

PLANNING & ZONING COMMISSION AGENDA
COEUR D'ALENE PUBLIC LIBRARY
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE

JUNE 10, 2025

THE PLANNING & ZONING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY

The Planning & Zoning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

5:30 P.M. CALL TO ORDER:

ROLL CALL: Messina, Fleming, Ingalls, Coppess, McCracken, Ward

PLEDGE:

APPROVAL OF MINUTES: ***ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.

March 26, 2025 – Joint Workshop with Historic Preservation Commission
April 8, 2025 – Planning & Zoning Commission Meeting

PUBLIC COMMENTS:

STAFF COMMENTS:

COMMISSION COMMENTS:

OTHER BUSINESS: ***ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.

1. Applicant: Weter Bare Land LLC
Location: West of Ramsey Road, south of Lopez Avenue and east of Player Drive
Request: Requesting a 1-year extension for a R-34 Special Use Permit (SUP) to allow multifamily residential at 34 units per acre on a lot zoned C-17 that allows 17 units per acre by right QUASI-JUDICIAL (SP-2-24)

Presented by: Sean Holm, Senior Planner

2. Workshop – Possible Code Amendments to Accessory Use and Impervious Surface Standards

Presented by: Hilary Patterson, Community Planning Director

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____,
to continue meeting to _____, __, at __ p.m.; motion carried unanimously.
Motion by _____, seconded by _____, to adjourn meeting; motion carried unanimously.

**The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Traci Clark at (208)769-2240 at least 72 hours in advance of the meeting date and time.*

**Please note any final decision made by the Planning & Zoning Commission is appealable within 15 days of the decision pursuant to sections [17.09.705](#) through [17.09.715](#) of Title 17, Zoning.*

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MINUTES

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**HISTORIC PRESERVATION COMMISSION & PLANNING & ZONING COMMISSION
JOINT WORKSHOP
MINUTES
MARCH 26, 2025
City Hall – Conference Room #6**

HPC COMMISSIONERS PRESENT:

Walter Burns, (Chair)
Anneliese Miller, (Vice Chair)
Anne Anderson, (Secretary)
Doug Harro
Sandy Emerson
Shannon Sardell
Dan McCracken
Stephen Shepperd
Rick Shaffer

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Traci Clark, Admin. Assistant

CITY COUNCIL LIAISON PRESENT:

Kiki Miller, Council Liaison

P&Z COMMISSIONERS PRESENT:

Jon Ingalls (Vice-Chair)
Lynn Fleming
Phil Ward
Sarah McCracken
Mark Coppess (on Teams)

P&Z COMMISSIONER ABSENT:

Peter Luttrupp
Tom Messina (Chair)

11:00 P.M CALL TO ORDER:

The Historic Preservation Commission meeting was called to order by Chairman Burns at 11:00 a.m.
The Planning and Zoning Commission meeting was called to order by Vice Chair Ingalls at 11:00 a.m.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

None.

WORKSHOP DISCUSSION:

Commissioner Ingalls commented that he wanted to give a quick update on the work of the Downtown Core/Infill Working Group to evaluate the Downtown Development Regulations and Design Guidelines. There's been kind of a perfect storm of towers popping up – The Thomas George, the Marriott that drew a lot of attention, and the new Resort Tower. There is a lot of Interest on how high buildings should be in the downtown core. We think we've found some blind spots in the regulations and guidelines that are probably well over 15 to 20 years old. It's time to update those. We've had an ad hoc committee with representatives from the Planning and Zoning Commission, Historic Preservation Commission, and Design Review Commission, and other representatives, such as the Downtown Association. We have

gotten the point where we have strikeout draft documents. The next step is to give an update to the City Council and roll it out to some stakeholders, developers, business folks and whatnot, and get their input.

Ms. Patterson stated she will be presenting to Council on April 15, 2025. She will check in and let them know where we are at. Also, staff will do a check-in with the Design Review Commission and do some stakeholder updates. We will be working with the University Idaho.

Historic Preservation Commission Efforts

Chairman Burns stated there is a new demolition code for historic properties that was put into effect last November. This allows us the opportunity to identify and review anything that is going to be knocked down that was built before 1960. There have been twelve demolition permits so far and only one that has gone before the full commission. There was some discussion about the replacement structures. The other structures the subcommittee members felt they could go ahead with the demolitions. We did discover in some of the older neighborhoods that the trend of newer homes is to fill up the lots with homes that are much larger than what we have seen historically. This is a concern. We would like to explore how to keep some consistency in the older neighborhoods. We have been talking with some folks on Government Way on perhaps doing a Historic Overlay, which is a tool that was given to us with the Comprehensive Plan that allows the neighborhood to opt-in to special design standards for their neighborhoods. They would have to opt-in with the majority. We are in the early stages of this process.

Ms. Patterson replied she wanted to recap some of the feedback from the neighbors on Government Way. They really like the character of the neighborhood and are concerned with the pole barns and new construction being out of scale. The focus of today's agenda is not only the Historical Overlays but other things with the Zoning Code and to hear the desires of the two commissions.

Feedback from Government Way Corridor Stakeholders:

- They like the old character, landscaped islands with trees, the walkability, that the neighborhood is identifiable, and the proximity to downtown, Tubbs
- They are concerned about losing "gateway houses" – the ones that are historic and significantly contribute to the neighborhood
- They would like to have protections in place in older neighborhoods to generally protect the character. They would like to prevent pole barns, as they don't match the character of the neighborhood.
- They also have concerns with additions and new construction that do not fit.

Chairman Burns stated the Garden District's listing in the National Registration of Historic Places is imminent. This was a grassroots effort going back to 2018. There is a lot of neighborhood support of maintaining the character and integrity of the older neighborhoods of the Downtown area. We would like the builders to be sensitive to the surrounding area and incorporating characteristics such as mass, size, height, roof pitch, etc. that are consistent with the neighborhood as a whole.

Zoning Code Challenges in Historic Neighborhoods & Desired Outcomes to Address Compatibility

Chairman Burns stated there are two pieces to this discussion – the Zoning Code and the design review issue that might be addressed with a historic overlay.

Commissioner Ingalls stated if we can do some tweaks to the codes, that would be great.

Ms. Patterson showed images from a PowerPoint of structures that were constructed under the Zoning Code. The first is a structure at First and Foster that could no longer be built under the code. It shows the incompatibility of some infill development with historic structures that are one and one and a half stories tall. The homeowner pushed the code to the limit. Another slide shows a structure at 1732 E. Elm Ave that is an example of a duplex. Because we do not have standards that it has to look like a house, it now

looks like a huge shop structure with living space above that is next to a historic bungalow. This does not fit into the character of the neighborhood. Another example is an older home with a very large shop and a garage with a ADU above it. The homeowner has maxed out the lot, height and the new structures are towering over the home. The additional images show shop houses ("shouses") and barndominiums. The code does not state they have to look like a house. They are out of scale and do not look residential. They look very commercial.

Commissioner Ingalls asked what could be some of the code amendments if we used those as some examples of what we do not want?

Ms. Patterson replied that the code could specify a visible front door and that the structure has to appear residential in nature. This would live in the Zoning Code. Moving forward some things that would need to be changed would be you cannot have a 14' tall garage door on the front – taller garage door openings would have to be on the side or the rear of the building if you had an RV. Other items to include are percentage of garage door on the house frontage, transparency, etc. There are challenges with balancing market demands and implications to the neighborhoods.

She provided a list of possible code considerations including:

- Possible expansion of existing infill districts
- ADU setbacks and location
- Garage/Shop setbacks and size ("accessory to")
- Lot Coverage
- Shop Houses/Barndominiums
- Twin Homes
- Other?

Commissioner Sarah McCracken stated that the City of Hayden has an ordinance that a shop could not exceed a certain amount of square footage. She said she thinks the County has a similar code. It would be worth looking at those codes as possible examples.

Commissioner Ingalls asked if there could be a green space requirement in the front yard so that the entire front yard isn't consumed with pavement for parking areas.

Ms. Patterson replied the only time that applies now in the code is if you are building an ADU, you will have a pervious surface requirement. This can be achieved with existing setbacks. As we are seeing, many homeowners are wanting to maximize the use and coverage of their lots.

She presented a list of possible code amendments related to ADUS including:

- Increase setbacks instead of step backs
- Increase pervious surface requirement to reduce lot coverage
- Consider detached ADUs to be in the rear yard, not side or front yards

Commissioner Ingalls asked for clarification on the lot coverage. If he wanted to put a shop in his big back yard, those rules about pervious surface don't apply unless he had an ADU, correct?

Ms. Patterson replied, correct.

Commissioner Ingalls stated, so he can go to the setback lines and doesn't have a separate green space percentage?

Chairman Burns asked can we apply the ADU's rules to shops and other separate buildings?

Commissioner Anderson asked if we should make the 30% pervious requirement in addition to setbacks?

Ms. Patterson replied in order to achieve that, we would need to increase the pervious surface percentage and setbacks to achieve that.

Chairman Burns stated we could also suggest some things like using alley access and setbacks.

Commissioner Dan McCracken stated there is also concern about knocking down other older buildings to make room for that ADU.

Ms. Patterson stated the Planning and Zoning Commission has been discussing twin homes that would have similar standards as duplexes. They would look like a duplex, but there is a lot line in between the units. There are a couple of hiccups with utilities for the front loaded twin homes due to spacing requirements and location of the utilities, street trees, access of the driveways, etc. The alley loaded twin homes would work really well.

Chairman Burns stated if we could get some restrictions on the zoning side it would help the older neighborhoods. Using the tool we have in our historic code for demolition review we can require a meeting simply just to discuss the replacement structure. If a developer who likes to build in the older neighborhoods keeps coming to us with new modern structures and we keep putting them through the process and it keeps getting delayed because we have to do these meetings and all these reviews, maybe we can convince them that we could maybe work together a little bit more and if they brought something better to us, they wouldn't have to go through this process.

Commissioner Emerson stated as we work through these historic neighborhoods part of our mission is to focus on consistency and compatibility. That is important, but he's not sure how the enforcement is meant but if we're going to say you can't have a bathroom in your garage because that is easy to make into an ADU. It gets really tough on the enforcement side but he thinks there's some consistency gaps in these older neighborhoods because they've just evolved that way.

Ms. Patterson commented that Chairman Messina wanted to speak about possible expansion of existing Infill Districts. This is something that the Downtown Core/Infill Working Group is looking at in terms of what are the boundaries of the Downtown Core and then will be evaluating the Downtown North and Downtown East overlay boundaries. We don't have time to get into the details and the nuances today. But in the Working Group we've talked about looking at the boundaries considering how the downtown has kind of grown and evolved and even looking at East Sherman as a possible extension of the Downtown East, or it could be its own Infill District. She thinks this is why it's great to have some representatives from the Historic Preservation Commission on the Working Group to kind of look at those characteristics in the design guidelines and the development standards.

Chairman Burns stated he is very encouraged by some of the things that have been discussed today and that there seems to be so some willingness and some appetite to look at the existing code and maybe make some tweaks that would be beneficial to the older neighborhoods. He thinks that's really what we all came in here today hoping to achieve.

Commissioner Ward stated there are two separate issues. If he is a homeowner and he wants to renovate his home, he will probably listen to the City. But if he is a developer, he will want to maximize his money on this piece of property and will build has much as he can. Part 2 is the zoning; we need to make sure the zoning does not allow some of this. This is something we need to look at. How do we deal with brand new construction? Some of the new buildings going in are terrible. The designs do not fit into the neighborhoods. He does not like the driveways that are 20 or 30 feet wide. We could require a certain percentage of front yards to be landscaped. He would like us to require driveways off of the back of the property if there is alley access. He would like to limit the amount of square footage and height allowed with an accessory use. He also suggested a design review process.

Ms. Patterson stated the challenge with having items go through the Design Review Commission would be keeping up with it. There is also a push in the State Legislation that we require turn around building permits and complete within 10 days for residential and 20 days for commercial. Staff also wanted to mention currently the code says if you are doing an accessory structure, such as a garage in the principal building envelope, it could go up to 32 feet. We can change that to max it out to 18' if it's pitched or 14' for a flat roof.

City Council Liaison Miller stated you need to do something sooner than later. You are all on the right track. Let's tweak what you all ready have to get something done quickly. The loop holes have been found and the lawsuits will follow. What is happening in some of the neighborhoods, people are very unhappy. Taking action and letting the citizens know that there are conversations happening, this is very important.

Chairman Burns asked what do we do next with the discussions we have had today?

Ms. Patterson replied that this has been great input and staff will communicate with other city departments that weigh in on other development review and then report back to both commissions. She noted that she Chairman Burns had spoken previously about having a smaller working group and get this fast tracked to come up with proposed amendments for consideration by City Council.

The commissions summarized the items they would like to be part of the code amendments:

- Change accessory structure maximum height within principal building envelope to 18' for pitches roofs and 14' for flat roofs.
- Add in a maximum percentage for shops and other accessory structures so that they are smaller than the main home. Look at Hayden and Kootenai County codes. The commissioners suggested % based on square footage or just saying it had to be smaller than the home. They also suggested requiring % of green space on lot.
- Increase setbacks to account for stormwater/snow runoff from roofs.
- Increase ADU setbacks to avoid step back measurement and achieve the same or a better result.
- Increase pervious surface requirement – look to see if 40% is adequate or if it should be increased – and require for all structures on all single-family residential lots in all residential zoning districts (including MH-8) – not just for lots with ADUs.
- Require alley or side street access (if exists) unless there is a hardship/site constraint (other than an unmaintained alley or a slight slope).
- Require a certain percentage of front yard to be pervious/green and growing – to avoid the shop house scenarios we have.
- Consider requiring a visible front door and 50% max coverage of garage door space to avoid Shop House/Barndominium.

ADJOURNMENT:

Motion by Historic Preservation Commission Commissioner Anderson, seconded by Commissioner Dan McCracken, to adjourn the meeting. Motion approved.

Motion by Planning & Zoning commission Commissioner Sarah McCracken, Seconded by Commissioner Ward, to adjourn the meeting. Motion approved.

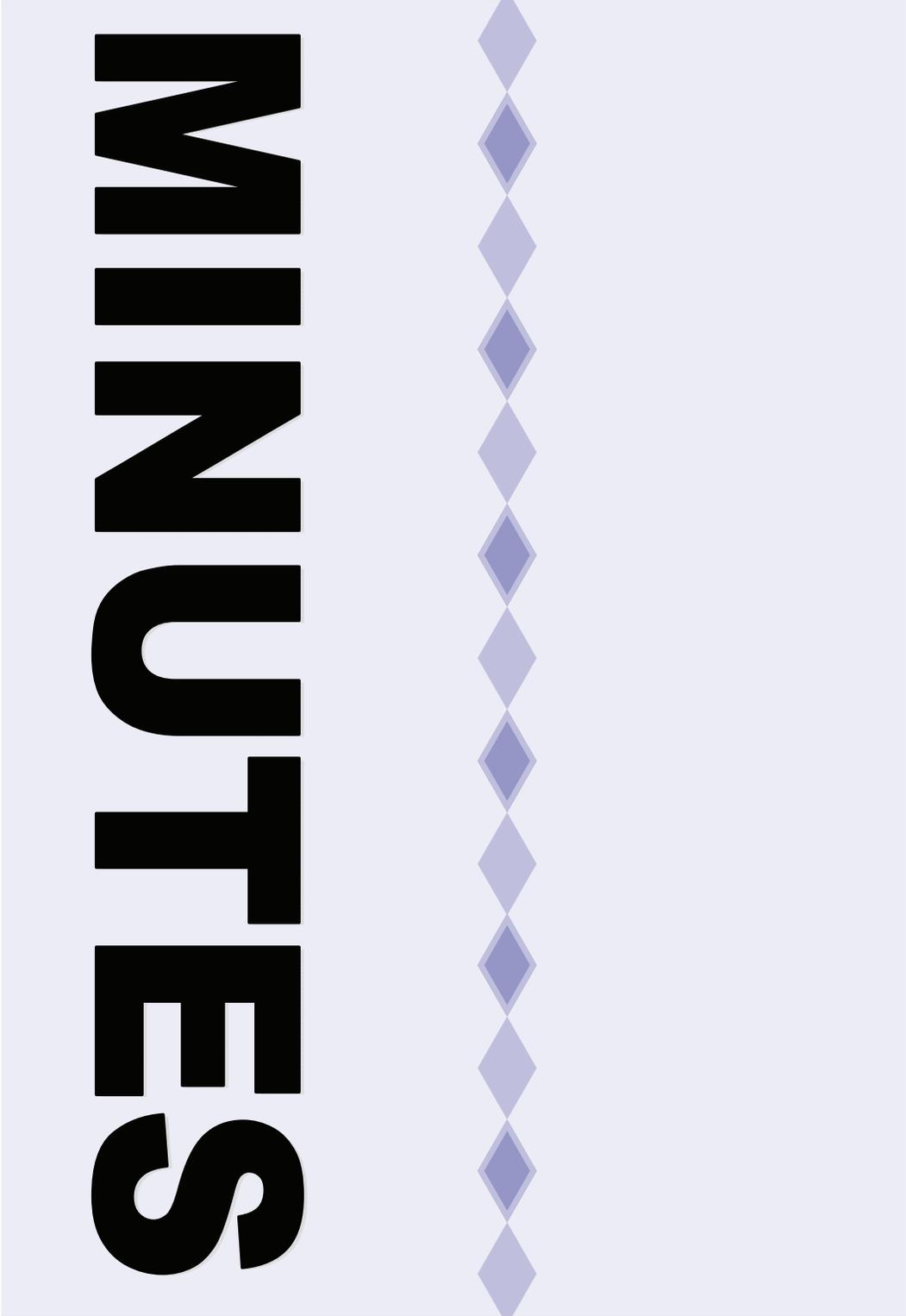
The meeting was adjourned a 1:05 p.m.

Submitted by Traci Clark, Administrative Assistant

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MINUTES



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**PLANNING & ZONING COMMISSION
MINUTES
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE
APRIL 8, 2025**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Mark Coppess
Lynn Fleming
Phil Ward

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Sean Holm, Senior Planner
Randy Adams, City Attorney
Traci Clark, Administrative Assistant

Commissioners Absent:

Sarah McCracken
Peter Luttrupp

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Commissioner Coppess, seconded by Commissioner Fleming, to approve the minutes of the Planning & Zoning Commission meeting on March 11, 2025 Planning & Zoning minutes. Motion carried.

PUBLIC COMMENTS:

None.

STAFF COMMENTS:

Hilary Patterson, Community Planning Director, provided the following comments:

- There are two vacancies, 1 for the Planning and Zoning Commission and 1 for the Design Review Commission. If anyone is interested from the public you can find the information on the City's website by clicking on the "I Want to Volunteer" link. There is information about the two vacancies. For the Planning and Zoning Commission vacancy criteria, the person has to live within the city limits, you have to be a Kootenai County resident for 2 years prior to the appointment. They have to be a resident of the city during their term or they could be a non-resident if they are employed within the city limits. This is a 6 year term. The Design Review Commission seat is someone who resides within the districts under the purview under the Design Review Commission, which include the C-17, C-17L, R-17, R-34 by Special Use Permit, the Downtown Core, Downtown North, Downtown East, and the Midtown Overlay. This is a 4 year term.
- There are no public hearing items for the month of May. She would like to schedule a workshop to talk about some code amendments we discussed at the Joint Workshop with the Historic Preservation Commission.
- Ms. Patterson will be doing a presentation to the City Council on April 15, regarding the efforts on

the Downtown Core and the Infill Working Group.

COMMISSION COMMENTS:

Commissioner Ingalls commented that Commissioner Luttropp is not here this evening. We have been informed that he had decided to not continue with a new term with the P&Z. He would like to thank Commissioner Luttropp for his dedication, support and time. He is been up here for 18 years. Whenever Commissioner Ingalls looked at Commissioner Luttropp's packet there would be dog eared pages and sticky notes. You could tell he would spend hours and hours looking over the agenda and packets preparing for the hearing items. It would show as he would ask good questions and make grounded decisions. He has been a great mentor for him. On behalf of all the commission, thank you Commissioner Luttropp for your service.

Chairman Messina stated he agrees with Commissioner Ingalls and wishes Commissioner Luttropp Tuesday nights off. He would like to thank him for his service. He is appreciated.

PUBLIC HEARING: *ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.**

1. Applicant: Melrose Properties, LLC
Location: 417, 421, and 503 W. Emma Ave
Request: A proposed zone change from R-12 to C-17L on Three (3) parcels measuring a total of 0.957 (ZC-3-25)

Mr. Holm, Senior Planner, provided the following statements:

Mr. Holms commented he would like to thank Commissioner Luttropp for his years of service and he will remember fondly his ability to bring everyone together to talk about the agenda item and always asked the applicant if they had approached the neighborhood and included everyone in the process.

Mr. Holm stated the applicant is requesting approval of a zone change from R-12 to C-17L.

DECISION:

Should the Planning Commission recommend to the City Council to adopt or not to adopt the requested zone change from R-12 to C-17L for property owned by Melrose Properties, LLC?

BACKGROUND INFORMATION (PROVIDED BY APPLICANT):

In 2015 Parkwood, in partnership with Kootenai Health, acquired the former church building at 521 W. Emma Ave and remodeled it into a daycare facility. This relocation and expansion of daycare services doubled the number of childcare slots that were available to serve the needs of Kootenai Health employees. Over the last 10 years, Kootenai Health has continued to grow their employment base and the waiting list of children for the daycare has grown to over 150. Many other childcare facilities in our community were forced to shutter during the pandemic. So, preserving and expanding the remaining daycare providers is key to meeting the needs of our growing community.

Seeing this emerging need, Parkwood made strategic acquisitions of the three houses to the east of the daycare facility to prepare for expansion. In 2019 we worked with the Idaho Transportation Department to install a signal at US 95 and Emma to ease congestion in the medical corridor and provide improved pedestrian safety across Lincoln Way. Our request for a re-zone is to prepare for an eventual expansion of the adjacent Kootenai Health Daycare facility to better meet the needs of Kootenai Health employees.

There are four (4) findings that must be met for the re-zoning, Findings B#1-B#4.

Findings B#1: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2042 COMPREHENSIVE PLAN LAND USE:

- The subject property is within city limits.
- The City's 2022-2042 Comprehensive Plan categorizes this area as a "Compact Neighborhood" Place Type

Mr. Holm explained Place Types and that the subject property is designated as Urban Neighborhood Place Type, which are high walkable neighborhoods with larger multifamily building types, shared greenspaces and parking areas. They are typically served with gridded street patterns, and for larger developments, may have an internal circulation system. Compatible Zoning includes R-17 and R-34SUP; NC, CC, C17, and C17L.

Mr. Holm listed the applicable Comprehensive Plan goals and objectives under Community & Identity, Growth & Development, and Jobs & Economy.

Findings B#2: That the public facilities and utilities (are) (are not) available and adequate for the proposed use.

Mr. Holm noted that the city departments have reviewed the request and have determined that public facilities and utilities are available and adequate for the proposed use. Specifically, Fire has no comments or conditions, and Police indicated they do not have any concerns, but did request that when the property gets developed, it would be best to make sure that entrances and exits are not conflicting with the parking lot and driveway approaches for the properties to the south. This will help to ensure safety through sight triangles, due to the fact that there will be heavy traffic during morning drop off and evening pick up.

Findings B#3: That the physical characteristics of the site (make) (do not make) it suitable for the request at this time.

Mr. Holm described the physical characteristics of the site and immediate area, which is characterized by rectangular lots with a combined frontage of approximately 194 feet along W. Emma Avenue and depth of approximately 215 feet. Existing structures include single-family homes featuring one to two stories, wood-frame construction, and modest setbacks of 20 feet +/- from the street. The site currently does not have paved sidewalks along W. Emma Avenue, with minimal on-site parking (driveways only), and mature street trees providing partial shading. A buffer exists to the north to help screen the shopping center.

Findings B#4: That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

Mr. Holm described the comments from City Engineer Chris Bosley on traffic. The proposed zone changes themselves would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. However, the applicant intends to expand the existing daycare center within the proposed C-17L zoned properties to the east. Although the Institute of Transportation Engineers' Trip Generation Manual provides no direct comparison between land uses, it estimates that three single-family residential properties (Land Use Code 210) generate an average of 9.52 trips per dwelling unit for a total of 28.56 trips per day. For comparison, just one employee at a Day Care Center (Land Use Code 565) generates an average of 26.73 trips per day. A significant increase in trips will be generated from this change in land use. However, Emma Avenue has the available capacity to

accommodate the additional traffic.

Regarding neighborhood character, Mr. Holm described the neighborhood surrounding 417, 421, and 503 W. Emma Avenue as a mix of housing types and commercial presence. Situated between US-95 and Government Way, quick access to these north/south corridors to I-90 is gained from this area. The recent addition of a controlled intersection at US-95 allows for safe vehicle movements at the intersection.

There is an eclectic mix of residential, civic, and commercial retail are nearby. Ironwood Square, Kootenai Health, The North Idaho Eye Institute, and a strip mall are in close proximity. The residential component located on the north side of Emma Ave. is bookended between Kootenai Kids (daycare) and various professional offices and a coffee stand to the east. Sidewalks do not exist in front of the residential homes in the area.

The housing stock on W. Emma Avenue varies in size and condition, reflecting a mix of older homes and maintained properties typical of mid-20th-century development. The street is lined with mature trees.

Mr. Holm said the proposed C-17L zoning district is suitable as a transition between residential and commercial zoned areas and should be located on designated collector streets or better for ease of access and to act as a residential buffer.

Decision Point:

Mr. Holm noted the action alternatives this evening. The Planning and Zoning Commission must consider the request for a recommendation to the City Council on whether the proposed zone change from R-12 to C-17L should be adopted or rejected.

Mr. Holm concluded his presentation.

Commissioner Ward asked if this is approved, are they obligated to put a sidewalk in along Emma Avenue. We can't see where the proposed driveway will be.

Mr. Holm replied that the decision about a sidewalk is ultimately up to Engineering. But because there is an adjacent sidewalk to the west, they will be putting in a sidewalk. He also noted that with a zone change it does not require a site plan like a Special Use Permit does.

Commissioner Coppess stated these are four properties. Is the intent to make it one property?

Mr. Holm replied, yes. His understanding is they will be adding onto the buildings and providing additional parking as required by code behind the building. The applicant can speak more about it.

Commissioner Ingalls stated he went and looked up these three properties on the County's website. These add up to 0.97 acres. These are in the R-12 zone. What is allowed in an R-12 in terms of multi-family if this was not approved? If this was not child care, the old Comp Plan said this was an area of transition. Could someone try to maximize 12 units on this piece of property?

Mr. Holm replied that someone could not put 12 units on the property. R-12 has a limitation because we do not have pocket housing. The maximum housing would be 2 units on any parcel. This would be if the parcel was 11,000 square feet, then someone could have two single family homes or a single family home and an ADU on each lot. This would be a maximum of six units.

Commissioner Ingalls stated where he was coming from is sometimes it becomes unfair to look at the traffic generation of a proposed use. Right now, there are three single family homes versus a child care center. Maybe another component would be to say it's not single family residents but the maximum by right now would be X versus what would be allowed with the requested change. Would this be three single family homes forever? Probably not. If he lived next door, he wouldn't want to see more traffic, but things do

change.

Public testimony open:

Applicant Chris Meyer introduced himself and was sworn in. He said he is a partner with Parkwood Business Partners and was involved with the acquisition of the church across the street and the conversion of the daycare. That facility was able to double their availability of child care slots for Kootenai Health that benefitted their employees. Kootenai Health is the largest employer in the community. They are trying to attract and retain employees. The child care benefit has been a huge advantage over the years. This has been a pleasure for us at Parkwood to help facilitate that and learn about the daycare industry. Why this site made a lot of sense is because it is within walking distance to the hospital where most of the employees are located. In addition, it has good access. They did partner with the State of Idaho in 2019 to install the traffic signal to allow for better pedestrian safety crossing the facility. Because it was a former church, it has plenty of outdoor space. Kids want to get outside and play. State Codes requires that you have enough outdoor space. The growth of Kootenai Health has almost doubled their employee head count. Now their daycare needs have grown as well. There is a waiting list of 150 employees that would like to get their kids into this facility. They would like to facilitate this for them, not knowing yet if they need more younger kids in care. There are a lot of moving parts that are still happening. The other piece of this application is the frontage improvement. We would continue the sidewalk. The changes in the neighborhood and in the community are coming at us rapidly. About a month ago, the Idaho Department of Transportation announced their intention to completely rebuild the US 95/I-90 Interchange. Those changes are to rebuild the intersection. Looking forward to 2045 in their traffic model planning involved a widening of US byway of 95 all the way down to the Emma Ave signal light which means they would have to acquire right of way in front of our daycare facility and remove some of the parking. We can see the writing on the wall that the community will need the additional traffic planning growth which is going to squeeze into some of our adjacent properties. Parkwood is trying to be proactive. They decided to proceed and ask for the zone change application now, knowing that the rest of the plan was a work in progress.

Commissioner Ingalls asked have they thought about knocking down all of the buildings and shifting everything over and redoing the parking lot?

Mr. Meyer replied they have done some early modeling and massing plans. There are a series of pros and cons. We want to make sure the traffic signal stays in place. It is a priority as well. The daycare is an employee satisfier but it's a loss leader as well.

Commissioner Fleming asked what are the hours of the day care facility.

Mr. Meyer replied the child care facility hours work well with Kootenai Health employees that have day shifts.

Commissioner Fleming asked if their intention was to preserve the current structure and extend it? Parkwood historically has done good things in this town. We see you treat your neighbors very well. You will be installing sidewalks and trees. Please try soften it and be attentive to the surrounding residential uses. You always give back what we ask for. She feels confident what you will bring to this project is a good solution for the hospital and community. She feels this is a good thing for the community.

Commissioner Ward asked if the daycare is a use strictly for the Kootenai Health employees? Who paid for the traffic light on Emma and highway 95?

Mr. Meyer replied yes, because of the demand within the facility it is just for the employees. The traffic light was also private and public partnership when it was installed. Parkwood paid a portion and Kootenai is reimbursing through some other arrangements. The City and the State had some funding.

Public testimony closed.

Commission Discussion:

Commissioner Ward stated the community needs more daycare facilities. He thinks this is a great idea. This ties to their employees is even better. He does not like they have to go to C-17 to do it, but he understands why.

Commissioner Ingalls stated he agrees with Commission Ward.

Chairman Messina agrees with both commissioners.

Motion by Commissioner Fleming, seconded by Commissioner Ingalls, to recommend that City Council adopt the C-17L zone change (ZC-3-25). Motion carried.

Commissioner Coppess stated that he wanted to mention that the commissioners did receive a written comment that was sent by a member of the community about traffic. It was included in the packet.

Commissioner Fleming read the comment from Makena Cooney which read, "I disagree with the proposal for a zone change of parcels 417, 421, and 503 W Emma Avenue. The area has already increased in traffic through the neighborhoods and newly built commercial properties have impacted the parking of the area for residents. More commercial buildings tearing down old homes, taking up more street parking, and increasing both noise and traffic in settled neighborhoods is not in the best interest of the people."

Commissioner Coppess stated the commission talked about the need for daycare facilities. The impending growth of urbanization across the town. This is a critical need for the employees in the health care business.

ROLL CALL:

Commissioner Coppess	Voted Aye
Commissioner Fleming	Voted Aye
Commissioner Ingalls	Voted Aye
Commissioner Ward	Voted Aye
Chairman Messina	Voted Aye

Motion to approve carried by a 5 to 0 vote.

Commissioners McCracken and Luttrupp were absent.

Commissioner Ward stated a lot of daycares are tied into schools. He follows the state legislation and they do not help with any funding and funding falls under the private sector. When he looks at the zoning code, the first place that a daycare is allowed is an R-8 only as a special exception. This makes it difficult for someone who wants to take in six children to provide childcare in their home. Someone should be looking at the zoning districts and see if daycares can be included at more restricted zones maybe R-3 as a matter of right with certain limitations. This may encourage people that can't do it right now.

Ms. Patterson replied the City does allow childcare as a home occupation.

ADJOURNMENT:

Motion by Commissioner Ingalls, seconded by Commissioner Fleming, to adjourn. Motion carried.

The meeting was adjourned at 6:15 p.m.

Prepared by Traci Clark, Administrative Assistant



STAFF REPORT



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PLANNING AND ZONING COMMISSION STAFF REPORT

FROM: SEAN E. HOLM, SENIOR PLANNER

DATE: JUNE 10, 2025

SUBJECT: EXTENSION OF PLANNING AND ZONING COMMISSION APPROVAL OF SP-2-24: R-34 DENSITY SPECIAL USE PERMIT IN A C-17 ZONE

LOCATION: THREE PARCELS MEASURING 3.116 ACRES IN AGGREGATE LOCATED WEST OF RAMSEY ROAD, SOUTH OF LOPEZ AVENUE, AND EAST OF PLAYER DRIVE, ZONED COMMERCIAL (C-17 & CC)

DECISION POINT:

Should the Planning and Zoning Commission approve or deny the request of Weter Bare Land, LLC, represented by Stephen Goodmansen of Bernardo Wills Architects, for a one-year extension of an approved Special Use Permit (SP-2-24) that allowed an R-34 density increase (34 units per gross acre) for a mixed-use development with multi-family units and commercial suites in the C-17 zoning district?

PRIOR ACTION:

On June 11, 2024, the Coeur d'Alene Planning and Zoning Commission held a public hearing on the above special use permit and approved the request with conditions listed at the end of this staff report by a unanimous vote of 6-0.

DISCUSSION:

The Planning and Zoning Commission may extend an approval of a special use permit for one year upon the finding that a written request was filed prior to the permit expiration and a showing of unusual hardship not caused by the owner or applicant. The applicant has submitted a letter dated May 8, 2025, requesting the extension with a statement explaining the hardship they are encountering. The applicant indicates that, following The Special Use Permit issuance, their architect produced additional schematic designs with varied building layouts, unit sizes, mixes, and parking features. A consulting firm completed a market study evaluating condominium and apartment concepts, and commercial brokers were consulted on commercial space designs.

The study revealed that high construction costs, particularly for a required parking structure, combined with current market-rate apartment rents, present risky and unfavorable financing options. Additionally, market conditions for condominiums are less favorable than for apartments

at this location. As a result, the applicant requires additional time to address these financing and design challenges strategically.

Approval of this extension request would allow the applicant extra time to secure viable financing and refine the project design while ensuring compliance with all permit conditions. The applicant's extension request letter is attached.

SITE PHOTO:

Looking west from the trail along N. Ramsey Rd. across the subject properties showing homes along N. Player Dr. in the background:



APPROVED SPECIAL USE PROJECT: SP-2-24

The applicant seeks to extend the approval for a mixed-use structure with multi-family units and commercial suites on the C-17 zoned portion (2.325 acres) of the subject property, allowing up to 79 units at R-34 density (1,275 SF/unit). The CC zoned portion (0.791 acres) will be used for multi-family parking to mitigate impacts on adjacent single-family homes along N. Player Drive.

The project aligns with the Urban Neighborhood Place Type in the 2022-2042 Comprehensive Plan, featuring highly walkable neighborhoods with multifamily building types, shared greenspaces, and convenient access to goods, services, and dining.

CITED CODE ITEMS:

17.09.230: ADHERENCE TO APPROVED PLANS:

A special use permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate one year from the effective date of its granting unless substantial development or actual commencement of authorized activities has occurred, or if there is a cessation of use or occupancy for two (2) years. However, such period of time may be extended by the Planning and Zoning Commission for one year, without public notice, upon written request filed at any time before the permit has expired and upon a showing of unusual hardship not caused by the owner or applicant. (Ord. 3560, 2017)

PRIOR CONDITIONS OF APPROVAL:

Planning:

1. If approved, the maximum height shall be limited to 45' from averaged finished grade, based on the lowest feasible grade along N. Ramsey Rd. and the applicant's property line.
2. All subject properties shall be combined/consolidated with the properties currently zoned Community Commercial (CC); the CC zoned parcels shall be limited to multi-family parking only, as designed.

Engineering:

3. Dedicate right-of-way to the City of Coeur d'Alene to create a consistent 100-foot right-of-way along the Ramsey Road frontage.
4. Relocate the Ramsey Road median swale adjacent to the property to a new swale within the development and dedicate a stormwater easement, reconstruct Ramsey Road, where the median swale is removed to extend the northbound left-turn lane.
5. Install a stop sign on Lopez Ave at Player Drive.

Water:

6. 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 permitting.

Fire Department:

7. FD minimum access width: 20' minimum, 26' maximum.
8. Maximum Turning Radiuses is 25' interior and 50' exterior.
9. Address numbers shall be visible from the street and property.
10. Fire hydrant amount and location to be determined at building permit.
11. Fire sprinkler and fire alarms are required.
12. Knox box is required.
13. Locking Knox caps required for the FDC.

COMMISSION ALTERNATIVES:

The Planning and Zoning Commission may, by motion, grant a one-year extension of the approved Special Use Permit (SP-2-24) to June 11, 2026.

The Planning and Zoning Commission may, by motion, deny the one-year extension request. If denied, the item expires, and the applicant must reapply for another special use permit.

ATTACHMENT:

- *Applicant's letter requesting an extension, dated May 8, 2025*

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5/8/2025

Viking Construction, Inc
2605 W Hayden Ave
Hayden, ID 83835

Planning Department
Attn: Hilary Patterson
City of Coeur d'Alene
710 E Mullan Ave
Coeur d'Alene, ID 83814

Subject: Request for One-Year Extension of Special Use Permit SP-2-24

Dear Hilary,

I am writing to respectfully request a one-year extension of Special Use Permit SP-2-24 originally issued on June 11, 2024. Following permit issuance, the architect produced additional schematic designs with different building layout options, unit sizes and mixes, and parking features. A consulting firm completed a full market study and analysis to assist us with evaluating our project for condominium and apartment concepts. Additionally, we've been consulting with commercial brokers regarding the uses and design layouts for the commercial spaces. As a result of the market study's findings and consultant recommendations, we are encountering a major obstacle in terms of financing the project with the costs of a parking structure. The construction costs that would include a parking structure compared to revenue generated from market-rate rents for apartments, for example, presents risky and unfavorable financing options at current lending terms. Alternatively, current market conditions for condos appear to be much less favorable compared to apartments at this location. More time is needed, therefore, to adequately and strategically address these items in the project design.

We remain fully committed to complying with all the terms and conditions of the permit, and we believe that an extension will allow us to responsibly accomplish this. We appreciate your understanding and consideration of this extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Jehkiah Cornett", written in a cursive style.

Jehkiah Cornett
Land Development Director
Viking Construction, Inc.

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WORKSHOP



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**PLANNING AND ZONING COMMISSION
STAFF REPORT**

DATE: June 10, 2025
FROM: Hilary Patterson, Community Planning Director
SUBJECT: Workshop Discussion - Possible Code Amendments to Accessory Use and Impervious Surface Standards

WORKSHOP PURPOSE: The Planning and Zoning Commission is being asked for input on possible code amendments to the Zoning Code related to Accessory Use and Impervious Surface Standards.

HISTORY: Based on the joint workshop discussion between the Planning and Zoning Commission and Historic Preservation Commission in March 2025, staff is bringing forward some of these items for further discussion in a workshop format.

The Accessory Use Regulations were originally adopted in 1982. The Accessory Dwelling Unit (ADU) Code was amended in 2019 to allow ADUs over garages in the rear yard to be 24 feet in height. The ADU code has been challenging to administer with the second story setback requirement, which has created additional work and cost for property owners and has been time-consuming for staff to verify and inspect. Staff believe the similar result can be achieved with increased setbacks. The setbacks for principal structures and accessory structures have been amended over time to address stormwater and challenges with property owners trying to maintain or repair the side of their structures that were on or within a few feet of property lines. Prior to 2000, the Zoning Code included Impervious Surface regulations. That section of the code was repealed in 2000. When the ADU Code was amended in 2019, it included a pervious surface requirement to help address lot coverage and stormwater. The 30% pervious requirement for residential lots with new ADUs can be met with the minimum setbacks. This requirement and the current setbacks have led to continued challenges with stormwater and snow shedding onto neighboring properties. As such, staff is asking to consider possible changes to setbacks and bringing back impervious surface standards.

REQUEST/NEXT STEPS: Planning staff is requesting input from the Planning and Zoning Commission on possible code amendments. Based on input from the commission, staff will bring forward proposed code amendments and schedule a public hearing.

Attachment:

Possible Code Amendments – Summary and Discussion Questions

POSSIBLE CODE AMENDMENTS TO ACCESSORY USE AND IMPERVIOUS SURFACE STANDARDS IN RESIDENTIAL ZONES – SUMMARY AND DISCUSSION QUESTIONS

Accessory Structures Code

- **Should the side and rear setbacks from lot lines be adjusted and the second-story step-back requirement be removed to achieve similar results with less design, review, and inspection time?**

Current Setbacks and Step Backs:

17.06.660: ACCESSORY DWELLING UNITS; BASIC DEVELOPMENT STANDARDS:

A. Maximum Building Height: Maximum building heights for ADUs are:

1. Thirty two feet (32') when built within the building envelope for the principal structure.

2. One story ADU structure: Eighteen feet (18') when built in the rear yard.

3. ADU above a detached garage: Twenty four feet (24') when built in the rear yard over a garage and must meet the second story step back requirement as provided in subsection M of this section.

4. Railing, parapets, equipment, and other similar structures/fixtures/architectural elements are included in the maximum height.

B. Setbacks: Setbacks for ADUs are:

1. Setbacks for ADUs in the principal building envelope are:

a. Front: The front yard requirement shall be twenty feet (20').

b. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.

c. Side, Street: The street side yard requirement shall be ten feet (10').

d. Rear: The rear yard shall be twenty five feet (25') from the rear property line.

2. Setbacks for ADUs located in the rear twenty five feet (25') of a lot:

a. Side Yard: Shall be at least five feet (5') from the side lot line.

b. Rear Yard: Shall be at least five feet (5') from the rear lot line.

(1) Lots With An Alley: Lots with an alley in the rear of the lot may have a setback of three feet (3') from the rear property line.

(2) Rear Yard Exception: A detached ADU may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above stated requirements, provided the detached structure does not exceed the maximum height set out in subsection A of this section and meets the second story step back requirements of subsection M of this section.

M. Second Story Step Back: Required for attached and detached ADUs in the rear yard. A newly constructed or second-story addition to an existing structure within the rear yard must have second story step backs that meet the following requirements:

1. The upper step back begins at a height of ten feet (10') on the interior side property line and at fifteen feet (15') on the rear yard property line (see figures below).
2. The step back is at 1:1 measurement, which equates to a forty five degree (45°) angle.
3. A building permit application must show all dimensions, setbacks, and step backs as shown in the figures below.
4. There is no second story step back requirement on the street side of a corner lot.
5. Eaves are allowed to project two feet (2') into the step back air space.

Proposed Amendments:

17.06.660: ACCESSORY DWELLING UNITS; BASIC DEVELOPMENT STANDARDS:

A. Maximum Building Height: Maximum building heights for ADUs are:

1. Thirty two feet (32') when built within the building envelope for the principal structure, **if attached to the principal structure; otherwise, limited to the same standards as ADUs built in the rear yard.**
2. One story ADU structure: Eighteen feet (18') when built in the rear yard.
3. ADU above a detached garage: Twenty four feet (24') when built in the rear yard over a garage and must meet the second story step back requirement as provided in subsection M of this section.
4. Railing, parapets, equipment, and other similar structures/fixtures/architectural elements are included in the maximum height.

B. Setbacks: Setbacks for ADUs are:

1. Setbacks for ADUs in the principal building envelope are:
 - a. Front: The front yard requirement shall be twenty feet (20').

b. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.

c. Side, Street: The street side yard requirement shall be ten feet (10').

d. Rear: The rear yard shall be twenty five feet (25') from the rear property line.

2. Setbacks for ADUs located in the rear twenty five feet (25') of a lot:

a. Side Yard: Shall be at least ~~five feet (5')~~ ten feet (10') from the side lot line, including street side yards.

b. Rear Yard: Shall be at least five feet (5') from the rear lot line if abutting a rear alley or ten feet (10') with no rear alley.

~~(1) Lots With An Alley: Lots with an alley in the rear of the lot may have a setback of three feet (3') from the rear property line.~~

~~(2) Rear Yard Exception: A detached ADU may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above stated requirements, provided the detached structure does not exceed the maximum height set out in subsection A of this section and meets the second story step back requirements of subsection M of this section.~~

~~M. Second Story Step Back: Required for attached and detached ADUs in the rear yard. A newly constructed or second story addition to an existing structure within the rear yard must have second story step backs that meet the following requirements:~~

~~1. The upper step back begins at a height of ten feet (10') on the interior side property line and at fifteen feet (15') on the rear yard property line (see figures below).~~

~~2. The step back is at 1:1 measurement, which equates to a forty five degree (45°) angle.~~

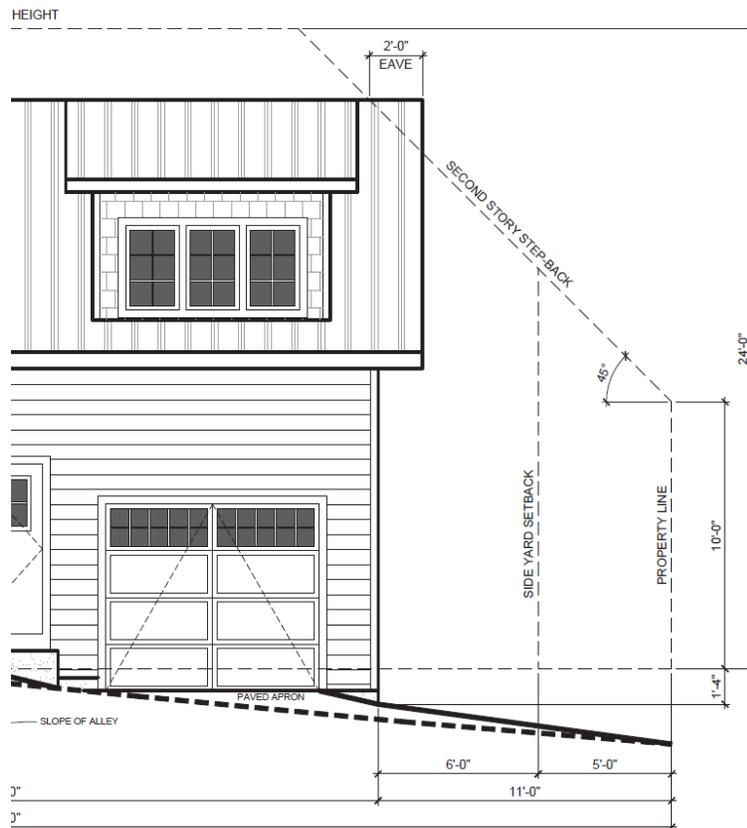
~~3. A building permit application must show all dimensions, setbacks, and step backs as shown in the figures below.~~

~~4. There is no second story step back requirement on the street side of a corner lot.~~

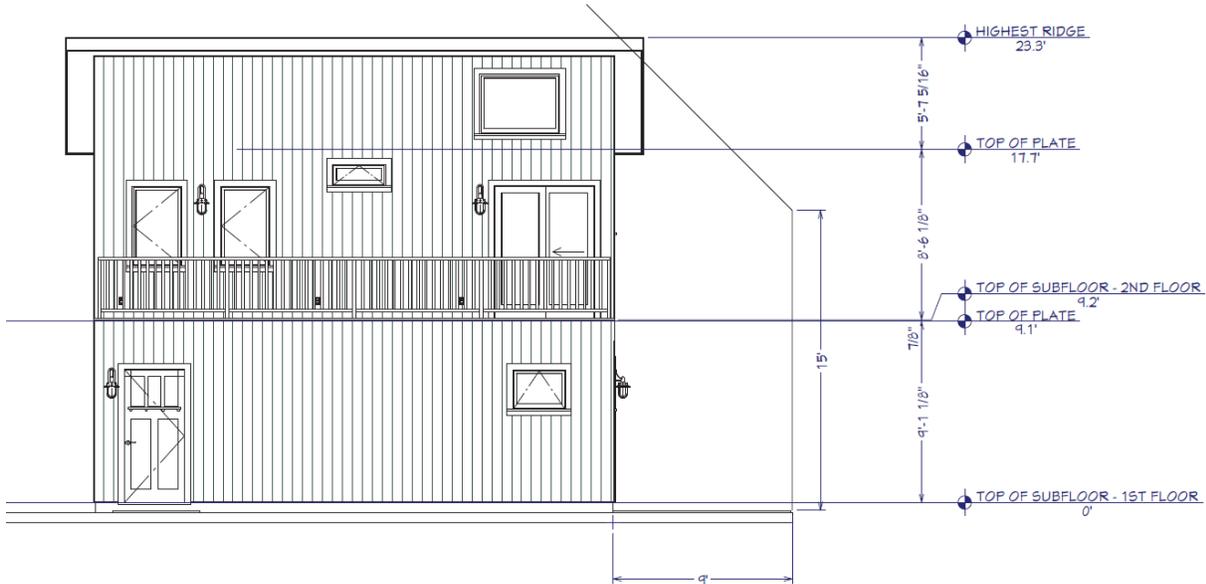
~~5. Eaves are allowed to project two feet (2') into the step back air space.~~

Increased setbacks can achieve the desired result of second story stepback for ADUs located over garages:

This example shows the required stepback for an ADU with setbacks of 11' on both sides.



This example shows a 9' rear setback from the alley that meets the second story stepback requirement.



- **Should there be a requirement for windows on the ADU/garage structure for walls that face another residential lot/use or street(s)?**
 - This would help break up blank walls that may have no articulation and could help mitigate the removal of the second story stepback that resulted in some variation of building walls and roof angles.

- **Should all accessory structures be subject to increased setbacks? In conjunction with impervious surface requirements (if applied to all permitted structures in residential zones), it could help reduce the impacts of stormwater and roof runoff onto neighboring lots.**

- Pros:
 - It could help with the stormwater and runoff/snow from neighboring properties.
 - It would make the standards more consistent and easier to implement.

- Cons:
 - It could be limiting for narrow lots and may result in more outside storage.

- The primary home could still have a 5' side yard setback which has more potential for runoff and impacts from snow on neighboring properties, particularly with eaves that may extend into the setback (max of 2') .
- Pushing all accessory structures further into the lots from the rear yard will limit the opportunity for green space between the home and the other structures if detached from the principal use.

Other possible ways to address the stormwater and snow runoff onto neighboring properties are to require snow brakes on metal roofs and limit the use of metal to certain pitches, require gutters on all permitted structures, and/or French drains? Is this feasible and realistic?

Impervious Surface Requirements

- **Should the pervious surface requirement be increased, and should it apply to all permitted structures in residential zones?**

The City's Impervious Surface Regulations Code were repealed in 2000: (see attachment O-2-00)

17.06.220: GENERAL IMPERVIOUS SURFACE MAXIMUMS:

(Rep. by Ord. 2995 §16, 2000)

17.06.225: IMPERVIOUS SURFACE CALCULATION:

(Rep. by Ord. 2995 §17, 2000)

17.06.230: EXISTING IMPERVIOUS SURFACES THAT EXCEED THE MAXIMUM:

(Rep. by Ord. 2995 §18, 2000)

The prior code allowed 25% impervious for R-1 lots, 51% for R-3 and R-5, and 60% for R-8 and R-12 and 70% for R-17 and MH-8, and 75% for R-34.. It also provided for an increase not to exceed 85% in R-17 for parking lots that are authorized by special use permit upon finding by the Planning and Zoning Commission that the surrounding neighborhood would be better served or protected by the expansion of the available off-street parking than it would be by the addition of open, landscaped area.

According to the staff report associated with the repeal of the Impervious surface site performance standards (O-2-2000), "The existing requirements for impervious surface are no longer supported by need." It cited the grassed swale regulations that were adopted in 1994 that were more comprehensive and detailed, and indicated that the less restrictive regulations should be removed. The staff report and ordinance associated with O-2-2000 is attached for reference.

Current Code (only applies to ADUs):

17.06.660: ACCESSORY DWELLING UNITS; BASIC DEVELOPMENT STANDARDS:

N. Lot Coverage/Open Spaces And Pervious Surface Requirement:

1. A thirty percent (30%) pervious surface is required for all lots with an ADU.
2. Pervious surfaces include such things as grass, Astro Turf, pavers, grasscrete, gravel, and decking materials (unless there is a concrete or impervious surface below).
3. There is no dimensional requirement or requirement for a certain type or quantity of landscaping/trees (other than the standard street tree requirements).
4. The building permit application must show all pervious areas on the lot and the calculation of a separate plan titled "Lot Coverage/Pervious Surface Plan". (Ord. 3674 §7, 2021: Ord. 3639, 2019)

Kootenai County Regulations

8.2.106: USES OF RIGHT ON PARCELS OF FIVE ACRES OR MORE:

On parcels that are a minimum of five (5.00) acres in size, the following uses are permitted of right, provided that all uses shall leave sixty five percent (65%) of the parcel as open space free from structure.

City of Hayden Regulations

11-2-9-4: SITE AREA:

The following site area requirements apply in the R-MF Zone (Residential Multi-Family):

A. On any parcel of land or lot of whatever size a minimum of 65% of the area of the site shall be left in open space free from all structures; and

B. The maximum height of buildings shall not exceed 35' except that nondwelling structures may exceed this height by conditional use permit. The maximum height of accessory buildings shall not exceed 20'.

C. The minimum lot size for a single family residential dwelling is 8,250 square feet and each lot requires a minimum frontage of 20' on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be 26' measured at curb line with a minimum 40' of width at front yard setback line.

D. The minimum lot size for a two family residential dwelling is 9,900 square feet and each lot requires a minimum frontage of 20' on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be 26' measured at curb line with a minimum 40' of width at front yard setback line.

E. The minimum lot size for a three family residential dwelling unit or more is 15,000 square feet and each lot requires a minimum frontage of 30' on a public or private street. If a lot fronts on the bulb end of a cul-de-sac, the minimum frontage for that lot shall be 30' measured at curb line with a minimum 40' of width at front yard setback line. (Ord. 623, 9-28-2021)

Hayden has a maximum lot coverage that varies based on the zoning districts ranging from 35% in RS to 70% for townhomes. See Table 11-2-3 below.

11-2-3: SITE AREA AND BUILDING SETBACK REQUIREMENTS - TABLE:



To facilitate the vision of the comprehensive plan, each zone district has minimum site standards related to the area of the site as seen in the table below. When looking at the cell, the first number is for the principal structure and the second number is for the accessory structure (i.e. In the R1 zone, the house has a side yard setback of 10'; whereas the accessory structure has a side yard setback of 5').

	A	C	CBD	LI	MU			MR				R1	RS
					MF	C	MF & C	SFD	Duplex	Town home	Cottage		
Rear Setback	25'; 10'	10'	0'	10'	20'	20'	20'	25'; 5'	25'; 5'	25'(2)	25'(2)	25'; 5'	25'; 10'
Flanking Side Setback	15'	15'	10'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'
Max Height	35'; 20'*	45'	55'	60'(4)	45'	45'	45'	35'; 20'(1)	35'; 20	35'	35'	35'; 20'(1)	35'; 20'(1)
Max Lot Coverage	35%				70%			40%	60%	70%		45%	35%

Code Amendment Considerations:

- **Should the Zoning Code be amended to add back in some impervious surface requirements for residential uses?**
- **If so, should the impervious maximum be 60% (40% pervious) for most residential zones and 25% impervious for R-1 (75% pervious)? Or should the standard not apply to R-1 since the lots are an acre or larger?**
- **Should it be required for all structures on all single-family residential lots in all residential zoning districts (including MH-8) to be determined with building permits for any new permitted structures, and not just applied to lots with ADUs? Or should it be only applied to ADU permits but changed from pervious to impervious to provide better guidance on the standards?**

- **If this requirement is added back to the Code, who will do the inspections to determine that a project is in compliance to assess accuracy before permitting and again after construction?**
- **PUD projects could still request deviations from the performance standards. They commonly reduce setbacks and have limited pervious surfaces to address stormwater.**
- **Should we clarify the definition of impervious surfaces in the code?**

The prior code defined it as,

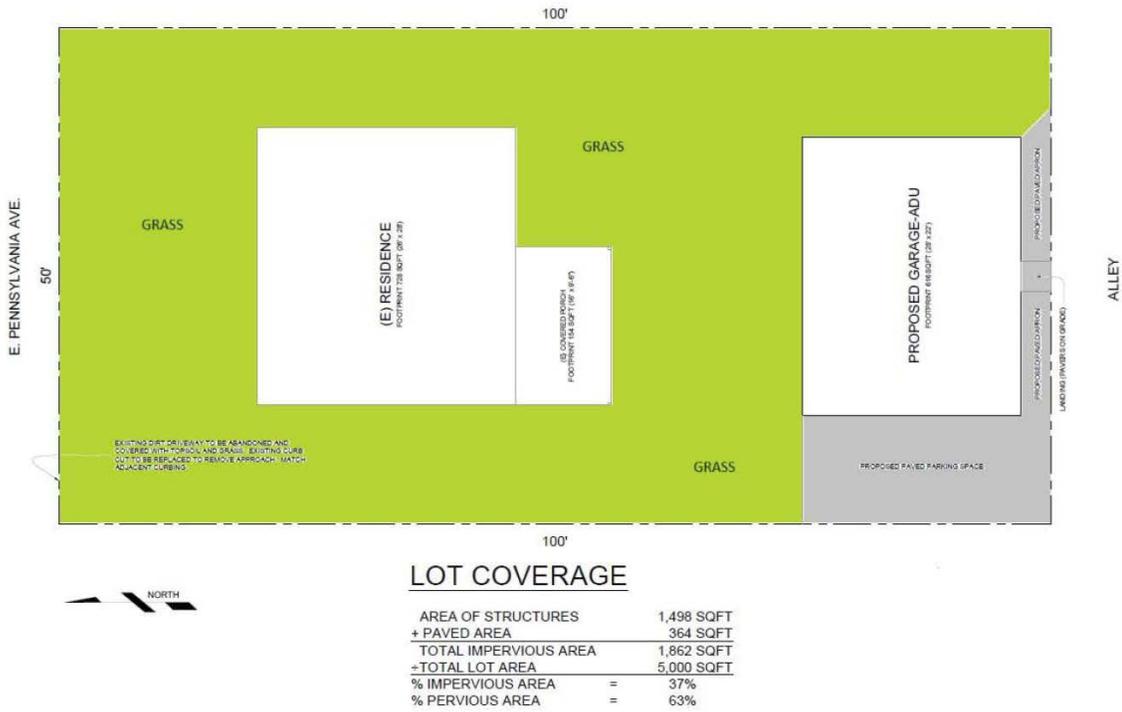
“Impervious surfaces” are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

Section 17.02.070 of the current Zoning Code has this definition:

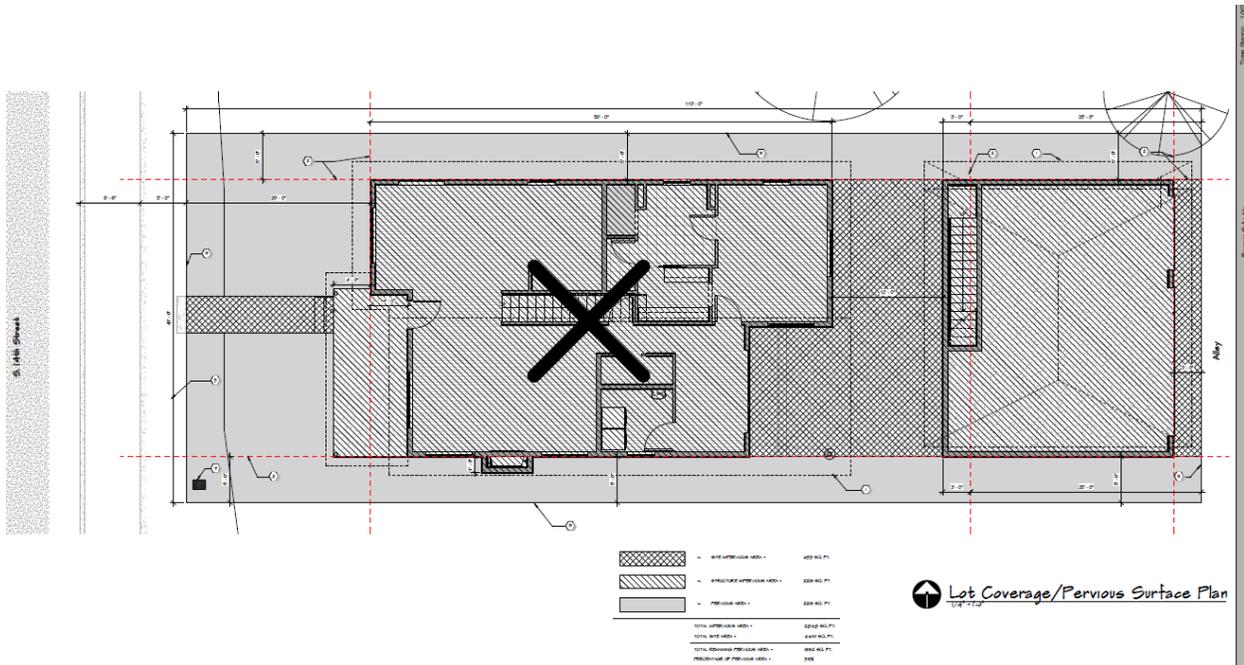
- A. "Impervious surfaces" means a hard surface area which either prevents or retards the entry of water into the soil mantle, and/or which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

Aerial photos of residential development in Coeur d'Alene are provided on the following pages.

Example of an existing home and approved garage/ADU with a pervious area of 63%.



Example of an existing home and approved garage/ADU with a pervious area of 35%:



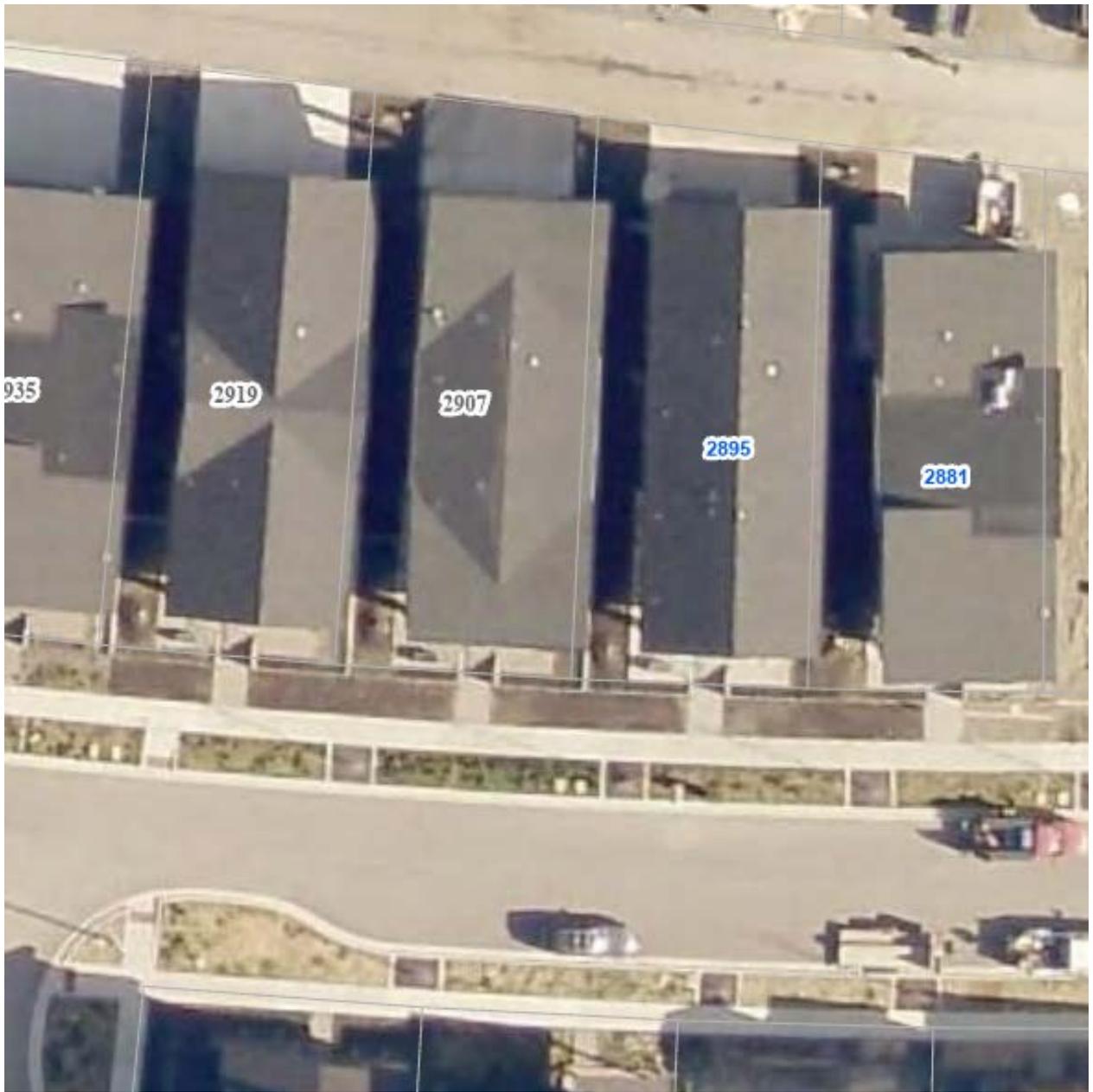
Example of an existing home and approved garage/ADU with a pervious area of 35%:



Examples of Development with Minimal Setbacks and Large Impervious Areas are provided on the next pages.







DATE: October 11, 2000
TO: Mayor and City Council
FROM: Engineering and Planning Divisions
SUBJECT: O-2-2000 Impervious Surface Site Performance Standards

ISSUE

The existing requirements for impervious surface are no longer supported by need.

DISCUSSION

Recently the staff has reviewed development proposals in residential zoning districts that have been in conflict with impervious surface regulations. Upon review of the regulations, staff has determined that there is no longer a basis for the regulations and should be removed.

Contrary to popular belief, the original purpose of the impervious surface requirement was to mitigate the effects of stormwater runoff due to the development of hard surfaces. The Public Works Director originally proposed the regulations for all zoning districts. The Zoning Ordinance Review Committee, Planning Commission and City Council ultimately endorsed the regulations for only the residential districts. An Open Space ratio was also originally considered but was dropped entirely as being unnecessary.

In 1994 (Ord. 2634), the "grassed swale" regulations were adopted which are more comprehensive and detailed than the impervious surface requirements.

It is standard practice that if a regulation has been superseded by a more restrictive regulation, the less restrictive regulation is removed.

RECOMMENDATION

The Impervious Surface Regulations and definitions should be deleted from the zoning regulations.

17.02.070: DEFINITIONS XI:

- A. "Impervious surfaces" **Delete the following definition:** are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces. **Replace with the following definition from 13.30.015: DEFINITIONS: A hard surface area which either prevents or retards the entry of water into the soil mantle, and/or which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.**

Delete the following sections:

B. The "impervious surface ratio" is a measure of the intensity of the land use. It is determined by dividing the total area of all impervious surfaces within the site by the site area.

17.02.110: DEFINITIONS XIX:

H. "Site performance standards" means the minimum requirement for or the maximum allowable limit on certain characteristics of a use. For the purposes of this Title, they refer specifically to the regulations governing maximum height, minimum lot size, minimum yards, and maximum percentage of impervious surface.

17.05.006: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Maximum impervious surface per lot in an R-1 District shall be twenty five percent (25%). (Ord. 1815 §1(part), 1983)

17.05.060: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Maximum impervious surface per lot in an R-3 District shall be fifty one percent (51%). (Ord. 1691 §1(part), 1982)

17.05.086: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Maximum impervious surface per lot in an R-5 District shall be fifty one percent (51%). (Ord. 2502 §7, 1993)

17.05.140: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Maximum impervious surface per lot in an R-8 District shall be sixty percent (60%). (Ord. 1691 §1(part), 1982)

17.05.220: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Maximum impervious surface per lot in an R-12 District shall be sixty percent (60%). (Ord. 1691 §1(part), 1982)

17.05.300: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

A. Maximum impervious surface per lot in an R-17 District shall be seventy percent (70%), except as authorized in subsection 17.05.300B.

B. An increase in the allowable impervious surface maximum, not to exceed eighty five percent (85%), may be applied to parking lots that are authorized by special use permit in the R-17 District upon a finding by the Planning Commission that the surrounding neighborhood would be better served or protected by the expansion of the available off-street parking than it would be by the addition of open, landscaped area. (Ord. 1979 § 1, 1986)

17.05.380: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Maximum impervious surface per lot in an R-34 District shall be seventy five percent (75%). (Ord. 1691 §1(part), 1982)

17.05.460: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Maximum impervious surface per lot in an MH-8 District shall be seventy percent (70%). (Ord. 1691 §1(part), 1982)

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17.05.540: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Impervious surface in a C-17 District shall be as follows:

- A. Single-family detached and duplex shall be sixty percent (60%) maximum.
- B. Cluster housing and multiple-family shall be seventy percent (70%).
- C. Remaining uses shall be one hundred percent (100%). (Ord. 1691 §1(part), 1982)

17.05.620: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Impervious surface in a C-17L District shall be as follows:

- A. Single-family detached and duplex shall be sixty percent (60%) maximum.
- B. Cluster housing and multiple-family shall be seventy percent (70%) maximum.
- D. Remaining uses shall be ninety percent (90%). (Ord. 1691 §1(part), 1982)

17.05.780: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Impervious surface requirements in an LM District shall be as follows:

- A. Principal uses 1 through 5 inclusive, as set out in Section 17.05.740 of this Chapter, shall be one hundred percent (100%) maximum.
- B. Principal uses 6 through 19 inclusive, as set out in Section 17.05.740 of this Chapter, and all special uses shall be eighty percent (80%) maximum. (Ord. 1815 §3(part), 1983; Ord. 1691 §1(part), 1983)

17.05.860: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Impervious surface in an M District shall be as follows:

- A. Principal uses 1 through 15 inclusive, as set out in Section 17.05.820, shall be one hundred percent (100%) maximum.
- B. Principal uses 16 through 20 inclusive, as set out in Section 17.05.820, and all special uses shall be eighty percent (80%) maximum. (Ord. 1815 §4(part), 1983; Ord. 1691 §1(part), 1982)

17.05.940: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Impervious surface requirements in a NW District are nonapplicable. (Ord. 1691 §1(part), 1982)

III. IMPERVIOUS SURFACE REGULATIONS

17.06.220: GENERAL IMPERVIOUS SURFACE MAXIMUMS:

No improvements to a lot shall increase the area of impervious surfaces to a maximum greater than the percentage prescribed by the applicable zoning district. (Ord. 1691 §1(part), 1982)

17.06.225: IMPERVIOUS SURFACE CALCULATION:

The maximum impervious surface shall be calculated as a percentage of the buildable lot prescribed by the applicable zoning district. (Ord. 1691 §1(part), 1982)

17.06.230: EXISTING IMPERVIOUS SURFACES THAT EXCEED THE MAXIMUM:

Existing impervious surfaces that exceed the applicable maximum shall not be expanded in a manner that would increase the nonconformance. (Ord. 1691 §1(part), 1982)

17.07.630: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:

Impervious surface in a commercial business park shall be as follows:

- A. Maximum park coverage (impervious surface) shall not exceed eighty percent (80%) of the park.

B. Maximum area of the park to be covered by structures shall not exceed forty percent (40%). (Ord. 1994 §6, 1987)

OPTIONS

The Planning Commission has the following options:

1. Approve the amendment.
2. Deny the amendment.
3. Modify the amendment and schedule a new public hearing.
4. Remand the issue to a subcommittee for further study.

6:00 P.M. PUBLIC HEARINGS

OLD BUSINESS:

(Continued from July 11, 2000)

ITEM NO. 0-2-00

Requested modification to the Zoning Ord., removing impervious surface site performance standards in all zoning districts
Applicant: City of Coeur d'Alene

Planner Yadon discussed the modification and answered questions from the Commission.

Motion by Badraun, seconded by Razor to approve Item 0-2-00.

Motion carried unanimously.

Commissioner Longwell requested that staff bring any submittal to the Commission for review, that may have more density or impervious surface than allowed, in order for the Commission to be aware of any impacts due to this amendment.

ORDINANCE NO. 2995

AN ORDINANCE AMENDING SECTIONS 17.02.070, 17.02.110, 17.05.006, 17.05.060, 17.05.086, 17.05.140, 17.05.220, 17.05.300, 17.05.380, 17.05.460, 17.05.540, 17.05.620, 17.05.780, 17.05.860, 17.05.940, 17.06.220, 17.06.230, AND 17.07.630 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO AMEND THE DEFINITION OF IMPERVIOUS SURFACES AND TO DELETE THE DEFINITIONS OF SITE PERFORMANCE STANDARDS AND IMPERVIOUS SURFACE RATIO; AND TO DELETE THE IMPERVIOUS SURFACE SITE PERFORMANCE STANDARDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing on the hereinafter provided amendments; and after recommendation by the Planning Commission, it is deemed by the Mayor and City Council to be for the best interests of the city of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

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

Section 1

That Section 17.02.070, Coeur d'Alene Municipal Code, be and the same is hereby amended to read as follows:

17.02.070: DEFINITIONS XI:

- A. ~~"Impervious surfaces" are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces~~ A hard surface area which either prevents or retards the entry of water into the soil mantle, and/or which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.
- B. ~~The "impervious surface ratio" is a measure of the intensity of the land use. It is determined by dividing the total area of all impervious surfaces within the site by the site area.~~
- CB. "Intensity" means the degree to which a parcel is used; specifically, the level of concentration or activity.

Section 2

That Section 17.02.110, Coeur d'Alene Municipal Code, be and the same is hereby amended to read as follows:

17.02.110: DEFINITIONS XIX:

- A. "Separate ownership" means ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- B. Setback line, front yard: "Front yard setback line" means the line which defines the depth of the required front yard. The setback shall be parallel with the right-of-way line or highway setback line when one has been established.
- C. Setback line, rear yard or side yard: "Rear yard or side yard setback line" means the line which defines the width or depth of the required rear or side yard. The setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the applicable zoning district.
- D. "Shoreline protective structure" means walls, earthen banks, bulkheads, revetments, beach replenishment or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.
- E. "Shrub" means a low growing, usually several stemmed, woody plant.
- F. "Significant tree" means a deciduous tree six inches (6") in diameter at breast height or greater measured four and one-half feet (4 1/2') above grade, and/or evergreen tree four feet (4') or taller measured above existing grade.
- G. "Site" means the site shall be defined as a parcel of land intended to have one or more buildings, uses, or activities.
- ~~H. "Site performance standards" means the minimum requirement for or the maximum allowable limit on certain characteristics of a use. For the purposes of this Title, they refer specifically to the regulations governing maximum height, minimum lot size, minimum yards, and maximum percentage of impervious surface.~~
- H. "Slope" means a natural or artificial incline, as a hillside or terrace. Slope is usually expressed as a ratio. For example, a horizontal distance of one hundred feet (100') with a rise of fifty feet (50') would be expressed as two (2) to one slope. See also "Grade" and "Top and Toe Slope".
- J. "Special use permit" means a permit granted under provisions specified in this Code to allow certain uses specifically mentioned in the various zoning districts.
- K.J. "Story" means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space

between such floor and the ceiling next above it; provided, that the following shall not be deemed a story:

1. A basement or cellar if the finished floor level directly above is less than six feet (6') above the average adjoining elevation of finished grade, and less than twelve feet (12') above grade at any one point;
2. An attic or similar space under a gable, hip, or gambrel roof; the wall plates of which on at least two (2) opposite exterior walls are not more than three feet (3') above the floor of such space.

LK. "Street" means that portion of a right of way improved, maintained, and intended for use by vehicles to provide traffic circulation, primary access to abutting properties, and parking. This definition includes all of the area typically located between curbs.

ML. Street, Side: "Side street" means that street bounding a corner or reversed corner lot and which extends along the side lot line.

NM. "Street centerline" means the centerline of a street right of way as established by official surveys.

ON. "Street line" means a lot line dividing a lot from an abutting street.

PO. "Structure" means any facility located on or in the ground or attached to something having location on the ground.

QP. Structure, Temporary: "Temporary structure" means a structure which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days.

RQ. "Swimming pool" means any permanent structure containing a body of water intended for recreational uses, including wading pools.

Section 3

That Section 17.05.006, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.006: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Maximum impervious surface per lot in an R-1 District shall be twenty five percent (25%).~~

Section 4

That Section 17.05.060, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.060: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Maximum impervious surface per lot in an R-3 District shall be fifty one percent (51%).~~

Section 5

That Section 17.05.086, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.086: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Maximum impervious surface per lot in an R-5 District shall be fifty one percent (51%).~~

Section 6

That Section 17.05.140, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.140: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Maximum impervious surface per lot in an R-8 District shall be sixty percent (60%).~~

Section 7

That Section 17.05.220, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.220: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Maximum impervious surface per lot in an R-12 District shall be sixty percent (60%).~~

Section 8

That Section 17.05.300, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.300: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:~~

- ~~A. Maximum impervious surface per lot in an R-17 District shall be seventy percent (70%), except as authorized in subsection 17.05.300B.~~
- ~~B. An increase in the allowable impervious surface maximum, not to exceed eighty five percent (85%), may be applied to parking lots that are authorized by special use permit in the R-17 District upon a finding by the Planning Commission that the surrounding neighborhood would be better served or protected by the expansion of the available off-street parking than it would be by the addition of open, landscaped area.~~

Section 9

That Section 17.05.380, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.380: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Maximum impervious surface per lot in an R-34 District shall be seventy five percent (75%).~~

Section 10

That Section 17.05.460, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.460: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Maximum impervious surface per lot in an MH-8 District shall be seventy percent (70%).~~

Section 11

That Section 17.05.540, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.540: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Impervious surface in a C-17 District shall be as follows:~~

- ~~A. Single family detached and duplex shall be sixty percent (60%) maximum.~~
- ~~B. Cluster housing and multiple family shall be seventy percent (70%).~~
- ~~C. Remaining uses shall be one hundred percent (100%).~~

Section 12

That Section 17.05.620, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.620: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:
Impervious surface in a C-17L District shall be as follows:~~

- ~~A. Single family detached and duplex shall be sixty percent (60%) maximum.~~
- ~~B. Cluster housing and multiple family shall be seventy percent (70%) maximum.~~
- ~~C. Remaining uses shall be ninety percent (90%).~~

Section 13

That Section 17.05.780, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.780: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE: Impervious surface requirements in an LM District shall be as follows:~~

- ~~A. Principal uses 1 through 5 inclusive, as set out in Section 17.05.740 of this Chapter, shall be one hundred percent (100%) maximum.~~
- ~~B. Principal uses 6 through 19 inclusive, as set out in Section 17.05.740 of this Chapter, and all special uses shall be eighty percent (80%) maximum.~~

Section 14

That Section 17.05.860, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.860: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE: Impervious surface in an M District shall be as follows:~~

- ~~A. Principal uses 1 through 15 inclusive, as set out in Section 17.05.820, shall be one hundred percent (100%) maximum.~~
- ~~B. Principal uses 16 through 20 inclusive, as set out in Section 17.05.820, and all special uses shall be eighty percent (80%) maximum.~~

Section 15

That Section 17.05.940, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.05.940: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE: Impervious surface requirements in a NW District are nonapplicable.~~

Section 16

That Section 17.06.220, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.06.220: GENERAL IMPERVIOUS SURFACE MAXIMUMS: No improvements to a lot shall increase the area of impervious surfaces to a maximum greater than the percentage prescribed by the applicable zoning district.~~

Section 17

That Section 17.06.225, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.06.225: IMPERVIOUS SURFACE CALCULATION: The maximum impervious surface shall be calculated as a percentage of the buildable lot prescribed by the applicable zoning district.~~

Section 18

That Section 17.06.230, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.06.230: EXISTING IMPERVIOUS SURFACES THAT EXCEED THE MAXIMUM: Existing impervious surfaces that exceed the applicable maximum shall not be expanded in a manner that would increase the nonconformance.~~

Section 19

That Section 17.07.630, Coeur d'Alene Municipal Code, be and the same is hereby deleted.

~~17.07.630: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE: Impervious surface in a commercial business park shall be as follows:~~

- ~~A. Maximum park coverage (impervious surface) shall not exceed eighty percent (80%) of the park.~~
- ~~B. Maximum area of the park to be covered by structures shall not exceed forty percent (40%).~~

Section 20

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

Section 21

Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the city of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

Section 22

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

Section 23

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

APPROVED by the Mayor this 17th day of October, 2000.

Steven A. Judy, Mayor

ATTEST:

Susan K. Weathers, City Clerk