ADJOURNMENT:

Motion by Commissioner Sardell, seconded by Commissioner Miller, to adjourn the meeting. Motion approved.

The meeting was adjourned at 1:12 p.m.

Submitted by Traci Clark, Administrative Assistant

DRAFT