



# Rathdrum

City Council Minutes

June 10, 2020

6:00 p.m.

Location: City Council Chamber - **Zoom Conference information will be on the**  
8047 W. Main Street **City Website – [www.rathdrum.org](http://www.rathdrum.org)**  
Rathdrum, ID 83858  
(208) 687-0261

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**WELCOME-PLEASE TURN OFF CELL PHONES- Thank You.**

**1) CALL THE MEETING TO ORDER**

Meeting called to order at 6:00 pm

**2) PLEDGE OF ALLEGIANCE**

**3) ROLL CALL**

**PRESENT:** Mayor Holmes. Councilor Hill, Councilor Laws, Councilor Rickard,  
and Councilor Adams via Zoom video Conference

**ABSENT:**

**STAFF:**

City Administrator Duce. City Clerk Halligan, City Engineer/Public  
Works Director Jump, Police Chief McLean, City Planner Siess, Park  
and Recreation Director Singer and City Attorney Herrington via  
Zoom video Conference

**4) AMENDMENTS TO THE AGENDA AND DECLARATION OF CONFLICT, EX-PARTE CONTACTS  
AND SITE VISITS** The declaration and justification of an amendment must be approved by  
motion of the Council.

**5) ACTION ITEM: CONSENT CALENDAR APPROVAL**

**A) Regular Council Minutes of May 27, 2020**

**B) Special Council Minutes of June 4, 2020**

- C) Regular and Special Bills as presented
- D) Consideration of Surplus 2012 Chevy Impala – Police Department

City Administrator gave a brief presentation on the consent calendar

Councilor Rickard made a MOTION that we approve the Consent Calendar as presented. Motion seconded by Councilor Laws.

**AYES:** Councilor Rickard  
Councilor Laws  
Councilor Hill  
Councilor Adams

**NAYES:** None

**ABSENT:**

Passed by all

**6) CEREMONIES AND REPORTS**

**7) VISITORS COMMENTS – An opportunity to address concerns not on the agenda (No formal action allowed – 3-minute time limit per issue) issues may be placed on subsequent agenda. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, either by subsequent appointment or after tonight’s meeting, if time permitting. Repeated comments of the same or similar topic will be considered out of order and not allowed.**

Nicol Wesala  
14880 N Steven St  
Rathdrum, Id

I am here tonight in regards to a code violation I received from Rathdrum Code Enforcement. The letter stated that my property on Stevens St is in violation. A metal carport placed in the required front yard setback. As per the letter, I contacted the Code Enforcement Officer James and followed up with City Administrator Duce.

I purchased this home in 2007 and have lived in the residence for 13 years. In purchasing the property, I did notice that there are these kinds of carports within the City.

During my conversations with City Administrator Duce since March, I learned that the carport installed by the previous property owner was done in violation of the first Zoning Ordinance set in 1982 where the setback is listed at 20 feet. Today I acquired pictures today from the Assessor’s office showing that the carport was installed between 2000 and 2004. There have been no alterations to the carport since.

Mayor and Council, I appreciate you hearing me tonight. My intent is for the past 13 years using this carport strictly for the storage of my vehicle. I am asking for an exception to the setback requirement to allow my carport to remain as is on my property and to be used for no other purpose than to house my vehicle.

City Attorney Herrington stated there is a process to go through with the Planning Administrator and possibly going through a variance application.

Drew Dittman  
Lake City Engineering

Mr. Dittman stated that I am not here tonight to present any specific project. I am here tonight to talk a little bit about an issue that I am seeing not only with Cliff Mort and his project Thayer Farm. As you know I represent several developers that are working right now in Rathdrum including Brookshire project, the Corbin Crossing South project and the Thayer Farm project. One of the issues we are running into is antiquated code that is in your Ordinance about lot coverage and the percentage of impervious area that's allowed on a certain building envelope based on lot coverage. We have talked extensively with your staff including City planner Siess and City Administrator Duce about lot coverage and how it applies to our projects.

Currently your Ordinance requires a maximum lot coverage of 35% impervious area per buildable lot. Some of our projects including Thayer Farms, Brookshire and Corbin Crossing, we are running into not being able to build a certain product type because we are running in a maximum threshold of lot coverage.

This is an old Ordinance that dates back to the 1970's.

Perhaps we could schedule a workshop or even some discussion to talk about the lot coverage size

City Planner Siess stated that she would like to clarify that Drew stated that we determine lot coverage based on impervious surface area, we do not. We determine lot coverage based on the area occupied by building measured to the foundation line. Impervious surface like driveways and things like that have nothing to do with our lot coverage standard.

I would also like to add that 35% for residential zone is pretty standard. It is the same standard that we had in my previous jurisdiction. Building coverage standard together with height and setbacks standards, those kinds of things control the overall bulk of structures and the way that they appear on the land. They are intended to assure that buildings do not have a huge footprint that overwhelms adjacent houses. It also defines

the character of the different zone districts. Most of our lots in our newer developments are just around the 30-35% lot coverage depending on the lot.

If you want to see what appears to be higher density although it isn't because we are not increasing the number of houses per acre but just the size of those houses on the acreage. If you want to see that then that is something, we can definitely should look at changing. We can look at things like taking into account like the City of Spokane does, they have lot coverage requirements and they factor in things like floor area requirements and things like that.

Cliff Mort  
6812 Maplewood Way  
Post Falls, Id

Mayor Holmes asked Council if there is any objection to let this move through staff and toward P& Z as a broader discussion, including lot coverage and minimum lot sizes.

Council agreed.

**8) OLD BUSINESS**

**A) ACTION ITEM:** Consideration of the Mailbox Replacement Policy

City Attorney Field gave a brief presentation on the Mailbox Replacement Policy

Councilor Laws made a MOTION that we approve the City of Rathdrum Mailbox Replacement Policy. Motion seconded by Councilor Hill.

**AYES:** Councilor Laws  
Councilor Hill  
Councilor Rickard  
Councilor Adams

**NAYES:** None

**ABSENT:**

Passed by all

**9) PUBLIC HEARING**

**10) NEW BUSINESS**

**A) ACTION ITEM:** Consideration of the Timber Glade Preliminary Long Plat – Subdivision Application

City Planner Siess gave a brief presentation on the Timber Glade Preliminary Long Plat Subdivision application

The applicant is requesting approval of a preliminary long plat (major subdivision) consisting of 57 lots on approximately 19 acres of land.

The purpose of the plat is to create a residential neighborhood consisting of 57 residential lots within the Residential R-2S and R-1 (low/medium and low density residential) zone districts, ranging in size from 7,501 SF to 44,212 SF in area. The minimum lot size within the northern portion of the site, which is within R-2S zoning is 7,501 SF which is compliant with the minimum 7,500 SF lot area required in this zone. The minimum lot size within the southern portion of the site, which was recently annexed with R-1 zoning, is 10,000 SF which is compliant with the minimum 10,000 SF lot area required in this zone. The project is to be developed in a single phase with public improvements anticipated to be started in spring of 2020.

This plat will include dedication of right-of-way and improvements for streets and sidewalks to serve the development in accordance with City standards, including extension of Sedona Street and Liane Lane. Water, sewer, and other utilities will be extended to serve the development and stormwater will be collected in street-side swales.

In its review, the Planning and Zoning Commission determined the proposed subdivision conforms to the general purpose of the Comprehensive Plan and will include appropriate provisions for streets, drainage and other public ways, open space, water supplies, sewage disposal, fire protection and other appropriate public and private improvements upon infrastructure build-out. The City of Rathdrum Planning and Zoning Commission recommends **APPROVAL** of the Timber Glade Preliminary Long Plat subject to the following conditions:

Staff recommends the following findings of fact and conclusions of law for any approval of the proposed subdivision:

**Conditions of Approval:**

1. The existing residence shall discontinue use of the existing private water and sewer utilities (well and septic system), shall abandon and/or remove such services as required by Panhandle Health District and/or other agency with jurisdiction and shall connect to City utilities prior to final subdivision approval. Such requirement supersedes citations 2.2 and 2.3 of the existing Annexation Agreement Timber Glade Prelim Plat 2020-02 Staff\_CC.doc 3 recorded under instrument number 2048749000 on August 10, 2006. All other requirements of said Annexation Agreement remain.

2. The developer shall enter into a Development Agreement with the City which specifies property and term, project regulation and policies, conditions of approval (including improvements to be constructed, roadway drainage swales, landscaping / street trees, irrigation water service lines to roadway drainage swales and landscaped areas, maintenance of common area landscaping, fencing and roadway drainage swales, irrigation system casings, walkways and stormwater, street lights, streets, construction access, street closure, phasing, erosion sediment control plan, dedication of right of way, dedication of easements and sewer), improvement construction standards and procedures, performance guarantee, owner’s warranty, and other City requirements as approved by the City Council.

3. The developer shall comply with the rules and requirements of any agency with jurisdiction over the project, including those agencies which provided comment for this proposal, and all applicable laws, rules and regulations governing the project, whether specified herein or not.

4. The Planning and Zoning Administrator may approve reconfiguration of the location of Gifford Avenue southerly without returning to the Commission and Council for approval pursuant to the Administrator’s determination that such reconfiguration does not constitute a substantial change to the project. The Administrator may require changes to be brought back to the Commission and Council at their discretion.

Councilor Rickard made a MOTION that we approve the Timber Glade Preliminary Long Plat – Subdivision Application with the recommended Findings of Fact, Conclusions of Law and Conditions of Approval as found within the Planning Commission’s recommendation and staff report dated June 4, 2020, finding that it is in accord with the City of Rathdrum Comprehensive Plan and Rathdrum City Code as conditioned. Motion seconded by Councilor Laws.

**AYES:** Councilor Rickard  
Councilor Laws  
Councilor Hill  
Councilor Adams

**NAYES:** None

**ABSENT:**

Passed by all

**B) Discussion Item:** Honu Ct. Annexation agreement/Zoning

City Planning Siess gave a brief presentation on the Honu Ct Annexation Agreement/Zoning

Agreement between the City of Rathdrum and John D. and Tanya Kirsch, Charles and Tamara Cramer and Herb and Sandra Nagel dated February 23, 2004, recorded under Kootenai County Assessor's Records as #1859636. The purpose of this Memo is to clarify and memorialize the allowed "grandfathered" non-conforming use of the property as a single-family residence with outbuildings.

As stated in §6 of the Annexation Agreement, "The property will be recognized as a pre-existing non-conforming use and or referred to as "grandfathered in." Those uses will be recognized as of the date of this signed agreement [2/16/2004]. All parties realize that there are presently existing residences on these parcels and that any new buildings or structures will be subject to the City of Rathdrum's zoning and building code standards. The land owners of this property may live in their residences and or rent out their residences to tenants, until their property is developed. The exiting landowners will not have to hook up to any Rathdrum City utilities, until a land sale or development of property occurs. To further state the continuance of these non-conforming uses, it is understood and acknowledged that there presently exists two residences and outbuildings being occupied as residences and related outbuildings upon the annexed property. The present uses may be continued and shall be treated as non-conforming uses as defined in Chapter 7 of the Rathdrum Municipal [City] Code entitled "Zoning" and designated as Title 11, Chapter 7. This land and improvements and said existing uses shall be entitled to the benefits and privileges of and be subject to the terms, conditions of the GENERAL PROVISIONS, and SCHEDULE OF CONTINUANCES, NON CONFORMING "OPEN" LAND USES: All set forth in said Title 11, Chapter 7, and may be continued as therein provided.

City Planner Siess stated that what she is looking for from the Council is some direction about how you foresee this property being developed in the future. Do we continue to tell people no we are sorry you have to put in the utilities or do we say well if you want this to happen, we will work with you?

Mayor Holmes asked the council if they would like to have look at this and bring back some possible proposals or do, we leave it as is which has been suggested?

Council decided with lack of suggestions we should leave it as it is until someone is interested in making a proposal for it.

## **11)STAFF REPORTS**

- A) Public Works Reporting**
- B) Police Reporting**
- C) Park and Recreation Reporting**
  - Main St Market starts June 25<sup>th</sup> at 5:30 pm
  - Rathdrum Days is July 17<sup>th</sup> and 18<sup>th</sup>
- D) City Administrator**

**12)MAYOR’S REPORT/APPOINTMENTS**

A) Proclamation for Graduating class of 2020

**13)COUNCIL REPORTS**

**14)ADJOURN**

Meeting is adjourned 7:32 pm

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Vic Holmes, Mayor

Attest:

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Sherri L Halligan, City Clerk

**Rathdrum City Hall is an ADA accessible building. Assistance for persons with disabilities will be provided upon 24-hours’ notice prior to the meeting.**