

**PLANNING & ZONING COMMISSION  
MINUTES  
LOWER LEVEL – LIBRARY COMMUNITY ROOM  
702 E. FRONT AVENUE  
JANUARY 13, 2026**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Jon Ingalls, Vice Chair  
Kris Jamtaas  
Sarah McCracken  
Lynn Fleming

**STAFF MEMBERS PRESENT:**

Hilary Patterson, Community Planning Director  
Barbara Barker, Associate Planner  
Randy Adams, City Attorney  
Traci Clark, Administrative Assistant

**COMMISSIONERS ABSENT:**

Phil Ward  
Mark Coppess

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion by Commissioner McCracken, seconded by Commissioner Jamtaas, to approve the minutes of the Planning & Zoning Commission meeting on December 9, 2025. Motion carried.

**PUBLIC COMMENTS:**

None.

**STAFF COMMENTS:**

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

- The County Board of Commissioners did approve of our Area of Impact, which allows annexation requests to move forward. We met the December 31st deadline, so that's good news, and you have an annexation request before you tonight. This will be able to move on to City Council, depending on how this goes this evening.
- For the February meeting, we'll have a PUD amendment request – a minor modification to the Mahogany Lane PUD – and a zone change request on Fruitland Lane.
- I want to bring to everyone's attention a code section that we have, Municipal Code Section 111-010, which states, 'The speaker shall not be interrupted by members of the hearing body until his time limit has been expended or until he has finished his statement.' This is for any of the city's commissions and the City Council. When we have public hearing items and we have the three minutes allocated, the speakers will be allowed to speak for the full time. If there are questions after the speaker is done, the commission would be able to ask them at that time.

## **COMMISSION COMMENTS:**

None.

## **PUBLIC HEARINGS: \*\*\*ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.**

1.     Applicant:     Aspen Homes  
       Location:    2739 E. Thomas Lane  
       Request:  

A.   A Proposed 1.937-acre Annexation from County Ag-Suburban to City R-3  
      (residential at 3 units per acre)  
      LEGISLATIVE **(A-1-26)**

B.   A 4-lot 1-Tract Subdivision known as Mountainside at Canfield  
      QUASI-JUDICIAL **(S-1-26)**

### **A-1-26:**

Ms. Barker, Associate Planner, provided the following statements on Item A: A Proposed 1.937-acre Annexation from County Ag-Suburban to City R-3 (residential at 3 units per acre) (A-1-26).

This property is currently zoned Ag-Suburban in Kootenai County and is proposed for annexation with R-3 zoning under item A-1-26. The site is suitable for one single-family dwelling or one two-family dwelling, with a minimum lot size of 2 acres unless in a conservation development in the County.

The applicant would like to develop the property into smaller lots, upon approval of the annexation. A subdivision with four residential lots and an access road tract has been applied for in conjunction with this annexation request.

Ms. Barker noted there are four findings that must be made, Findings B1-B4.

The first finding is Finding B1, that this proposal (is) (is not) in conformance with the Comprehensive Plan policies. The Comprehensive Plan includes Place Types that represent the form of future development, as envisioned by the residents of Coeur d'Alene. These place-types will in turn provide the policy-level guidance that will inform the City's Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses. The Place Type for this request is Single-Family Neighborhood which are places are the lower density housing areas across Coeur d'Alene where most of the city's residents live, primarily in single-family homes on larger lots. Supporting uses typically include neighborhood parks and recreation facilities connected by trails. Compatible Zoning includes R-1, R-3, R-5, R-8, and MH-8.

From the policy and framework portion of the Comprehensive Plan, Mr. Barker noted that staff curated a list of goals and objectives from the Comprehensive Plan for the commission's consideration of this annexation request (Goal GD1, Objective GD 1.1, Goal GD 2, Objective GD 2.1, Goal HS3 and Objective HS3.2), but said it was up to the commission to determine what goals and objectives were applicable and that they had the full list for their review.

The next finding is Finding B2, that the design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties. City staff from Streets and Engineering, Water, Police, Fire, Parks, and Wastewater departments have reviewed the application request regarding public utilities and public facilities. Each department has indicated that there are public facilities and public utilities

available and adequate for the proposed annexation with zoning to R-3.

Finding B3, that the location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services. The physical characteristics of the site the site has very little grade change. The properties to the west are at a higher elevation, but the site itself is relatively flat and referred to the topography map. Site photos are provided on the next few slides showing the existing conditions. The site has recently been cleared and leveled. Due to prior uses on the property, an Environmental Site Assessment was performed by a third party, GeoTek, Inc.

Findings B4, that the proposal (would) (would not) adversely affects the surrounding neighborhood regarding traffic, neighborhood character, (and) (or) existing land uses. City Engineer, Chris Bosley, provided comments on traffic. The site is bordered by Thomas Lane, which is a local residential street. Traffic from this proposed development is estimated to add approximately 38 daily trips to Thomas Lane, a minor increase to the over 2300 trips per day this street currently experiences. The Streets & Engineering Department has no objection to the annexation as proposed.

Ms. Barker noted the fourteen recommended conditions.

**Decision Point:**

Ms. Barker noted the action alternatives this evening for the annexation request. The Planning Commission must evaluate the annexation request (A-1-26) related to the proposed R-3 zoning and make separate findings to recommend that the City Council adopt the requested R-3 zoning with or without conditions or reject the requested R-3 zoning. The City Council will make the final decision at a subsequent public hearing.

**S-1-26:**

Ms. Barker provided the analysis and findings for the subdivision request, Item B: A 4-lot Subdivision known as Mountainside at Canfield (S-1-26).

The applicant is requesting approval of a four-lot preliminary plat on 1.937 acres, known as the "Mountainside at Canfield" subdivision. This request is contingent on the concurrent annexation request (A-1-26) also presented at this meeting and is subject to annexation approval by the City Council.

Ms. Barker noted there are four findings that must be made for a subdivision, Findings B1-B4.

For Finding B1, that all of the general preliminary plat requirements (have) (have not) been met. The preliminary plans submitted contain all of the general preliminary plat elements required by the Municipal Code per Chris Bosely, City Engineer.

For Finding B2, that the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate. The site has frontage on Thomas Lane. Street improvements including curb, gutter, sidewalk, and swales must be installed along the frontage. The site plan submitted generally meets the City's requirements. The Streets and Engineering Department has no objection to this subdivision. All stormwater must be contained on-site. Stormwater is proposed to be managed using streetside grassy infiltration swales. Stormwater swales on residential lots must be maintained by HOA or private property owners. The subject property is bordered by Thomas Lane, which is a local residential street. Traffic from this proposed development is estimated to add approximately 38 daily trips to Thomas Lane, a minor increase to the over 2300 trips per day this street currently experiences. The Streets & Engineering Department has no objection to the subdivision plat as proposed. These comments were provided by Chris Bosley,

City Engineer. With no PUD request, the private driveway cannot have an entry gate to limit access. Referring Title 16.15.160.D., prior to the issuance of building permits a maintenance agreement must be recorded on each affected lot detailing the expected life cycle and maintenance costs for the driveway and defining the pro rata share for each lot. These comments were provided by the Planning Department. There is adequate capacity in the public water system to support domestic, irrigation and fire flow for the proposal. There is a 12" C-900 water main on Thomas Lane. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional services will have cap fees due at building permitting. These comments were from Glen Poelstra, Assistant Water Department Director. The Subject Property is within the City of Coeur d'Alene Area of City Impact (ACI) and in accordance with the 2023 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this Subdivision request as proposed. An "all-weather" surface which permits unobstructed O&M access to the City sewer is required. All legally recognized parcels within the City are required to individually connect and discharge in City sewer connection. IDEQ and QLPE are required to review and approve public infrastructure plans for construction. A 30' wide (shared with Water) utility easement is required to be dedicated to the City for all City sewers. This project will require the extension of the City sewer "to and through" to the north of this annexation as proposed. These comments were provided by Larry Parsons, Utility Project Manager. Fire Department access to the site (Road widths, surfacing, maximum grade and turning radiuses), in addition to, fire protection (Size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. Comments provided by Craig Etherton, Deputy Fire Marshall.

Finding B3 is that the proposed preliminary plat does or does not comply with all of the subdivision design standards in Chapter 16.15 and the improvements standards of Chapter 16.40. City Engineer Chris Bosley reviewed those and stated that those design standards have been vetted for compliance.

Finding B4 for a subdivision, is if the lots proposed in the preliminary plat do or do not meet the requirement of the applicable zoning district. The R-3 zoning district requires that each lot has a minimum of 11,500 square feet and 75' of frontage. The proposed lot's area ranges from 14,913SF to 15,581SF. The subject property is 1.937 acres and would generally allow a maximum of 7 units. Setbacks (per zoning requirements for R-3 districts) are based on distances to property lines as follows: front 20 feet, side 5 feet and 10 feet, and rear 25 feet. The residential front yards will face the private driveway. Setbacks will be defined from residential lot property lines shown on final plat drawings. The proposed R-3 zoning district is consistent with the existing zoning of the surrounding properties in the vicinity of the subject property to the west within the Coeur d'Alene city limits. The property is surrounded by County Ag-Suburban zoning to the north and east.

Ms. Barker noted the fourteen recommended conditions that would apply to the subdivision and annexation request.

**Decision Point:**

Ms. Barker noted the action alternatives this evening. The Planning and Zoning Commission will need to consider this subdivision request concurrent with the annexation in conjunction with zoning request, and make separate findings to approve, approve with conditions, deny, or deny without prejudice.

Ms. Barker concluded her presentation.

Commissioner Ingalls stated this is a little bit different with the layout of the presentation this evening. Staff reports are always pretty great. I think this is really a step above. I applaud the effort. It's nice to

have the applicable findings and a little kind of commentary next to it. I think you've done a really good job. I don't know if that's something the whole department's moving towards a little different formatting, but I applaud that, number one. I have a question regarding this request and it might be rhetorical. Maybe the applicant touches on this a little bit. If this was a PUD, and it's not, there would be a requirement for a functioning HOA. We've had some small PUDs, four lots or so. An HOA is not required in this case. This kind of looks like a little PUD, but it's not. The only similarity would be that we require a maintenance agreement. And that's where I'm going with the question. We've approved others in town. I think recently there was one on 4th Street just north of Lunceford, north of Costco. There's a little triangular piece. There's a maintenance agreement that's on the plat. You buy the house from the realtor, and it says, hey, you've got to be part of this maintenance agreement. But in the real world, you know, do they function? This one guy becomes the guy that walks up and down the street passing the hat trying to collect money to plow the snow. I just wonder does it actually work in the real world? And I guess if you can say I'm not aware of any issues from these previous developments with a maintenance agreement and the phones aren't ringing off the hook at City Hall, that the snow is not getting plowed and things like that. But I'm just curious how it functions.

Commissioner McCracken stated this is only four homes. They're either an HOA or would have a maintenance agreement that four people pitch in. If they are an HOA, all four of them would be on the board. I think they have to work together either way. I think a maintenance agreement is simpler for the size of a street because there's just not a lot there, other than plowing their own driveway. There's not a lot else to maintain. There's not a park to maintain.

Commissioner Ingalls commented, I appreciate that. At the end of the day, the phone rings at City Hall, staff can say, hey, its private property, it's not ours. But I just hope it gets worked out.

Commissioner McCracken commented, yes, maybe less likely in city limits, but outside of city limits, a road maintenance agreement is very common.

Mr. Adams stated that an agreement would be probably recorded on each of the properties so that any purchaser would know that they would have that responsibility.

Commissioner McCracken commented that the title company would disclose it on any future transfer.

#### **Public Testimony Open:**

Jeramie Terzulli was sworn in and introduced himself. He stated that he is a land use consultant here in Kootenai County and is collaborating with Olson Engineering tonight on behalf of Aspen Homes. Mr. Terzulli said, Commissioner Ingalls, I also recognize that the staff report was incredibly comprehensive and it sort of makes my job pretty boring because I don't have a lot to add to it. But right out of the gate, I can offer some clarification on that roadway. It isn't a private street. It's a shared driveway. It won't even have a street sign. That should clear up some of the misconceptions of future buyers. Regarding your point, some residents believe when it is paved and is in front of their house that it's the city's responsibility to plow and maintain the driveway. But as Commissioner McCracken can attest, on such a small thing like this, it's probably going to be pretty clear that it's a shared driveway. It's going to be built more robust than a street section as per the geotechnical engineer. I will be brief and try not to be redundant with staff's presentation. I'm going to work backwards and assume an R-3 zoning designation and annexation. I know that's not a foregone conclusion, but I want to work backwards through the subdivision and cut right out of city code as to what the subdivision requirements would be. These are mostly yes or no questions. Does the preliminary plat contain all the essential information? It does per the City Engineer. Does the plan contain all the provisions for the required infrastructure? City staff looks over our preliminary plans to ensure that it does. And of course, if something gets missed along the way, we work closely with the City Engineer to get that addressed. Does the plan meet the City's design standards? For the preliminary review, it does. And under the R-3 zoning designation, do our underlying lots meet all of those requirements? The staff report basically ensured that it did. There was one point of clarification in the staff report where it was transposed where she (Ms. Barker) indicated that was 0.35 units per acre. The lot sizes are 0.35. The tract is its own lot. The actual density is just over two units per acre, 2.07. The max being three units per acre in the R-3 zoning district. Just a point of clarification that I noticed in the staff



report. The subdivision, again, assuming that we were to annex this property with the R-3 zoning designation, is a pretty simple review that it does meet all the requirements of the subdivision. The zoning request, and I do recognize that you guys are going to forward along a recommendation to City Council and that they will make the ultimate decision. The R-3 zoning designation is the appropriate designation for this particular property. First, we look at the Comprehensive Plan and the Future Land Use Map. I felt that the staff report was incredibly thorough in the goals and policies of the Comp Plan, so I will rest on those. Additionally, the Future Land Use Map is clear that a low density residential out here is preferred and an implementing zoning out here. That's exactly what Aspen Homes is proposing. Next, we'll look at the infrastructure availability. And as all the departments weighed in, infrastructure is readily available. Infrastructure extensions will be done at the developer's expense. It'll be warranted and then handed back over to the city. Additionally, infrastructure will be pulled to and through to the north property boundaries so that if that property ever annexes in or will be developed out, that we don't hamstring those people. If a developer can work with city staff and determine the most appropriate place to loop water lines for fire flows, which way that the sewer should flow, if there should be connecting street networks and the like. So that will all be reserved and dealt with through the platting process. Regarding site characteristics, the low-density single-family use is compatible. I thought staff did a great job with their photos and we all kind of know this area anyway. It's sort of right in that low spot before you go up the hill a little further on Thomas. The intent there was to not disturb the subdivision to the west. Leave that alone. Pull it back off of that fence line that's been in there for years. And then reclaim the area further down the toe of that slope and then build from there. And I thought the photos did a good job of representing that. The cleanup on the site is complete. However, GeoTek has been back out there to dig some test holes so that we could see if the native soil and get a feel for the native soil. Again, if we assume that some homes will be built there, we would like to know what the soil looks like there. They dug some test holes. The person that actually did the environmental assessment wanted to be on site that day so they could check the margins in those test holes. Still no concerns. Also, the DEQ requirements are going to ensure if we move to development of the site, digging foundations, putting in for roads, and all of those best management practices will be met. And if any additional cleanup is required, the developer is going to participate in that. Regarding impact on the rest of the area, four homes here versus the junkyard that was on here, we believe this is a massive improvement. The City Engineer weighed in. He stated there will be no additional traffic study that is needed. It's going to have very minimal impact on traffic in the area. We're talking about roughly four peak hour trips per day. Thomas Lane will be built out with pedestrian connectivity all the way to 15th. We're just going to match that street section along Thomas. Then the shared driveway into the development. It'll have very, minimal effect on the surrounding areas. Again, consistency with those surrounding areas and not just to hone in on the development to the west I also want to point out that further along Thomas Lane to the south and to the east, we also have additional parcels there that range in size about a quarter acre to about three quarters of an acre. Those are highlighted in red there. This is kind of the end of the line. We're at Forest Service Land as we move much further east. I would anticipate over the next 10 to 20 years, this will probably become annexed into the city in totality. Low-density residential is probably what's appropriate here at the Canfield and getting close to abutting forest service land.

Rodney Waller was sworn in and introduced himself. He stated that he is a resident of the Prospector Ridge subdivision. I've heard the word density mentioned several times and I think that's the reason I'm here. I live probably 150 yards from this proposed development and when I heard Aspen Homes was going to be the developer my wife and I said bravo, they are good local builders. The concern that we have is back to density and really the topic is ADUs. I'm in the early stages of investigating all these ADU's because our neighborhood is about to have the first one. There's a lot of hullabaloo because, as you might guess, the people who buy an R-3 have a certain density expectation, and ADUs fall outside of those boundaries for a lot of people. I guess my question would be if we could get some rebuttals from Aspen Homes. Do you plan to have CC&Rs on these four lots that would prohibit a second residential dwelling on that? That's my number one question and concern. I'm researching ADUs right now. Then it was raised to me today that perhaps the state is also supporting ADUs at a higher level. I'm not sure if anyone here could speak to does a CC&R prohibiting ADUs trump a city or a state allowance for that. Also, we were glad to see that soil contamination was addressed. It has been a junkyard for decades, and you see a lot of crazy things going on back there. I'm glad to see the engineers and DEQ will be

monitoring that during the soil disturbance.

Chairman Messina commented as far as your two questions, I don't know if Ms. Patterson wants to address it or Mr. Adams, and then the applicant has a chance to come back up later at the end and can answer any questions that might arise from anyone else speaking.

Ms. Patterson stated I did speak with Mr. Waller before the meeting a little bit. There are a couple of questions within that. If a neighborhood wanted to impose CC&Rs, they could and that would supersede city regulations. They could have different guidelines for ADUs such as height limits or design or things like that. But it is possible that at the state level they could restrict that from being an option. We do anticipate some legislation coming forward during this session that will be pro-housing. That could take various forms. They're looking at Montana and other states trying to encourage ADUs and other housing types in neighborhoods. We don't know what that will look like.

**Applicant Rebuttal:**

Mr. Terzulli stated, at this point in time the applicant is going to rest on the underlying zoning and not explicitly prohibit ADUs. The homeowners are going to be sitting on large lots. They may have a shop. They may have a child that they want to put in an ADU above said shop or something like that. I don't think they're interested in restricting ADUs. They deliberately went much larger than the minimum lot size. These could be larger sort of estate type lots. If approved, they would rest on the underlying zone to dictate what was put on those lots. We respectfully request approval of the subdivision and a recommendation of an R-3 zoning designation as we move to council.

**Public testimony closed.**

**Commission discussion:**

Commissioner Ingalls commented, I wouldn't call this a no-brainer, but close to that. Everything just lines up with this one. The Comp Plan is very clear. The compatible zoning is everything from R-1 to R-8. This could be a lot denser than we see here. Recognizing that everything around it is R-3. Our recommendation to Council is just the zoning. The R-3 is the right fit here. And that parcel, in my humble opinion, belongs in the city because, like a lot of other donut holes and Swiss cheese and whatnot, places on the fringe of the city, would benefit from being in the city. The city manages that road section in front of it. The city plows it, sweeps it and polices it. It belongs in the city.

Commissioner Jamtaas stated, he agrees. He thinks it fits well within the community. All the neighborhoods around it are very similar. This will have very little impact. It's only four houses. I think it's a great improvement from its historic use, or at least the last previous history. I think it checks all the boxes. Every city department has agreed that there is no issue with servicing the four homes that will come in, so I think it's a great project.

Commissioner Fleming commented, ditto. Aspen does a great job. It'll only add to your neighborhood. It'll increase your values and clean up a very ugly eyesore.

**Motion by Commissioner Ingalls, seconded by Commissioner Fleming, to approve item A-1-26 annexation to City Council. Motion Carried.**

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Jamtaas	Voted	Aye
Commissioner Ingalls	Voted	Aye
Chairman Messina	Voted	Aye
Commissioner McCracken	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

Commissioners Ward and Coppess were absent.

**Motion by Commissioner McCracken, seconded by Commissioner Jamtaas, to approve item S-1-26 with conditions. Motion Carried.**

**ROLL CALL:**

Commissioner Jamtaas	Voted Aye
Commissioner McCracken	Voted Aye
Commissioner Fleming	Voted Aye
Chairman Messina	Voted Aye
Commissioner Ingalls	Voted Aye

Motion to approve carried by a 5 to 0 vote.

Commissioners Ward and Coppess were absent.

**ADJOURNMENT:**

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

The meeting was adjourned at 6:34 p.m.

Prepared by Traci Clark, Administrative Assistant