



**CITY COUNCIL
MEETING AGENDA**

**February 21, 2023
6:00 PM**

Location: City Council Chambers, 408 N. Spokane Street, Post Falls, ID 83854

WORKSHOP – 5:00 pm Basement Conference Room

Topic: Future Snow Operations

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY MAYOR JACOBSON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

AMENDMENTS TO THE AGENDA

Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

The Mayor and members of the City Council have a duty to serve honestly and in the public interest. Where the Mayor or a member of the City Council have a conflict of interest, they may need to disclose the conflict and in certain circumstances, including land use decisions, they cannot participate in the decision-making process. Similarly, ex-parte contacts and site visits in most land use decisions must also be disclosed.

1. CONSENT CALENDAR

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the Council agenda packet regarding these items and any contingencies are part of the approval.

ACTION ITEMS:

- a. Minutes – February 7, 2023, City Council Meeting
- b. Payables – January 31, 2023 – February 13, 2023
- c. Morris Annexation Development Agreement and Grant of Easement
- d. December Cash and Investments
- e. Joseph Family Trust Annexation Development Agreement, Right-of-Way and Easement
- f. Water Department Well 8 Backup Generator Repair
- g. New Opioid Settlements
- h. Stone’s Throw Subdivision Plat Application

2. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

- a. D-Bat Facility Zone Change File No. ZC-22-6
- b. Title 18A Idaho St. Housekeeping File No. TA-22-6
- c. Impact Fee 2023 Update

3. UNFINISHED BUSINESS/RETURNING ORDINANCES AND RESOLUTIONS

This section of the agenda is to continue consideration of items that have been previously discussed by the City Council and to formally adopt ordinances and resolutions that were previously approved by the Council. Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements.

ACTION ITEMS:

- a. Ordinance - Morris Annexation File No. ANNEX-0013-2021
- b. Ordinance – Adams Annexation File No. ANNEX-22-12
- c. Ordinance – Joseph Family Trust Annexation File No. ANNEX-22-7
- d. Contract Amendment with JUB Engineers for Construction of the Outfall, Phase 1

4. NEW BUSINESS

This portion of the agenda is for City Council consideration of items that have not been previously discussed by the Council. Ordinances and Resolutions are generally added to a subsequent agenda for adoption under Unfinished Business, however, the Council may consider adoption of an ordinance or resolution under New Business if timely approval is necessary.

ACTION ITEMS:

5. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Council regarding City-related issues that are not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for the public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, either by subsequent appointment or after tonight's meeting, if time permits. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring Council action must be placed on the agenda of an upcoming Council meeting. As such, the City Council can't take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.

6. ADMINISTRATIVE / STAFF REPORTS

This portion of the agenda is for City staff members to provide reports and updates to the Mayor and City Council regarding City business as well as responses to public comments. These items are for information only and no final action will be taken.

- a. Prairie Ave. – Roadway Improvements

7. MAYOR AND COUNCIL COMMENTS

This section of the agenda is provided to allow the Mayor and City Councilors to make announcements and general comments relevant to City business and to request that items be added to future agendas for discussion. No final action or in-depth discussion of issues will occur.

8. EXECUTIVE SESSION

Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter executive session to discuss such matters. The motion to enter into executive session must reference the specific statutory section that authorizes the executive session. No final decision or action may be taken in executive session.

ACTION ITEM (To enter into executive session only):

RETURN TO REGULAR SESSION

ADJOURNMENT

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 408 Spokane Street or call 208-773-3511. City Council and City commission meetings are broadcast live on Post Falls City Cable on cable channel 1300 (formerly 97.103) as well as the City's YouTube Channel (<https://www.youtube.com/c/CityofPostFallsIdaho>).

Mayor Ronald G. Jacobson

Councilors: Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove

Mission

The City of Post Falls mission is to provide leadership, support common community values, promote citizen involvement and provide services which ensure a superior quality of life.

Vision

Post Falls, Idaho is a vibrant city with a balance of community and economic vitality that is distinguished by its engaged citizens, diverse businesses, progressive leaders, responsible management of fiscal and environmental resources, superior service, and a full range of opportunities for education and healthy lifestyles.

“Where opportunities flow and community is a way of life”

Calendar of Meetings & Events

Feb 20		City Business Offices will be closed in Observance of Presidents' Day
Feb 21	5:00 pm	<u>City Council Workshop</u> – Future Snow Operations
Feb 21	6:00 pm	<u>City Council</u>
Feb 28	6:00 pm	Parks and Recreation Commission
Mar 7	5:00 pm	<u>City Council Workshop</u> – Agricultural Exemption And Early Closure of Urban Renewal District
Mar 7	6:00 pm	<u>City Council</u>
Mar 12		Daylight Savings Starts
Mar 14	5:30 pm	Planning & Zoning Commission
Mar 16	8:00 am	Urban Renewal Agency
Mar 17		St. Patrick's Day
Mar 21	5:00 pm	<u>Council Workshop</u>
Mar 21	6:00 pm	<u>City Council</u>
Mar 28	6:00 pm	Parks and Recreation Commission
Apr 1		April Fool's Day
Apr 4	6:00 pm	<u>City Council</u>
Apr 7		Good Friday
Apr 9		Easter
Apr 11	5:30 pm	Planning and Zoning Commission
Apr 18	5:00 pm	<u>City Council Workshop</u> – Tiny Home Design Standards
Apr 18	6:00 pm	<u>City Council</u>
Apr 20	8:00 am	Urban Renewal Agency
Apr 22		Earth Day
Apr 25	6:00 pm	Parks and Recreation Commission

Post Falls City Council Meeting

February 21, 2023

Council Agenda Memorandum

TO: Mayor Ron Jacobson
Council President Kerri Thoreson
Councilors Josh Walker, Joe Malloy,
Nathan Ziegler, Lynn Borders, Kenny Shove
Legal Counsel Warren Wilson

FROM: Shelly Enderud, City Administrator

CC: Department Heads

5:00pm Workshop: Future Snow Operations

1. Consent Calendar

- c. Morris Annexation Development Agreement and Grant of Easement – The Planning Division requests approval of the abovementioned agreement and easement. The 12 acre property with a Community Commercial Services zoning designation is located 500' due north of Prairie Avenue along the west side of Highway 41 near the northwest corner of Highway 41 and Prairie Avenue. The annexation request and proposed zoning were approved by Council at the September 6, 2022, meeting. If approved, the Mayor will sign the provided documents.
- d. December Cash and Investments – The Finance Department presents the cash and investment balances to Council for approval for December 2022 in compliance with State code.
- e. Joseph Family Trust Annexation Development Agreement, Right-of-Way, and Easement File No. ANNX-22-7 – The Planning Division requests approval of the abovementioned agreements. The 20.14 acre property with a Community Commercial Services (CCS) zoning designation is located at the northeast corner of Prairie Avenue and Greensferry Road. The annexation request and proposed zoning were approved by Council at the October 18, 2022, meeting. If approved, the Mayor shall sign the provided documents.
- f. Water Department Well 8 Backup Generator Repair – Utility Manager Craig Borrenpohl requests approval of a purchase order for repair with a local Caterpillar generator service provider for the Water Department's Well #8 backup generator. The cost of repair for this generator is roughly one-third the cost of a new unit and will allow for the use of the Well #8 emergency generator this summer when peak demands occur. Total fiscal impact is \$60,000.

- g. New Opioid Settlements – Deputy City Attorney Field Herrington requests approval of the new settlements. These are from the nationwide opioid settlement agreements that the state of Idaho is participating in and receiving \$752,000. Post Falls will get 0.678% of that amount which will be reallocated to the Panhandle Health District (as approved previously by Council). The settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or dispensing practices. If approved, the Mayor will sign the provided documents.
- h. Stone’s Throw Subdivision Plat Application – The Engineering Division requests approval of the final plat for the development. The developer has provided surety for the remaining improvements. If approved, the Mayor will sign the documents.

2. Public Hearings

- a. D-Bat Facility Zone Change File No. ZC-22-6 – Opportunity for public comment is given on the request from Steven Reichard with Fusion Architecture, on behalf of the owners SLCK Commercial Properties LLC, to rezone approximately 2.13 acres from Heavy Industrial (HI) to Industrial (I) zoning. The property is located on the east side of Commerce Loop, north of 6260 E Commerce Loop and is approximately 300-feet south of Seltice Way. The surrounding land to the north of the site is vacant, to the south is one industrial site that is developed along with two larger vacant lots, and to the east is a larger industrial site that is also developed. At their January 10, 2023, meeting, the Planning and Zoning Commission made a recommendation of approval for the requested zone change. There was no public testimony submitted at the Planning and Zoning meeting for this requested change. After comment and discussion, Council should either approve or deny the zone change as presented.
- b. Title 18A Idaho St. Housekeeping File No. TA-22-6 – Opportunity for public comment is given on the Planning Division’s request to amend the current language within Title 18A: Smart Code specific to zones SC-5 and SC-6 that states the following: “The ground floor of any structure constructed on a lot with frontage on Spokane Street must be used for non-residential uses” to “The ground floor of any structure constructed on a lot with frontage on Idaho or Spokane Streets must be used for non-residential uses.” This item was previously reviewed and approved by Council on July 7, 2020. However, the ordinance did not make it back to Council for memorialization of the code change. As the membership of the council has changed since the original approval, staff felt it was best to start the process over as a new application. The Planning and Zoning Commission forwarded a recommendation of approval for the proposed change at their meeting on January 10, 2023. After comment and discussion, Council may approve or deny the code change.
- c. Impact Fee 2023 Update - City Staff request approval of the proposed impact fees and to move forward with an RFQ process to begin a new impact fee study. The essential information was discussed with Council at the February 7th, 2023, Workshop. The impact fees are adjusted based on inflationary cost escalations (except for Capital Improvement Plans). After comment and discussion, Council may move to adopt the fees as requested, or without an increase (maintaining the current fees), or approve all fees at a uniform lower percentage, or individually approve each category based on their own percentage. If Council does not approve the increased impact fees as requested, staff would return to

Council with options on funding the deficiencies created. Staff would still recommend immediately moving forward with an RFQ process to begin a new impact fee study incorporating master planning to account for adjusted levels of service. The total fiscal impact is dependent on the rate of fees approved by Council.

3. [Unfinished Business](#)

- a. Morris Annexation Ordinance File No. ANNX-0013-2021– This ordinance formalizes the annexation approved at the September 6, 2022, Council hearing. Council may adopt the ordinance or take no action.
- b. Adams Annexation Ordinance File No. ANNX-22-12 – This ordinance formalizes the annexation approved at the January 3, 2023, Council hearing. Council may adopt the ordinance or take no action.
- c. Joseph Family Trust Annexation Ordinance File No. ANNX-22-7 – This ordinance formalizes the annexation approved at the October 18, 2022, Council hearing. Council may adopt the ordinance or take no action.
- d. Contract Amendment with JUB for Construction of the Outfall, Phase 1 – Project Manager Andrew Arbini requests approval of the contract amendment for the Water Reclamation Facility Outfall replacement project. The contract amendment is an increase of \$10,000 to the Construction Engineering Management Task for services related to the replacement and installation of a section of the outfall pipeline. Delays due to supply chain issues, challenging site conditions, and a section of pipe out of compliance with the allowable leakage necessitate the amendment. Funding for this amendment will come from the Water Reclamation Facility Capital Improvements budget. If approved, the Mayor will sign the contract amendment.

4. [New Business](#)

None

6. [Administrative / Staff Reports](#)

- a. Prairie Avenue Roadway Improvements – Assistant City Engineer Rob Palus will present this report.

8. [Executive Session](#)

No executive session is needed at the time of the writing of this memorandum; however, Council may reserve the right to conduct a session should it see the necessity.



**CITY COUNCIL
MEETING MINUTES**

**February 7, 2023
6:00 PM**

Location: City Council Chambers, 408 N. Spokane Street, Post Falls, ID 83854

WORKSHOP – 5:00 pm Basement Conference Room

ROLL CALL OF CITY COUNCIL MEMBERS

Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove - **Present**

Topic: Impact Fee Update

Jon Manley, Planning Manager: Impact fees are payments required by local governments of new development for the purpose of providing new or expanded public capital facilities required to serve the community and new developments. They are not used to pay for maintenance, staffing, vehicles, etc. The fees are used to shift the costs of financing public facilities from the general taxpayer. Growth paying for growth. Our current impact fees are:

- Parks and Recreation
- Police
- Transportation: Streets
- Transportation: Multimodal Paths

Police Chief Greg McLean: Areas of need in the Police Department due to population increase:

- Out of administrative and personnel support space
- Need for additional warehouse/storage
- Modification to fleet shop to make more efficient
- Fleet, employee and visitor parking need to be expanded
- Land purchase

The cost of a 15,000 sq/ft expansion will be \$12.6 million. Annually we collect around \$450,000. It is estimated that it would take 26 years to collect the needed amount for the expansion. An impact fee increase would allow the project to be paid for earlier.

Dave Fair, Parks and Recreation Director: Impact fees are used for level 1 and level 2 parks and indoor recreation. With out an impact fee increase we would need to look at changing the level of service in the parks.

Bill Melvin, City Engineer: These impact fees are based on the City's Transportation Master Plan.

Manley: This will come back to Council as a Public Hearing.

Workshop ended at 5:49 PM.

REGULAR MEETING – 6:00 pm City Council Chambers

CALL TO ORDER BY MAYOR JACOBSON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove - **Present**

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- a. City Hall and City business offices will be closed Monday, February 20th in observance of Presidents' Day. Police, Fire and Rescue services for life threatening or in-progress emergencies may be reached by calling 911. The Police Department will be open for walk-in emergencies. For Water Department emergencies call (208) 773-3517.

ACTION ITEM

- b. Approval of the appointment of Kibbee Walton to the Planning and Zoning Commission

Motion by Malloy to approve the appointment of Kibbee Walton to the Planning and Zoning Commission.

Second by Ziegler.

Vote: Shove-Aye, Walker-Aye, Borders-Aye, Malloy-Aye, Ziegler-Aye, Thoreson-Aye

Motion Carried

AMENDMENTS TO THE AGENDA

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None

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

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None

1. CONSENT CALENDAR

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the Council agenda packet regarding these items and any contingencies are part of the approval.

ACTION ITEMS:

- a. Minutes – January 17, 2023, City Council Meeting
- b. Payables – January 10, 2023 – January 30, 2023
- c. Right of Way Dedication Agreement for Future Roundabout at Prairie Ave and Zorros Rd with Lakeside Real Estate Holdings II, LLC
- d. Right of Way Dedication Agreement for Future Roundabout at Prairie Ave and Zorros Rd with Prairie Crossing Center, LLC
- e. Dedication of a Utility Easement by the Millworx Project
- f. Dedication of a Utility Easement – Former Alleyway Between W. 6th and W. 7th Ave
- g. Q'emiln Park Concessionaire RFP Solicitation
- h. Correction to 1-17-23 Consent Agenda Memo Rebid Award of Two Dump Trucks to Freightliner NW'
- i. Consultant Pre-Selection List for 2023-2024
- j. Adams Annexation Agreement and Reasoned Decision File No. ANN-22-12

- k. Timberworx Garden Plat Application
- l. Timberworx Ridge Plat Application
- m. Timberworx Vista Plat Application
- n. November 2022 Cash and Investments
- o. Stockwell Court Subdivision Plat Application
- p. Foxtail 9th Addition Subdivision Construction Improvement Agreement
- q. Disposal of Two Vehicles
- r. Stockwell Court – Performance Guarantee

Motion by Borders to accept the Consent Calendar as presented.

Second by Walker.

Vote: Malloy-Aye, Walker-Aye, Thoreson-Aye, Shove-Aye, Ziegler-Aye, Borders-Aye

Motion Carried

2. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

None

3. UNFINISHED BUSINESS/RETURNING ORDINANCES AND RESOLUTIONS

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ACTION ITEMS:

- a. Ordinance – FY 2023 Budget Amendment

Motion by Thoreson to place the Ordinance FY 2023 Budget Amendment on its first and only reading by title only while under suspension of the rules.

Second by Borders.

Vote: Walker-Aye, Thoreson-Aye, Shove-Aye, Ziegler-Aye, Borders-Aye, Malloy-Aye

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, IDAHO, AMENDING THE ANNUAL APPROPRIATION ORDINANCE 1467 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, TO REFLECT THE RECEIPT OF UNSCHEDULED REVENUES AND TO AUTHORIZE EXPENDITURE OF PREVIOUSLY UNBUDGETED FUND BALANCE, INCREASING AND ESTABLISHING THE APPROPRIATIONS FOR EXPENDITURES IN VARIOUS DEPARTMENTS AND FUNDS, PROVIDING THAT THE TAX LEVY UPON TAXABLE PROPERTY WITHIN THE

CITY IS NOT AFFECTED HEREBY, PROVIDING THAT ALL ORDINANCES IN CONFLICT HEREWITH ARE SUPERSEDED BY THIS ORDINANCE TO THE EXTENT OF SUCH CONFLICT, AND PROVIDING THAT THE ORDINANCE SHALL BE EFFECTIVE UPON ITS PUBLICATION DATE.

Motion by Thoreson to approve the Ordinance FY 2023 Budget Amendment and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Borders.

Vote: Walker-Aye, Thoreson-Aye, Shove-Aye, Ziegler-Aye, Borders-Aye, Malloy-Aye

Motion Carried

b. Ordinance – Cottage Homes File No. TA-22-7

Motion by Thoreson to place the Ordinance Cottage Homes File No. TA-22-7 on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

Vote: Thoreson-Aye, Shove-Aye, Ziegler-Aye, Borders-Aye, Malloy-Aye, Walker-Aye

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO MUNICIPAL CODE SECTION 18.12.010 DEFINITIONS; PROVIDING FOR AMENDMENT TO MUNICIPAL CODE SECTION 18.20.040 OFFICIAL BULK AND PLACEMENT REGULATIONS TABLE; PROVIDING FOR A NEW CODE SECTION 18.24.032 TITLED COTTAGE HOME RESIDENTIAL PERFORMANCE STANDARDS; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Motion by Thoreson to approve the Ordinance Cottage Homes File No. TA-22-7 and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Borders.

Vote: Thoreson-Aye, Shove-Aye, Ziegler-Aye, Borders-Aye, Malloy-Aye, Walker-Aye

Motion Carried

c. Ordinance – Zoning Approval Criteria

Motion by Thoreson to place the Ordinance Zoning Approval Criteria on its first and only reading by title only while under suspension of the rules.

Second by Malloy.

Vote: Shove-Aye, Ziegler-Aye, Borders-Aye, Malloy-Aye, Walker-Aye, Thoreson-Aye

Motion Carried

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING MUNICIPAL CODE SECTIONS 18.12.010, 18.16.010 AND 18.20.100 TO PROVIDE A DEFINITION OF DEMONSTRABLE ADVERSE IMPACT AND TO ESTABLISH NEW REVIEW CRITERIA FOR ZONE CHANGES; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN

FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Motion by Thoreson to approve the Ordinance and to direct the clerk to assign the appropriate number and that it be published by summary only.

Second by Borders.

**Vote: Shove-Aye, Ziegler-Aye, Borders-Aye, Malloy-Aye, Walker-Aye, Thoreson-Aye
Motion Carried**

d. Ordinance – Adams Annexation File No. ANNX-22-12

Motion by Thoreson to place the Ordinance Adams Annexation on its first and only reading by title only while under suspension of the rules.

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 4.75 ACRES, THE WEST HALF OF TRACT 39, TRACK 35, POST FALLS IRRIGATED TRACTS, ACCORDING TO THE PLAT RECORDED IN BOOK C OF PLATS AT PAGES 78-80, RECORDS OF KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF:

Motion by Thoreson to approve the Ordinance Adams Annexation and to direct the clerk to assign the appropriate number and that it be published by summary only.

City Attorney Warren Wilson noticed there was a typo in the Ordinance so this will be fixed and come back to Council for approval at the next City Council meeting.

4. NEW BUSINESS

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ACTION ITEMS:

a. Purchase of Two Parcels Located to the East of the Post Falls Police Department
Policy Chief Greg McLean presenting: Findlay has agreed to sell the City two parcels to the east of the Police Station. Together the parcels are 1.87 acres and will be \$1,000,000 to be paid out of impact funds. The land purchase will be used for future expansion of the police campus.

Motion by Borders to approve the purchase of two parcels located to the east of the Post Falls Police Department.

Second by Malloy.

**Vote: Borders-Aye, Malloy-Aye, Walker-Aye, Thoreson-Aye, Shove-Aye, Ziegler-Aye
Motion Carried**

b. Architectural Services Contract with Intergrus Architects for Design of the Renovations of the Streets Administration Building

Ross Junkin, Maintenance Manager presenting: In 2021, the city finalized a facilities needs assessment outlining improvements necessary to continue providing the same level of service to our citizens. As part of this study, the Streets and Water Reclamation campuses were identified for

remodel work. The Streets facility was originally the Post Falls Mazda Dealership and no longer meets the needs of the existing workforce. The WRF lab and admin buildings were also constructed over 25 years ago and are in need of both updating and expansion. These renovations are consistent with the recommendations outlined in the 2021 Post Falls Facility Needs Assessment. Recommendation for the Streets Administration building include renovations to the crew support space. On the WRF lab building side it includes renovations to the crew support space, improvements to lab room for access control, crew meeting spaces, and well as storage and workspace. The design work should address items such as insufficient crew locker rooms, restrooms, breakroom, offices, and meeting room. The total cost for this agreement will not exceed \$76,960.00.

Motion by Malloy to approve architectural services contract with Intergrus Architects for design of the renovations of the Streets Administration Building.

Second by Ziegler.

Vote: Malloy-Aye, Walker-Aye, Thoreson-Aye, Shove-Aye, Ziegler-Aye, Borders-Aye

Motion Carried

5. CITIZEN ISSUES

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None

6. ADMINISTRATIVE / STAFF REPORTS

This portion of the agenda is for City staff members to provide reports and updates to the Mayor and City Council regarding City business as well as responses to public comments. These items are for information only and no final action will be taken.

None

7. MAYOR AND COUNCIL COMMENTS

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Ziegler: Educated yourself on the upcoming school levy vote.

8. EXECUTIVE SESSION

Certain City-related matters may need to be discussed confidentially subject to applicable legal requirements; the Council may enter executive session to discuss such matters. The motion to enter into executive session must reference the specific statutory section that authorizes the executive session. No final decision or action may be taken in executive session.

ACTION ITEM (To enter into executive session only):

- a. Idaho Code 74-206(1)(c) To Acquire an Interest in Real Property Which is not Owned by a Public Agency.

Motion by Thoreson to enter into Executive Session pursuant to Idaho Code 74-206(1)(c), to acquire an interest in real property which is not owned by a public agency, further that no action will be taken during the session and the session will last no longer that 20 minutes. Second by Malloy.

**Vote: Walker-Aye, Thoreson -Aye, Shove-Aye, Ziegler-Aye, Borders-Aye, Malloy-Aye
Motion Carried**

Executive Session started at 6:23 pm.

RETURN TO REGULAR SESSION 6:37 PM

ADJOURNMENT 6:37 PM

Ronald G. Jacobson, Mayor

Shannon Howard, City Clerk

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 408 Spokane Street or call 208-773-3511. City Council and City commission meetings are broadcast live on Post Falls City Cable on cable channel 1300 (formerly 97.103) as well as the City's YouTube Channel (<https://www.youtube.com/c/CityofPostFallsIdaho>).

Mayor Ronald G. Jacobson

Councilors: Kerri Thoreson, Josh Walker, Joe Malloy, Nathan Ziegler, Lynn Borders, Kenny Shove

Mission

The City of Post Falls mission is to provide leadership, support common community values, promote citizen involvement and provide services which ensure a superior quality of life.

Vision

Post Falls, Idaho is a vibrant city with a balance of community and economic vitality that is distinguished by its engaged citizens, diverse businesses, progressive leaders, responsible management of fiscal and environmental resources, superior service, and a full range of opportunities for education and healthy lifestyles.

“Where opportunities flow and community is a way of life”

Post Falls Check Approval



City of Post Falls

Packet: APPKT10245 - Check Run 2.22.23
 Vendor Set: 01 - Vendor Set 01

Check Date: 2/22/2023

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 001 - GENERAL FUND					
Dept: 411 Mayor & Council					
H001	H & H Business Systems, Inc.				
APMWB	Check	AR268906	Admin/Mayor/Clerk/HR Copier Contract #2040	001-411.0000.66050	16.46
Dept 411 Total:					16.46
Dept: 412 Information Systems					
A017	A-Tec, Inc.				
APMWB	Check	5921	Annual Velocity software renewal	001-412.0000.80010	526.96
C140	CDW Government Inc.				
APMWB	Check	GL87832	Visio Standard	001-412.0000.66014	278.80
		FP18914	Barracuda Backup 790 Energize updates	001-412.0000.66014	3,516.00
		FS36911	Duplicate backup server	001-412.0000.80010	44,279.00
V040	ODP Business Solutions				
APMWB	Check	290343151001	Office Supplies-Recreation	001-412.0000.63060	18.74
Dept 412 Total:					48,619.50
Dept: 413 General Services					
H001	H & H Business Systems, Inc.				
APMWB	Check	AR268906	Admin/Mayor/Clerk/HR Copier Contract #2040	001-413.0000.66050	21.93
Dept 413 Total:					21.93
Dept: 414 Finance					
A4280	Anderson Bros. CPA's				
APMWB	Check	8378	Audit Progress Billing	001-414.0000.62091	5,500.00
Dept 414 Total:					5,500.00
Dept: 415 City Clerk					
A4761	APS Inc				
APMWB	Check	87147	Annual maintenance contract for postage mac	001-415.0000.66080	690.00
C291	Coeur d' Alene Press				
APMWB	Check	0000004787-012420	Printing of Ordinance 1475	001-415.0000.62000	31.10
VEN03335	Francotyp-Postalia Inc				
APMWB	Check	R1105609544	Postage Machine Rent	001-415.0000.66080	135.00
H001	H & H Business Systems, Inc.				
APMWB	Check	AR268906	Admin/Mayor/Clerk/HR Copier Contract #2040	001-415.0000.66050	10.97
S570	Sterling Codifiers, Inc.				
APMWB	Check	23266	Codification of ordiances 1457-1469	001-415.0000.62030	1,995.51
Dept 415 Total:					2,862.58
Dept: 418 Human Resources					
D09750	DeVries Info Management				
APMWB	Check	0161586	Shredding	001-418.0000.63060	55.00
H001	H & H Business Systems, Inc.				
APMWB	Check	AR268906	Admin/Mayor/Clerk/HR Copier Contract #2040	001-418.0000.66050	21.93
Dept 418 Total:					76.93
Dept: 421 Police					
A1395	Advanced Compressor & Hose Inc				
APMWB	Check	90470	Tire machine repair parts - PD	001-421.0000.67100	9.06
		90557	Air hose repair - PD shop	001-421.0000.67100	14.99
A236	Alexander Clark Graphics				
APMWB	Check	17316	Police citations	001-421.0000.63290	616.86
VEN09421	Assurance Fitness Repair				

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APMWB	Check	10453	PD gym equipment repairs	001-421.0000.68010	976.00
VEN14740	Burke's Restoration, LLC						
		APMWB	Check	22-530-E	Emergency board up 22PF15637	001-421.0000.68010	1,008.83
C05100	Car Wash Plazas, Inc						
		APMWB	Check	4969	PD car washes	001-421.0000.67170	100.00
C210	City of Post Falls						
		APMWB	Check	INV0145306	City Utilities January 2023	001-421.0000.65004	222.67
C220	Coleman Oil Co						
		APMWB	Check	CL50072	PD Fuel	001-421.0000.64030	5,017.86
C320	Comfort Heating & Air, Inc.						
		APMWB	Check	16817974	HVAC condensor trouble shooting	001-421.0000.68030	119.00
VEN14742	Concept Seating Division						
		APMWB	Check	120041	Shipping for ECO chair parts - on warranty	001-421.0000.63070	40.00
VEN02615	Dr. Lou Sowers						
		APMWB	Check	2013212	Pre-employment evaluations	001-421.0000.64020	600.00
F030	FedEx						
		APMWB	Check	940357167211	Shipping evidence from cyberlab	001-421.0000.63070	39.74
G020	Galls, LLC						
		APMWB	Check	023325443	Uniform shirts - Detectives	001-421.4000.72000	136.29
				023306084	Bike patrol uniform pants	001-421.4000.72000	78.11
H001	H & H Business Systems, Inc.						
		APMWB	Check	AR268902	Police Dept Copier #0786 Contract January	001-421.0000.66042	4.45
VEN13191	Intermax Networks						
		APMWB	Check	243734	Direct link to City Hall	001-421.0000.62040	475.00
VEN09941	Jacque Panza						
		APMWB	Check	020623	Chaplain stipend - 2 weeks in January	001-421.0000.62370	50.00
VEN07726	Jon Dekeles						
		APMWB	Check	020623	Chaplain stipend - two weeks in January	001-421.0000.62370	50.00
K011	Kaminsky, Sullenberger & Associates, Inc						
		APMWB	Check	2023-04-23	Class registration - Fritz	001-421.0000.64020	375.00
K080	Knudtsen Chevrolet and GMAC						
		APMWB	Check	5512123	Sensor - PFPD98	001-421.0000.67100	196.58
VEN14726	Lloyd's Automotive						
		APMWB	Check	116184	TPMS replacement/tire repair - PFPD78	001-421.0000.67170	292.57
				116174	Tire pressure monitor adjustment - PFPD88	001-421.0000.67170	169.39
				116162	Tire pressure monitor adjustment - PFPD101	001-421.0000.67170	63.00
				4952	Spare Ford tires - PD	001-421.0000.67190	324.32
				4953	Spare tires - PD	001-421.0000.67190	162.16
VEN13627	Matthew Leitholt						
		APMWB	Check	20068	Department photos	001-421.0000.63060	1,360.00
N001	Napa Auto Parts						
		APMWB	Check	3688-212311	34mm deep socket - PD shop	001-421.0000.67090	14.35
				3688-213209	Battery	001-421.0000.67100	138.54
				3688-214283	Steering tie rod end - PFPD78	001-421.0000.67100	122.64
				3688-212185	CV Axle - PFPD97	001-421.0000.67100	72.49
				3688-213273	Battery parts - PFPD stock	001-421.0000.67100	67.47
				3688-213314	Engine and transmission mounts - PFPD88	001-421.0000.67100	120.09
				3688-213114	Tensioner assembly - PFPD88	001-421.0000.67100	89.13
				3688-213580	Rotors and Brake pads - PFPD101	001-421.0000.67100	195.78
				3688-209379	Oil filters for PD stock	001-421.0000.67100	88.62
				3688-210880	Coolant and filters for PD stock	001-421.0000.67100	197.40
				3688-213578	Hub bearing assembly - PFPD101	001-421.0000.67100	188.49
				3688-212341	Battery - PFPD97, ATF	001-421.0000.67100	251.77
				3688-213274	Wheel brush - stock	001-421.0000.67100	1.72
				3688-212342	Kooler Kleen - PFPD97	001-421.0000.67100	21.50
				3688-211176	Warranty and core credits	001-421.0000.67100	-345.87
				3688-214561	Sockets - PFPD97	001-421.0000.67100	24.60
				3688-211380	Manifold - PD stock	001-421.0000.67100	12.25
				3688-213208	Virtual kit - PFPD131	001-421.0000.67100	288.71
				3688-211036	Core credits	001-421.0000.67100	-94.40
				3688-213677	Return of steering pump	001-421.0000.67100	-222.89

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
APMWB	Check	3688-212287	Door actuator - PFPD98	001-421.0000.67100	36.26
		3688-213287	Steering pump - PFPD88	001-421.0000.67100	222.89
		3688-213525	Steering tie rod end - PFPD88	001-421.0000.67100	61.32
V040	ODP Business Solutions				
APMWB	Check	292569965001	Office Supplies-PD	001-421.0000.63060	423.01
O050	Oxarc Inc.				
APMWB	Check	0031729886	New cars Fire extinguishers & cones	001-421.0000.67020	315.70
		0031730885	Shop gloves	001-421.0000.67100	55.92
		0031729886	New cars Fire extinguishers & cones	001-421.0000.90020	733.40
P4384	Proforce Law Enforcement				
APMWB	Check	506762	Body Armor	001-421.4000.72010	2,632.28
R1541	Ricoh USA Inc.				
APMWB	Check	5066685541	Police Dept copier #6566 usage January	001-421.0000.66050	130.08
		5066687095	Police Copier #6567 usage January	001-421.0000.66050	58.51
R251	Serights Ace Hardware				
APMWB	Check	339093/1	Airline parts - PD shop	001-421.0000.67100	25.96
		339188/1	Air coupler - PD shop	001-421.0000.67100	40.28
S285	Spalding Auto Parts				
APMWB	Check	2063349	Wheels	001-421.0000.67100	155.00
VEN12205	SpectraSite Communications, LLC				
APMWB	Check	4159676	Herborn tower rental	001-421.0000.62040	631.13
VEN04421	SPHControls				
APMWB	Check	64677	HVAC troubleshooting	001-421.0000.68030	528.00
VEN07714	Uniforms2gear, Inc				
APMWB	Check	INV/2023/02/0116	ECO uniform shift/jacket	001-421.4000.72000	57.17
		INV/2022/12/0638	Uniform jacket - Stilkey	001-421.4000.72000	71.89
W180	Western States Equipment				
APMWB	Check	IN002278213	Troubleshoot generator station	001-421.0000.68050	338.00
Dept 421 Total:					20,251.07
Dept: 423 Oasis					
VEN13531	Nixon Law Office				
APMWB	Check	020323	VSU Client legal services	001-423.1153.68400	1,495.00
Dept 423 Total:					1,495.00
Dept: 424 Legal					
C220	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	001-424.0000.64030	108.17
V040	ODP Business Solutions				
APMWB	Check	290360959001	Office Supplies-Legal	001-424.0000.63040	118.68
Dept 424 Total:					226.85
Dept: 427 Animal Control					
C220	Coleman Oil Co				
APMWB	Check	CL50072	PD Fuel	001-427.0000.64030	268.29
Dept 427 Total:					268.29
Dept: 431 Streets					
A017	A-Tec, Inc.				
APMWB	Check	5770	Street & Waste Water Gates	001-431.0000.68010	1,684.94
C210	City of Post Falls				
APMWB	Check	INV0145306	City Utilities January 2023	001-431.0000.65004	912.26
C220	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	001-431.0000.64030	7,734.37
VEN01373	Intermountain Sign & Safety				
APMWB	Check	16269	70x12 Alum Blk	001-431.0000.63260	93.00
		16416	Aluminum Blanks	001-431.0000.63260	186.00
		16405		001-431.0000.63260	252.00
		16420	Telspar Posts	001-431.0000.63260	294.00
		16406	Telspar posts	001-431.0000.63260	98.00
		16434	Sheer & Radius cuts	001-431.0000.63260	150.00

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>I340</u>	Interstate Concrete & Asphalt				
APMWB	Check	<u>827160</u>	Elasti-Patch Mix	001-431.0000.68090	1,005.86
		<u>CM for 755408</u>	Credit for overpayment on invoice 755408 Tax	001-431.0000.68130	-41.55
		<u>CM for 753901</u>	Overpaid by \$2.00 on invoice 753901	001-431.0000.68130	-2.00
<u>N001</u>	Napa Auto Parts				
APMWB	Check	<u>3688-214526</u>	shop towels	001-431.0000.63000	74.70
		<u>3688-213224</u>	Air Filter	001-431.0000.67090	14.45
<u>P410</u>	Post Falls Highway District				
APMWB	Check	<u>1754</u>	Mag Use - January	001-431.0000.68080	24,524.48
<u>R251</u>	Serights Ace Hardware				
APMWB	Check	<u>339798/1</u>	Safety Glasses - 307	001-431.0000.63110	7.73
		<u>339578/1</u>	Navy Spray Paint	001-431.0000.63260	10.78
		<u>339708/1</u>	Denatured Alcohol	001-431.0000.63260	22.49
		<u>339663/1</u>	Xylene Solvent	001-431.0000.63260	59.37
		<u>339749/1</u>	Corner Braces	001-431.0000.63525	19.78
		<u>339545/1</u>	PVC & hose clamps	001-431.0000.63525	36.63
		<u>339324/1</u>	Valve box	001-431.0000.67090	22.48
		<u>339490/1</u>	Analog Scale	001-431.0000.67090	16.19
		<u>339431/1</u>	Impact locking bit holder	001-431.0000.67090	14.39
		<u>339373/1</u>	Screwdriver set - Socket Adapter	001-431.0000.67090	50.00
		<u>339679/1</u>	key cut	001-431.0000.68010	2.33
<u>T090</u>	Thorco, Inc.				
APMWB	Check	<u>1794974</u>	Install 2 new decorative light poles and fixtures	001-431.0000.68140	28,255.00
<u>U140</u>	UpScale Mail				
APMWB	Check	<u>324211</u>	SKB RA#M118702	001-431.0000.63070	85.74
		<u>324602</u>	Traffic Control RMA	001-431.0000.63070	30.88
<u>VEN14310</u>	US Fleet Tracking LLC				
APMWB	Check	<u>434620</u>	Monthly Fleet Tracking	001-431.0000.66016	539.10
<u>W090</u>	Welch Comer & Associates, Inc.				
APMWB	Check	<u>41354110-009</u>	Spokane Street Rehab WelchComer Invoice D	001-431.1811.95040	3,747.50
Dept 431 Total:					69,900.90
Dept: 433 Facility Maintenance					
<u>C220</u>	Coleman Oil Co				
APMWB	Check	<u>CL52451</u>	January Fuel Usage	001-433.0000.64030	238.52
<u>G098</u>	Grainger				
APMWB	Check	<u>9570192550</u>	Toilet repair CH	001-433.0000.68010	180.48
<u>R251</u>	Serights Ace Hardware				
APMWB	Check	<u>339020/1</u>	Carpet sprayer	001-433.0000.63150	29.69
		<u>338843/1</u>	cleaning supplies CH and PD	001-433.0000.63150	17.07
		<u>339169/1</u>	Vacuum plug repair	001-433.0000.63730	4.76
		<u>339019/1</u>	PD shop waterline repair	001-433.0000.67030	20.67
		<u>339364/1</u>	Batteries for PD soap dispenser	001-433.0000.68010	31.98
<u>T074</u>	Thermal Supply				
APMWB	Check	<u>7726707</u>	Gas Valvue for Streets Department	001-433.0000.68030	91.90
<u>W0226</u>	Walter E Nelson Co				
APMWB	Check	<u>490169</u>	paper supplies CH and PD	001-433.0000.63140	245.98
		<u>490428</u>	cleaning supplies CH and PD	001-433.0000.63150	300.57
Dept 433 Total:					1,161.62
Dept: 434 Fleet Maintenance					
<u>A1395</u>	Advanced Compressor & Hose Inc				
APMWB	Check	<u>90559</u>	Hyd Adp #8 - S219	001-434.0000.63011	5.17
		<u>90598</u>	Coilhose Air - S219	001-434.0000.63011	12.96
		<u>90622</u>	Hose Fittings - S219	001-434.0000.63011	34.75
<u>VEN14736</u>	Cintas Corporation No. 3				
APMWB	Check	<u>4145031190</u>	Uniforms & Rugs	001-434.0000.63160	64.85
<u>C220</u>	Coleman Oil Co				
APMWB	Check	<u>CL52451</u>	January Fuel Usage	001-434.0000.64030	240.59
<u>VEN04300</u>	CW Wraps & Marketing, Inc				
APMWB	Check	<u>15580</u>	Oil Change Window Clings	001-434.0000.63013	250.00

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
F145	Freightliner Northwest- Spokane				
APMWB	Check	PC001573266 01	Fuel Filter - S556	001-434.0000.63011	41.45
		PC001573615 01	Block Heater - S220	001-434.0000.63011	26.81
VEN12746	Mountain States Electric Inc				
APMWB	Check	6021	Wiring for new shop lifts	001-434.0000.68010	2,150.00
N001	Napa Auto Parts				
APMWB	Check	3688-214696	Battery - S119	001-434.0000.63011	138.54
		3688-214476	Oil Filter - A120	001-434.0000.63013	21.69
VEN13988	Tacoma Screw Products, Inc				
APMWB	Check	240058600-00	Bottom Tap - High Speed Steel	001-434.0000.63011	6.80
T118	TPI Embroidery				
APMWB	Check	18453	Fleet Uniform Items	001-434.4000.72000	636.36
VEN13987	Western Peterbilt, LLC				
APMWB	Check	027P226004	redlinex 1800 lumens	001-434.0000.63011	47.56
Dept 434 Total:					3,677.53
Dept: 441 Urban Forestry					
C280	Coeur d'Alene Power Tool				
APMWB	Check	2-229840	Tools for Parks & UF	001-441.0000.67090	168.00
		2-229889	UF Tool	001-441.0000.67090	7.00
C220	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	001-441.0000.64030	185.21
Dept 441 Total:					360.21
Dept: 442 Cemetery					
C210	City of Post Falls				
APMWB	Check	INV0145306	City Utilities January 2023	001-442.0000.65004	79.23
C220	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	001-442.0000.64030	230.91
R251	Serights Ace Hardware				
APMWB	Check	339802/1	Serights Ace concrete	001-442.0000.68170	276.64
W230	Wilbert Precast Inc.				
APMWB	Check	1120082	grave liner	001-442.0000.63420	3,957.96
Z026	Ziegler Lumber Co #017				
APMWB	Check	401698	Portland Cement	001-442.0000.68170	15.65
Dept 442 Total:					4,560.39
Dept: 443 Parks					
A228	A-L Compressed Gases, Inc.				
APMWB	Check	0003012041	Acetylene for Welder	001-443.0000.64030	9.08
A365	American On-Site Services				
APMWB	Check	496799	Q'emlin Portables	001-443.0000.65050	447.96
		496800	Corbin Portable Restrooms	001-443.0000.65050	165.36
		496802	Skate Park Portable	001-443.0000.65050	111.30
		496829	Falls Portable Restroom	001-443.0000.65050	82.68
		496805	Tullamore Portable Restroom	001-443.0000.65050	82.68
		496804	Kiwanis Portable Restroom	001-443.0000.65050	82.68
		496801	Black Bay Portable Restroom	001-443.0000.65050	82.68
		496803	White Pine Portable Restroom	001-443.0000.65050	111.30
VEN06028	Baseline Inc				
APMWB	Check	13441-2023	BaseManager Service for Irrigation	001-443.0000.68230	3,782.00
VEN07913	CANNON HILL				
APMWB	Check	35626	Wood Waste Dumpster	001-443.0000.65050	525.00
C140	CDW Government Inc.				
APMWB	Check	GQ06180	Annual Adobe license renewal	001-443.0000.80030	1,042.46
C210	City of Post Falls				
APMWB	Check	INV0145306	City Utilities January 2023	001-443.0000.65004	1,616.82
C280	Coeur d'Alene Power Tool				
APMWB	Check	2-229840	Tools for Parks & UF	001-443.0000.67090	12.99
C220	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	001-443.0000.64030	1,760.08

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
VEN14423	Crazy Clean Carpet Cleaning LL				
APMWB	Check	2727	Trailhead Carpet Cleaning	001-443.0000.62180	792.00
VEN14466	Dog Waste Depot				
APMWB	Check	528939	Dog Waste Bags	001-443.0000.63150	1,279.90
F002	Fairway Floor & Design Center				
APMWB	Check	34751	Formica for Paint Room	001-443.0000.68160	50.00
F020	Fastenal Company				
APMWB	Check	IDCOE173748	Splinter Kits	001-443.0000.63110	20.55
		IDCOE172954	Hardware for Stock	001-443.0000.66190	0.68
VEN03826	FMI Equipment				
APMWB	Check	SPK-10755	Ventrac Rental for Snow Removal	001-443.0000.67070	2,000.00
G098	Grainger				
APMWB	Check	9594188071	Carboard Storage	001-443.0000.63150	9.25
		9594947963	Rotary Tool	001-443.0000.67090	122.82
		9592567367	Saw Blades	001-443.0000.67090	36.12
H001	H & H Business Systems, Inc.				
APMWB	Check	AR268903	Parks Dept Copier Contract #2227 January	001-443.0000.66061	27.98
H070	Harbor Freight Tools				
APMWB	Check	802599	Tools for Warehouse	001-443.0000.67090	81.95
I3935	IRPA				
APMWB	Check	00641	Myers Membership	001-443.0000.62060	50.00
		00640	Myers IRPA Conference	001-443.0000.64020	275.00
VEN13063	Land F/X				
APMWB	Check	32243	IFX Renewal	001-443.0000.80030	875.00
L109	Lowe's Credit Services				
APMWB	Check	17131	Small Equipment Parts	001-443.0000.66190	93.05
		99014	Return	001-443.0000.66190	-26.58
		08137	Small Equipment Parts	001-443.0000.66190	85.45
		28494	Tools for Park Construction	001-443.0000.67090	604.57
		64102	Tools for Parks Construction	001-443.0000.67090	777.69
		909926	Tools for Shop	001-443.0000.67090	95.86
		64156	Tools for Parks Construction	001-443.0000.67090	187.12
M140	Modern Glass Company				
APMWB	Check	172429	Window for Ticketbooth	001-443.0000.63290	249.48
N001	Napa Auto Parts				
APMWB	Check	3688-213060	Floor Dry for Parks	001-443.0000.63150	40.00
		3688-213952	Cleaning Supplies	001-443.0000.63150	22.89
VEN14065	North Idaho Pest				
APMWB	Check	2023-001	Sportsman's Pest Control	001-443.0000.68215	50.00
N1780	North Idaho Post & Pole				
APMWB	Check	ID54616	Treaty Rock Fence	001-443.0000.67050	51.56
VEN02385	Prairie Transfer Station				
APMWB	Check	07-19023	Cecil House Wood Debris	001-443.0000.65050	41.40
R1691	River City Paint & Decorating				
APMWB	Check	52336	Paint for Shop	001-443.0000.68160	104.96
VEN09319	Rolled Steel Products, Inc				
APMWB	Check	302560	Roofing for Brett James Dugout	001-443.0000.68160	737.73
S0760	Seltice Laundry				
APMWB	Check	2248	Car Washes	001-443.0000.63150	12.27
R251	Serights Ace Hardware				
APMWB	Check	339852/1	Work Gloves	001-443.0000.63110	7.19
		339884/1	Cleaning Supply	001-443.0000.63150	16.18
		339751/1	Cleaning Products	001-443.0000.63150	9.51
		339581/1	Propane for Warehouse	001-443.0000.64030	87.75
		339454/1	Hardware for Paint Room	001-443.0000.67030	15.10
		339440/1		001-443.0000.67030	25.72
		339399/1		001-443.0000.67030	39.89
		339482/1		001-443.0000.67030	57.19
		339442/1	Return	001-443.0000.67030	-1.80
		339823/1	Woodbridge Restroom Repair	001-443.0000.68250	147.88
		339453/1	Plumbing Parts for Washer	001-443.0000.68250	62.23

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>W0226</u>	Walter E Nelson Co				
APMWB	Check	488314	Big Can Liners	001-443.0000.63150	1,161.00
		491100	Cleaning for Floors	001-443.0000.63150	267.99
<u>Z026</u>	Ziegler Lumber Co #017				
APMWB	Check	398591	Fence Repair for Treaty Rock	001-443.0000.67050	16.32
		397403	Cement for Warehouse	001-443.0000.68160	227.09
		384673	Stripping	001-443.0000.68160	42.40
		396900	Lumber for Parks Shop	001-443.0000.68160	110.20
		399469	Lumber for South Park	001-443.0000.68160	213.53
		398600	Concrete for Warehouse	001-443.0000.68170	312.20
Dept 443 Total:					21,481.34

Dept: 445 Recreation

<u>VEN14728</u>	A2Z Interpreting, LLC				
APMWB	Check	4328880	interpreting Services	001-445.0000.62040	430.96
		4328879	Interpreter Services	001-445.0000.62040	322.21
<u>C175</u>	Century Publishing Co, Inc.				
APMWB	Check	74375	Spring Activity Guide Printing	001-445.0000.63210	4,876.50
<u>V040</u>	ODP Business Solutions				
APMWB	Check	290343151001	Office Supplies-Recreation	001-445.0000.66050	166.12
<u>R097</u>	Rebecca Powell				
APMWB	Check	01/23/2023	Activity Guide Design	001-445.0000.63210	1,070.00
<u>S050</u>	Saturday Night Inc.				
APMWB	Check	103646	Basketball T-shirts	001-445.0000.63430	96.80
<u>S294</u>	Specialized Needs Recreation				
APMWB	Check	2360	Community Support	001-445.0000.63590	4,000.00
<u>VEN09501</u>	Yoke's Foods Inc				
APMWB	Check	11/18/22	Pies for Dodgeball Event.	001-445.0000.63080	29.84
Dept 445 Total:					10,992.43

Dept: 451 Planning & Zoning

<u>C291</u>	Coeur d' Alene Press				
APMWB	Check	0000004905-012720	Text Amendment	001-451.0000.62000	43.42
		0000004558-011720	Impact Fee Publication	001-451.0000.62000	60.36
		0000004902-012720	Zone Change Publication	001-451.0000.62000	303.13
<u>H001</u>	H & H Business Systems, Inc.				
APMWB	Check	AR267350	Contract Charges for G736M660937	001-451.0000.66050	27.54
		AR267349	Contract Charges for V9735700465	001-451.0000.66050	6.74
		AR268905	Contract Charges Comm Dev Copiers G736M660937	001-451.1901.66140	0.14
		AR268904	Contract Charges Comm Dev V9735700465	001-451.1901.66140	5.50
<u>R1541</u>	Ricoh USA Inc.				
APMWB	Check	5066478191	Ricoh Copies	001-451.0000.66050	19.93
<u>T345</u>	Tyler Technologies				
APMWB	Check	025-387890	Support and Maintenance for EnerGov iPads	001-451.0000.66010	303.88
		025-380659	Software and Maintenance for EnerGov	001-451.0000.66010	8,220.49
		025-383915	Software and Maintenance Support for EnerGov	001-451.0000.66010	13,978.33
Dept 451 Total:					22,969.46

Dept: 452 Building Inspector

<u>C220</u>	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	001-452.0000.64030	534.77
<u>H001</u>	H & H Business Systems, Inc.				
APMWB	Check	AR267350	Contract Charges for G736M660937	001-452.0000.66050	27.52
		AR267349	Contract Charges for V9735700465	001-452.0000.66050	6.74
		AR268905	Contract Charges Comm Dev Copiers G736M660937	001-452.1901.66140	0.14
		AR268904	Contract Charges Comm Dev V9735700465	001-452.1901.66140	5.50
<u>R1541</u>	Ricoh USA Inc.				
APMWB	Check	5066478191	Ricoh Copies	001-452.0000.66050	19.92
Dept 452 Total:					594.59

Dept: 453 Engineering

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>A477</u>	APWA				
APMWB	Check	156471 2.13.23	Membership Renewal - 156471	001-453.0000.62060	1,206.00
<u>C220</u>	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	001-453.0000.64030	138.50
<u>H001</u>	H & H Business Systems, Inc.				
APMWB	Check	AR267349	Contract Charges for V9735700465	001-453.1901.66050	6.74
		AR267350	Contract Charges for G736M660937	001-453.1901.66050	27.52
		AR268905	Contract Charges Comm Dev Copiers G736M660937	001-453.1901.66140	0.14
		AR268904	Contract Charges Comm Dev V9735700465	001-453.1901.66140	5.51
<u>J105</u>	J-U-B Engineers, Inc.				
APMWB	Check	0159793	Contracts/Professional	001-453.0000.62040	1,819.70
<u>P4835</u>	ProPrint				
APMWB	Check	62238	Business Cards	001-453.0000.63060	31.00
<u>R1541</u>	Ricoh USA Inc.				
APMWB	Check	5066478191	Ricoh Copies	001-453.1901.66050	19.92
Dept 453 Total:					3,255.03

Dept: 481 Capital Improvements/Contracts

<u>C210</u>	City of Post Falls				
APMWB	Check	INV0145306	City Utilities January 2023	001-481.0000.68390	119.35
<u>S3921</u>	Standard Plumbing				
APMWB	Check	64156	Heat pump Replacement x 2 at City Hall.	001-481.0000.68390	5,526.00
Dept 481 Total:					5,645.35
Fund 001 Total:					223,937.46

Fund: 003 - PERSONNEL BENEFIT POOL

Dept: 482 Personnel Pool

<u>VEN08243</u>	Awards Network				
APMWB	Check	00094367	Awards for Employees	003-482.0000.73020	72.46
<u>VEN04994</u>	Gallagher Benefit Services Inc.				
APMWB	Check	274797	Monthly Health & Welfare	003-482.0000.62040	2,500.00
Dept 482 Total:					2,572.46
Fund 003 Total:					2,572.46

Fund: 007 - DRUG SEIZURE PROGRAM

Balance Sheet Accounts

<u>VEN06027</u>	Kootenai County Prosecutor				
APMWB	Check	22PF22285	CV28-22-5450 Seizure funds	007-20020	1,268.00
Balance Sheet Accounts Total:					1,268.00

Dept: 425 Drug Seizure Program

<u>C2150</u>	City of Spokane				
APMWB	Check	IN-036607	Class registration - Sporleder/K9 Mack	007-425.0000.64020	546.00
<u>VEN14737</u>	DetectaChem, Inc				
APMWB	Check	INV10096	Drug test kits	007-425.0000.67020	760.01
Dept 425 Total:					1,306.01
Fund 007 Total:					2,574.01

Fund: 037 - STREETS IMPACT FEES

Dept: 431 Streets

<u>J105</u>	J-U-B Engineers, Inc.				
APMWB	Check	0159713	Spokane & Prairie Project	037-431.0000.95134	1,163.60
<u>W090</u>	Welch Comer & Associates, Inc.				
APMWB	Check	41354090-009	Inv #41354090-009 Chase BNSF RR-Xing Proj	037-431.0000.95134	8,350.87
		41354090-010	Inv #41354090-010 Chase BNSF RR-Xing Proj	037-431.0000.95134	5,211.02
		41354090-011	Inv #4135090-011 Chase BNSF RR-Xing Proj	037-431.0000.95134	3,829.44
		41354090-007	Inv #41354090-007 Chase BNSF RR-Xing Proj	037-431.0000.95134	3,610.11
		41354090-012	Inv #4135090-012 Chase BNSF RR-Ing Proj	037-431.0000.95134	3,325.93

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
APMWB	Check	41354090-008	Inv #41354090-008 Chase BNSF RR-Xing Pro	037-431.0000.95134	2,489.68
Dept 431 Total:					27,980.65
Fund 037 Total:					27,980.65

Fund: 650 - RECLAIMED WATER OPERATING

Dept: 463 Wastewater Operating

A090	Accurate Testing Labs LLC				
APMWB	Check	129110	PF Biosolids	650-463.0000.68360	660.00
A1395	Advanced Compressor & Hose Inc				
APMWB	Check	90589	Tough Towles, Teflon Tape	650-463.0000.68025	145.90
A017	A-Tec, Inc.				
APMWB	Check	5770	Street & Waste Water Gates	650-463.0000.68010	1,520.81
VEN03129	Barr Tech LLC				
APMWB	Check	8641	Bio Solids Disposal Jan 2023	650-463.0000.62150	56,976.88
VEN14648	Beveridge and Diamond PC				
APMWB	Check	230100328	October 2022 IPDES Legal Support	650-463.0000.62010	1,357.50
		230100329	November IPDES Support	650-463.0000.62010	8,757.50
C1170	CDA Metals				
APMWB	Check	22203371	Angle 2x 2x, Carbon Scrap	650-463.0000.68025	30.25
C210	City of Post Falls				
APMWB	Check	INV0145306	City Utilities January 2023	650-463.0000.65080	134.58
C220	Coleman Oil Co				
APMWB	Check	CL52451	January Fuel Usage	650-463.0000.65005	399.90
C360	Consolidated Supply Co.				
APMWB	Check	S011223480.002	6" Fittings PVC	650-463.0000.68025	24.26
		S011223480.001	6" Fittings	650-463.0000.68025	91.32
VEN03982	Dally Environmental LLC				
APMWB	Check	2682	Avista Contract No. R-39492 Jan1st- Jan27th 2	650-463.0000.62040	797.02
G098	Grainger				
APMWB	Check	9593856355	Hooded Coveralls	650-463.0000.68025	178.27
G100	Granich Engineering				
APMWB	Check	BI-0360256	GD Lube	650-463.0000.68025	392.31
H002	H & E Equipment Services Inc				
APMWB	Check	97073466	John Deere Service & Check Over	650-463.0000.67170	939.17
H030	Hach Company				
APMWB	Check	13444939	STRAINER,TEFLON/STAINLESS STEEL	650-463.0000.63400	290.00
I2731	Inland Environmental Resources				
APMWB	Check	2023-0113	Dry Polymer	650-463.0000.63480	9,460.00
K0037	K & N Electric Motors Inc.				
APMWB	Check	0137786	Fan	650-463.0000.68025	23.00
N001	Napa Auto Parts				
APMWB	Check	3688-214366	Bottle Jack 12 & 6 Ton	650-463.0000.67090	117.97
		3688-213472	Floor Dry	650-463.0000.68025	10.00
		3688-213072	Pilot Building & Surface Water	650-463.0000.68025	117.32
		3688-213597	Shop Supplies	650-463.0000.68025	81.39
VEN05363	North 40 Outfitters				
APMWB	Check	041840/E	Honda Engine GX390	650-463.0000.68025	799.99
V040	ODP Business Solutions				
APMWB	Check	286963926001	Office Supplies- Water/WW	650-463.0000.63060	28.71
		286947790001		650-463.0000.63060	158.41
		286963926001		650-463.0000.63060	31.60
P125	Paramount Supply Company				
APMWB	Check	632844	Gasket, Ring Gasket	650-463.0000.68025	23.50
P180	Perfection Tire				
APMWB	Check	1052469	Oil Change - T115	650-463.0000.67170	271.21
R251	Serights Ace Hardware				
APMWB	Check	339732/1	Shop Supplies	650-463.0000.67090	104.88
VEN06538	SGS AXYS Analytical Services Ltd				
APMWB	Check	11564206	PCB and Dioxin sampling	650-463.0000.68360	3,280.53
VEN04421	SPHControls				

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APMWB	Check	64632	Replaced Failed Unit Heater	650-463.0000.68010	2,794.50
T106	Titan Truck Equipment						
		APMWB	Check	1340150	Hydraulic - D104	650-463.0000.67170	498.47
U145	USABlue Book						
		APMWB	Check	243757	Lab Supplies	650-463.0000.63400	959.09
W0226	Walter E Nelson Co						
		APMWB	Check	491449	Lab Supplies	650-463.0000.63400	1,055.23
VEN13163	Wapiti Consulting, LLC						
		APMWB	Check	369	VFD and Flow meter replacement	650-463.0000.68025	2,430.00
W095	Welding Fabrication Services						
		APMWB	Check	24098	Service Call 12.19.23 Replaced Motor & Pump	650-463.0000.68010	1,076.50
				24112	10 Gate Remotes	650-463.0000.68010	355.00
Dept 463 Total:							96,372.97

Dept: 466 Wastewater - Collections

A497	Arrow Construction Supply, Inc						
		APMWB	Check	359558	Orange Cone & Snap Handle Cleform Tool	650-466.0000.63330	337.66
C210	City of Post Falls						
		APMWB	Check	INV0145306	City Utilities January 2023	650-466.0000.65080	110.49
						650-466.0000.65081	12.44
C220	Coleman Oil Co						
		APMWB	Check	CL52451	January Fuel Usage	650-466.0000.65005	1,468.80
G098	Grainger						
		APMWB	Check	9558591864	Manhole Ladder 12ft	650-466.0000.63330	317.67
N001	Napa Auto Parts						
		APMWB	Check	3688-213488	Truck Bed Coating	650-466.0000.63330	52.04
				3688-213897	Battery Charger & Impact Socket	650-466.0000.80240	203.92
VEN14559	One Call Concepts, Inc						
		APMWB	Check	3015023	Locates	650-466.0000.62320	208.73
B100	Owen Equipment Company						
		APMWB	Check	00109152	Vactor Tube	650-466.0000.63330	377.31
				00109163	Vactor Truck Nozzle	650-466.0000.63330	575.00
P125	Paramount Supply Company						
		APMWB	Check	635273	PVC Pipe	650-466.0000.63006	57.80
				632317	2" Paramount SSFP, Bush, Nipple, PVC Pipe	650-466.0000.63006	208.72
R251	Serights Ace Hardware						
		APMWB	Check	339655/1	Shop Supplies	650-466.0000.63006	11.36
				339496/1	Shop Supplies	650-466.0000.63330	25.36
				339862/1	Retract Tieout & Bolt	650-466.0000.63330	41.91
				339845/1	Storage Box	650-466.0000.63330	30.58
				339448/1	Retractable Dog Lead, Ball Hex	650-466.0000.63330	53.08
				339546/1	IPT Hammer for Opening Stuck Man Hole	650-466.0000.67090	21.59
				339600/1	Hex Key Set 5/64	650-466.0000.67090	10.79
Z026	Ziegler Lumber Co #017						
		APMWB	Check	399814	Shop Supplies	650-466.0000.63330	84.43
Dept 466 Total:							4,209.68

Dept: 468 Wastewater - Surface Water

C220	Coleman Oil Co						
		APMWB	Check	CL52451	January Fuel Usage	650-468.0000.65005	319.66
N001	Napa Auto Parts						
		APMWB	Check	3688-212348	Synthis Oil, Oil Filter & Sprk Plug Surfacewater	650-468.0000.67170	76.26
R251	Serights Ace Hardware						
		APMWB	Check	339779/1	Shovel 60"	650-468.0000.67090	28.79
U140	UpScale Mail						
		APMWB	Check	320771	Stormwater MS4 Outreach 2022	650-468.0000.68360	235.18
Dept 468 Total:							659.89

Fund 650 Total: 101,242.54

Fund: 651 - RECLAIMED WATER CAPITAL - WWTP

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Dept: 463 Wastewater Operating							
A293	Allwest Testing & Engin., LLC	APMWB	Check	230225	Tertiary Treatment Allwest Invoice Jan 2023	651-463.3213.90015	1,198.20
I340	Interstate Concrete & Asphalt	APMWB	Check	829040	5/8" Top Course 1622 W Lundy	651-463.6505.95520	242.68
J105	J-U-B Engineers, Inc.	APMWB	Check	0159838	WRF FPS Jan 2023	651-463.3209.95500	11,967.60
				0159153	December WRF FPS	651-463.3209.95500	16,156.26
				0159856	Tertiary Treatment JUB Invoice Jan 2023	651-463.3213.90015	130,284.05
P050	Panhandle Area Council	APMWB	Check	33-PFLM	Tertiary Treatment PAC Invoice Jan 2023	651-463.3213.90015	1,871.00
VEN14306	Wigen Water Technologies	APMWB	Check	21764A	Wigen Withheld Payment for Milestone 1A	651-463.3213.90015	31,154.00
Dept 463 Total:							192,873.79

Fund 651 Total: 192,873.79

Fund: 652 - RECLAIMED WATER CAPITAL - COLLECTOR

Dept: 463 Wastewater Operating							
W090	Welch Comer & Associates, Inc.	APMWB	Check	41354120-010	Corbin Lift Station Welch Comer Invoice Dec-J652-463.3234.95520		12,360.00
Dept 463 Total:							12,360.00

Fund 652 Total: 12,360.00

Fund: 700 - SANITATION

Dept: 461 Sanitation							
VEN07913	CANNON HILL	APMWB	Check	35494	Wood Waste	700-461.0000.65050	252.00
VEN02385	Prairie Transfer Station	APMWB	Check	07-15774	Yard Waste	700-461.0000.65050	14.30
				07-21114	General Refuse	700-461.0000.65050	3.25
				07-18675		700-461.0000.65050	1.95
				07-19131	Cecil House Brush Clean-up	700-461.0000.65050	20.25
				07-13669	Silt Fence Removal	700-461.0000.65050	22.75
				07-19064	Cecil House Wood Waste	700-461.0000.65050	23.40
				07-19139	Cecil Wood Waste	700-461.0000.65050	5.85
				07-15132	General Refuse	700-461.0000.65050	5.85
				07-18952	Cecil House Wood Debris	700-461.0000.65050	29.70
				07-19077		700-461.0000.65050	39.60
				07-13066	General Refuse	700-461.0000.65050	26.65
Dept 461 Total:							445.55

Fund 700 Total: 445.55

Fund: 750 - WATER OPERATING

Dept: 462 Water Operating							
A090	Accurate Testing Labs LLC	APMWB	Check	129657	Coliform Presence/Absence	750-462.0000.68360	150.00
				129493	Nitrate Resting	750-462.0000.68360	30.00
				129442	Nitrate Testing	750-462.0000.68360	60.00
				128030	Radium, Alpha Activity, Uranium	750-462.0000.68360	410.00
				129437	Coliform Presence/Absence	750-462.0000.68360	120.00
VEN14124	Badger Meter, Inc.	APMWB	Check	80118257	Beacon Hosting	750-462.0000.66012	34.56
C1161	CDA Garbage	APMWB	Check	1839465	Recycle Bin	750-462.0000.65050	30.50
C210	City of Post Falls	APMWB	Check	INV0145306	City Utilities January 2023	750-462.0000.65004	71.03
C220	Coleman Oil Co	APMWB	Check	CL52451	January Fuel Usage	750-462.0000.64030	1,334.82

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>H215</u>	Core & Main LP				
APMWB	Check	S299893	Lid Repair Parts	750-462.0000.63280	22.00
		R482723	3/4 Meter Adapter	750-462.0000.63280	82.58
		S268315	Repair Clamps	750-462.0000.63280	352.05
		S283315	VB Top & Lid	750-462.0000.63280	667.10
		R482709	Coil Boxes	750-462.0000.63280	3,009.70
		S280688	Repair Band	750-462.0000.63280	1,056.15
<u>VEN14305</u>	General Pacific, Inc				
APMWB	Check	1456390	1" M55 Meters	750-462.0000.63280	9,538.00
<u>G098</u>	Grainger				
APMWB	Check	9599583342	Measuring Container 4 QT	750-462.0000.63280	60.12
<u>VEN14482</u>	Gunnerson Consulting and Communication Site Services, LLC				
APMWB	Check	4914	Jan Cell Lease Support	750-462.0000.62040	3,475.25
		4870	December Cell Tower Lease support	750-462.0000.62040	586.50
<u>H001</u>	H & H Business Systems, Inc.				
APMWB	Check	AR268907	Water Dept Copier Contract #0361 January	750-462.0000.63060	57.83
<u>K080</u>	Knudtsen Chevrolet and GMAC				
APMWB	Check	6244625	Oil Change & Multi-Point Inspection	750-462.0000.67170	124.81
<u>VEN09639</u>	McHugh Bromley PLLC				
APMWB	Check	1000 3359	Water Rights legal support	750-462.0000.62010	35.33
		1000 3351	Dec Adjudication	750-462.0000.62010	212.00
<u>N001</u>	Napa Auto Parts				
APMWB	Check	3688-213747	8" Hex Key	750-462.0000.63280	106.11
		3688-213746	Driver Set - Shop	750-462.0000.63280	142.20
<u>VEN14559</u>	One Call Concepts, Inc				
APMWB	Check	3015023	Locates	750-462.0000.62320	208.72
<u>R251</u>	Serights Ace Hardware				
APMWB	Check	339856/1	Shop Supplies	750-462.0000.63280	17.95
<u>VEN04421</u>	SPHControls				
APMWB	Check	64632	Replaced Failed Unit Heater	750-462.0000.68010	2,794.50
<u>U145</u>	USABlue Book				
APMWB	Check	239256	Guage 2.5"	750-462.0000.63280	224.07
		253352	Impact Socket Set	750-462.0000.63280	38.47
<u>VEN14544</u>	Watts Regulator Company				
APMWB	Check	15899705	Syncta Water CCC 2023	750-462.0000.66012	8,612.50
<u>W095</u>	Welding Fabrication Services				
APMWB	Check	24098	Service Call 12.19.23 Replaced Motor & Pump	750-462.0000.68010	1,076.50
Dept 462 Total:					34,741.35
Fund 750 Total:					34,741.35
Fund:	753 - WATER CAPITAL				
Dept: 462 Water Operating					
<u>J105</u>	J-U-B Engineers, Inc.				
APMWB	Check	0159812	Well House 11 JUB Invoice Jan 2023	753-462.3224.95550	7,714.90
Dept 462 Total:					7,714.90
Fund 753 Total:					7,714.90
Report Total:					606,442.71



Fund	Account	Amount
001 - GENERAL FUND		
	001-411.0000.66050	16.46
	001-412.0000.63060	18.74
	001-412.0000.66014	3,794.80
	001-412.0000.80010	44,805.96
	001-413.0000.66050	21.93
	001-414.0000.62091	5,500.00
	001-415.0000.62000	31.10
	001-415.0000.62030	1,995.51
	001-415.0000.66050	10.97
	001-415.0000.66080	825.00
	001-418.0000.63060	55.00
	001-418.0000.66050	21.93
	001-421.0000.62040	1,106.13
	001-421.0000.62370	100.00
	001-421.0000.63060	1,783.01
	001-421.0000.63070	79.74
	001-421.0000.63290	616.86
	001-421.0000.64020	975.00
	001-421.0000.64030	5,017.86
	001-421.0000.65004	222.67
	001-421.0000.66042	4.45
	001-421.0000.66050	188.59
	001-421.0000.67020	315.70
	001-421.0000.67090	14.35
	001-421.0000.67100	2,036.30
	001-421.0000.67170	624.96
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	001-421.0000.68010	1,984.83
	001-421.0000.68030	647.00
	001-421.0000.68050	338.00
	001-421.0000.90020	733.40
	001-421.4000.72000	343.46
	001-421.4000.72010	2,632.28
	001-423.1153.68400	1,495.00
	001-424.0000.63040	118.68
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	001-427.0000.64030	268.29
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	001-431.0000.64030	7,734.37
	001-431.0000.65004	912.26
	001-431.0000.66016	539.10
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	001-431.0000.68010	1,687.27
	001-431.0000.68080	24,524.48
	001-431.0000.68090	1,005.86
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	001-431.0000.68140	28,255.00
	001-431.1811.95040	3,747.50
	001-433.0000.63140	245.98
	001-433.0000.63150	347.33
	001-433.0000.63730	4.76
	001-433.0000.64030	238.52

001-433.0000.67030	20.67
001-433.0000.68010	212.46
001-433.0000.68030	91.90
001-434.0000.63011	314.04
001-434.0000.63013	271.69
001-434.0000.63160	64.85
001-434.0000.64030	240.59
001-434.0000.68010	2,150.00
001-434.4000.72000	636.36
001-441.0000.64030	185.21
001-441.0000.67090	175.00
001-442.0000.63420	3,957.96
001-442.0000.64030	230.91
001-442.0000.65004	79.23
001-442.0000.68170	292.29
001-443.0000.62060	50.00
001-443.0000.62180	792.00
001-443.0000.63110	27.74
001-443.0000.63150	2,818.99
001-443.0000.63290	249.48
001-443.0000.64020	275.00
001-443.0000.64030	1,856.91
001-443.0000.65004	1,616.82
001-443.0000.65050	1,733.04
001-443.0000.66061	27.98
001-443.0000.66190	152.60
001-443.0000.67030	136.10
001-443.0000.67050	67.88
001-443.0000.67070	2,000.00
001-443.0000.67090	1,919.12
001-443.0000.68160	1,485.91
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001-443.0000.68215	50.00
001-443.0000.68230	3,782.00
001-443.0000.68250	210.11
001-443.0000.80030	1,917.46
001-445.0000.62040	753.17
001-445.0000.63080	29.84
001-445.0000.63210	5,946.50
001-445.0000.63430	96.80
001-445.0000.63590	4,000.00
001-445.0000.66050	166.12
001-451.0000.62000	406.91
001-451.0000.66010	22,502.70
001-451.0000.66050	54.21
001-451.1901.66140	5.64
001-452.0000.64030	534.77
001-452.0000.66050	54.18
001-452.1901.66140	5.64
001-453.0000.62040	1,819.70
001-453.0000.62060	1,206.00
001-453.0000.63060	31.00
001-453.0000.64030	138.50
001-453.1901.66050	54.18
001-453.1901.66140	5.65
001-481.0000.68390	5,645.35
Fund 001 Total:	223,937.46
003 - PERSONNEL BENEFIT POOL	
003-482.0000.62040	2,500.00
003-482.0000.73020	72.46
Fund 003 Total:	2,572.46
007 - DRUG SEIZURE PROGRAM	
007-20020	1,268.00
007-425.0000.64020	546.00
007-425.0000.67020	760.01
Fund 007 Total:	2,574.01

037 - STREETS IMPACT FEES		
	037-431.0000.95134	27,980.65
		Fund 037 Total:
		27,980.65
650 - RECLAIMED WATER OPERATING		
	650-463.0000.62010	10,115.00
	650-463.0000.62040	797.02
	650-463.0000.62150	56,976.88
	650-463.0000.63060	218.72
	650-463.0000.63400	2,304.32
	650-463.0000.63480	9,460.00
	650-463.0000.65005	399.90
	650-463.0000.65080	134.58
	650-463.0000.67090	222.85
	650-463.0000.67170	1,708.85
	650-463.0000.68010	5,746.81
	650-463.0000.68025	4,347.51
	650-463.0000.68360	3,940.53
	650-466.0000.62320	208.73
	650-466.0000.63006	277.88
	650-466.0000.63330	1,895.04
	650-466.0000.65005	1,468.80
	650-466.0000.65080	110.49
	650-466.0000.65081	12.44
	650-466.0000.67090	32.38
	650-466.0000.80240	203.92
	650-468.0000.65005	319.66
	650-468.0000.67090	28.79
	650-468.0000.67170	76.26
	650-468.0000.68360	235.18
		Fund 650 Total:
		101,242.54
651 - RECLAIMED WATER CAPITAL - WWTP		
	651-463.3209.95500	28,123.86
	651-463.3213.90015	164,507.25
	651-463.6505.95520	242.68
		Fund 651 Total:
		192,873.79
652 - RECLAIMED WATER CAPITAL - COLLECTOR		
	652-463.3234.95520	12,360.00
		Fund 652 Total:
		12,360.00
700 - SANITATION		
	700-461.0000.65050	445.55
		Fund 700 Total:
		445.55
750 - WATER OPERATING		
	750-462.0000.62010	247.33
	750-462.0000.62040	4,061.75
	750-462.0000.62320	208.72
	750-462.0000.63060	57.83
	750-462.0000.63280	15,316.50
	750-462.0000.64030	1,334.82
	750-462.0000.65004	71.03
	750-462.0000.65050	30.50
	750-462.0000.66012	8,647.06
	750-462.0000.67170	124.81
	750-462.0000.68010	3,871.00
	750-462.0000.68360	770.00
		Fund 750 Total:
		34,741.35
753 - WATER CAPITAL		
	753-462.3224.95550	7,714.90
		Fund 753 Total:
		7,714.90
		Report Total:
		606,442.71

ACCOUNTS PAYABLE HANDCHECK ACCOUNTABILITY FOR CHECK RUN 2.22.23

2/2/2023	\$11.64	91041	AT&T Mobility	Pay Before Due Date 750-462.0000.65030
2/2/2023	\$154.17	91042	AVISTA Utilities	Pay Before Due Date Various
2/2/2023	\$134.98	91043	Charter Communications	Pay Before Due Date 001-443.0000.65030
2/2/2023	\$169.98	91044	Charter Communications	Pay Before Due Date 001-443.0000.65030
2/2/2023	\$317,340.65	91045	Northwest Waste and Recycling	Pay Before Due Date 700-461.0000.62042
2/2/2023	\$83.43	91046	Post Falls Food Bank	Pay Before Due Date 001-22110
2/2/2023	\$120.03	91047	Verizon Wireless	Pay Before Due Date 001-453.0000.65030
2/2/2023	\$120.03	91048	Verizon Wireless	Pay Before Due Date 001-424.0000.65030
2/2/2023	\$1.35	91049	Verizon Wireless	Pay Before Due Date 650-463.0000.65030
2/2/2023	\$80.02	91050	Verizon Wireless	Pay Before Due Date 001-452.0000.65030
2/2/2023	\$1,150.00	91051	Wired2Learn Academy	Pay Before Due Date 003-482.4000.73000
2/3/2023	\$9,655.42	91052	Western States Equipment	Pay Before Due Date Various
2/9/2023	\$49.03	91062	AT&T- Long Distance	Pay Before Due Date 001-445.0000.65030
2/9/2023	\$701.35	91063	AT&T Mobility	Pay Before Due Date 650-466.0000.65030
2/9/2023	\$538.52	91064	AT&T Mobility	Pay Before Due Date 650-463.0000.65030
2/9/2023	\$87,132.01	91065	AVISTA Utilities	Pay Before Due Date Various
2/9/2023	\$171.66	91066	Idaho State Tax Commission	Pay Before Due Date 001-22095
2/9/2023	\$32,605.49	91067	Kootenai Electric	Pay Before Due Date Various
2/9/2023	\$62.47	91069	Ricoh USA Inc.	Pay Before Due Date 001-421.0000.66050
2/9/2023	\$228.93	91070	Ross Point Water	Pay Before Due Date Various
2/9/2023	\$185.19	91071	Verizon Wireless	Pay Before Due Date Various
2/9/2023	\$400.10	91072	Verizon Wireless	Pay Before Due Date 001-452.0000.65030
2/9/2023	\$170.22	91073	Verizon Wireless	Pay Before Due Date 001-443.0000.65030
2/9/2023	\$56.89	91074	Ziplay Fiber	Pay Before Due Date 001-481.0000.68390
2/9/2023	\$2,225.50	91075	AT&T Mobility	Pay Before Due Date 001-421.0000.65030
2/9/2023	\$70.00	91076	Idaho Board of Drinking Water & Wastewater Professionals	Pay Before Due Date 650-466.0000.64020
2/9/2023	\$567.02	91077	Kootenai Electric	Pay Before Due Date 001-421.0000.65021
2/9/2023	\$2,868.00	91078	T-Mobile USA	Pay Before Due Date 001-421.0000.65030
2/9/2023	\$292.86	91079	Ziplay Fiber	Pay Before Due Date 001-421.0000.65030
2/9/2023	\$163.50	91080	Ziplay Fiber	Pay Before Due Date 001-421.0000.65030
2/9/2023	\$616.00	91081	Ziplay Fiber	Pay Before Due Date 001-421.0000.65030
2/9/2023	\$25,918.00	91082	Parker Toyota	Pay Before Due Date 001-434.0000.90010
	\$484,044.44			

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 02/21/2023

DATE: 02/15/2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Morris Annexation Development Agreement and Grant of Easement File No. ANNX-0013-2021

ITEM AND RECOMMENDED ACTION:

With approval of the Consent Calendar, City Council authorizes the mayor's signature on the Annexation Agreement and Grant of Easement for the Morris Annexation.

DISCUSSION:

The applicant (Harlan Douglass) has requested to annex approximately 12 acres into the City of Post Falls with a zoning designation of Community Commercial Services. The property is generally located approximately 500' due north of Prairie Ave. along the west side of Highway 41, near the northwest corner of Highway 41 and Prairie Ave.

On April 12, 2022, a public hearing was held before the Planning and Zoning Commission. After hearing the staff report and receiving testimony the Commission moved to recommend approval of the CCS zone. City Council moved to reconvene at a latter date if the applicant decided to accept the revised Development Annexation Agreement with the added language of no multi-family on May 17, 2022. On September 6, 2022 after Council received the staff report, testimony, and newly signed Agreement they moved to approve the requested annexation of 12 acres and the Community Commercial Services (CCS) zone.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

Yes

APPROVED OR DIRECTION GIVEN:

Approved

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

DEVELOPMENT AND ANNEXATION AGREEMENT

Morris Annexation (File No. ANNX-0013-2021)

THIS AGREEMENT is made this ___ day of _____, 20___, by and between the **City of Post Falls**, a municipal corporation organized and existing pursuant to the laws of the State of Idaho, with its principal place of business at 408 N. Spokane Street, Post Falls, ID, and **Harlan D. Douglass**, an unmarried man, with his principal place of residence at 815 Rosewood Ave., Spokane, WA 99208.

WHEREAS, Harlan D. Douglass, (hereinafter the “Owner”) owns a tract of land (hereinafter the “Property”) adjacent to the city limits of the City of Post Falls (hereinafter the “City”), which the Owner wishes to annex and develop within the City; and

WHEREAS, the legal description and depiction of the Property is attached hereto as Exhibit “A”; and

WHEREAS, the Mayor and City Council of the City have determined it to be in the best interests of the City to annex the Property subject to the Owner performing the covenants and conditions in this Agreement.

NOW THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

ARTICLE I: PURPOSE AND DESCRIPTION OF PROPERTY

- 1.1. Purpose: Owner enters into this Agreement in order to obtain annexation of the Property while the City seeks to obtain partial mitigation of the impacts of annexation of the Property on the City. Owner acknowledges that City has no duty to annex the Property and that the promises of Owner contained in this Agreement are an inducement for City to do so. The term “Owner” includes any successor in interest in the Property.
- 1.2. Description of the Property: The Property is generally located west of Highway 41 and north of Prairie Avenue and is more particularly described in Exhibit “A”.

ARTICLE II: STANDARDS

- 2.1. Construct to City Standards: Owner agrees that all improvements required by this Agreement or by City codes will be built to City standards or to the standards of any public agency providing service to the Property. Owner agrees to adhere to all City policies and procedures; including, but not limited to sanitary sewer improvements, water lines, fire hydrants, parks, flood works, storm water management, curbs, sidewalks, street trees, streetlights, pedestrian/bicycle facilities and roads. Such policies include extending utility lines in a manner acceptable to the City to make service available to adjoining

lands and limitations on gaining site access from arterial and collector roadways (including the KMPO Critical Access Corridor Policy).

- 2.2. Applicable Standards: Owner agrees that all laws, standards, policies and procedures regarding public improvement construction that the Owner is required to comply with or otherwise meet pursuant to this Agreement or City codes are those in effect when construction is commenced. If Owner fails to comply with applicable laws in the course of constructing improvements, public or otherwise, on the Property, the Owner consents to the City withholding further development approvals for the Property including, but not limited to, building permits, certificates of occupancy, site plan approval, and subdivision approval until such compliance is attained. Owner waives, on behalf of itself and its successors in interest, any and all claims against the City relating to the City withholding development approval as authorized by this Section.
- 2.3. Inspection and Testing: Owner agrees that it will retain the services of a civil engineer, licensed by the State of Idaho, to perform construction inspection and testing during the construction of all public improvements on the Property. Owner agrees to provide copies of all field inspection reports and test results to the City Engineer accompanied by a certification that the improvements have been installed in compliance with applicable City requirements prior to requesting that the City accept the public improvements for ownership and maintenance. The inspection, testing and certification reports must be provided at no cost to the City. Owner agrees that a representative of the City must be present at the pressure testing of water mains and sanitary sewer mains. Owner agrees to provide the City with at least twenty-four (24) hours-notice before such testing.
- 2.4. As-Built Drawings: Owner agrees to provide accurate “as-built” drawings of public improvements to the City within thirty (30) days of the date of substantial completion of construction of any public improvement on the Property. If as-builts are not provided as required by this Agreement, the Owner agrees that the City may withhold further development approvals for the Property as provided in Section 2.2 and waives, on behalf of itself and its successors in interest, any and all claims against the City relating to the City withholding development approvals. The Owner understands and agrees that the City will not accept public improvements for maintenance or allow occupancy of constructed improvements on the Property until accurate “as-builts” are provided and until planned improvements have complied with the inspection requirements contained in Section 2.3 and have been accepted for public maintenance or approved for private use.
- 2.5. Street Access to the Property: Owner agrees that at the time street access to the Property can be obtained from the west via the planned backage road system identified in the City’s Transportation Master Plan, Owner will remove the current access point onto State Highway 41 and install matching curb, gutter, and other site improvements consistent with the requirements of the City of Post Falls and Idaho Transportation Department along Highway 41. Additionally, Owner agrees to comply with all access restrictions contained in the City’s Transportation Master Plan, the Highway 41 Corridor Master Plan and KMPO Critical Arterial Corridor Policy.
- 2.6. Limitation on Residential Development: Owner agrees that the property will not be developed with residential uses and agrees that the City may reject any request to

authorize residential uses on the Property unless this Agreement is amended following a public hearing. Owner waives any and all claims Owner may have, or may acquire, against the City or its officers, employees, or agents arising in any way from the City rejecting, or failing to process, any application that would authorize residential uses on the Property as contemplated by this Section 2.6.

ARTICLE III. UTILITIES AND PUBLIC SERVICES

- 3.1. Water: Owner agrees to use a public water supply system for any development of the Property and to pay all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. If water service cannot be obtained from a public water supply system that has the legal authority to provide service to the Property, the Owner may seek to obtain temporary water service from any lawful source whether public or private beginning 90 days after the date that the Owner requested water service from each public water supply system that has legal authority to serve the Property. Upon public water service becoming available to the Property, Owner will disconnect from the temporary service and connect to the public water service.
- 3.1.1. Water Rights: Prior to commencement of development of the Property, Owner agrees to grant to the public water supply system agreeing to provide water service to the Property, in form acceptable to the grantee, all water rights associated with the Property in order to assure that the public water supply system has adequate water rights to supply domestic water to the Property.
- 3.2. Wastewater Reclamation: The Owner agrees to use the Post Falls Sanitary Sewer system for all development of the Property and to be responsible for all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with rules and regulations of the City. The City does not warrant that sanitary sewer capacity will be available at the time Owner requests connection to the sanitary sewer system. If sanitary sewer capacity cannot be assured within 90 days of the date that service is requested by the Owner, the Owner is authorized to provide temporary service by resorting to any lawful public or private alternative so long as legal requirements can be met. Upon the availability of treatment capacity from the City, the owner will disconnect from the temporary service and connect to and divert flows to the public system. Any proposed alternative must not inhibit the expansion, progression, or continuity of the City's wastewater collection system.
- 3.2.1. Connection of Existing Structure to Sanitary Sewer Infrastructure: Any existing structures located on the Property at the time of this Agreement that are serviced by a septic system must be connected to the Post Falls Sanitary Sewer system or removed from the Property at the time of any development on the Property and the existing septic system abandoned in compliance with all legal requirements. Owner is solely responsible for the costs of connecting to the sanitary sewer and abandoning the septic system.

- 3.2.2 Sanitary Sewer Surcharges: Owner acknowledges that the Property is within the 12th Avenue Force Main Surcharge Basin and agrees to pay the sewer surcharges established for the basin to fund the downstream collection system infrastructure needed to provide permanent sewer service to the Property. The surcharge is based on supplementing the City's existing sewer infrastructure to meet anticipated buildout within the sewer basin, as identified within the Cities Wastewater Collection System Master Plan (May 2019 – Keller Associates) and the NE Quadrant Sewer Study (July 2018 – JUB Engineers). The surcharge is currently established at \$2,918.73 per service unit for the 12th Avenue Force Main. Owner agrees to pay the surcharges at the time of building permit issuance for any structures that will be connected to the City's wastewater collection system. Owner further agrees that the amount of the surcharge will be adjusted annually to account for inflation based on the ENR-CCI Index.
- 3.2.3. Limitation on Development Based on Sewer Flows: The parties agree that the 12th Avenue Force Main Surcharge is based on the need to construct a force main, as contemplated by Section 3.2.2, from the 12th Avenue Lift Station to the Water Reclamation Facility prior to flows in the Caton Line reaching 2.1 cubic feet per second or the flow rate entering the 12th Avenue lift station reaching 650 gallons per minute, whichever occurs first. Owner agrees that if the 12th Avenue Force main has not been constructed by the time that the first of these conditions have been reached, the City may withhold approval of further subdivision, building permit, or other development permits for the Property until such time as the 12th Avenue Force Main has been constructed and accepted by the City. Owner waives any and all claims it may have, or acquire, against the City or its officers, employees, or agents arising in any way from the City withholding development permits or approvals as contemplated by this Section 3.2.3.
- 3.3. Maintenance of Private Sanitary Sewer and Water Lines: The Owner acknowledges that the City is not responsible for maintenance of any private sanitary sewer lines or water lines, including appurtenances, within the Property.
- 3.4. Size of Sewer Mains: The Owner agrees to provide on-site sewer lines sized to accommodate the projected flows from the Property and from any upstream property, with no reimbursement for oversizing.
- 3.5. Garbage Collection: The Owner agrees that upon the expiration of the term of any contract to provide garbage collection services to the Property, that the Owner will begin using the garbage collection service in effect with the City of Post Falls.

ARTICLE IV. PUBLIC PROPERTY DEDICATIONS

- 4.1. Rights of Way and Easements: As partial consideration for this Agreement, Owner agrees to dedicate the following grants of rights of way and easements to the City at the time of execution of this Agreement:
- 4.1.1. By grant of easement in a form acceptable to the City, Owner will grant a 15-foot wide easement along the SH41 rights-of-way for utilities, sidewalks, and storm drainage.

ARTICLE V. CONSIDERATION/FEEES

- 5.1. Owner's Consideration: In addition to other consideration contained in this Agreement, Owner agrees to provide specific consideration to the City in the amounts and at the times specified in this Article. The sums specified are deemed by the parties to be reasonable in exchange for benefits provided by the City to the Owners' use and development of the Property, including, but not limited to; public safety, street services, police equipment, community and traffic planning. The following consideration may be used in any manner that the City, in its sole discretion decides.
- 5.2. Annexation Fee: Prior to issuance of a permit for any development on the Property, the Owner, or their successors in interest, must pay the appropriate annexation fee in effect at the time of the issuance of the permit as adopted by the City Council by resolution.
- 5.3. No Extension of Credit: The parties, after careful consideration of the actual burdens on the City, have agreed to a specific timeline in which those burdens will occur. This Article anticipates specific payment at a specific date and is in no manner a loan of services or an extension of credit by the City.
- 5.4. Other Fees: Additionally, the Owner agrees to pay all required fees and charges including but not necessarily limited to water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s) and building permit fees and any applicable impact fees that may be imposed. Fees referred to in this Section are established by City ordinance and/or resolution and arise independent of this Agreement.
- 5.5. Sanitary Sewer Surcharges: Additionally, the Owner acknowledges and agrees to pay all required fees and charges associated with the 12th Ave. Surcharge as contemplated in Section 3.2.2. Fees are assessed at the time of connection to the City's Water Reclamation System.
- 5.5. City's Consideration: Upon the proper execution and recordation of this Agreement, the City will prepare for passage an annexation ordinance annexing the Property. The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owners' property will occur.

ARTICLE VI. MISCELLANEOUS

- 6.1. Subdivision: The parties acknowledge that in the event the Owner desires to sell a portion of the Property rather than the Property as a whole, that a plat may be necessary. Owner agrees that in the event a plat is necessary, Owner will submit a proper subdivision plat and comply with the subdivision ordinance in effect at the time of the desired division.
- 6.2. De-annexation: Owner agrees that in the event the Owner fails to comply with the terms of this Agreement, defaults, or is otherwise in breach of this Agreement, the City may de-annex the Property and terminate utility services without objection from owners, assigns or successors in interest of such portions of the Property as the City in its sole discretion

decides. Owner waives, on behalf of itself and any successors in interest, any claims it may have against the City for de-annexing the Property as allowed by this Section.

- 6.3. Owner to Hold City Harmless: The Owner further agrees it will indemnify, defend (in the City's sole option, and hold the City harmless from any and all causes of action, claims and damages that arise, may arise, or are alleged, as a result of the Owner's development, operation, maintenance, and use of the Property. Owner further agrees to pay City's legal costs, including reasonable attorney fees in the event this annexation is challenged in a court of law. Payment for City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses.
- 6.4. Time is of the Essence: Time is of the essence in this Agreement.
- 6.5. Merger and Amendment: All promises and prior negotiations of the parties' merge into this Agreement and the representations, warranties, covenants, conditions and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements. The parties agree that this Agreement may only be amended by a written instrument that is signed by both parties. The parties agree that this Agreement will not be amended by a change in law.
- 6.6. Effect on City Code: The parties agree that Agreement is not intended to replace any other requirement of City Code and that its execution does not constitute a waiver of requirements established by City ordinance or other applicable provisions of law.
- 6.7. Recordation: The Owner agrees this Agreement will be recorded by the City at the Owner's expense.
- 6.8. Section Headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the sections to which they apply.
- 6.9. Incorporation of Recitals and Exhibits: The recitals to this Agreement and all exhibits referred to in this Agreement are incorporated herein by this reference and made a part of this Agreement.
- 6.10. Compliance with Applicable Laws: Owner agrees to comply with all applicable laws.
- 6.11. Covenants Run with the Land: The covenants contained herein to be performed by the Owner are binding upon the Owner and Owner's heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land.
- 6.12. Promise of Cooperation: Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement and if the parties cannot amicably resolve the disagreement, retain a mediator, acceptable to both parties, to mediate a solution to the disagreement.

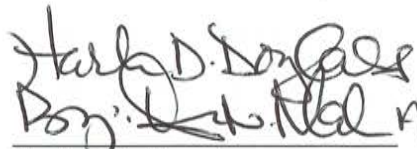
- 6.13. Severability: Should any provision of this Agreement be declared invalid by a court of competent jurisdiction the remaining provisions continue in full force and effect and must be interpreted to effectuate the purposes of the entire Agreement to the greatest extent possible.
- 6.14. Enforcement - Attorney's Fees: Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party will be entitled to its reasonable attorney's fees and related costs of enforcement.

IN WITNESS WHEREOF, the City of Post Falls has caused this Agreement to be executed by its Mayor and City Clerk, and the Owner has executed this Agreement to be effective the day and year first above written.

CITY OF POST FALLS

HARLAN D. DOUGLASS

By: _____
Ronald G. Jacobson, Mayor

By: 
Harlan D. Douglass

Attest:

Shannon Howard, City Clerk

ACKNOWLEDGEMENTS

STATE OF IDAHO)
 : ss
County of Kootenai)

On this ____ day of ____, 20__, before me, a Notary for the State of Idaho, personally appeared **Ronald G. Jacobson and Shannon Howard** known, or identified to me to be the **Mayor and City Clerk**, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

Washington *ss*
STATE OF ~~IDAHO~~)
Salt Lake *ss* :ss
County of ~~Kootenai~~)

Deanna N. Malcom A.I.F. *ss*

On this 21 day of July, 2022, before me, a Notary for the State of Idaho, personally appeared ~~Harlan D. Douglass~~, known, or identified to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Shawn Gutierrez
Notary Public for the State of Idaho
Residing at:
Commission Expires:



J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

EXHIBIT A

LEGAL DESCRIPTION OF THE ANNEXATION BOUNDARY TO THE CITY OF POST FALLS

November 16, 2021

That portion of the SE1/4 of Section 24, Township 51 North, Range 5 West, B.M., Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of said Section 24; (from which the E1/4 corner of said Section 24 bears North 01°01'59" East a distance of 2,640.05 feet);

thence North 01°01'59" East along the east line of the SE1/4 of said Section 24 also being the existing Post Falls city limits, a distance of 466.73 feet, more or less;

thence North 88°00'04" West along said existing Post Falls city limits, a distance of 49.68 feet, more or less, to the POINT OF BEGINNING;

thence North 88°00'04" West continuing along said existing Post Falls city limits, a distance of 561.06 feet, more or less;

thence North 01°01'59" East, a distance of 933.44 feet, more or less;

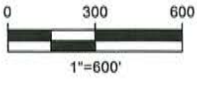
thence South 88°00'04" East, a distance of 560.88 feet, more or less, to the westerly right-of-way line of State Highway 41;

thence South 01°01'19" West along said westerly right-of-way line, a distance of 933.44 feet, more or less, to the to the POINT OF BEGINNING.

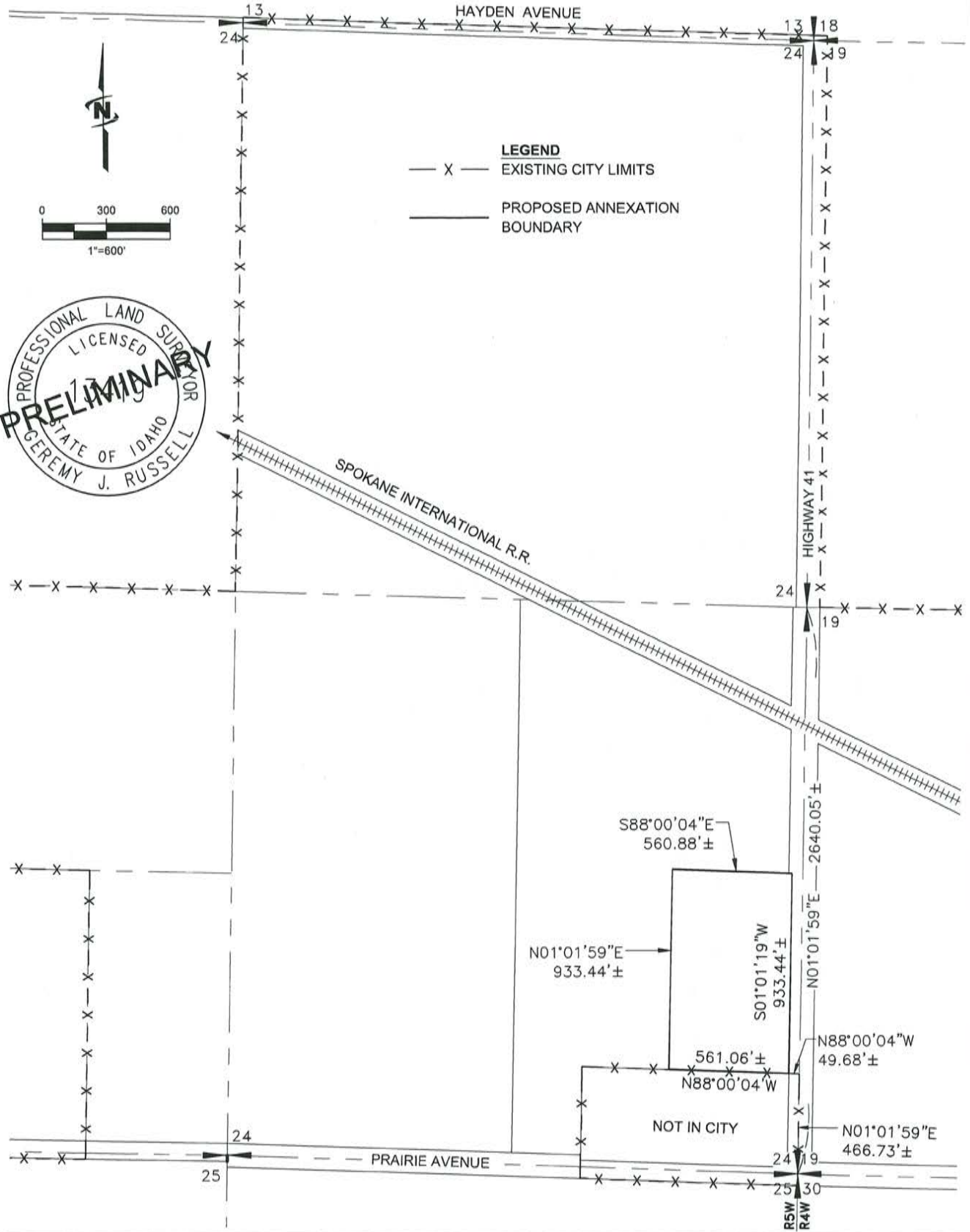
Gross Area: 12.02 acres, more or less



Plot Date: 11/16/2021 \\\CD\FILES\PUBLIC\PROJECTS\JUB\20-18-019 BEYOND GREEN INC\CAD\SURVEY\INW TECH PARK\MODEL\2021_ANNEXATION EX.DWG



LEGEND
- X - EXISTING CITY LIMITS
- - - PROPOSED ANNEXATION BOUNDARY



CITY OF POST FALLS
ANNEXATION ORDINANCE NO. _____
PORTION OF THE SE1/4 OF SEC. 24, T 51N, R 5W, B.M.
KOOTENAI COUNTY, IDAHO

GRANT OF EASEMENT
Morris Annexation
Highway 41
File No. ANNX-0013-2021

KNOW ALL MEN BY THESE PRESENTS that, **Harlan D. Douglass, an unmarried man;** herein after termed "Grantors", for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, does hereby give, grant and quitclaim unto the City of Post Falls, Kootenai County, Idaho, the Grantee, whose address is 408 N. Spokane Street, Post Falls, Idaho 83854, an easement for the construction, improvement, operation and maintenance of a public sidewalk, storm water drainage and utilities over, under, upon and across the following described property:

An easement for sidewalks, drainage, and utilities over, under, and upon that certain parcel of land situate in the Southeast quarter of Section 24, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho and being described as follows:
The East 15 feet of Parcel 1 and 2 as said parcels are described in that certain Warranty Deed recorded December 18, 2020 in Instrument No. 2799383000.

As further depicted in the attached **Exhibit A**

TO HAVE AND TO HOLD said easement for public sidewalk, storm water drainage and utilities purposes so long as the same shall be used, operated and maintained as such. The Grantors herein expressly limits the grant and quitclaim of this easement to its respective interest, and that of its successors, in that parcel of land over, under, upon and across which said easement lies.

In witness whereof, the Grantor has caused this instrument to be executed this _____ day of _____, 2023.

CITY OF POST FALLS

By _____
Ronald G. Jacobson, Mayor

Attest:

Shannon Howard, City Clerk

GRANTOR(S):

By Harlan D. Douglass
A.I.F.
Harlan D. Douglass

ACKNOWLEDGEMENTS

STATE OF IDAHO)
: ss
County of Kootenai)

On this ____ day of ____, 20__, before me, a Notary for the State of Idaho, personally appeared **Ronald G. Jacobson and Shannon Howard** known, or identified to me to be the **Mayor** and **City Clerk**, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
: ss
County of Kootenai)

On this 18 day of January, 2023, before me, By Deanna N. Malcolm A.I.F. a Notary for the State of Idaho, personally appeared **Harlan D. Douglass**, known, or identified to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

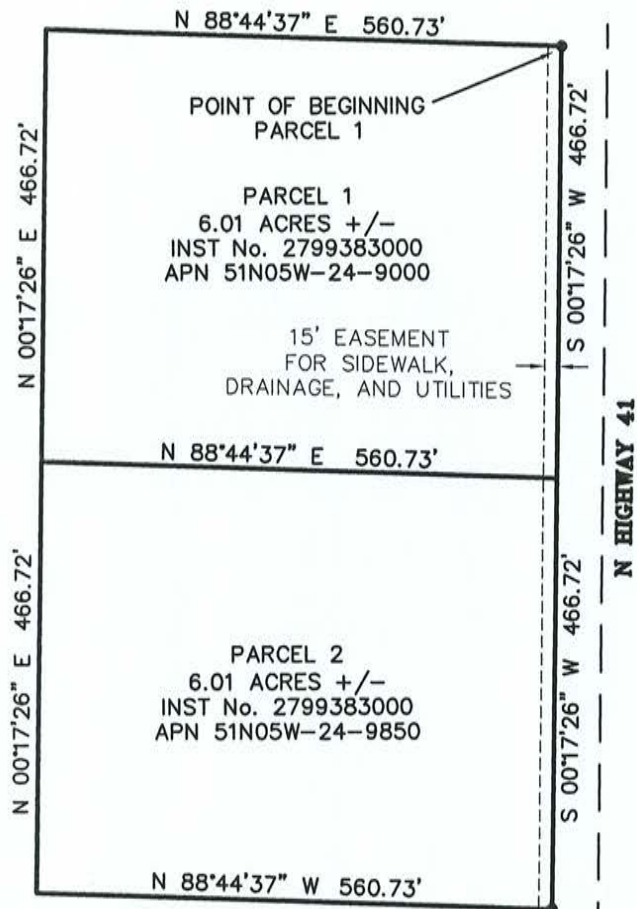
IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.



Shawn Gutierrez
Notary Public for the State of WA
Residing at: Spokane
Commission Expires: 10/13/24

EXHIBIT "A"

LEGAL DESCRIPTION FOR MORRIS ANNEX UTILITY, SIDEWALK, AND DRAINAGE EASEMENT

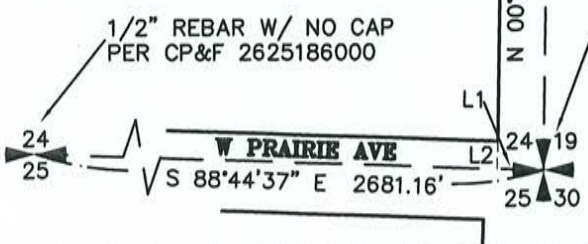


SCALE: 1" = 200'



RR SPIKE AND RP'S
PER CP&F 2625180000

LINE	BEARING	DISTANCE
L1	N 88°44'37" W	50.01'
L2	N 00°17'26" E	30.00'



DURYE & ASSOCIATES
2702 N. Perry Street
Spokane, WA 99207
JOB NO. 21-3057

MEMORANDUM

To: Mayor and Council Members
From: Jason Faulkner, Finance Director
Date: 02/02/2023
Subject: December Cash and Investments

Agenda Item

Consent Calendar

Summary

The Finance Department is providing the cash and investment balances for each month to be in compliance with the following: Idaho Code 50-208, Idaho Code 50-708 and Idaho Code 57-135. Please let me know if you have any questions and the details are available upon request.

Recommended Action or Motion

Approve.

Fiscal Impact

None.

City of Post Falls
Cash and Investments
12/31/2022

Description	City's Balance
Idaho State Investment Pool	
LGIP Acct 1399	34,479,455.49
LGIP Acct 1441	264,645.29
First Financial Equity Corporation	
General Accts Investments	22,693,079.47
Contingency Accts	5,837,050.91
Replacement & Reserve Accts	50,669,690.46
Moreton Capital Investments	
Moreton Securities	19,381,393.28
Mountain West bank	
Repurchase Sweep Account	30,345,003.86
Checking Account	75,000.64
Cash on Hand	
Finance	400.00
Animal Control	150.00
Police	525.00
Recreation	205.00
Park	203.00
Planning and Zoning	150.00
Total	\$ 163,746,952.40

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Jason Faulkner, Finance Director, City of Post Falls, Idaho

City of Post Falls
Treasurer's Report of Cash and Investment Transactions
As Of 12/31/2022

FUND	BALANCE 11/30/2022	RECEIPTS	DISBURSEMENTS	BALANCE 12/31/2022
001 - GENERAL FUND	\$ 44,175,137.99	\$ 1,431,815.33	\$ 3,045,407.03	\$ 42,561,546.29
002 - COMPREHENSIVE LIABILITY	398,964.22	\$ 13,136.01	-	412,100.23
003 - PERSONNEL BENEFIT POOL	(833,243.41)	\$ 360,600.57	\$ 356,957.64	(829,600.48)
004 - STREET LIGHTS	129,281.23	\$ 268.41	-	129,549.64
007 - DRUG SEIZURE PROGRAM	171,191.84	\$ 13,481.54	\$ 17,160.65	167,512.73
008 - 911 SUPPORT	2,294,108.49	\$ 67,998.59	\$ 31,121.56	2,330,985.52
011 - FACILITY BUILDING RESERVE	1,453,878.90	\$ 44,598.98	-	1,498,477.88
017 - ANNEXATION FEES	3,435,566.30	\$ 10,113.46	\$ 12,303.74	3,433,376.02
023 - SPECIAL EVENTS	301,745.85	\$ 3,118.07	\$ 2,421.52	302,442.40
029 - CEMETERY CAPITAL IMPROVEMENT	352,942.24	\$ 10,953.71	\$ 112.50	363,783.45
034 - KOOTENAI FIRE/EMS IMPACT FEES	891.86	-	\$ 42.22	849.64
035 - PUBLIC SAFETY IMPACT FEES	2,253,058.74	\$ 7,034.74	\$ 3,826.00	2,256,267.48
037 - STREETS IMPACT FEES	3,370,296.33	\$ 1,106,313.82	\$ 38,695.03	4,437,915.12
038 - PARKS IMPACT FEES	4,173,896.37	\$ 20,023.72	\$ 159,375.64	4,034,544.45
039 - STREETS CAPITAL PROJECTS	20,879.26	\$ 87.41	-	20,966.67
402 - LID 99-1	(30,979.88)	-	-	(30,979.88)
410 - LID 2004	(94,554.26)	\$ 612.69	-	(93,941.57)
450 - LID GUARANTEE	17,464.17	\$ 36.26	-	17,500.43
650 - RECLAIMED WATER OPERATING	52,692,565.26	\$ 1,881,979.95	\$ 2,231,925.61	52,342,619.60
651 - RECLAIMED WATER CAPITAL - WWTP	13,450,528.20	\$ 170,441.06	\$ 1,785,873.74	11,835,095.52
652 - RECLAIMED WATER CAPITAL - COLLECTOR	9,882,703.72	\$ 1,109,482.69	\$ 575,467.59	10,416,718.82
700 - SANITATION	1,091,121.60	\$ 354,039.20	\$ 336,752.48	1,108,408.32
750 - WATER OPERATING	21,353,425.50	\$ 431,175.54	\$ 284,298.02	21,500,303.02
753 - WATER CAPITAL	5,498,197.07	\$ 34,440.81	\$ 2,126.78	5,530,511.10
GRAND TOTAL:	\$ 165,559,067.59	\$ 7,071,752.56	\$ 8,883,867.75	\$ 163,746,952.40

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Jason Faulkner, Finance Director, City of Post Falls, Idaho

CITY OF POST FALLS
BUDGET STATUS REPORT
FOR MONTH ENDED December 31, 2022

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGET	YTD EXPENDITURE	PERCENT EXPENDED
411 - MAYOR COUNCIL	Operating	\$ 97,542.00	\$ 49,773.16	51.0%
	Personnel	<u>103,412.46</u>	<u>23,512.54</u>	22.7%
		200,954.46	73,285.70	36.5%
412 - INFORMATION SYSTEMS	Operating	114,868.00	19,623.79	17.1%
	Capital	-	-	0.0%
	Personnel	<u>302,007.25</u>	<u>78,736.74</u>	26.1%
		416,875.25	98,360.53	23.6%
413 - GENERAL SERVICES	Operating	14,950.00	1,730.88	11.6%
	Personnel	<u>262,043.22</u>	<u>67,668.37</u>	25.8%
		276,993.22	69,399.25	25.1%
414 - FINANCE	Operating	238,893.00	121,593.51	50.9%
	Personnel	<u>567,328.98</u>	<u>144,884.79</u>	25.5%
		806,221.98	266,478.30	33.1%
415 - CITY CLERK	Operating	10,450.00	1,915.45	18.3%
	Capital	-	-	0.0%
	Personnel	<u>72,137.91</u>	<u>20,170.83</u>	28.0%
		82,587.91	22,086.28	26.7%
417 - MEDIA/CABLE FRANCHISE	Operating	7,200.00	964.16	13.4%
	Capital	-	-	0.0%
	Personnel	<u>133,622.19</u>	<u>34,535.11</u>	25.8%
		140,822.19	35,499.27	25.2%
418 - HUMAN RESOURCES	Operating	7,950.00	4,969.22	62.5%
	Personnel	<u>239,077.70</u>	<u>70,271.72</u>	29.4%
		247,027.70	75,240.94	30.5%
419 - LIBRARY	Operating	<u>-</u>	<u>17.22</u>	
		-	17.22	
421 - POLICE	Operating	646,105.48	249,943.04	38.7%
	Capital	186,000.00	202,774.84	109.0%
	Personnel	<u>6,507,818.65</u>	<u>1,459,548.26</u>	22.4%
		7,339,924.13	1,912,266.14	26.1%
423 - OASIS	Operating	4,000.00	2,563.87	64.1%
	Personnel	<u>124,978.71</u>	<u>37,412.92</u>	29.9%
		128,978.71	39,976.79	31.0%
424 - LEGAL (PROSECUTING)	Operating	56,750.00	14,506.08	25.6%
	Capital	25,000.00	-	0.0%
	Personnel	<u>736,149.10</u>	<u>190,759.26</u>	25.9%
		817,899.10	205,265.34	25.1%
427 - ANIMAL CONTROL	Operating	17,250.00	2,297.04	13.3%
	Personnel	<u>162,597.58</u>	<u>42,066.81</u>	25.9%
		179,847.58	44,363.85	24.7%
431 - STREETS	Operating	1,987,099.30	240,380.06	12.1%
	Capital	235,000.00	33,937.73	0.0%
	Personnel	<u>1,074,995.66</u>	<u>277,292.83</u>	25.8%
		3,297,094.96	551,610.62	16.7%

CITY OF POST FALLS
BUDGET STATUS REPORT
FOR MONTH ENDED December 31, 2022

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGET	YTD EXPENDITURE	PERCENT EXPENDED
432 - PUBLIC WORKS ADMIN.	Operating	8,850.00	1,014.80	11.5%
		<u>8,850.00</u>	<u>1,014.80</u>	11.5%
433 - FACILITY MAINTENANCE	Operating	33,650.00	8,700.35	25.9%
	Capital	2,000.00	171.57	0.0%
	Personnel	269,505.65	63,189.18	23.4%
		<u>305,155.65</u>	<u>72,061.10</u>	23.6%
434 - FLEET MAINTENANCE	Operating	165,812.00	54,928.40	33.1%
	Capital	690,000.00	24,164.69	3.5%
	Personnel	363,300.47	86,732.05	23.9%
		<u>1,219,112.47</u>	<u>165,825.14</u>	13.6%
435 - -GIS	Operating	44,734.00	12,620.76	28.2%
	Personnel	167,995.10	41,831.96	24.9%
		<u>212,729.10</u>	<u>54,452.72</u>	25.6%
441 - URBAN FORESTRY	Operating	45,530.00	8,233.79	18.1%
	Capital	151,300.00	53,046.29	0.0%
	Personnel	184,150.59	47,307.65	25.7%
		<u>380,980.59</u>	<u>108,587.73</u>	28.5%
442 - CEMETERY	Operating	109,395.00	30,464.66	27.8%
	Capital	16,650.00	-	0.0%
	Personnel	164,263.17	50,345.15	30.6%
		<u>290,308.17</u>	<u>80,809.81</u>	27.8%
443 - PARKS	Operating	690,894.74	118,702.94	17.2%
	Capital	545,700.00	24,573.64	0.0%
	Personnel	1,116,114.64	245,184.06	22.0%
		<u>2,352,709.38</u>	<u>388,460.64</u>	16.5%
444 - PARKS CONSTRUCTION	Operating	-	-	0.0%
	Capital	893,000.00	-	0.0%
		<u>893,000.00</u>	<u>-</u>	0.0%
445 - RECREATION	Operating	199,199.00	47,477.90	23.8%
	Personnel	859,831.75	164,968.40	19.2%
		<u>1,059,030.75</u>	<u>212,446.30</u>	20.1%
451 - PLANNING & ZONING	Operating	36,519.00	2,684.43	7.4%
	Personnel	303,384.37	77,719.06	25.6%
		<u>339,903.37</u>	<u>80,403.49</u>	23.7%
452 - BUILDING INSPECTOR	Operating	29,750.00	7,261.31	24.4%
	Personnel	618,701.99	167,530.09	27.1%
	Capital	-	-	-
		<u>648,451.99</u>	<u>174,791.40</u>	27.0%
453 - ENGINEERING	Operating	40,800.00	2,684.29	6.6%
	Capital	-	-	0.0%
	Personnel	651,766.84	164,907.88	25.3%
		<u>692,566.84</u>	<u>167,592.17</u>	24.2%

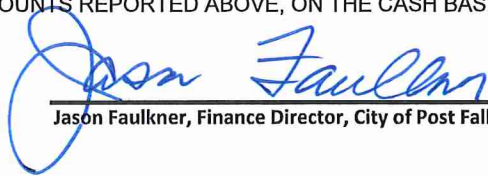
CITY OF POST FALLS
BUDGET STATUS REPORT
FOR MONTH ENDED December 31, 2022

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGET	YTD EXPENDITURE	PERCENT EXPENDED
454 - Community Development Admin	Operating	9,680.00	2,028.55	21.0%
	Capital	-	18,600.00	0.0%
	Personnel	<u>195,131.63</u>	<u>47,978.09</u>	24.6%
		204,811.63	68,606.64	33.5%
465 - STREET LIGHTS	Operating	<u>620,000.00</u>	<u>103,403.13</u>	16.7%
		620,000.00	103,403.13	16.7%
481 - CAPITAL IMPROVEMENTS/CONTRACTS	Operating	1,826,447.92	135,971.92	7.4%
	Capital	<u>580,000.00</u>	-	0.0%
		2,406,447.92	135,971.92	5.7%
482 - PERSONNEL POOL	Operating	3,300,000.00	1,030,251.00	31.2%
	Personnel	<u>263,212.33</u>	<u>17,978.70</u>	6.8%
		3,563,212.33	1,048,229.70	29.4%
497 - TRANSFERS OUT	Operating	<u>375,000.00</u>	-	0.0%
		375,000.00	-	0.0%
TOTAL GENERAL FUND		<u>29,507,497.38</u>	<u>6,256,506.92</u>	21.2%
002 - INSURANCE FUND	Operating	<u>338,249.38</u>	<u>150,539.50</u>	44.5%
		338,249.38	150,539.50	44.5%
003 - PERSONNEL FUND	Operating	112,152.00	22,609.09	20.2%
	Capital	-	-	0.0%
	Personnel	<u>4,448,700.00</u>	<u>1,002,910.14</u>	22.5%
		4,560,852.00	1,025,519.23	22.5%
007 - DRUG SEIZURE FUND	Operating	<u>135,000.00</u>	<u>15,752.73</u>	11.7%
		135,000.00	15,752.73	11.7%
008 - 911 FUND	Operating	452,763.74	44,194.75	9.8%
	Capital	-	-	0.0%
	Personnel	<u>74,742.80</u>	<u>19,903.42</u>	26.6%
		527,506.54	64,098.17	12.2%
011 - FACILITY BUILDING RESERVE FUND	Operating	1,807,000.00	-	0.0%
	Capital	-	653,466.55	0.0%
		<u>1,807,000.00</u>	<u>653,466.55</u>	0.0%
017 - ANNEXATION FUND	Operating	1,900,000.00	14,780.49	0.8%
	Capital	<u>1,000,000.00</u>	-	0.0%
		2,900,000.00	14,780.49	0.5%
023 - SPECIAL EVENTS FUND	Operating	<u>46,248.00</u>	<u>2,399.52</u>	5.2%
		46,248.00	2,399.52	5.2%
029 - CEMETERY IMPROVEMENTS FUND	Operating	202,500.00	-	0.0%
	Capital	-	112.50	0.0%
		<u>202,500.00</u>	<u>112.50</u>	0.1%
035 - PUBLIC SAFETY IMPACT FEES FUND	Operating	1,463,000.00	10,098.00	0.7%
	Capital	-	-	0.0%
		<u>1,463,000.00</u>	<u>10,098.00</u>	0.7%

CITY OF POST FALLS
BUDGET STATUS REPORT
FOR MONTH ENDED December 31, 2022

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGET	YTD EXPENDITURE	PERCENT EXPENDED
037 - STREET IMPACT FEE FUND	Operating	475,000.00	12,351.95	0.0%
	Capital	<u>24,720,984.00</u>	<u>959,560.86</u>	
		25,195,984.00	971,912.81	0.0%
038 - PARK IMPACT FEE FUND	Operating	1,885,000.00	1,482.00	0.0%
	Capital	<u>2,375,000.00</u>	<u>799,489.06</u>	33.7%
		4,260,000.00	800,971.06	18.8%
039 - STREET CAPITAL PROJECTS	Operating	-	-	0.0%
		-	-	0.0%
402 - LID 99-1 FUND	Operating	-	-	0.0%
		-	-	0.0%
410 - LID 2004	Operating	<u>528,000.00</u>	-	0.0%
		528,000.00	-	0.0%
450 - LID GUARANTEE FUND	Operating	<u>150.00</u>	-	0.0%
		150.00	-	0.0%
650 - RECLAIMED WATER OPERATING FUND incl: wwo, collections, recycled, surface	Operating	11,305,311.52	4,004,254.22	35.4%
	Capital	215,000.00	498,961.28	232.1%
	Personnel	<u>1,853,787.83</u>	<u>449,957.31</u>	24.3%
		13,374,099.35	4,953,172.81	37.0%
651 - RECLAIMED WATER - CAPITAL WWTP FUND	Operating	923,389.00	337,954.50	36.6%
	Capital	<u>22,620,000.00</u>	<u>1,166,478.46</u>	5.2%
		23,543,389.00	1,504,432.96	6.4%
652 - RECLAIMED WATER CAPITAL - COLLECTOR FUND	Capital	<u>1,800,000.00</u>	<u>610,215.16</u>	33.9%
		1,800,000.00	610,215.16	33.9%
700 - SANITATION FUND	Operating	<u>3,553,481.24</u>	<u>666,886.72</u>	18.8%
		3,553,481.24	666,886.72	18.8%
750 - WATER OPERATING FUND	Operating	1,943,076.31	344,325.05	17.7%
	Capital	424,316.00	-	
	Personnel	<u>720,293.80</u>	<u>186,214.05</u>	25.9%
		3,087,686.11	530,539.10	17.2%
753 - WATER CAPITAL FUND	Operating	-	-	0.0%
	Capital	<u>1,100,000.00</u>	<u>7,093.70</u>	0.6%
		1,100,000.00	7,093.70	0.6%
GRAND TOTAL		<u>\$ 117,930,643.00</u>	<u>\$ 18,238,497.93</u>	15.5%

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Jason Faulkner, Finance Director, City of Post Falls, Idaho.

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 02/21/2023

DATE: 02/16/2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Joseph Family Trust Annexation Development Agreement, Right-of-Way and Easement File No. ANN-22-7

ITEM AND RECOMMENDED ACTION:

With approval of the Consent Calendar, City Council authorizes the mayor's signature on the Development Agreement, Rights-Of-Way and Easement for the Joseph Family Trust.

DISCUSSION:

The applicant, Joseph Family Trust, requested to annex approximately 20.14 acres with Community Commercial Services (CCS) and approximately 20.26 acres with Community Commercial Mixed (CCM) zoning designations. This request is located at the northeast corner of Prairie Ave. and Greensferry Rd.

On July 25, 2022, a public hearing was held before Planning and Zoning Commission and after they received the staff report and public testimony, they moved to recommend approval of the requested zoning designations. City Council moved to approve the requested annexation with the CCS and CCM zoning designation after hearing the staff report and receiving the public testimony on October 18, 2022.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

Yes

APPROVED OR DIRECTION GIVEN:

Approved

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

DEVELOPMENT AND ANNEXATION AGREEMENT

Joseph Family Trust Annexation (File No. ANN-22-7)

THIS AGREEMENT is made this ___ day of _____, 2022 by and between the **City of Post Falls**, a municipal corporation organized and existing pursuant to the laws of the State of Idaho, with its principal place of business at 408 N. Spokane Street, Post Falls, ID, and the **Joseph Family Trust**, with its principal address at 150 E. Robinson St. #401, Orlando, FL 32801, and **Phillip Joseph and Jane Joseph**, Husband and Wife, whose principal address is 489 E. Driftwood Lane, Harrison ID 83833.

WHEREAS, The Joseph Family Trust and Phillip and Jane Joseph, Husband and Wife (hereinafter collectively the "Owner") owns tracts of land (hereinafter collectively the "Property") adjacent to the city limits of the City of Post Falls (hereinafter the "City"), which the Owner wishes to annex and develop within the City; and

WHEREAS, the legal descriptions and depiction of the Property is attached hereto as Exhibit "A"; and

WHEREAS, the Mayor and City Council of the City have determined it to be in the best interests of the City to annex the Property subject to the Owner's performing the covenants and conditions in this Agreement.

NOW THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

ARTICLE I: PURPOSE AND DESCRIPTION OF PROPERTY

- 1.1. Purpose: Owner enters into this Agreement in order to obtain annexation of the Property while the City seeks to obtain partial mitigation of the impacts of annexation of the Property on the City. Owner acknowledges that City has no duty to annex the Property and that the promises of Owner contained in this Agreement are an inducement for City to do so. The term "Owner" includes any successor in interest in the Property.
- 1.2. Description of the Property: The Property is approximately 41 acres and is generally located on the northeast corner of West Prairie Avenue and North Greensferry Road. and is more particularly described in Exhibit "A".

ARTICLE II: STANDARDS

- 2.1. Construct to City Standards: Owner agrees that all improvements required by this Agreement or by City codes will be built to City standards or to the standards of any public agency providing service to the Property. Owner agrees to adhere to all City policies and procedures; including, but not limited to sanitary sewer improvements, water

lines, fire hydrants, parks, flood works, storm water management, curbs, sidewalks, street trees, streetlights, pedestrian/bicycle facilities and roads. Such policies include extending utility lines in a manner acceptable to the City to make service available in the future to adjoining lands and limitations on gaining site access from arterial and collector roadways (including the KMPO Critical Access Corridor Policy).

- 2.2. Applicable Standards: Owner agrees that all laws, standards, policies and procedures regarding public improvement construction that the Owner is required to comply with or otherwise meet pursuant to this Agreement or City codes are those in effect when construction is commenced. If Owner fails to comply with applicable laws in the course of constructing improvements, public or otherwise, on the Property, the Owner consents to the City's withholding further development approvals for the Property including, but not limited to, building permits, certificates of occupancy, site plan approval, and subdivision approval until such compliance is attained. Owner waives, on behalf of itself and its successors in interest, any and all claims against the City relating to the City's withholding development approval as authorized by this Section.
- 2.3. Inspection and Testing: Owner agrees that it will retain the services of a civil engineer, licensed by the State of Idaho, to perform construction inspection and testing during the construction of all public improvements on the Property. Owner agrees to provide copies of all field inspection reports and test results to the City Engineer accompanied by a certification that the improvements have been installed in compliance with applicable City requirements prior to requesting that the City accept the public improvements for ownership and maintenance. The inspection, testing and certification reports must be provided at no cost to the City. Owner agrees that a representative of the City must be present at the pressure testing of water mains and sanitary sewer mains. Owner agrees to provide the City with at least twenty-four (24) hours' notice before such testing.
- 2.4. As-Built Drawings: Owner agrees to provide accurate "as-built" drawings of public improvements to the City within thirty (30) days of the date of substantial completion of construction of any public improvement on the Property. If as-builts are not provided as required by this Agreement, the Owner agrees that the City may withhold further development approvals for the Property as provided in Section 2.2 and waives, on behalf of itself and its successors in interest, any and all claims against the City relating to the City's withholding development approvals. The Owner understands and agrees that the City will not accept public improvements for maintenance or allow occupancy of constructed improvements on the Property until accurate "as-builts" are provided and until planned improvements have complied with the inspection requirements contained in Section 2.3 and have been accepted for public maintenance or approved for private use.
- 2.5. Street Access to the Property from Prairie Avenue: Owner understands and agrees that Prairie Avenue is classified as a Principal Arterial and access to Prairie Avenue is regulated by the KMPO Critical Arterial Corridor Policy. Owner agrees that no roadway intersections from the Property to Prairie Avenue will be allowed. Right in, right out driveway approaches onto Prairie Avenue must meet all City and KMPO standards. Full access driveway approaches will not be allowed.

ARTICLE III. UTILITIES AND PUBLIC SERVICES

- 3.1. Water: Owner agrees to use a public water supply system for any development of the Property and to pay all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. If water service cannot be obtained from a public water supply system that has the legal authority to provide service to the Property, the Owner may seek to obtain temporary water service from any lawful source whether public or private beginning 90 days after the date that the Owner requested water service from each public water supply system that has legal authority to serve the Property. Upon public water service becoming available to the Property, Owner will disconnect from the temporary service and connect to the public water service.
- 3.1.1. Water Rights: Prior to commencement of development of the Property, Owner agrees to grant to the public water supply system agreeing to provide water service to the Property, in form acceptable to the grantee, all water rights associated with the Property in order to assure that the public water supply system has adequate water rights to supply domestic water to the Property.
- 3.2. Wastewater Reclamation: The Owner agrees to use the Post Falls Sanitary Sewer system for all development of the Property and to be responsible for all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with rules and regulations of the City. The City does not warrant that sanitary sewer capacity will be available at the time Owner requests connection to the sanitary sewer system. If sanitary sewer capacity cannot be assured within 180 days of the date that service is requested by the Owner, the Owner is temporarily authorized to provide service by resorting to any lawful public or private alternative so long as legal requirements can be met. Upon the availability of treatment capacity, the owner agrees to disconnect from the temporary service in compliance with all legal requirements and connect to and divert flows to the public system. Any proposed alternative must not frustrate the progression and continuity of the City's wastewater collection system.
- 3.2.1. Connection of Existing Structure to Sanitary Sewer Infrastructure: Any existing structures located on the Property at the time of this Agreement that are serviced by a septic system must be connected to the Post Falls Sanitary Sewer system or removed from the Property at the time of any construction affecting such structures on the Property and the existing septic system abandoned in compliance with all legal requirements. Owner is solely responsible for the costs of connecting to the sanitary sewer and abandoning the septic system.
- 3.2.2. Sewer Service for Southern Half of the Property: Owner understands that the southern half of the Property, as depicted on the attached Exhibit B, is located within the 3rd Avenue Lift Station Sewer Service Basin and requires extending a sewer main located in Greensferry Road, which currently terminates approximately 660 feet south of the Property. Owner agrees to extend this sewer main from its location at the time of construction, to the Property,

at Owner's sole cost, with no reimbursement for oversizing, as part of any proposed development of the site.

- 3.2.3. Sewer Service for Northern Half of the Property: Owner understands and agrees that the northern half of the Property, as depicted on the attached Exhibit B, is identified in the City's Water Reclamation Master Plan as being serviced by a future regional gravity sewer main running from the northwest corner of the Property along Gallop Lane and draining into the service area of the Fisher Avenue lift station. The regional gravity main has not yet been constructed and the infrastructure associated with the 3rd Avenue Lift Station (See Section 3.2.2) is insufficient to fully accommodate changes in the service basin boundaries. As such, Owner agrees that until such time that the regional gravity sewer main for the Fisher Avenue Lift Station is constructed, only low impact uses generating less than one service unit (5,000 gallons of sewage per month) per 5 acres of land will be allowed to be constructed on the northern half of the property and that those uses must drain by gravity mains into the Greensferry Road sewer main providing service to the southern half of the Property.
- 3.3. Maintenance of Private Sanitary Sewer and Water Lines: The Owner acknowledges that the City is not responsible for maintenance of any private sanitary sewer lines or water lines, including appurtenances, within the Property.
- 3.4. Size of Sewer Mains: The Owner agrees to provide on-site sewer lines sized to accommodate the projected flows from the Property and from any upstream property, with no reimbursement for oversizing.
- 3.5. Garbage Collection: The Owner agrees that upon the expiration of the term of any current contract to provide garbage collection services to the Property, the Owner will begin using the garbage collection service in effect with the City of Post Falls.

ARTICLE IV. PUBLIC PROPERTY DEDICATIONS

- 4.1. Rights of Way and Easements: As partial consideration for this Agreement, Owner agrees to dedicate the following grants of rights of way and easements to the City at the time of execution of this Agreement:
 - 4.1.1. By grant of rights-of-way in a form acceptable to the City, Owner will dedicate rights-of way along Prairie Ave. so that the rights-of-way width for Prairie Avenue is 110-feet; as measured from the existing southern rights-of-way line of Prairie Avenue (Green Meadows 2nd Addition).
 - 4.1.2. By grant of rights-of-way in a form acceptable to the City, Owner will dedicate rights-of way along Greensferry Rd. so that the half-road rights-of-way width for Greensferry Rd. 55-feet; as measured from the existing section line within Greensferry Rd.
 - 4.1.3. By grant of easement in a form acceptable to the City, Owner will grant a 15-foot wide easement along the expanded Prairie Avenue rights-of-way for utilities, sidewalks, and storm drainage.

- 4.1.4. By grant of easement in a form acceptable to the City, Owner will grant a 15-foot wide easement along the expanded Greensferry Road rights-of-way for utilities, sidewalks, and storm drainage.
- 4.2. No Impact Fee for Dedication: Owner agrees that it is not entitled to any credit towards the payment of the City's then currently adopted Impact Fees as a result of its dedication of street right way and easements. As such, Owner waives, on behalf of itself and its successors in interest, any and all claims it may have against the City for not granting an Impact Fee credit relating to the dedication of rights of way and easements as provided in this article. The parties agree that this agreement is entered into in good faith by both parties and is intended to comply with Idaho Code 67-8209(4).

ARTICLE V. DEVELOPMENT OF THE PROPERTY

- 5.2. Commercial and Industrial Uses and Multi-Family Limitation: Owner agrees that the development of the Property will generally conform to the site plan attached to this Agreement as Exhibit C, which depicts the general disposition of uses and infrastructure on the Property. The site plan contemplates only commercial and industrial uses along the Property's frontages on Prairie Avenue and Greensferry Road. Multi-family residential uses are prohibited on the Property without an amendment to this Agreement. In the event of a disagreement about whether a proposed use or development project on the Property complies with Exhibit C, the parties agree to meet and confer regarding the disagreement as contemplated by Section 7.13.
- 5.3. Height Limitation: Owner agrees that all habitable structures constructed on the portions of the Property zoned CCS will have a maximum height of 35 feet (35') and that habitable structures constructed on the CCM zoned portions of the Property will have a maximum height of fifty-five feet (55'). The Parties agree that this restriction does not apply to any portions of a structure that are not intended for habitation, such as cupolas and chimneys, that are allowed to exceed height limitations under the relevant provisions of the Zoning Ordinance of the City of Post Falls.

ARTICLE VI. CONSIDERATION/FEES

- 6.1. Owner's Consideration: In addition to other consideration contained in this Agreement, Owner agrees to provide specific consideration to the City in the amounts and at the times specified in this Article. The sums specified are deemed by the parties to be reasonable in exchange for benefits provided by the City to the Owners' use and development of the Property, including, but not limited to, public safety, street services, police equipment, community and traffic planning. The following consideration may be used in any manner that the City, in its sole discretion decides.
- 6.2. Annexation Fee: Prior to issuance of a permit for any development on the Property, the Owner, or their successors in interest, must pay the appropriate annexation fee in effect at the time of the issuance of the permit as adopted by the City Council by resolution.
- 6.3. No Extension of Credit: The parties, after careful consideration of the actual

burdens on the City, have agreed to a specific timeline in which those burdens will occur. This Agreement anticipates specific payment at a specific date and is in no manner a loan of services or an extension of credit by the City.

- 6.4. Other Fees: Additionally, the Owner agrees to pay all required fees and charges including but not necessarily limited to water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s) and building permit fees and any applicable impact fees that may be imposed. Fees referred to in this Section are established by City ordinance and/or resolution and arise independent of this Agreement.
- 6.5. City's Consideration: Upon the proper execution and recordation of this Agreement, the City will prepare for passage an annexation ordinance annexing the Property. The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owners' property will occur.

ARTICLE VII. MISCELLANEOUS

- 7.1. Subdivision: The parties acknowledge that in the event the Owner desires to sell a portion of the Property rather than the Property as a whole, that a plat may be necessary. Owner agrees that in the event a plat is necessary, Owner will submit a proper subdivision plat and comply with the subdivision ordinance in effect at the time of the desired division.
- 7.2. De-annexation: Owner agrees that in the event the Owner fails to comply with the terms of this Agreement, defaults, or is otherwise in breach of this Agreement, the City may de-annex the Property and terminate utility services without objection from owners, assigns or successors in interest of such portions of the Property as the City in its sole discretion decides. Owner waives, on behalf of itself and any successors in interest, any claims it may have against the City for de-annexing the Property as allowed by this Section.
- 7.3. Owner to Hold City Harmless: The Owner further agrees it will indemnify, defend (in the City's sole option), and hold the City harmless from any and all causes of action, claims and damages that arise, may arise, or are alleged, as a result of the Owner's development, operation, maintenance, and use of the Property. Owner further agrees to pay City's legal costs, including reasonable attorney fees, in the event this annexation is challenged by a 3rd party in a court of law. Payment for City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses.
- 7.4. Time is of the Essence: Time is of the essence in this Agreement.
- 7.5. Merger and Amendment: All promises and prior negotiations of the parties' merge into this Agreement, and the representations, warranties, covenants, conditions and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements. The parties agree that this Agreement may be amended only by a written instrument that is signed by both parties. The parties agree that this Agreement will not be amended by a change in law.

- 7.6. Effect on City Code: The parties agree that Agreement is not intended to replace any other requirement of City Code and that its execution does not constitute a waiver of requirements established by City ordinance or other applicable provisions of law.
- 7.7. Recordation: The Owner agrees this Agreement will be recorded by the City at the Owner's expense.
- 7.8. Section Headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the sections to which they apply.
- 7.9. Incorporation of Recitals and Exhibits: The recitals to this Agreement and all exhibits referred to in this Agreement are incorporated herein by this reference and made a part of this Agreement.
- 7.10. Compliance with Applicable Laws: Owner agrees to comply with all applicable laws.
- 7.11. Withholding of Development Approvals for Violation of Agreement: Owner agrees, on behalf of itself and its successors in interest, that the City may withhold approval of subdivision, building permit, or any other development permit applications for any portion of the Property that does not comply with the requirements of this Agreement until such time as the development permit is amended to fully comply with the terms of this Agreement. Owner waives, on behalf of itself and its successors in interest, any and all claims Owner may have against the City relating to the City's withholding development approvals and agrees to indemnify, defend at the City's sole option, and hold the City harmless from any and all claims from third parties relating to the City's withholding development approvals as contemplated by this Section.
- 7.12. Covenants Run with the Land: The covenants contained herein to be performed by the Owner are binding upon the Owner and Owner's heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land.
- 7.13. Promise of Cooperation: Should circumstances change, operational difficulties arise, or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action, or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement and, if the parties cannot amicably resolve the disagreement, retain a mediator, acceptable to both parties, to mediate a solution to the disagreement.
- 7.14. Severability: Should any provision of this Agreement be declared invalid by a court of competent jurisdiction; the remaining provisions continue in full force and effect and must be interpreted to effectuate the purposes of the entire Agreement to the greatest extent possible.
- 7.15. Enforcement - Attorney's Fees: Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party will be entitled to its reasonable attorney's fees and related costs of enforcement.

7.16. Choice of Law and Venue: The parties agree that this Agreement will be interpreted in accordance with laws of the State of Idaho. The parties further agree that any lawsuit brought to enforce the terms of this Agreement must be filed in the First Judicial District of the State of Idaho in Kootenai County, Idaho and may not thereafter be removed to any other state or federal court.

IN WITNESS WHEREOF, the City of Post Falls has caused this Agreement to be executed by its Mayor and City Clerk, and the Owner has executed this Agreement to be effective the day and year first above written.

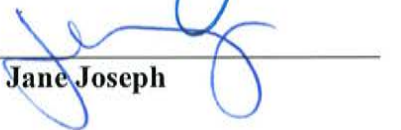
CITY OF POST FALLS

By: _____
Ronald G. Jacobson, Mayor

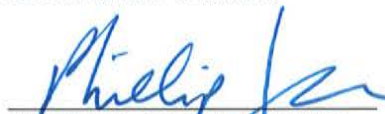
Attest: _____
Shannon Howard, City Clerk

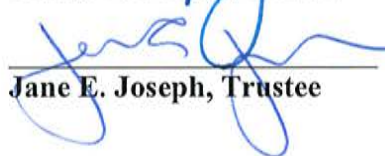
PHILLIP JOSEPH and JANE JOSEPH, Husband and Wife

By: 
Phillip Joseph

By: 
Jane Joseph

JOSEPH FAMILY TRUST

By: 
Phillip E. Joseph, Trustee

By: 
Jane E. Joseph, Trustee

ACKNOWLEDGEMENTS

STATE OF IDAHO)
 : ss
County of Kootenai)

On this _____ day of _____, 2022, before me, a Notary for the State of Idaho, personally appeared **Ronald G. Jacobson** and **Shannon Howard** known, or identified to me to be the **Mayor** and **City Clerk**, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
 :ss
County of Kootenai)

On this 20th day of Jan, 2023 (KT), before me, a Notary for the State of Idaho, personally appeared **Phillip Joseph and Jane Joseph**, Husband and Wife, known, or identified to me to be the person(s) whose names are subscribed to within this instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.



Karen Tolzmann
Notary Public for the State of Idaho
Residing at: Hayden, ID
Commission Expires: 12-11-2027

STATE OF IDAHO

)

: ss

County of Kootenai

)

On this 26th day of Jan, 2023 ^(KT), before me, a Notary for the State of Idaho, personally appeared **Phillip E. Joseph** and **Jane E. Joseph**, who are known, or identified to me to be the **Trustees** of the **Joseph Family Trust**, whose names are subscribed to within this instrument and acknowledged to me that they executed the instrument on behalf of the trust.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Karen Tolzmann

Notary Public for the State of Idaho

Residing at: Hayden, ID

Commission Expires: 12-11-2027



EXHIBIT A



Advanced Technology Surveying & Engineering

ANNEXATION LEGAL DESCRIPTION JOSEPH FAMILY PROPERTIES

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST, KOOTENAI COUNTY, IDAHO AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24 AS MARKED BY A 1.5" A.C. MONUMENT (PER CP&F INSTRUMENT NUMBER 1029892), FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 24 AS MARKED BY A 5/8" REBAR (PER CP&F INSTRUMENT NUMBER 2653609000) BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 24, SOUTH 88°57'55" EAST, 30.0 FEET; THENCE NORTH 00°48'03" EAST, 30.0 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF PRAIRIE AVENUE AND THE EAST RIGHT-OF-WAY OF GREENSFERRY ROAD AND BEING THE TRUE **POINT-OF-BEGINNING** FOR THIS DESCRIBED PARCEL.

THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 00°48'03" EAST, 20.00 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 88°57'55" WEST, 30.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 24;

THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY OF PRAIRIE AVENUE, NORTH 88°42'04" WEST, 70.26 FEET TO THE POINT OF CUSP OF A NON-TANGENT CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 47.38 FEET ALONG SAID RIGHT-OF-WAY CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°29'53" AND A CHORD BEARING NORTH 46°02'59" EAST, 42.61 FEET TO THE POINT OF TANGENCY AND BEING THE WESTERLY RIGHT-OF-WAY LINE OF GREENSFERRY ROAD;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 00°48'03" EAST, 1243.95 FEET TO THE NORTHEAST CORNER OF MEADOWLAND ACRES, RECORDED AS BOOK "G" OF PLAT AT PAGE 402, KOOTENAI COUNTY RECORDS;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 88°47'29" EAST, 40.00 FEET TO THE WEST LINE OF SAID SECTION 24;

THENCE, SOUTH 88°40'41" EAST, 1328.13 FEET TO THE SOUTHWEST 1/16th OF SAID SECTION 24;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24, SOUTH 00°54'34" WEST, 1292.61 FEET TO A POINT 25' NORTHERLY OF THE SOUTH LINE OF SAID SECTION 24;

THENCE 25' NORTHERLY OF AND PARALLEL WITH SAID SECTION LINE, NORTH 88°57'55" WEST, 662.58 FEET;

THENCE, NORTH 00°50'41" EAST, 5.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF PRAIRIE AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 88°57'55" WEST, 633.05 FEET RETURNING TO THE POINT-OF-BEGINNING.

CONTAINING 40.560 ACRES OR 1,766,781 SQUARE FEET, MORE OR LESS;

Z:\Proj\22-000\22-038\survey\Legal descriptions\Annexation description_UPDATE.doc

P.O. Box 3457, Hayden, Idaho 83835
PH. (208) 772-2745 Fax. (208) 762-7731



ANNEXATION EXHIBIT

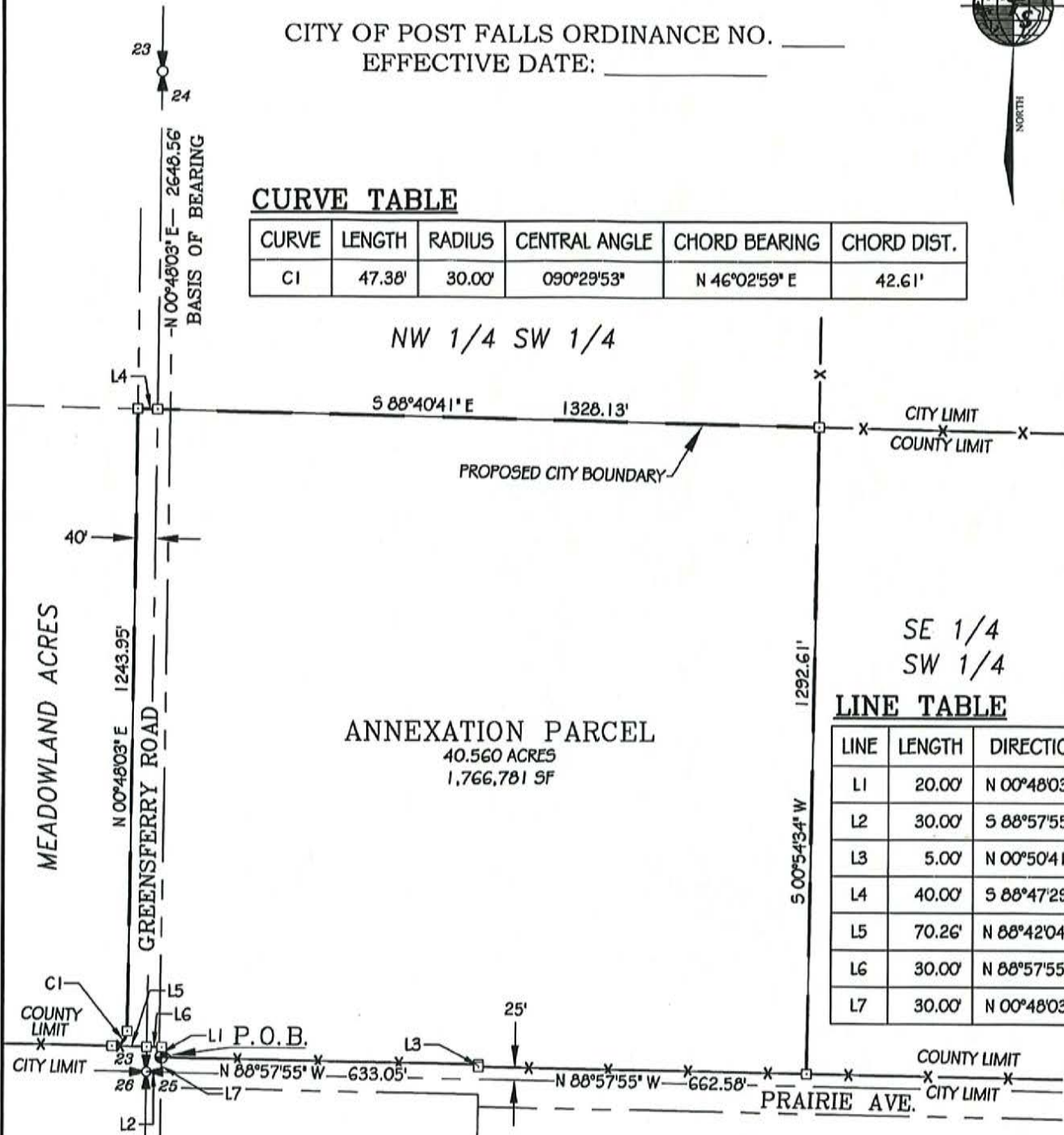
A PORTIONS OF SECTION 23 & 24, T. 51 N., R. 05 W., B.M.,
KOOTENAI COUNTY, IDAHO



CITY OF POST FALLS ORDINANCE NO. _____
EFFECTIVE DATE: _____

CURVE TABLE

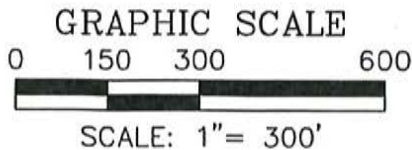
CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DIST.
C1	47.38'	30.00'	090°29'53"	N 46°02'59" E	42.61'



ANNEXATION PARCEL
40.560 ACRES
1,766,781 SF

LINE TABLE

LINE	LENGTH	DIRECTION
L1	20.00'	N 00°48'03" E
L2	30.00'	S 88°57'55" E
L3	5.00'	N 00°50'41" E
L4	40.00'	S 88°47'29" E
L5	70.26'	N 88°42'04" W
L6	30.00'	N 88°57'55" W
L7	30.00'	N 00°48'03" E

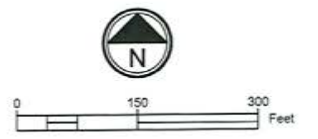
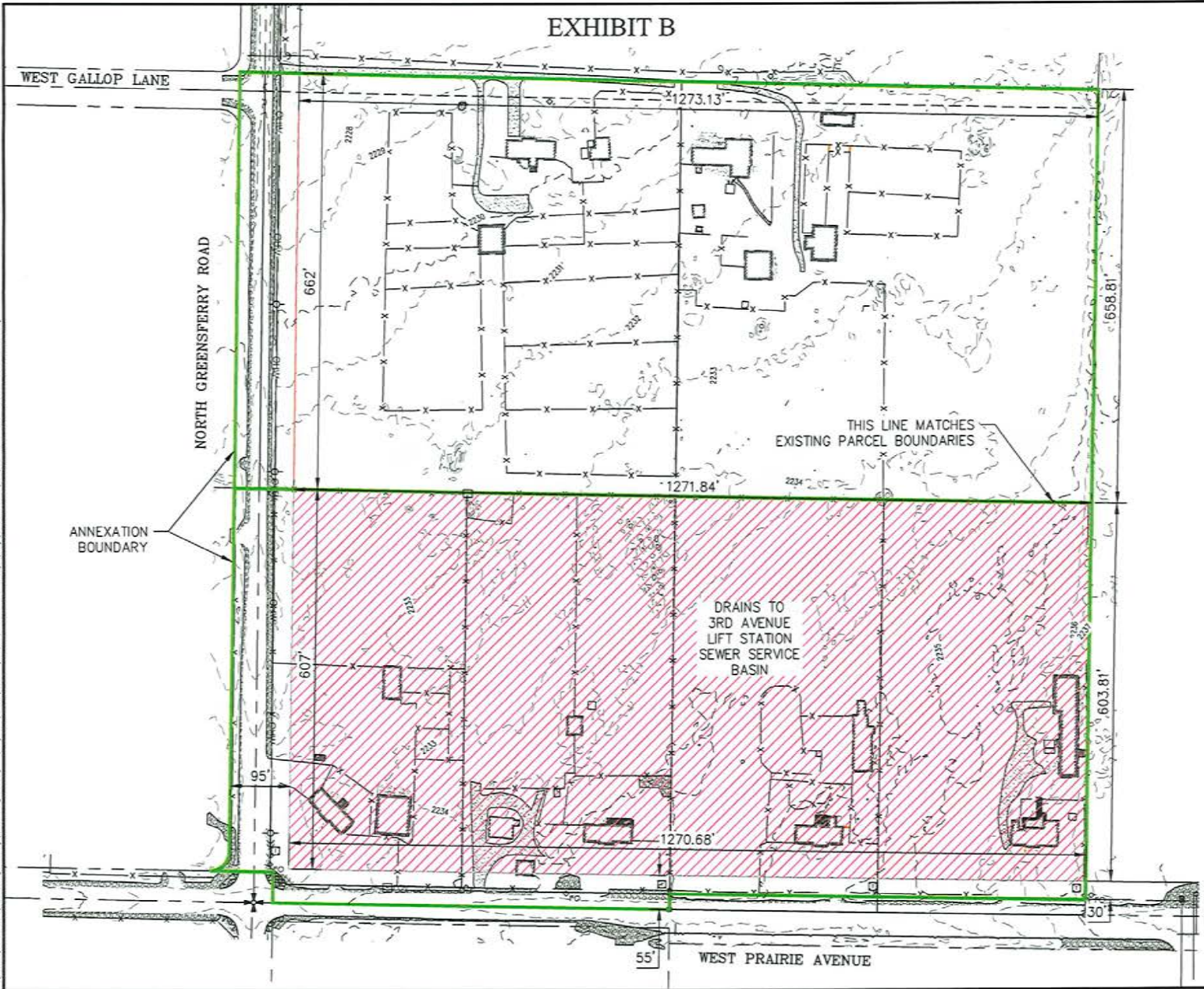


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ENGINEERING
INC.

P.O. BOX 3457, HAYDEN IDAHO, 83835
• PH. (208)-772-2745 • FAX (208)-762-7731 •

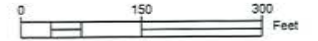
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CHECKED BY: MM
DATE: 11-08-2022
DRAWN BY: MBM
DATE: 03-08-2022
DWG: HARD COPY
PROJ: 22-030




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	Olson Engineering 208-651-4152 eo@cecivil.com
prj	JOSEPH ANNEXATION
loc	POST FALLS, ID
	SEWER BASIN MAP

EXHIBIT C

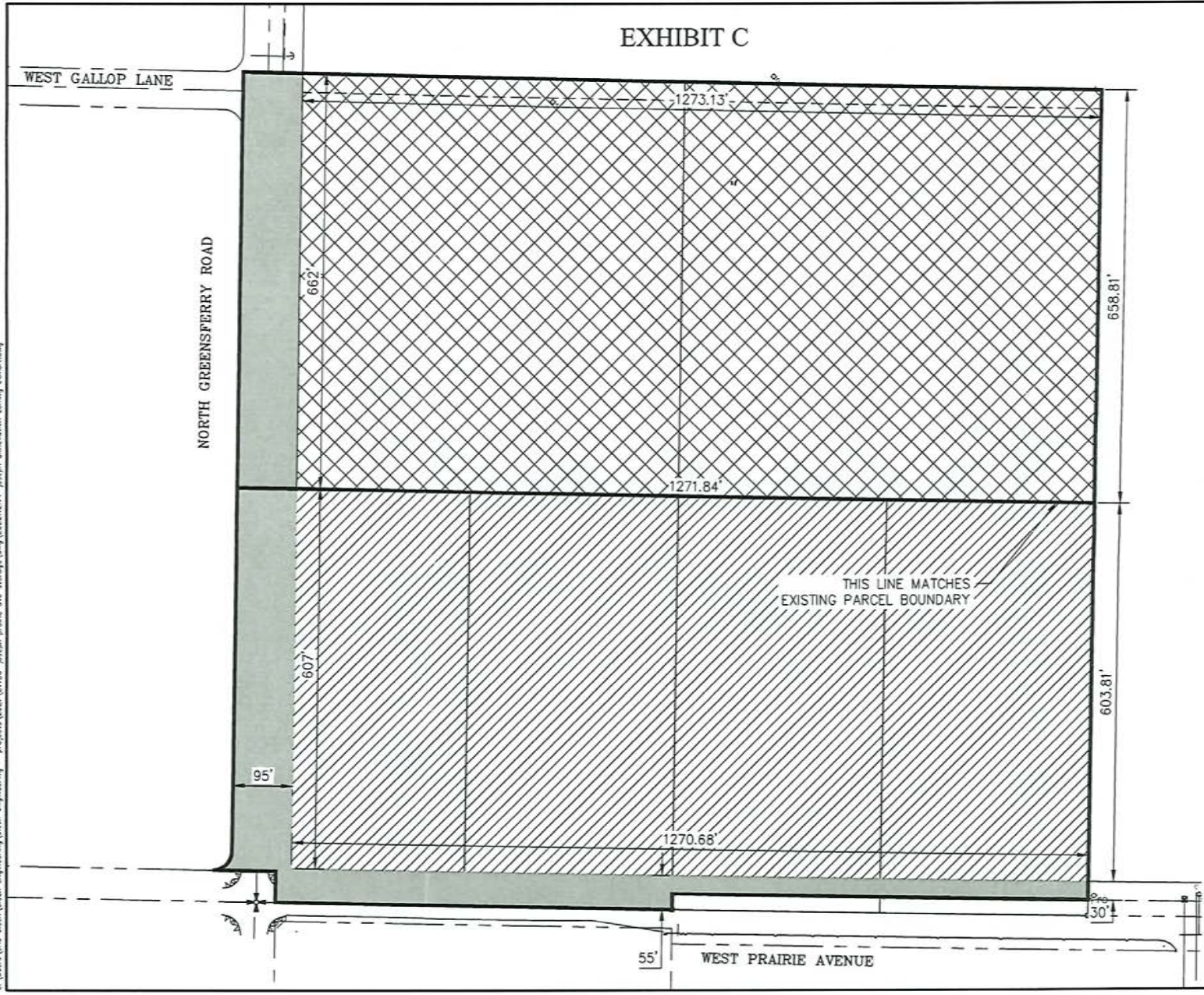


-  PROPOSED CCS ZONE
19.291 ACRES
35' HEIGHT LIMIT
-  PROPOSED CCM ZONE
17.668 ACRES
55' HEIGHT LIMIT
-  RIGHTS OF WAY
4.036 ACRES

TOTAL ANNEXATION REQUEST
40.995 ACRES

RESIDENTIAL MAXIMUMS:
38.5% OF CCM
18.4% OF DEVELOPMENT LAND
16.6% OF TOTAL ANNEXATION

NOTE: MULTI-FAMILY RESIDENTIAL
USES ARE PROHIBITED ON THE
CCM ZONED PROPERTY WITHOUT
AN AMENDMENT TO THE ASSOCIATED
AGREEMENT.



c:\Users\eric_olson\olson_engineering\olson_engineering - projects\2021\21110 - Joseph prairie ave storage\Map\20211214 - Joseph annexation zoning exhibit.dwg

	Olson Engineering 208-651-4152 eo@pecivil.com
	JOSEPH ANNEXATION
POST FALLS, ID	
PROPOSED ZONING & LAND USE EXHIBIT	

GRANT OF RIGHT-OF-WAY
Joseph Family Trust Annexation
Prairie Ave. and Greensferry Rd.
File No. ANNX-22-7

KNOWN ALL MEN BY THESE PRESENTS, that **Joseph Family Trust**; the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, in hand paid by the City of Post Falls, Kootenai County, State of Idaho, the receipt of which is hereby acknowledged, does hereby grant, quitclaim and convey unto the said City of Post Falls, 408 N. Spokane St., Post Falls, ID 83854, a municipal corporation, Kootenai County, State of Idaho, the Grantee, a right-of-way for the construction, improvement, operation and maintenance of public roadway, allowing also placement and maintenance of pipelines for water and sewer, and such other surface and underground utility lines as may be necessary, upon and across the following described property:

A TRACT OF LAND SITUATE IN A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST OF THE BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, NORTH 00°48'03" EAST, 662.14 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED FOR PUBLIC RIGHT-OF-WAY INSTRUMENT NUMBER 2698008000, KOOTENAI COUNTY RECORDS AND BEING THE
TRUE ***POINT-OF-BEGINNING***;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°48'03" EAST, 662.14 FEET TO THE SOUTH 16th OF SECTION 23 AND SAID SECTION 24;

THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER,
SOUTH 88°40'41" EAST, 55.00 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°48'03" WEST, 1239.13 FEET TO THE POINT OF TANGENT CURVATURE TO THE LEFT;

THENCE SOUTHEASTERLY, 47.00 FEET ALONG SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 89°45'58" AND A CHORD BEARING SOUTH 44°04'56" EAST, 42.34 FEET TO THE POINT OF TANGENCY;

THENCE, SOUTH 88°57'55" EAST, 1240.81 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID EAST LINE, SOUTH 00°54'34" WEST, 55.00 FEET TO A POINT ON THE SOUTH LINE THEREOF;

THENCE ALONG SAID SOUTH LINE, NORTH 88°57'55" WEST, 662.55 FEET TO THE SOUTHEAST CORNER OF SAID WARRANTY DEED;

THENCE ALONG SAID DEED LINE AS FOLLOWS:

NORTH 00°50'41" EAST, 30.00 FEET;

NORTH 88°57'55" WEST, 613.49 FEET;

NORTH 43°38'15" WEST, 35.07 FEET;

NORTH 00°48'03" EAST, 607.14 FEET;

NORTH 88°49'18" WEST, 25.00 FEET RETURNING TO THE POINT-OF-BEGINNING.

CONTAINING 106,904 SQUARE FEET, MORE OR LESS;

As depicted in the attached **Exhibit A**.

TO HAVE AND TO HOLD SUCH RIGHT-OF-WAY FOR PUBLIC PURPOSES, THE Grantor does hereby dedicate all interest in said strip of land to public use for such purposes.

In witness whereof, the Grantor has caused this instrument to be executed this 9th day of January, 2022.

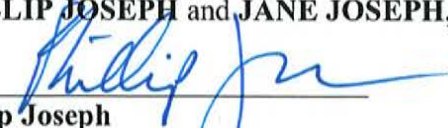
CITY OF POST FALLS

By _____
Ronald G. Jacobson, Mayor

Attest: _____
Shannon Howard, City Clerk

GRANTOR(S):

PHILLIP JOSEPH and JANE JOSEPH, Husband and Wife

By 
Phillip Joseph

By 
Jane Joseph

ACKNOWLEDGEMENTS

STATE OF IDAHO)
: ss
County of Kootenai)

On this ____ day of ____, 20__, before me, a Notary for the State of Idaho, personally appeared **Ronald G. Jacobson and Shannon Howard** known, or identified to me to be the **Mayor** and **City Clerk**, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

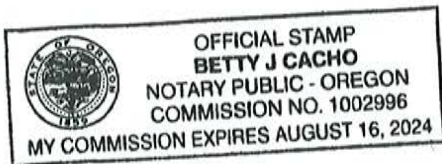
IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
:ss
County of Kootenai)

On this 9th day of January, 2022, before me, a Notary for the State of ~~Idaho~~ ^{Oregon}, personally appeared **Phillip Joseph and Jane Joseph**, Husband and Wife, known, or identified to me to be the person(s) whose names are subscribed to within this instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.



Betty J. Cacho
Notary Public for the State of Oregon
Residing at: Portland
Commission Expires: 8-16-2024



Advanced Technology Surveying & Engineering

**LEGAL DESCRIPTION
PRAIRIE AVENUE & GREENSFERRY ROAD
RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND SITUATE IN A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST OF THE BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, NORTH 00°48'03" EAST, 662.14 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED FOR PUBLIC RIGHT-OF-WAY INSTRUMENT NUMBER 2698008000, KOOTENAI COUNTY RECORDS AND BEING THE TRUE *POINT-OF-BEGINNING*;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°48'03" EAST, 662.14 FEET TO THE SOUTH 16th OF SECTION 23 AND SAID SECTION 24;

THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 88°40'41" EAST, 55.00 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°48'03" WEST, 1239.13 FEET TO THE POINT OF TANGENT CURVATURE TO THE LEFT;

THENCE SOUTHEASTERLY, 47.00 FEET ALONG SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 89°45'58" AND A CHORD BEARING SOUTH 44°04'56" EAST, 42.34 FEET TO THE POINT OF TANGENCY;

THENCE, SOUTH 88°57'55" EAST, 1240.81 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID EAST LINE, SOUTH 00°54'34" WEST, 55.00 FEET TO A POINT ON THE SOUTH LINE THEREOF;

THENCE ALONG SAID SOUTH LINE, NORTH 88°57'55" WEST, 662.55 FEET TO THE SOUTHEAST CORNER OF SAID WARRANTY DEED;

THENCE ALONG SAID DEED LINE AS FOLLOWS:

NORTH 00°50'41" EAST, 30.00 FEET;

NORTH 88°57'55" WEST, 613.49 FEET;

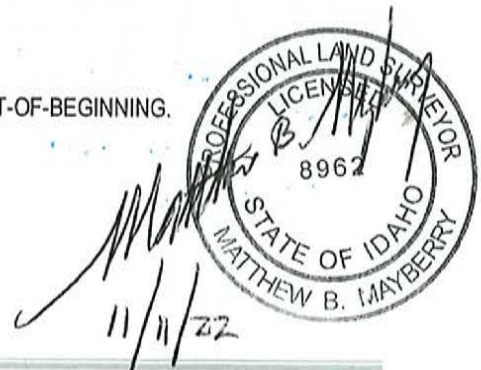
NORTH 43°38'15" WEST, 35.07 FEET;

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NORTH 88°49'18" WEST, 25.00 FEET RETURNING TO THE POINT-OF-BEGINNING.

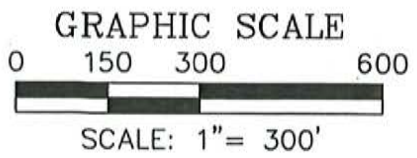
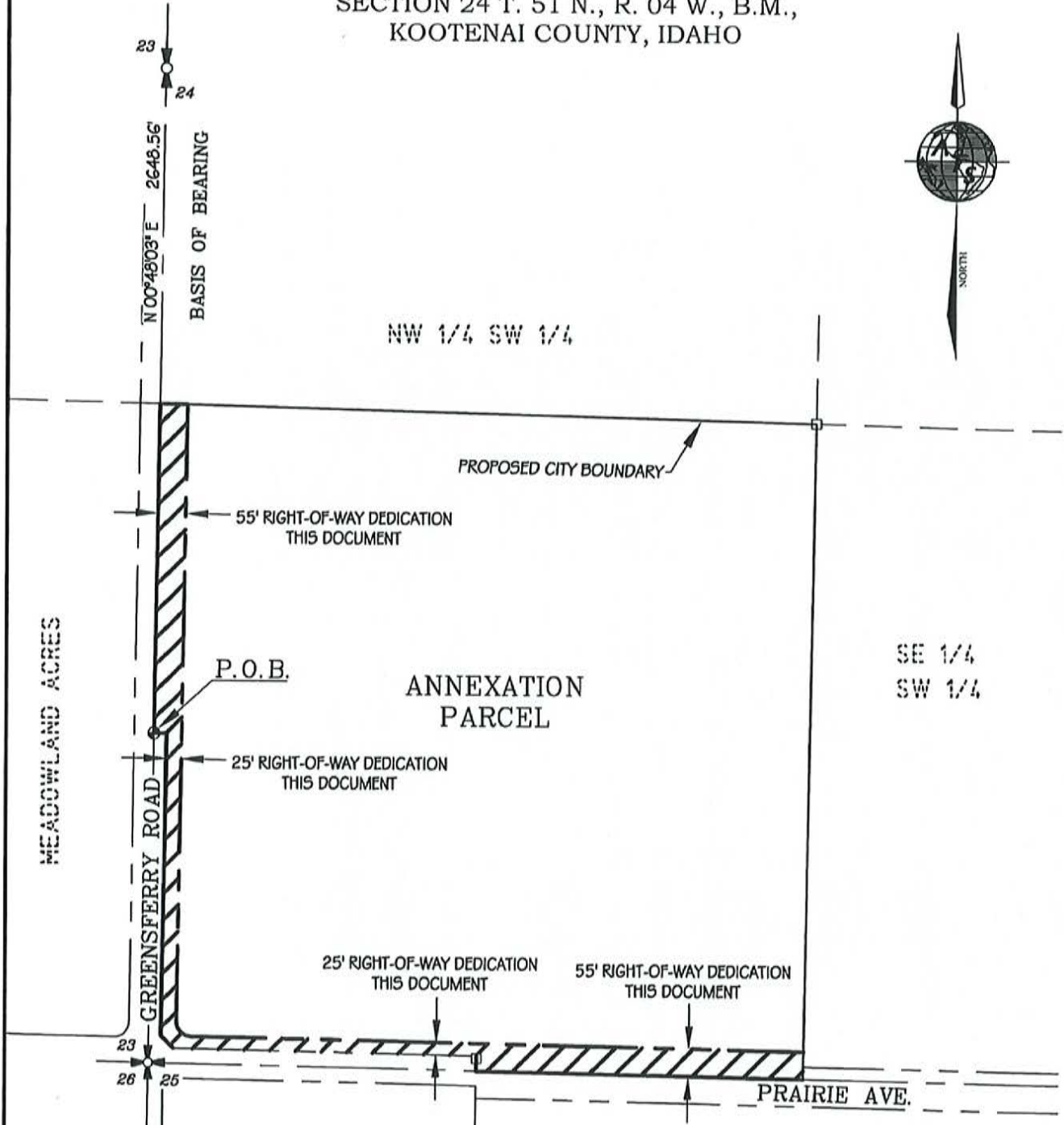
CONTAINING 106,904 SQUARE FEET, MORE OR LESS;

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EXHIBIT

PRAIRIE AVE & GREENSFERRY ROAD RIGHT-OF-WAY DEDICATION
 A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF
 SECTION 24 T. 51 N., R. 04 W., B.M.,
 KOOTENAI COUNTY, IDAHO



	ADVANCED TECHNOLOGY SURVEYING & ENGINEERING		SCALE: 1"=300'
	P.O. BOX 3457, HAYDEN IDAHO, 83835		CHECKED BY: MM
	• PH. (208)-772-2745 • FAX (208)-762-7731 •		DATE: 03-08-2022
			DRAWN BY: MDM
			DATE: 03-08-2022
		DWG: HARDCOPY	PROJ: 22-030

GRANT OF EASEMENT
Joseph Family Trust Annexation
Prairie Ave. and Greensferry Rd.
File No. ANNX-22-7

KNOW ALL MEN BY THESE PRESENTS that, **Joseph Family Trust;** herein after termed "Grantors", for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, does hereby give, grant and quitclaim unto the City of Post Falls, Kootenai County, Idaho, the Grantee, whose address is 408 N. Spokane Street, Post Falls, Idaho 83854, an easement for the construction, improvement, operation and maintenance of a public sidewalk, storm water drainage and utilities over, under, upon and across the following described property:

A 10 FOOT WIDE STRIP OF LAND SITUATE IN A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST OF THE BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE NORTH 00°48'03" EAST, 1324.28 FEET TO THE SOUTH 1/16th CORNER OF SECTION 23 AND SAID SECTION 24; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 88°40'41" EAST, 55.00 FEET TO THE TRUE **POINT-OF-BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 88°40'41" EAST, 10.00 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°48'03" WEST, 1239.04 FEET TO THE POINT OF TANGENT CURVATURE TO THE LEFT;

THENCE SOUTHEASTERLY, 31.33 FEET ALONG SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°45'58" AND A CHORD BEARING SOUTH 44°04'56" EAST, 28.23 FEET TO THE POINT OF TANGENCY;

THENCE, SOUTH 88°57'55" EAST, 1240.78 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID EAST LINE, SOUTH 00°54'34" WEST, 10.00 FEET;

THENCE LEAVING SAID EAST LINE, NORTH 88°57'55" WEST, 1240.81 FEET TO THE POINT OF TANGENT CURVATURE TO THE RIGHT;

THENCE NORTHWESTERLY, 47.00 FEET ALONG SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 89°45'58" AND A CHORD BEARING NORTH 44°04'56" WEST, 42.34 FEET TO THE POINT OF TANGENCY;

THENCE, NORTH 00°48'03" EAST, 1239.13 FEET RETURNING TO THE POINT-

OF-BEGINNING.

CONTAINING 25,190 SQUARE FEET, MORE OR LESS;

As further depicted in the attached **Exhibit A**

TO HAVE AND TO HOLD said easement for public sidewalk, storm water drainage and utilities purposes so long as the same shall be used, operated and maintained as such. The Grantors herein expressly limits the grant and quitclaim of this easement to its respective interest, and that of its successors, in that parcel of land over, under, upon and across which said easement lies.

In witness whereof, the Grantor has caused this instrument to be executed this 9th day of January, 2022.

CITY OF POST FALLS

By _____
Ronald G. Jacobson, Mayor

Attest:

Shannon Howard, City Clerk

GRANTOR(S):

PHILLIP JOSEPH and JANE JOSEPH, Husband and Wife

By *Phillip Joseph*
Phillip Joseph

By *Jane Joseph*
Jane Joseph

ACKNOWLEDGEMENTS

STATE OF IDAHO)
: ss

County of Kootenai)

On this _____ day of _____, 20____, before me, a Notary for the State of Idaho, personally appeared **Ronald G. Jacobson and Shannon Howard** known, or identified to me to be the **Mayor** and **City Clerk**, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)

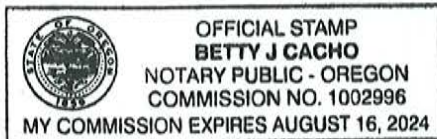
:SS

County of Kootenai)

On this 9th day of January, 2022, before me, a Notary for the State of ~~Idaho~~ ^{Oregon}, personally appeared **Phillip Joseph and Jane Joseph**, Husband and Wife, known, or identified to me to be the person(s) whose names are subscribed to within this instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Betty J. Cacho
Notary Public for the State of Oregon
Residing at: Portland
Commission Expires: 8-16-2024





Advanced Technology Surveying & Engineering

LEGAL DESCRIPTION
10' SIDEWALK, STORMWATER & UTILITY EASEMENT

A 10 FOOT WIDE STRIP OF LAND SITUATE IN A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST OF THE BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE NORTH 00°48'03" EAST, 1324.28 FEET TO THE SOUTH 1/16th CORNER OF SECTION 23 AND SAID SECTION 24; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 88°40'41" EAST, 55.00 FEET TO THE TRUE **POINT-OF-BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 88°40'41" EAST, 10.00 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°48'03" WEST, 1239.04 FEET TO THE POINT OF TANGENT CURVATURE TO THE LEFT;

THENCE SOUTHEASTERLY, 31.33 FEET ALONG SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°45'58" AND A CHORD BEARING SOUTH 44°04'56" EAST, 28.23 FEET TO THE POINT OF TANGENCY;

THENCE, SOUTH 88°57'55" EAST, 1240.78 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID EAST LINE, SOUTH 00°54'34" WEST, 10.00 FEET;

THENCE LEAVING SAID EAST LINE, NORTH 88°57'55" WEST, 1240.81 FEET TO THE POINT OF TANGENT CURVATURE TO THE RIGHT;

THENCE NORTHWESTERLY, 47.00 FEET ALONG SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 89°45'58" AND A CHORD BEARING NORTH 44°04'56" WEST, 42.34 FEET TO THE POINT OF TANGENCY;

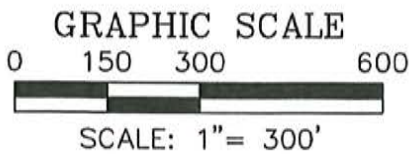
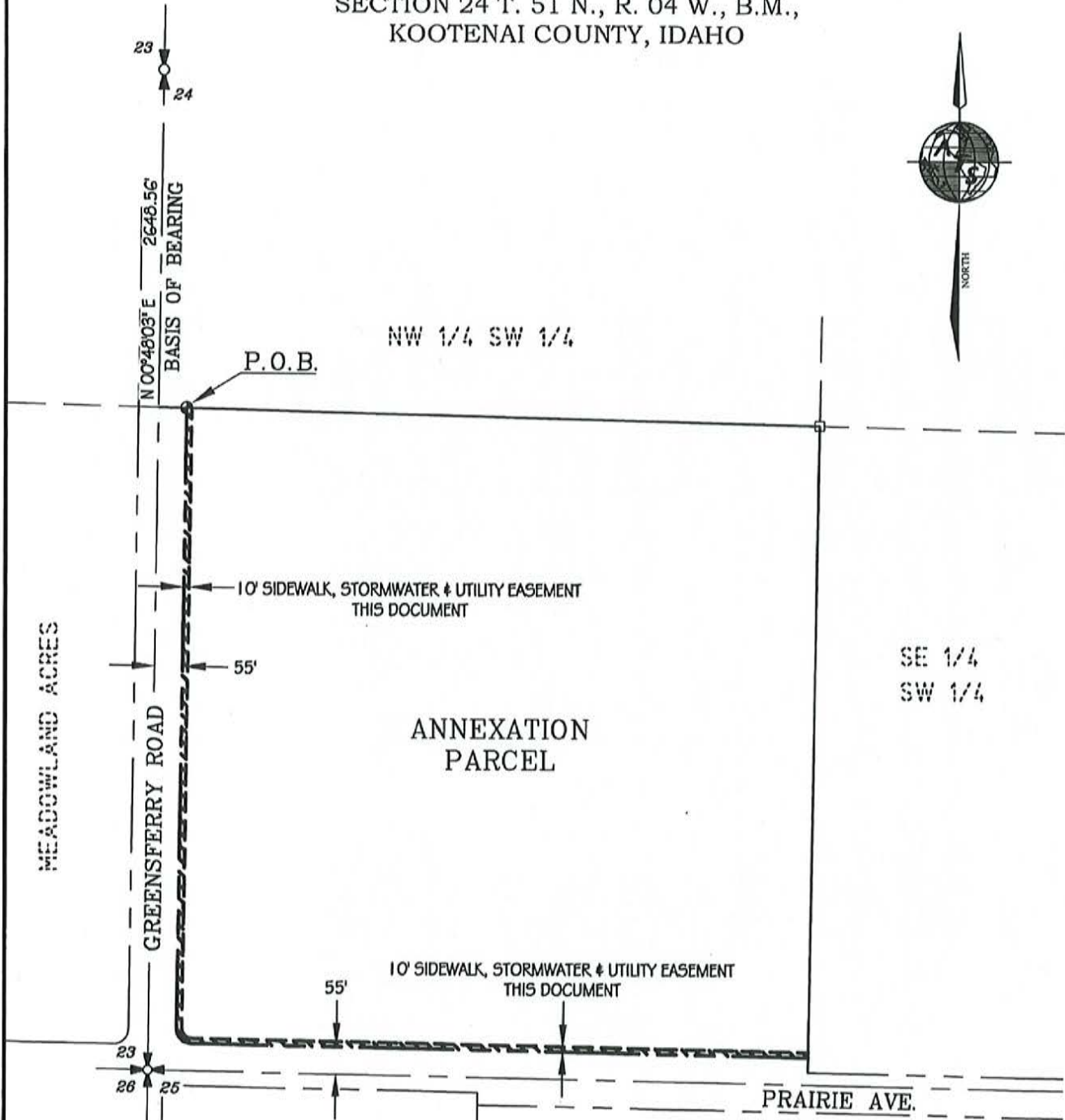
THENCE, NORTH 00°48'03" EAST, 1239.13 FEET RETURNING TO THE POINT-OF-BEGINNING.

CONTAINING 25,190 SQUARE FEET, MORE OR LESS;



EXHIBIT

10 FOOT SIDEWALK, STORMWATER & UTILITY EASEMENT
 A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF
 SECTION 24 T. 51 N., R. 04 W., B.M.,
 KOOTENAI COUNTY, IDAHO



ADVANCED
 TECHNOLOGY
 SURVEYING &
 ENGINEERING
 INC.

P.O. BOX 3457, HAYDEN IDAHO, 83835
 • PH. (208)-772-2745 • FAX (208)-762-7731 •

SCALE: 1"=300'
 CHECKED BY: MM
 DATE: 11-11-2022
 DRAWN BY: MDM
 DATE: 03-06-2022
 DWG: HARD COPY
 PROJ: 22-030

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 02/21/2023

DATE: 02/16/2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Craig Borrenpohl
SUBJECT: Water Department Well 8 Backup Generator Repair

ITEM AND RECOMMENDED ACTION:

City Council approves and authorizes issuance of a Purchase Order for repair of the Water Department Well #8 Backup Generator.

DISCUSSION:

Water Department staff engaged a local Caterpillar generator service provider during the summer of 2022 to troubleshoot issues with the Well #8 emergency backup generator. Initial investigations identified issues with the radiator and cooling system and recommended completing the repairs when the unit could be taken offline for an extended period of time. Western States indicated additional issues may exist but could not be identified until the unit was disassembled. The maximum cost if a full engine rebuild was deemed necessary was estimated at \$30,000. Staff made the decision to keep the emergency generator available for use throughout the peak water usage season and schedule repairs during the low demand time of year.

The backup generator has now been fully disassembled and, along with other repairs, a full engine block replacement was deemed necessary. Costs for these repairs have also increased making approval of City Council necessary before a purchase order can be issued.

Staff recommends moving forward with the proposed repair plan, even in light of the increased costs. The cost of repair is roughly one-third the cost of a new unit and will allow for the use of the Well #8 Emergency Generator this summer when peak demands occur.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

NA

APPROVED OR DIRECTION GIVEN:

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

\$60,000

BUDGET CODE:

750-462.0000.95545

CITY OF POST FALLS
AGENDA REPORT
Consent Calendar
MEETING DATE: 02/21/2023

DATE: 02/16/2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Field Herrington
SUBJECT: New Opioid Settlements

ITEM AND RECOMMENDED ACTION:

The State of Idaho has agreed to participate in nationwide opioid settlement agreements with three chain pharmacies: Walmart, CVS, and Walgreens, as well as two opioid manufacturers, Teva Pharmaceutical Industries and Allergan.

Idaho is receiving approximately 752,000. Post Falls 0.6781328826% will be reallocated to the Panhandle Health District.

Staff Recommends approval of the agreements for the mayor's signature.

DISCUSSION:

Proposed nationwide settlement agreements ("Settlements") have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against two pharmaceutical manufacturers, Teva and Allergan ("Manufacturers"), and three pharmacies, CVS, Walgreens, and Walmart ("Pharmacies"). Local political subdivisions and special districts are referred to as "subdivisions." The Settlements require the settling Manufacturers and Pharmacies to pay billions of dollars to abate the opioid epidemic. The Settlements total over \$20 billion. Of this amount, approximately \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or an agreed upon cash equivalent over 13 years;

Allergan to pay up to \$2.02 billion over 7 years;

CVS to pay up to \$4.90 billion over 10 years;

Walgreens to pay up to \$5.52 billion over 15 years; and

Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

As provided under the Agreements, these figures are net of amounts attributable to prior settlements between the Defendants and certain states/subdivisions, and include amounts for attorneys' fees and costs.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or dispensing practices.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

This item has not been reviewed by council

APPROVED OR DIRECTION GIVEN:

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

BUDGET CODE:

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Governmental Entity:	City of Post Falls	State:	Idaho
Authorized Official:	Mayor Ron Jacobson		
Address 1:	408 N. Spokane St.		
Address 2:			
City, State, Zip:	Post Falls, Idaho 83854		
Phone:	208-773-3511		
Email:	City Clerk: showard@postfalls.gov		

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at [link to national settlement website page to be provided].
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.

7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would

materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.

I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K¹

Subdivision Participation and Release Form

Governmental Entity:	City of Post Falls	State:	Idaho
Authorized Official:	Mayor Ron Jacobson		
Address 1:	408 N. Spokane St.		
Address 2:			
City, State, Zip:	Post Falls, Idaho 83854		
Phone:	208-773-3511		
Email:	City Clerk: showard@postfalls.gov		

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 2, 2022 (“*CVS Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at [website link to national settlement website to be provided].
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role

¹ As of December 8, 2022.

as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.

7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.

11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity	City of Post Falls	State:	Idaho
Authorized Official	Mayor Ron Jacobson		
Address 1:	408 N. Spokane St.		
Address 2:			
City, State, Zip:	Post Falls, Idaho 83854		
Phone:	208-773-3511		
Email:	City Clerk: showard@postfalls.gov		

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at [website link to national settlement website to be provided].
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s

role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.

8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation and Release Form

[Draft]

Governmental Entity:	City of Post Falls	State:	Idaho
Authorized Official:	Mayor Ron Jacobson		
Address 1:	408 N. Spokane St.		
Address 2:			
City, State, Zip:	Post Falls, Idaho 83854		
Phone:	208-773-3511		
Email:	City Clerk: showard@postfalls.gov		

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December [], 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at [website link to national settlement website to be provided].
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance,

oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.

11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation Form

Governmental Entity:	City of Post Falls	State:	Idaho
Authorized Official:	Mayor Ron Jacobson		
Address 1:	408 N. Spokane St.		
Address 2:			
City, State, Zip:	Post Falls, Idaho 83854		
Phone:	208-773-3511		
Email:	City Clerk: showard@postfalls.gov		

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 (“Walmart Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards,

commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

December 21, 2022

Director:

Governor Little and I recently announced the State of Idaho's agreement to participate in nationwide opioid settlements with three chain pharmacies, Walmart, CVS, and Walgreens, and with two opioid manufacturers, Teva Pharmaceutical Industries and Allergan. These settlements total over \$17 billion dollars and include up to \$90 million dollars for Idaho and its counties and cities who agree to participate.

I am writing to ask your health district to join us in participating in these historic settlement agreements. I believe that these are fair settlements that will provide the State and local governments much-needed funds to fight the opioid crisis. The citizens of the State will receive the maximum benefits from these agreements if the State and local governments work together and all participate.

Attached is information about the settlement agreements and a Settlement Participation Form for each settlement. Executed forms are due by **March 31, 2023** and may be emailed to opioidsettlement@ag.idaho.gov. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence G. Wasden".

LAWRENCE G. WASDEN
Attorney General

LGW

Attachments

OPIOID SETTLEMENT AGREEMENTS WITH WALMART, CVS, WALGREENS, TEVA, AND ALLERGAN,

The Attorney General of the State of Idaho has joined nationwide settlements resolving opioid-related claims with three major pharmacies, Walmart, CVS, and Walgreens (collectively “the Pharmacies”); and two opioid manufacturers, Teva Pharmaceuticals Industries Ltd. (“Teva”) and Allergan plc (“Allergan”). Because the State of Idaho is participating in these settlement agreements, certain local governments within the State are now also eligible to participate and receive benefits under the agreements. These settlement agreements would resolve legal claims against Walmart, CVS, Walgreens, Teva and Allergan by participating States and local governments stemming from actions that fueled the opioid addiction epidemic.

How Much Money is Available for the State and Local Governments?

The settlements with the Pharmacies provide for abatement funds totaling a maximum amount of \$62,298,881.92 for the State of Idaho and participating local governments. CVS will make payments over 10 years, Walgreens over 15 years, and Walmart over 6 years. The Teva/Allergan settlements provide for abatement funds totaling a maximum amount of \$28,105,109.85 for the State of Idaho. Teva will make payments over 13 years and Allergan over 7 years. The State and local governments must use the funding to support approved opioid remediation strategies set forth in [Exhibit A to Idaho’s Opioid Settlement Intrastate Allocation Agreement](#). A certain designated portion of the funding may also be used to compensate attorneys who have pursued the opioid litigation on behalf of the State and local governments.

The total amount of funding that Idaho and local governments may receive depends on how many eligible local governments participate in the settlement. The State and local governments can secure the maximum payment by fully resolving all of the pending and potential opioid-related claims by public entities within the State. In short, the more local governments that participate, the more funds available for everyone.

Which Local Governments are Eligible to Participate?

The same local governments eligible to participate in the Janssen and Distributor Settlements are eligible to participate in these settlements. Attached is a list of the local governments in Idaho who are eligible to participate.

In order to obtain the maximum amount of funding, releases of claims will also need to be obtained by certain school districts, hospital districts, and fire districts. Those districts will not directly receive settlement funds, but by participating they will increase the amount of opioid abatement funds going to the State and participating cities, counties, and health districts. Also attached is a list of special districts in Idaho who will need to participate in order for Idaho to receive the maximum amount of funds.

How Can Eligible Local Governments Participate?

Eligible local governments and special districts can participate by executing Settlement Participation Forms, releasing all opioid-related claims against the Pharmacies, Teva, and Allergan, and by agreeing to be subject to a Consent Order filed in Idaho state court resolving these claims. Executed Settlement Participation Forms may be emailed to opioidsettlement@ag.idaho.gov.

What is the Deadline for Local Governments to Participate?

The Settlements each have slightly different participation deadlines. For ease, the Attorney General is asking local governments to return participation forms for all five settlements by the earliest deadline, March 31, 2023. Local governments may decide to participate after the participation deadline, but it may result in a delay or reduction in payments in some circumstances.

How Will the Settlement Money Be Divided Between the State and Participating Local Governments?

Idaho’s Opioid Settlement Intrastate Allocation Agreement will apply to these settlements. Under that Agreement, settlement funds are allocated as follows: 40% to the State, 40% to participating cities and counties, and 20% to participating health districts.

Does an Eligible Government Have to Participate in All Five Settlements?

No, an eligible government can choose to participate in some but not all of the five settlements. However, the Teva and Allergan settlements require participation in both to receive funds. Additionally, a subdivision will not be eligible to receive funds from the settlements it does not participate in, and not participating may reduce the amount that the State and participating subdivisions receive.

What If a Local Government Has Elected to Have Its Opioid Settlement Funds Reallocated to Its Health District?

A local government’s election to reallocate its funds will apply to these settlement agreements. However, those cities and counties must still sign Subdivision Participation Forms in order for those settlement funds to be available for reallocation to their health districts.

How Can I Learn More About the Settlement Agreements?

Full copies of the settlement agreements, Settlement Participation Forms, and additional information are available at <https://ag.idaho.gov/consumer-protection/opioid-settlement/>.

If you have further questions, you may also contact the Attorney General’s Office at:

Office of the Attorney General
Consumer Protection Division
Attention: Opioid Settlement
P.O. Box 83720
Boise, ID 83720-0010
208-334-2424
opiodsettlement@ag.idaho.gov

Eligible Local Governments

Ada County, Idaho
Adams County, Idaho
Ammon City, Idaho
Bannock County, Idaho
Bear Lake County, Idaho
Benewah County, Idaho
Bingham County, Idaho
Blackfoot City, Idaho
Blaine County, Idaho
Boise City, Idaho
Boise County, Idaho
Bonner County, Idaho
Bonneville County, Idaho
Boundary County, Idaho
Burley City, Idaho
Butte County, Idaho
Caldwell City, Idaho
Camas County, Idaho
Canyon County, Idaho
Caribou County, Idaho
Cassia County, Idaho
Chubbuck City, Idaho
Clark County, Idaho
Clearwater County, Idaho
Coeur D'Alene City, Idaho
Custer County, Idaho
Eagle City, Idaho
Elmore County, Idaho
Franklin County, Idaho
Fremont County, Idaho
Garden City, Idaho
Gem County, Idaho
Gooding County, Idaho
Hayden City, Idaho
Idaho County, Idaho
Idaho Falls City, Idaho
Jefferson County, Idaho
Jerome City, Idaho
Jerome County, Idaho
Kootenai County, Idaho
Kuna City, Idaho
Latah County, Idaho
Lemhi County, Idaho
Lewis County, Idaho

Lewiston City, Idaho
Lincoln County, Idaho
Madison County, Idaho
Meridian City, Idaho
Minidoka County, Idaho
Moscow City, Idaho
Mountain Home City, Idaho
Nampa City, Idaho
Nez Perce County, Idaho
Oneida County, Idaho
Owyhee County, Idaho
Payette County, Idaho
Pocatello City, Idaho
Post Falls City, Idaho
Power County, Idaho
Preston City, Idaho
Rexburg City, Idaho
Shoshone County, Idaho
Star City, Idaho
Teton County, Idaho
Twin Falls City, Idaho
Twin Falls County, Idaho
Valley County, Idaho
Washington County, Idaho

Public Health District No. 1
Public Health District No. 2
Public Health District No. 3
Public Health District No. 4
Public Health District No. 5
Public Health District No. 6
Public Health District No. 7

Required Special Districts

Fire Districts

N Ada County Fire & Rescue
Eagle Fire
Star Fire
Shelley Firth Fire
Nampa Fire Protection District
Middleton Fire
Madison County Fire
Meridian Rural Fire Protection District
Whitney Fire
Kuna Rural Fire
Blackfoot Snake River Fire District
Central Fire Protection District
Kootenai County Fire & Rescue
Northern Lakes Fire Protection
Moscow Fire
Bonneville County Fire Protection District #1
Caldwell Rural Fire
Twin Falls Rural Fire
N. Bannock Fire
North Cassia Fire
Minidoka County Fire
Gem County Fire Prot. #1

Hospital Districts

Kootenai Health

School Districts

West Ada School District
Boise School District

National Opioid Settlements: Teva, Allergan, CVS, Walgreens, and Walmart

Post Falls city, ID

Reference Number: CL-384177

***TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT NATIONAL OPIOID SETTLEMENTS.***

SETTLEMENT OVERVIEW

Proposed nationwide settlement agreements (“Settlements”) have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against two pharmaceutical manufacturers, Teva and Allergan (“Manufacturers”), and three pharmacies, CVS, Walgreens, and Walmart (“Pharmacies”). Local political subdivisions and special districts are referred to as “subdivisions.”

The Settlements require the settling Manufacturers and Pharmacies to pay billions of dollars to abate the opioid epidemic. The Settlements total over \$20 billion. Of this amount, approximately \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

- Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or an agreed upon cash equivalent over 13 years;
- Allergan to pay up to \$2.02 billion over 7 years;
- CVS to pay up to \$4.90 billion over 10 years;
- Walgreens to pay up to \$5.52 billion over 15 years; and
- Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

As provided under the Agreements, these figures are net of amounts attributable to prior settlements between the Defendants and certain states/subdivisions, and include amounts for attorneys’ fees and costs.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or dispensing practices.

Each of the proposed settlements has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com>.

Second, eligible subdivisions within each participating state decide whether to participate in each Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlements provide that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for these new Settlements and was also retained for the 2021 national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in one or more of the Settlements with the Manufacturers and/or the Pharmacies, and your subdivision may participate in those Settlements in which your state has elected to participate. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. Subdivisions can participate in the Settlements whether or not they filed a lawsuit or are represented.

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlements, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlements are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com>.

Your subdivision will need to decide whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process before the **April 18, 2023** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

The Settlements require that you take affirmative steps to "opt in" to the Settlements.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form for that settlement.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Forms and instructions.

All required documentation must be signed and returned on or before **April 18, 2023**.

National Opioid Abatement Trust II

Revised Planned Allocation

December 7, 2022

State / Territory	Idaho	
A. Total Amount Available to Distribute	\$153,000,000.00	
B. Idaho's Allocation % (per Schedule C of NOAT II TDPs)	0.4919080117%	
C. Amount Available to Distribute to Idaho (A * B)	\$752,619.26	
D. Method of Allocation		
Does the beneficiary have a Statewide Abatement Agreement ("SAA")?	Yes	
E. Computation		
1. Overall State Allocation		
(a) 40% to State Fund	\$301,047.70	
(b) 40% to Local Governments Fund	\$301,047.70	
(c) 20% to Health Districts Fund	\$150,523.85	
(a) State Fund	Final Allocation	
State Fund	\$301,047.70	
(b) Local Governments Fund	Percentage Allocated	Final Allocation
Ada County	13.2776278333%	\$39,971.99
Adams County	0.1446831902%	\$435.57
Ammon City	0.0812916024%	\$244.73
Bannock County	3.0595589832%	\$9,210.73
Bear Lake County	0.6082712041%	\$1,831.19
Benewah County	0.6526829809%	\$1,964.89
Bingham County	1.6421270812%	\$4,943.59
Blackfoot City	0.6283857401%	\$1,891.74
Blaine County	0.9137717551%	\$2,750.89
Boise City	12.7586409110%	\$38,409.60
Boise County	0.3309644652%	\$996.36
Bonner County (Reallocated to Health Districts Fund, District 1)	2.5987361786%	\$0.00
Bonneville County	3.7761253875%	\$11,367.94
Boundary County	0.8788284447%	\$2,645.69
Burley City (Reallocated to Health Districts Fund, District 5)	0.4485975363%	\$0.00
Butte County	0.1839745518%	\$553.85
Caldwell City	1.1958553249%	\$3,600.09

Camas County	0.0422073443%	\$127.06
Canyon County	5.0120113688%	\$15,088.55
Caribou County	0.4396183832%	\$1,323.46
Cassia County	0.7270235866%	\$2,188.69
Chubbuck City	0.4841935447%	\$1,457.65
Clark County	0.0420924425%	\$126.72
Clearwater County	0.4890418390%	\$1,472.25
Coeur d'Alene City (Reallocated to Health Districts Fund, District 1)	2.7593778237%	\$0.00
Custer County (Reallocated to Health Districts Fund, District 7)	0.2133243878%	\$0.00
Eagle City	0.1711876661%	\$515.36
Elmore County	0.8899512165%	\$2,679.18
Franklin County	0.5753624958%	\$1,732.12
Fremont County (Reallocated to Health Districts Fund, District 7)	0.5716071696%	\$0.00
Garden City	0.5582782838%	\$1,680.68
Gem County	1.3784025725%	\$4,149.65
Gooding County	0.6966472013%	\$2,097.24
Hayden City (Reallocated to Health Districts Fund, District 1)	0.0047132146%	\$0.00
Idaho County	0.8474305547%	\$2,551.17
Idaho Falls City	3.8875027578%	\$11,703.24
Jefferson County	0.9842670749%	\$2,963.11
Jerome City	0.4169017424%	\$1,255.07
Jerome County	0.6223444291%	\$1,873.55
Kootenai County	5.6394798565%	\$16,977.52
Kuna City	0.1849461724%	\$556.78
Latah County	1.2943861166%	\$3,896.72
Lemhi County	0.4880814284%	\$1,469.36
Lewis County	0.2882543555%	\$867.78
Lewiston City	2.0176549375%	\$6,074.10
Lincoln County	0.1930184422%	\$581.08
Madison County	1.2748404845%	\$3,837.88
Meridian City	2.4045650754%	\$7,238.89
Minidoka County	0.9140620922%	\$2,751.76
Moscow City	0.6590552650%	\$1,984.07

Mountain Home City			0.5706694591%	\$1,717.99
Nampa City			3.3274647954%	\$10,017.26
Nez Perce County			1.2765833482%	\$3,843.12
Oneida County			0.2371656647%	\$713.98
Owyhee County (Reallocated to Health Districts Fund, District 3)			0.5554298409%	\$0.00
Payette County			1.2750728102%	\$3,838.58
Pocatello City (Reallocated to Health Districts Fund, District 6)			2.9494898116%	\$0.00
Post Falls City (Reallocated to Health Districts Fund, District 1)			0.6781328826%	\$0.00
Power County			0.3505171035%	\$1,055.22
Preston City			0.1496220047%	\$450.43
Rexburg City			0.1336231941%	\$402.27
Shoshone County (Reallocated to Health Districts Fund, District 1)			1.2841091340%	\$0.00
Star City (Reallocated to Health Districts Fund, District 4)			0.0001322772%	\$0.00
Teton County			0.4258195211%	\$1,281.92
Twin Falls City			1.8245765222%	\$5,492.85
Twin Falls County			3.3104301873%	\$9,965.97
Valley County			0.8074710814%	\$2,430.87
Washington County			0.4917358652%	\$1,480.36
(c) Health Districts Fund (including reallocated amounts from (b))	Percentage Allocated	Initial Share	Amount Reallocated from Local Governments	Final Allocation
Public Health District Fund		\$150,523.85	\$36,317.34	\$186,841.19
District 1 (Panhandle)	14.50%	\$21,825.96	\$22,051.95	\$43,877.91
District 2 (North Central)	6.87%	\$10,340.99	\$0.00	\$10,340.99
District 3 (Southwest)	13.38%	\$20,140.09	\$1,672.11	\$21,812.20
District 4 (Central)	31.95%	\$48,092.37	\$0.40	\$48,092.77
District 5 (South Central)	10.11%	\$15,217.96	\$1,350.49	\$16,568.45
District 6 (Southeastern)	11.31%	\$17,024.25	\$8,879.37	\$25,903.62
District 7 (Eastern)	11.88%	\$17,882.23	\$2,363.02	\$20,245.25

**CITY OF POST FALLS
AGENDA REPORT
CONSENT AGENDA
MEETING DATE: FEBRUARY 21ST, 2023**

DATE: SEPTEMBER 14TH, 2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: BILL MELVIN – CITY ENGINEER
SUBJECT: STONE’S THROW SUBDIVISION PLAT APPLICATION

ITEM AND RECOMMENDED ACTION: With approval of the Consent Agenda, City Council authorizes the Mayor’s signature of the final plat for the Stone’s Throw Subdivision.

DISCUSSION: The Developer has provided surety for the remaining improvements.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON: N/A

APPROVED OR DIRECTION GIVEN: Under the Subdivision Ordinance the plat application is returned to Council, for authorization of the Mayor’s signature. Certification is required from the Engineering Division that infrastructure improvements have been completed, or that surety has been provided to guarantee the completion of the improvements.

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: N/A

BUDGET CODE: N/A

SUPPORTING DOCUMENTS: A copy of the plat application, surety, and engineer’s estimate are available in the Community Development Department for review.

**CITY OF POST FALLS
AGENDA REPORT
PUBLIC HEARING
MEETING DATE: 2-21-23**

DATE: February 15, 2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ETHAN PORTER, ASSOCIATE PLANNER
eporter@postfalls.gov / 208-457-3353
SUBJECT: D-Bat Zone Change – ZC-22-6

ITEM AND RECOMMENDED ACTION:

Steven Reichard, Fusion Architecture, has requested on the property owner's behalf, SLCK COMMERCIAL PROPERTIES LLC, approval to rezone approximately 2.13-acres from Heavy Industrial (HI) within the City of Post to the requested Industrial (I) zoning district.

DISCUSSION:

The City Council will determine if the property should be rezoned and, if so, make a final determination on the appropriate zoning. The approval criteria are:

- A. Amendments to the zoning map should be in accordance with the zoning map.
- B. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.
- C. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
- D. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
- E. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.
- F. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON: N/A

APPROVED OR DIRECTION GIVEN: The Planning and Zoning Commission made a recommendation of approval for the requested change of Heavy Industrial (HI) zoning to the Industrial (I) zoning district on 2.13 acres at their January 10, 2023 meeting.

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: N/A

BUDGET CODE: N/A

SUPPORTING DOCUMENTS:

STAFF EXHIBITS:

Exhibit S-4	Staff Report
Exhibit A-1	Application
Exhibit A-2	Narrative
Exhibit A-3	Legal
Exhibit A-4	Vicinity Map
Exhibit A-5	Auth Letter
Exhibit A-6	Title Report
Exhibit S-1	Vicinity Map
Exhibit S-2	Zoning Map
Exhibit S-3	Future Land Use Map
Exhibit PA-1	PFPD Comments
Exhibit PA-2	YPL Comments
Exhibit PA-3	PFHD Comments
Exhibit PA-4	KCFR Comments
Exhibit S-5	Minutes 1-10-2023
Exhibit S-6	Zoning Recommendation
Exhibit PA-5	PFHD Comments
Exhibit PA-6	DEQ Comments

**CITY OF POST FALLS
STAFF REPORT**

DATE: January 6, 2023

TO: POST FALLS PLANNING AND ZONING COMMISSION

FROM: ETHAN PORTER, ASSOCIATE PLANNER • eporter@postfalls.gov • 208-457-3353

SUBJECT: STAFF REPORT FOR THE JANUARY 10, 2023, P&Z COMMISSION MEETING
D-BAT FACILITY ZONE CHANGE: File No - ZC-22-6

INTRODUCTION:

Steven Reichard, Fusion Architecture, has requested on the property owner's behalf, SLCK COMMERCIAL PROPERTIES LLC, approval to rezone approximately 2.13-acres from Heavy Industrial (HI) within the City of Post to the requested Industrial (I) zoning district. The Planning & Zoning Commission must conduct a public hearing and review the proposed zoning change request per the Zone Change approval criteria contained in Post Falls Municipal Code Section 18.16.010 and 18.20.100. Following the public hearing, **the Planning Commission will forward its recommendation on zoning to City Council** for review and final action. The approval criteria for establishing zoning are:

- A. Amendments to the zoning map should be in accordance with the Future Land Use Map.
- B. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.
- C. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.
- D. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
- E. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.
- F. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

PROJECT INFORMATION:

Project Name / File Number: D-Bat Facility Zone Change File No. ZC-22-6

Applicant: Stephen Reichard, Fusion Architecture, PLLC, 221 N Wall, Spokane WA 99201

Owner(s): SLCK Commercial Properties LLC, 285 S Simonson Rd, Post Falls, ID 83854

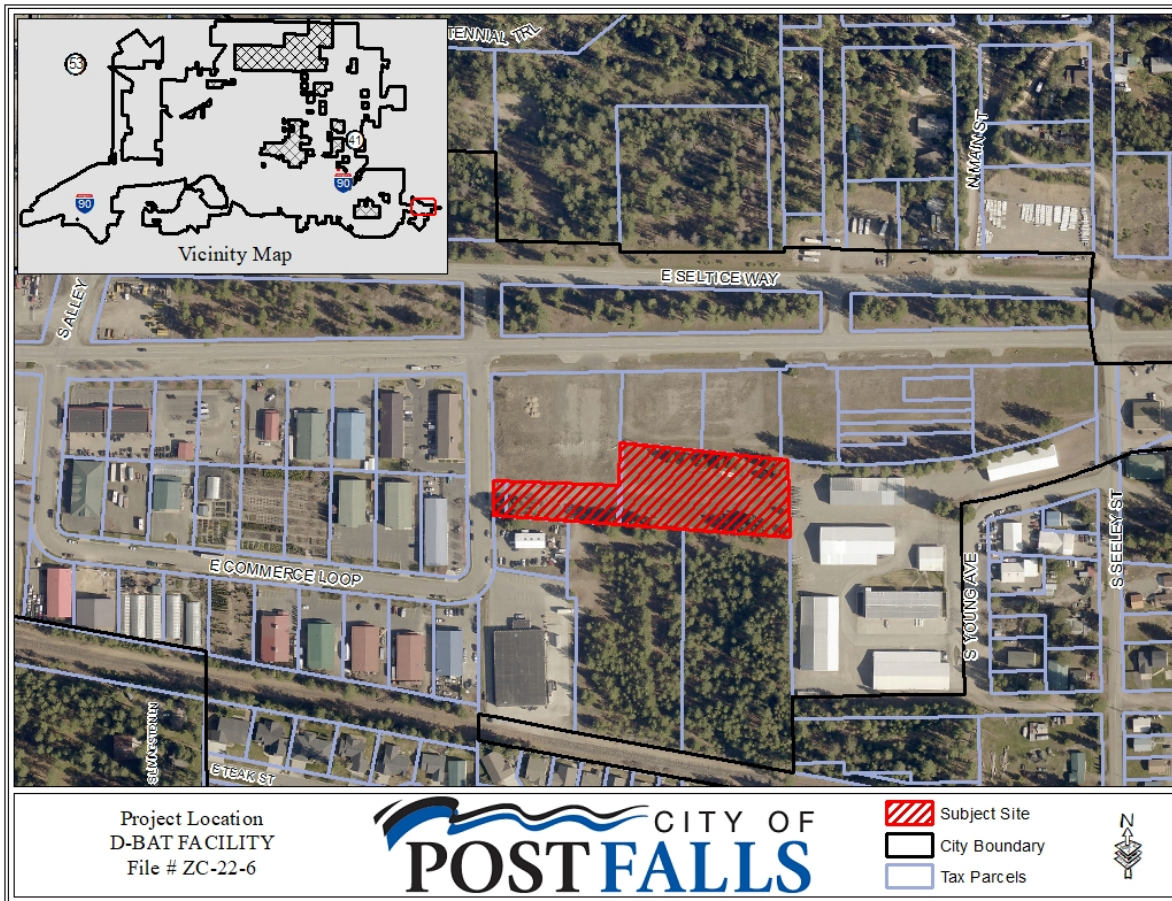
Project Description: Rezone approximately 2.13-acres from Heavy Industrial (HI) within the City of Post Falls to the requested Industrial (I) zoning district.

Project Location: The property is generally located on the east side of Commerce Loop, north of 6260 E Commerce Loop, and is approximately 300-feet south of Seltice Way.

AREA CONTEXT (proposed site hatched red below):

Surrounding Land Uses: Located north of the site is vacant land. East Commerce Loop right-of-way is directly west of the site. There is one industrial site that is developed to the south along with two larger vacant lots. Adjacent use to the east includes a larger industrial site that is developed.

Area Context Vicinity Map:



EVALUATION OF ZONING APPROVAL CRITERIA:

The following section provides the staff analysis pertaining to the establishment of zoning. The zone change review criteria set forth within the Post Falls Municipal Code sections 18.16.010 and 18.20.100 are cited within the following staff analysis in **BOLD**. This review criteria provides the framework for decision making for the Planning Commission and City Council.

ZONE CHANGE REVIEW CRITERIA

- A. Amendments to the zoning map should be in accordance with the Future Land Use Map.**

The Future Land Use Map classifies this property with the land use designation of Commercial. This category supports uses that include retail sales or performance of consumer services and permits a variety of retail, professional, or service businesses, including some manufacturing, technical, or other professional uses. This zone is applied in areas primarily located near arterials and collector streets. Residential uses may be allowed within this zone at densities permitted by the High-Density Multi-Family Residential (R3) Zone by special use permit when they will not compromise present uses. Lot area and building bulk and placement requirements shall agree with the values set forth in section [18.20.040](#), "Official Bulk And Placement Regulations Table", of this title.

Implementing Zoning Districts CCM, LC, CCS, SC4, SC5, Per Focus Area

The proposed zone change is located within the Maplewood Focus Area. This area is described as follows:

Post Falls reaches east of Highway 41, extending to the small town of Huetter and Coeur d'Alene. This eastern lobe consists of a variety of different uses, with the freeway, railroad tracks, the Centennial Trail and the Spokane River separating it into distinct east-west character areas. The residential areas will likely not change much, but the commercial district along this portion of Seltice and the Centennial Trail will soon be ripe for reinvestment. Coeur d'Alene's westward expansion has brought new attention to this arterial street, and the older industrial, warehousing, and manufacturing uses may evolve into new commercial and residential development, both of which could take advantage of the trail connections, relative proximity to the river and convenient access to both Coeur d'Alene's Riverstone district and central Post Falls. The following items affirm or guide development of key policies for this area, or suggest future action items for the Maplewood context area:

- Promote infill development;
- Prioritize infill annexations;
- Encourage development that is interconnected, including pedestrian access to multi-use paths, parks, schools, and trails;
- Focus provisions for Multi-Family, Commercial and Industrial uses along Seltice Way;
- Look for opportunities to beautify and add gateway signage along the Seltice Corridor, corresponding with Coeur d'Alene's westward expansion.

B. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan. Goals and Policies (listed by policy number) that may be relevant to this annexation request are shown below, followed by staff comments.

The following goals may or may not assist with this zone change request.

Goal 1: Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health.

Staff Comment: This proposal is to change the zoning from a legacy zoning district to allow a new business to develop, which may help bring economic diversity and help Post Falls to be prosperous.

Goal 7: Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability.

Staff Comment: Cities exercise considerable influence over land use, in turn influencing the type and character of development, patterns of growth, and the short and long-term financial impact of growth on the local economy. Consequently, the Comprehensive Plan supports the allocation of land use types, parks features and other areas sufficient to achieve overall plan objectives.

Goal 14: Involve the community of Post Falls in all local government planning and decision-making.

Staff Comment: The development of the Comprehensive Plan is community-driven, involving numerous residents including some representing large groups of residents. For plans to succeed, community buy-in and support is critical. Future conditions will certainly require the creation of new objectives and strategies, and this goal supports keeping residents highly involved in such work.

The following policies may or may not assist with this zone change request.

Policy 1: Support land use patterns that:

- Maintain or enhance community levels of service;

Staff Comment: Impact Fees are paid at the time of permit issuance to assist in mitigating impacts and maintain/enhance community levels of service.

- Foster the long-term fiscal health of the community;

Staff Comment: The rezone may provide the opportunity for additional new business(es) that may help further long-term fiscal health of the community.

- Maintain and enhance resident quality of life;

Staff Comment: This is not a request for residential zoning but could enhance the resident's quality of life in that area by providing services to them.

- Promote compatible, well-designed development;

Staff Comment: Development will be required to meet City design standards through the Site Plan Review process.

- Implement goals and policies of the comprehensive plan, related master plan and/or facility plans.

Staff Comment: Transportation impacts, and sewer and water capacity are reviewed by City staff. Any anticipated inadequacies identified are addressed and/or have a plan on how to be brought into compliance with the relevant master plans. No inadequacies were identified by staff relative to the revised zoning request.

Policy 2: Apply or revise zoning designations with careful consideration of factors including:

- Future land use mapping;

Staff Comment: Industrial zoning is not an implementing zoning district for the future land use designation of commercial. The focus area is part of the implementation process, which Maplewood Focus Area does delineate the use of industrial.

- Compatibility with surrounding land uses;

Staff Comment: Currently the surrounding land uses, from the Project Information

section of this report, is compatible as the subject site is currently vacant. Surrounding the site is other vacant land or industrial developments.

- Infrastructure and service plans;

Staff Comment: Sanitary Sewer for the location is currently located within the subject property and covered with the necessary easement to the public. The property requesting the zone change is identified in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced sewer main. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

The City's Water Reclamation System has the capacity to provide service and the City is willing to serve to the property at the requested density. Existing capacity is not a guarantee of future service.

The property is not subject to any Local Improvement Districts (LID's), Subsequent User Agreements or Sewer Surcharges.

Water would be serviced by the City of Post Falls. A water main is currently located within the subject property and covered with the necessary easement to the public. The property requesting the zone change is identified in the City of Post Falls Water Master Plan as being serviced by the referenced water main. The requested zoning is in conformance with the land use assumptions within the City's Water Master Plan.

- Existing and future traffic patterns;

Staff Comment: The property is adjacent to E. Commerce Loop and connects to Seltice Way approximately 300 feet to the north. Frontage improvements of curb & gutter and sidewalk do exist; however, modification will be needed to accommodate a driveway approach with future development. Future traffic patterns to/from this site are benefitted from the proximity to Seltice Way.

- Goals and policies of the comprehensive plan, related master plan and/or facility plans.

Staff Comment: The response to this is embedded within the analysis within this section.

Policy 8: Encourage compatible infill development and redevelopment of vacant and under-utilized properties within City limits.

Staff Comment: This site would be considered infill from a vacant under-utilized property.

Policy 11: Prioritize location of new industrial development in areas that provide:

- Close proximity to major transportation facilities;

Staff Comment: Subject site and proposal is just south of Seltice Way, which provides an east and west connection parallel with I-90.

- Siting near existing industrial uses, where possible;

Staff Comment: It is primarily industrially zoned adjacent to the proposal and within this part of the City. An industrial use would be compatible with the existing businesses and land uses.

- Cost-effective access to utilities and services;

Staff Comment: Further development would allow for services existing in the area to be utilized.

- Ability to minimize trucking through residential areas.

Staff Comment: This area is not residential and would likely not be impeding on residential neighbors.

Policy 12: Ensure new industrial uses near residential areas do not create noise, odor, air or visual pollution beyond that normally associated with residential uses.

Staff Comment: South of the site approximately 515-feet would be the nearest residential area, but it is not accessible since the railroad rights-of-way separates the uses. The railroad crossing will need to be utilized to get to the residential area.

C. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Streets/Traffic:

Staff Comment:

Commerce Loop is a classified local commercial roadway and was designed to accommodate industrial and commercial uses.

Seltice Way is a classified Principal Arterial Roadway. There is sufficient capacity on Seltice Way to meet anticipated growth requirements in the area beyond the year 2035 (City of Post Falls currently Transportation Master Plan Model).

Future traffic patterns to/from this site are benefitted from the proximity to Seltice Way that would distribute traffic from the subject site to SH41, I-90, and Coeur d'Alene, as identified in the City's Transportation Master Plan.

Water and Sanitary Sewer:

Staff Comment: Water service and sanitary sewer service are provided by the City of Post Falls. Water and Sanitary sewer currently exist on the site. The requested zoning is in conformance with the land use assumptions within the City's Water and Water Reclamation Master Plans.

The property is not subject to any Local Improvement Districts (LID's), Subsequent User Agreements or Sewer Surcharges.

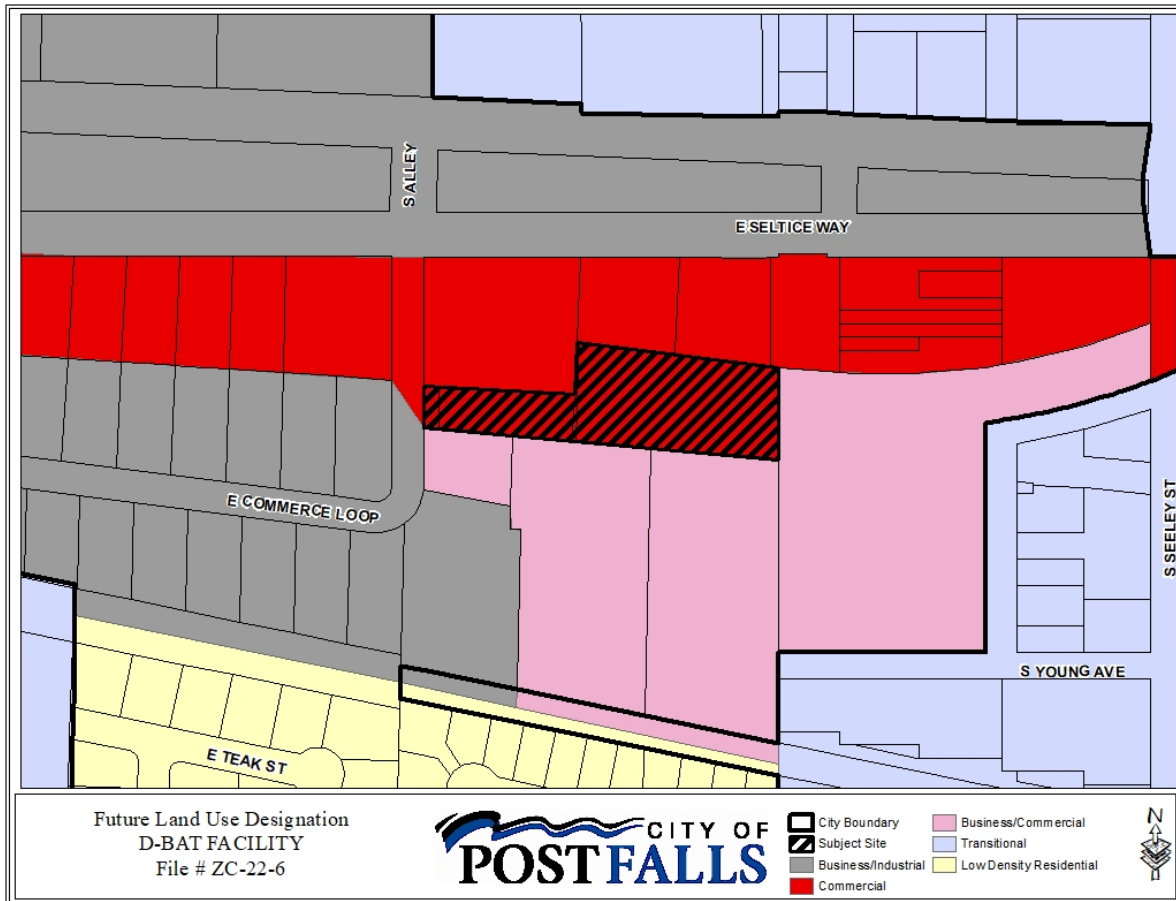
The City's Water and Water Reclamation Systems have the capacity to provide service and the City is willing to serve to the property at the requested zoning designation. The proposed zoning is compatible with the land uses anticipated within the City's Master Planning. Current capacity of the City's Water Reclamation System is not a guarantee of future service.

Compatibility with Existing Development and Future Uses:

Staff Comment: The proposed zoning could allow uses that could be developed in the Industrial (I) zoning to be located on, adjacent, and near this site.

Future Land Use Designation:

Staff Comment: Future Land Use Designation is Commercial and further discussed in Policy 2.



Community Plans: None

Geographic/Natural Features:

Staff Comment: The site is located over the Rathdrum Prairie Aquifer. No known geographic or natural features to impede development of the property have been identified.

D. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Staff Comment: The site is located along E. Commerce Loop, a local Commercial Roadway, and connects to Seltice Way (Principal Arterial); approximately 300 feet north of the site.

E. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

Staff Comment: Not applicable.

F. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

Staff Comment: Subject site is just south of Seltice Way and north of the railroad. This location would likely not produce any negative noise, odor, or nuisance to residential zoning.

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

Post Falls Post Office	PF Park & Rec	East Greenacres Irr. District
Kootenai County Fire	Kootenai Electric	Time Warner Cable
PF Highway District	Ross Point Water	PF Police Department
PF School District	Verizon	Utilities (W/WW)
Avista Corp. (WWP-3)	Idaho Department of Lands	Urban Renewal Agency
Department of Environmental Quality	Panhandle Health District	Kootenai County Planning
Conoco, Inc. (Pipeline Co.)	NW Pipeline Corp.	KMPO
Yellowstone Pipeline Co.	TransCanada GTN	TDS

- **Post Falls Police Department (Exhibit PA-1) – Remains Neutral**
- **Yellowstone Pipeline (Exhibit PA-2) – No Comments**
- **Post Falls Highway District (Exhibit PA-3) – No Comments**
- **Kootenai County Fire & Rescue (Exhibit PA-4) – Reserves comments for the development process**

MOTION OPTIONS: The Planning and Zoning Commission must provide a recommendation of zoning to City Council. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a date certain. If the Commission has heard sufficient testimony but needs additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a date certain.

ATTACHMENTS:

Applicant Exhibits:

- Exhibit A-1 Application
- Exhibit A-2 Narrative
- Exhibit A-3 Legal
- Exhibit A-4 Vicinity Map
- Exhibit A-5 Auth Letter
- Exhibit A-6 Title Report

Staff Exhibits:

- Exhibit S-1 Vicinity Map
- Exhibit S-2 Zoning Map
- Exhibit S-3 Future Land Use Map

Testimony:

Exhibit PA-1

PFPD Comments

Exhibit PA-2

YPL Comments

Exhibit PA-3

PFHD Comments

Exhibit PA-4

KCFR Comments



12/16/2022

ZC-22-6

Zone Change (Map/Text Amendment)

Status: Active

Date Created: Sep 15, 2022

Applicant

Rex Anderson
steven@fusionarch.com
221 N. Wall Street
Spokane, WA 99201
509-808-0270

Primary Location

Point Location
47.7040, -116.8629

Mailing Fees

Number of Mailings

12

Applicant Information

Applicant Type

Agent

Applicant Name

Steven Reichard

Phone

509.413.2699

Email

steven@fusionarch.com

Address

221 N. Wall

City, State & Zip Code

Spokane, WA 99201

Owner Information

Name

SLCK COMMERCIAL PROPERTIES LLC

Company

SLCK COMMERCIAL PROPERTIES LLC

Phone

208.755.3972

Email

lgreensides88@gmail.com

Exhibit A-1

Address

285 S Simonson Rd

City, State & Zip Code

Post Falls, ID 83854

Amendment Information**New Field**

DBat Facility

Description of Project/Reason for Request

Going to commercial landuse

Tax Parcel NumberTAX#11315 EX TX#26243, TAX#25919,
TAX#25923, TAX#25924, TAX#25920 EX
TX#26244 [IN SE-SW] 0550NO4W, TAX#13669
EX PLTD PTN**Existing Zoning**

Heavy Industrial

Adjacent Zoning

Commercial

Current Land Use

Industrial

Adjacent Land Use

Industrial

Application Certification

The applicant (or representative) must be present at the public hearing to represent this proposal or the application will not be heard. The applicant will be responsible for costs to re-notice the public hearing.

Steven Reichard

07/21/2022

I (We) the undersigned do hereby make petition for a modification of the zoning classification contemplated herein on the property described in this application and do certify that the information contained in the application and any attachments or exhibits herewith are accurate to the best of my (our) knowledge. I (We) further acknowledge that any misrepresentation of the information contained in this application may be grounds for rejection of the application or revocation of a decision rendered. I (We) understand that the Administrator may decline this application if required information is deficient and/or the application fee has not been submitted. I (We) acknowledge that City staff may, in the performance of their functions, take photographs and/or videos of the property under consideration as deemed necessary, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application. I (We) hereby certify that I am (we are) the owner or contract buyer of the property upon which the land use action is to be located, or that I (we) have been vested with the authority to act as agent for the owner or contact buyer.

Steven Reichard

07/21/2022

Attachments

DBAT _ Facility _ Post Falls Letter of Completeness _ Final _11152022.docx

Uploaded by Rex Anderson on Nov 15, 2022 at 12:49 pm

 2019-295 Legal Description.docx

Uploaded by Rex Anderson on Nov 15, 2022 at 12:39 pm

 Title Report.pdf

Uploaded by Rex Anderson on Sep 14, 2022 at 9:09 am

 Vicinity Map.pdf

Uploaded by Rex Anderson on Sep 15, 2022 at 9:39 am

 Signed_2022 12 DBat Rezoning Letter of Authorization _ 10132022 _ Final.pdf

Uploaded by Rex Anderson on Nov 15, 2022 at 4:06 pm

 KT_300 Radius Report.pdf

Uploaded by Rex Anderson on Sep 14, 2022 at 10:07 am

 Labels.pdf

Uploaded by Rex Anderson on Sep 14, 2022 at 10:09 am

 Completeness Letter_3.pdf

Uploaded by Laura Jones on Nov 15, 2022 at 4:16 pm



November 15th, 2022

Rex K Anderson, AIA, LEED AP BD+C
Fusion Architecture, PLLC
221 N. Wall St., Suite 345
Spokane, WA 99201

City of Post Falls
Community Development Department
408 N. Spokane Street
Post Falls, ID 83854

RE: D-BAT Facility Zone Change; Letter of Completeness

File No. ZC-22-6

Dear Laura Jones and The City of Post Falls Planning Division:

Below please find the responses to the Letter of Completeness requirements:

SLCK Commercial Properties LLC are proposing the rezoning of their parcels at 5380 E Commerce Loop:
P-0000-005-6100, P-0000-005-6670, P-0000-005-6630

Following are the legal descriptions of the properties:

P-0000-005-6100: TAX#13669 EX PLTD PTN

P-0000-005-6670: TAX#11315 EX TX#26243, TAX#25919, TAX#25923, TAX#25924 [IN SE SW] 0550N04W

P-0000-005-6630 : TAX#25920 EX TX#26244 [IN SE-SW] 0550N04W

The parcels are currently HI - Heavy Industrial and we would like to rezone to I-Industrial to better serve the commercial expansion near Seltice Way corridor and its connection with western Coeur D'Alene. By rezoning to Industrial, we can align with the future land use map as we plan to designate the home for a baseball /softball batting & pitching facility called D-Bat Sports. D-Bat will serve youth and adult sport enthusiasts with the intention to greatly increase indoor recreational accessibility throughout the year. We believe this facility will be a keystone in for the quickly growing Post Falls and Coeur D'Alene community. This project helps support the following Goals and Policies from the Appendix B Post Falls Comprehensive Plan:

G.05) Keep Post Falls' neighborhood safe, vital and attractive: D-BAT Facility will add a fun, recreational activity for this Industrial area. It will bring life to the Post Falls' industrial community and attract a wide variety of athletes and people of all ages. There are very few facilities such as D-BAT in the area so it will bring a unique energy and unite people, which will bring in safety in numbers. This facility will be a reason for people to travel to Post Falls!

G.07) Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability: D-BAT supports community needs by providing an opportunity for gathering and engaging in activities for years to come.

G.01) Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health: This facility will generate income and viability for this area. It will bring people to the area from all over the Pacific Northwest and increase the popularity of Post Falls' Industrial Zone aiding in fiscal health, prosperity, resilience, and community.

G.10) Provide and support Post Falls' Park and Recreational opportunities on-pace with growth: D-BAT Batting Cage is the perfect addition and option to add to Post Falls' recreational opportunities. It's great for families and athletes of all ages!

P.08) Encourage compatible infill development and redevelopment of vacant and under-utilized properties: D-BAT Batting Cage will be built in a currently underutilized property and will help promote residents to visit the area.

P.58) Provide a full range of recreational opportunities and park facilities to Post Fall Residents: This facility will be a great recreational opportunity for Post Falls Residents that they can use in the summer and the winter!

Enclosed, please find the legal description of the property in MS Word compatible format in metes and bounds.

Please let me know if you need anything further. Thank you for your assistance through this process.

Very truly yours,

Fusion Architecture, PLLC

A handwritten signature in black ink, appearing to read 'Rex K. Anderson', written in a cursive style.

Rex K. Anderson, AIA, LEED BD+C

Legal Description

A parcel of land located in the Southwest Quarter of Section 5, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of Section 5, Township 50 North, Range 4 West, Boise Meridian, from which the southeast corner of said Southeast Quarter of Section 5, bears South $89^{\circ}59'11''$ East, a distance of 2652.75 feet;

Thence North $01^{\circ}25'42''$ West along said east line of said Southwest Quarter of Section 5, a distance of 942.69 feet to the **Point of Beginning**;

Thence North $86^{\circ}17'30''$ West leaving said east line of the Southwest Quarter of Section 5, a distance of 671.36 feet to the east right-of-way line of East Commerce Loop;

Thence North $01^{\circ}25'42''$ West along said east right-of-way line of East Commerce Loop, a distance of 78.23 feet;

Thence South $88^{\circ}28'41''$ East leaving said east right-of-way line of East Commerce Loop, a distance of 286.04 feet;

Thence North $01^{\circ}10'04''$ East, a distance of 101.92 feet;

Thence South $83^{\circ}56'05''$ East, a distance of 381.64 feet to the east line of said Southwest Quarter of Section 5;

Thence South $01^{\circ}25'42''$ East along said east line of the Southwest Quarter of Section 5, a distance of 175.66 feet to the **Point of Beginning**;

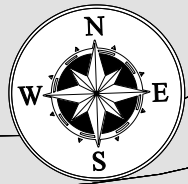
Containing 94,008 square feet, or 2.158 acres more or less.

SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

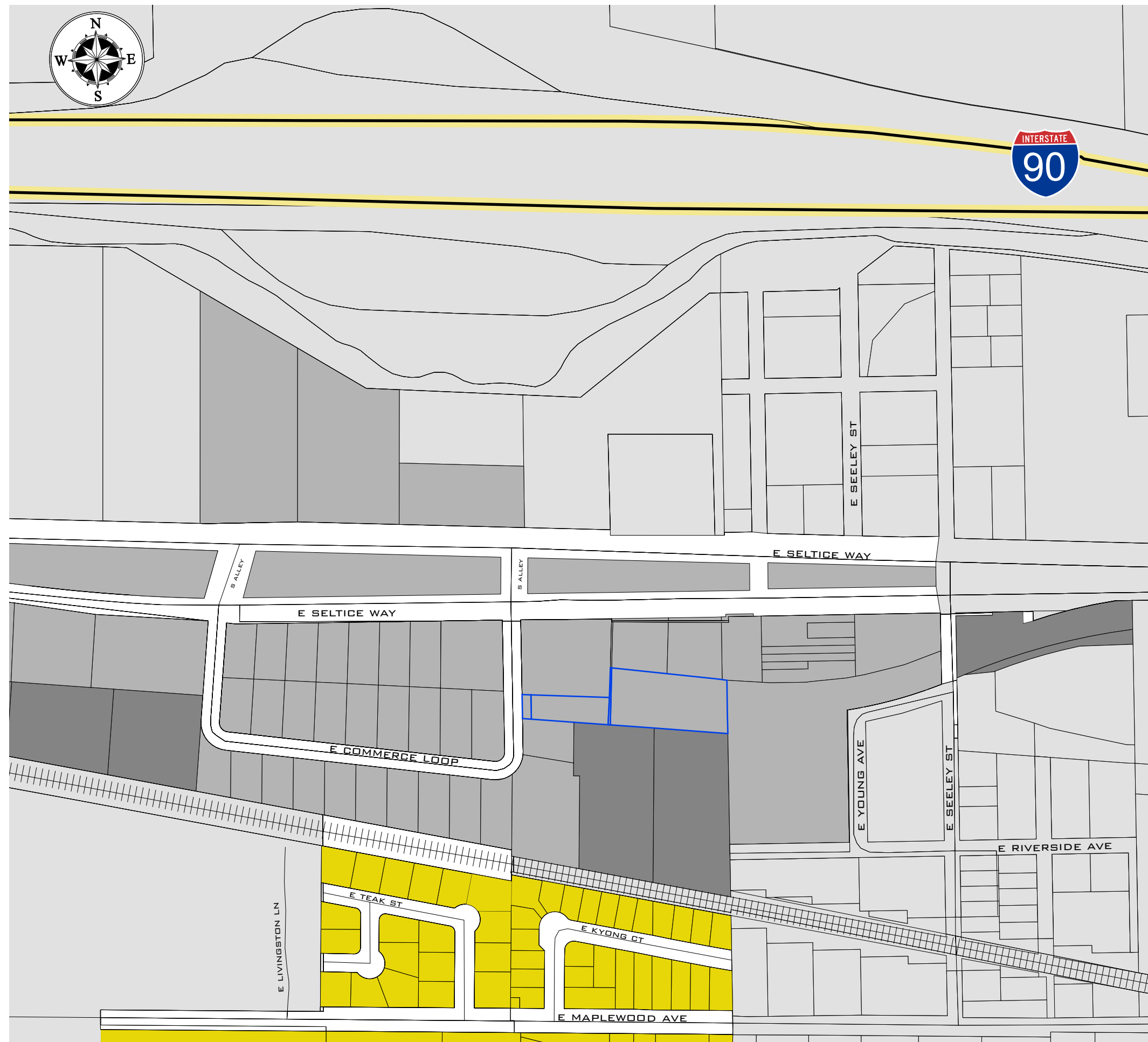
END OF DESCRIPTION

Prepared by this office:
h2 Surveying, LLC



LEGEND

- I - INDUSTRIAL
- HI - HEAVEY INDUSTRIAL
- R1 - RESIDENTIAL
- PROPERTY LINES



VICINITY MAP

EXISTING ZONING - HEAVY INDUSTRIAL



Rex K. Anderson, AIA, LEED BD+C
Fusion Architecture, PLLC
221 North Wall St. Suite 345
Spokane, WA 99201

October 13th, 2022

Luke Greensides
Lgreenside88@gmail.com
Shannon Horn
Shannonhorn27@gmail.com
(letter sent via email)

RE: D-Bat Batting Cage Rezone

Dear Luke and Shannon:

The purpose of this letter is to provide Fusion Architecture authorization to rezone the following parcels from heavy industrial to industrial:

LRSN: 72762
PID: P-0000-005-6670
ADDR2: 5980 E COMMERCE LOOP
ZIP: 83854
TCA: 011000
ACRES: 2.06
LEGAL: TAX#11315 EX TX#26243, TAX#25919, TAX#25923, TAX#25924 [IN SE-SW] 0550N04W

LRSN: 72754
PID: P-0000-005-6100
ADDR2: 5980 E COMMERCE LOOP
ZIP: 83854
TCA: 011000
ACRES: 0.0520
LEGAL: TAX#13669 EX PLTD PTN

LRSN: 560139
PID: P-0000-005-6630
ADDR2: 5980 E COMMERCE LOOP
ZIP: 83854
TCA: 011000
ACRES: 0.0235
LEGAL: TAX#25920 EX TX#26244 [IN SE-SW] 0550N04W

(Signature on Page 2)

Fusion Architecture, PLLC
221 North Wall St. Ste. 345
Spokane, WA 99201



By signing below, you authorize Fusion Architecture to seek change in zoning for the parcels referenced above.

Sincerely,

Rex K. Anderson, AIA, LEED BD+C
rex@fusionarchpllc.com
509.808.0270

Authorized Representative, Luke Greenside/ Shannon Horn



300' RADIUS REPORT

Date: August 29, 2022

Attn: Kasey Kuhn

At your request, we have searched our tract indices of Kootenai County, State of Idaho, as to the ownerships of the property within three hundred feet (300') of the perimeter of the following described parcels of land:

PROPERTY: AIN #111638

And as of the Kootenai County Assessors roll dated August 18, 2022, we find the following:

SEE ATTACHED PAGES

This report is based on a search of the County assessment rolls and our tract indices of the County Records. **This is not a title report, and no examination of the title to the property described has been made. For this reason, no liability beyond the amount paid for this report is assumed hereunder, and the Company is not responsible beyond the amount paid for this report or for any errors and omissions contained herein.**

If we may be of further service to you, please do not hesitate to contact us.

**Sincerely,
KOOTENAI COUNTY TITLE CO.**

**Kelly J Smith
Customer Service**

**1450 Northwest Boulevard Suite 200, Coeur d'Alene ID 83814
(208) 667-9431 Fax (208)765-1654**

Property Address:

Post Falls ID 83854

Owner Information

Name: Slick Commercial Properties LLC

Address: 5980 E Commerce Loop

City State ZIP: Post Falls ID 83854

Assessor Information

Property ID #: P00000056670

Tax ID #: 111638

Section: 50N04W05

Instrument: 1864485

TCA Code: 011000

Legal Description: TAX#11315 EX TX#26243, TAX#25919, TAX#25923, TAX#25924 [IN SE-SW] 0550N04W

Property Class: 421 - Comm lot/tract in city

Neighborhood Code: 35 POST FALLS-EAST SELTICE

Acres: 2.11

Taxes: \$2,598.88 - 2021

Assessments

Description	Value
Total Market Value	\$292,334.00
Assessed Land Value	\$292,334.00
Assessed Improvement Value	
Total Assessed Value	\$292,334.00
Exemption:	
Net Taxable Value (2022)	\$292,334.00

Land Information

Land Use / Land Use Standard: 421 - Comm lot/tract in city / 200 - Commercial (nec)

Zoning: Post Falls-HI - Heavy Industrial

Sewer Available:

Waterfront:

Watershed: 1701030502 - Cedar Creek-Spokane River

Recreation:

Property Picture



Improvement Information

Improvement Type:

Year Built:

Stories:

Heat:

Central Air:

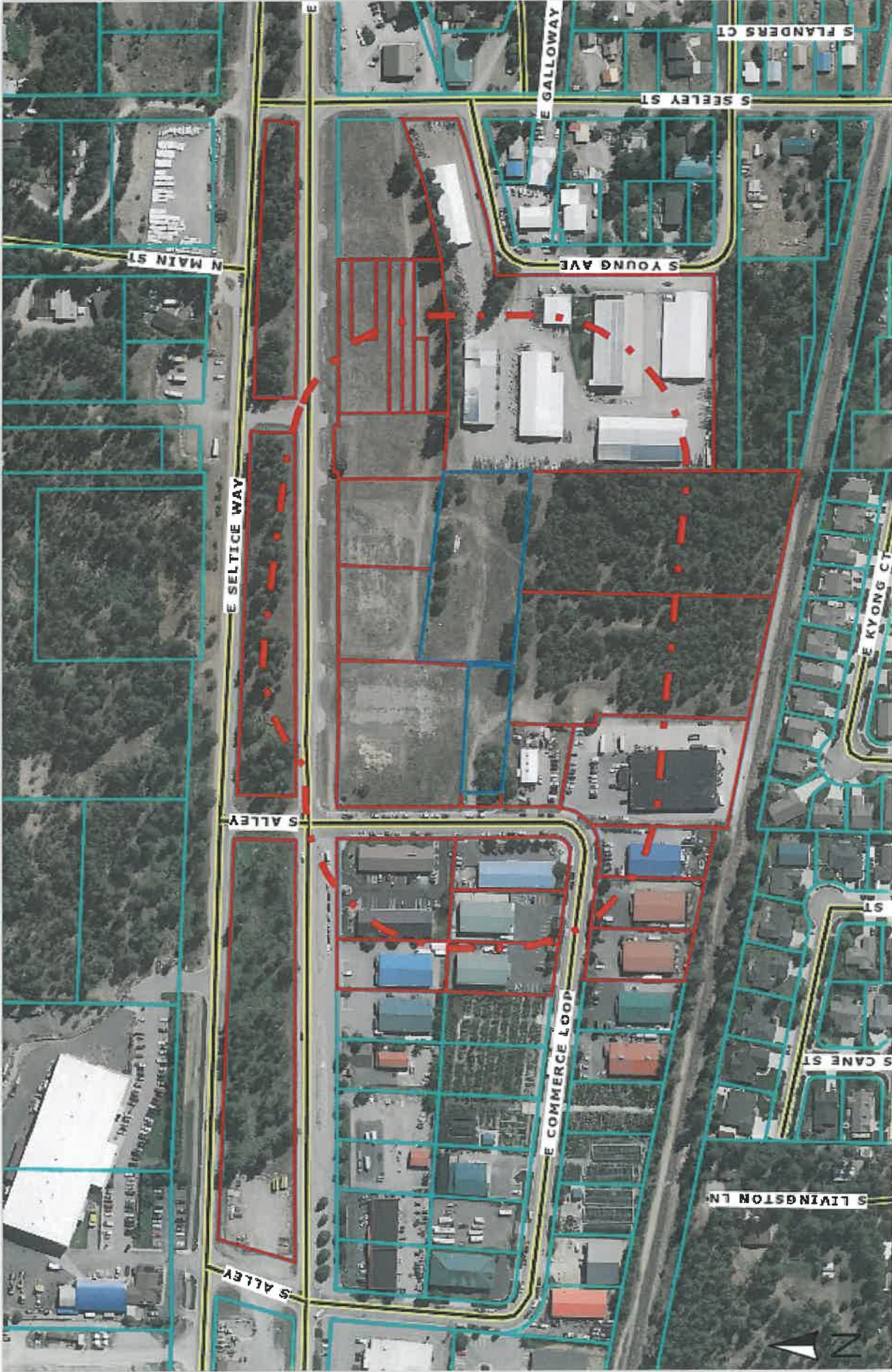
Foundation:

Construction Type:

Finished Sq. Ft.

Commercial Sq. Ft.

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

KT / BT
KOOTENAI TITLE / BONNER TITLE
MAKE A REQUEST FOR THE BEST

Owner Name: Bowlin Mark **Parcel ID:** P83700010110 **Tax ID:** 205747
Co-Owner: Bowlin Karin **Recording Date:**
Site Addr: 6195 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 10400 N Lakeview Dr Hayden Lake ID 83835 **Assessed Total:** \$448,344.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2003 **Bldg SqFt:** 6,000 SqFt **Acres:** 0.52 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 11 BLK 1 0550N04W

Owner Name: Bowlin Mark **Parcel ID:** P83700020090 **Tax ID:** 205754
Co-Owner: Bowlin Karin **Recording Date:** 07/27/2017
Site Addr: 6200 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 10400 N Lakeview Dr Hayden Lake ID 83835 **Assessed Total:** \$421,815.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 1998 **Bldg SqFt:** 6,000 SqFt **Acres:** 0.49 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 9 BLK 2 0550N04W

duplicate name

Owner Name: Carkuff Darren W Etux **Parcel ID:** P83700020100 **Tax ID:** 205755
Co-Owner: **Recording Date:**
Site Addr: 6220 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 6220 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$425,729.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 1997 **Bldg SqFt:** 6,000 SqFt **Acres:** 0.52 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 10 BLK 2 0550N04W

Owner Name: Da Vinci Stone Design Inc **Parcel ID:** PK3500000B20 **Tax ID:** 324520
Co-Owner: **Recording Date:** 10/26/2016
Site Addr: 6280 E Seltice Way #B Post Falls ID 83854 **Use:** Commercial condo
Owner Addr: 6280 E Seltice Way #B Post Falls ID 83854 **Assessed Total:** \$314,095.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2005 **Bldg SqFt:** 2,239 SqFt **Acres:** 0.18 Acres
Legal: PIN OAK SQUARE CONDOS, UNIT B2 & UNDIV INT IN COMMON AREA 0550N04W

Owner Name: Da Vinci Stone Design Inc **Parcel ID:** PK3500000B30 **Tax ID:** 324521
Co-Owner: **Recording Date:** 10/26/2016
Site Addr: 6280 E Seltice Way #C Post Falls ID 83854 **Use:** Commercial condo
Owner Addr: 6280 E Seltice Way #B Post Falls ID 83854 **Assessed Total:** \$283,279.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2005 **Bldg SqFt:** 2,224 SqFt **Acres:** 0.18 Acres
Legal: PIN OAK SQUARE CONDOS, UNIT B3 & UNDIV INT IN COMMON AREA 0550N04W

duplicate name

Owner Name: Davinci Stone Design Inc **Parcel ID:** PK3500000B10 **Tax ID:** 324519
Co-Owner: **Recording Date:** 02/20/2019
Site Addr: 6280 E Seltice Way #A Post Falls ID 83854 **Use:** Commercial condo
Owner Addr: 6280 W Seltice Way #B Post Falls ID 83854 **Assessed Total:** \$327,808.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2005 **Bldg SqFt:** 2,224 SqFt **Acres:** 0.18 Acres
Legal: PIN OAK SQUARE CONDOS, UNIT B1 & UNDIV INT IN COMMON AREA 0550N04W

duplicate name

Owner Name: Greg Tuppan LLC **Parcel ID:** P83700010070 **Tax ID:** 205734
Co-Owner: **Recording Date:** 09/23/2016
Site Addr: 6200 E Seltice Way Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 1953 Pelican Pl Costa Mesa CA 92626 **Assessed Total:** \$578,243.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2003 **Bldg SqFt:** 6,000 SqFt **Acres:** 0.50 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 7 BLK 1 0550N04W

Owner Name: Hagadone Hospitality Co **Parcel ID:** P545000M001A **Tax ID:** 117030
Co-Owner: **Recording Date:**
Site Addr: 241 S Young Ave Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: PO Box 6200 Coeur D Alene ID 83816 **Assessed Total:** \$1,732,709.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 1995 **Bldg SqFt:** 68,360 SqFt **Acres:** 5.36 Acres
Legal: MCCLELLAN, ALL BLKS M & N & VAC PTN TAYLOR ST & VAC ALLEY & ABAND RW N OF BLKS M & N & S OF BLKS I, J & K IN MCCLELLAN 0550N04W

Owner Name: High Fidelity LLC **Parcel ID:** PK3500000A10 **Tax ID:** 324516
Co-Owner: **Recording Date:** 09/13/2013
Site Addr: 6240 E Seltice Way #A Post Falls ID 83854 **Use:** Commercial condo
Owner Addr: 538 S Rainbow Rd Coeur D Alene ID 83814 **Assessed Total:** \$327,808.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2005 **Bldg SqFt:** 2,224 SqFt **Acres:** 0.18 Acres
Legal: PIN OAK SQUARE CONDOS, UNIT A1 & UNDIV INT IN COMMON AREA 0550N04W

Owner Name: High Fidelity LLC **Parcel ID:** PK3500000A20 **Tax ID:** 324517
Co-Owner: **Recording Date:**
Site Addr: 6240 E Seltice Way #B Post Falls ID 83854 **Use:** Commercial condo
Owner Addr: 538 S Rainbow Rd Coeur D Alene ID 83814 **Assessed Total:** \$329,001.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2005 **Bldg SqFt:** 2,239 SqFt **Acres:** 0.18 Acres
Legal: PIN OAK SQUARE CONDOS, UNIT A2 & UNDIV INT IN COMMON AREA 0550N04W

Owner Name: High Fidelity LLC **Parcel ID:** PK3500000A30 **Tax ID:** 324518
Co-Owner: **Recording Date:**
Site Addr: 6240 E Seltice Way #C Post Falls ID 83854 **Use:** Commercial condo
Owner Addr: 538 S Rainbow Rd Coeur D Alene ID 83814 **Assessed Total:** \$312,965.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2005 **Bldg SqFt:** 2,224 SqFt **Acres:** 0.18 Acres
Legal: PIN OAK SQUARE CONDOS, UNIT A3 & UNDIV INT IN COMMON AREA 0550N04W

Owner Name: Idaho Youth Ranch Inc **Parcel ID:** P83700020110 **Tax ID:** 205756
Co-Owner: **Recording Date:** 07/27/2017
Site Addr: 6240 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 5465 W Irving St Boise ID 83706 **Assessed Total:** \$1,072,732.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 1980 **Bldg SqFt:** 20,050 SqFt **Acres:** 1.66 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 11 BLK 2 0550N04W

Owner Name: P & F Properties LLC **Parcel ID:** P83700020080 **Tax ID:** 205753
Co-Owner: **Recording Date:** 05/01/2014
Site Addr: 6180 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 6306 N Idaho Rd Newman Lake WA 99025 **Assessed Total:** \$432,171.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 1998 **Bldg SqFt:** 6,000 SqFt **Acres:** 0.47 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 8 BLK 2 0550N04W

Owner Name: Post Falls Highway District **Parcel ID:** P00000055200 **Tax ID:** 311768
Co-Owner: **Recording Date:**
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5629 E Seltice Way Post Falls ID 83854 **Assessed Total:** \$430,654.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 5.21 Acres
Legal: TAX #21789, TAX #21790, TAX #21791 [IN S2] 0550N04W

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056100 **Tax ID:** 128473
Co-Owner: **Recording Date:**
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$1,000.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.05 Acres
Legal: TAX#13669 EX PLTD PTN 0550N04W

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056620 **Tax ID:** 137443
Co-Owner: **Recording Date:**
Site Addr: 137443 Unknown Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$201,802.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.77 Acres
Legal: TAX#26245 [IN SE-SW] 0550N04W

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056630 **Tax ID:** 341712
Co-Owner: **Recording Date:**
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$1,000.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.02 Acres
Legal: TAX#25920 EX TX#26244 [IN SE-SW] 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056640 **Tax ID:** 121211
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: 6370 E Seltice Way Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$187,959.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.71 Acres
Legal: TAX#26244 [IN SE-SW] 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056660 **Tax ID:** 103767
Co-Owner: **Recording Date:** 01/30/2015
Site Addr: 6292 E Seltice Way Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$397,459.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 1.68 Acres
Legal: TAX#26243 [IN SE-SW] 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056670 **Tax ID:** 111638
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$292,334.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 2.11 Acres
Legal: TAX#11315 EX TX#26243, TAX#25919, TAX#25923, TAX#25924 [IN SE-SW] 0550N04W

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056710 **Tax ID:** 139863
Co-Owner: **Recording Date:**
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$277,934.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 2.51 Acres
Legal: TAX #1104 N OF RR EX W 200 FT & EX TAX #13097 [IN SE-SW] 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P00000056720 **Tax ID:** 137175
Co-Owner: **Recording Date:**
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$347,195.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 3.14 Acres
Legal: TAX #4225 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P545000I008A **Tax ID:** 107148
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: 6420 E Seltice Way Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$134,723.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.63 Acres
Legal: MCCLELLAN, LT 7 EX RW, LTS 8,9,10,11,12,13,14,15 BLK I, PTN VAC TAYLOR ST & VAC RW W OF LTS 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P545000J015A **Tax ID:** 127349
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$130,136.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.52 Acres
Legal: MCCLELLAN, LTS 15, 16, 17, 19, 21, 22 BLK J, PTN VAC ALLEY, VAC MAIN ST & VAC TAYLOR ST ADJ TO LTS 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P545000J018A **Tax ID:** 136953
Co-Owner: **Recording Date:** 06/15/2009
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$44,347.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.18 Acres
Legal: MCCLELLAN, LTS 18, 20 BLK J, PTN VAC ALLEY & VAC MAIN ST ADJ TO LTS 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P545000J023A **Tax ID:** 101858
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$43,604.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.17 Acres
Legal: MCCLELLAN, LTS 23, 24 BLK J, PTN VAC ALLEY, VAC MAIN ST & VAC TAYLOR ST ADJ TO LTS 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P545000J025A **Tax ID:** 123630
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$43,604.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.17 Acres
Legal: MCCLELLAN, LTS 25, 26 BLK J, PTN VAC ALLEY, VAC MAIN ST & VAC TAYLOR ST ADJ TO LTS 0550N04W

duplicate name

Owner Name: Slick Commercial Properties LLC **Parcel ID:** P545000J027A **Tax ID:** 123472
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$21,450.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.09 Acres
Legal: MCCLELLAN, LT 27 BLK J, PTN VAC ALLEY & VAC TAYLOR ST ADJ TO LT 0550N04W

duplicate name

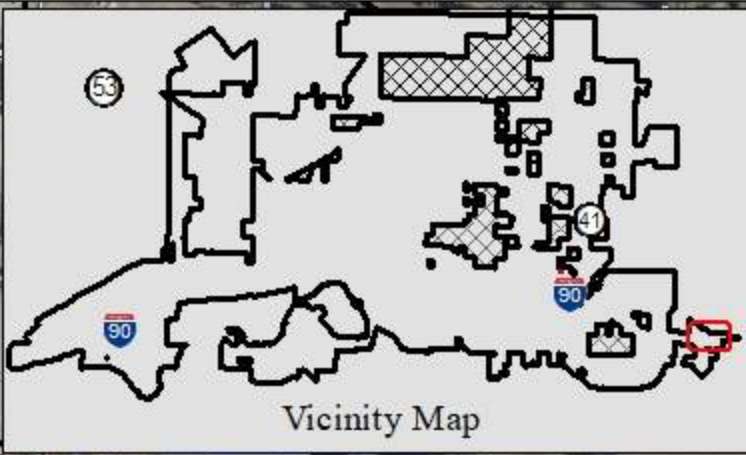
Owner Name: Slick Commercial Properties LLC **Parcel ID:** P545000J028A **Tax ID:** 123991
Co-Owner: **Recording Date:** 12/31/2019
Site Addr: Post Falls ID 83854 **Use:** Comm lot/tract in city
Owner Addr: 5980 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$38,696.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** **Bldg SqFt:** **Acres:** 0.36 Acres
Legal: MCCLELLAN, LTS 28, 29, 30 BLK J, PTN VAC ALLEY, VAC MAIN ST & VAC TAYLOR ST ADJ TO LTS 0550N04W

duplicate name

Owner Name: Stella Properties LLC **Parcel ID:** P83700010100 **Tax ID:** 205740
Co-Owner: **Recording Date:** 12/17/2008
Site Addr: 6215 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 6215 E Commerce Loop Post Falls ID 83854 **Assessed Total:** \$490,257.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 1996 **Bldg SqFt:** 7,500 SqFt **Acres:** 0.55 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 10 BLK 1 0550N04W

Owner Name: Trefts Mark Etux **Parcel ID:** P83700020120 **Tax ID:** 205757
Co-Owner: **Recording Date:**
Site Addr: 6260 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 6871 N 16th St Dalton Gardens ID 83815 **Assessed Total:** \$298,649.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2003 **Bldg SqFt:** 2,016 SqFt **Acres:** 0.47 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 12 BLK 2 0550N04W

Owner Name: Twin Rivers Properties LLC **Parcel ID:** P83700010120 **Tax ID:** 205748
Co-Owner: **Recording Date:** 12/12/2014
Site Addr: 6165 E Commerce Loop Post Falls ID 83854 **Use:** Com Imp lot/tract in city
Owner Addr: 5256 W Seasons Rd Rathdrum ID 83858 **Assessed Total:** \$445,185.00 **Sale Price:**
Bedroom: **Bath:** **Year Blt:** 2008 **Bldg SqFt:** 6,000 SqFt **Acres:** 0.51 Acres
Legal: SELTICE WAY COMMERCE PARK, LT 12 BLK 1 0550N04W



Project Location
 D-BAT FACILITY
 File # ZC-22-6



-  Subject Site
-  City Boundary
-  Tax Parcels





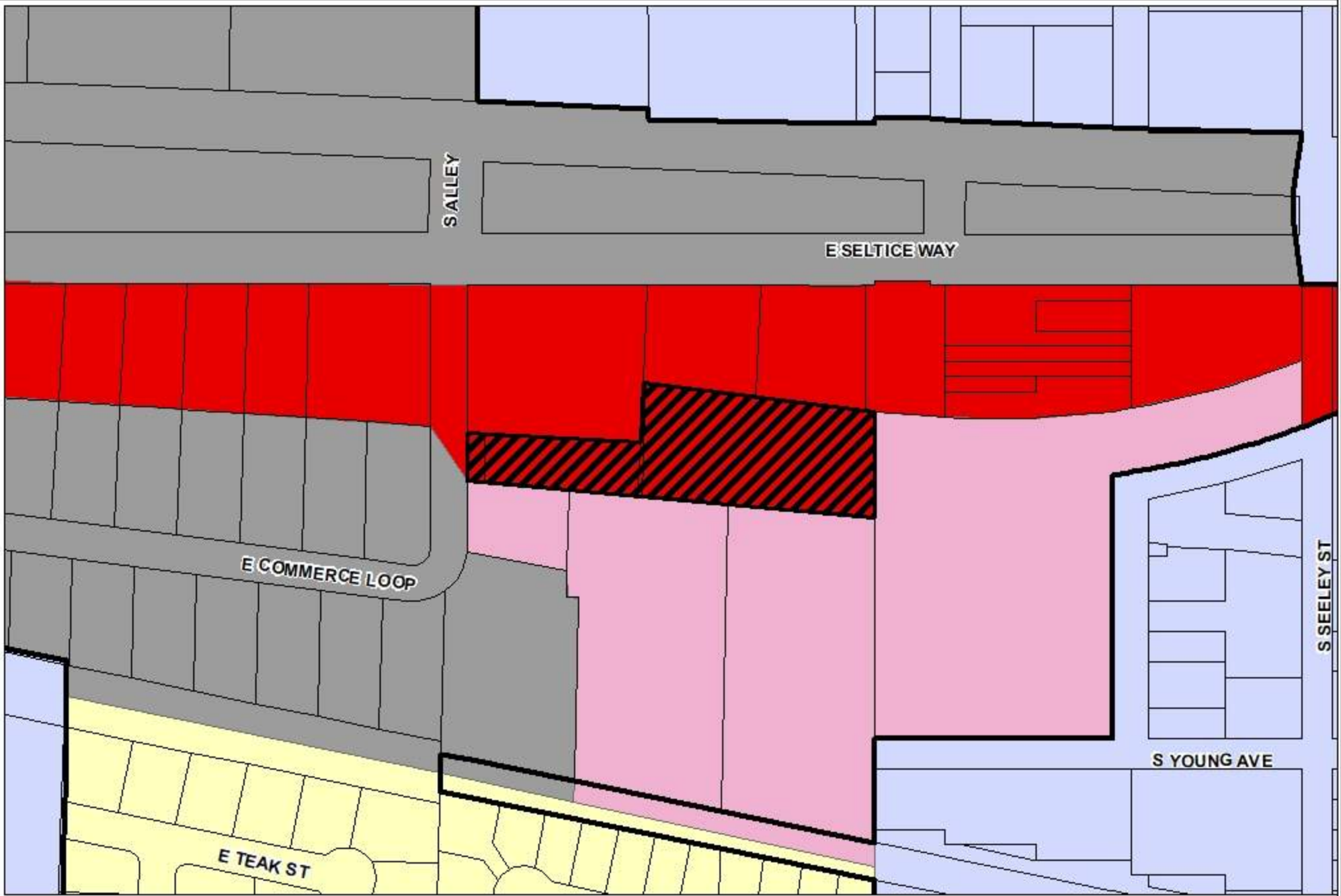
Zoning Map
 D-BAT FACILITY
 File # ZC-22-6



- City Boundary
- Subject Site
- HI
- I
- R-1

Exhibit S-2





Future Land Use Designation
 D-BAT FACILITY
 File # ZC-22-6



-  City Boundary
-  Subject Site
-  Business/Industrial
-  Commercial
-  Business/Commercial
-  Transitional
-  Low Density Residential





1717 E Polston Ave. ♦ Post Falls, ID 83854 ♦ Phone (208) 773-3517 ♦ Fax (208) 773-3200

December 19th, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

Re: D-Bat Zone Change File No. ZC-22-6

The Police Department has reviewed the above listed zone change and will remain Neutral on this request. Please accept this letter as the Police Department's response to this request for both Planning and Zoning as well as City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark J. Brantl".

Mark J. Brantl
Captain
Post Falls Police Department

Amber Blanchette

From: Polak, Chad M <Chad.M.Polak@p66.com>
Sent: Tuesday, December 20, 2022 9:59 AM
To: Amber Blanchette
Subject: FW: D-Bat Zone Change File No. ZC-22-6
Attachments: DBAT Zone Change NTJ.pdf

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Amber,

Based on the location, there is no impact to the YPL pipeline and we do not have any questions/comments.

Sincerely,

Chad M. Polak
Agent, Real Estate Services
O: (+1) 303.376.4363 | M: (+1) 720.245.4683
3960 East 56th Avenue | Commerce City, CO 80022
Phillips 66

From: Amber Blanchette <amberb@postfalls.gov>
Sent: Monday, December 19, 2022 12:21 PM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Polak, Chad M <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; D1Permits <d1permits@itd.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellen Smith <ellen.smith@itd.idaho.gov>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eportner@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; Jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; lauriep@kootenaifire.com; Lynn Sanders, AECOM <lynn.sandsor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bnsf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller

<momiller@quantatel.com.com>; Naomi Tierney <ntierney@postfalls.gov>; Pat Knight <pknight@postfallspolice.com>; PFHD <contactus@postfallshd.com>; PFPD <admin@postfallspolice.com>; Phillip Evander <PEvander@kec.com>; Post Falls Chamber <pam@postfallschamber.com>; Preston Hill <phill@postfallsidaho.org>; Rob Palus <rpalus@postfalls.gov>; Robert Seale <rseale@postfalls.gov>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfalls.gov>; Shelly Enderud <senderud@postfalls.gov>; Stacy Simkins <stacy.simkins@itd.idaho.gov>; Stephanie Herman <speugh@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Symone Legg <symone.legg@itd.idaho.gov>; Teresa Benner <tbenner@postfalls.gov>; Thomas Gwin <thomas.gwin@twcable.com>; Tisha Gallop <tgallop@postfalls.gov>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfalls.gov>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; James Steffensen <james.steffensen@bannerbank.com>; Kevin Ward (gatheredfamilyrestaurant@gmail.com) <gatheredfamilyrestaurant@gmail.com>; Nancy Hampe <nancyradiantlake@gmail.com>; Ray Kimball <rkimball@whipplece.com>; Ross Schlotthauer <ross@burlyproducts.com>; Ryan Davis <rldavis208@gmail.com>; Vicky Jo Carey <vjcarey@aol.com>

Subject: [EXTERNAL]D-Bat Zone Change File No. ZC-22-6

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good morning,

Attached is the notice to jurisdiction for the named zone change for the January 10th Planning and Zoning. The draft staff report will be on the city's website shortly.

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

Privileged / confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or send this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply e-mail. Although this email has been scanned for the possible presence of computer viruses prior to dispatch, we cannot be held responsible for any viruses or other material transmitted with, or as part of, this email without our knowledge.

Amber Blanchette

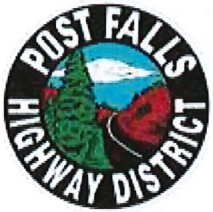
From: jonie@postfallshd.com
Sent: Friday, December 30, 2022 12:42 PM
To: Amber Blanchette
Subject: RE: D-Bat Zone Change File No. ZC-22-6

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Post Falls Highway District has no comment for this Zone Change.



Jonie Anderson
Administrative Assistant
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfalls.gov>
Sent: Monday, December 19, 2022 11:21 AM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Chad Polak <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; D1Permits <d1permits@itd.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellen Smith <ellen.smith@itd.idaho.gov>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eport@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis

<jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krono@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; lauriep@kootenaifire.com; Lynn Sandersor, AECOM <lynn.sandersor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bnsf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller <momiller@quantatel.com.com>; Naomi Tierney <ntierney@postfalls.gov>; Pat Knight <pknight@postfallspolice.com>; PFHD <contactus@postfallshd.com>; PFPD <admin@postfallspolice.com>; Phillip Evander <PEvander@kec.com>; Post Falls Chamber <pam@postfallschamber.com>; Preston Hill <phill@postfallsidaho.org>; Rob Palus <rpalus@postfalls.gov>; Robert Seale <rseale@postfalls.gov>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfalls.gov>; Shelly Enderud <senderud@postfalls.gov>; Stacy Simkins <stacy.simkins@itd.idaho.gov>; Stephanie Herman <speugh@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Symone Legg <symone.legg@itd.idaho.gov>; Teresa Benner <tbenner@postfalls.gov>; Thomas Gwin <thomas.gwin@twcable.com>; Tisha Gallop <tgallop@postfalls.gov>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfalls.gov>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; James Steffensen <james.steffensen@bannerbank.com>; Kevin Ward (gatheredfamilyrestaurant@gmail.com) <gatheredfamilyrestaurant@gmail.com>; Nancy Hampe <nancyradiantlake@gmail.com>; Ray Kimball <rkimball@whipplece.com>; Ross Schlotthauer <ross@burlyproducts.com>; Ryan Davis <rldavis208@gmail.com>; Vicky Jo Carey <vjcarey@aol.com>

Subject: D-Bat Zone Change File No. ZC-22-6

Good morning,

Attached is the notice to jurisdiction for the named zone change for the January 10th Planning and Zoning. The draft staff report will be on the city's website shortly.

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

Kootenai County Fire & Rescue

Fire Marshal's Office

1590 E. Seltice Way
Post Falls, ID 83854
Tel: 208-777-8500
Fax: 208-777-1569
www.kootenaifire.com

January 23, 2023

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

RE: Notice to Jurisdiction Response

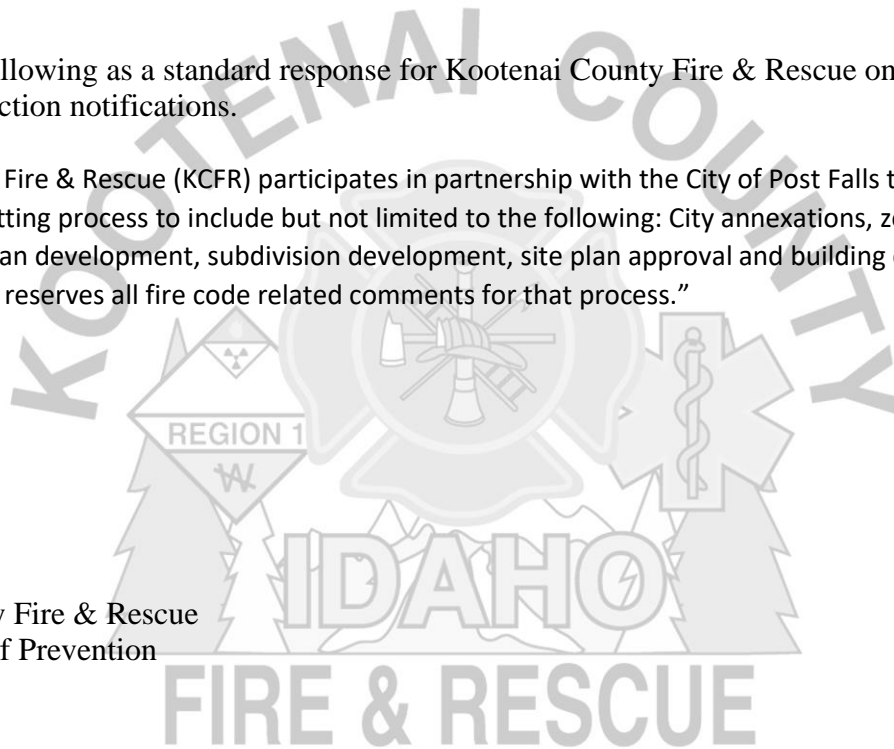
Amber,

Please use the following as a standard response for Kootenai County Fire & Rescue on all applicable Notice to Jurisdiction notifications.

"Kootenai County Fire & Rescue (KCFR) participates in partnership with the City of Post Falls throughout the review and permitting process to include but not limited to the following: City annexations, zoning issues, comprehensive plan development, subdivision development, site plan approval and building construction code compliance. KCFR reserves all fire code related comments for that process."

Respectfully,

Jeryl Archer II
Kootenai County Fire & Rescue
Division Chief of Prevention
Fire Marshal



- A. **Recommendation** D-Bat Facility Zone Change File No. ZC-22-6 – Ethan Porter, Associate Planner, to present a request to rezone approximately 2.13 acres from Heavy Industrial (HI) to Industrial (I). The Commission is to recommend approval/denial of the requested zoning designation to City Council. To provide a recommendation to City Council for the zoning designation of Industrial (I) from Heavy Industrial (HI) on approximately 2.13 acres. This request is generally located south of E. Seltice Way east of E. Commerce Loop. The land is currently vacant that sits over the Rathdrum Prairie Aquifer and the City of Post Falls will be both water and sewer provider. It is surrounded by Industrial with 2 larger parcels directly south Heavy Industrial (a legacy zone).

Zone Change Review Criteria:

- The Future Land Use Map designates this site as commercial within the Maplewood focus area. This category includes a broad mix of commercial, retail, professional office, civic, and cultural uses. Residential uses may be permitted by the implementing zoning district and active uses are emphasized along key block frontages to focus pedestrian and commercial activity. The implementing zoning districts is per focus area. It promotes infill development, commercial and industrial uses along Seltice Way; so being just south of Seltice Way along Commerce Loop this would utilize that Seltice Way Arterial.
- In seeking long-term prosperity, residents understand the need to build economic diversity – capitalizing on access to neighboring job centers as well as developing a strong business base within City limits. There were a couple other Goals and Policies that this request is consistent with that are within the Comprehensive Plan.
- Commerce Loop is classified as a Local Commercial Roadway; Seltice Way is classified as a Principal Arterial Roadway. Future traffic patterns to/from the site are benefitted from the proximity to Seltice Way that would distribute traffic from the subject site to SH41, I-90, and Coeur d'Alene, as identified in the City's Transportation Master Plan.
- Commerce Loop and Seltice Way can support commercial zoning.
- Not applicable
- Both Seltice Way and Commerce Loop provide sufficient access based on the City's Master Transportation Plan and the proposed zoning.

All other agencies have been notified; the Yellowstone Pipeline responded with no impact/no comment; Kootenai County Fire and Rescue reserves comments for the review process; Post Falls Police remain neutral, and the Post Falls Highway District had no comment.

Hampe – There is still Heavy Industrial but, there is no use for it correct?

Porter – Correct. The Heavy Industrial that remains is considered a legacy zone and will require a rezone, which is the main purpose of this meeting tonight. The applicant wants to utilize the land and develop it, but the zoning must be changed first. I am not sure how much Heavy Industrial is left in the city.

Hampe – Was it ever permitted?

Porter – I believe.

Manley – At one point in time Heavy Industrial was a zone that was an allowed permitted use. Years ago, they established a code stating no additional permits are allowed on a Heavy Industrial Lot which like this area forced them to ask for a rezone to obtain permits for development.

Hampe – Wouldn't it have made more sense to just make it Industrial at that time? Because it isn't usable as Heavy Industrial now.

Manley – We can't go back in time and figure out the rationale of why they did what they did about 20 years ago.

Hampe – So, it wasn't under your watch.

Manley – It wasn't, it was before my time.

Herrington – The City typically won't rezone property, the city usually waits for landowners to come forward and request a rezone.

Hampe – I can see that but, when you say you can no longer build with the zone, you're taking away its value.

Manley – Typically, the uses within Heavy Industrial, are smokestacks, steel refining companies, they are more of a heavy pollutant for the communities. I can only guess at one point in time there was a discussion stating they wanted more clean industrial uses rather than the heavy industrial uses. So, ultimately you are increasing opportunities with Industrial and Commercial rather than the use of Heavy Industrial.

Hampe – I understand, it is just a little confusing that it even exists if there is no use for it.

Schlotthauer – Do you have an idea of what used to be there?

Manley – I don't know what was out there.

Ward – I'm going to guess heavy industrial.

Manley – Yeah, I am not sure what the use was, as far as business.

Davis – I will say with landowner rights, it makes sense for them to come to us with the zone they are requesting.

Applicant – Rex Anderson with Fusion Architecture in Spokane – I've been working with Luke and Shannon on the development of this property and over the course of the development it became apparent that to develop we would need to rezone the property. Our narrative shows that our request meets the Goals and Policies within the Post Falls Municipal Code and I think Mr. Porter's introduction to the project speaks to how inline the location and zoning addresses the Future for the City of Post Falls. I also think the construction type will meet the Industrial Zoning. Luke, would you like to fill anything else in?

Luke Greenside – We want to develop this land and feel it will be a great addition to the community obviously we have a hurdle to work through with the Heavy Industrial, this request is to adjust that so we can move forward with this addition to Post Falls.

Anderson – The Commissioners comment was an interesting point; I understand land rights in Idaho and how it maybe imperative for the owners to present their case to the Jurisdiction. I feel it is an interesting case and maybe there isn't a pathway for the zoning classification to be phased out better and possibly this can be investigated further.

Testimony

In Favor - None

Neutral - None

In Opposition - None

Deliberations:

Zoning Criteria:

1. Amendments to the Zoning Map should be in accordance with the Comprehensive Plans and Future Land Use.

All Commissioners agreed this was clear

2. Amendments to the Zoning Map should be in accordance with the Goals and Policies found in the Post Falls Comprehensive Plan.
Davis – I think Porter covered it; he did a great job any other addition? No?
3. Zoning assigned to following consideration such as items of street classification, traffic patterns, existing development, future land use, community plans, geographic and natural features.
Kimball – These fits in with the existing development pattern and this is just housekeeping really.
Steffensen – Fits well with the traffic patterns too.
4. Commercial and high-density residential zoning typically assigned along streets with a higher road classification.
Not applicable
5. Limited neighborhood commercial, low-density residential zoning is typically assigned for properties as they proceed further away from higher intensity Urban activities ensuring that adequate land is available for future housing needs.
Not applicable
6. Industrial zoning is typically assigned to properties with sufficient access to major transportation routes and maybe situated away from residential zoning.
Kimball – It has access directly on Commerce Drive which is a commercial route and butts up to Seltice Way which is an arterial, so it fits.
Steffensen – It does have buffering between the residential zone that is to the south.

Motion to recommend to City Council finding it meets approval criteria in the PFMC and as outlined in our deliberations and direct staff to prepare a Zoning Recommendation with the zone change from Heavy Industrial to Industrial. - Hampe

2nd by Schlotthauer

Vote Steffensen – Yes; Carey – Yes; Kimball – Yes; Ward – Yes; Schlotthauer – Yes; Hampe - Yes

Moved

- ~~B. **Recommendation** Post Falls Title 18A Idaho St. Housekeeping Ordinance File No. TA-22-6 – Jon Manley, Planning Manager, to present adding development standards; ensuring non-residential uses on the main floor of the development along Idaho St; within Title 18A for the SC5 and SC6 zoning districts. The requested action is to review and approve the requested amendments to the Title 18A. This amendment is specific to zones SC5 and SC6; The ground floor of any structure constructed on a lot with frontage on Idaho or Spokane Streets must be used for non-residential uses. The purpose is so we don't have apartments right along the prime commercial corridors for mixed use. As you can see our downtown area is SC5 and SC4 and along 4th and Idaho St you have SC5. A Developer was looking for this part of the code that never was codified, which is why we are bringing it forward again to gain adoption in a timely manner, so applicants want this code and so does staff. SmartCode 5 encourages a walkable corridor verses a typical auto centric type of development. All agencies have been notified with Yellowstone Pipeline and Post Falls Highway District having no comment/objection.
Ward – Just north of the Freeway on Spokane St., is that part of it?
Manley – This map was part of the previous public hearing on this, call me lazy but I didn't change it. So, this area has already been changed to SC5.~~

**D-Bat Facility Zone Change
File No. ZC-22-6**

**Planning and Zoning Commission
Zoning Recommendation**

A. INTRODUCTION:

APPLICANT: Fusion Architecture

LOCATION: Generally located on the east side of Commerce Loop, north of 6260 E Commerce Loop, and is approximately 300-feet south of Seltice Way.

REQUEST: Rezone approximately .213 acres from Heavy Industrial (HI) to Industrial (I).

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Legal
4. A-4 Vicinity Map
5. A-5 Authorization Letter
6. A-6 Title Report
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. PA-1 PFPD Comments
11. PA-2 YPL Comments
12. PA-3 PFHD Comments
13. PA-4 KCFR Comments
14. P&Z Staff Report
15. Testimony at the public hearing on January 10, 2023, including:

The public hearing was properly noticed and conducted in accordance with the requirements of Idaho Code §§ 67-6511 and 67-6509, and Post Falls Municipal Code (PFMC) § 18.20.060. The purpose of the hearing was to afford the applicant and the public the opportunity to provide testimony and documentation to be taken by the Planning and Zoning Commission (“Commission”) in their application of PFMC §§ 18.16.010 and 18.20.100 when making the Commission’s recommendation to the City Council.

Ethan Porter, Associate Planner

Mr. Porter presented the staff report and testified that the requested action is for the Commission to review the request to rezone approximately 2.13 acres in the City of Post Falls from Heavy Industrial (HI) zoning to the Industrial (I) zoning district. He explained that the location is on the east side of Commerce Loop, north of 6260 E Commerce Loop, and is 300-feet south of Seltice Way. Currently site is undeveloped vacant land.

Mr. Porter explained that the city of Post Falls will supply water and sewer to the site. He noted that the site is over the Rathdrum Prairie Aquifer. He explained that there is more Heavy Industrial (HI) to the south and the rest of the surrounding area is Industrial. He noted that farther to the south on the other side of the railroad tracks is residential.

Mr. Porter testified that in reviewing zone changes, staff looks at relevant review criteria. He testified that the area is designated commercial within the Maplewood focus area on the future land use map. He illustrated that to the north is designated commercial and to the south and east is designated limited commercial with industrial designated to the west. He testified that the Commercial designation promotes a broad mix of commercial, retail, professional office, civic, and cultural uses. He noted that residential uses may be allowed, and active uses are emphasized along key block frontages to focus pedestrian-oriented commercial activity. He explained that multi-story buildings and a mixture of uses are encouraged with design standards that enhance the character of these areas, improve pedestrian connections, and promote compatibility between permitted uses.

Mr. Porter accentuated that the proposal aligns with the applicable focus area. He explained that the Maplewood focus area promotes infill development with commercial and industrial uses along Seltice Way. He explained that the proposal satisfies those aspects of the focus area.

Mr. Porter testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal one, seven, and fourteen to possibly be relevant and applicable goals. He testified that policies one, two, eight, eleven and twelve, may appropriate for consideration by the Commission.

Mr. Porter testified that zoning should be assigned following consideration of such items such as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features. He explained that Commerce Loop is classified as a Local Commercial Roadway, Seltice Way is classified as a Principal Arterial Roadway. He noted that future traffic patterns to and from the site are helped from the proximity to Seltice Way that would distribute traffic from the subject site to SH41, I-90, and Coeur d'Alene, as shown in the City's Transportation Master Plan.

Mr. Porter testified Commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He explained that the site is located along E. Commerce Loop, a local Commercial Roadway, and connects to Seltice Way (Principal Arterial); approximately three hundred feet north of the site.

Mr. Porter testified that limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. He said that this is not an applicable criterion as they are not asking for those proposed zoning designations.

Mr. Porter testified that the last criteria is Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning. He testified that both Seltice Way and Commerce Loop are major transportation routes, and this proposal supplies sufficient access based on the City's Master Transportation Plan and the proposed zoning.

Mr. Porter testified that all agencies have been notified; noting that Kootenai County Fire coordinates with the city upon development, Post Falls Police were neutral, and the Post Falls Highway District, Post Falls School District, and Yellowstone Pipeline had no comment.

Mr. Porter also pointed out that the Heavy Industrial zone is a legacy zone that has no practical use in the city and would have to be rezoned before development occurs on the site. He noted that there are few Heavy Industrial areas in the city, at one point in time in the past the zoning designation was used.

Applicant's Presentation

Rex Anderson, Fusion Architecture

Mr. Anderson testified that he has been working on the development of this property and over the course of the development it became clear that to develop we would need to rezone the property. He testified that their narrative shows that the request meets the Goals and Policies within the Post Falls Municipal Code, and the project is in line with the location and the zoning. He also thought that the construction type will meet the Industrial Zone and fit well.

Luke Greenside

Mr. Greenside testified that they want to develop this land and feel it will be a great addition to the community. He explained that they obviously have a hurdle to work through with the Heavy Industrial and this request is to adjust that so we can move forward with this addition to Post Falls.

Public Testimony:

The Commission opened the hearing for public testimony, none was received.

Deliberations: After the public hearing was complete the hearing was closed, and the Commission moved to deliberations to discuss their interpretation of the information presented both orally and in the written record and to apply that information to the approval criteria in City Code sections 18.16.010 and 18.20.100.

C. EVALUATION OF ZONE CHANGE APPROVAL/REVIEW CRITERIA:

C1. Amendments to the zoning map should be in accordance with the Future Land Use Map.

Based on the testimony supplied and the staff report, The Future Land Use Map in the Comprehensive Plan designates this area as Commercial and is within the Maplewood Focus Area.

The Commission finds the at the applicable focus area supports the promotion of infill development, which is what this proposal will provide. The Commission finds that the applicable focus area specifies that Commercial and Industrial uses should be focused along Seltice Way. The proposal is along Commerce Loop and would use the Seltice Way arterial.

The Commission finds that Industrial (I) zoning is in accordance with the Maplewood Focus area and therefore the proposed Industrial zoning is in accordance with the Future Land Use Map.

C2. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.

Based on the testimony provided and the staff report, the Commission finds the requested zone change being consistent with the goals and policies contained in the comprehensive plan and that the proposal is consistent with the following relevant goals and policies:

Goals:

Goal 1: Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health.

This proposal is to change the zoning from a legacy zoning district to allow a new business to develop, which will help bring economic diversity and help Post Falls to be prosperous.

Goal 7: Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability.

This proposal supports an allocation of land use types that support the community needs and foster the City's long-term sustainability by growing the local economy.

Goal 14: Involve the community of Post Falls in all local government planning and decision-making.

This proposal is community-driven, involving many residents including some standing for large groups of residents.

Policies:

Policy 1: Support land use patterns that:

- Maintain or enhance community levels of service;
Impact Fees are paid at the time of permit issuance to aid in mitigating impacts and maintain/enhance community levels of service.
- Foster the long-term fiscal health of the community;
The rezone will supply the opportunity for more new business(es) that may help further long-term fiscal health of the community.
- Maintain and enhance resident quality of life;
This request could enhance the resident's quality of life in that area by supplying services to them.
- Promote compatible, well-designed development;
Development will be required to meet City design standards through the Site Plan Review process.
- Implement goals and policies of the comprehensive plan, related master plan and/or facility plans.
Transportation impacts, and sewer and water capacity are reviewed by City staff. Any predicted inadequacies identified are addressed and/or have a plan on how to be brought into compliance with the relevant master plans. No inadequacies were found by staff about the revised zoning request.

Policy 2: Apply or revise zoning designations with careful consideration of factors including:

- Future land use mapping;
See Exhibit S-3: Future Land Use Map. This factor is covered in the analysis contained in Criteria 1.
- Compatibility with surrounding land uses;
The proposed zoning designation and associated uses is compatible with the surrounding land uses.
- Infrastructure and service plans;
Sanitary Sewer for the location is currently found within the subject property and covered with the necessary easement to the public. The property requesting the zone change is shown in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced sewer main. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

The City's Water Reclamation System has the capacity to supply service and the City is willing to serve to the property at the requested density. Existing capacity is not a guarantee of future service.

The property is not subject to any Local Improvement Districts (LID's), Subsequent User Agreements or Sewer Surcharges.

The City of Post Falls would service water. A water main is currently found within the subject property and covered with the necessary easement to the public. The property requesting the zone change is shown in the City of Post Falls Water Master Plan as being serviced by the referenced water main. The requested zoning is in conformance with the land use assumptions within the City's Water Master Plan.

- Existing and future traffic patterns;
The property is next to E. Commerce Loop and connects to Seltice Way approximately 300 feet to the north. Frontage improvements of curb & gutter and sidewalk do exist; however, modification will be needed to accommodate a driveway approach with future development. Future traffic patterns to/from this site are helped from the proximity to Seltice Way.
- Goals and policies of the comprehensive plan, related master plan and/or facility plans.
This proposal advances and promotes development and improvements consistent with the comprehensive plan as well as the transportation, sewer, and water master plans.

Policy 8: Encourage compatible infill development and redevelopment of vacant and under-utilized properties within City limits.

This site is compatible infill development of a vacant and under-utilized property.

Policy 11: Prioritize location of new industrial development in areas that provide:

- Close proximity to major transportation facilities;
Subject site and proposal is just south of Seltice Way, which provides an east and west connection parallel with I-90.
- Siting near existing industrial uses, where possible;
The adjacent areas are primarily industrially zoned. An industrial use would be compatible with the existing businesses and land uses.
- Cost-effective access to utilities and services;
Further development would allow for services existing in the area to be used.
- Ability to minimize trucking through residential areas.
This area is not residential and would not be impeding on residential neighbors.

Policy 12: Ensure new industrial uses near residential areas do not create noise, odor, air or visual pollution beyond that normally associated with residential uses.

South of the site, approximately 515-feet, would be the nearest residential area, but it is not accessible since the railroad right-of-way separates the uses. The railroad crossing will need to be used to get to the residential area.

C3. Zoning is assigned following consideration of such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features.

Streets/Traffic:

Commerce Loop is a classified local commercial roadway and can accommodate industrial and commercial uses.

Seltice Way is a classified Principal Arterial Roadway. There is sufficient capacity on Seltice Way to meet predicted growth requirements in the are beyond the year 2035 (City of Post Falls currently Transportation Master Plan Model).

Future traffic patterns to/from this site are helped from the proximity to Seltice Way that would distribute traffic from the subject site to SH41, I-90, and Coeur d'Alene, as identified in the City's Transportation Master Plan. The proposed zone change will not have any negative impacts to the City's transportation system.

Water and Sanitary Sewer:

The City of Post Falls will supply water service and sanitary sewer service which currently exist on the site. The requested zoning is in conformance with the land use assumptions within the City's Water and Water Reclamation Master Plans.

The property is not subject to any Local Improvement Districts (LID's), Subsequent User Agreements or Sewer Surcharges.

The City's Water and Water Reclamation Systems have the capacity to supply service and the City is willing to serve to the property at the requested zoning designation. The proposed zoning is compatible with the land uses predicted within the City's Master Planning. Current capacity of the City's Water Reclamation System is not a guarantee of future service.

Compatibility with Existing Development and Future Uses:

The propose residential use is adjacent to other residential uses and is therefore compatible.

Future Land Use Designation:

This factor is covered in the analysis contained in Criteria 1.

Community Plans:

None.

Geographic/Natural Features:

The Commission finds the site has no geographic or other natural features that would affect development of the site.

C4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

The Commission finds the site is located along E. Commerce Loop, a local Commercial Roadway, and connects to Seltice Way (Principal Arterial); approximately three hundred feet north of the site.

C5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity.

The Commission finds this criterion inapplicable to the request.

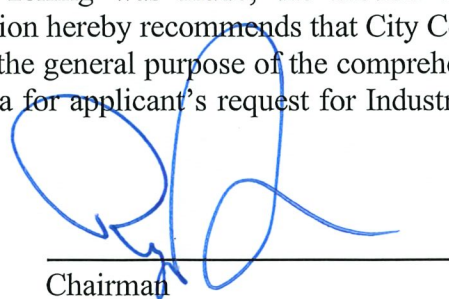
C6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.

The Commission finds the subject site is just south of Seltice Way and north of the railroad. This location would not produce any negative noise, odor, or nuisance to residential zoning.

D. RECOMMENDATION OF THE COMMISSION:

D-Bat Zone Change, File No. ZC-22-6: Following the public hearing, the Planning and Zoning Commission considered all relevant evidence, testimony, and comments. A motion to recommend approval of the recommended zoning was made, the motion carried unanimously. The Planning and Zoning Commission hereby recommends that City Council approve the proposal, finding that it conforms to the general purpose of the comprehensive plan and meets all the applicable approval criteria for applicant's request for Industrial (I) zoning.

2/14/23
Date


Chairman


Attest

NOTICE OF RIGHTS:

Any affected person aggrieved by a final decision of the Planning and Zoning Commission may submit a written notice of appeal along with the required fees in accordance with the City's adopted fee schedule, to the City Clerk for appeal to the Post Falls City Council within fourteen (14) days of the date of the written decision, pursuant to Post Falls City Code 18.20.60.E

The final decision of the Planning and Zoning Commission is not a final decision for purposes of judicial review until the City Council has issued a final decision on appeal and the party seeking judicial review has requested reconsideration of that final decision as provided by Idaho Code 67-6535(2)(b), pursuant to Post Falls City Code 18.20.60.E.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section 67-6535 must first seek reconsideration of the final decision within fourteen (14) days of such decision. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section 67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code Section 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

Amber Blanchette

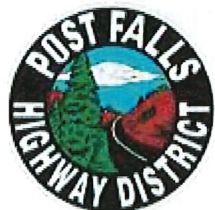
From: jonie@postfallshd.com
Sent: Tuesday, January 31, 2023 10:47 AM
To: Amber Blanchette
Subject: RE: D-Bat Facility Zone Change File No. ZC-22-6

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Post Falls Highway District has no comment for this Zone Change



Jonie Anderson
Administrative Assistant
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfalls.gov>
Sent: Friday, January 27, 2023 10:39 AM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Chad Polak <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; D1Permits <d1permits@itd.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (Ziply) <david.sauer@ziply.com>; Dena Naccarato <dnaccarato@273.com>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellen Smith <ellen.smith@itd.idaho.gov>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eport@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer

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Subject: D-Bat Facility Zone Change File No. ZC-22-6

Good morning,

Attached is the notice to jurisdiction for the named zone change for City Council on February 21st. The draft staff report will be on the city's website shortly.

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

Privileged / confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or send this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply



DEQ Response to Request for Environmental Comment

Date: February 15, 2023
Agency Requesting Comments: City of Post Falls
Date Request Received: January 27, 2023
Applicant/Description: ZC-22-6

Thank you for the opportunity to respond to your request for comment. While the Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083>

DEQ has not completed a thorough review of the documents provided, therefore, the following general comments should be applied as appropriate to the specific project:

1. Air Quality

- **Though this request for comments addresses a plat change request, which is outside of DEQ jurisdiction, DEQ would like the City to consider the following comments should the land in question be developed.**
- **Fugitive Dust** - The City should consider requiring reasonable controls on fugitive dust emitting activity during all phases of the project (including but not limited to; roadway construction, vehicle traffic on unpaved roads, land clearing activity, topsoil management, vegetation management). All reasonable precautions shall be taken to prevent particulate matter (dust) from becoming airborne, as required in IDAPA 58.01.01.651.
- **Land Clearing** - During the land clearing and construction phases of the project the applicant should consider alternatives to open burning of the vegetative debris that is generated. Mechanical processing of land clearing debris avoids generating smoke and offers the greatest flexibility for timely project progress. Mechanical processing is not required by DEQ however.
- **Open Burning** - If open burning of land clearing debris is incorporated into the land clearing phase, smoke management practices to protect air quality as described in the Idaho Department of Lands regulation IDAPA 20.02.01.071.03 and DEQ's regulation IDAPA 58.01.01.614 must be implemented by the applicant. Local fire protection permits may also be required. The City should consider requiring a smoke management plan be developed if open burning is used on this project.

- **Construction Debris** - The City should consider requiring a project plan that commits to the proper disposal of demolition and construction debris. Open burning of demolition or construction debris is not an allowable form of open burning as defined by IDAPA 58.01.01.600. Demolition and construction debris must be treated in accordance with state solid waste regulations.
- For questions, contact Shawn Sweetapple, Air Quality Manager, at (208) 769-1422.

2. Wastewater

- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- If connecting to an existing wastewater utility, DEQ recommends verifying that there is adequate capacity to serve this project prior to approval. Please contact the sewer provider for a will-serve letter stating the provider's capacity to serve the project, willingness to serve this project, and a declining balance of available connections.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

For questions, contact Katy Baker-Casile, DEQ Water Quality Engineering Manager, at (208)769-1422.

3. Drinking Water

- DEQ recommends using an existing drinking water system whenever possible or construction of a new drinking water system. Please contact DEQ to discuss this project and to explore options to best serve the future residents of this development and provide for protection of ground water resources.
- If connecting to an existing public or non-public drinking water system, DEQ recommends verifying that there is adequate capacity to serve this project prior to approval. Please contact the water provider for a will-serve letter stating the provider's capacity to serve the project, willingness to serve this project, and a declining balance of available connections.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please

review these rules to determine whether this or future projects will require DEQ approval. All projects for construction or modification of public drinking water systems require preconstruction approval.

- If any private wells will be included in the proposed project, DEQ recommends at a minimum testing the private well for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.

For questions, contact Katy Baker-Casile, DEQ Water Quality Engineering Manager, at (208) 769-1422.

4. Surface Water

- **Water Quality Standards.** Site activities adjacent to waters of the United States (US) must comply with Idaho's Water Quality Standards (WQS) (IDAPA 58.01.02). The WQS provide limits to pollutants to assure water quality for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water. The federal Clean Water Act (CWA) requires states to list current conditions of all state waters (required by §305(b)), including publicly-owned lakes (required by §314), and to list waters that are impaired by one or more pollutants (required by §303(d)).
 - WQS: <http://www.deq.idaho.gov/water-quality/surface-water/standards/>
 - Current conditions of state waters (with interactive map): <http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/>
- **Point Source Discharges.** Site activities that discharge pollutants into waters of the US in Idaho may require Idaho Pollution Discharge Elimination System (IPDES) coverage (IDAPA 58.01.25) or the Environmental Protection Agency (EPA) National Pollution Discharge Elimination Program (NPDES) coverage.
 - <http://www.deq.idaho.gov/permitting/water-quality-permitting/ipdes/>
- **Construction activities.** Construction activities should implement Best Management Practices (BMPs) to control, prevent, or minimize pollution. Construction activities disturbing areas greater than one acre of land that may discharge stormwater directly or indirectly into waters of the US require development and implementation of a Stormwater Pollution Prevention Plan (SWPP) under a Construction General Permit with EPA NPDES.
 - <http://www.deq.idaho.gov/water-quality/wastewater/stormwater/>
- **Stream channel/lakeshore alteration and dredge and fill activities.** Site activities that disturb ground below the ordinary high water mark (OHWM) within streams/lakeshores must have a permit under IDAPA 37.03.07 (administered by Dept. of Lands) and IDAPA 58.13 (administered by Dept. of Water Resources). Activities that discharge fill material below the OHWM must have a permit under Section 404 of the CWA (administered by US Army Corps of Engineers). All activities must also comply with Idaho Water Quality Standards.
 - Idaho Department of Water Resources permits: <https://idwr.idaho.gov/streams/>
 - Idaho Department of Lands permits: <https://www.idl.idaho.gov/lakes-rivers/lake->

[protection/index.html](#)

- US Army Corp of Engineers permits: <https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>

For questions, contact Robert Steed, Surface Water Manager at (208) 769-1422.

5. Solid/Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Solid Waste.** The disposal of all solid waste must comply with Idaho's Solid Waste Management Rules (IDAPA58.01.06). No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that all activities comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

- **Underground Storage Tanks.** DEQ requests that the installation of all underground storage tanks and piping along with any required testing and owner/operator training comply with Idaho's Rules Regulating Underground Storage Tank Systems (IDAPA 58.01.07)

6. Additional Notes

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. The Panhandle Health District regulates all ASTs over the Rathdrum Prairie aquifer. EPA regulates ASTs at all other areas. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 769-1422, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.
For questions, contact Gary Stevens, Waste & Remediation Manager, at (208) 769-1422.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208)769-1422.

Dan McCracken, Regional Administrator, Coeur d'Alene

**CITY OF POST FALLS
AGENDA REPORT
PUBLIC HEARING
MEETING DATE: February 21, 2023**

DATE: February 15, 2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JON MANLEY, PLANNING MANAGER
jmanley@postfalls.gov / 208-457-3344
SUBJECT: IDAHO STREET HOUSEKEEPING ORDINANCE TEXT AMENDMENT

ITEM AND RECOMMENDED ACTION:

The Planning Division is seeking to amend the current language within Title 18A: SmartCode specific to zones SC-5, SC-6 that states the following, “*The ground floor of any structure constructed on a lot with frontage on Spokane Street must be used for non-residential uses*” **to** “The ground floor of any structure constructed on a lot with frontage on Idaho or Spokane Streets must be used for non-residential uses.

DISCUSSION: Exhibit S-1 (Draft Ordinance), details the code section that is being requested to be modified, with the underlined text being the proposed new language and the ~~striketrough~~ text being removed.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON: This item was previously approved by City Council on July 7, 2020. Due events at the time, the ordinance was never brought back to memorialize the approved Code Change. Additionally, the membership of City Council has changed. Therefore, staff felt it was best to start the process over as a new application.

APPROVED OR DIRECTION GIVEN: On January 10, 2023, the Planning and Zoning Commission forwarded a recommendation of approval for the proposed change.

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: N/A

BUDGET CODE: N/A

SUPPORTING DOCUMENTS:

STAFF EXHIBITS:

Exhibit S-2 Planning and Zoning Commission Staff Report
Exhibit S-1 Draft Title 18 Ordinance
Exhibit PA-1 YPL Comments
Exhibit PA-2 PFHD Comments
Exhibit S-3 Minutes 1-10-2023
Exhibit PA-3 PFHD Comments

ATTACHMENTS:

Staff Submittals:

Exhibit S-1 Draft Title 18 Ordinance

Testimony:

Exhibit PA-1 YPL Comments

Exhibit PA-2 PFHD Comments

D R A F T

ORDINANCE NO. _____
COUNCIL BILL NO. -

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO, AMENDING SUBSECTION E OF SECTION 18A.20.070 TO REQUIRE NON-RESIDENTIAL USES ON THE GROUND FLOOR OF BUILDINGS FRONTING ON IDAHO STREET WITHIN THE SC-5 AND SC-6 ZONES; REPEALING CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE BY SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, *after public hearing on the hereinafter provided amendments, and after recommendation by the Planning and Zoning Commission*, it is deemed by the Mayor and City Council to be in the best interests of the City of Post Falls that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the Post Falls:

SECTION 1. *That Post Falls Municipal Code Section Subsection E of Section 18A.20.070 is amended to read as follows:*

E. Specific to zones SC-5, SC-6:

1. Awnings, arcades, and galleries may encroach the sidewalk to within two feet (2') of the curb but must clear the sidewalk vertically by at least eight feet (8').
2. Maximum encroachment heights (extension lines) for arcades shall be as shown on table 8, attached to the ordinance codified herein.
3. Stoops, light wells, balconies, bay windows, and terraces may encroach the first layer one hundred percent (100%) of its depth. (Table 17d, attached to the ordinance codified herein.)
4. Loading docks and service areas shall be permitted on frontages only by administrative authorization.
5. In the absence of a building facade along any part of a frontage line, a street screen shall be built coplanar with the facade.
6. Street screens should be between 3.5 and six feet (6') in height. The street screen may be replaced by a hedge or fence by administrative authorization. Street screens shall have openings no larger than necessary to allow automobile and pedestrian access. Street screens above six feet (6') in height may be permitted by administrative authorization.

D R A F T

7. The ground floor of any structure constructed on a lot with frontage on Idaho or Spokane Streets must be used for non-residential uses.

SECTION 2. All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. 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 Post Falls 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 4. 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 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on _____, 20 .

APPROVED, ADOPTED and SIGNED this day of , 20 .

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

D R A F T

SUMMARY OF POST FALLS ORDINANCE NO. _____

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. _____, which amends Subsection E of Section 18A.20.070 to require non-residential uses on the ground floor of buildings fronting on Idaho Street within the SC-5 and SC-6 zones; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of the summarized Ordinance No. _____ is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.

Shannon Howard, City Clerk

D R A F T

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am the legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No. _____, amending Subsection E of Section 18A.20.070 to require non-residential uses on the ground floor of buildings fronting on Idaho Street within the SC-5 and SC-6 zones, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this day of , 20 .

Warren J. Wilson, City Attorney

Amber Blanchette

From: Polak, Chad M <Chad.M.Polak@p66.com>
Sent: Tuesday, December 20, 2022 9:35 AM
To: Amber Blanchette
Subject: FW: Idaho St. Housekeeping Ordinance File No. TA-22-6
Attachments: Current NTJ House Keeping Ordinance.pdf

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Amber,

We have reviewed the attached ordinance and do not have any comments.

Sincerely,

Chad M. Polak
Agent, Real Estate Services
O: (+1) 303.376.4363 | M: (+1) 720.245.4683
3960 East 56th Avenue | Commerce City, CO 80022
Phillips 66

From: Amber Blanchette <amberb@postfalls.gov>
Sent: Monday, December 19, 2022 2:28 PM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Polak, Chad M <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; D1Permits <d1permits@itd.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (Zipty) <david.sauer@zipty.com>; Dena Naccarato <dnaccarato@273.com>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellen Smith <ellen.smith@itd.idaho.gov>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eport@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; lauriep@kootenaifire.com; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bsnf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller

<momiller@quantatel.com.com>; Naomi Tierney <ntierney@postfalls.gov>; Pat Knight <pknight@postfallspolice.com>; PFHD <contactus@postfallshd.com>; PFPD <admin@postfallspolice.com>; Phillip Evander <PEvander@kec.com>; Post Falls Chamber <pam@postfallschamber.com>; Preston Hill <phill@postfallsidaho.org>; Rob Palus <rpalus@postfalls.gov>; Robert Seale <rseale@postfalls.gov>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfalls.gov>; Shelly Enderud <senderud@postfalls.gov>; Stacy Simkins <stacy.simkins@itd.idaho.gov>; Stephanie Herman <speugh@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Symone Legg <symone.legg@itd.idaho.gov>; Teresa Benner <tbenner@postfalls.gov>; Thomas Gwin <thomas.gwin@twcable.com>; Tisha Gallop <tgallop@postfalls.gov>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfalls.gov>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; James Steffensen <james.steffensen@bannerbank.com>; Kevin Ward (gatheredfamilyrestaurant@gmail.com) <gatheredfamilyrestaurant@gmail.com>; Nancy Hampe <nancyradiantlake@gmail.com>; Ray Kimball <rkimball@whipplece.com>; Ross Schlotthauer <ross@burlyproducts.com>; Ryan Davis <rldavis208@gmail.com>; Vicky Jo Carey <vjcarey@aol.com>

Cc: Media Center <mediacenter@postfalls.gov>

Subject: [EXTERNAL]Idaho St. Housekeeping Ordinance File No. TA-22-6

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good afternoon,

I do apologize for a second NTJ for this one, there was a mix-up with our File No. So, nothing has been changed other than from TA-0001-2020 to TA-22-6. Have a great rest of your day!

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

Privileged / confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or send this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply e-mail. Although this email has been scanned for the possible presence of computer viruses prior to dispatch, we cannot be held responsible for any viruses or other material transmitted with, or as part of, this email without our knowledge.

Amber Blanchette

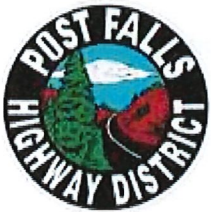
From: jonie@postfallshd.com
Sent: Friday, December 30, 2022 12:41 PM
To: Amber Blanchette
Subject: RE: Idaho St Housekeeping TA-0001-2020

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Post Falls Highway District has no objections to this ordinance change.



Jonie Anderson
Administrative Assistant
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfalls.gov>
Sent: Monday, December 19, 2022 11:06 AM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>;
audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill
Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA
GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Chad Polak <Chad.M.Polak@p66.com>;
Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman
<criedeman@kec.com>; D1Permits <d1permits@itd.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden
<danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David
Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>;
Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA
<dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellen Smith <ellen.smith@itd.idaho.gov>;
Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eporter@postfalls.gov>; Field
Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J
Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis

<jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; lauriep@kootenaifire.com; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bnsf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller <momiller@quantatelcom.com>; Naomi Tierney <ntierney@postfalls.gov>; Pat Knight <pknight@postfallspolice.com>; PFHD <contactus@postfallshd.com>; PFPD <admin@postfallspolice.com>; Phillip Evander <PEvander@kec.com>; Post Falls Chamber <pam@postfallschamber.com>; Preston Hill <phill@postfallsidaho.org>; Rob Palus <rpalus@postfalls.gov>; Robert Seale <rseale@postfalls.gov>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfalls.gov>; Shelly Enderud <senderud@postfalls.gov>; Stacy Simkins <stacy.simkins@itd.idaho.gov>; Stephanie Herman <speugh@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Symone Legg <symone.legg@itd.idaho.gov>; Teresa Benner <tbenner@postfalls.gov>; Thomas Gwin <thomas.gwin@twcable.com>; Tisha Gallop <tgallop@postfalls.gov>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfalls.gov>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; James Steffensen <james.steffensen@bannerbank.com>; Kevin Ward (gatheredfamilyrestaurant@gmail.com) <gatheredfamilyrestaurant@gmail.com>; Nancy Hampe <nancyradiantlake@gmail.com>; Ray Kimball <rkimball@whipplece.com>; Ross Schlotthauer <ross@burlyproducts.com>; Ryan Davis <rldavis208@gmail.com>; Vicky Jo Carey <vjcarey@aol.com>

Subject: Idaho St Housekeeping TA-0001-2020

Good morning,

Attached is the notice to jurisdiction for the named text amendment. For the Planning and Zoning on January 10th. the draft staff report will be on the city's website shortly.

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

All Commissioners agreed this was clear

2. Amendments to the Zoning Map should be in accordance with the Goals and Policies found in the Post Falls Comprehensive Plan.
Davis – I think Porter covered it; he did a great job any other addition? No?
3. Zoning assigned to following consideration such as items of street classification, traffic patterns, existing development, future land use, community plans, geographic and natural features.
Kimball – These fits in with the existing development pattern and this is just housekeeping really.
Steffensen – Fits well with the traffic patterns too.
4. Commercial and high-density residential zoning typically assigned along streets with a higher road classification.
Not applicable
5. Limited neighborhood commercial, low-density residential zoning is typically assigned for properties as they proceed further away from higher intensity Urban activities ensuring that adequate land is available for future housing needs.
Not applicable
6. Industrial zoning is typically assigned to properties with sufficient access to major transportation routes and maybe situated away from residential zoning.
Kimball – It has access directly on Commerce Drive which is a commercial route and butts up to Seltice Way which is an arterial, so it fits.
Steffensen – It does have buffering between the residential zone that is to the south.

Motion to recommend to City Council finding it meets approval criteria in the PFMC and as outlined in our deliberations and direct staff to prepare a Zoning Recommendation with the zone change from Heavy Industrial to Industrial. - Hampe
2nd by Schlotthauer

Vote Steffensen – Yes; Carey – Yes; Kimball – Yes; Ward – Yes; Schlotthauer – Yes;
Hampe - Yes
Moved

- B. **Recommendation** Post Falls Title 18A Idaho St. Housekeeping Ordinance File No. TA-22-6 – Jon Manley, Planning Manager, to present adding development standards; ensuring non-residential uses on the main floor of the development along Idaho St; within Title 18A for the SC5 and SC6 zoning districts. The requested action is to review and approve the requested amendments to the Title 18A. This amendment is specific to zones SC5 and SC6; The ground floor of any structure constructed on a lot with frontage on Idaho or Spokane Streets must be used for non-residential uses. The purpose is so we don't have apartments right along the prime commercial corridors for mixed use. As you can see our downtown area is SC5 and SC4 and along 4th and Idaho St you have SC5. A Developer was looking for this part of the code that never was codified, which is why we are bringing it forward again to gain adoption in a timely manner, so applicants want this code and so does staff. SmartCode 5 encourages a walkable corridor verses a typical auto centric type of development. All agencies have been notified with Yellowstone Pipeline and Post Falls Highway District having no comment/objection.
Ward – Just north of the Freeway on Spokane St., is that part of it?
Manley – This map was part of the previous public hearing on this, call me lazy but I didn't change it. So, this area has already been changed to SC5.

Ward – It was already approved for a bunch of apartments, right?

Manley- It's been planned for a mixed-use development along Spokane St and behind that they had planned on some residential units.

Herrington – To clarify, Spokane St. is already included in our current code. This request is just to add Idaho St.

Manley – Also it is only for the SC5 and SC6 areas.

Testimony:

In Favor - None

Neutral - None

In Opposition - None

Motion to recommend approval to City Council as presented by Kimball
2nd by Carey

Vote Hampe - Yes; Schlotthauer – Yes; Ward – Yes; Davis – Yes; Kimball – Yes; Carey – Yes; Steffensen - Yes

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

HAMPE – NEW UPDATED ALLOWED USE TABLE

7. ADJOURNMENT 6:06PM

Questions concerning items appearing on this Agenda should be addressed to the Community Development Department – Planning Division at 408 Spokane Street or call 208-773-8708.

The City Hall building is handicapped accessible. If any person needs special equipment to accommodate their disability, please notify the City Media Center at least 24 hours in advance of the meeting date. The Media Center telephone number is 208-457-3341.

Chair: Ryan Davis Vice Chair: Ray Kimball
Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

Date: 1-31-2023

Chair: 

Attest: 

Amber Blanchette

From: jonie@postfallshd.com
Sent: Tuesday, January 31, 2023 10:43 AM
To: Amber Blanchette
Subject: RE: Title 18A Idaho St. Housekeeping File No. TA-22-6

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Post Falls Highway District has no comment.



Jonie Anderson
Administrative Assistant
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfalls.gov>
Sent: Friday, January 27, 2023 11:11 AM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Chad Polak <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; D1Permits <d1permits@itd.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellen Smith <ellen.smith@itd.idaho.gov>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eporter@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer

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Subject: Title 18A Idaho St. Housekeeping File No. TA-22-6

Good morning,

Attached is the notice to jurisdiction for the named update for City Council on February 21st. The draft staff report will be on the city's website shortly.

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

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CITY OF POST FALLS
AGENDA REPORT
Public Hearings
MEETING DATE: 02/21/2023

DATE: 02/14/2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Jon Manley, Planning Manager
SUBJECT: Impact Fee Update

ITEM AND RECOMMENDED ACTION:

City Council to review the attached Impact Fee Update (Exhibit A) and move to adopt the fees as proposed and direct staff to immediately move forward with an RFQ process to begin a new impact fee study. Alternate example actions are list below for review. – Action Item

DISCUSSION:

PROPOSED CHANGES: The following highlights the proposed changes:

- Adjust impact fees based upon inflationary cost escalations (Note: Capital Improvement Plans were not adjusted)
 - o Typically, the City utilizes the ENR index (Engineering News-Record) for these types of updates. Due to the degree of cost escalations, staff desired to complete a more comprehensive approach in this update.
- Basis is on a ten (10) to twenty (20) year growth cost depending on the Impact Fee category

REVELANT INFORMATION FOR RECOMMENDATION: The following is a recap of essential information discussed at the February 7th workshop to assist with your recommendation:

- The current fee update does not include any methodology changes, only inflationary cost increases for the costs of the projects/land that were within the original impact fee study.
- A new impact study may include the evaluation of items discussed during the workshop:
 - o Parks service level goals for Level 1 and Level 2 Parks.
 - o The options available for districting (pros and cons). This allows the city to separate out areas of the city where the infrastructure needs are different. For example, the downtown area is more infill development.
 - o Methodology for assessing fees for all categories.
 - o Project lists and recommended changes to those lists.
 - o Other potential funding recommendations for the projects listed, if any.
- The new impact fee study, including an RFQ process for consultant selection, will take approximately one year. Some categories take longer than others. Staff recommends breaking the process down into categories with their own study/process, so the categories move on their own schedule and do not wait for the longer process categories.

- During the workshop, there was a brief discussion about borrowing for impact fee projects. The city would be legally required to hold a bond election for the city to use impact fee revenue to secure the debt on a capital improvement bond. There are some issues with using one-time revenues with funding this type of debt, generally creating a higher interest rate in the market and larger reserves/security.
- The project lists are created during master planning. For transportation, staff is currently working on updating this master plan and project list. The Capital Facility study (affects Public Safety Category) was approved in Dec of 2021, so it will not be updated for five to eight more years, unless the Council desires to have staff update this sooner. Projects included in Impact Fee calculations are those which prevent or mitigate deficiencies caused by growth in the City, as identified during master planning. This is legally required to collect impact fees.
 - o Currently deficits are covered by delaying projects (which decreases service levels), using general funds from other projects, and grants.
 - o The proposed fee increases are based on cost increases reflected in recent project costs (primarily since 2020). This means that projects the city has completed since that time have potentially used more collected impact fee dollars than allocated in the project list, leaving a deficit for the other projects.
- There was a discussion on affordable housing projects credits. This is legally permitted but the City would have to determine what revenue would be used to fund these credits. Currently, unless new revenue was allocated (property tax increase for example), staff would have to reduce some other expenditure in the budget to fund this allowance.
- Update from Feb 7th Council meeting: The PD land acquisition was approved to use impact fees and the calculation of the fees for this category is accurately reflected in the current impact fee update.

ALTERNATE ACTIONS FOR REVIEW:

City Council may move to adopt the fees at the following example levels:

- Do not make an increase and maintain the current fees.
- Approve all fees at a uniform lower percentage.
- Individually approve each category based on their own percentage.

If using one of these options, staff would return to Council with options on how to fund the deficiencies created. Staff would also recommend immediately moving forward with an RFQ process to begin a new impact fee study incorporating master planning to account for adjusted levels of service.

SUPPORTING DOCUMENTS:

STAFF EXHIBITS:

Exhibit S-4	P&Z Staff Report
Exhibit S-1	Planning Commission Resolution Approving 2022 Impact Fee Update
Exhibit A:	Technical Memorandum – DIF Interim Update
Exhibit S-2	Developer Impact Fee Forum PowerPoint
Exhibit S-3	Minutes 12-13-2022
Exhibit PA-1	PFHD Comments
Exhibit S-5	Planning and Zoning Signed Resolution
Exhibit S-6	Minutes 1-31-2023
Exhibit PA-2	PFHD Comments

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

City Council reviewed the update at the February 7, 2023 workshop

APPROVED OR DIRECTION GIVEN:

The Planning and Zoning Commission acting as the Impact Review Board reviewed and recommended approval of the proposed Impact Fee Update per the attached minutes Exhibit S-6.

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

The adoption of the increased fees will cover the following increased project/land costs:

Parks Land Valuation increase of \$39,442,740

Public Safety Project Cost increase of \$7,601,012

Transportation Project Cost increase of \$38,978,175

Multimodal Project Cost increase of \$8,910.928.

BUDGET CODE:

N/A

**CITY OF POST FALLS
AGENDA REPORT**

DATE: January 27, 2023

TO: POST FALLS PLANNING & ZONING COMMISSION

FROM: COMMUNITY DEVELOPMENT, ENGINEERING DIVISION
JON MANLEY, PLANNING, (208) 457-3344, jmanley@postfalls.gov

SUBJECT: STAFF MEMO FOR THE JANUARY 31, 2023, P&Z MEETING
DEVELOPMENT IMPACT FEE UPDATE

Title 19 of Post Falls Municipal Code addresses Development Impact Fees, which are collected from developers with the purpose of providing public facilities and system improvements. Impact fees allows for the opportunity for growth to pay its associated impact on public safety, streets, multi modal systems and parks. The ordinance allows for the review and modification of capital improvement plans, and the associated fees to support those improvements, as the City deems necessary. It is the responsibility of the Planning and Zoning Commission, acting as the Development Impact Fee Advisory Committee (DIFAC), to review any changes to the ordinance, capital improvement plans and fees and recommend action by City Council.

This memo is being provided to the DIFAC to present the proposed update to the Post Falls Impact Fees. The following highlights the proposed changes:

- Adjust impact fees based upon inflationary cost escalations (**Note: Capital Improvement Plans were not adjusted**)
 - o Typically, the City utilizes the ENR index (Engineering News-Record) for these types of updates. Due to the degree of cost escalations, staff desired to complete a more comprehensive approach in this update
- Basis is on a ten (10) to twenty (20) year growth cost depending on the Impact Fee category

The City's Consultant utilized Tischler-Bise as the consultant for this inflationary cost update.

Attachment:

Exhibit S-1 Planning Commission Resolution Approving 2022 Impact Fee Update
Exhibit S-2 Developer Impact Fee Forum PowerPoint
link: <https://www.postfalls.gov/development-impact-fees/>
Exhibit S-3 Minutes 12-13-2022

Exhibits:

Exhibit PA-1 PFHD Comments

City of Post Falls Development Impact Fees

1



Introduction:

- Post Falls originally adopted impact fees in 1998.
- Impact fees are one time fees established to equitably have growth pay for the impact to the City's infrastructure on an incremental basis.
- Fees may only be utilized to pay for Capital Improvements (infrastructure) and are not used to pay for maintenance, staffing, vehicles, etc.
- Fees are paid for at the time of building permit issuance.

2



Current Adjustments:

- Current impact fee adjustments are based upon inflationary cost escalations and not updated capital improvement plans.

3



Post Falls Current Impact Fee Categories:

- Public Safety
- Parks
- Streets/Transportation
- Multi-Modal

4



Determination of Fees: Public Safety

Fees Support:

- Police Station
- Ancillary Facilities
- Communication Facilities

Basis:

- Ten year growth costs (Adjusted for 2022): \$15,287,495
- Established on a per person and vehicle trip basis

Determination of Fees: Parks

Fees Support:

- Level 1 and Level 2 Parks
- Indoor Recreation

Basis:

- Established on a replacement based methodology
- Ten year growth costs (Adjusted for 2022): \$30,618,134
- Applied to "residential" only

Determination of Fees: Transportation

- Based upon the City's Transportation Master Plan. System capacity based.
- Twenty year growth costs, less other funding (Adjusted for 2022): \$76,224,153
- Applied on a per trip basis

7



Determination of Fees: Multi-Modal

Fees Support:

- Multi-use trail and bike lane facilities from the Transportation Master Plan

Basis:

- Dollar amount established on a replacement based methodology
- Ten year growth related costs (Adjusted for 2022): \$20,097,031
- Capital improvement plan project dollars set by replacement costs
- To be applied on a per person and per trip basis

8



Figure 7 – Current vs. Updated Development Impact Fees

Residential Development	Development Fees per Unit					Current Fees	
	Development Type	Parks and Recreation	Public Safety	Streets	Multimodal Paths	Total	Current Fee [^]
Multi-Family	\$5,165	\$910	\$1,743	\$1,092	\$8,910	\$5,207	\$3,703
Single Family	\$6,939	\$1,223	\$3,082	\$1,468	\$12,712	\$7,406	\$5,306

Nonresidential Development	Development Fees per Unit					Current Fees	
	Development Type	Parks and Recreation	Public Safety	Streets	Multimodal Paths*	Total	Current Fee [^]
Commercial / Retail Average (820)	\$0.00	\$1.20	\$6.15	\$1.44	\$8.79	\$4.87	\$3.92
Office (710)	\$0.00	\$0.47	\$2.40	\$0.56	\$3.43	\$1.90	\$1.53
Light Industrial (110)	\$0.00	\$0.24	\$1.22	\$0.29	\$1.75	\$0.97	\$0.78
Manufacturing (140)	\$0.00	\$0.19	\$0.97	\$0.23	\$1.39	\$0.76	\$0.63
Warehousing (150)	\$0.00	\$0.08	\$0.43	\$0.10	\$0.61	\$0.33	\$0.28
Mini-Warehouse (151)	\$0.00	\$0.07	\$0.37	\$0.09	\$0.53	\$0.29	\$0.24
Elementary School (520)	\$0.00	\$0.62	\$3.18	\$0.74	\$4.54	\$2.50	\$2.04
Middle School/Junior High School (522)	\$0.00	\$0.64	\$3.29	\$0.77	\$4.70	\$2.61	\$2.09
High School (530)	\$0.00	\$0.45	\$2.29	\$0.54	\$3.28	\$1.82	\$1.46
Day Care (565)	\$0.00	\$1.52	\$7.76	\$1.81	\$11.09	\$6.15	\$4.94
Church (560)	\$0.00	\$0.34	\$1.71	\$0.40	\$2.45	\$1.36	\$1.09
Assisted Living (254)	\$0.00	\$0.20	\$1.03	\$0.24	\$1.47	\$0.81	\$0.66
Nursing Home (620)	\$0.00	\$0.32	\$1.64	\$0.38	\$2.34	\$1.28	\$1.06
Recreational Community Center (495)	\$0.00	\$1.39	\$7.12	\$1.66	\$10.17	\$5.53	\$4.64
Hotel (310) (per Room)	\$0.00	\$404.00	\$2,066.12	\$482.13	\$2,952.25	\$1,639.02	\$1,313.23

[^] City of Post Falls Fee Schedule as of 10/1/22.



Next Steps:

- Hold Public Hearings
- To City Council for Fee Adoption



Carey – Yes

Jones – It could be a combination

Carey – No less than 3'

Jones – So, you could do 9' on one side if you want a big functional side yard instead of a functional rear yard. It is to have an alternating pattern in the form and function of the unit, so it doesn't flow with every single house having a 5' setback on both sides to make them all line up in a nice little row. We wanted to see variety.

Carey – 3 is the minimum right?

Jones – Yes

Carey – So you could have 2 with just 3' and only have 6' total between them?

Manley – Not on the same lot, 2 adjacent though side by side, however, there might be some building code situations regarding fire rating issues. Theoretically you could see 3 and 3 on the same opposing.

Carey – Okay. I just wanted to clarify there would be at least 6' between 2 houses.

Testimony:

In Favor - None

Neutral - None

In Opposition - None

Schlotthauer – I have a question regarding the 3' and the fire code dictated 10' and the first lot built 3' and now the 2nd lot must build 7'.

Jones – Or they can do fire rating.

Kimball – Fire allows for closer; you just have to do fire rated walls, openings, etc. It gets a little tricky but there will probably be 1 builder going through all of the plans and so they may have fire rated walls in some spots but not in others.

Davis – No question block, right Herrington?

Herrington – Nope, you can talk about it, it is a legislative item.

Motion to recommend approval to City Council with the following amendments the Single-Family lot size be reduced to 4,000 square feet from 4,800. To clarify front and side loaded garages can't exceed 360 square feet, and to clarify porches are front porches not side or rear. To emphasize the garage setback to be 20' or reference the section of city code. Allow for rear and side yard fences to be 72" high rather than 48". Kimball

2nd By: Steffensen

Vote: Steffensen – Yes; Carey – Yes; Kimball – Yes; Davis – Yes; Schlotthauer – Yes;

Hampe - Yes

Moved

- D. **Recommendation** Development Impact Fee Update – Jon Manley, Planning Manager, to present an amendment to the Development Impact Fee to accomplish: Adjust impact fees based upon inflationary cost escalations, Basis on a ten (10) to twenty (20) year growth cost depending on the Impact Fee category. The Planning and Zoning Commission serve as the Impact Fee Advisory Committee and the current impact fee adjustments are based upon inflationary costs escalation and not updates capital improvement plans. Public Process to date: on August 2nd City Council approved the financing endeavor; November 2nd Committee review of draft with consultant. November 15th Bob Seale presented to NIBCA, and November 22nd Bill Melvin coordinated informational video on the website and December 6th

an email notification was sent to the development community. Your recommendation is currently scheduled to go to City Council on January 17th. Going back into the impact fees, we have projected growth trends; public safety, parks, streets, multimodal, and they look at the proposed future growth of the community and what capital plans associated, like regional capital plans, are needed to mitigate those impacts of growth. So, impact fees are a way for growth paying for growth. We have a growth rate from 2000 to now, in 2004 we had a jump from 6.5% to 8.8% then the recession hit with a dip down to around 1.6% then in 2021 we went up to 9.2%; Post Falls' average annual growth rate is about 4.7%. This helps take in account of the ups and downs within the community. Impact fees are payment required by local governments of new development for the purpose of providing new or expanded public capital facilities required to serve the community and new developments. (Not used to pay for maintenance, staffing, vehicles, etc.).

Hampe – So, no snowplows.

Manley – That would be equipment.

Herrington – There are some provisions for large equipment like fire trucks etc. but that is specifically delineated in the impact fee.

Hampe – So, it is specific then.

Herrington – Anything with a useful life over 10 years.

Manley - The different sections, public services departments, Parks and Rec, Police, Transportation/Streets, and multimodal, this graph shows the service area is city wide with the fee components and cost allocations. The fees support, Police Stations, Ancillary Facilities, and Communication Facilities for the Public Safety. They base this off a 10-year growth costs (Adjusted for 2022): \$15,287,495 and is established on a per person and vehicle trip basis. Parks base the fees on Level 1 and 2 parks as well as indoor recreation; the basis is established on a replacement methodology; 10-year growth costs (Adjusted for 2022): \$30,618,134 and applied to "residential" only. For the Transportation is based on the City's Transportation Master Plan has a numerous Capital Facilities expenditures and Capital Plans within the Transportation Plan and once again those were not modified or updated just the cost escalation to complete those capital projects. And is applied on a per trip basis. The Multi-Modal supports those trails and bike lane facilities in the Transportation Master Plan with a 10-year growth cost. These changes brought the Multi-Family Impact Fee total from \$5,207 to \$8,910 and the Single-Family from \$7,406 to \$12,712. The non-residential development also sees increases. I want to reiterate this is dealing with the cost of materials and the cost escalations exceeded what we typically modify based off the ENR Index, we were seeing it wasn't doing the impact fee service and escalated beyond what the ENR Index would control.

Hampe – When did we last update this?

Manley – We just recently did it.

Kimball – 2 years ago right.

Manley – 2 years ago was the major update.

Hampe – So, 2 years ago it would have been for a single-family 7,400?

Manley – Slightly less because it was escalated 1 time but now it is, yes.

Hampe – So, with the 12,700 where does that compare to the City of Coeur d'Alene or Hayden? Out of curiosity I am wondering.

Schlotthauer – More

Hampe – We are more, okay.

Kimball – Allot more.

Manley – With the 7,406 we are relative to other jurisdictions. Coeur d’Alene was a little lower than us this will make us slightly more expensive than some of the other communities. I don’t have the totals right now.

Hampe – Okay, I was asking for a general range, and it sounds like we are ahead of the pack.

Manley – That is good input, I will add that slide for Council.

Schlotthauer – How are we going to spend 20 million on bike paths in the next 10 years? Most paths, the developers would have to put them in, right?

Manley – Melvin is the one that coordinates the Transportation Master Plan, and that component is within that plan.

Melvin – Tischler took our multimodal components, doesn’t include every sidewalk or multi-use trail and bike lane that’s in the community, they took the majority of our multimodal Centennial Trail and some other major facilities. They divided it on a linear foot or square foot per population that we had and then project that out over 10-years. So, it’s a replacement base to keep up with the growth and to keep the same amount of multi-use system that we have per population. That is how they established those numbers. We have some rail lines that are going away and will be replaced with trails and some other major facilities.

Manley – Like the Prairie Trail.

Melvin – Yes.

Hampe – So that is just replacement?

Melvin - It’s not repair, it’s keeping the same amount per population.

Hampe – I see what you are saying.

Schlotthauer – Where will we be in 10 Years?

Manley – 2032 about 65,000

Schlotthauer – Vs?

Manley – about 44,004 in the beginning of 2022.

Kimball – So, about 20,000 more.

Schlotthauer – So, about 50% growth and your numbers are about 4.7 per year.

Manley – 4.7 - 4.8 per year.

Kimball – Am I to understand that Capital Improvement project list didn’t change.

Manley – Correct for any of the sectors.

Kimball – So, inflation’s 14%, or the Engineering News Record stated that construction costs went up 14% this year. The highest it has been in many years. We just did this 2 years ago and now we are increasing the Impact Fees overall by 71%? We were either way off before or the cost estimates we are basing these off are way off base, that is too big of a gap.

Manley – Hence why we had Tischler do it and not go by the ENR because we acknowledged that because what we were seeing for quotes wasn’t cutting it.

Kimball – So, we either screwed up last time or we didn’t get it right either time.

Manley – That is assuming the ENR Index is Gospel.

Kimball – It isn’t 50% off, the difference between 14% and 71% is huge.

Hampe – Do you think it will tend to slow growth, out of curiosity? Or discourage it in Post Falls and encourage it in other places?

Manley – The data I have seen is when Impact Fees go up it doesn’t necessarily discourage growth.

Hampe – But it is passed along to those people the consumer.

Schlotthauer – It ends up going to the tenant or the homeowner, everyone has to pay that sooner or later.

Melvin – The ENR we've adjusted it by, historically it has been in that 3, 4, 5% range I think the very last year what we did with an adjustment in the budget was 8%, that was the national range. These dollars are the 2018 dollars, even though it seems like we just adopted it. We had a local consultant, JUB, to do the cost escalations and those dollars were given to Tischler. Applied these new costs to the methodology, they didn't exaggerate the costs, they said here is what you have today.

Kimball – I am going to need to disagree with you a little, they have Right-of-Way in JUB's study at \$300,000/acre; that is \$6.87/square foot. I appreciate that they are looking at projects and trying to estimate a project cost based on no plans and just using a broad scope. I agree on increasing, so 2018 dollars now let increase to the 202 dollars, do the proper increase to the math. But that still doesn't get 71% in 1 year that is a huge pill.

Seale – Additionally, if you look at the cost that parks and police were adding you know those were adjusted, the parks department was adjusted based on land value obviously that has gone up tremendously. The police department had an error or omission within their original set of plans, so that had been fixed with this round. When you look at those 2 cost increases that may lead to the 71% increase. The re-evaluation for the parks department was more than what we had anticipated.

Hampe – Is that to acquire more land?

Seale – Yes, with the parks department the idea is we have x number of acres per person so therefore as we're growing, we want to maintain that ratio of the Level 1 and 2 parks.

Schlotthauer – What can we buy for \$30million in the next 10-years for parks?

Seale – We recently bought \$1million worth of land for parks and public works. Some of it will go towards improvements to the parks.

Schlotthauer – It would be great to have all this money to spend on all the wish list items. Businesses and developers have their pick of where they want to be and if the fees are twice as high in the City of Post Falls as they are down the road, it will discourage the growth here. I recently drove through some depressed areas of Washington; you think of towns growing but not all of the are many are decaying. People have to want to invest in the area and I think that the upfront fees I've seen personally evaluating a commercial project and the fees are a big factor and for the good of the town I hate to see businesses and residents discouraged from improving and building. I don't think we should lose sight of how important it is to incentivize the fact that we are improving, much of Post Falls is being improved and people will look at the Impact Fees, those are really just an upfront tax.

Seale – We do recognize this is a dramatic increase the costs the purpose behind it to follow the plan of making growth pay for itself. We didn't change the plan; projects were not added, and we didn't change anything from the original plan. We did, however, adjust the cost of what we anticipate having to spend on the projects that are developed and built due to the influx of growth. The other route is to have deficient services due to the growth or it gets paid through a different route. We are trying to accommodate for what you have today you still have in 10-years.

Hampe – That is certainly what we have heard from people over and over is to have development pay for itself. I believe there is a lot to be said for that.

Seale – We do plan to look at the Impact Fee Plan within the next couple of years in order to address some of it and potentially doing different zones within the Impact Fee. For the building in areas that are causing more of an impact on those services and networks versus areas that already have those services available. For example, downtown versus the Prairie Ave. Area, downtown already has parks, sidewalks, the infrastructure so there is potentially less of an impact building in the downtown area then if you were building north of Prairie. So,

the impact fee would be higher in the Prairie area versus development impact fees in the downtown area. This could incentivize those businesses within areas that are looking for redevelopment. We are looking at the methodology in the next round of doing the update, there wasn't time for a complete update, the last one took a couple of years. We are currently reacting to a current development of a roundabout up at Prairie and Zorros and the CIP quoted it to be around \$722,000 however, the estimate came back at approximately \$2.1 million. The question came up, if we are only collecting \$722,000 how are we going to build the \$2.1 million project.

Schlotthauer – I think it is important to not overshoot it though. The construction industry is making a major correction right now, residential as well as municipal and as the residential market is slowing those contractors are moving into the public market. You will see decreases in costs like lift stations and roads in my opinion. We do have some high costs; however, things are coming down in price and everything will follow, and we just don't want to overshoot right now.

Manley – From my understanding this is a balancing correction, Melvin acknowledged you have the 2018 base for the transportation elements and Seale brought up the Parkland element. I know the previous 2020 was a little deficient probably in the estimated cost. We all know what the land costs have done in recent times, and I think all of it corrects it, so it is current now. I asked Melvin if he has ever seen a negative percentage in the ENR Index, which was a no so odds are we will not see a minus 2% in the ENR Index, we could, but odds are we won't there is generally an increase.

Kimball – There was one in 2007, -1.6%.

Manley – If we adjusted our Impact Fees accordingly, we would adjust from that.

Kimball – My point is, we should probably continue to use an established index and with such a jump in fees, I am speaking from experience, in a down market when fees double or go up at such a high increment the push back from the development community is to file a lawsuit. When I got into the weeds of this and saw JUB used an estimate of \$27 for a linear foot of curb and I just completed an estimate a couple weeks ago and it was \$17. When I see the costs being such a huge jump, if this goes through a judicial review it will not pass. I don't feel comfortable recommending it.

Manley – There is a balance.

Kimball – The land prices are dropping.

Manley – In the Capital Plan of &780,000 project bid comes in \$2.1 million who picks up the difference? If the Impact Fees are not covering the cost of the Capital Plans.

Kimball – That is also a JUB estimate. With all due respect to JUB they are a great engineering company and I understand where they are coming from. They never want to be the low bidder, when doing an estimate, they want to be high that is how it should be. 2.1 is an overshoot for that as well; the reality of the construction world right now is the prices are dropping.

Schlotthauer – Prices are dropping, and the competitiveness is going up substantially. The price point you are looking at is a pinnacle and I would hate to see us adopt it based on the pinnacle and prevent development from happening because the fees are so extreme compared to our neighbors.

Steffensen – I had said before, I think we are always behind on the 8-ball on these. If we looked at them in 2020 using 2018 numbers, we are behind there and I know full reviews take time however, if it is in another 5 years we might be behind again. Just looking at the growth in 2021 it was over 9% growth and then inflation and I think we are in an exceptional time, and I don't like this increase by any means I don't want anything to slow down our

economy however, maybe this is a correction. Time will tell; have we had a change this much in the past or have we always used that index?

Manley – For the most part we have used the index, the major changes that occurred has been in our updates and staff takes a long time looking at our projects and we try to cost balance them. We try to be responsible in creating our Capital project lists based on what is necessary.

Steffensen – I don't necessarily think we are overshooting.

Melvin – Our Transportation Master Plan for example, we have a 20-year plan that we are trying to maintain a certain level of service requirements. When we developed it, we have a list of Capital Projects, we have not said we're going to fund them completely we use grants, some we get and some we do not get, however, we do apply for them. We also look at partnering opportunities when we can. The last time I was before the North Idaho Building Contractors, they had said they don't like the jump in Impact Fees however, they said if you don't have good park systems, roads, or police facilities and you're not maintaining them then you are not an attractive community to build in.

Hampe – 2018 is when the suggested numbers but they were not approved until 2020. So, it took 2 years, or are we working backwards?

Melvin – The Transportation Plan was adopted in 2018, it took a couple years to do that. If Parks does a new master plan, they will move the impact fees forward and adjust those fees. Same thing with both the Transportation Master plan and the Police Department.

Hampe – Okay, thank you!

****Commission continued the discussion regarding the information already provided above; all agreed to continue the discussion at a later time with more information per department with increases****

Kimball - Motion to move to Jan. 10th (Table) all in favor...
Moved

- **ADMINISTRATIVE / STAFF REPORTS**

None

- **COMMISSION COMMENT**

HAPPY HOLIDAYS/MERRY CHRISTMAS!

- **ADJOURNMENT 8:17PM**

Questions concerning items appearing on this Agenda should be addressed to the Community Development Department – Planning Division at 408 Spokane Street or call 208-773-8708.

The City Hall building is handicapped accessible. If any person needs special equipment to accommodate their disability, please notify the City Media Center at least 24 hours in advance of the meeting date. The Media Center telephone number is 208-457-3341.

Chair: Ryan Davis Vice Chair: Ray Kimball
Members: Vjcky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

Amber Blanchette

From: jonie@postfallshd.com
Sent: Monday, December 5, 2022 11:56 AM
To: Amber Blanchette
Subject: RE: Impact Fee Update

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PFHD has no comment.

Jonie Anderson
Administrative Assistant
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfalls.gov>
Sent: Tuesday, November 22, 2022 10:57 AM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Chad Polak <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eporter@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; lauriep@kootenaifire.com; Lynn Sandsor,

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Subject: Impact Fee Update

Good morning,

Attached is the notice to jurisdiction for the Impact Fee Update for the Planning & Zoning meeting on December 13th. The draft staff report will be on the city's website shortly.

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338
Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

Privileged / confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or send this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply e-mail. Although this email has been scanned for the possible presence of computer viruses prior to dispatch, we cannot be held responsible for any viruses or other material transmitted with, or as part of, this email without our knowledge.

RESOLUTION NO. P&Z 22- 1

**RESOLUTION OF THE POST FALLS PLANNING AND ZONING COMMISSION
ACTING AS THE POST FALLS IMPACT FEE ADVISORY COMMITTEE
RECOMMENDING ADOPTION OF THE NOVEMBER 11, 2022 TISCHLER BIASE
TECHNICAL MEMORANDUM AND RECOMMENDING THAT THE CITY'S
IMPACT FEES BE ADJUSTED BASED ON THE MEMORANDUM**

WHEREAS, the Post Falls Planning and Zoning Commission acts as the Impact Fee Advisory Committee for the City of Post Falls as authorized by I.C. 67-8205; and

WHEREAS, the Post Falls Planning Commission, acting as the Impact Fee Advisory Committee, held a properly noticed public hearing on December 13, 2022 to consider changes to the City of Post Falls Capital Improvement Plan and Impact Fees recommended in a November 11, 2022 Technical Memorandum from Tischler Bise, which is attached as Exhibit "A"; and

WHEREAS, the Post Falls Planning and Zoning Commission has evaluated the recommendations contained in the Technical Memorandum and all evidence received at the public hearing and has determined that certain recommendations of the Technical Memorandum should be adopted.

NOW THEREFORE, BE IT RESOLVED BY THE POST FALLS PLANNING AND ZONING COMMISSION:

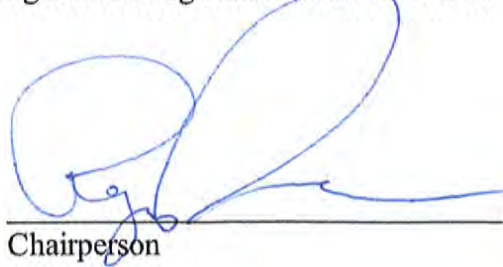
Section 1. That the Planning and Zoning Commission, acting as the Post Falls Impact Fee Advisory Committee has evaluated the recommendations contained in the Technical Memorandum and recommends that the Post Falls City Council adopt the changes to the Capital Improvement Plan and the City of Post Falls Impact Fees of the Parks and Recreation, and Public Safety as recommended by the Technical Memorandum.

Section 2. That the Planning and Zoning Commission, acting as the Post Falls Impact Fee Advisory Committee has evaluated the recommendations contained in the Technical Memorandum and recommends that the Post Falls City Council adopt the changes to the Capital Improvement Plan and the City of Post Falls Impact Fees of the Streets and Multimodal Infrastructure at a lower amount than as recommended by the Technical Memorandum.

Section 3. That the clerk of the Planning and Zoning Commission is directed to provide this signed Resolution of the Planning and Zoning Commission to the Post Falls City Council evidencing this Commission's determination that the recommendations of the Technical Memorandum should be adopted.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

APPROVED by the Post Falls Planning and Zoning Commission on this 13th day of December 2022.



Chairperson

ATTEST:



Amber Blanchette, Planning and Zoning Commission Clerk

calendar in order that it be discussed in greater detail. Explanatory information is included in the Commission agenda packet regarding these items and any contingencies are part of the approval.

ACTION ITEMS:

- a. Meeting Minutes 1-10-2023

Motion to approve as presented by Hampe

2nd by: Carey

Vote: Carey – Yes; Kimball – Yes; Davis – Yes; Hampe - Yes

Moved

2. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Commission on an issue that is not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for that public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, by subsequent appointment. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring action must be placed on the agenda of an upcoming meeting. As such, the Commission cannot take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.

NONE

3. UNFINISHED / OLD BUSINESS

This section of the agenda is to continue consideration of items that have been previously discussed by the Planning and Zoning Commission.

None

4. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

- A. **Recommendation** Development Impact Fee Update – Jon Manley, Planning Manager, to introduce an amendment to the Development Impact Fee to accomplish: Adjust impact fees based upon inflationary cost escalations, Basis on a ten (10) to twenty (20) year growth cost depending on the Impact Fee category. The Planning and Zoning Commission currently serve as the Impact Fee Advisory committee and the current adjustments are based on inflationary cost escalations and not updates on Capital Improvement Plans. We started the process in August, and this was presented to you in December where you asked

for a continuance. We have the Police Department, Parks as well as the Engineering Division to discuss the different areas such as Public Safety, Parks, and Streets. We do have a workshop scheduled for February 7th with City Council. Current fees, proposed fees, and difference between the 2 are listed for reference; multi-family; single-family; and the different commercial types all see an increase. Purpose for the increase is due to the background growth for the Master Planning which on average it has been increasing by 4.7% yearly. Impact fees are payments required by local governments of new development not to be used to pay for maintenance, staffing, vehicles, etc. It's away for growth to pay for itself; current categories are Parks, Police, Transportation; and the new Multimodal Paths.

Greg McLean, Chief of Police – We have not looked into our Impact Fee guides since 2018; we are still looking for Police Department support facilities and the communication facilities, which are the tower sites that allow us to communicate with all the police officers, cars, and different agencies. In 2021, the city did a facility assessment on all the buildings within the city and needs of what we're going to be needing in the future. The Police department is in a major need of an expansion due to the increase in growth, increased calls for service, we've seen 26.6% increase in that since 2018, which means more officers are on the streets to cover the calls. The areas of need due to the population increase are administrative and personnel support space; additional warehouse/storage; modification to the fleet shop to make it more efficient; more fleet, employee and visitor parking needed and to purchase some land to do so. I am currently in negotiation with a property owner to the east of the current police department; trying to acquire it so we can expand to meet codes of the city. The price is about \$11-\$15 per square foot due to it being commercial land. In 2003 we purchased our current facility with the land and shop about 24,400 square feet for approximately \$1.39 per square foot totaling \$3.4 million. To keep up with growth for the next 7-10 years a 16,000 square foot extension on the current facility as well as the outbuildings to support the evidence that is taken in. The estimated cost is about \$12.6 million; this is a big difference from the first facility. We currently collect about \$450,000 in Impact Fees and the estimated time to collect needed amount for the expansion under the current impact fees would be 26 years; the increase would allow for this project to be paid in full earlier. If things are left as they are, we will not be able to afford the loan payment and would need to find an alternative way to pay for the expansion. I watched the last hearing on the increase and the question/concern came up of why people would want to develop in our city. We are the 6th fastest growing city in Idaho. We as well as other agencies provide services that many other cities do not provide. Our Police Department responds to all medical calls, we deploy Narcan for all overdoses, we unlock vehicles, do Vin inspections, etc. many surrounding jurisdictions do not. I need to have officers on the streets for this and when you say why would people want to develop here it would be for the services provided.

Kimball – What was previously stated that most of the increase has to do with inflation. This is a huge increase which doesn't necessarily track with inflation; and I know local construction costs area high right now. However, it was mentioned that there was a mistake in the previous impact fee calculation based on facilities plan cost. Is this correct to your knowledge?

McLean – I am not aware of that particularly; if you are asking about the \$12.6 million to build that 16,000 square foot addition then that was based off of their findings of what the actual cost for the supplies at that time which was 2021. Now, I am not sure if construction costs have come down from these numbers however, I don't believe they would have come

down enough to cover the cost based on \$450,000 annually. Plus, another outbuilding to support our evidence.

Kimball – Were all of those facilities in the 2018 estimates.

McLean – Yes.

Kimball – So they were grossly underestimated.

McLean – We couldn't afford to cover the cost with the purchase of land that we need on top of that.

Kimball – Okay

McLean – The land we are currently look at is in the excess of the million-dollar area for what is needed to build the extra facilities for the expansion.

Kimball – It sounds like there was a prior mistake because inflation hasn't tracked with even 17% from last year because construction inflation is not 70%, or higher,

Davis - Those numbers don't fall solely on the Police Department expansion alone.

Kimball – I am talking about across the board.

Davis – Across the board, yeah.

Kimball – I am wanting to make sure we are being transparent with everyone regarding the expansion and not basing everything on inflation.

Dave Fair, Parks, and Recreation Director – I reviewed the previous meeting and tried to focus on the questions that came up for you tonight. The Impact Fees support out Level 1 and Level 2 parks and the indoor recreation. They were established on a replacement-based methodology. We took a snapshot of what we were back in 1997 and we've just maintained that with the level of growth. I think we have done a good job keeping with the growth and adding more parks. There was a question on the fees going up and we share your concern; we've looked at it and struggle with the understanding that it is a no-win situation as it isn't going to be perfect and all we can do is work on finding the best solution. Back in 2012 there was a reduction in fees and the Level 2 collections were eliminated; the thought process back then was that we were getting things donated and some point if that process stopped working, we would come back and fix it. Well, it didn't happen in a couple of years, and we struggled with that and in 2017 we started addressing it to go back into the Impact Fees. The delays in the study put land values at 2017-2018 levels we went from 50,000 to 65,000 an acre. We had a level 1 parcel with a developer and agreed on 65,000 an acre so we felt comfortable with that number. As the delay happened, we realized the price of land was going up drastically. The reason I'm focusing on land is we're not looking at construction costs with this, simply land purchases. As the cost of land was going up it became a discussion point with Council, and they were concerned that we wouldn't collect enough to cover the land. So, staff was directed to looking at those fees and like everything it takes time and for Park acquisition we are only looking at land costs for this update. We decided to bring in 2 realtors one did a search for us, and one gave my access to the MLS; we looked at 78 different properties that fit within our parameters. Then we looked at these properties and categorized them under the Level 1 or 2 parks with Level 1 being closer into town. We removed some properties that were commercial and way out of our price range. Almost all Level 2 properties were across the river, or you had to go into Washington to come back into Idaho, which are things we just couldn't consider. We went over recent City purchases we provided all of our findings to TischlerBise and they did an average cost and that is how these numbers were found. The property we have been looking at purchasing was \$65,000 now it is \$239,000; \$5.50 per acre.

Hampe – How long was that?

Fair – That was about a 4.5-year period.

Hampe – Can you repeat those numbers again.

Fair - \$65,000 was what we had agreed on before 2017; and now we are at the 239,000 and I can tell you those numbers have gone down it was \$6 per square foot and now it is around \$5 per square foot. It is like when we purchased the land for the Landings, is waterfront and that is a prime location and was \$500,000 an acre. We won't get all of those so that is why I am comfortable when they say \$176/170,000; don't quote me I'm probably way off. Which isn't the highest or the lowest we've seen; we have purchased land off of Hargrave for about \$70,000/acre with Public Works 5 acres will be a public park however, there isn't access to it yet; we have to put in a road eventually this is a long-term project. So, there are deals out there they just come with issues.

Hampe – How much does the land currently own that is undeveloped.

Fair – Do you mean how much park land do we have? We have passive parks like the Community Forest.

Hampe – But that is currently being used as park.

Fair – Yes.

Hampe – What land is not currently being used as a park.

Fair – We have the Cecil house that was purchased, 3.22-acres, we will be developing it however we have higher priorities and our costs have gone up. We finally received all of our permits from the Fed's for Black Bay Park, and we had to re-apply for the grant which is now being reviewed again. So, developing parks is taking longer because it is more expensive.

Hampe – We only have that 3.5 acres?

Fair – We have the Sports Complex which is 25.5 acres at Tullamore which we hope to break ground on that in 3 years when we have enough money to start the process. We have put in the roads on Cecil (half the road) along with a water line and we have done all of the structural soil, so we are ready and those are the 2 properties we have. We also have some parcels that are due to us from developers, we are waiting for there process and timing of getting those in. This is all part of our calculations for maintaining that level of service.

Hampe – So if you bought the property now when would it be developed?

Fair – Between having the money and getting the designs and permits we are looking at probably 5-6 years out.

Hampe – So purchasing it now it would be 5-6 years out.

Fair – I will say the Cecil house we have put on hold because it isn't the highest priority. The community came forward and we completed a Master Plan for Black Bay Park, and it was a little bigger than expected so, we have been saving funds and applying for grants to complete it. The Sports Complex is also a high priority, and a lot of money has been put into already it's just all underground. We were surprised with having to put in our share of the road, but we did it. We just finished the development of the Landing which was a joint project with Avista. That is how we stretch things, we go after grants, we work with partnerships, and we work with developers to one in particular to get some softball fields in. The Prairie Trail was a recent purchase we are currently working with the developer on that. We got a great deal on that because the State DOT took the brunt of the cost with the purchase of the Crossings. We can't really include this purchase when equating the cost of property because I don't think the State will help us on too much more. A developer will put in streets, curb, gutter, sewer, water however it doesn't happen for Parks. If a developer does put it in we have to reimburse them at market cost so that means we are collecting 65,000 an acre and we reimburse them \$235,000 the community is already at a negative.

This is one part of the code that has recently changed and one way to not have to reimburse is by getting the developer to agree or an annexation; these are the only 2 tools I have.

Carey – If you ask a developer to have land in his development for a park, we then have to pay for that, it isn't part of the Development Agreement that they are gifting us the land for a park.

Fair – It can be, sometimes they get extra density for that; that is how we received land in Tullamore it was part of the Master Development Agreement. However, things have changed. So, we now have to work with them upfront and not every developer gets that, but they do have the opportunity. If there is land that is fitting, they have the right for reimbursement. That happened with Foxtail.

Hampe – What changed?

Fair – State laws; the legislature made amendments to impact, and we only get to collect on houses not industrial or commercial.

Kimball – It is my understanding that cities are not allowed to double dip, necessarily. They can't have impact fees for parks and require a developer to give up park land and build it. So, if a developer builds a park and gifts, it to the city, they are mitigating their impact.

Fair – Sometimes that is a good thing, and the developer can build it cheaper than we can, they don't have to have a Public Works license per se depending on when it is developed. If they have already given the land to the city, they do. We are also seeing developments that are not that large you can't ask for a 5-acre park from a 40-acre development, I understand that. So, we look at how we can add onto existing parks. I can tell you there isn't a lot of open land left for parks. We have even spent a lot of time looking for land for a dog park that would fit the requirements; I can't move that fast our process is a bit slower.

Bill Melvin, City Engineer – We contracted with JUB to go through and update the existing Capital Improvement Program costs for both transportation and multimodal. We saw as a result the ENR Index was not keeping up with the Capital Improvement Projects. JUB looked at a unit price analysis with the ITD 10-year historical data, the market volatility, the unit price analysis trends for curb, sidewalks etc. and looked at those types of trends plus bid adjustment factors; are they federal projects that sometimes cost more because of the environmental impacts and more hoops to jump through to fund a federal project or are they local projects that we can fund strictly out of impact fees without getting grants and seek other funding sources. They took a look at project sizes sometimes a larger project we can attract a better bid price with that. I know there was a concern with the Right-of-way costs we had JUB look at for the transportation of multimodal when you actually got into the unit price portion, they were in the \$4.81 - \$6.87 per square foot. That is lower than what you might see for a large expansion of the police facility or a park because they are buying a large piece of property and we are buying a smaller portion of a property to expand right-of-way or to gain a corner of a property to put in a round-about or a traffic signal, etc. The transportation fees are based on the Transportation Master Plan we developed a Capital Improvement Program to maintain the city's level of service requirements for moving traffic. These are based on a 20-year growth cost where there's a 5, 10, and 20-year Capital Plan for the transportation portion of it. As you see the 20-year growth cost is a little over \$76 million which are applied on a per trip basis. They're set trips per residential and apartment units as well as commercial based on size, and they are applied strictly on a per trip basis. The multimodal portion of it is based on the establishment of how much level of service was established based on what the existing miles or linear foot of trail that we had within the city per population. As the city grew it was a replacement-based methodology that was the set criteria. A cost was established to replace an equivalent

amount of that and from that they took those dollars went back and established a Capital Improvement Program. We have this many dollars, here is the needs and here's where these dollars would go. That is how the multimodal was established, they are applied on a per person basis for residential and appropriate bases for commercial and industrial.

Kimball – On the multimodal it's my understanding that the current level of services based on the current number of lane miles of bike lane trails and their bike trails, multimodal pathways, etc. is that correct?

Melvin – Correct.

Kimball – When a project builds a road, let's say a collector, to a standard that has bike lanes and multimodal pathways as part of that, why isn't that just like the park stuff being subtracted back out.

Melvin – Because it isn't listed specifically within the Capital Improvement Plan so, there is a replacement base, every linear foot of trail that somebody puts in in addition to a – it's their requirements as part of the development, so they put a trail adjacent to a roadway as opposed to a sidewalk adjacent to a roadway that's our requirement to complete those improvements. We are looking at areas where expansion of trail systems along where predominantly where for example the Centennial Trail modifications of the trail assisting with the Prairie Trail system that had been established and some areas within the Capital Improvement and McGuire Rd. the areas where we need a much more serious trail system than a developer coming and building to current standards. If a developer did the improvements that are specific to the Capital Improvement Plan, then there would be some reimbursements.

Kimball – How can we use bike lanes and multimodal pathways adjacent to existing streets so the existing stuff as the basis for our level of service but not apply it in the future.

Melvin – That is how it was applied for to establish a replacement-based methodology, so Tischler came up and went through and said this is what you have population as the population grows we're going to replace that and then from there they looked at the Capital Improvement the transportation plan had a multimodal portion of it and took those dollars an applied those to certain projects listed specifically within that Capital Plan. So, if it is within the Capital Improvement and somebody develops to those specific projects then they're reimbursed.

Kimball – But aren't the lane miles that a developer would build on a project also go into the future calculation for replacement-based level of service. So, in 2018 we had 20 lane miles of multimodal pathways and bike lanes, and developers built another 5 miles between then and now and in 2 years we go through the calculations are we going to be using 25 miles as our base.

Melvin – You will have some that where you had a multi-use trail that was adjacent to where somebody built a pathway as opposed to a sidewalk those were not necessarily included within.

Kimball – I am talking about bike lanes and things like that, those would be included right? In a future level of service calculation.

Melvin – If we update the plan.

Kimball – Right.

Melvin – We would have them look at that and see if they include that, that's something our future consultant would guide us in.

Kimball – It seems like allot of developments, I know the little ones don't but allot of the larger ones put in a lot of the bike trails and multimodal pathways and bike lanes and things

like that and they are not getting credit for it. With the multimodal cost, it just seems like a little bit of a double dip.

Melvin – Like I said, it is very specific to the projects that are listed in the CIP for multimodal. Are the projects that the dollars are going towards.

Kimball – With regards to the regular Transportation Master Plan I was going through the list of the short-term projects and compared to the 2018 CIP dollars versus today's and the intersection of Henry and Mullen went from 688,000 to 3.6 million can you explain why that would be the case.

Melvin – I would have to look at that specific project. There are a multitude of projects on there and I couldn't speak to that one specifically. There may have been more right-of-way acquisition or something, but I couldn't speak to that one specifically. I could research it.

Kimball – I mean Idaho and 13th went from 22,000 to 213,000 these are huge jumps. That can't necessarily explain it with inflation.

Melvin – They dug in pretty deep when looking at these projects in regards to the size of the project, how much right-of-way then what was done with the original Transportation CIP so it was completely different consultant, JUB did not do our Transportation CIP and we asked JUB to dig deeper and look at how many lanes and right-of-way is specifically at that intersection as opposed to maybe using more generic costs for something like that.

Hampe – So the project itself could have gotten a little bigger or more.

Melvin – They kept the same Capital Improvement projects, but they looked more critical at each one.

Kimball – So, it is more scope creep rather than inflation costs.

Melvin – We didn't add projects.

Kimball – I am not talking about projects; I am talking about the scope.

Davis – The Scope of the project.

Kimball – It ballooned.

Melvin – We didn't expand the projects either.

Kimball – So, there were gross errors then.

Melvin – I would have to look at the specific elements.

Davis – It is almost what you are beginning to see right.

Kimball – It's either wrong now or wrong then.

Melvin – I would need to look at the specific projects you have.

Kimball – Right. Did JUB look at right-of-way acquisition that comes with development for most of those projects, like the big roundabouts there is a lot of right-of-way that goes with them.

Melvin – If there is right-of-way, we are gaining from the developer it is included within the CIP costs and that is reimbursable.

Fair – I would like to correct a number is stated earlier with the land I think I said 174,000 was what we were looking at for a level 1 and that number was actually 147,000 for level 1 and 87,000 for level 2.

Hampe – Has the thought come up that maybe in a year you could buy this land a little cheaper than you can right now.

Fair – Yes, we've had those discussions we've watched it go up as I said we're looking at an agreement right now at over 200,000 an acre the chief's \$12 an acre isn't that bad I can tell you I have had higher ones that we've looked at and cannot afford. Other things we have discounted are those 5 acres with a house on it, as those costs are even more. I really don't think we will see prices drop much more.

Hampe – I just feel like these are big numbers.

Fair – I feel like a day trader, and I am watching numbers and checking, I'll see a sign and call. I feel pretty tied into it just seeing less and less that is available. To purchase land just to check off a box doesn't do our citizens any good, we want land that is walkable so we can maintain that level of service.

Hampe – Just for the record, are we trying to be good stewards of our community.

Fair – Right.

Davis – I think he is being very diligent with the taxpayer's money, but he also doesn't have the magic ball because in 6 months it could be 20% increase or possibly a decrease we don't know.

Fair – Our previous mayor called me cheap, and he was right, I don't care if it is the city's money, taxpayer's money or mine, I am an old farmer I hate to use the term old, but I want the value to be there.

McLean – The property the PD is looking at 5-6 years ago it was about \$6/square foot, now it is \$12/square foot, and it is very sought after due to it being commercial.

Davis – Kimball, I think I am tracking with you in a sense that I don't want to say was it blown last time, but...

Kimball – I took a deep dive in the transportation stuff and 3.6 million for a 2-lane roundabout is astronomical it should be half that at the most. If it is 3.6 million, we should be looking at different options like a traffic signal for a million. I know it isn't in our Master Plan, I know that's not what we're here to look at tonight I definitely don't feel comfortable with the increase being what it is. With all due respect to JUB, I think their prices are inflated they do that for good reason as they are very conservative, I think we have to be careful on finding that balance between making development pay for development and making sure that development doesn't overpay and the reality is that these dollars just get passed on to the person buying a house, etc. This makes it hard for the Police Chief to find Police officers who can afford to live here. I would feel comfortable recommending an increase just not as steep as it is. I don't know if it is Jermaine to tonight and stating what that number should be, I would feel comfortable with half but that is just a number nothing behind it. I understand the parks and I understand the real-estate for the PD is right next door. It isn't ideal for them to do a satellite office somewhere else. I understand the costs of land is just where they are currently. Philosophically I have a problem with the multimodal stuff but that isn't important. I just don't think the cost on the transportation and multimodal stuff have jumped that high.

Carey- Listening to Kimball, and it is a big jump on that part, and I have to agree maybe there is an alternative way for roads or different things that are little less expensive than the roundabouts or some different way to go. We need to find a middle ground here.

Davis – I think the Chief is right the quality and level of service that's provided here are going to bring people in but as Kimball stated the price is just going to get passed on to those individuals that are coming in.

Hampe – My biggest concern is we are trying to find more affordable with the cottage housing and yet they will still have to pay the extra 70% increase. I feel this is counterproductive to affordable housing. I only know certain questions to ask, the experts are out there, and I don't know how to change those numbers. I don't know enough to suggest a different number. If we choose to not approve then it isn't approved, I just don't know enough to suggest something else.

Davis – From a legal standpoint we are only making a recommendation. In order to make a recommendation we see the Police numbers and parks and we get it. Kimball sounds like your biggest piece is the infrastructure construction piece.

Kimball – Yes.

Davis – Herrington if there is comfort level with some but not all.

Herrington – Again, it is a recommendation to City Council I have the recommendation pulled up and I can do it how you want to structure it.

Hampe – I think the question is, is it a recommendation as a whole? Rather than pieces and parts.

Herrington – The recommendation is to whether or not to adopt the changes to the improvement plan as a whole for the technical memorandum.

Carey – Does staff 100% agree with the transportation costs.

Melvin – We hired JUB who is well respected in the area reviewed their costs and we didn't go into every little specific library as that is what we hired them to do and we felt the cost and unit dollars seemed reasonable.

Herrington – For clarification, I have the recommendation pulled up and if we wanted to break it out into parts it would be okay, I can make those changes on the fly.

Motion Kimball to recommend approval of the Public Safety and Parks Impact Fee increases and further move to recommend approval of the Multi-Model and Transportation Impact Fee increases at a lesser amount than what was presented in the report.

2nd by: Hampe

Vote: Carey – Yes; Kimball – Yes; Davis – Yes; Hampe - Yes

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

NONE

7. ADJOURNMENT 6:33PM

Questions concerning items appearing on this Agenda should be addressed to the Community Development Department – Planning Division at 408 Spokane Street or call 208-773-8708.

The City Hall building is handicapped accessible. If any person needs special equipment to accommodate their disability, please notify the City Media Center at least 24 hours in advance of the meeting date. The Media Center telephone number is 208-457-3341.

Chair: Ryan Davis Vice Chair: Ray Kimball

Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

Date: 2/24/23

Chair/V Chair: 

Attest: 

Amber Blanchette

From: jonie@postfallshd.com
Sent: Monday, February 6, 2023 11:07 AM
To: Amber Blanchette
Subject: RE: Development Impact Fee Update

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Post Falls Highway District has no comment.



Jonie Anderson
Administrative Assistant
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com



From: Amber Blanchette <amberb@postfalls.gov>
Sent: Friday, February 3, 2023 12:51 PM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemeyre <brittany.stottlemeyre@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Chad Polak <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; D1Permits <d1permits@itd.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellen Smith <ellen.smith@itd.idaho.gov>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eportner@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J

Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; lauriep@kootenaifire.com; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bnsf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller <momiller@quantatelcom.com>; Naomi Tierney <ntierney@postfalls.gov>; Pat Knight <pknight@postfallspolice.com>; PFHD <contactus@postfallshd.com>; PFPD <admin@postfallspolice.com>; Phillip Evander <PEvander@kec.com>; Post Falls Chamber <pam@postfallschamber.com>; Preston Hill <phill@postfallsidaho.org>; Rob Palus <rpalus@postfalls.gov>; Robert Seale <rseale@postfalls.gov>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfalls.gov>; Shelly Enderud <senderud@postfalls.gov>; Stacy Simkins <stacy.simkins@itd.idaho.gov>; Stephanie Herman <speugh@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Symone Legg <symone.legg@itd.idaho.gov>; Teresa Benner <tbenner@postfalls.gov>; Thomas Gwin <thomas.gwin@twcable.com>; Tisha Gallop <tgallop@postfalls.gov>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfalls.gov>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; Joe Malloy <jmalloy@postfallsidaho.org>; Josh Walker <jwalker@postfallsidaho.org>; Kenny Shove <kshove@postfallsidaho.org>; Kerri Thoreson <kerrit@postfallsidaho.org>; Lynn Borders <lborders1@frontier.com>; Ron Jacobson <rjacobson@postfallsidaho.org>; Nathan Ziegler <nziegler@postfallsidaho.org>

Subject: Development Impact Fee Update

Good afternoon,

Attached is the notice to jurisdiction for the Development Impact Fee Update for the 21st of February. The draft staff report will be on the city's website shortly.

Please Note my new email address is amberb@postfalls.gov

Thank you,

Amber Blanchette
Planning Specialist
Phone: 208-457-3338

Email: amberb@postfalls.gov



Fear is an illusion, ready to be overcome...

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

CITY OF POST FALLS
AGENDA REPORT
Ordinance & Resolutions
MEETING DATE: 02/21/2023

DATE: 02/01/2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Morris Annexation Ordinance File No. ANNX-0013-2021

ITEM AND RECOMMENDED ACTION:

With approval of the Ordinance Agenda, City Council authorizes the mayor's signature on the Morris Annexation Ordinance.

DISCUSSION:

The applicant (Harlan Douglass) has requested to annex approximately 12 acres into the City of Post Falls with a zoning designation of Community Commercial Services. The property is generally located approximately 500' due north of Prairie Ave. along the west side of Highway 41, near the northwest corner of Highway 41 and Prairie Ave.

On April 12, 2022, a public hearing was held before the Planning and Zoning Commission. After hearing the staff report and receiving testimony the Commission moved to recommend approval of the CCS zone. City Council moved to reconvene at a latter date if the applicant decided to accept the revised Development Annexation Agreement with the added language of no multi-family on May 17, 2022. On September 6, 2022 after Council received the staff report, testimony, and newly signed Agreement they moved to approve the requested annexation of 12 acres and the Community Commercial Services (CCS) zone.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

Yes

APPROVED OR DIRECTION GIVEN:

Approved

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

ORDINANCE NO. _____

ANNEXATION & ZONE CLASSIFICATION OF PROPERTY

That portion of the SE ¼ of Section 24, Township 51 North, Range 5 West, B.M., Kootenai County, Idaho.

13.09 acres generally located on the northwest corner of W. Prairie Ave and HWY 41; north of the nursery on the corner.

(File No. ANNX-0013-2022)

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 13.09 ACRES, THAT PORTION OF THE SE 1/4 OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 5 WEST, B.M., KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF:

WHEREAS, the owners of the real property described in Section 1 of this ordinance requested that the City Council of the City of Post Falls annex the property.

WHEREAS, public hearings were held before both the Planning and Zoning Commission on April 12, 2022, and the City Council on May 17, 2022, and the continuance on September 6, 2022, in accordance with law and a Reasoned Decision was reached; and

WHEREAS, the City Council has determined that the real property adjoins the city limits, that Community Commercial Services (CCS) zoning are suitable and compatible with surrounding land uses and provisions of the Post Falls Comprehensive Plan, that the land uses would fit in with the general development of the City, and it would be in the best interest of the City of Post Falls to annex the property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POST FALLS, IDAHO, AS FOLLOWS:

SECTION 1: That the property legally described in Exhibit A, which is adjacent and contiguous to the City of Post Falls, is hereby annexed into the City of Post Falls.

SECTION 2: That the lands described in Exhibit A to this Ordinance are hereby zoned Community Commercial Services (CCS) as depicted in the attached Exhibit A. Further, the Official Zoning Map of the City of Post Falls will be modified to include the annexed property within the City and to reflect the assigned zoning district.

SECTION 3: That this Ordinance takes effect upon its passage and publication according to law.

Enacted as an ordinance of the City of Post Falls, Idaho, at a meeting of the City Council held on the _____ day of _____, 2023.

CITY OF POST FALLS

BY: _____
Ronald G. Jacobson, MAYOR

ATTEST

BY: _____
Shannon Howard, CITY CLERK

SUMMARY OF POST FALLS ORDINANCE NO. _____

The City of Post Falls, Kootenai County, Idaho hereby gives notice of the adoption of Post Falls Ordinance No. _____, annexing approximately 13.09 acres and zoning the property Community Commercial Services (CCS). The property is generally located on the northwest corner of Prairie Ave. and Highway 41 between Highway 41, and is legally described as:

That portion of the SE1/4 of Section 24, Township 51 North, Range 5 West, B.M., Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of said Section 24; (from which the E1/4 corner of said Section 24 bears North 01°01'59" East a distance of 2,640.05 feet);

thence North 01°01'59" East along the east line of the SE1/4 of said Section 24 also being the existing Post Falls city limits, a distance of 466.73 feet, more or less, to the POINT OF BEGINNING;

thence North 88°00'04" West continuing along said existing Post Falls city limits, a distance of 610.74 feet, more or less;

thence North 01°01'59" East, a distance of 933.44 feet, more or less;

thence South 88°00'04" East, a distance of 610.74 feet, more or less, to the east line of the SE1/4 of said Section 24;

thence South 01°01'59" West along said east line, a distance of 933.44 feet, more or less, to the to the POINT OF BEGINNING.

Gross Area: 13.09 acres, more or less

The ordinance is effective upon publication of this summary. The full text of Ordinance No. _____ is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.

Shannon Howard, City Clerk

Publish once in the City's official newspaper.

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No. _____, annexing real property and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

DATED this day of , 2022.

Warren J. Wilson, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE ANNEXATION BOUNDARY TO THE CITY OF POST FALLS

December 9, 2021

That portion of the SE1/4 of Section 24, Township 51 North, Range 5 West, B.M., Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of said Section 24; (from which the E1/4 corner of said Section 24 bears North 01°01'59" East a distance of 2,640.05 feet);

thence North 01°01'59" East along the east line of the SE1/4 of said Section 24 also being the existing Post Falls city limits, a distance of 466.73 feet, more or less, to the POINT OF BEGINNING;

thence North 88°00'04" West continuing along said existing Post Falls city limits, a distance of 610.74 feet, more or less;

thence North 01°01'59" East, a distance of 933.44 feet, more or less;

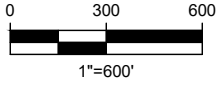
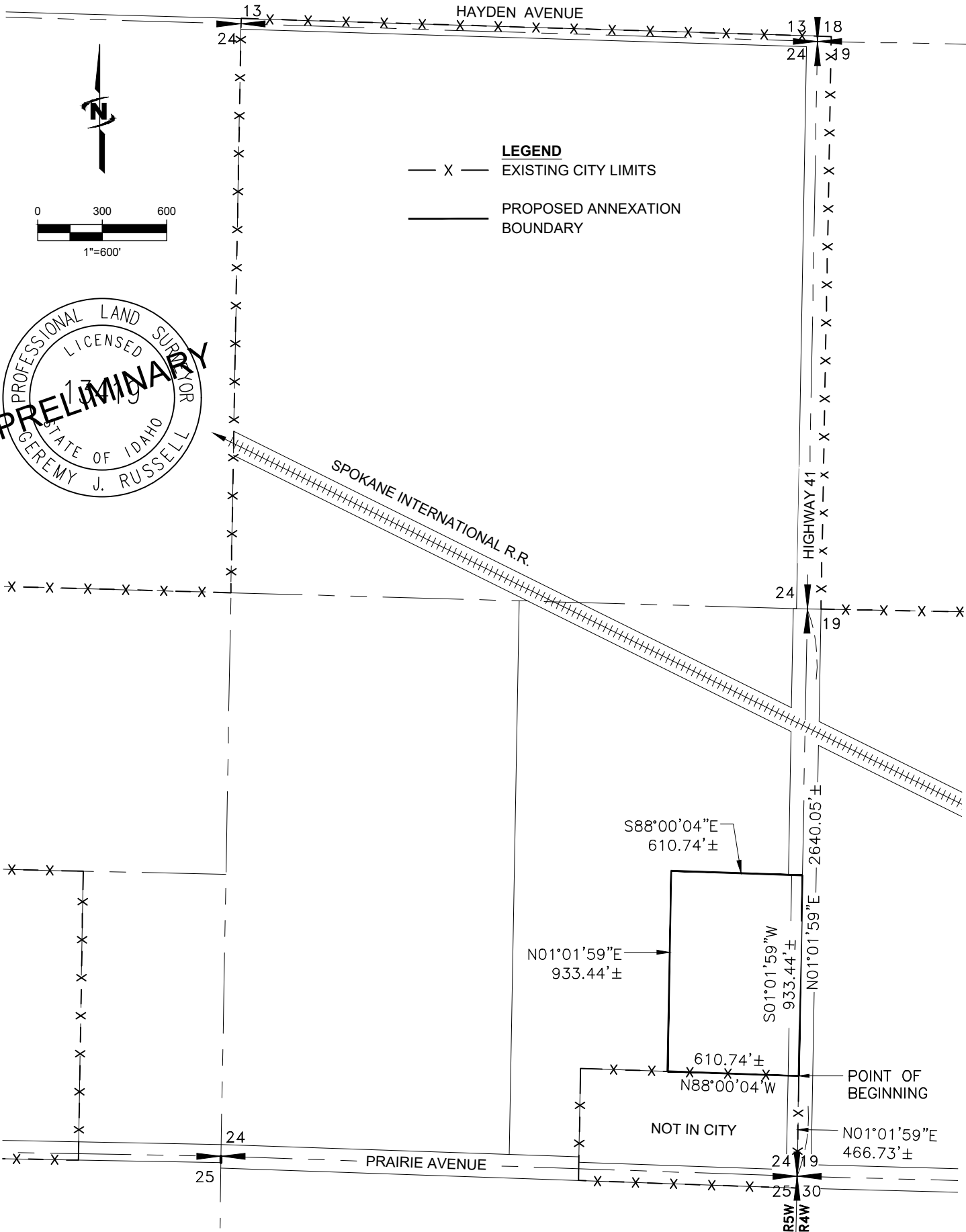
thence South 88°00'04" East, a distance of 610.74 feet, more or less, to the east line of the SE1/4 of said Section 24;

thence South 01°01'59" West along said east line, a distance of 933.44 feet, more or less, to the to the POINT OF BEGINNING.

Gross Area: 13.09 acres, more or less



Plot Date: 12/9/2021 \\CDAFILES\PUBLIC\PROJECTS\JUB\20-18-019 BEYOND GREEN INC\CAD\SURVEY\INW TECH PARK\MODEL\2021_ANNEXATION EX.DWG



LEGEND

— X — EXISTING CITY LIMITS

———— PROPOSED ANNEXATION BOUNDARY



CITY OF POST FALLS
ANNEXATION ORDINANCE NO. _____

PORTION OF THE SE1/4 OF SEC. 24, T 51N, R 5W, B.M.
KOOTENAI COUNTY, IDAHO

CITY OF POST FALLS
AGENDA REPORT
Ordinance & Resolutions
MEETING DATE: 02/21/2023

DATE: 02/16/2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Adams Annexation Ordinance File No. ANNX-22-12

ITEM AND RECOMMENDED ACTION:

With approval of the Ordinance Agenda, City Council authorizes the mayor's signature on the Ordinance for Adams Annexation.

DISCUSSION:

The applicant, Glenn Adams, requested to annex approximately 4.75-acres in to the City of Post Falls with a Single-Family Residential (R1) zoning designation. The property is generally located south of E. 16th Ave and east of N. Idaho St.

On October 11, 2022, a public hearing was held before the Planning and Zoning Commission, after hearing the staff report and public testimony they moved to recommend approval of the zoning designation. City Council moved to approve the annexation request with the R1 zoning designation after hearing the staff report and public testimony on January 3, 2023.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

Yes

APPROVED OR DIRECTION GIVEN:

Approval

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

ORDINANCE NO. _____

ANNEXATION & ZONE CLASSIFICATION OF PROPERTY

**The West half of Tract 39, Block 35, Post Falls Irrigated Tracts, according to the plat recorded in Book C of Plats at pages 78-80, records of Kootenai County, Idaho.
4.75-acres generally located south of E. 16th Ave. and east of N. Idaho St.
(File No. ANN-22-12)**

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 4.75 ACRES, THE WEST HALF OF TRACT 39, BLOCK 35, POST FALLS IRRIGATED TRACTS, ACCORDING TO THE PLAT RECORDED IN BOOK C OF PLATS AT PAGES 78-80, RECORDS OF KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF:

WHEREAS, the owners of the real property described in Section 1 of this ordinance requested that the City Council of the City of Post Falls annex the property.

WHEREAS, public hearings were held before both the Planning and Zoning Commission on September 13, 2022, and the City Council January 3, 2023, in accordance with law and a Reasoned Decision was reached; and

WHEREAS, the City Council has determined that the real property adjoins the city limits, and that Single-Family Residential (R1) zoning is suitable and compatible with surrounding land uses and the provisions of the Post Falls Comprehensive Plan, that the land uses would fit in with the general development of the City and would be in the best interest of the City of Post Falls to annex the property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POST FALLS, IDAHO, AS FOLLOWS:

SECTION 1: That the property legally described in Exhibit A, which is adjacent and contiguous to the City of Post Falls, is hereby annexed into the City of Post Falls.

SECTION 2: That the lands described in Exhibit A to this Ordinance are hereby zoned Single-Family Residential (R1) as depicted in the attached Exhibit A. Further, the Official Zoning Map of the City of Post Falls will be modified to include the annexed property within the City and to reflect the assigned zoning district.

SECTION 3: That this Ordinance takes effect upon its passage and publication according to law.

Enacted as an ordinance of the City of Post Falls, Idaho, at a meeting of the City Council held on the _____ day of _____, 2023.

CITY OF POST FALLS

BY: _____
Ronald G. Jacobson, MAYOR

ATTEST

BY: _____
Shannon Howard, CITY CLERK

SUMMARY OF POST FALLS ORDINANCE NO. _____

The City of Post Falls, Kootenai County, Idaho hereby gives notice of the adoption of Post Falls Ordinance No. _____, annexing approximately 4.75-acres and zoning the property Single-Family Residential (R1). The property is generally located south of E. 16th Avenue and east of N. Idaho Street, and is legally described as:

The West half of Tract 39, Block 35, Post Falls Irrigated Tracts, according to the plat recorded in Book C of Plats at pages 78-80, records of Kootenai County, Idaho.

Except right of way granted to the City of Post Falls recorded December 28, 2012, Instrument No. 2390022000.

The ordinance is effective upon publication of this summary. The full text of Ordinance No. _____ is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.

Shannon Howard, City Clerk

Publish once in the City's official newspaper.

STATEMENT OF LEGAL ADVISOR

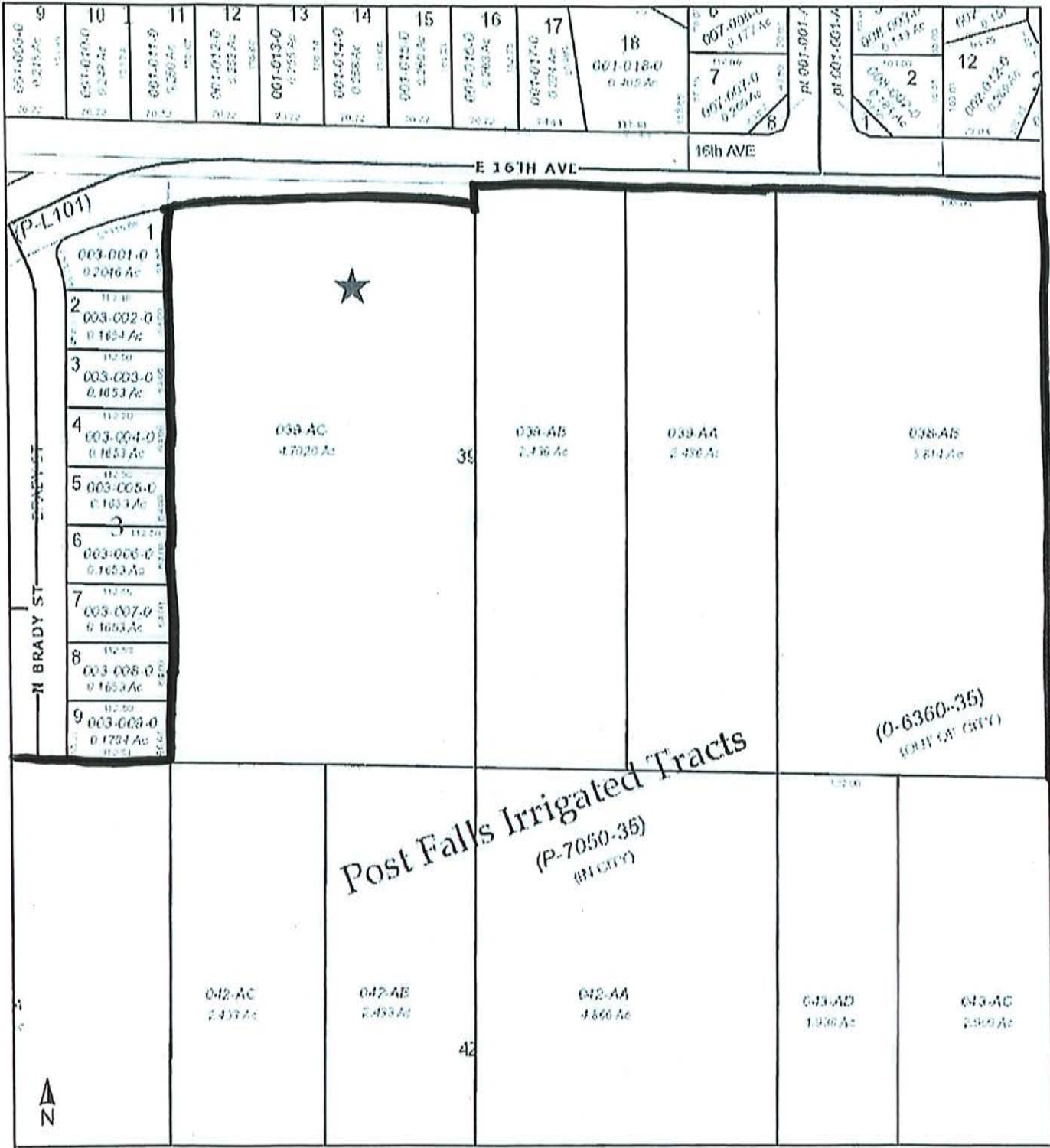
I, Warren J. Wilson, am legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No. _____, annexing real property and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

DATED this day of , 2023.

Warren J. Wilson, City Attorney

City boundary

City of Post Falls Annexation Ordinance# _____



ParcelID: 0636035039AC
Tax Account #: 147467
1022 E 16th Ave, Post Falls ID 83854

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

The West half of Tract 39, BLOCK 35, Post Falls Irrigated Tracts, according to the plat recorded in Book C of Plats at pages 78-80, records of Kootenai County, Idaho. Except right of way granted to the City of Post Falls recorded December 28, 2012, Instrument number 2390022000

CITY OF POST FALLS
AGENDA REPORT
Ordinance & Resolutions
MEETING DATE: 2/21/2023

DATE: 2/17/2023 8:59 AM
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Amber Blanchette
SUBJECT: Joseph Family Trust Annexation Ordinance File No. ANNX-22-7

ITEM AND RECOMMENDED ACTION:

With approval of the Ordinance Agenda, City Council authorizes the mayor's signature on the Ordinance for Joseph Family Trust Annexation.

DISCUSSION:

The applicant, Joseph Family Trust, requested to annex approximately 20.14 acres with Community Commercial Services (CCS) and approximately 20.26 acres with Community Commercial Mixed (CCM) zoning designations. This request is located at the northeast corner of Prairie Ave. and Greensferry Rd.

On July 25, 2022, a public hearing was held before Planning and Zoning Commission and after they received the staff report and public testimony, they moved to recommend approval of the requested zoning designations. City Council moved to approve the requested annexation with the CCS and CCM zoning designation after hearing the staff report and receiving the public testimony on October 18, 2022.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

Yes

APPROVED OR DIRECTION GIVEN:

Approval

FISCAL IMPACT OR OTHER SOURCE OF FUNDING:

N/A

BUDGET CODE:

N/A

ORDINANCE NO. _____

ANNEXATION & ZONE CLASSIFICATION OF PROPERTY

A Parcel of Land Being a Portion of the Southeast Quarter of Section 23 and a Portion of the Southwest Quarter of Section 24, Township 51 North, Range 05 West, Kootenai County, Idaho. 40.560 acres generally located on the northeast corner of Prairie Ave. and Greensferry Rd. (File No. ANNX-22-7)

AN ORDINANCE OF THE CITY OF POST FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO ANNEXING PROPERTY CONSISTING OF APPROXIMATELY 41 ACRES, A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST, KOOTENAI COUNTY, IDAHO; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF:

WHEREAS, the owners of the real property described in Section 1 of this ordinance requested that the City Council of the City of Post Falls annex the property.

WHEREAS, public hearings were held before both the Planning and Zoning Commission on July 25, 2022 and the City Council October 18, 2022, in accordance with law and a Reasoned Decision was reached; and

WHEREAS, the City Council has determined that the land in question adjoins the city limits, and that 20.74 acres of Community Commercial Services (CCS) and 20.26 of Community Commercial Mixed (CCM) (see Exhibit A) zoning are suitable and compatible with surrounding land uses and provisions of the Post Falls Comprehensive Plan and that said land uses would fit in with the general development of the City and would be in the best interest of the City of Post Falls.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POST FALLS, IDAHO, AS FOLLOWS:

SECTION 1: That the property legally described in Exhibit A, which is adjacent and contiguous to the City of Post Falls, is hereby annexed into the City of Post Falls.

SECTION 2: That the lands described in Exhibit A to this Ordinance are hereby zoned 20.74 acres of Community Commercial Services (CCS) and 20.26 of Community Commercial Mixed (CCM) as depicted in the attached Exhibit A. Further, the Official Zoning Map of the City of Post Falls will be modified to include the annexed property within the City and to reflect the assigned zoning district.

SECTION 3: That this Ordinance takes effect upon its passage and publication according to law.

Enacted as an ordinance of the City of Post Falls, Idaho, at a meeting of the City Council held on the _____ day of _____, 2022.

CITY OF POST FALLS

BY: _____
Ronald G. Jacobson, MAYOR

ATTEST

BY: _____
Shannon Howard, CITY CLERK

SUMMARY OF POST FALLS ORDINANCE NO. _____

The City of Post Falls, Kootenai County, Idaho hereby gives notice of the adoption of Post Falls Ordinance No. _____, annexing approximately 41 acres and zoning the property 20.74 acres of Community Commercial Services (CCS) and 20.26 of Community Commercial Mixed (CCM). The property is generally located on the northeast corner of Prairie Ave. and Greensferry Rd., and is legally described as:

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST, KOOTENAI COUNTY, IDAHO AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24 AS MARKED BY A 1.5" A.C. MONUMENT (PER CP&F INSTRUMENT NUMBER 1029892), FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 24 AS MARKED BY A 5/8" REBAR (PER CP&F INSTRUMENT NUMBER 2653609000) BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 24, SOUTH 88°57'55" EAST, 30.0 FEET; THENCE NORTH 00°48'03" EAST, 30.0 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF PRAIRIE AVENUE AND THE EAST RIGHT-OF-WAY OF GREENSFERRY ROAD AND BEING THE TRUE **POINT-OF-BEGINNING** FOR THIS DESCRIBED PARCEL.

THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 00°48'03" EAST, 20.00 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 88°57'55" WEST, 30.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 24;

THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY OF PRAIRIE AVENUE, NORTH 88°42'04" WEST, 70.26 FEET TO THE POINT OF CUSP OF A NON-TANGENT CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 47.38 FEET ALONG SAID RIGHT-OF-WAY CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°29'53" AND A CHORD BEARING NORTH 46°02'59" EAST, 42.61 FEET TO THE POINT OF TANGENCY AND BEING THE WESTERLY RIGHT-OF-WAY LINE OF GREENSFERRY ROAD;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 00°48'03" EAST, 1243.95 FEET TO THE NORTHEAST CORNER OF MEADOWLAND ACRES, RECORDED AS BOOK "G" OF PLAT AT PAGE 402, KOOTENAI COUNTY RECORDS;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 88°47'29" EAST, 40.00 FEET TO THE WEST LINE OF SAID SECTION 24;

THENCE, SOUTH 88°40'41" EAST, 1328.13 FEET TO THE SOUTHWEST 1/16th OF SAID SECTION 24;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE

SOUTHWEST QUARTER OF SAID SECTION 24, SOUTH 00°54'34" WEST, 1292.61 FEET TO A POINT 25' NORTHERLY OF THE SOUTH LINE OF SAID SECTION 24;

THENCE 25' NORTHERLY OF AND PARALLEL WITH SAID SECTION LINE, NORTH 88°57'55" WEST, 662.58 FEET;

THENCE, NORTH 00°50'41" EAST, 5.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF PRAIRIE AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 88°57'55" WEST, 633.05 FEET RETURNING TO THE POINT-OF-BEGINNING.

CONTAINING 40.560 ACRES OR 1,766,781 SQUARE FEET, MORE OR LESS;

The ordinance is effective upon publication of this summary. The full text of Ordinance No. _____ is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.

Shannon Howard, City Clerk

Publish once in the City's official newspaper.

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No. _____, annexing real property and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

DATED this day of , 2022.

Warren J. Wilson, City Attorney



Advanced Technology Surveying & Engineering

LEGAL DESCRIPTION PROPOSED CCS ZONE

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST, KOOTENAI COUNTY, IDAHO AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24 AS MARKED BY A 1.5" A.C. MONUMENT (PER CP&F INSTRUMENT NUMBER 1029892), FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 24 AS MARKED BY A 5/8" REBAR (PER CP&F INSTRUMENT NUMBER 2653609000) BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE ALONG THE WEST LINE OF SAID SECTION 24, NORTH 00°48'03" EAST, 662.14 FEET TO THE TRUE **POINT-OF-BEGINNING** FOR THIS DESCRIBED PARCEL.

THENCE LEAVING SAID SECTION LINE, NORTH 88°49'18" WEST, 40.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF GREENSFERRY ROAD;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, NORTH 00°48'03" EAST, 662.16 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 88°47'29" EAST, 40.00 FEET RETURNING TO SAID WESTERLY SECTION LINE;

THENCE, SOUTH 88°40'41" EAST, 1328.13 FEET TO THE SOUTHWEST 1/16th OF SAID SECTION 24;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24, SOUTH 00°54'34" WEST, 658.81 FEET;

THENCE, NORTH 88°49'18" WEST, 1326.85 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING 20.74 ACRES MORE OR LESS;

Z:\Proj\22-000\22-038\survey\Legal descriptions\Proposed CCS Zone.doc

P.O. Box 3457, Hayden, Idaho 83835
PH. (208) 772-2745 Fax. (208) 762-7731

Exhibit A



Advanced Technology Surveying & Engineering

LEGAL DESCRIPTION PROPOSED CCM ZONE

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 51 NORTH, RANGE 05 WEST, KOOTENAI COUNTY, IDAHO AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24 AS MARKED BY A 1.5" A.C. MONUMENT (PER CP&F INSTRUMENT NUMBER 1029892), FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 24 AS MARKED BY A 5/8" REBAR (PER CP&F INSTRUMENT NUMBER 2653609000) BEARS NORTH 00°48'03" EAST, 2648.56 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 24, SOUTH 88°57'55" EAST, 30.0 FEET TO THE TRUE **POINT-OF-BEGINNING** FOR THIS DESCRIBED PARCEL.

THENCE, NORTH 00°48'03" EAST, 50.00 FEET;

THENCE, NORTH 88°57'55" WEST, 30.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 24;

THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY OF PRAIRIE AVENUE, NORTH 88°42'04" WEST, 70.26 FEET TO THE POINT OF CUSP OF A NON-TANGENT CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 47.38 FEET ALONG SAID RIGHT-OF-WAY CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°29'53" AND A CHORD BEARING NORTH 46°02'59" EAST, 42.61 FEET TO THE POINT OF TANGENCY AND BEING THE WESTERLY RIGHT-OF-WAY LINE OF GREENSFERRY ROAD;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 00°48'03" EAST, 581.79 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 88°49'18" EAST, 40.00 FEET TO THE WEST LINE OF SAID SECTION 24;

THENCE, SOUTH 88°49'18" EAST, 1326.85 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24;

THENCE ALONG SAID EAST LINE, SOUTH 00°54'34" WEST, 633.81 FEET TO A POINT 25' NORTHERLY OF THE SOUTH LINE OF SAID SECTION 24;

THENCE 25' NORTHERLY OF AND PARALLEL WITH SAID SECTION LINE, NORTH 88°57'55" WEST, 662.58 FEET;

THENCE, SOUTH 00°50'41" WEST, 25.00 FEET TO A POINT ON SAID SOUTH SECTION LINE;

THENCE ALONG SAID SECTION LINE, NORTH 88°57'55" WEST, 633.03 FEET RETURNING TO THE POINT-OF-BEGINNING.

CONTAINING 20.260 ACRES MORE OR LESS;



Z:\Proj\22-000\22-038\survey\Legal descriptions\Proposed CCM Zone.doc

ANNEXATION EXHIBIT

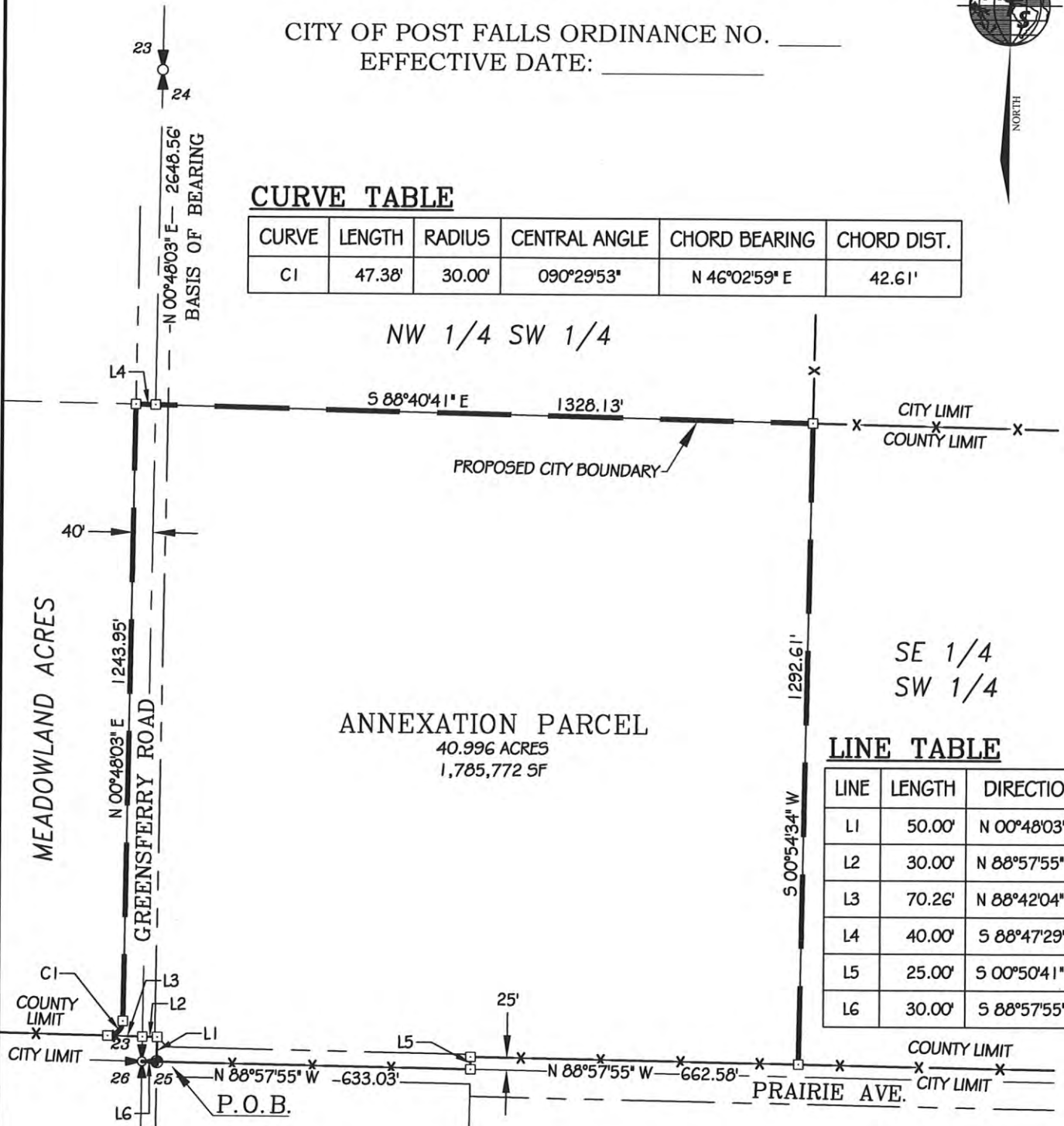
A PORTION OF SECTIONS 23 & 24 T. 51 N., R. 04 W., B.M.,
KOOTENAI COUNTY, IDAHO

CITY OF POST FALLS ORDINANCE NO. _____
EFFECTIVE DATE: _____



CURVE TABLE

CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DIST.
CI	47.38'	30.00'	090°29'53"	N 46°02'59" E	42.61'



ANNEXATION PARCEL
40.996 ACRES
1,785,772 SF

LINE TABLE

LINE	LENGTH	DIRECTION
L1	50.00'	N 00°48'03" E
L2	30.00'	N 88°57'55" W
L3	70.26'	N 88°42'04" W
L4	40.00'	S 88°47'29" E
L5	25.00'	S 00°50'41" W
L6	30.00'	S 88°57'55" E

GRAPHIC SCALE



SCALE: 1" = 300'

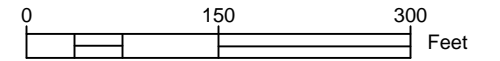
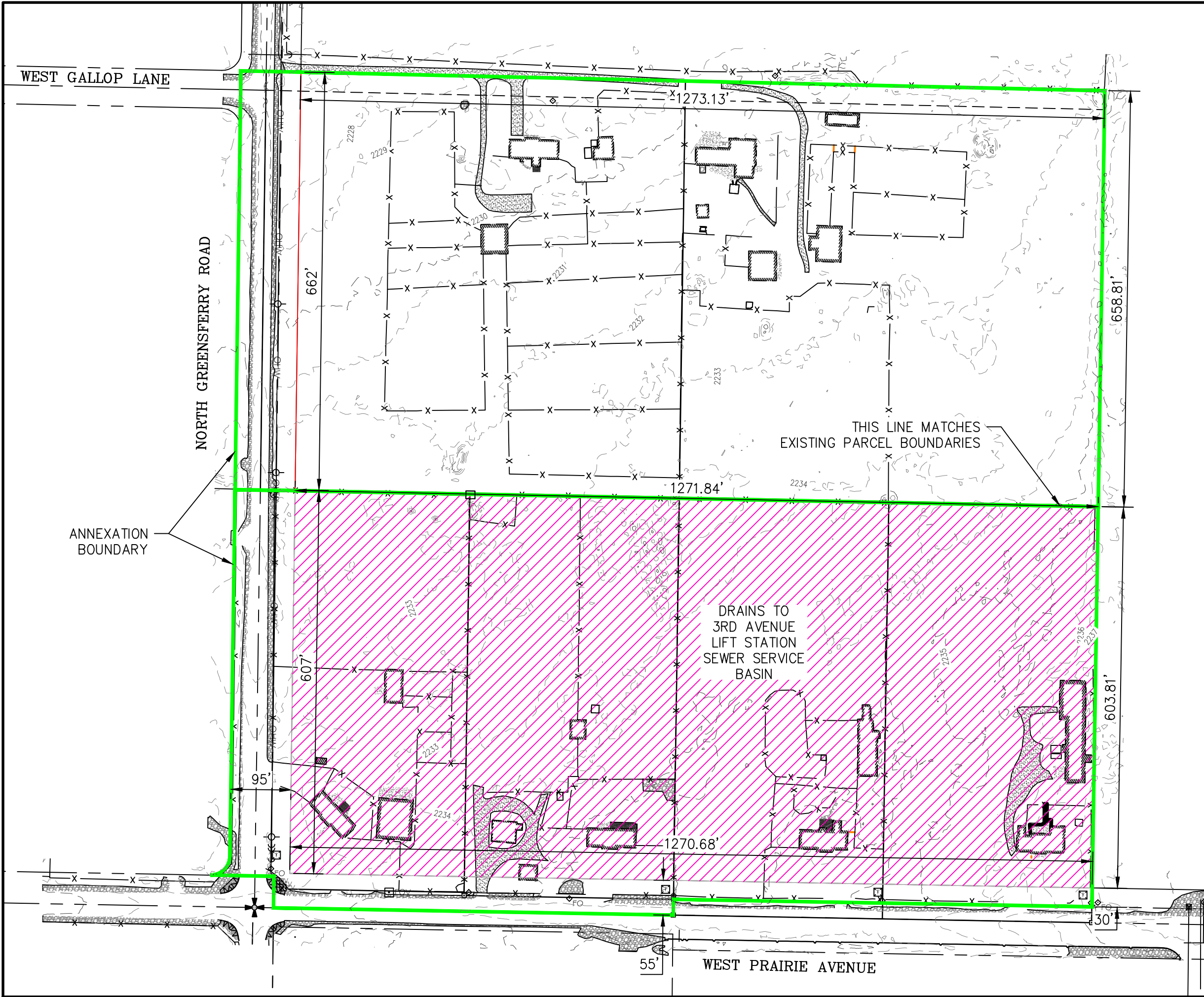


ADVANCED
TECHNOLOGY
SURVEYING &
ENGINEERING
INC.

P.O. BOX 3457, HAYDEN IDAHO, 83835
* PH. (208)-772-2745 * FAX (208)-762-7731 *

SCALE: 1"=300'
CHECKED BY: MM
DATE: 03-08-2022
DRAWN BY: MEM
DATE: 03-08-2022
DWG: HARDCOPY
PRJ: 22-038

c:\users\eric_olson\olson_engineering\projects\2021\21130-joseph_prairie_ave_storage\2022.06.20-joseph_annexation_sewer_basin_exhibit.dwg



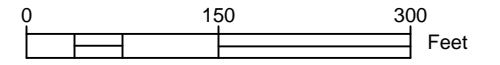
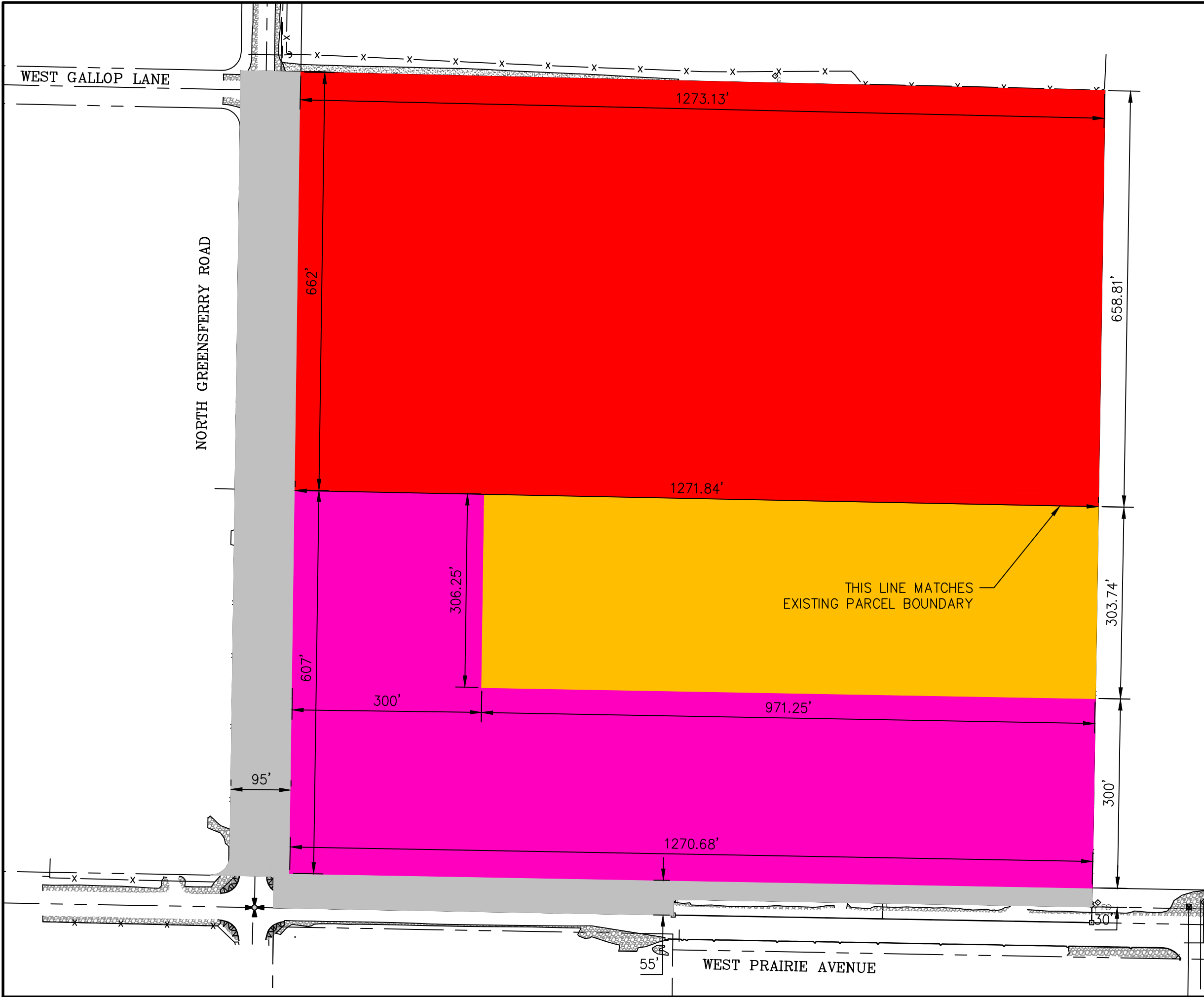
Olson Engineering
 208-651-4152
 eo@oecivil.com

prj: **JOSEPH ANNEXATION**

loc: **POST FALLS, ID**

SEWER BASIN MAP

c:\users\eric_olson\olson_engineering\olson_engineering - projects\2021\21130-joseph prairie ave storage\dwg\2022.05.25-joseph annexation zoning exhibit.dwg



- PROPOSED CCS ZONE
19.291 ACRES
- PROPOSED CCM ZONE
COMMERCIAL &
INCUBATOR INDUSTRIAL
10.865 ACRES
- PROPOSED CCM ZONE
MARKET DRIVEN
COMM, LT IND, RESIDENTIAL
6.803 ACRES
- RIGHTS OF WAY
4.036 ACRES

TOTAL ANNEXATION REQUEST
40.995 ACRES

RESIDENTIAL MAXIMUMS:
38.5% OF CCM
18.4% OF DEVELOPMENT LAND
16.6% OF TOTAL ANNEXATION

	Olson Engineering 208-651-4152 eo@oecivil.com
	prj: JOSEPH ANNEXATION
loc:	POST FALLS, ID
PROPOSED ZONING & LAND USE EXHIBIT	

Exhibit C

**CITY OF POST FALLS
AGENDA REPORT
UNFINISHED BUSINESS**

MEETING DATE: February 21, 2023

DATE: February 14, 2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Andrew Arbini, Projects Division Manager

SUBJECT: Contract Amendment with J-U-B for Construction of the Outfall, Phase 1

ITEM AND RECOMMENDED ACTION: City Council approves and authorizes the Mayor to sign the Contract Amendment with J-U-B Engineers for the Water Reclamation Facility Outfall replacement project.

DISCUSSION: This Contract Amendment is an increase of \$10,000 to the Construction Engineering Management Task for services related to the replacement and installation of a section of the Outfall pipeline. The City authorized an Engineering and Design Services Agreement in 2018, to begin design of the Water Reclamation Facility Outfall and future reuse line across the Spokane River. In March 2021, the City approved a contract amendment for construction management services to construct the new Outfall.

Several delays have occurred in the construction of the New Outfall pipeline that include impacts to the supply chain market and materials availability. The project has also presented challenging site conditions with pipeline construction on a steep slope that includes in-water work. These delays have been largely eclipsed when the pressure testing, following pipeline installation in 2021, indicated a section of pipe was out of compliance with the allowable leakage. McMillen proposed a remedy and the City agreed to a change order to install a Cured in Place Pipe (CIPP) liner to address the City's concerns and those of our design Engineer J-U-B. Unfortunately, installation of the CIPP product was unsuccessful. Following that installation attempt, McMillen proposed replacing the section of pipeline in question. Onsite replacement started early January 2023. Installation was completed and following a successful pressure test, the contractor reached Substantial Completion on February 2, 2023. Except for final site restoration and closeout items, construction of the Outfall is considered complete, and the pipeline is in service.

The City is negotiating the contract closeout with McMillen and these negotiations will include consideration for the additional Engineering Management Services as it relates to the challenges in the project as described in this memo. It is anticipated that a final resolution to the construction contract will be recommended by City Staff at a future City Council meeting.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON:

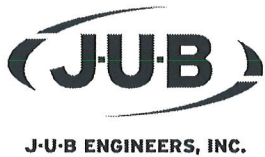
September 14, 2022 – CIPP and Schedule Change Order
March 16, 2021 – Contract Amendment for Construction Management Services
February 2021 – Update to Idaho Department of Lands Easement
August 2019 – Additional Services Agreement with McMillen for a Quality Assurance Project Plan
May 2019 – Additional Services Agreement with J-U-B Engineers for additional Geotech evaluation
February 2019 – Construction Manager/General Contractor Services Agreement with McMillen Jacobs
August 2018 – Engineering and Design Services contract with J-U-B

APPROVED OR DIRECTION GIVEN: City Council approved the items listed above

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: Funding for this work will come from the Water Reclamation Facility Capital Improvements budget. Payment for work outlined is in the amount of \$10,000. Contract closeout with the contractor is expected to provide coverage for this additional expense related to the delay in work completion.

BUDGET CODE: 651-463.6505.95520

SUPPORTING DOCUMENTS: Contract Amendment



J-U-B ENGINEERS, Inc.
AGREEMENT FOR PROFESSIONAL SERVICES

Authorization for Contract Amendment

CLIENT: City of Post Falls, Idaho
Project Name: Water Reclamation Facility Outfall and Reuse Pipeline Project
J-U-B Project Number: 20-18-054

- 1. Amendments. The following amendments to Attachment 1 – Scope of Services, Basis of Fee and Schedule to the project referenced above have been or will be performed by J-U-B ENGINEERS, Inc. (J-U-B). These Amendments are a supplement to the scope of services contained in J-U-B's existing Agreement for Professional Services for this Project, dated August 21, 2018. All other TERMS AND CONDITIONS of said Agreement remain in full force and effect.

J-U-B will continue to provide engineering support services to the Task 500 Construction Engineering Management to support the Final Completion of the Outfall Project Construction through the Hillside Replacement work and final observation services. This Authorization for Additional Services form adds \$10,000 to the total contract amount for a revised Task 500 budget amount of \$78,100 (\$68,100 + \$10,00.00).

- 2. Verbal Authorization by CLIENT, if Applicable. J-U-B was verbally authorized by the CLIENT to provide these Amendments by:

Name Date

- 3. Payment for Amendments. Unless otherwise noted below, J-U-B will provide these Amendments on a time and materials basis, using J-U-B's standard billing rates or, if applicable, the billing rates established in the initial Agreement for Professional Services.

Other Basis for Payment:

- 4. Schedule of Services. Due to the Amendments, the Schedule of Services to be performed under the original Agreement for Professional Services is modified as follows:

Dated this ____ day of ____, ____.

CLIENT

J-U-B ENGINEERS, Inc.

By: Project Representative or Authorized Signatory for CLIENT

By: Project Representative or Authorized Signatory for J-U-B

Print or Type Name and Title

A. Jay Hassell, Area Manager

**CITY OF POST FALLS
AGENDA REPORT
ADMINISTRATIVE / STAFF REPORTS
MEETING DATE: FEBRUARY 21ST, 2023**

DATE: FEBRUARY 13, 2023
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROBERT S. PALUS, PE – ASSISTANT CITY ENGINEER
SUBJECT: PRAIRIE AVE. – ROADWAY IMPROVEMENTS

ITEM AND RECOMMENDED ACTION: Discussion on the status of Prairie Avenue and associated Transportation Projects that are under development. No action is required or being requested at this time.

DISCUSSION: Prairie Avenue is a locally and regionally significant roadway for commercial and residential purposes. Prairie Avenue is a classified Primary Arterial Roadway for the City of Post Falls and a Critical Arterial Corridor by the Kootenai Metropolitan Planning Organization (KMPO). There are several projects, specifically within the vicinity of SH41, that will move towards the redevelopment of Prairie Avenue from it's current 2-lane configuration to a 5- lane facility, including appropriate traffic control devices. Funding along this corridor is project specific and may contain a mixture of improvements by private development, City impact fees, Urban Renewal and State of Idaho grants. This discussion will cover the current status of anticipated projects that are under development along Prairie Avenue and the methodologies being used to provide a safe and efficient roadway that address the local and regional needs.

ITEM / PROJECT PREVIOUSLY REVIEWED BY COUNCIL ON: N/A

APPROVED OR DIRECTION GIVEN: N/A

FISCAL IMPACT OR OTHER SOURCE OF FUNDING: City Participation with Post Falls Highway District and Developers for portions of improvements. Project funding is none at this time. City would assume ownership and maintenance of sanitary sewer and roadway improvements upon completion of construction and acceptance of improvements meeting City Standards.

BUDGET CODE: N/A

SUPPORTING DOCUMENTS: Powerpoint presentation.