

**WRITTEN RECOMMENDATION OF THE HAYDEN PLANNING AND ZONING  
COMMISSION  
REGARDING ZONE MAP AMENDMENT (PZE-23-0110)**

**Pace Zone Map Amendment**

Application of **Jeramie Terzulli, Olson Engineering, PO Box 1894, Post Falls, Idaho 83877** on behalf of **Fredrick and Sharla Pace Living Trust, 10275 N Reed Road, Hayden, Idaho 83835**, requesting a zone map amendment from Residential Suburban (RS) to Single Family Residential (R1) on a portion of one lot approximately 0.744 acres in size, more particularly described below:

**Legal Description:**

The North 104 feet of the South 208 feet of the East Half of Tract 139, HAYDEN LAKE IRRIGATED TRACTS, according to the plat recorded in the office of the County Recorder in Book C of Plats at Page 67, records of Kootenai County, Idaho.

**Factual Background**

1. The project site is located west of North Reed Road approximately 500 feet south of West Miles Avenue, more commonly known as 10275 N Reed Road, and as tax parcel H-4050-14-139-AE.
2. The owners of the subject property was are Frederick and Sharla Pace, 10275 N Reed Road, Hayden, Idaho 83835. The applicant's representative is Jeramie Terzulli, Olson Engineering, PO Box 1894, Post Falls, Idaho 83877.
3. On September 13, 2023 the applicant requested to change the current zoning designation from Residential Suburban (RS) to Single Family Residential (R1).
4. On September 25, 2023, agency notice was e-mailed to 24 agencies.
5. On September 29, 2023 notice was mailed to property owners within 300-feet of the subject property, the site was posted, and public notice was published in the *Coeur d'Alene Press*. Notice was also provided to the following media outlets: Q6 News, KREM News, KXLY, *Nickels Worth*, *Spokesman Review* and *Blue Sky Broadcasting*.
6. On October 16, 2023, a properly noticed public hearing was held before the Hayden Planning and Zoning Commission. Commissioners present for the meeting included Chairman Davis, and Commissioners Bemis, Gibson, Howard, Johnson, and Pricket. Vice-Chair Taylor was absent. Chair Davis recused himself from this public hearing, and Commissioner Howard volunteered to Chair this portion in Vice-Chair Taylor's absence.

Donna Phillips, Senior Planner introduced the request.

***Applicant's Presentation:***

Jeramie Terzulli, Olson Engineering, provided an aerial of the property and the recent Bassett Zone Map Amendment to the north. He noted that the Paces were originally neutral with respect to the Bassett change, but since that hearing with the PZC and in their testimony at the

City Council meeting, they are now looking to change their zoning similar to the Basset's project and build off of the potential subdivision associated to that project.

Mr. Terzulli went on to give an illustration of how the expected subdivision would work with the property to the north. With respect to the standards of approval, Mr. Terzulli offered the following:

- a. The Commission shall consider the existing zoning district or regulations, and may recommend approval, conditional approval, modification, or denial of the proposal or the commission may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal.
- b. The City Council may impose conditions upon rezoning where such conditions are required to ensure that proposed uses of the area are consistent with community needs and its public health, safety, and general welfare. The Planning and Zoning Commission may recommend conditions upon rezoning for the City Council's Consideration.

The property today is surrounded by Single Family Residential (R1) and shows on the Future Land Use Map as Single Family Residential. All long range plans account for that type of zone designation. Applicant agrees with staff's analysis that no additional studies or conditions are required.

- c. Amendments to the zone map and zone text shall be in accordance with the Future Land Use Map and the goals and policies found in the Hayden Comprehensive Plan.

Mr. Terzulli identified the applicant wanted to amend the zone map in conformance with the Future Land Use Map. The applicant's daughter is retiring from the military and wants to move home to Kootenai County to be closer to her parents, hence, the reason for the zone map amendment request. He identified Goal #3, 12, 16, & 17 and Policies #2 & #14 to be the most valuable for the proposed amendment to the zone map.

- d. Amendments to the zone map and zone text shall align with the zone district's purpose and intent.

Residential Suburban affords nearly the same behaviors as Single Family Residential with the most noticeable difference in design standards to be the minimum lot size and the lot coverage. Both zones are for single family dwellings and both zones have the same setbacks for the principal structures.

- e. Amendment to the zone map and zone text shall be consistent with the neighborhood contexts.

Mr. Terzulli identified that with respect to the neighborhood context, the following is identified:

- Majority of lots in the area are less than 10,000 square feet
- Majority of uses within ¼ mile radius are single family residential
- Maximum of three lots possible if request is approved

- Maximum three peak-hour vehicle trips/day
- No additional approach to Reed Road
- Reed Road improvements (widening & sidewalk) will improve pedestrian safety
- Large parcel to the north intended to be six lot subdivision

Mr. Terzulli concluded his presentation with a summary of the staff review: no additional studies were necessary, utilities are readily available (water, sewer, power, data), upgrades to HLID water line would coincide with development, consistent with single-family lots in the vicinity, consistent with future land use map, aligns with many of the goals and policies within the Comprehensive Plan.

Commissioner Howard asked about fire turnaround standards. She asked if the fire department was okay with the proposed plans. Mr. Terzulli identified that the requirement and how it was to be met would occur during subdivision plan review with the City and Northern Lakes Fire Protection District.

***Staff Presentation:***

Donna Phillips, Community Development Director, presented a summary of the staff review, standards of approval, agency and public comments. Commissioner Bemis asked how the proposal would affect Reed Road. Ms. Phillips clarified that this request was regarding the zoning would have no effect; however, at the time of development frontage improvements would be required in addition to other design standards for a subdivision. Commissioner Howard asked how small the proposed subdivision would be in comparison to the Single Family Residential (R1) minimum lot size which Commissioner Bemis confirmed that the lot would be greater than the minimum [if constructed as proposed]. Ms. Phillips identified the sizes of the surrounding residential lots as ranging from 0.189 acres to about 0.30 acres in size from west to east. There were some larger un-platted lots to the east. Agency comments were received from five of the 25 agencies noticed, to include Panhandle Health District, Hayden Area Regional Sewer Board, Kootenai County Sheriff Office, and Idaho Department of Water Resources who had no comments or concerns, and Hayden Lake Irrigation District who had comments regarding requirements at the time of development. Commissioner Howard asked if the applicant put in a well today. Ms. Phillips identified that it would depend on who had the water rights for the property. One comment was received in opposition of the request.

Commissioner Howard asked about infrastructure and costs associated with moving water lines. Ms. Phillips stated that the prospective site development to the north is not associated with the requested zone map amendment.

***Public Comments:***

There were no public comments during the public hearing in person or through GOTO meeting.

***Applicant's Rebuttal:***

Mr. Terzulli noted for the record that there was no one in the audience in opposition of the proposal, but provided no additional rebuttal comments.

***Deliberation:***

Commissioner Gibson asked Fonda Jovick, City Attorney, about placing a condition to restrict the number of lots for any potential subdivision. Ms. Jovick cautioned about placing unreasonable conditions on private property. Commissioner Gibson followed up with concerns over the potential for three lots in future development. He questioned whether limiting conditions could be placed in the recommendation to City Council. Commissioner Bemis identified that should the existing house remain it would be difficult to have more than two lots on the property. He continued directing comments to Commissioner Gibson, in that it [the request] has less to do with whether he can make two lots or three lots and more with whether it makes sense to approve the request to move to Single Family Residential (R1).

Chair Howard noted that this isn't a request for a subdivision and that Planning and Zoning Commission is recommending to the City Council.

Commissioner Gibson in reviewing the standards believes that there are some inconsistencies.

Commissioner Bemis identified that the minimum lot size of Single Family Residential (R1) is 8,250 square feet and this lot is 0.75 acres would have lots greater than the minimum as proposed. Commissioner Gibson identified the lots in the general area are 10,000 square feet. Commissioner Bemis noted that was not the case as the subdivision to the west was almost entirely made up of lots closer to the minimum for the Single Family Residential (R1) zone.

Commissioner Bemis asked how strongly Commissioner Gibson felt about adding conditions to the request. Commissioner Gibson would like to condition the request on the conceptual which was presented. He doesn't like to approve the request based on the request and not on the conceptual, because they can change from the conceptual. Commissioner Bemis identified the Commission needs to look at it [the request] as any future design would be in conformance with the zone designation of that time.

Commissioner Gibson identified that two lots is in closer conformance to the existing zone. Commissioner Howard reiterates that Residential Suburban (RS) minimum lot size is ½ acre. Commissioner Gibson identified that as it is Residential Suburban (RS) now, the owner can't do anything else with it. He continued, the applicants are asking to do something with the property, and they are asking for one additional lot, and should the Commission recommend approval it would be based on the proposed conceptual for the request.

Ms. Jovick reiterated that the applicants are not asking for any lots, but a zone map amendment. The request before the Commission is to analyze the request from Residential Suburban (RS) to Single Family Residential (R1) and whether that request meets the standards of approval. Chair Howard agreed and identified that this direction from Ms. Jovick is where the focus needs to be. Is this [zone map amendment] appropriate for the context of the neighborhood right now. It is surrounded by Single Family Residential (R1), and they are asking if they can be the same as what is around them. Commissioner Bemis and Chair Howard understand what Commissioner Gibson is saying.

At the conclusion of the deliberations, Commissioner Bemis made a motion to recommend PZE-23-0110 Pace Zone Map Amendment request from Residential Suburban (RS) to Single Family Residential (R1) be approved by City Council. Commissioner Johnson seconded. Motion carried unanimously five (5), to zero (0).

**Zoning:** The project site is currently zoned Residential Suburban (RS). The proposed zoning is Single Family Residential (R1).

### **Surrounding Zoning and Land Use Designations**

- a. Zoning: Properties to the immediate south is zoned Residential Suburban (RS), but the remainder of the properties adjacent to the project site north, east, south and west have Single Family Residential (R1) zone designations.
- b. Land Use Designations: The City's Comprehensive Plan Future Land Use Map identifies the property and properties to the north, east, west, and south are designated as Single Family Residential.

### **Surrounding Current Land Uses**

Properties to the north, east, west and south are active residential sites.

**Comprehensive Plan:** The City's Comprehensive Plan was evaluated by the Commission during the deliberations of the rezone of the subject site to Single Family Residential (R1), and it is designated on the Future Land Use Map as Single Family Residential. The document serves as guide for zoning map updates, but does not dictate exact zoning boundaries or types.

**Applicable Law:** Idaho Code Section 67-6511, 67-6519, 67-6535 and Hayden City Code Title 11, Chapter 16.

### **Standards for Approval and Findings**

- A. **Findings:** The Commission heard the Staff and Applicant's presentation, as well as reviewed the comments received from the public.
- B. At the conclusion of the hearing, the Planning and Zoning Commission deliberated the proposal and voted to recommend approval of the request after finding that the facts support such a change, based upon testimony of the Mr. Terzulli, public and agency comments, the facts in the record, and the Staff Report. Chair Howard, and Commissioners Bemis, Johnson, Gibson, and were in favor.
- C. **Standards:** After applying the standards and procedures of Hayden City Code 11-1-7(E), the Hayden City Planning and Zoning Commission makes a recommendation to the City Council to approve the requested amendment. In so doing, the Hayden Planning and Zoning Commission finds that the request does meet all of the following required standards of approval based upon the facts in the record and the testimony received at the public hearing:

1. The commission shall consider the existing zoning district or regulations, and may recommend approval, conditional approval, modification, or denial of the proposal or the commission may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal. [No additional plans or studies were required.]
2. The City Council may impose conditions upon rezoning where such conditions are required to ensure that proposed uses of the area are consistent with community needs and its public health, safety and general welfare. The Planning Commission may recommend conditions upon rezoning for the City Council's consideration. [Met – no additional conditions recommended.]
3. Amendments to the zoning map and zone text shall be in accordance with the future land use map and the goal and policies found in the Hayden Comprehensive Plan. [Met]
4. Amendments to the zoning map and zone text shall align with the zone district's purpose and intent. [Met]
5. Amendment to the zone map and zone text shall be consistent with the neighborhood contexts. [Met]

### **Conclusion**

Based upon the record placed before it, and after considering all of the evidence in the record and the testimony and evidence presented at the public hearing on October 16, 2023, before the Planning and Zoning Commission, and having applied the facts to the applicable law for a zone change, it is the recommendation of the Hayden Planning and Zoning Commission that the requested zone change from Residential Suburban (RS) to Single Family Residential (R-1) meets the standards of approval, and therefore recommends that the City Council approve case PZE-23-0110.

FINDINGS AND RECOMMENDATION OF APPROVAL on the \_\_\_\_ day of November, 2023, by the City of Hayden Planning and Zoning Commission.

CITY OF HAYDEN, IDAHO  
Planning and Zoning Commission

By:  
Alan Davis, Chairman

ATTEST:

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Aidan Fritz, Clerk