

**PLANNING & ZONING COMMISSION  
MINUTES  
LOWER LEVEL – LIBRARY COMMUNITY ROOM  
702 E. FRONT AVENUE  
JUNE 10, 2025**

**COMMISSIONERS PRESENT:**

Tom Messina, Chairman  
Jon Ingalls, Vice Chair  
Phil Ward  
Sarah McCracken  
Lynn Fleming

**STAFF MEMBERS PRESENT:**

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

**Commissioners Absent:**

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 Fleming, seconded by Commissioner Ingalls, to approve the minutes of the Historic Preservation Commission & Planning and Zoning Commission Workshop on March 26, 2025. Motion carried.

Motion by Commissioner McCracken, seconded by Commissioner Ward, to approve the minutes of the Planning & Zoning Commission meeting on April 8, 2025. Motion carried.

**PUBLIC COMMENTS:**

None.

**STAFF COMMENTS:**

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

- Two Planning Department staff members are here this evening attending the workshop, Virginia Loustalot, who is the Planning Technician and has been very involved in reviewing plans for accessory dwelling units (ADU's), and Barbara Barker, our new Associate Planner.
- We did not receive any public hearing items for the month of July. There might be a workshop on some housekeeping items in the Zoning Code or twin homes.

**COMMISSION COMMENTS:**

None.

**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**)

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

Weter Bare, LLC is requesting a one-year extension on their Special Use Permit for a R-34 for an increased density from R-17 to R-34 (34 units per gross Acre) within the C-17 portion for their subject property in the City of Coeur d'Alene.

On June 11, 2024, the Coeur d'Alene Planning and Zoning Commission held a public hearing on the above Special Use request and approved it with the following conditions:

**Planning:**

1. If approved, the maximum height shall be limited to 45' from average 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.

The Decision Point this evening is for the commission to approve or deny the request of Weter Bare Land

LLC one-year extension of approved Special Use Permit R-34 for increased density from R-17 to R-34 (34 units per gross Acre) within the C-17 portion for their subject property in the City of Coeur d'Alene.

Mr. Holm read the Applicant's explanation of the hardship that they are encountering:

*"The applicant has indicated that the hardship that they are incurring is that the current economic and market conditions, with the high estimated construction costs are proving to be a significant barrier in getting the project off the ground. As a result, the applicant is needing more time to consider alternative financing and construction options".*

Mr. Holm noted the action alternative this evening: The Planning and Zoning Commission must consider the request by motion by granting a one-year extension of the approved special use permit to June 11, 2026, or deny the one-year extension request. If denied, the item expires, and the applicant must reapply for another special use permit.

Mr. Holm concluded his presentation.

### **Commission Discussion:**

Commissioner Fleming asked how many extensions are granted for Special Use Permits?

Mr. Holm replied just one.

Chairman Messina asked if the applicant would come up with a different design for the project? Or would they have to stay with the design we originally approved?

Mr. Holm replied he does not know what they are working on now. With a Special Use Permit they do need to follow the site plan itself. But they do have some flexibility with design.

Chairman Messina was asking if they can change the layout because of what they said in the letter.

Mr. Holm replied they can change the layout internally of the structure itself. If the market studies show that maybe the suites need to be a little smaller or bigger, they are well within their right to do that. They can change the number of units that were set. But maybe two-bedroom units would work better than three, they can do that as well. They can change the internal structure of building itself within the limits of the total number of units for density, but they do need to meet what was approved for the site plan.

Commissioner Fleming asked for clarification on the height. Did we limit the height as well? The parameters are set with the building envelope, and they just will need to decide whether they will be apartments or condos. But they are restricted by the structure and the site plan, correct?

Mr. Holm replied yes, that is in the code for the height. The CC (Community Commercial zoning) portion decided they would use it as surface parking on the other side of Player Drive because of the homes and they wanted those homes to have a continued view of the mountains.

Commissioner Ingalls commented that this is a good project. The design is very thoughtful with the way it works with the neighborhood. It is higher density, but it is in the right spot. The Comp Plan encourages this. There are 13 conditions that will protect the city and will improve the streets. He does want an academic moment maybe with a little help from legal when he reads the code requirement for finding an "unusual hardship" for the extension. He gets that financing is tough right now, interest rates are crazy, etc. but does the definition work against them?

Mr. Holms replied he has not seen a definition that defines hardship versus unusual hardship.

Mr. Adams, City Attorney, replied it is not defined anywhere as far as he knows. The commission would have to decide what is unusual and what is usual. Hardships exist that could be usual in terms of difficulty in finding materials, things that are common hardships that are experienced by various developers.

Commissioner Ward commented on this site that it was very suitable for multi-family development. The commission placed some requirements regarding some access because of the major roadways it is on. This was a valid application a year ago. This should be approved now. He does not know what hardship means. Financially and market conditions could affect this project. He has no problem with this application.

**Motion was made by Commissioner Ingalls, to grant a one-year extension to end on June 11, 2026, seconded by Commissioner Ward. Motion Carried.**

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

**Presented by: Hilary Patterson, Community Planning Director**

Ms. Patterson began the workshop discussion by noting that the workshop would be focused on impervious surface standards and accessory uses. She stated that there are ongoing issues with neighboring properties flooding because some neighbor's houses have their buildings so close to each other because of the snow, and storm water from the drainage they are flooding. The ADU code was amended in 2019 to allow increased height over garages. The second story stepback has been challenging to administer. Accessory structures are intended to be "accessory to" principal. Currently setbacks and height don't always achieve that. The ADU code requires a 30% pervious surface. Setback requirements can achieve this. This will be a workshop discussion item on pervious versus impervious surface, and potentially increasing requirements. The Impervious Surface regulations were repealed in 2000.

Ms. Patterson shared the current code language from the Zoning Code Section 17.06.610: Accessory Uses Related to Principal Uses and provided an overview of the proposed amendment language.

Commissioner McCracken asked what is the definition of the building envelope?

Ms. Patterson replied those would be setbacks such as you would have to meet your front, rear and side setbacks for the principal structure. Typically, it would be 20 in front if you had an alley, and it would be 5 feet and 10 feet if you don't have an alley, and 25 feet in the rear yard. A lot of homes are being built now with the attached ADU and garage that goes into the rear yard. They are taking advantage of the 32-foot tall allowance for an ADU that is built within the principal building envelope.

Commissioner McCracken asked it is not required to be attached?

Ms. Patterson replied, correct. Any detached structure, if it is in the principal building envelope, can be up to 32 feet tall.

Commissioner McCracken asked, would the change be for it to be required to be attached?

Ms. Patterson replied, correct.

Chairman Messina asked the square footage of an ADU?

Ms. Patterson replied 800 square feet.

Chairman Messina asked if there has been any discussion with staff about the ADU being built that they should stay within the height of the original house that is on the property?

Ms. Patterson stated staff have talked about it internally, and the Historic Preservation Commission has also talked about it. This is something that would be difficult to apply citywide. Maybe this would be a Historic Overlay area consideration if they wanted to opt into that? The Commission has the option of making recommendations.

Ms. Patterson continued with her presentation. The setbacks for ADU's located in the rear 25 feet is 10 feet on both sides, including on street side yards. If we remove the second story stepback, this could achieve a similar result by just increasing the setbacks. The rear yard would be a proposal to consider keeping it 5 feet if you're next to abutting rear alley and 10 feet if there is no rear alley.

Commissioner Fleming stated that most of the lots run about 50 feet wide, is that correct? Maybe some are 40?

Ms. Patterson replied, yes, 50 are the majority. There are a few at 40. These would be more challenging.

Commissioner Ingalls stated, maybe every lot should not have an ADU.

Chairman Messina commented when the ADU study was implemented in the city. He asked has this been difficult for staff to not approve ADU's when they come forward because of the current code and have the applicants found some loopholes to get around so they can get around some of these larger structures that we see in town that have a garage that towers over the neighborhood? He would like to protect the neighborhood. He is not against ADU's, they serve a purpose but when they interfere with the characteristic with the neighborhood this is his concern, regardless how the commission changes the code, will this still be the same height and will it interfere with the next-door neighbor because now they have windows on the second story looking down in someone's yard that used to be private. He is for setbacks; he thinks the neighborhoods have been compromised recently.

Ms. Patterson replied for the most part the code has worked well, other than the stepback that has been difficult to administer. There will always be people that will push the limits and find the loopholes. What we are seeing more now with the cost of the land and material prices is that people are trying to put more on their small properties. This has made it more obvious for staff and commission members and community members to stop and look at the changes of the character of the historic neighborhoods.

Chairman Messina asked if the new permits coming in are for new homes with an ADU, whether they are attached or separated, or new construction because they have demolished an original structure?

Ms. Patterson replied she has seen both.

Mr. Holm also stated there has been a mix of both.

Commissioner Ward asked how do you distinguish a duplex from an ADU?

Mr. Holm replied it depends on the underlying zoning. In the R-12 zone you will need 7,000 square feet for a duplex. Many of the lots do not achieve that. For a house with an ADU, the main house can be whatever the square foot is allowed within the 32-foot height limit, but the ADU can only be 800 square feet.

Commissioner Ward stated this is not a site plan review or a variance. This is technical stuff. If you are not a developer and he reads a code and he wants to build an ADU as part of the house or separate, you really need to know what the heck you are doing. In the code we talk about the lot coverage and the various setbacks and how far away and talking about protecting the property next door with windows or not having windows. There needs to be setbacks. If it's going to be the house, we know what those will

be. If it is going to be the ADU independent of the house, then we need to establish those setbacks. That should be the envelope that you build in. The way the code is written now is very confusing to people. We want to encourage people to build ADU's and the best way to do it is to make it easier for people. When it comes to windows, he thinks that somewhere in the fire code it talks about you can't have windows facing another building because of a fire breaks out it can jump across to another one. There are limitations on that. He feels if a homeowner wants to have an ADU and it's not attached to the house, it needs to setback behind the principal building line of the main house. It shouldn't be aligned to the house because it would be a duplex. He would like the process to be less confusing to the public.

Commissioner Ingalls stated that this would be staff's call. You are looking for input from us. The commission would be in support. He would like to see an increased setback methodology rather than the stepback. He would like it to apply to all accessory structures.

Commissioner McCracken asked if an ADU second story step back is the only part written into the code?

Ms. Patterson replied, yes.

Commissioner McCracken states she understands this would be challenging to administer.

#### **Discussion Questions:**

- Does P&Z support increasing setbacks and removing the second story step back requirement for ADUs over garages? **Yes**
- Should rear yard with a rear alley be 10 feet for ADUs over garages to address step back, or is a 5 feet more appropriate to provide a usable back yard? **10 feet.**
- If setbacks are increased to 10 feet, are decks and stairs acceptable encroachments? **Yes**
- Should other accessory structures within the principal building envelope be limited in height *unless* they are attached to the principal dwelling unit? **Yes**
- Should all accessory structures be subject to increased setbacks? **Yes**
- Should ADUs within the principal building envelope be limited in height *unless* they are attached to the principal dwelling unit? **Yes**
- Should other accessory structures within the principal building envelope be limited in height *unless* they are attached to the principal dwelling unit? **Yes**
- Should there be a requirement for windows on the ADU/garage structure for walls that face another residential lot/use of street(s)? **No, don't add.**

#### **Impervious Surface:**

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.

The prior code (repealed in 2000) 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.

The prior code allowed 25% impervious for E-1 lots, 51% for R-3 and R-5, and 60% for R-8 and R-12 and 70% for 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 in 2000 (0-2-2000), "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 regulations should be removed. The staff report and ordinance associated with 0-2-2000 is attached for reference.

Ms. Patterson states staff does not feel this way now. We do not have swale requirements for residential, only for large multi-family projects and commercial. You do have to keep your storm water on your site, but this proves to be very challenging if there is very limited setbacks and lots of structures and hard scape surfaces.

Ms. Patterson said the current code has a pervious surfact standard that only applies to ADUs, which is in Section 17.06.660: Accessory Dwelling Units; Basic Development Standards under N. Lot Coverage/Open Spaces And Pervious Surfact Requirements.

Commissioner McCracken commented that she sees the idea of adding it back. Is there a way of writing it back more simplified, or is suggesting to adding it back with a chart in different percentages for different zoning?

Ms. Patterson replied that staff's recommendation at this point is that we would like the input of this commission and Chris Bosley, City Engineer, might have other opinions as well. Planning was talking internally about maybe increasing it to 40% pervious which would be 10% improvement over what ADUs has currently. This would simplify things to have a standard percentage. We could increase this for R-1 if we wanted because these are larger lots or we could leave this alone. The zoning was based on lots sizes in the past.

Commissioner Ingalls asked what does the building department see and what do they look at when it comes in with a potential ADU permit?

Ms. Patterson replied the applicant would have to provide an exhibit and a calculation of lot coverage. The city would expect everyone to comply with their improvement to the property but not everyone complies.

Chairman Messina asked about possible ways to address storm water and snow runoff?

Ms. Patterson replied that there has been input regarding snow breaks on metal roofs. Ted Lanzy, Building Official, said they are going to start when they get permits in at the Building Department to require snow breaks if they see anything that within 5 feet of a property line that has a metal roof.

Commissioner Ward commented the point of zoning is building, green area, driveways, etc. The concern here is water runoff. Where is the drainage going to go, out in the street or on the neighbors property? Is there a provision in the city's ordinance that says you must retain your own water on your property?

Ms. Patterson replied, yes it's in the code.

Commissioner Ward stated if it is there how do we enforce that? If the idea is to control the water run off and we have a law to do it, why is there a challenge. He sees maybe change the lot coverage. Maybe have 40% lot coverage but if you want to go closer then you have to show you can contain the water.

Ms. Patterson stated the challenge would be to enforce it if we do not change this. Changing the setbacks for the ADU's and the accessory's structures will help. If you do not have enough green space for the water to penetrate, most people do not do elaborate drainage systems on their lots. We have to go and enforce it on our end after-the-fact. The lot coverage and the impervious surface is what we are looking at.

Commissioner Fleming commented that maybe there needs to be some kind of box on the application of what and how are you dealing with the storm water stating that you the homeowner needs to deal with your own water, whether you build a french drain, etc. The homeowner and or the builder needs to know its on them to deal with the stormwater. We need to put them on the spot to address this issue and make sure they are aware of it as well.

Commissioner Ingalls commented if the standard is 30% and we bump it to 40% this will not guarantee that all the water that lands here will stay here. If a project comes in with 45% grass, but the lot slopes a little and it's the middle of winter and the grass is as hard as a rock, the stormwater will run off the property. In the real world if the number is being increased to 40% it is going to be presumptive that it will save the day. A commercial lot does have to prove that the water lands in the spots does stay there.

Chris Bosley, City Engineer, stated commercial lots do have to show testing for the swales, infiltration and that the design was correct. He does not have a magic number of what should be a pervious area. He does think any increase would be good. The increase in setbacks that would automatically go to help because now they won't be able to fill in as much area because they have a 10 foot side yard that they have to maintain. With PUD projects they have very small lots, the people have the house and the garage in place and they come in after the fact, after they have moved in, and they do not want to maintain 100 feet of lawn anymore. They put in pavers, concrete or rock. The neighbors then call us because the water is now running into their yard. He has to tell them the City does not get involved with civil disputes between two neighbors. This is difficult, but the more pervious area we can maintain it is better for everyone. Not all soils are the same either. Some neighborhoods have high clay contents in the soil and there are swamps in some neighborhoods, and some are just fine because they are very gravelly. The County has five acre lots. It's pretty easy to put numbers on those lots when they are so large. Mr. Bosely likes the checklist system. The property owners might not like it because it's another step for them. He suggested anything less than a 1-acre lot needs to have this extra step because of the competition for space.

Commissioner McCracken stated going forward with the PUD process, she wants to see what has worked and what has not worked and get input from staff. Maybe there should be a reasonable threshold should be achievable and if you are above these, there is now a checklist the homeowner/builder will have to do. She understands this is a work in progress and their needs to be an average threshold for that lot size and soil.

Mr. Bosley stated the drainage utility collects stormwater fees based on where you live and whether you are commercial or residential. For residential there is an assumption that the water from the driveway will drain into the street, but that everything else will remain on site. Commercial we would like the water to stay on site. There are some commercial properties that pay an increased drainage fee based on the square footage of impervious surface. Those fees will help to combat storm water.

Chairman Messina stated what would staff come up with to help make it easier and not have so many calls or problems. Could you guide this commission on what kind of recommendations that would work for the staff?



Ms. Patterson stated that staff is recommending having the pervious surface requirement be 40% for residential.

Mr. Bosley replied any improvement is heading in the right direction. The setback increases will also help.

Commissioner McCracken asked currently right now you are not requiring a plan on individual lots?

Mr. Bosely replied that is correct.

Commissioner McCracken stated but if you had a current threshold you could?

Mr. Bosely replied yes we could.

#### **Discussion Questions:**

- Should the requirement be increased? **Yes**
- 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 for any new permitted structures, and not just applied to lots with ADU's? **Yes**
- Or should it be only applied to ADU permits? **No**
- Should it be changed from pervious to impervious to provide better guidance on the standards? **Yes**
- If so, should the impervious maximum to 60% (40% pervious) for most residential zones and 25% impervious for R-1 (75% pervious)? **Yes 40%**
- Or should the standard not apply to R-1 since the lots are on acre or larger?

Commissioner McCracken suggested that staff take this information back and decide what would be the right amount of pervious surface with the increased setbacks, then maybe have an example or two with various lot sizes so the Commission can see how the lots could be developed if the pervious surface percentage is increased.

Ms. Patterson concluded with her presentation.

#### **ADJOURNMENT:**

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

The meeting was adjourned at 7:00 p.m.

Prepared by Traci Clark, Administrative Assistant