



**PLANNING & ZONING COMMISSION
MEETING AGENDA**

**February 8, 2022
5:30 PM**

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

MEETING ATTENDEES ARE ENCOURAGED TO MAINTAIN A 6 FOOT SEPARATION FROM OTHER ATTENDEES AT THE MEETING AND MASKS ARE ENCOURAGED FOR THOSE WHO HAVE NOT BEEN FULLY VACCINATED FOR COVID-19.

THE MEETING MAY BE VIEWED ON CABLE CHANNEL 1300 OR LIVESTREAMED ON THE CITY'S YOUTUBE CHANNEL (<https://www.youtube.com/c/CityofPostFallsIdaho>).

WRITTEN TESTIMONY AT PUBLIC HEARINGS IN LIEU OF ATTENDING IN PERSON IS ENCOURAGED. WRITTEN TESTIMONY WILL BE CONSIDERED TO THE SAME EXTENT AS LIVE TESTIMONY.

REGULAR MEETING – 5:30 PM

CALL TO ORDER

*** PLEASE TURN OFF YOUR CELL PHONES ***

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Carey, Hampe, Steffensen, Davis, Ward, Schlotthauer, Kimball

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- NATIONAL BOY SCOUT DAY

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

Commission members are requested to declare if there is a conflict of interest, real or potential, pertaining to items on the agenda.

1. CONSENT CALENDAR

The consent calendar includes items which require formal Commission action, but which are typically routine or not of great controversy. Individual Commission 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 Commission agenda packet regarding these items and any contingencies are part of the approval.

ACTION ITEMS:

- a. Minutes – January 26, 2022, Planning and Zoning Commission Meeting
- b. Reasoned Decision – Dual Brand Hotel Special Use Permit File No. USE-0006-2021
- c. Reasoned Decision – Pointe at Post Falls 4th Add Subdivision File No. SUBE-0018-2021

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. Comments on issues that are planned for future meeting agendas should be held for that meeting

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.

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. Post Falls Baptist Spokane St Special Use Permit File No. USE-0007-2021 – Laura Jones, Associate Planner, to present a request to maintain and expand the existing church within a Single Family Residential (R-1) zone.
- B. Grace Delight Special Use Permit File No. USE-0008-2021 – Ethan Porter, Associate Planner, to present a request for implementation of twinhome design standards in a Community Commercial Services (CCS) zone.
- C. Hughes Annexation File No. ANNEX-0010-2021 – Jon Manley, Planning Manager, to present a request for a recommendation to city council for a zoning designation of Residential Mixed (RM) upon annexation of approximately 103 acres.

5. ADMINISTRATIVE / STAFF REPORTS

6. COMMISSION COMMENT

7. ADJOURNMENT

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.

**City of Post Falls
Planning and Zoning Commission Agenda**

February 8, 2022

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



**PLANNING & ZONING COMMISSION
MEETING MINUTES**

**January 26, 2022
5:30 PM**

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

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CALL TO ORDER

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PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Carey, Hampe, Steffensen, Davis, Schlotthauer - Present
Ward, Kimball - Excused

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

Today is National Peanut Brittle Day

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.

N/A

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

Commission members are requested to declare if there is a conflict of interest, real or potential, pertaining to items on the agenda.

None

1. CONSENT CALENDAR

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ACTION ITEMS:

- a. Minutes – January 11, 2022, Planning and Zoning Commission Meeting

Motion to approve as presented by Carey

Second By: Steffensen

Vote: Hampe – Abstain; Schlotthauer – Abstain; Davis – Yes; Carey – Yes; Steffensen – Yes

Moved

2. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Commission 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 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. Elm Place Subdivision File No SUBD-0019-2021 – Ethan Porter, Associate Planner to present – The owner is Robert Wilhelm. The applicant is Dobler Engineering. **(Action Item)** – approval to subdivide 1.11 acres into 12 lots conforming to the R-2 twin home standards. The location is north of I-90, right along Elm Street. The current land use is a single-family home. The water provider is East Greenacres Irrigation District. The sewer is provided by the City of Post Falls. In the surrounding areas there is some R-3 to the west, but mostly R-1 single-family homes. The applicant and the owners submitted a proposed subdivision plan with lot sizes and lot widths which meet the R-2 standards for twin homes, and they do provide the parking area which you can see in the southwest corner. Review Criteria for Subdivisions:
- Water will be provided by East Greenacres Irrigation District.
 - The City has adequate capacity and through development will need to meet design standards.
 - Proposed streets are consistent with the transportation element of the comprehensive plan.
 - Proposed Condition 5: Except where an exception is granted, all streetlights and roadways shall be designed and constructed in accordance with City standards.
 - No exceptions to City standards were requested.
 - A five-foot sidewalk shall be provided along the north side of the identified “private road.”
 - The private roadway shall be restricted to parking on one side only.
 - At this time there are no known soil or topographical conditions which have been identified as hazards.
 - The proposed lots and layout comply with the bulk and placement standards for the R-2 (TH) standards.
 - Impact fees and cap fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts to multi-modal services, parks, public safety, streets, City water and water reclamations facilities.

All agencies have been notified. Post Falls Police Department, Kootenai County Fire and Rescue and Post Falls Highway District were the agencies which responded, and each indicated that they remain neutral to the proposed special use.

Carey – What is the parking area?

Porter – It’s just extra parking for the area because on-street parking is limited. They decided and designed an extra parking to help accommodate.

Carey – There would be on-site parking at the individual homes?

Porter – Yes. Essentially, this is just overflow.

Applicant – Gordon Dobler, Dobler Engineering – So this is the additional parking. It’s not required, but we wanted to do it for a couple of reasons. We will provide the required amount of off-street parking in each unit. We will have shared driveways and you can see I have grouped the

water meters every other property line. The one that doesn't have a water meter will have the shared driveway. That's how we'll access the units on site. We have minimized the impact to the on-street parking by using shared driveways. We have also used the overflow parking for the turnaround required by the Fire District. Because of the driveway configuration there is room for snow storage at the end of the street. The owner of the property owns the adjoining property so we will be improving Elm to City standards for the future plans for that property. All required improvement for water, sewer and transportation are incorporated into the design. The road is private road which will be maintained by the HOA along with the parking and the frontage along Elm. The main reason we went with the private road was not because of the standards. The right-of-way requirements would have reduced these lots to a size which would not work. Still, the 28-foot street meets City standards.

Testimony:
In Favor – None
Neutral – None
Opposition – None

Herrington offered a brief description of the new procedure through which each review criteria is discussed rather than each commissioner giving an overview.

Review Criteria Discussion:

1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

2. Adequate provision has been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

3. Proposed streets are consistent with the transportation element of the comprehensive plan.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

5. The area proposed for subdivision is zoned for the proposed uses and the uses conforms to other requirements found in this code.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks and other public facilities within the community. It is the expectation that in most cases, off-site mitigation will be dealt with through the obligation to pay development impact fees.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

Comments:

Hampe – The twin homes are a good product that we need more of, and they are a good fit for that area.

Steffensen – The hope is that this product is a little less expensive and maybe is an entry level home for some people.

Hampe moved to approve Elm Place Subdivision File No. SUBD-0019-2021 finding that it meets the review criteria set forth in the PFMC as outlined in our deliberations subject to conditions 1-7 as contained in the staff report and direct staff to prepare a written reasoned decision.

Second By: Steffensen

Vote: Carey – Yes; Schlotthauer – Yes; Davis – Yes; Hampe – Yes; Steffensen – Yes;

Moved

B. River City Center Subdivision File No SUBD-0020-2021 – Ethan Porter, Associate Planner to present – The owner is 41 & Mullan Investments, LLC. The applicant is Olson Engineering. **(Action Item)** – approval to subdivide 14.4 acres within the Community Commercial Services (CCS) zone into six commercial lots. The current land use is mostly vacant with the exception of a developed portion that has shops/retail uses. The water provider is Ross Point Water District. The sewer is provided by the City of Post Falls. Looking at the zoning you can see that it is CCS zoned. To the east of the proposal, you have a single-family subdivision and then it is surrounded by commercial elsewhere other than the north which is Kootenai County jurisdiction.

Review Criteria for Subdivisions:

- Water will be provided by Ross Point Water District.
- The City has adequate capacity and through development will need to meet design standards as well as surcharge fees for the 12th Avenue lift station to offset future cost of force mains from the lift station to the water reclamation facility.
- The subdivision lies next to existing developed roadways of SH41, 12th Avenue and October Glory Street. Private shared access needs to be provided for proposed lots 2 and 6 ensure adequate circulation and traffic flow.
 - SH41 Construction along proposal's frontage schedule between 2023 and 2026.

- 12th Avenue is classified as a Minor Collector and the intersection of 12th and SH41 is being converted into a ¾-turn restriction.
- October Glory Street is classified as a Local Residential Roadway that will require further installation of sidewalk and roadway illumination.
- At this time there are no known soil or topographical conditions which have been identified as hazards.
- The proposed lots and layout comply with the bulk and placement standards for the CCS zone and upon development will meet the City's commercial standards.
- Impact fees and cap fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts to multi-modal services, parks, public safety, streets, City water and water reclamations facilities.

All agencies have been notified. Post Falls Police Department, Kootenai County Fire and Rescue, and Post Falls Highway District were the agencies which responded, and each indicated that they remain neutral to the proposed special use.

Carey – On the street behind it, the October Glory Street, does it have sidewalks on one side now? What will they be required to do?

Palus – There is an existing sidewalk on the east side of October Glory Street from 12th Avenue up to Mullan Avenue. And a substantial portion of the sidewalk is in place on the west side as well. There is a just a small gap that is missing.

Carey – Is there any kind of a buffer required between CCS and R-1?

Porter – Not at this point because there is already a street there. The street basically acts as the buffer.

Schlotthauer – What is your Condition 9 here?

Herrington – Condition 9 is with final platting it is recommended that City Council relinquishes the existing lift station easement 75-foot by 75-foot lift station easement shown on the plat of Crimson King Estates, Book J, Page 377, Kootenai County records. As long as the City has relocated the lift station with the new easement and the existing referenced easement is no longer needed or anticipated to be needed for its original intended purpose.

Palus – Previously, in this area here, we had our 12th Avenue lift station. Within the last year, we moved it that lift station. The City still maintains an easement where that lift station was for expediency, we can vacate that easement as part of the plat. That's the direction we would like to go. The City Water Reclamation Department would provide a letter at public hearing with the subdivision that we have no interest or use of that property anymore and that it should be vacated with the subdivision.

Schlotthauer – My other question is can you explain the surcharge for the lift station future force main?

Palus – This property itself is not conditioned on paying the surcharge. Most of the property would flow out to Highway 41 and then to the south. We are collecting a surcharge that as they annex into

the city are putting a requirement on them that the development of that property pay a surcharge. What that surcharge is we took a portion of the cost of taking the force main from the lift station and running it all the way to the treatment plant, dividing it out by the capacity of that line and that's how much we charge. Ideally, when we reach a certain threshold flow rates that we've identified, we'll have enough money built up that we can build that several miles of force main.

Hampe – So that would be only newly annexed properties?

Palus – Newly annexed or ones that due to previous agreements we were already having them pay a surcharge.

Schlotthauer – When is it paid and how?

Palus – People pay their surcharge at the time of building permit issuance. We don't have any idea what kind of businesses are going in there. There could be a wide range of water usage.

Applicant – Daniel Brands, Olson Engineering – This project is already zoned commercial. There are three existing lots that are being turned into six total just to make it easier for the developer to lease or sell commercial pad sites.

Steffensen – Is there going to be any access to 12th Street off of Lot 5?

Brands – Yes.

Testimony:

In Favor – None

Neutral – None

Opposition – None

Review Criteria Discussion:

1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria as Ross Point will be adequate to provide.

2. Adequate provision has been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria. The lift station easement is still there but that will be resolved through the platting.

3. Proposed streets are consistent with the transportation element of the comprehensive plan.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria. Access seems adequate without accessing Highway 41. The completion of the work on Highway 41 will improve access to the area as well.

4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

5. The area proposed for subdivision is zoned for the proposed uses and the uses conforms to other requirements found in this code.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria. The area is perfect for CCS and complies with the Bulk and Placement table.

6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks and other public facilities within the community. It is the expectation that in most cases, off-site mitigation will be dealt with through the obligation to pay development impact fees.

Carey, Steffensen, Schlotthauer, Hampe, and Davis agree that the request meets the criteria.

Carey moved to approve the River City Center Subdivision File No. SUBD-0020-2021 finding that it is consistent with the Comprehensive Plan and adopting the findings, conclusions, and conditions 1-9 contained in the staff report.

Second By: Steffensen

Vote: Hampe – Yes; Schlotthauer – Yes; Davis – Yes; Carey – Yes; Steffensen – Yes;

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

Davis – Regarding the new process I think some of the things we'll see will be a significant amount of conversation when start talking about concerns. This is just a process to kind of walk through everything to make sure everyone feels comfortable.

7. ADJOURMENT 6:13 PM

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.

**City of Post Falls
Planning and Zoning Commission Agenda**

January 26, 2022

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Chair: Ryan Davis Vice Chair: Ray Kimball
Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

Date: _____

Chair: _____

Attest: _____

**Dual Brand Hotel Special Use Permit
File No. USE-0006-2021
Planning and Zoning Commission
Reasoned Decision**

A. INTRODUCTION:

APPLICANT: Dwight Hume

LOCATION: Generally located south of Interstate 90 and north of E. 4th Ave. between N. Idaho St. and E. Seltice Way.

REQUEST: A Special Use Permit to construct a five (5) story hotel which exceeds the 45' maximum height allowance per the Community Commercial Services (CCS) zoning designation and with a maximum height of 60'.

B. RECORD CREATED:

1. A-1 Application.
2. A-2 Applicant's Narrative.
3. A-4 Site Diagram
4. A-5 Area Photos
5. A-6 Elevation Distance from Seltice and I-90
6. A-7 Preliminary Site Plan
7. A-8 Preliminary Parking Plan
8. A-9 Preliminary Building Plan
9. A-10 Title Report
10. A-11 Authorization Letter
11. S-1 Vicinity Map
12. S-2 Zoning Map
13. S-3 Future Land Use Map
14. PA-1 PFPD Comments
15. PA-2 DEQ Comments
16. PA-3 KCFR Comments
17. P&Z Staff Report
18. Testimony at the January 11, 2022 Planning and Zoning public hearing:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the January 11, 2022 public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. The request was for the Commission to review the request approval for a Special Use Permit to exceed the maximum height requirement of 45 feet within the Community Commercial Services (CCS) zoning district to construct a five-story hotel with a maximum height of 60 feet as allowed by Post Falls Municipal Code ("PFMC") § 18.20.040. The request is evaluated under the standards of PFMC § 18.20.070 B.

Laura Jones, Associate Planner

Ms. Jones presented the staff report. She testified that the applicant is requesting approval for a Special Use Permit to exceed the maximum height requirement of forty-five feet (45') within the Community Commercial Services (CCS) zoning district to construct a five (5) story hotel with a

maximum height of sixty feet (60'). She testified that the subject property is south of the I-90 freeway, north of E. 4th Ave. between North Idaho Street and E. Seltice Way. She testified that the existing zoning of the property is Community Commercial Services (CCS). She explained that the property is vacant and in the process of being subdivided. She illustrated that to the north of the site, across the interstate, east of Seltice way, and to the west is CCS. She stated that to the southeast is Woodland Meadows R-3 multi-family residential and the area to the southwest is zoned Smart Code 5 (SC5) which allows for high density and mixed-use developments.

Ms. Jones testified that the City of Post Falls will provide both Water and Sewer service to the location. She testified that the applicant is proposing a hotel with 154 guest rooms with amenities like a below grade parking garage, restaurant, multi-conference center, and an indoor pool. She testified that when looking at the bulk and placement table for the CCS zone, the maximum height allowance is forty-five feet, which is why they are requesting the special use permit to exceed that.

Ms. Jones testified that the Future Land Use Map designates this area as Business Commercial. She explained that the purpose of that land use designation is to provide for a variety of general service, retail, professional office and mixed-uses that serve local and regional residents as well as the traveling public. She explained that it should develop with multi-story buildings and a mixture of uses is encouraged, particularly in the City Center District.

Ms. Jones illustrated the conceptual site plan, indicating that access will be from the south off fourth avenue with the main drive aisle for the lobby to the north and the entrance to the below grade parking off to the east. She showed where the other commercial pad for a restaurant.

Ms. Jones testified that the first review criteria examines whether implementation of the special use permit will or will not conform to the purposes of the applicable zoning district. She stated that the CCS zone supports uses that include retail and service including other professional uses.

Ms. Jones testified that the second criteria is whether the proposed use constitutes an allowable special use for the zoning district involved and complies with all other applicable laws, ordinances, and regulations. She testified that the maximum height per PFCM Section 18.20.040 Official Bulk and Placement Table has a maximum allowed height of 45 feet, so in order to exceed 45 feet, they need a special use permit.

Ms. Jones testified that the third criteria is whether the proposed use is compatible with the health, safety, and welfare of the public or with land uses in the vicinity. She testified that based on the surrounding land uses and zoning designations the proposed use should not negatively affect the health, safety, and welfare of the public.

Ms. Jones testified that the proposed special use is not anticipated to produce any adverse impacts on the transportation system She explained that the site will be connected to the City's Water Reclamation facilities and Existing facilities are in place and have the capacity and capability to handle the requested use. She asserted that the proposed special use will be serviced by the City of Post Falls water system and domestic water is being extended to the site as part of the required work for the underlying north mill one subdivision. She noted that the site is located within an area of current mass grading activity and certification of mass grading is required prior to the issuance of any building permits.

Ms. Jones testified that the last criteria is whether the proposed use complies with the goals and policies of the comprehensive plan. She explained that Goals 3, 4, 7 and 14 may be relevant to this special use permit and Policies 1, 5, 8, 70, and 84 may be relevant to this special use permit. She asserted that the goals and policies are outlined in detail in the staff report.

Ms. Jones, in response to a question from the Commission, testified that the height restriction in SC4 is based on stories, not heights, and it is three stories. She explained further, that based off the current

zoning, if they were only going to 45 feet, they would not need to make the request. She clarified that the only thing being requested is for the additional 15 feet.

Dwight Hume, Applicant, Land Use Solutions and Entitlement

Mr. Hume testified that he is there on behalf of the developer, NA Construction, explaining that with me tonight is Bill Lawson, the developer, and his architect, Russ Wolf, who can explain in more detail why the nature of project requires this extra height. He explained that, as shared in our application submittal what triggered all of that was an obligation to accommodate the Dual Brand Hotel, it needed to be 150 units. He illustrated that when we use the site configuration, shape, acreage, and your standards for zoning, parking, setback, landscaping, it resulted in a footprint for the site that you could see in the presentation by staff. He stated that there is no room to spread to accommodate the hotel chain as they would only come if we could give them at least 150 rooms. He explained that as a result, the byproduct was 154 units, but created the need to go one story higher. He testified that the CCS limit is 45 feet, and they are asking for 60 and the architect can give more detail why that dimension works.

Mr. Hume testified that there are exceptions on your height, that's the mechanical that goes on the roof. He professed that his job as a land use planner is more attending to your criteria for approval and he answered the criteria in the affirmative. He testified that they are not in conflict with the Comp Plan, not in conflict with the zone, or the intent of the zone. He stated that the question then is really a very narrow one and that is will the height of this structure adversely impact surrounding land use. He asserted that the answer is simply "no" because of the nature of where it is. He explained that it is out on the edge of the development, next to the freeway and Second Ave. overpass and coincidentally, it is 25 feet lower than the tower that was left from the former use in this area, namely the mill that was there. He touted that the tower is being used for historic benefits, and a center point of a future recreational area. He expounded that there will be nearby residential in the future that will come following the hotel site and he cannot imagine that anyone who would love to move there would be dissuaded by a hotel that is 15 feet higher nor would be an economic impact to their investment.

Russ Wolf, Wolf Architectural Group

Mr. Wolf testified that they are currently developing 11 acres along the north frontage of 4th Street to include the improvements of Front Street. He explained that when you look at this site, this building is sitting in a depression from three sides and one of the mass grading solutions is to put the parking underneath and utilize that soil to balance this site. He gave a brief summary of the adjacent developments. He gave examples of the elevations of the project and how they will look. He indicated that they are saving the silo in the back because the silo has opportunities to create a sense of place and it is really important to how we treat this property. He described that they are trying to perch it up, make it stable, and give it some effects that anchor the development to the public view. He elucidated that what is really critical to the floor plan of a hotel is where the center core of an elevator is and stair towers, how the corridors work and how far you have to take your bag for a comfort level. He expounded that the more compact they are, the better they work. He testified that the better the land use is, from their perspective, the better the building functions with one floor up rather than us taking more real estate that is already and committed and trying to extend the building, so you have a really long corridor. He testified that it is more efficient, and it builds efficiency throughout the whole process.

Mr. Wolf, in response to questions from the Commission, stated that it will be 55 feet for the roof and mechanical protrusions above the roof. He explained the first floor will be 15 feet and then 10 feet for each floor after that. He affirmed that the shared entrance and exit for the whole development is going to be on 4th Street and will be one of the three locations that would be allowed access onto 4th Street. He indicated that they have preliminary site plans at the moment but likely have two to three months before the city would see an application for a permit.

Bob Flowers

Mr. Flowers stated that we are not Coeur d'Alene and we do not need to be constructing buildings that block the mountain and river views. He was worried that if the city approves this extra height, they will be setting a precedent for other projects that are going to be coming. He professed that they can spread out a little bit and utilize their land a little different. He stated that it isn't the City's job to make sure the contractor's job pencils in right, they need to go by our rules. He stated that changing the rules is not the way to do that.

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 contained in Post Falls Municipal Code ("PFMC") § 18.20.070 B.

C. EVALUATION OF APPROVAL CRITERIA:

C1. Will Implementation of the special use conform to the purposes of the applicable zoning district?

The Community Commercial Services Zone contained in Post Falls Municipal Code Section 18.16.010(B) provides for 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.

The staff report and the testimony of Laura Jones and the Applicant establishes that the subject area is located just south of the I-90 freeway and north of E. 4th Avenue between North Idaho Street and E Seltice Way. The proposal is for a hotel with 154 guest rooms with amenities to include a below-grade parking garage, restaurant, multi-conferencing center and indoor pool.

The Commission heard testimony that the proposed use is permitted outright except for the height limitation. The Planning and Zoning Commission finds the testimony of Ms. Jones and the Applicant persuasive that the CCS zone is to support a wide array of retail and service uses including some manufacturing, technical, and other professional uses, and the proposed use, with the additional 15 feet of height, is reasonable and in line with the CCS zone. As such, the Commission concludes that the implementation of the special use conforms to the purposes of the CCS zone.

C2. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.

The land use table contained in Post Falls Municipal Code Section 18.20.040 limits height to a maximum of 45' without a special use permit. The special use permit to allow additional height constitutes an allowable special use. The proposed development is also required to meet all local, state, and federal requirements including building and fire codes. As such, the Planning Commission finds that this approval criterion is met.

C3. Whether the proposed use will be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

The testimony and evidence provided that the proposed use when viewed against the surrounding land uses and zoning designations does not negatively affect the health, safety, and welfare of the public. The proposed use will be serviced by city water and sewer.

Further, the staff report transportation analysis as well as the testimony of Ms. Jones indicates that the development is not anticipated to produce impacts that would adversely impact the adjoining transportation systems. 4th Avenue is a Major Collector roadway with anticipated 2035 volumes of less than 5,000 vehicles per day. 4th Ave. provides connection between Spokane St. (Minor Arterial)

to the west and Seltice Way (Principal Arterial) to the north and east. 4th Avenue is being modified to meet roadway classification requirements (Major Collector) with the underlying subdivision (North Mill One) and development to the south (Millwork). A roundabout at 4th Avenue / Idaho St. is identified in the City's Transportation Master Plan and is in preliminary design with the Developer. The current roadway network has capacity, with identified impact fee projects in the immediate vicinity further facilitating long term traffic operations.

The Commission notes that the site is located within an area of current mass grading activity and Certification of mass grading is required prior to the issuance of any building permits. This location is one of the most appropriate areas in Post Falls for this purpose and will not infringe upon any residential improvements in the area. As such, The Commission finds that the proposed use will be compatible with the health, safety, and welfare of the public and with land uses within the vicinity.

C4. Whether the proposed use will comply with the goals and policies found within the comprehensive plan.

Based on the testimony provided and the staff report, the Commission finds that the proposal meets the following goals and policies contained in the Comprehensive Plan:

Goal:

Maintain and improve Post' Falls small town scale, charm and aesthetic beauty. (G.3).

Sustain the historic city center as the "heart" of Post Falls, bringing the community together and enhancing its commercial, service, and civic vitality. (G.4).

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

Involve the community of Post Falls in all local government planning and decision-making. (G.14).

The following policy responses further the implementation of the goals stated above:

Policy:

[P.01] Support land use patterns that:

- Maintain or enhance community levels of service;

Impact Fees are paid at the time of permit issuance to assist maintaining the community levels of service.

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

Providing the opportunities for creating a variety of service, retail, office, and mixed use furthers the establishment of having residential housing within walking distance of neighborhood commercial and other civic uses to create sustainable and independent living communities. The interaction between these uses increases their value and assist in contributing to the long-term fiscal health of the community.

- Maintain and enhance resident quality of life;

The proposed location is adjacent to Idaho Transportation Department right-of-way, other future commercial businesses, and multi-family housing developments. This development would provide accommodations for guests visiting residents of Post Falls.

- Promote compatible, well-designed development;

The proposed development is located adjacent to the I-90 corridor with access to the interstate via full interchange at Spokane St or the partial interchange at Seltice Way (accessed from Idaho St.).

Additionally, having hospitality accommodations in this location provides walkable access to the developing downtown corridor for visiting guests. The underlying subdivisions improvements will allow connection to pedestrian facilities on the south side of 4th Ave. and at Idaho Street.

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

The City Center focus area has long been envisioned as the future “downtown” of Post Falls with new investments helping to shape the area into a walkable hub for residents and visitors. One key policy for guiding development in this area is to focus commercial uses along Spokane Street, 3rd Avenue, Idaho Street, and 4th Avenue.

[P.05] Direct location of commercial shopping centers to areas near arterial intersections and high-traffic areas.

The site is located directly to the west of the Seltice Way (Principal Arterial). 4th Ave. (Major Collector) provides access to Idaho St. (Minor Arterial) and Spokane St. (Minor Arterial)

[P.08] Encourage compatible infill development and redevelopment of vacant and under-utilized properties within City limits.

The Commission finds that redevelopment of this area is considered infill and the property is under-utilized.

[P.70] Identify and protect valued view and vistas throughout Post Falls.

The site is abutting the interstate and Seltice Way to the north and east respectively. Views are to the south where residents enjoy the vistas of the river and mountains.

[P.84] Expand the number of local living-wage jobs, enabling more residents to live and work in Post Falls.

The proposed development will bring more jobs to the City of Post Falls.

[P.85] Coordinate use patterns along the I-90 corridor to take advantage of access and visibility while enhancing Post Falls’ regional image.

The site is located along the I-90 corridor.

[P.86] With the local business community, work to enhance, sustain and diversify the local economic base by:

- Helping retain, promote and expand existing businesses and industry;
The proposed development will assist to retain, promote, and expand an existing business in the area.
- Supporting innovative, entrepreneurial enterprises;
The proposed development would support an entrepreneurial enterprise.
- Supporting opportunities related to business “campus” and mixed-use models;
The proposed use is located in a business/commercial “campus” and just north of the Millworx mixed-use site.
- Coordinating provision of workforce housing;
Hospitality businesses offer accommodations to travelers and may provide short term solutions to workforce residents who have recently moved to the area. Additionally, they assist accommodating families that may be receiving services from the medical sector.

- Attracting new businesses and clean industry.
The proposed development would be a new business within the city.

[P.93] Encourage development of Post Falls' city center as a community focal point, combining commercial, civic, cultural, residential, and recreational uses.

The proposed development is within the City Center focus area.

D. ACTIONS THAT THE APPLICANT CAN TAKE TO GAIN APPROVAL.

Not applicable.

E. CONCLUSION

USE-0006-2021: Based on the evidence in the record placed before the Commission, the testimony received at the properly noticed public hearing, and with the imposition of the conditions below, it is the conclusion of the Commission that the requested Special Use Permit, meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved subject to the applicant complying with the following conditions:

1. Site Access points will be required to conform with City Access Management requirements.
2. Verify that all proposed structures are located within appropriately certified fill areas of the underlying mass grading plan.
3. The requested 15' height increase shall only be applied to the proposed hospitality use.

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.

Pointe at Post Falls Fourth Addition Subdivision File No. SUBD-0018-2021

Planning and Zoning Commission Reasoned Decision

A. INTRODUCTION:

APPLICANT: HMH Engineering

LOCATION: Generally, located south of Pointe Parkway spanning the area between Beck Rd. on the east and beyond S. Baugh Way to the west.

REQUEST: Subdivide approximately 47 acres into 26 lots within the Community Commercial Services (CCS) and Industrial (I) zoning designations in two phases, see Exhibit A-3.

B. RECORD CREATED:

1. A-1 Subdivision Application
2. A-2 Subdivision Narrative
3. A-3 Subdivision Preliminary Plan
4. A-4 Preliminary Subdivision Plan
5. A-5 Will Serve Letter
6. S-1 Staff Vicinity Map
7. S-2 Staff Zoning Map
8. S-3 Staff Future Land Use Map
9. PA-1 PFPD Comments
10. PA-2 ITD Comments
11. PA-3 DEQ Comments
12. PZ Staff Report
13. Testimony at the January 11, 2022, Planning and Zoning hearing:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the January 11, 2021 public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. The request was for the Commission to review the request to subdivide approximately 47 acres into 26 lots within the Community Commercial Services (CCS) and Industrial (I) zoning designations in two phases (SUBD-0018-2021). The request is evaluated under the standards of Post Falls Municipal Code ("PFMC") § 17.12.060.

Laura Jones, Associate Planner

Ms. Jones presented the staff report to the Commission. She testified that the owner of the property is Pointe Partners, LLC represented by the Applicant HMH Engineering. She testified that the applicant is seeking to subdivide approximately 47 acres into a 29-lot subdivision within the Community Commercial Services (CCS) and Industrial (I) zoning designations.

PARCEL INFORMATION:

Property Size: 46.97 acres

Current Land Use: Vacant

Current Zoning: Community Commercial Services (CCS) and Industrial (I)

Proposed Land Use: The proposed subdivision will serve a variety of industrial and commercial development opportunities ranging from retail to hospitality.

Surrounding Land Use: The land uses to the west include a vacant parcel and just beyond that the recently approved Post Falls RV Park. To the north of the site is Walmart, Panda Express, and Sysco Foods. To the east is the Maverik gas station and convenience store. Interstate 90 is to the south of the site.

Surrounding Zoning Districts: All properties to the north and west of the site are zoned Industrial (I). The Maverik gas station and convenience store to the east is zoned Community Commercial Services (CCS).

Water Provider: City of Post Falls

Sewer: City of Post Falls

Ms. Jones testified that the site is located west of North Beck Road and south of West Pointe Parkway. She explained that the current land use is vacant and the City of Post Falls will provide both water services and sanitary sewer. She illustrated that the existing zoning for the site is CCS and Industrial and most of the surrounding land uses are also industrial. She testified that the proposed subdivision plan is for 47 lots to be built out in 2 phases. She explained that Phase 1 – 13 lots, the extension of Baugh Way and eastern portion of Pointe Court Way and Phase 2 – 13 lots and the completion of Pointe Court Way. She testified that the City of Post Falls will provide both water and sanitary sewer.

Ms. Jones testified that the existing zoning of the site is split between CCS and Industrial. She illustrated that most of the surrounding land uses are also industrial. She showed that near the site there is: Cisco, Walmart, Cabella's, and a recently approved RV park. She described that the majority of the area remains undeveloped. She testified that the proposed subdivision plan is for 26 lots with 13 lots in Phase 1 and 13 lots in Phase 2.

Ms. Jones testified regarding the review criteria, stating water will be provided by the city and modeling indicates that the city has sufficient water service and fire flow. As to the second criteria, she stated that engineering staff has confirmed that the Beck Road lift station has sufficient capacity for the proposed commercial uses. As to the third review criteria, she explained that the proposed streets are consistent with the transportation element of the comprehensive plan. She described the subdivision and proposed layout accommodate connectivity and should not have a negative impact of the local transportation system. She explained that the proposed commercial roadway classification for Pointe Court Way and Baugh Way are appropriate for the anticipated land uses. She noted that there are two additional proposed conditions that were not included in the staff report. She submitted, Proposed Condition 7: The public roadway standards for the subdivision shall match the roadway classifications as shown in the project narrative. Baugh Way at the intersection of S. Baugh Way and Pointe Court Way may be reduced to a Local Commercial Street width. She explained that there was a discrepancy between the narrative language using "commercial roadway," and the detail that was provided in one of the exhibits and this condition is to make sure we are all on the same page. She submitted, Proposed Condition 8: Proposed Pointe Court needs to be renamed to meet street naming standards to "Beck Road," looping back to W. Pointe Parkway at the westerly end of the subdivision.

Ms. Jones testified regarding the fourth review criteria, she stated that previous mass grading activity did occur on the property as part of the initial Pointe at Post Falls development and additional geotechnical analysis may be requested if necessary and as determined by the engineering department. As to the fifth review criteria, she attested that the proposed lots comply with the bulk and placement standards for the CCS and Industrial zoning designations although several of the proposed lots will result in mixed zoning and future zone changes may be necessary to accommodate future uses of these parcels. Finally, as to the last review criteria, she testified that impact fees and cap fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts to parks, public safety, streets, city water and water reclamations facilities.

Ms. Jones noted that Idaho Department of Transportation responded with concerns of signal timing for the light located at the intersections of West Pointe Parkway and North Baugh Way and West

Point Parkway and North Beck Road and the engineering department and streets department will coordinate with ITD for signal timing for these intersections.

Ms. Jones, in response to a question from the Commission, indicated that no residential would be allowed under the current zoning and with the CCS zone a special use permit would be needed in order to allow for high-density residential (R3) zoning. She explained that would require a public hearing if they ever chose to go that route. She went on to explain that in handling any mixed zone issues, they would be addressed at site plan review to determine if the use is compatible with the CSS or Industrial zone, of both, as the city has many uses that are compatible with both zones. She explained that depending on the use it may require a rezone or may be suitable for development as is.

Rob Palus, Assistant City Engineer

Mr. Palus testified that he has had the opportunity to talk with the applicant about what transpired there. His understanding is Baugh Way itself was identified in the narrative as being a minor collector road and they show it correctly on the plans. He stated that it meets the minor collector standard at the north end then it reduces in width. He indicated that the city does not have a problem with it reducing as it intersects Pointe Court Way on the south end at the commercial standard. He declared that originally, Pointe Court was shown as a cul-de-sac and the city requested that it get converted from a cul-de-sac to a public roadway to bend back up to Pointe Parkway to improve our ability to provide maintenance of the roadway as well as circulation.

Jordan Tillet, HMM Engineering, Applicant

Mr. Tillet testified that staff did an in-depth job reviewing everything so he was just here representing Wadsworth Investment Group to answer any concerns that might come up. He added that the proposed subdivision does not change the previously approved zoning or building intent for the lots outlined.

Public Testimony:

The hearing was opened for public testimony but 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 contained in Post Falls Municipal Code ("PFMC") § 17.12.060.

C. SUBDIVISION REVIEW CRITERIA: (Post Falls Municipal Code Title 17.12.060, Subsection H): No subdivision shall receive approval unless findings and conclusions are made that:

C1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.

The Commission determines that water service to the project would be provided by the City of Post Falls that has adequate capacity to provide service and fire flow to the project as proposed.

C2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.

This area is within the Beck Rd. lift station's service area. The lift station was upgraded several years ago to accommodate commercial uses plus additional flows from multi-family development north of Expo Parkway and east of Baugh Way. Sufficient capacity exists at the lift station for commercial uses, any future consideration for expansion of multifamily uses would need to consider

completion of a wastewater capacity analysis. As such, the Commission determines that the City of Post Falls has adequate capacity to provide service to the subdivision as proposed.

C3. Proposed streets are consistent with the transportation element of the comprehensive plan.

The Commission determines that: The subdivision and proposed layout accommodate connectivity and will not have a negative impact on the local transportation system. Rights-of-way and easements shall be dedicated to the City of Post falls and streets constructed to the roadway standard as outlined within the City Transportation Master Plan.

- Private Roadway – Private Roadways are proposed with a 30-foot width (curb face to curb face) with 5' sidewalks provided on both sides. The proposed road cross section exceeds minimum design standards for private roadways and would allow for on street parking along one side only.
- Public Roadway - Proposed Pointe Court Way and Baugh Way are both requesting classification as local Commercial Roadways. The proposed classification is appropriate for the anticipated land uses and the roadway cross sections.
 - Baugh Way is an existing signalized intersection at Pointe Parkway. Due to the width of Baugh Way, at the intersection of Pointe Parkway, on street parking will not be allowed on the proposed extension.
 - Signal timing at the Baugh Way / Pointe Parkway intersection will need to be adjusted with initial site development – to be completed by the City.
 - Public roadways will need to include roadway illumination in conformance with City Standards
- Pedestrian and Bicycle accommodations – Proposed improvements include sidewalks along both sides, in conformance with City Standards. The improvements with this project will connect to existing facilities along Pointe Parkway. Bicycle facilities are not required on Local Commercial Roadways. Bicycle lanes and separated multi-use facilities do exist on Beck Road and Pointe Parkway at the projects eastern most boundary.

C4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.

The Commission determines that: There are no soil or topographical conditions which have been identified as presenting hazards. Previous mass grading activity did occur on the property as part of the initial Pointe at Post Falls development which may require testing in the future.

C5. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code.

The Commission determines that: This subdivision request is within the City of Post Falls and is in a CCS zone. The proposed use conforms to the zoning and other requirements found in PFMC.

C6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.

The Commission determines that: Impact fees will be assessed on individual building permits to assist in mitigating the off-site impacts to parks, public safety, and streets. There did not appear to be anything extraordinary about the plans which would not be covered by impact fees.

C7. Additional Recommended Conditions necessary to ensure compliance with the adopted standards:

It is the decision of the Commission that the requested subdivision can meet the City’s standards, however, to meet the criteria certain conditions will need to be met. Those conditions, 1-8 listed below, when imposed will ensure that the six criteria found in PFMC 17.12.060.H are met. Based upon the Presentations made to the Commission on January 11, 2022, at a properly noticed public hearing, the record compiled in this matter, and the applicant must meet the following conditions:

1. Corrections and additions, if any, to the Subdivision requested by staff and/or the Planning & Zoning Commission should be completed by the applicant and reviewed by staff prior to approval by the City Council.
2. The proposed subdivision shall be completed in a no more than two (2) phases.
3. A Master Development Agreement shall be prepared by staff, reviewed, and signed by the parties prior to commencement of any construction. A Construction Improvement Agreement shall be completed for each phase of construction.
4. Submitted Preliminary Construction Plans were reviewed from a conceptual basis only. Final construction plans of the streets and utilities shall be reviewed and approved by the Engineering Division prior to any street or utility construction. Such plans shall also include driveway approaches and location of proposed mailboxes. Construction limits shall correspond with the improvements indicated on the Preliminary Plat.
5. Except where an exception is granted, all streetlights and roadways shall be designed and constructed in accordance with City standards.
 - No exceptions to City Standards were requested
6. Final landscaping plans for the street trees will be submitted for review and approval as part of the construction plans. Street trees shall be planted by the developer in the spring and fall following construction of homes. The Urban Forester shall be notified prior to planting.
7. The public roadway standards for the subdivision shall match the roadway classifications as shown in the project narrative. Baugh Way at the intersection of S. Baugh Way and Pointe Court Way may be reduced to a Local Commercial Street Width.
8. Proposed Pointe Court needs to be renamed to meet street naming standards to “Beck Road”, looping back to W. Pointe Parkway at the westerly end of the subdivision.

D. STEPS THE APPLICANT CAN TAKE TO OBTAIN APPROVAL:

Not Applicable, approval has been granted, subject to the conditions noted above.

E. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:

SUBD-0018-2021: Based upon the record placed before the Commission, the testimony received at the properly noticed public hearing, and with the imposition of the above conditions, it is the conclusion of the Post Falls Planning and Zoning Commission that the request, Pointe at Post Falls Fourth Addition Subdivision, SUBD-0018-2021, meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved with conditions contained herein.

Approved by the Planning and Zoning Commission on _____

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.

**CITY OF POST FALLS
AGENDA REPORT**

DATE: February 4, 2022

TO: POST FALLS PLANNING AND ZONING COMMISSION

FROM: LAURA JONES, ASSOCIATE PLANNER, 208-457-3336, ljones@postfallsidaho.org

SUBJECT: STAFF REPORT FOR FEBRUARY 8, 2022 P&Z COMMISSION MEETING – POST FALLS BAPTIST (SPOKANE STREET) SPECIAL USE PERMIT PUBLIC HEARING

INTRODUCTION:

Mark Latham has requested on behalf of the property owner Post Falls Baptist Church Inc. (Exhibit A-1) approval for a Special Use Permit to maintain and expand the existing church within the Single Family Residential (R-1) zoning designation. Religious Institutions are allowed in the R-1 zone through a special use permit per City code 18.20.030. The Planning & Zoning Commission must conduct a public hearing and determine if the proposed request meets the approval criteria contained in PFMC Section 18.20.070(B). Following the public hearing, the Planning Commission will direct staff to prepare a Reasoned Decision, along with any appropriate conditions, that explains how the approval criteria are/are not met. The Planning Commission will review and approve the final Reasoned Decision at a subsequent meeting. The approval criteria are:

- A. Whether implementation of the special use would/would not conform to the purposes of the applicable zoning district.
- B. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.
- C. Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.
- D. Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan.

PROJECT INFORMATION:

Project Name/File Number: Post Falls Baptist Spokane Street Special Use Permit (USE-0007-2021)

Owner: Post Falls Baptist Church Inc., 1608 N. Spokane Street, Post Falls, ID 83854

Applicant: Mark Latham, 607 E. 6th Street, Post Falls, ID 83854

Project Description: Maintain and expand the existing Post Falls Baptist Church within the Single Family Residential (R-1) zoning designation.

Project Location: The northeast corner of E. 16th Avenue and N. Spokane Street (see vicinity map below).

Water Provider: City of Post Falls

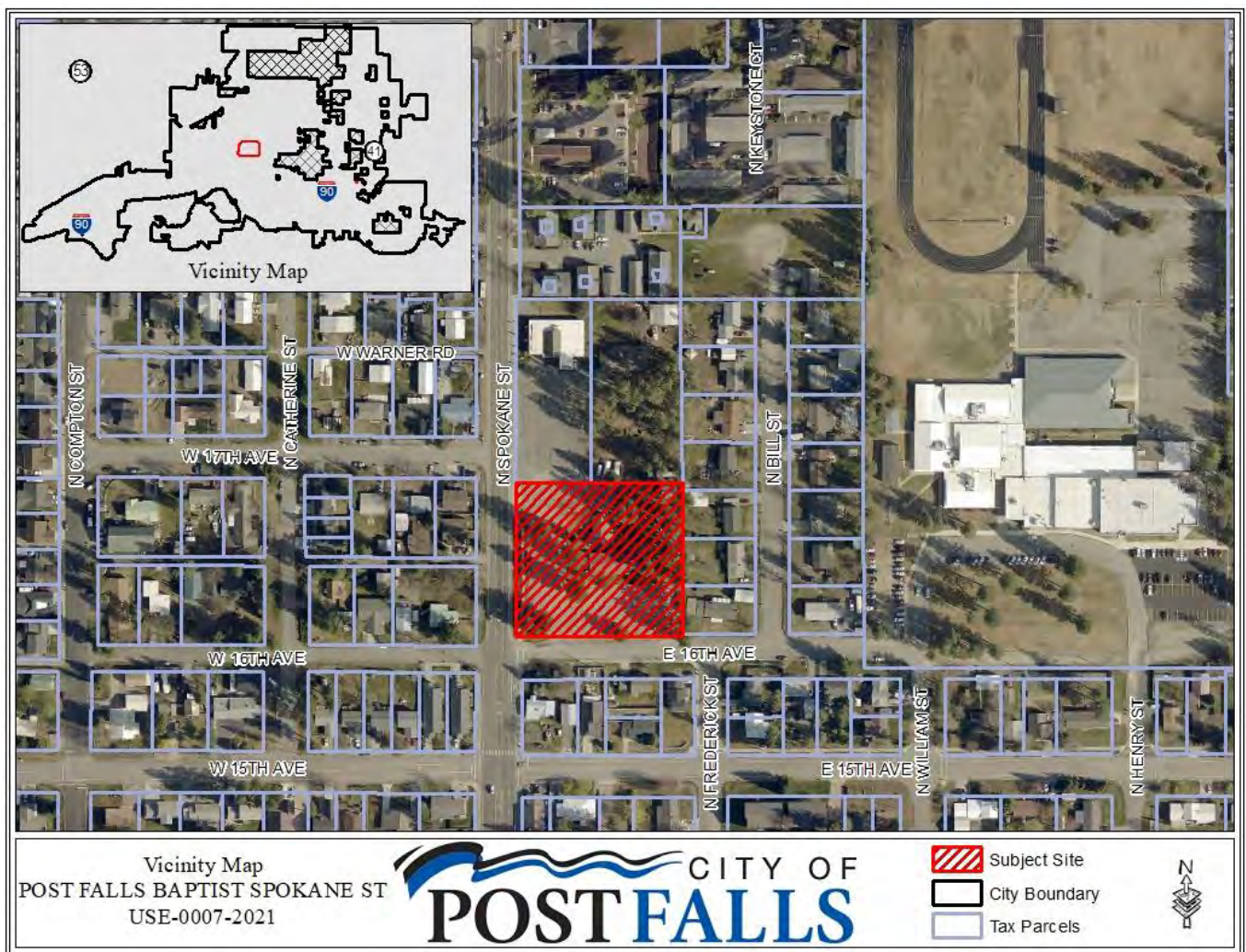
Sewer Provider: City of Post Falls

Proposed Site Plan: See Exhibit A-3

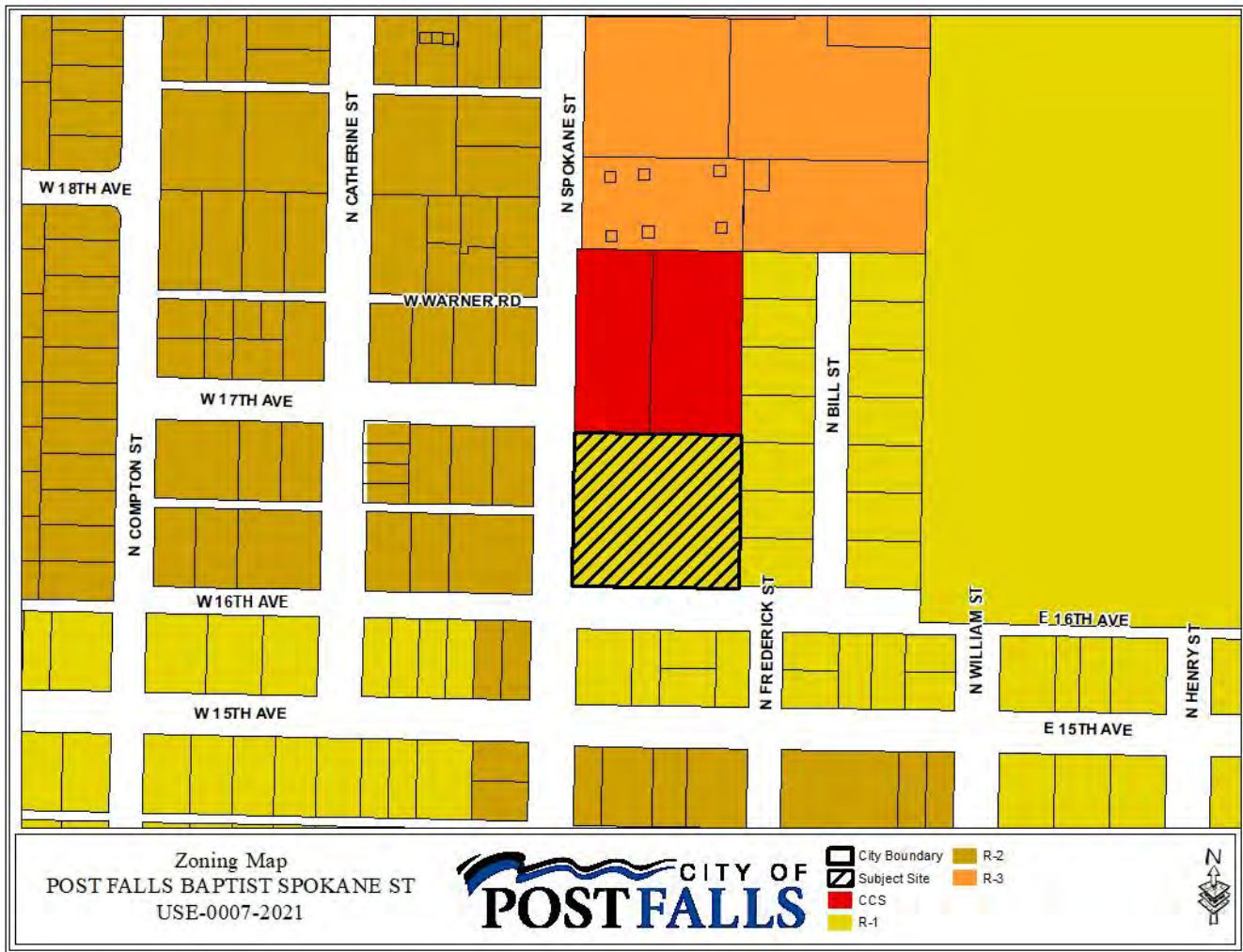
AREA CONTEXT:

Surrounding Land Uses: To the north is the English Funeral Chapel, to the east and south are single family homes, and to the west there are both single family homes and duplexes.

Area Context Vicinity Map:



Surrounding Zoning Districts: The English Funeral Chapel to the north is zoned Community Commercial Services (CCS). The properties to the east and south are zoned Single Family Residential (R-1) and the properties to the west are zoned Medium Density Residential (R-2) (See Following Map).



EVALUATION OF SPECIAL USE PERMIT APPROVAL/ REVIEW CRITERIA:

- A. Implementation of the special use will/will not conform to the purposes of the applicable zoning district.**

PFMC Section 18.16.010 (A) Residential Zones:

Single-Family Residential (R1): The R1 Zone is intended for one single-family home on one lot of minimum size or larger and to permit *other accessory uses that are associated and compatible with residential use.*

- B. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.**

PFMC Section 18.20.030 Land Use Table:

The land use table contained in PFMC Title 18.20.030 has established “Religious Institutions” as an allowable special use permit within the Single Family Residential (R-1) zoning designation.

C. Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

The proposed use should not be detrimental to the health, safety, and welfare of the public or with land uses within the vicinity.

Transportation: The proposed special use is not anticipated to adversely impact the adjoining transportation systems. Spokane Street is a Minor Arterial roadway and is anticipated to be operating in 2035 at less than 60% of roadway capacity during peak hours, with traffic volumes of less than 10,000 vehicles per day. Minor Arterials are intended to carry traffic volumes of 6,000 to 15,000 vehicles per day. The requested use, church, would not produce significant trip generation during typical peak hour operations of Spokane St.

Signalization of 15th Avenue / Spokane St. is identified in the City's Transportation Master Plan and included as a short-term project in the Transportation Impact Fee, Capital Improvement Plan. The City will continue to monitor operations of the 15th Avenue / Spokane St. intersection and proceed with installation of appropriate improvements when warranted. The current roadway network has capacity, with identified impact fee projects in the immediate vicinity further facilitating long term traffic operations.

Water Reclamation: The site is currently connected to the City's Water Reclamation Facilities. Additional Sewer CAP fees would be collected at time of building permit issuance. Site-specific issues related to pretreatment would be handled with site plan review. The property is not subject to any Sewer Surcharges or Local Improvement Districts. The City's sewer infrastructure has the capacity to handle the proposed use.

Domestic Water: The proposed special use is currently serviced by the City of Post Falls water system. The City of Post Falls system has capacity to provide service for the proposed use and is willing to provide service to the site. Site-specific issues related to fire protection would be handled at the time of Site Plan Review.

D. Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan.

Goal 3: Maintain and improve Post' Falls small town scale, charm and aesthetic beauty.

Post Falls residents often cite the community's "small-town charm" as one of its attractive features. As such it is important to help retain the City's low-scale, walkable, small-lot development patterns common in early Post Falls, while at the same time, providing for urban growth in other, appropriate areas.

Goal 5: Keep Post Falls' neighborhoods safe, vital, and attractive.

Residents prize the character and unhurried pace of Post Falls neighborhoods, and wish to ensure their neighborhoods are kept safe, active and aesthetically pleasing. Supporting this goal, a diverse set of policies have been provided, including encouraging attractive, pedestrian-friendly development, provision of diverse housing types, parks facilities, and neighborhood-scale commercial services.

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.

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.

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 the review of this Special Use Permit 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 maintaining the community levels of service.

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

Staff Comment: Churches may foster the long-term fiscal health of the community. Churches often provide public services to the communities in which they are located.

- Maintain and enhance resident quality of life;

Staff Comment: The existing use and proposed future expansion of the Post Falls Baptist Church may help to accommodate the needs of additional residents wishing to participate in church services. This could help to maintain and/or enhance residential quality of life.

- Promote compatible, well-designed development;

Staff Comment: The special use permit is for an existing church located within a residential neighborhood.

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

Staff Comment: The goals and policies within the comprehensive plan are outlined within this staff report. City of Post Falls Transportation, Water and Water Reclamation Master Plans were considered within Section C of this staff report.

Policy 3: Encourage development patterns that provide suitably-scaled, daily needs services within walking distance of residential areas, allowing a measure of independence for those who cannot or choose not to drive.

Staff Comment: This proposal, being located within a residential neighborhood, may provide daily needs and services for those who do not/cannot drive.

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

Staff Comment: This site may be considered under-utilized and redevelopment/expansion of the existing church may improve the site.

Policy 26: Maintain and improve the continuity of sidewalks, trails, and bicycle paths in Post Falls.

Staff Comment: Existing improvements are in place and comply with current standards along Spokane St. Required frontage improvements including continuation of sidewalk, roadway widening and curb & gutter would be required with site improvement.

Policy 69: Encourage new development to provide pedestrian access to nearby parks, trails and green spaces.

Staff Comment: Existing site improvements provide access to parks (White Pine and Sportsman) to the north. Required frontage improvements along 16th Avenue would help to provide pedestrian access to the Post Falls Middle School, 621 feet to the east.

Policy 82: Continue to provide storm water collection and treatment through use of grassed infiltration areas and encourage the use of new or improved technology whenever practical.

Staff Comment: Stormwater collection and treatment will be reviewed at the time of Site Plan review for the expansion of the existing facility.

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

Post Falls Post Office	PF Park & Rec	East Greenacres Irrigation 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

- **Kootenai County Fire & Rescue Service (Exhibit PA-1) - 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.
- **Post Falls Police Department (Exhibit PA-2) – Remain neutral**
- **Idaho Department of Environmental Quality (Exhibit PA-3) – Remain neutral**
- **Post Falls Highway District (Exhibit PA-4) – Remain Neutral**

MOTION OPTIONS: The Planning Commission may approve the requested Special Use Permit as presented, approve with conditions, or deny the Special Use Permit request.

CONDITIONS (If any are applied):

1. Site Access points will be required to conform with City Access Management requirements.
2. Additional rights-of-way and / or easements would be dedicated at the time of site plan review to accommodate required public improvements (roadway widening, sidewalks, storm water, curb & gutter)

ATTACHMENTS:

APPLICANT’S EXHIBITS:

Exhibit A-1	Application
Exhibit A-2	Narrative
Exhibit A-3	Site Plan
Exhibit A-6	Auth Letter
Exhibit A-8	Guarantee

STAFF EXHIBITS:

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

TESTIMONY:

Exhibit PA-1	KCFR Comments
Exhibit PA-2	PFPD Comments
Exhibit PA-3	DEQ Comments
Exhibit PA-4	PFHD Comments



SPECIAL USE PERMIT APPLICATION

PFMC 18.20.070

Public Services Department – Planning Division
408 N. Spokane St. Post Falls, ID 83854
208.773.8708 Fax: 208.773.2505

STAFF USE ONLY			
Date Submitted: _____	Received by: _____	File # _____	
Application Fee _____	Public Hearings: \$300	Mailing \$6*	= _____

PART 1 – Process of Completion and Public Hearing Schedule

1. Applications will need to be deemed complete by the Planning Department prior to being scheduled for a public hearing. Once the applicant has been issued a completeness letter from the Planning Department verifying the application is complete, the application will be eligible to be scheduled at the next available Public Hearing.
2. Each Completeness Review Period, will be reviewed within a 2-week period
3. There is a 45-day cut-off windows for a fully completed application (deemed complete) required, prior to being scheduled for the next available Public Hearing (See Note Below).

***NOTE: Once we have 4 Public Hearings the following applicants will be moved to the next month's Hearing Date. ***

PART 1/A – REQUIRED MATERIAL

THE APPLICATION WILL NOT BE ACCEPTED IF THE REQUIRED MATERIALS ARE NOT PROVIDED

The purpose of a special use permit is to establish procedures for the review and approval of uses that are not permitted by right in a particular zoning district. A special use permit is not transferable from one parcel of land to another nor shall it be considered as establishing a binding precedent to grant other special use permits. Special use permits require a public hearing before the planning and zoning commission following appropriate procedures.

- Completed application form
- Application fee (Per most recently adopted fee resolution)
- Narrative- identifying the present Comprehensive Plan designation, the relationship of the proposed use to the Comprehensive Plan and compatibility with adjacent and other properties in the district.
- Conceptual Plan of proposal- no larger than 11x17 as applicable
- Vicinity Map- no larger than 11x17
- Authorization Letter – if applicant is other than property owner/contract buyer
- Title report/Public Hearings – By a Title Company licensed in the state of Idaho, as to ownership of record and any interest of record in the subject property. Provide a report of property owners within 300 feet of the external boundaries of the proposed development. The applicant will incur a public hearing mailing fee in the amount of \$6.00 per hearing notice per property within the 300 feet radius. Applications are required up to two (2) publication notices in the local newspaper and are \$300 per public hearing, of which can be paid at the time of application. *******NOTE***** if the notices are not paid at the time of application, the planning department will mail an invoice to the applicant for the public hearing mailing and publication fees; these fees must be paid before the application is place on the agenda**



ALL EXHIBITS PRESENTED WILL NEED TO BE IDENTIFIED AT THE MEETING, WILL BE ENTERED INTO THE RECORD, AND RETAINED ON FILE.

PART 2 – APPLICATION INFORMATION

PROPERTY OWNER: Post Falls Baptist Church Inc					
SIGNATURE: o/o Maule Latham				DATE: 11/15/21	
MAILING ADDRESS: 1608 N. Spokane St.			EMAIL: pastorseth@post-fallsbaptist.com		
CITY: Post Falls		STATE: ID		ZIP: 83854	
PHONE: 208-773-5870		FAX: (none)		EMAIL: (same)	
APPLICANT NAME: Maule Latham					
APPLICANT STATUS:	Owner:	Agent:	Engineer:	Planner:	Other: Architect
MAILING ADDRESS: 607 E. 6 th					
CITY: Post Falls		STATE: ID		ZIP: 83854	
PHONE: 208-773-9804		FAX: (none)		EMAIL: mark@ml-architect.com	
SIGNATURE: Maule Latham				DATE: 11/15/21	

PART 2 - Site Information:

PROPOSED PROJECT NAME: Post Falls Baptist Church.		
GENERAL LOCATION OR ADDRESS IF AVAILABLE: 1608 N. Spokane St.		
LEGAL DESCRIPTION: Tax # 7360 EX RW 515W 34NE		
DESCRIPTION OF PROJECT: Church addition to exist church		
EXISTING ZONING: R-1	ADJACENT ZONING: CCS, R1, R2	CURRENT LAND USE: church
ADJACENT LAND USES: Funeral Home, multifamily, single family	SIZE OF SITE: 1.8939 Ac	SITE DENSITY IF APPLICABLE: N/A.



The applicant (or a representative) must be at the meeting representing this proposal or the application will not be heard.

I (We) the undersigned, do hereby make petition for a Special Use Permit of the property described in this petition and do certify that we have provided accurate information as required by this petition form to the best of my (our) ability.

DATED THIS 15th DAY OF November 2021

Applicant's Signature(s)

M. A. Kelly



607 E. 6th Ave Ste 101 • Post Falls, ID 83854 • 208-773-9864 mark@ml-architect.com

November 15, 2021

City of Post Falls Community Development

Project: Post Falls Baptist Church

RE: Special Use Permit.

The Post Falls Baptist Church (formerly known as the Zion Baptist Church) has been in existence since at least 1991 with Paster Bill Hohenstreet as pastor. The church has changed names and has changes pastors but has continuously been run as a community Christian church.

The current zoning is R-1 Residential, and while the Funeral Home to the north is zoned CCS Commercial, the adjacent church parcel to the south is not. Currently there exists no Special Use Permit for the church to operate in the R-1 Residential zoning designation.

Post Falls Zoning requires a Special Use permit for a church facility to operate within the R-1 zone.

We are seeking a Special Use permit for the church to continue to operate within the R-1 Residential zone for the following reasons:

1. Precedent: the church has been located on this parcel and continuously operated as a church since its construction and founding since 1991 and plans to continue the mission to be a church facility for the community of Post Falls.
2. Spokane Street Corridor: The church is positioned in a good location with frontage on Spokane street with access from this arterial without driving through any residential neighborhood.
3. Future Land Use Plan: the parcel is located in the Medium Density Residential District, but the Business/Commercial District is located only one block south.
4. History: the church has operated continuously for over 30 years in this location without conflicts or issues with adjacent neighbors. The funeral Home to the north is a symbiotic use and historically the parking lot between the two parcels has been shared for functions.

Therefore we respectfully request that you review and approve the proposed Special Use Permit for the continuation of the use and operation of the Post Falls Baptist Church on this parcel.

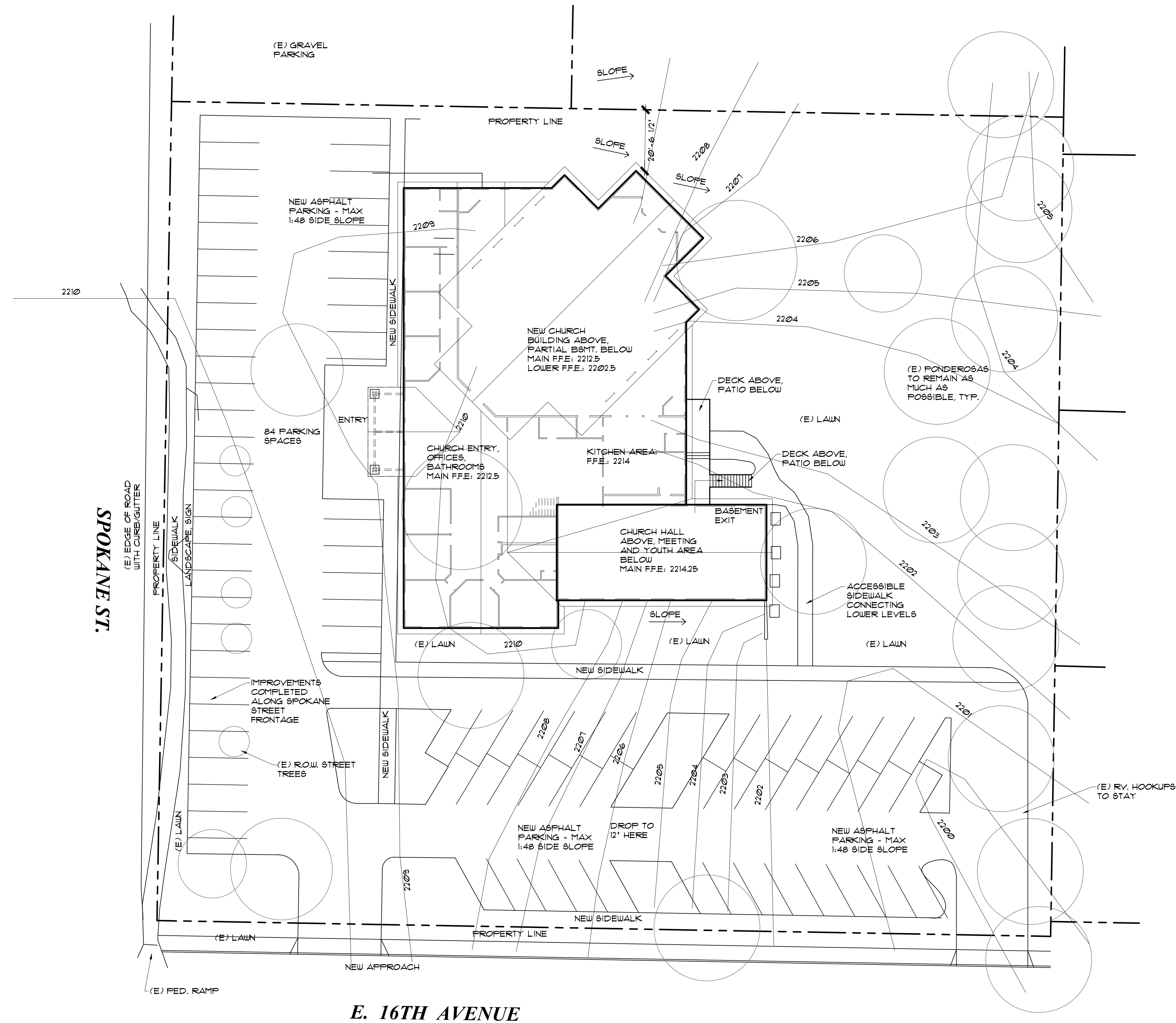
Sincerely,

Mark Latham

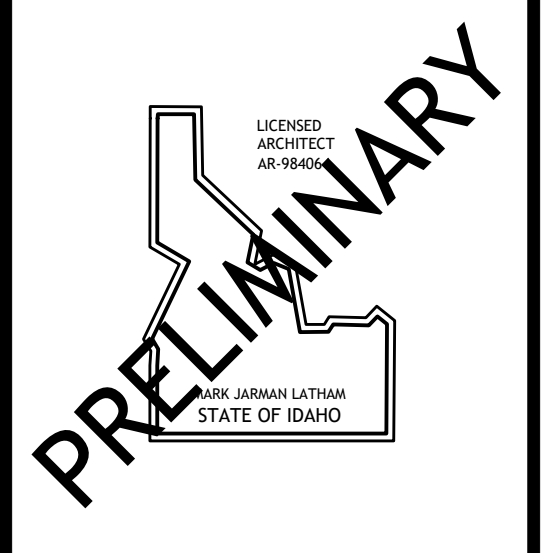
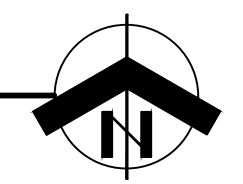
ML Architect & Assoc.
607 E. 6th Ave.
Post Falls, Idaho

(208) 773-9864

Exhibit A-2



1
A1.2 PROPOSED SITE PLAN
SCALE: 1" = 20'-0"



PROJECT NUMBER: 20-99
DATE: 11-05-20
CHECKED/DRAWN: MJL/RRW
REVISIONS:

NEW BUILDING FOR
**POST FALLS
BAPTIST CHURCH**
1608 N. SPOKANE ST
POST FALLS, ID

PROPOSED SITE
PLAN

A1.2

November 15, 2021

To: City of Post Falls Community Development

Project: Post Falls Baptist Church

RE: Special Use Permit – Letter of Authorization

Pastor Seth Hohenstreet, owner/managing member of Post Falls Baptist Church
Authorizes Mark Latham of ML Architect to act as agent on my behalf in all matters related to
procuring a Special Use Permit with the city of Post Falls.

Signed:

A handwritten signature in black ink, appearing to read "Seth Hohenstreet", with a long horizontal flourish extending to the right.

GUARANTEE

Issued by

First American Title Company
1866 North Lakewood Drive, Coeur d'Alene, ID 83814
Title Officer: Tami Hofacker
Phone: (208)667-0567
FAX: (208)765-2050

Exhibit A-8



First American Title™

Form 5010500 (7-1-14)

Guarantee Number: 501055-1015555

Guarantee Face Page

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY



First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

This jacket was created electronically and constitutes an original document

SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
 - (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
 - (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
 - (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records: (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
 - (c) The identity of any party shown or referred to in Schedule A.
 - (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee

GUARANTEE CONDITIONS AND STIPULATIONS

1. **DEFINITION OF TERMS.**
The following terms when used in the Guarantee mean:
 - (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
 - (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
 - (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
 - (e) "date": the effective date.
2. **NOTICE OF CLAIM TO BE GIVEN BY ASSURED CLAIMANT.**
An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice
3. **NO DUTY TO DEFEND OR PROSECUTE.**
The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.
4. **COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED CLAIMANT TO COOPERATE.**
Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:
 - (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
 - (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
 - (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.

- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate

any liability of the Company under this Guarantee to the Assured for that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.

- (b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay. Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

7. DETERMINATION AND EXTENT OF LIABILITY.

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A or in Part 2;
- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagor, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. LIMITATION OF LIABILITY.

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. PAYMENT OF LOSS.

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company,

the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies. If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. ARBITRATION.

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof. The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

13. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT.

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Phone: 888-632-1642.



First American Title

Guarantee

Subdivision Guarantee

ISSUED BY
First American Title Insurance Company

GUARANTEE NUMBER
5010500-1015555-C

Subdivision or Proposed Subdivision: Post Falls Baptist Church

Order No.: 1015555-C

Reference No.:

Fee: \$200.00

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY GUARANTEES:

ML Architect & Associates

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH KOOTENAI COUNTY SUBDIVISION REGULATIONS,

in a sum not exceeding \$200.00.

THAT according to those public records which, under the recording laws of the State of Idaho, impart constructive notice of matters affecting the title to the lands described on the attached legal description:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 25 FEET NORTH AND 30 FEET EAST OF THE CENTER OF SAID SECTION 34;

THENCE EAST, PARALLEL WITH THE EAST-WEST CENTER LINE OF THE SECTION, A DISTANCE OF 300 FEET;

THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH CENTER LINE OF THE SECTION, A DISTANCE OF 305 FEET;

THENCE WEST, A DISTANCE OF 300 FEET, TO A POINT 30 FEET EAST OF THE NORTH-SOUTH CENTER LINE OF THE SECTION;

THENCE SOUTH, PARALLEL WITH THE NORTH-SOUTH CENTER LINE OF THE SECTION, 305 FEET TO THE POINT OF BEGINNING.

(A) Parties having record title interest in said lands whose signatures are necessary under the requirements of Kootenai County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication any streets, roads, avenues, and other easements offered for dedication by said Plat are:

Post Falls Baptist Church, Inc.

(B) Parties holding liens or encumbrances on the title to said lands are:

1. 2021 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year.

Taxes which may be assessed and entered on the property roll for 2021 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

Year	Original Amount	Amount Paid	Parcel Number
2021	\$5.74	\$0.00	P00000341600

Homeowners Exemption is not in effect for 2021.
Circuit breaker is not in effect for 2021.
Agricultural Exemption is not in effect for 2021.
Other Exemption is in effect for 2021.

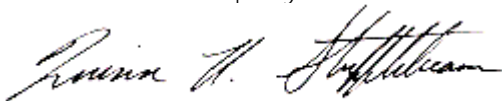
2. Any failure of the Kootenai County Treasurer's office to provide information on all assessments owed.
3. Levies and assessments of the City of Post Falls, for which we find no delinquencies of record.

(C) Easements, claims of easements and restriction agreements of record are:

4. Easement for right of way granted to Pacific Telephone and Telegraph Company and other provisions in Deed therein, recorded June 9, 1930, in [Book 95 of Deeds, Page 296](#).
5. Easement for right of way granted to the Village of Post Falls, recorded June 9, 1967, in [Book 213 of Deeds, Page 479](#).
6. Easement for right of way granted to the City of Post Falls, recorded May 28, 2008, as Instrument No. [2161120000](#).
7. Easement for right of way granted to the City of Post Falls, recorded May 28, 2008, as Instrument No. [2161121000](#).
8. Right of Way Agreement upon the terms, conditions and provisions contained therein:
Parties: The City of Post Falls and Post Falls Baptist Church, Inc.
Recorded: July 1, 2008, Instrument No. [2166705000](#)

Date of Guarantee: November 05, 2021 at 7:30 A.M.

First American Title Company



By:

Authorized Countersignature



Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do we Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.

Contact us dataprivacy@firstam.com or toll free at 1-866-718-0097.



First American Title™

For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the **California Consumer Privacy Act of 2018 ("CCPA")**. All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of personal information we have collected about or from you; (2) the categories of sources from which the personal information was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your personal information; and (5) the specific pieces of your personal information we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Right of Deletion. You also have a right to request that we delete the personal information we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

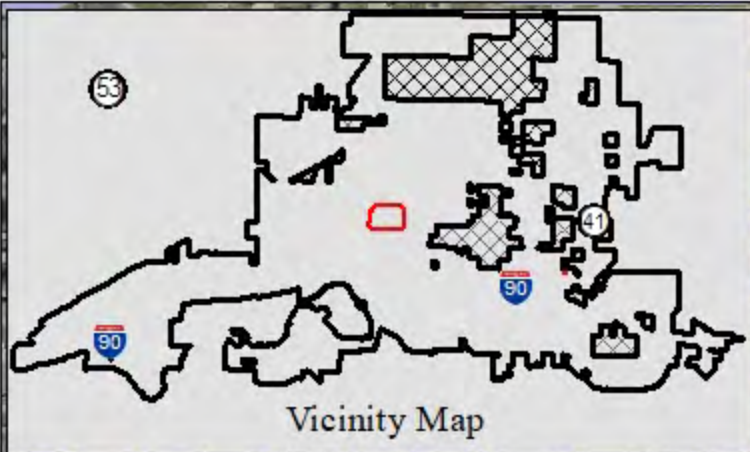
Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of personal information we have collected about **California Residents over the last 12 months, please see "What Information Do We Collect About You"** in www.firstam.com/privacy-policy. To learn about the sources from which we collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see **"How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information"** in www.firstam.com/privacy-policy.

Notice of Sale. We have not sold the personal information of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of personal information we may have disclosed about California residents in the past 12 months, please see **"How Do We Use Your Information", and "How Do We Share Your Information"** in www.firstam.com/privacy-policy.






Vicinity Map

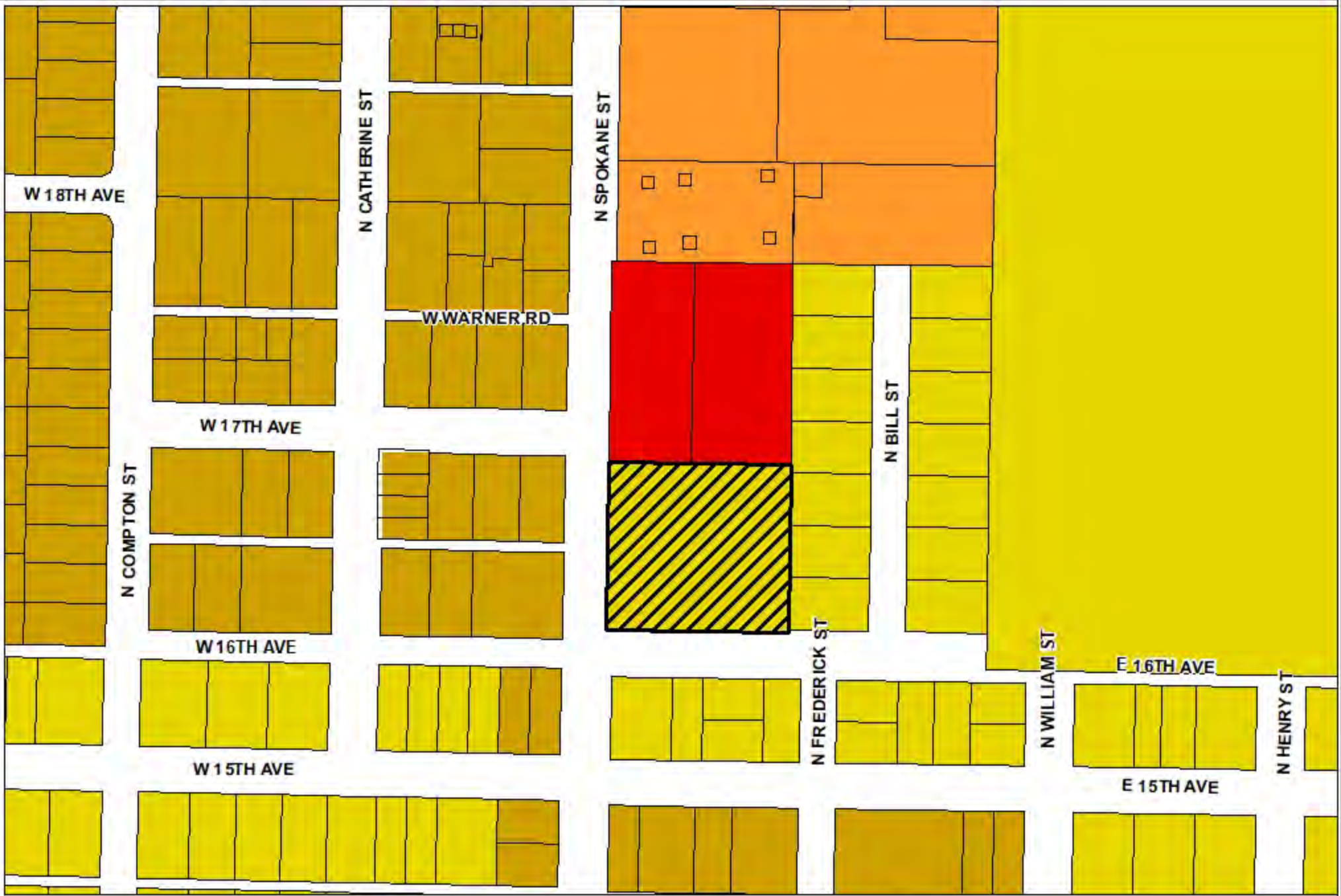


Vicinity Map
 POST FALLS BAPTIST SPOKANE ST
 USE-0007-2021



-  Subject Site
-  City Boundary
-  Tax Parcels





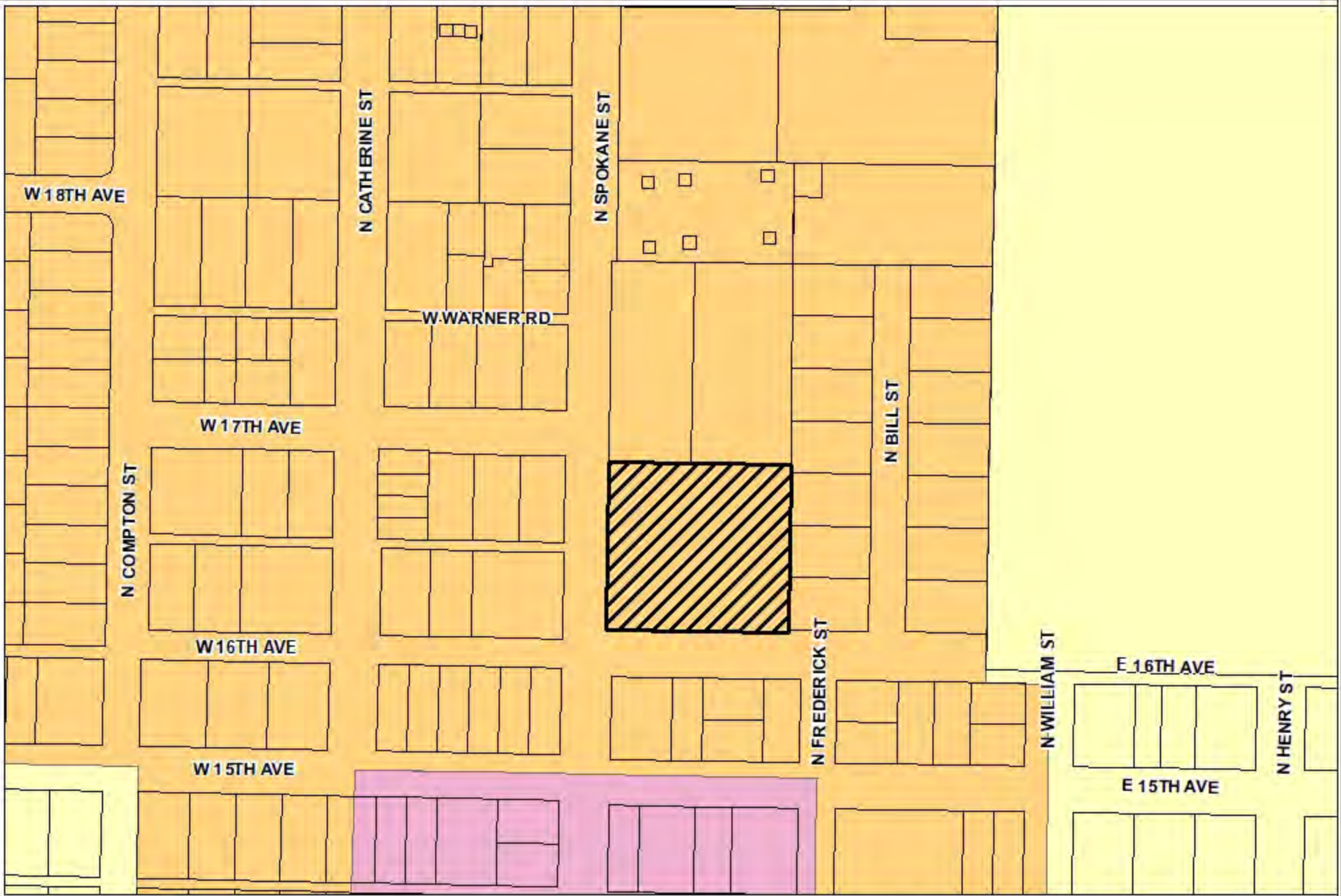
Zoning Map
 POST FALLS BAPTIST SPOKANE ST
 USE-0007-2021



- City Boundary
- Subject Site
- CCS
- R-1
- R-2
- R-3

Exhibit S-2





Future Land Use Map
 POST FALLS BAPTIST SPOKANE ST
 USE-0007-2021








-  City Boundary
-  Subject Site
-  Business/Commercial
-  Medium Density Residential
-  Low Density Residential

Exhibit S-3



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 21, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

RE: Notice to Jurisdiction Response

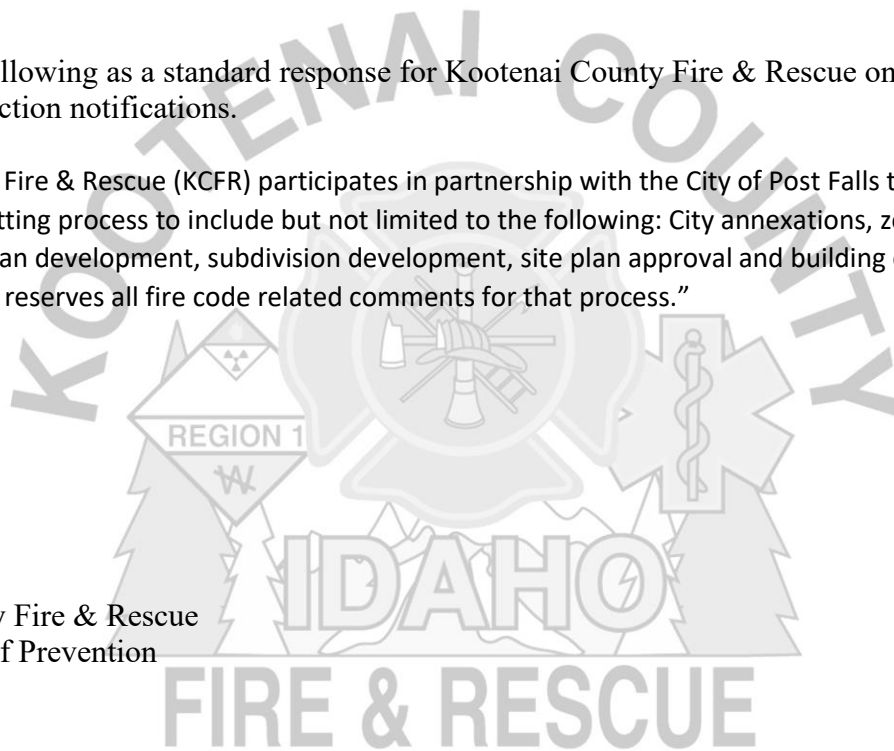
Amber,

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





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

January 21st, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

Re: Post Falls Baptist_Spokane St. Special Use Permit File No. USE-0007-2021

The Police Department has reviewed the above listed special use permit 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: Kristie May <Kristie.May@deq.idaho.gov>
Sent: Thursday, January 20, 2022 3:31 PM
To: Amber Blanchette
Subject: RE: Post Falls Baptist_Spokane St. Special Use Permit File No. USE-0007-2021

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 Afternoon,

DEQ has no environmental impact comments at this stage of the project.

Thank you,
Kristie

Kristie May (McEnroe) | Admin Assistant II
Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Direct: 208.666.4608
Office Line: 208.769.1422
www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Amber Blanchette <amberb@postfallsidaho.org>
Sent: Thursday, January 20, 2022 1:21 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@postfallsidaho.org>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.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@postfallsidaho.org>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erika Auger <eauger@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eporter@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jpoindexter@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; 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

Amber Blanchette

From: jonie@postfallshd.com
Sent: Friday, January 28, 2022 9:09 AM
To: Amber Blanchette
Subject: RE: Post Falls Baptist_Spokane St. Special Use Permit File No. USE-0007-2021

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 1
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com

From: Amber Blanchette <amberb@postfallsidaho.org>
Sent: Thursday, January 20, 2022 1:21 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@postfallsidaho.org>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.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@postfallsidaho.org>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erika Auger <eauger@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eportner@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jpoindexter@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; 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>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfallsidaho.org>; lauriep@kootenaifire.com; Lindsay Spencer <lindsay@eastgreenacres.org>; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; 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@postfallsidaho.org>; 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 <prestonh@postfallsidaho.org>; Rob Palus <rpalus@postfallsidaho.org>; Robert Seale <rseale@postfallsidaho.org>; Robin Bekkedahl <robin.bekkedahl@avistacorp.com>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon

**CITY OF POST FALLS
AGENDA REPORT**

DATE: January 20, 2022

TO: POST FALLS PLANNING AND ZONING COMMISSION

FROM: ETHAN PORTER, ASSOCIATE PLANNER, 208-457-3353, eporter@postfallsidaho.org

SUBJECT: STAFF REPORT FOR FEBRUARY 8, 2022, P&Z COMMISSION MEETING – GRACE DELIGHT TWIN HOMES SPECIAL USE PERMIT PUBLIC HEARING

INTRODUCTION:

Olson Engineering has requested, on behalf of the property owner Grace Delight West LLC (Exhibits A-1 and A-5), approval for a Special Use Permit to develop 2.59 acres into twin homes within the Community Commercial Services (CCS) zone. Twin homes are allowed in the CCS zone through a special use permit per City code 18.20.030. The Planning & Zoning Commission must conduct a public hearing and determine if the proposed request meets the approval criteria contained in PFMC Section 18.20.070(B). Following the public hearing, the Planning Commission will direct staff to prepare a Reasoned Decision, along with any appropriate conditions, that explains how the approval criteria are/are not met. The Planning Commission will review and approve the final Reasoned Decision at a subsequent meeting. The approval criteria are:

- A. Whether implementation of the special use would/would not conform to the purposes of the applicable zoning district.
- B. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.
- C. Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.
- D. Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan.

PROJECT INFORMATION:

Project Name/File Number: Grace Delight Twin Homes Special Use Permit (USE-0008-2021)

Owner: Grace Delight West LLC, 714 W. Seltice Way, Post Falls, ID 83854

Applicant: Olson Engineering, PO Box 1894, Post Falls, ID 83877

Project Description: Develop 32 twin homes total over lots 2,3, and 4 of West Seltice Commercial Addition. This would provide a density of 12.36 with lot sizes ranging from 2,400 square feet to 2,546 square feet. A common

parking area and open space would be provided within the development. Twin home development is proposed to include 16 rear loaded homes and 16 front loaded homes.

Project Location: In-between Mullan Ave. and Seltice Way east of Chase Rd. approximately 380 feet.

Water Provider: City of Post Falls

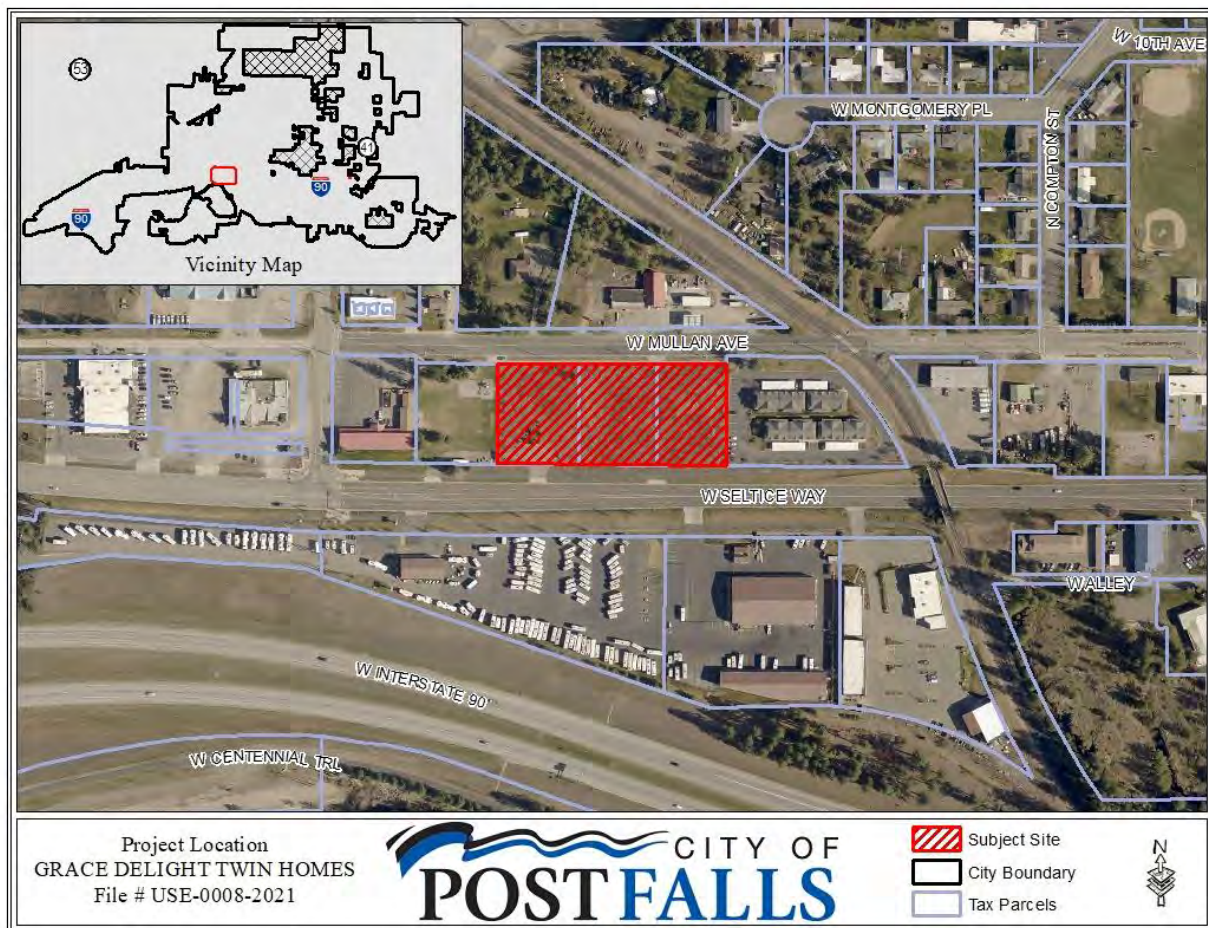
Sewer Provider: City of Post Falls

Proposed Site Plan: See Exhibit A-3

AREA CONTEXT:

Surrounding Land Uses: To the east of the proposed site is River City Apartment complex with 30 units. Directly west is school property that includes a play set and field. North across Mullan Ave. is a Cenex gas station and Cooperative Supply Inc. business along with a large lot residential home. South across Seltice Way is the business Blue Dog RV.

Area Context Vicinity Map:



SITE IMAGES:

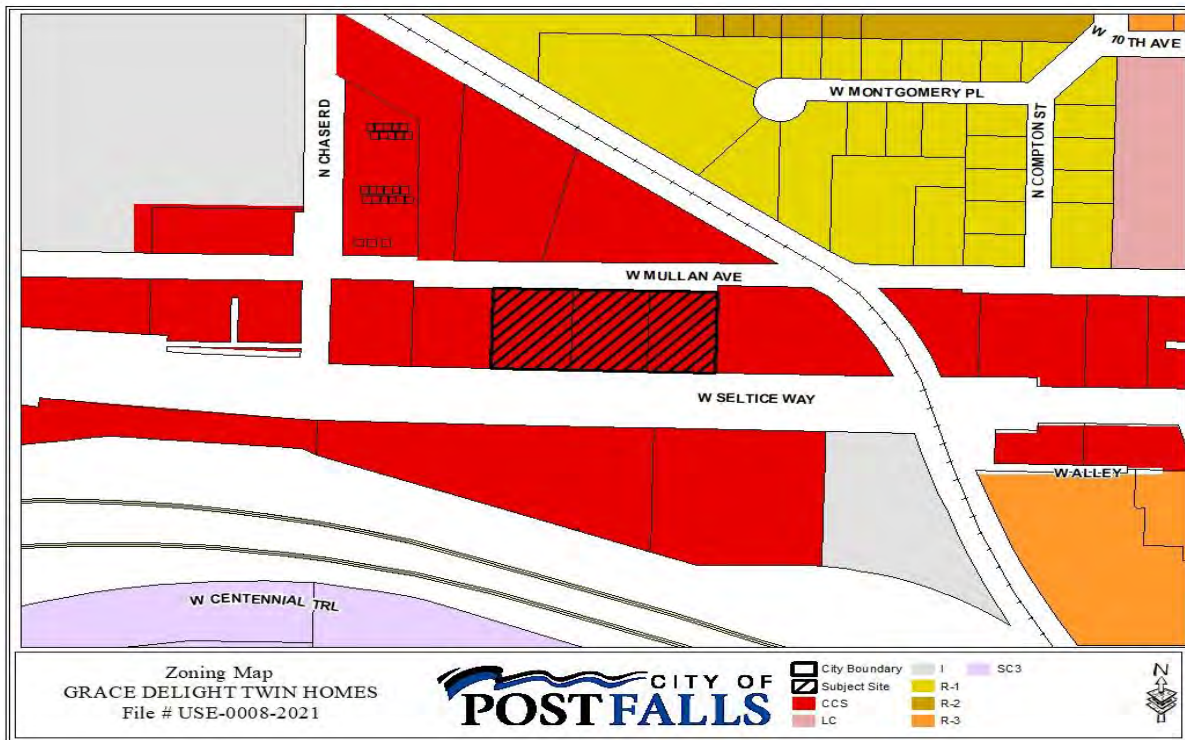
Looking northeast from Seltice Way at subject site:



Looking Southeast from Mullan Ave. at subject site:



Surrounding Zoning Districts: Adjacent zoning to the east and west as well as across Mullan Ave. and Seltice Way are all zoned as CCS (See Following Map).



EVALUATION OF SPECIAL USE PERMIT APPROVAL/ REVIEW CRITERIA:**A. Implementation of the special use will/will not conform to the purposes of the applicable zoning district.**PFMC Section 18.16.010 (B) Commercial Zones:

Community Commercial Services (CCS): The CCS zone supports certain residential uses through the City's Land Use Table only through a special use permit. This zone is applied in areas primarily located near arterials and collector streets.

B. Whether the proposed use constitutes an allowable special use as established by this chapter for the zoning district involved; and complies with all other applicable laws, ordinances, and regulations of the city and the state.

Post Falls Municipal Code (PFMC) 18.20.040 Official Bulk and Placement table has standards set forth for twin home developments that will need to be met as well as design standards found in PFMC 18.24.030(B).

C. Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

The proposed use should not be detrimental to the health, safety, and welfare of the public or with land uses within the vicinity.

Transportation: The proposed special use for building height is not anticipated to produce impacts that would adversely impact the adjoining transportation systems. Mullan Avenue is a Minor Arterial Roadway with anticipated 2035 volumes of less than 5,000 vehicles per day. Minor Arterials are intended to carry traffic volumes of 6,000 to 15,000 vehicles per day. Seltice Way is a Principal Arterial Roadway with anticipated 2035 traffic volumes of under 13,000 vehicles per day. Principal Arterial Roadways are intended to carry traffic volumes of 12,000 to 32,000 vehicles per day. Site access to/from Seltice Way would not be allowed.

Frontage improvements conforming with the City Standard are currently in place and acceptable along Mullan Avenue and Prairie Avenue. Proposed driveway approaches shown on the concept layout would be in conformance with City of Post Falls Access Standards, actual design will need to conform with said access standards.

Multimodal facilities exist along both frontages of the property. The Karen Streeter Trail is located along Seltice Way. A pedestrian access route should be connected from the site, preferably from the Parking Area to the Karen Streeter Trail. Sidewalk is located along Mullan Ave. and the City is in the early design phases for completion of sidewalk and trail improvements of multimodal facilities that would connect from the Mullan Ave. / Chase Rd. intersection to the Elementary School less than ¼ mile from the site.

Water Reclamation: The site will be connected to the City's Water Reclamation Facilities. Existing facilities are in place along Mullan Ave. and the properties eastern boundary. No site-specific issues related to pretreatment are anticipated with residential uses. The property is not subject to any Sewer Surcharges or Local Improvement Districts. The downstream lift station, Mazda Lift Station, there are no capacity issues at the Mazda Lift Station. The City of Post Falls has current capacity and is willing to

provide service to the site. Site-specific issues related to service locations and main extensions would be handled at the time of Site Plan Review.

Domestic Water: The proposed special use will be serviced by the City of Post Falls water system. Domestic water is in place along the properties Mullan Avenue frontage. The City of Post Falls has current capacity and is willing to provide service to the site. Site-specific issues related to fire protection would be handled at the time of Site Plan Review.

General: The site is anticipated to have minor extensions of City Water and Sanitary Sewer Main to fully serve the site in the proposed configuration. No significant modifications or expansions of the public transportation systems are anticipated or required with site development. Impacts to the City's maintenance and operation of utilities and roadways would be minor with this site development.

D. Whether the proposed use will/will not comply with the goals and policies found within the comprehensive plan.

Goal 5: Keep Post Falls' neighborhoods safe, vital, and attractive.

Residents prize the character and unhurried pace of Post Falls neighborhoods, and wish to ensure their neighborhoods are kept safe, active and aesthetically pleasing. Supporting this goal, a diverse set of policies have been provided, including encouraging attractive, pedestrian-friendly development, provision of diverse housing types, parks facilities, and neighborhood-scale commercial services.

Goal 12: Maintain the City of Post Falls' long-term fiscal health.

Services that cities provide cannot be sustained without fiscal balance and accountability. This goal serves to anchor the City of Post Falls' obligation to sustain its fiscal health – achieved through the gathering of income in responsible, equitable ways, and through decisions, investments and actions that provide rate-payers with efficient, effective services now and in the future.

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

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 the review of this Special Use Permit 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 maintaining the community levels of service.

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

Staff Comment: Development of infill vacant lots could help the City's fiscal health by this proposal providing a better revenue per square foot than remaining vacant and underutilized. Providing twin homes could help provide more affordable housing options and help address the housing need within the City.

- Maintain and enhance resident quality of life;

Staff Comment: The proposed location would provide access via roadway or pedestrian pathway to commercial businesses and the Seltice Commercial Corridor, which may provide access to further amenities that are closer in proximity.

- Promote compatible, well-designed development;

Staff Comment: As previously stated, requirements from the Official Bulk and Placement Table (PFMC 18.20.040) will need to be met and development of twin homes will have design standards.

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

Staff Comment: Transportation Impacts, Sewer capacity and water capacity are reviewed within pre-application meetings with City staff. Any anticipated inadequacy's would be identified and addressed or have a plan on how to be addressed to be in compliance with the relevant master planning at the time of public hearing

Policy 3: Encourage development patterns that provide suitably-scaled, daily needs services within walking distance of residential areas, allowing a measure of independence for those who cannot or choose not to drive.

Staff Comment: This proposal being along Seltice Way and having pedestrian access to the downtown district may/may not provide daily needs and services for those who do not/cannot drive.

Policy 6: Encourage residential development patterns typically featuring:

- Housing that faces the street edge;

Staff Comment: This proposal is for twin homes that have to meet twin home design standards that promote rear loaded housing that front a public street.

- An interconnected grid or small-block streets network;

Staff Comment: Within the proposed layout there would be an internal drive access leading in and out to Mullan Ave.

- Street sections designed for safety, traffic calming and aesthetic appeal, including narrower lanes, sidewalks, landscaping and lighting;

Staff Comment: Street sections would need to adhere to engineering requirements for private/public roadways. Frontage improvements are predominantly in place. Internal drive aisle will need to have no parking signs installed to preserve access for emergency services and waste management.

- Development and utilization of alleys for parking and service access;

Staff Comment: Twin homes tend to be utilized as rear loaded single-family homes providing alley access to residents. Proposal is utilizing a rear loading from a private drive aisle.

- Vertical or horizontal mixed use where appropriate along the ID-41 corridor and in neighborhood and regional centers.

Staff Comment: This proposal is not located near ID-41, therefore is not applicable.

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

Staff Comment: Lots 2, 3, and 4 of the West Seltice Commercial Addition have been and currently are under-utilized as they have remained vacant without a use. Developing this site would be infill development.

Policy 15: Ensure that adequate land is available for future housing needs, helping serve residents of all ages, incomes and abilities through provision of diverse housing types and price levels.

Staff Comment: Twin homes could provide a housing type that becomes more affordable for all ages and income levels, as well as being a different that is typically seen as a single-family home.

Policy 18: Maintain housing standards, fees and regulations that support and sustain related services and infrastructure.

Staff Comment: Homes being built will need to meet City code requirements and building permits will have fees to help support and sustain related services and infrastructure.

Policy 19: Encourage clustering of units in new residential development, providing service efficiencies and creating opportunities for private or community open space.

Staff Comment: Open space is provided as part of the conceptual plan for the layout of this twin home special use request. Development of this site will eliminate two existing driveway crossings of the Karen Streeter linear multi-use trail and linear parkway. This will improve pedestrian connectivity and enhancing the landscape adjacent through site development. The site offers service efficiencies with schools, library and commercial facilities within ½ mile. The City has nearby park spaces meeting Parks Department level of service standard in the vicinity.

Policy 26: Maintain and improve the continuity of sidewalks, trails, and bicycle paths in Post Falls.

Staff Comment: Existing frontage improvements continue sidewalks and trails (Karren Streeter Trail).

Policy 55: Encourage the formation of homeowners' associations to maintain private streets, common neighborhood trails and open space areas, and adjacent landscaping along public rights-of-way.

Staff Comment: Open space is part of the proposed layout and adjacent to rights-of-way. Through

a subdivision application there should be consideration for creating a homeowner’s association to facilitate common maintenance responsibilities internal to the project and along the project’s frontages with Seltice Way and Mullan Avenue.

Policy 69: Encourage new development to provide pedestrian access to nearby parks, trails and green spaces.

Staff Comment: Policies 19, 26, and 55 address nearby parks and green spaces being met with the proposed layout and location of this special use permit.

Policy 74: Provide plans and development standards that protect and enhance existing natural systems, natural resources, and open spaces.

Staff Comment: Currently on the subject site there is a stormwater easement that needs to be maintained, which the plan for the twin home layout identifies it being open space and not disturbed with development.

Policy 82: Continue to provide storm water collection and treatment through use of grassed infiltration areas and encourage the use of new or improved technology whenever practical.

Staff Comment: Like policy 74 the stormwater collection and treatment will be maintained on site through the protection of the existing easement.

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

Post Falls Post Office	PF Park & Rec	East Greenacres Irrigation 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

- ➔ **Kootenai County Fire & Rescue Service (Exhibit PA-1)** - 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.”
- ➔ **Post Falls Police Department (Exhibit PA-2)** – Remain neutral.
- ➔ **Idaho Transportation Department (Exhibit PA-3)** – Remain neutral
- ➔ **Post Falls Highway District (Exhibit PA-4)** – Remain neutral
- ➔ **Idaho Department of Environmental Quality (Exhibit PA-5)** – Remain neutral

MOTION OPTIONS: The Planning Commission may approve the requested Special Use Permit as presented, approve with conditions or deny the Special Use Permit request.

CONDITIONS (If any are applied):

1. Site Access points will be required to conform with City Access Management requirements.
2. Internal drive access aisle shall be marked as “no parking” to maintain adequate access for emergency services
3. A pedestrian connection shall be maid from the parking area to the Karen Streeter Trail
4. Future Subdivision shall include a homeowner’s association to manage common area maintenance and landscaping.

ATTACHMENTS:

APPLICANT’S EXHIBITS:

Exhibit A-1	Application
Exhibit A-2	Narrative
Exhibit A-3	Preliminary Plan
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	KCFR Comments
Exhibit PA-2	PFPD Comments
Exhibit PA-3	ITD Comments
Exhibit PA-4	PFHD Comments
Exhibit PA-5	DEQ Comments
Exhibit PC-1	Young Comments



SPECIAL USE PERMIT APPLICATION

PFMC 18.20.070

Public Services Department – Planning Division
408 N. Spokane St. Post Falls, ID 83854
208.773.8708 Fax: 208.773.2505

STAFF USE ONLY	Date Submitted: <u>11/24/21</u>	Received by: <u>EP</u>	File # <u>USE-0008-2021</u>
Application Fee <u>\$750</u>	Public Hearings: <u>\$300</u>	Mailing \$6*	= <u>\$228</u>

PART 1 – Process of Completion and Public Hearing Schedule

- 1. Applications will need to be deemed complete by the Planning Department prior to being scheduled for a public hearing. Once the applicant has been issued a completeness letter from the Planning Department verifying the application is complete, the application will be eligible to be scheduled at the next available Public Hearing.**
- 2. Each Completeness Review Period, will be reviewed within a 2-week period**
- 3. There is a 45-day cut-off windows for a fully completed application (deemed complete) required, prior to being scheduled for the next available Public Hearing (See Note Below).**

*****NOTE: Once we have 4 Public Hearings the following applicants will be moved to the next month's Hearing Date. *****

PART 1/A – REQUIRED MATERIAL

****THE APPLICATION WILL NOT BE ACCEPTED IF THE REQUIRED MATERIALS ARE NOT PROVIDED****

The purpose of a special use permit is to establish procedures for the review and approval of uses that are not permitted by right in a particular zoning district. A special use permit is not transferable from one parcel of land to another nor shall it be considered as establishing a binding precedent to grant other special use permits. Special use permits require a public hearing before the planning and zoning commission following appropriate procedures.

- Completed application form
- Application fee (Per most recently adopted fee resolution)
- Narrative- identifying the present Comprehensive Plan designation, the relationship of the proposed use to the Comprehensive Plan and compatibility with adjacent and other properties in the district.
- Conceptual Plan of proposal- no larger than 11x17 as applicable
- Vicinity Map- no larger than 11x17
- Authorization Letter – if applicant is other than property owner/contract buyer
- Title report/Public Hearings – By a Title Company licensed in the state of Idaho, as to ownership of record and any interest of record in the subject property. Provide a report of property owners within 300 feet of the external boundaries of the proposed development. The applicant will incur a public hearing mailing fee in the amount of \$6.00 per hearing notice per property within the 300 feet radius. Applications are required up to two (2) publication notices in the local newspaper and are \$300 per public hearing, of which can be paid at the time of application. *******NOTE***** if the notices are not paid at the time of application, the planning department will mail an invoice to the applicant for the public hearing mailing and publication fees; these fees must be paid before the application is place on the agenda**



ALL EXHIBITS PRESENTED WILL NEED TO BE IDENTIFIED AT THE MEETING, WILL BE ENTERED INTO THE RECORD, AND RETAINED ON FILE.

PART 2 – APPLICATION INFORMATION

PROPERTY OWNER: Grace Delight West LLC					
SIGNATURE:				DATE:	
MAILING ADDRESS: 714 W Seltice Way			EMAIL: c.witherwax@rjaholdings.com		
CITY: Post Falls		STATE: Idaho		ZIP: 83854	
PHONE: 208-699-6034	FAX:	EMAIL:			
APPLICANT NAME: Olson Engineering					
APPLICANT STATUS:	Owner:	Agent:	Engineer: <input checked="" type="checkbox"/>	Planner:	Other:
MAILING ADDRESS: PO Box 1894					
CITY: Post Falls		STATE: Idaho		ZIP: 83877	
PHONE: (208) 651-4152	FAX:	EMAIL: eo@oecivil.com			
SIGNATURE: <i>Erick Olson</i>				DATE: 11/8/21	

PART 2 - Site Information:

PROPOSED PROJECT NAME: Grace Delight Twin Homes		
GENERAL LOCATION OR ADDRESS IF AVAILABLE: 601, 609, 705 W Seltice Way		
LEGAL DESCRIPTION: WEST SELTICE COMMERCIAL ADD, LT 2 BLK 1 0350N05W (also LT 3 and LT 4)		
DESCRIPTION OF PROJECT: Subdivision for twin homes		
EXISTING ZONING: CCS	ADJACENT ZONING: CCS	CURRENT LAND USE: Vacant
ADJACENT LAND USES: School, Apartments	SIZE OF SITE: +/- 2.59 Acres	SITE DENSITY IF APPLICABLE: 12.36 Lots/Acre



The applicant (or a representative) must be at the meeting representing this proposal or the application will not be heard.

I (We) the undersigned, do hereby make petition for a Special Use Permit of the property described in this petition and do certify that we have provided accurate information as required by this petition form to the best of my (our) ability.

DATED THIS _____ DAY OF _____ 20_____

Applicant's Signature(s)

Erick Olson

SUP Project Narrative- GDW LLC

Description

On behalf of Grace Delight West LLC, Olson Engineering is requesting a Special Use Permit for three parcels of land along Mullan Ave., west of Spokane Street. The Special Use Permit is for the development of the land into 32 twinhome lots. The request will allow for the implementation of the twinhome design standards, allowing for each unit to be owned as a single family dwelling.

Characteristics

The property is currently undeveloped and is situated between Mullan Avenue and Seltice Way, a major commercial corridor. The property has a gradual slope from west to east. Stormwater easements were identified during pre-development meetings with city staff and the design team has been able to propose a plan that will work around the easements.

Proposed Amendment

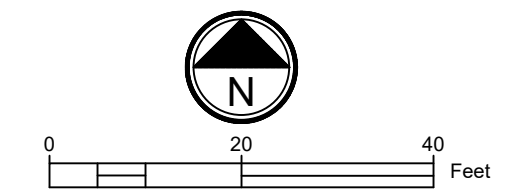
The request for Special Use Permit would allow the developer to initiate a project that would provide affordable, high-quality homes in close proximity to a major commercial corridor and downtown Post Falls. Within Post Falls Comprehensive Plan there are multiple items that lend merit to the request for amendment.

- Support Community Need and the City's Long-Term Sustainability: Affordable housing remains in high demand in Post Falls and Kootenai County. Vacancy rates continue to remain extremely low compared to the national and regional average. Continued manufacturing and business growth can only occur if work force housing is available.
- Housing Stock: The Comprehensive Plan specifically recognizes the need for additional smaller, lower income housing while recognizing that this type of housing is compatible with the business/commercial zoning.

Summary

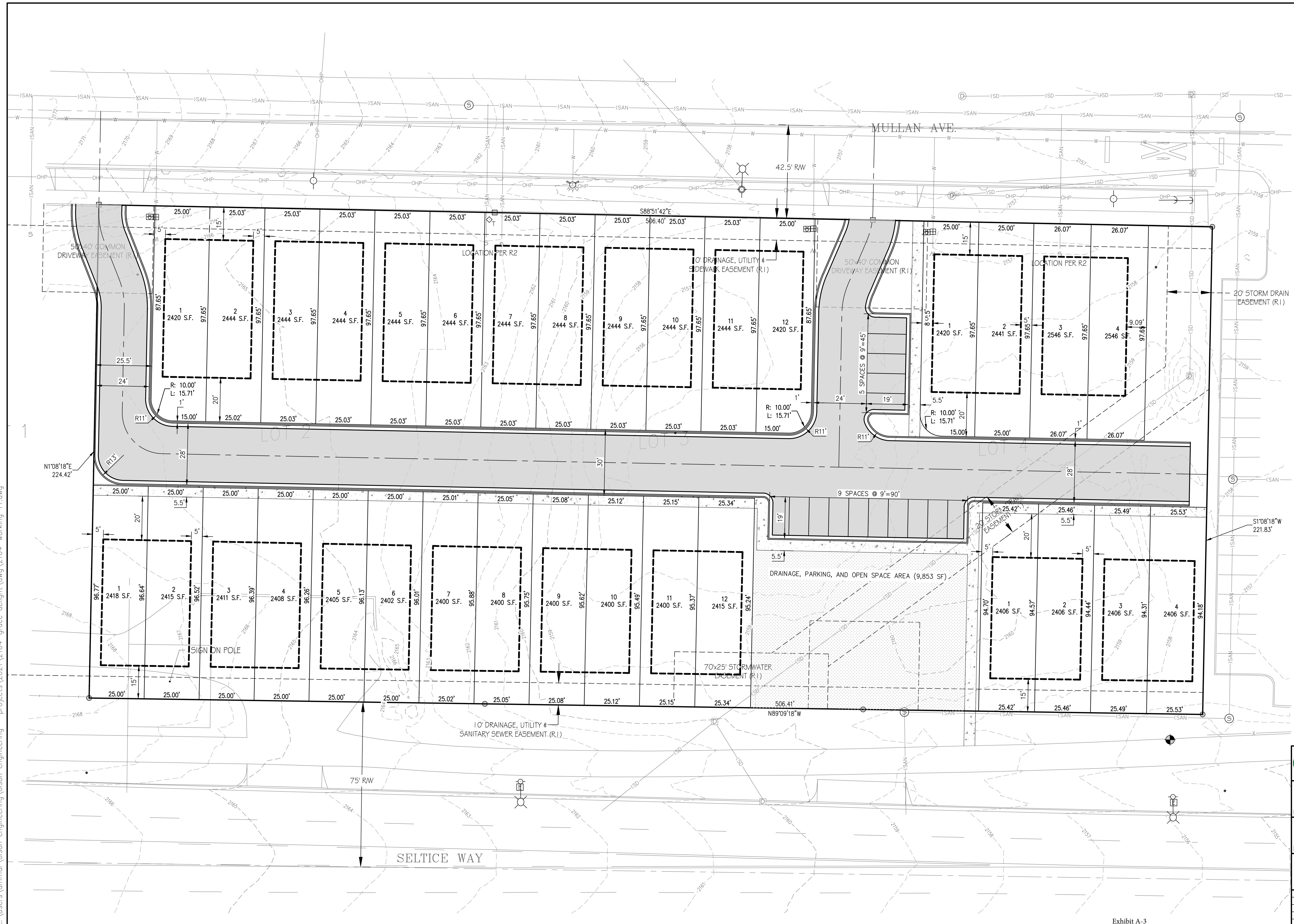
Although the city of Post Falls has made tremendous strides in recent years to adjust to the ever-changing land use needs, there is still a very small percentage of available land that is

zoned to allow for townhomes. Additional work force housing is in high demand throughout the area and a majority of the vacant land in the area and across the City is zoned commercial or industrial. Quality, affordable housing will be a key component in attracting additional businesses and manufacturers to the City.



PROJECT INFORMATION
 16 REAR LOAD TWIN HOME (NORTH)
 16 FRONT LOAD TWIN HOME (SOUTH)
 32 TWIN HOMES TOTAL

PROPERTY SIZE: 112,991.16 SF (2.59 AC)
 DENSITY: 12.36 LOTS PER ACRE
 SMALLEST LOT SIZE: 2,400 SF
 LARGEST LOT SIZE: 2,546 SF
 AVERAGE LOT SIZE: 2,429 SF



- GENERAL NOTES**
- 1) ALL DIMENSIONS ARE MEASURED TO FACE OF CURB WHERE CURB IS PRESENT
 - 2) ALL CURB IS STANDARD CURB AND GUTTER
 - 3) ALL CURB RADII ARE 3' UNLESS NOTED OTHERWISE

Olson Engineering
 P.O. Box 1894
 Post Falls, ID 83877
 208-651-4152
 oeidaho@gmail.com

811 Know what's below. Call before you dig.

GRACE DELIGHT TWIN HOMES

prj: _____

MULLAN AVE POST FALLS, IDAHO

loc: _____

OVERALL SITE LAYOUT

sh: _____

#	DATE	REVISION

E-1

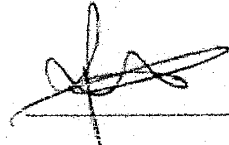
c:\users\dmarr\olson_engineering\projects\2021\2164-grace_delight\dwg\2164-working-r1.dwg

October 30, 2021

To whom it may concern,

This document is to grant authorization for Olson Engineering to act on behalf of Grace Delight West LLC for land use processes in the City of Post Falls. The properties in question are commonly known as 601, 609, 705 W. Seltice Way.

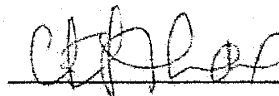
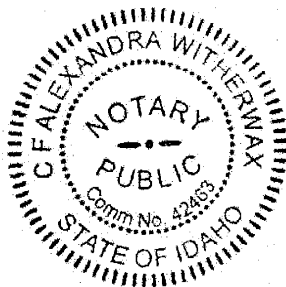
AIN 320249
320248
320247



Authorized Agent
Grace Delight West LLC

State of Idaho, Kootenai County

This record was signed before me on November 5, 2021 by Rebecca Asplund



Commission expires on 3-15-27

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Commitment No.: 416459

SCHEDULE A

Escrow Officer: -
Title Officer: Sam Johnson - sam@kootenaititle.com

- 1. Commitment Date: November 12, 2021 at 12:00 AM
- 2. Policy to be issued:
 - a. Minimum/informational report only, no insurance given or implied

	Amount:	\$0.00
	Premium:	\$215.00
	Total:	\$215.00


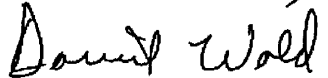
- 3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
- 4. Title to the Fee Simple estate or interest in the Land is at the Commitment Date vested in:
Grace Delight West, LLC, an Idaho Limited Liability Company

5. The Land is described as follows:
SEE SCHEDULE C ATTACHED HERETO

Old Republic National Title Insurance Company

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By: 
Kootenai County Title Company, Inc.

By  President
Attest  Secretary

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SCHEDULE B, PART I
Requirements

Notes:

1. This report is based on a search of our tract indices of the county records. This is not a title or ownership report, and no examination of the title to the property described herein 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 any errors and omissions contained herein.
2. We find the following last deed of record:
 - A. Warranty Deed by and between Richard P. Corpe, Trustee of the Richard P. Corpe Trust, as to an undivided 50% interest; and Larry J. Mindt and Laura J. Mindt, husband and wife, as to an undivided 50% interest, as Grantors, and Grace Delight West, LLC, an Idaho Limited Liability Company, as Grantee, recorded July 17, 2013 as Instrument No. [2419698000](#), records of Kootenai County, Idaho.
3. We find the following address to be associated with the Land described herein:

705, 609 & 601 W. Seltice Way
Post Falls, ID 83854

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SCHEDULE B

(Continued)

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- B. General Exceptions:
1. Rights or claims of parties in possession not shown by the Public Records.
 2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
 3. Easements, or claims of easements, not shown by the Public Records.
 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
 5. (a) Unpatented mining claims; (b) reservations in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by Public Records.
 6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments of real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- C. Special Exceptions:
7. General taxes and assessments for the year 2021, which are a lien, of which the 1st installment is due December 20, 2021 and the 2nd installment is due June 20, 2022 (amounts do not include penalty and interest if delinquent):

1st Installment: \$1,193.14, due and payable
2nd Installment: \$1,193.13, payable but not yet due
Parcel No.: PK2670010020
AIN No.: 320247

1st Installment: \$1,135.66, due and payable

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SCHEDULE B

(Continued)

2nd Installment: \$1,135.65, payable but not yet due
Parcel No.: PK2670010030
AIN No.: 320248

1st Installment: \$1,015.94, due and payable
2nd Installment: \$1,015.93, payable but not yet due
Parcel No.: PK2670010040
AIN No.: 320249

8. Assessments of the City of Post Falls.
9. Easements, dedications, conditions, restrictions, notes and provisions created by or delineated, described or otherwise set forth in the plat of Heirs of Margaret Post Estate, recorded in Book C of Plats at Page 111, records of Kootenai County, Idaho.
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: Washington Water Power Company
Purpose: Electric transmission line and telephone system
Recorded: August 2, 1940
Instrument No.: [Book 115 of Deeds at Page 192](#), records of Kootenai County, Idaho.
11. An easement for the purpose shown below and rights incidental thereto as set forth in a document, and provisions and restrictions set forth therein
Granted to: City of Post Falls
Purpose: Storm water sewer
Recorded: June 6, 1986
Instrument No.: [Book 344 of Deeds at Page 242](#), records of Kootenai County, Idaho.
12. The reservation of an easement for utilities and storm sewer in the vacated portion of the West Seltice Way right-of-way as set forth City of Post Falls Ordinance No. 1086
Recorded: November 3, 2005
Instrument No.: [1993053](#), records of Kootenai County, Idaho.
13. Easements, dedications, conditions, restrictions, notes and provisions created by or delineated, described or otherwise set forth in the plat of West Seltice Commercial Addition, recorded in [Book K of Plats at Page 267](#), records of Kootenai County, Idaho.

END OF SCHEDULE B

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SCHEDULE C

The Land is described as follows:

Lots 2, 3 and 4, Block 1, West Seltice Commercial Addition, according to the plat thereof recorded in the office of the County Recorder in Book K of Plats at Page 267, records of Kootenai County, Idaho.

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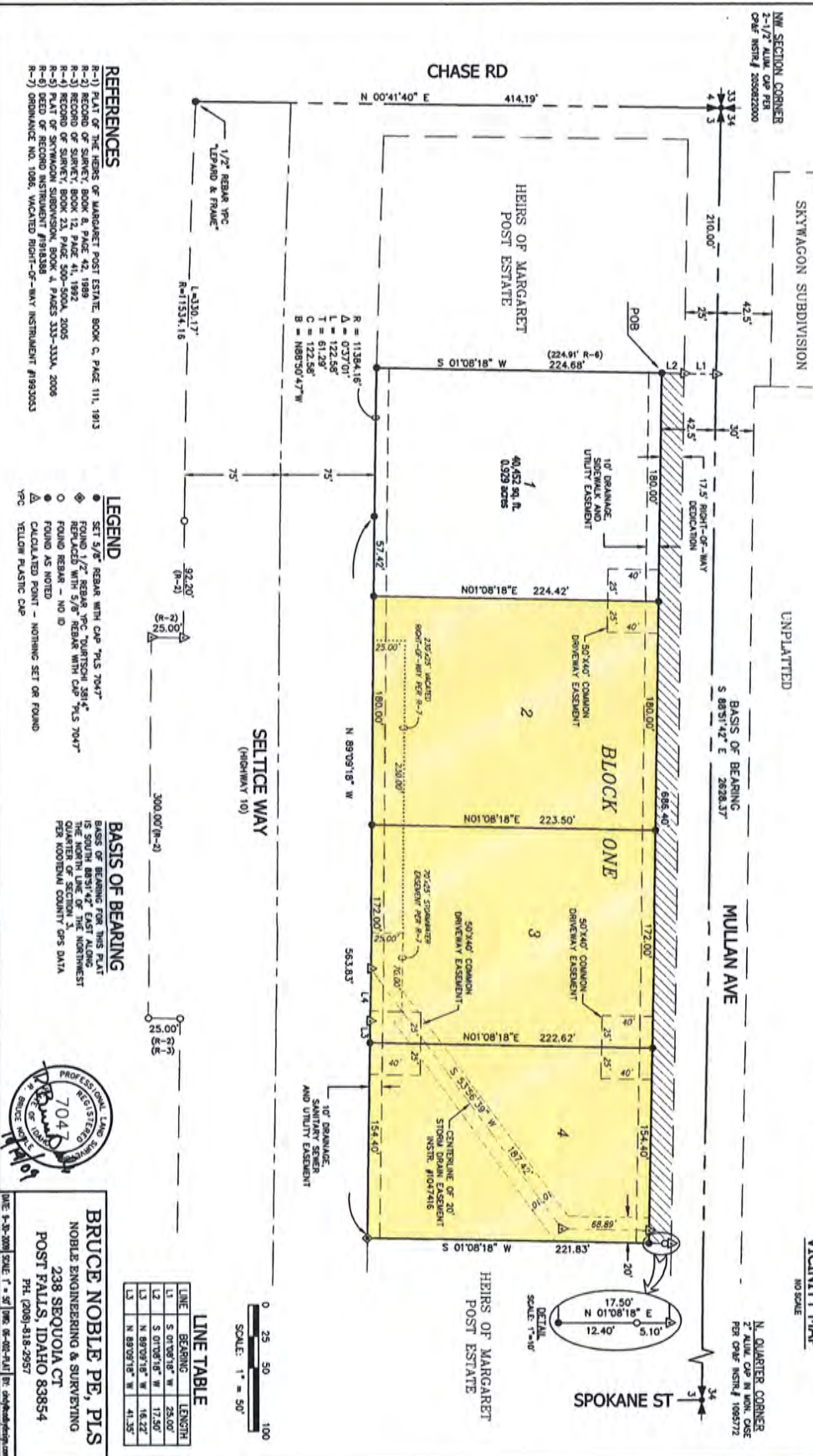
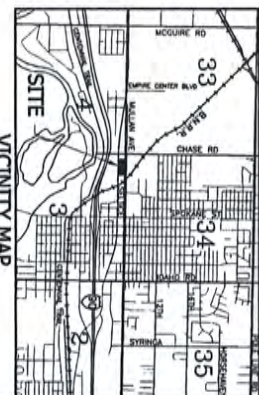
This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does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

WEST SELTICE COMMERCIAL ADDITION

PLAT OF
 A REPLAT OF LOTS 1 & 2, BLOCK 4, HEIRS OF MARGARET POST ESTATE,
 LOCATED IN THE NW 1/4 OF SECTION 3, TOWNSHIP 30 N, RANGE 5 W, B1M,
 CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO
 PAGE 1 OF 2

PLAT OF

BOOK 14 PAGE 217
 NO. 223119 0000



- REFERENCES**
- R-1) PLAT OF THE HEIRS OF MARGARET POST ESTATE, BOOK C, PAGE 111, 1913
 - R-2) RECORD OF SURVEY, BOOK 4, PAGE 42, 1989
 - R-3) RECORD OF SURVEY, BOOK 12, PAGE 41, 1992
 - R-4) RECORD OF SURVEY, BOOK 23, PAGE 300-302A, 2005
 - R-5) RECORD OF SURVEY, BOOK 23, PAGE 300-302A, 2005
 - R-6) DEED OF RECORD INSTRUMENT #191888 & #192533-333A, 2006
 - R-7) ORDINANCE NO. 1086, VACATED RIGHT-OF-WAY INSTRUMENT #1993003

- LEGEND**
- ◆ SET 5/8" REBAR WITH CAP "PLS 7047"
 - FOUND 1/2" REBAR YPC "TOURTSCH 2814"
 - REPLACED WITH 5/8" REBAR WITH CAP "PLS 7047"
 - FOUND REBAR - NO ID
 - FOUND AS NOTED
 - ▲ CALCULATED POINT - NOTHING SET OR FOUND
 - YPC YELLOW PLASTIC CAP

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS SOUTH 89°18'42" EAST ALONG QUARTER OF SECTION 3, KOOTENAI COUNTY GPS DATA

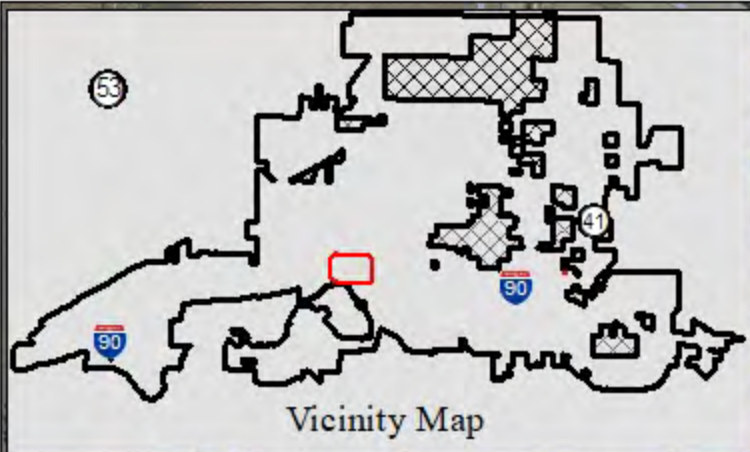
LINE TABLE

LINE	BEARING	LENGTH
L1	S 01°08'18" W	25.00'
L2	S 01°08'18" W	17.50'
L3	N 89°09'18" W	41.35'

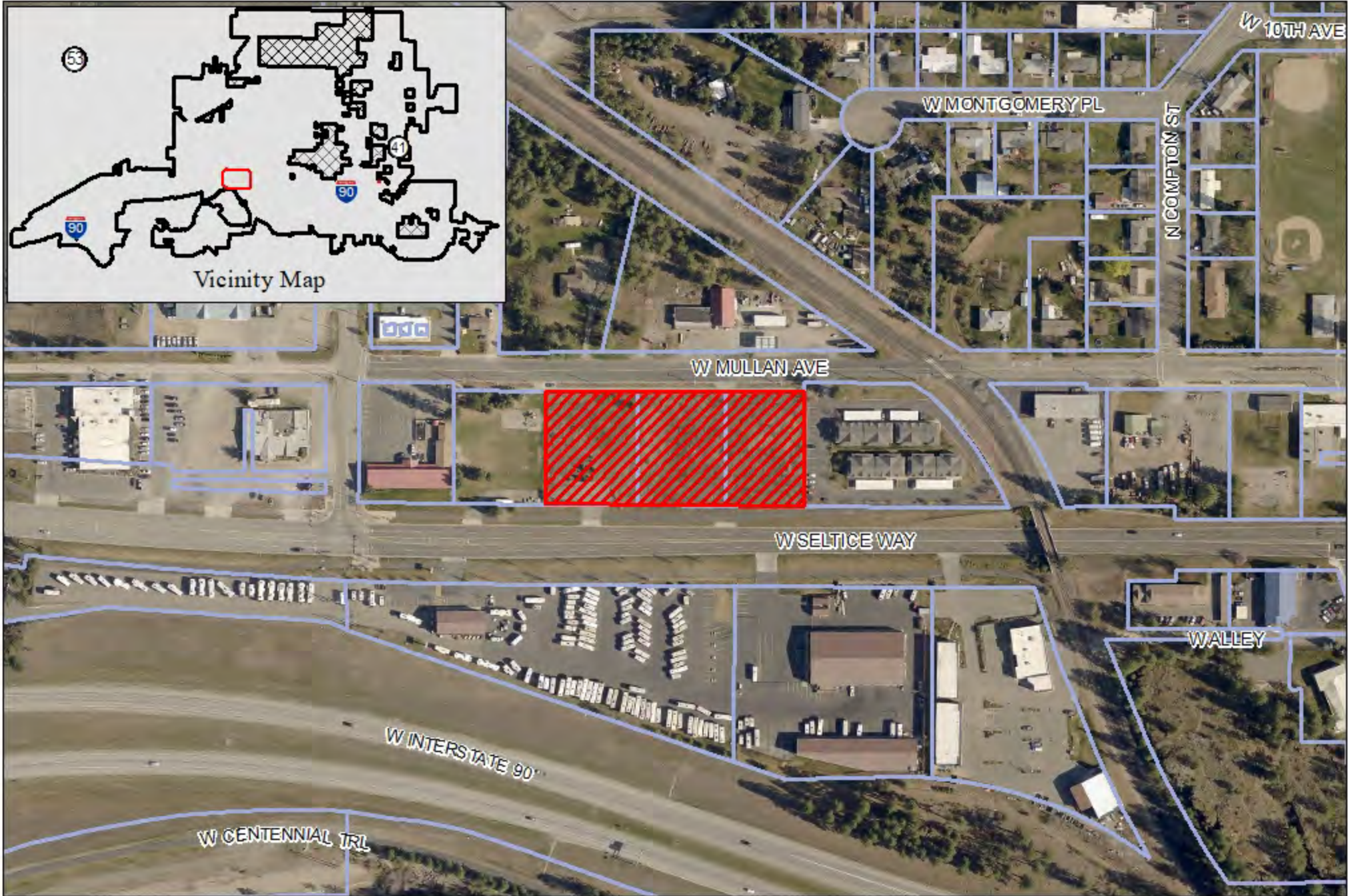


BRUCE NOBLE PE, PLS
 NOBLE ENGINEERING & SURVEYING
 238 SEQUOIA CT
 POST FALLS, IDAHO 83854
 PH: (208) 418-2957

DATE: 1-28-2008 SCALE: 1" = 50' (SEE 66-402-141) BY: [Signature]






Vicinity Map

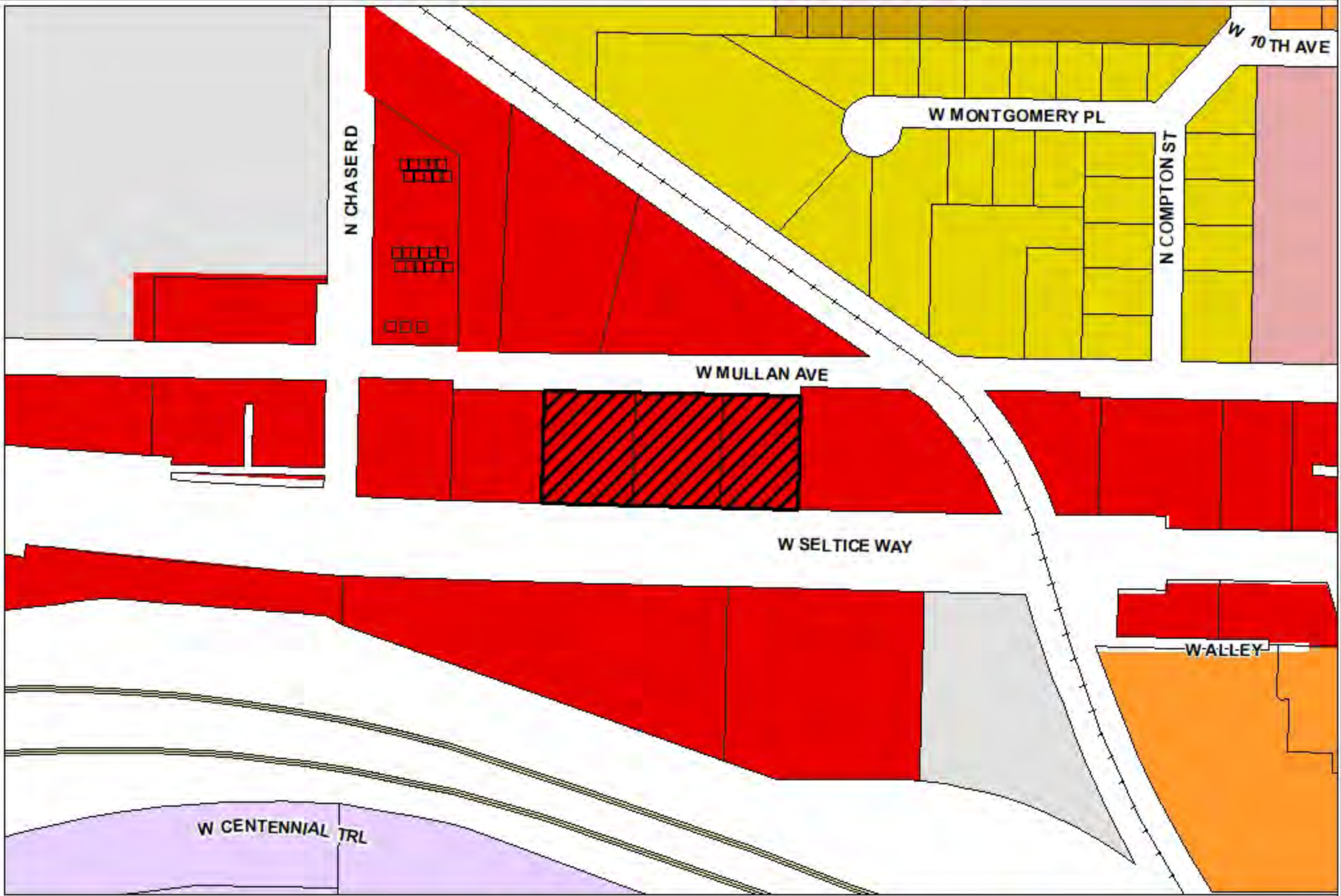


Project Location
GRACE DELIGHT TWIN HOMES
File # USE-0008-2021



-  Subject Site
-  City Boundary
-  Tax Parcels



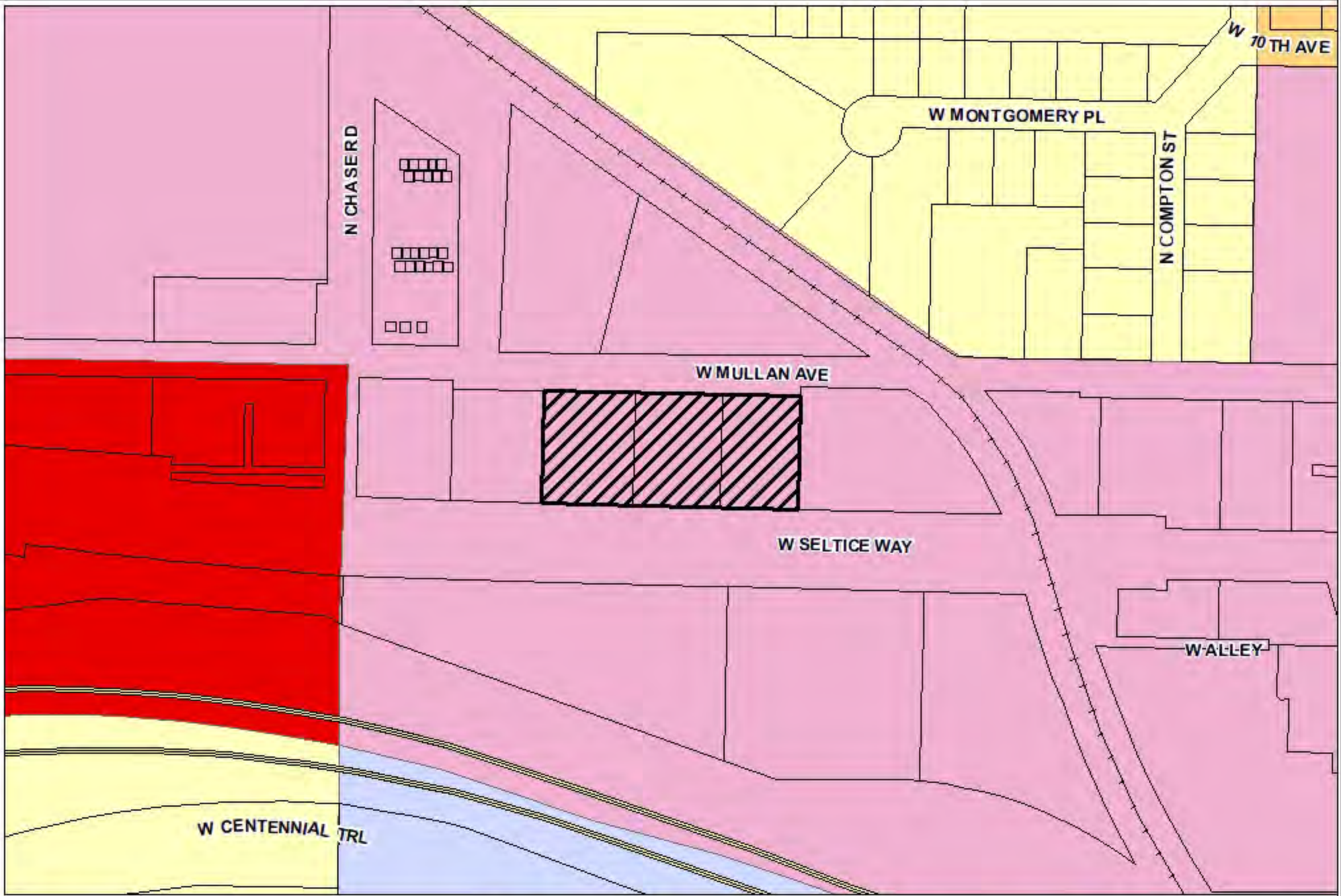


Zoning Map
 GRACE DELIGHT TWIN HOMES
 File # USE-0008-2021



-  City Boundary
-  Subject Site
-  CCS
-  LC
-  I
-  R-1
-  R-2
-  R-Exhibit S-2
-  SC3





Future Land Use Designation
 GRACE DELIGHT TWIN HOMES
 File # USE-0008-2021



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

Exhibit S-3



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 21, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

RE: Notice to Jurisdiction Response

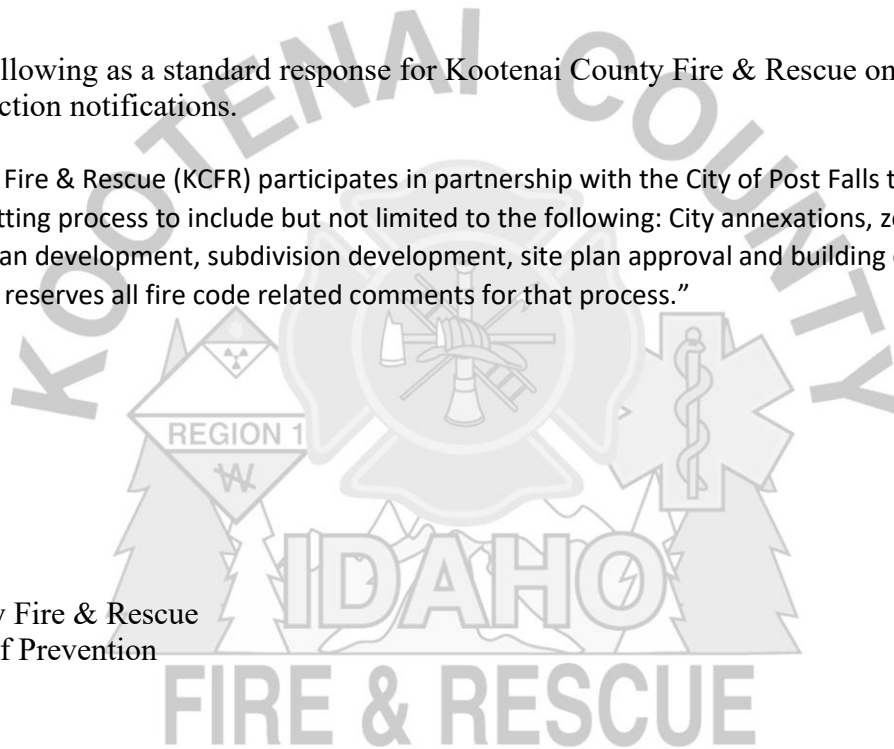
Amber,

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





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

January 21st, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

Re: Grace Delight Special Use Permit File No. USE-0008-2021

The Police Department has reviewed the above listed special use permit 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: Stacy Simkins <Stacy.Simkins@itd.idaho.gov>
Sent: Monday, January 24, 2022 8:51 AM
To: Amber Blanchette
Subject: RE: [EXTERNAL] Grace Delight Special Use Permit File No. USE-0008-2021

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.

No comment from ITD.

From: Amber Blanchette <amberb@postfallsidaho.org>
Sent: Thursday, January 20, 2022 1:16 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@postfallsidaho.org>; William Roberson <William.Roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.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@postfallsidaho.org>; David Sauer (Zipty) <david.sauer@zipty.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erika Auger <eauger@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eporter@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <Jason.Kimberling@itd.idaho.gov>; Jennifer Poindexter <jpoindexter@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; 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>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfallsidaho.org>; lauriep@kootenaifire.com; Lindsay Spencer <lindsay@eastgreenacres.org>; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; 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@postfallsidaho.org>; 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 <prestonh@postfallsidaho.org>; Rob Palus <rpalus@postfallsidaho.org>; Robert Seale <rseale@postfallsidaho.org>; Robin Bekkedahl <robin.bekkedahl@avistacorp.com>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon Howard <showard@postfallsidaho.org>; Shelly Enderud <SEnderud@postfallsidaho.org>; Stacy Simkins <Stacy.Simkins@itd.idaho.gov>; Stephanie Herman <sherman@postfallsidaho.org>; Steven Kjergaard <skjergaard@kcgov.us>; Teresa Benner <tbenner@postfallsidaho.org>; Thomas Gwin <thomas.gwin@twcable.com>; Towry, Kristie <kmtowry@bpa.gov>; Wade Meyer <wmeyer@postfallsidaho.org>; Warren M <warrenm@kootenaifire.com>; Warren Wilson <wwilson@postfallsidaho.org>; Wilson, Ron <Ron@eastgreenacres.org>; James Steffensen <james.steffensen@bannerbank.com>; Kevin Ward <staciescakes@yahoo.com>; Nancy Hampe <nancyradiantlake@gmail.com>; Ray Kimball <rkimball@whipplece.com>; Ross Schlotthauer

Amber Blanchette

From: jonie@postfallshd.com
Sent: Friday, January 28, 2022 9:08 AM
To: Amber Blanchette
Subject: RE: Grace Delight Special Use Permit File No. USE-0008-2021

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PFHD has no comment.

Jonie Anderson
Administrative Assistant 1
Post Falls Highway District
p 208.765.3717
f 208.765.0493
contactus@postfallshd.com

From: Amber Blanchette <amberb@postfallsidaho.org>
Sent: Thursday, January 20, 2022 1:16 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@postfallsidaho.org>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.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@postfallsidaho.org>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erika Auger <eauger@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eportner@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jpoindexter@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; 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>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfallsidaho.org>; lauriep@kootenaifire.com; Lindsay Spencer <lindsay@eastgreenacres.org>; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; 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@postfallsidaho.org>; 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 <prestonh@postfallsidaho.org>; Rob Palus <rpalus@postfallsidaho.org>; Robert Seale <rseale@postfallsidaho.org>; Robin Bekkedahl <robin.bekkedahl@avistacorp.com>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <rosspointwater@frontier.com>; Scott Davis <sdavis@kec.com>; Shannon

Amber Blanchette

From: Kristie May <Kristie.May@deq.idaho.gov>
Sent: Monday, January 31, 2022 3:50 PM
To: Amber Blanchette
Subject: RE: Grace Delight Special Use Permit File No. USE-0008-2021

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Good Afternoon,

DEQ has no environmental impact comments at this stage of the project.

Thank you,
Kristie

Kristie May (McEnroe) | Admin Assistant II
Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Direct: 208.666.4608
Office Line: 208.769.1422
www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Amber Blanchette <amberb@postfallsidaho.org>
Sent: Thursday, January 20, 2022 1:16 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@postfallsidaho.org>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.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@postfallsidaho.org>; David Sauer (Zipty) <david.sauer@zipty.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>; Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erika Auger <eauger@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eport@postfallsidaho.org>; Field Herrington <fherrington@postfallsidaho.org>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; J Mcmillin <jmcmillin@postfallspolice.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jpoindexter@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfallsidaho.org>; 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



01/28/2022

PUBLIC COMMENT

Grace Delight Special Use Permit File No. USE-0008-2021 Exhibit: 4B

Applicant: Olson Engineering

Location: South of W. Mullan Ave; north of W. Seltice Way

Request: To allow for development of 32 Twinhome lots

Hearing Date: February 8, 2022

Questions list:

Name: Rev. John Young

Address: 1464 S. Millsap Loop, Post Falls, ID.

Email: jyoung@cca-pf.com

Please Provide Your Position on the Proposed Special Use Permit: Opposed

1. Would implementation of the proposed Special Use Permit conform to the purposes of the applicable zoning district?: Yes

Comments:

2. Is the requested special use an allowable use in the applicable zoning district and does the special use comply with all other applicable laws, ordinances and regulations of the State and City?: Yes

Comments:

3. Will the proposed special use be compatible with the health, safety and welfare of the public or with land uses in the vicinity of the proposal?: No

Comments: Located to the west of the proposed development is a private, state accredited school with an enrollment of 200 children. The school has been there for decades. The safety of the children will be compromised by the abutment of the access driveway right up to the existing playground. With no visible protection barriers and the location selected for the driveway, the proposed special use permit is not compatible with the current health, safety, and welfare with the land uses (the neighboring school) in the vicinity of the proposal. IF there was a redesign or protections that would either maintain or improve the safety within the proposal, insuring the general safety of the school children, then this criteria could be reevaluated as acceptable. As it positions now, this proposal (as submitted) is a safety hazard for the surrounding school and children. Seems the design phase would have taken this into account because it is being set under a special use permit. Because the Planning and Zoning commission has the ability to control and require more restrictive standards than those generally required, the safety and welfare of the existing school must be given consideration. If a vehicle were to slide off, veer, or accelerate off the driveway easement, children in the playground would be in exposed to danger that previously did not exist unless the special permit is awarded as currently designed. Herein, record has now been established notating this exposure.

4. Will the proposed special use comply with the goals and policies found within the Comprehensive Plan?:

Comments:

**CITY OF POST FALLS
STAFF REPORT**

DATE: February 4, 2022

TO: POST FALLS PLANNING AND ZONING COMMISSION

FROM: JON MANLEY, PLANNING MANAGER • jmanley@postfallsidaho.org • 208-457-3344

SUBJECT: STAFF REPORT FOR THE FEBRUARY 8, 2022 P&Z COMMISSION MEETING
HUGHES ANNEXATION / ANNX-0010-2021

INTRODUCTION:

Mark Hughes of Hughes Trust (Exhibit A-1) has requested approval to annex approximately 103 acres into the City of Post Falls with a zoning designation Residential Mixed (RM). The Residential Mixed (RM) zoning district requires a development agreement (Exhibit S-4) be approved by City Council to guide development to be generally consistent with the Conceptual Plan (Exhibit A-5). The Planning & Zoning Commission must conduct a public hearing and determine if the requested zone change meets the approval criteria contained in Municipal Code Section 18.16.010 and 18.20.100. Following the public hearing, the Planning Commission will direct staff to prepare a Reasoned Decision, along with any appropriate conditions, that explains how the approval criteria are/are not met. The Planning Commission will review and approve the final Reasoned Decision at a subsequent meeting and will forward its recommendation to the City Council who will determine if the property should be annexed and, if so, make a final determination on the appropriate initial zoning. The approval criteria 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: HUGHES ANNEXATION / File No. ANNX-0010-2021

Owner(s): Hughes Trust, 9305 N. Gerlach Rd. Spokane, WA 99217

Applicant: Ace Solutions, LLC, 609 N. Calgary Ct., Post Falls, ID 83854

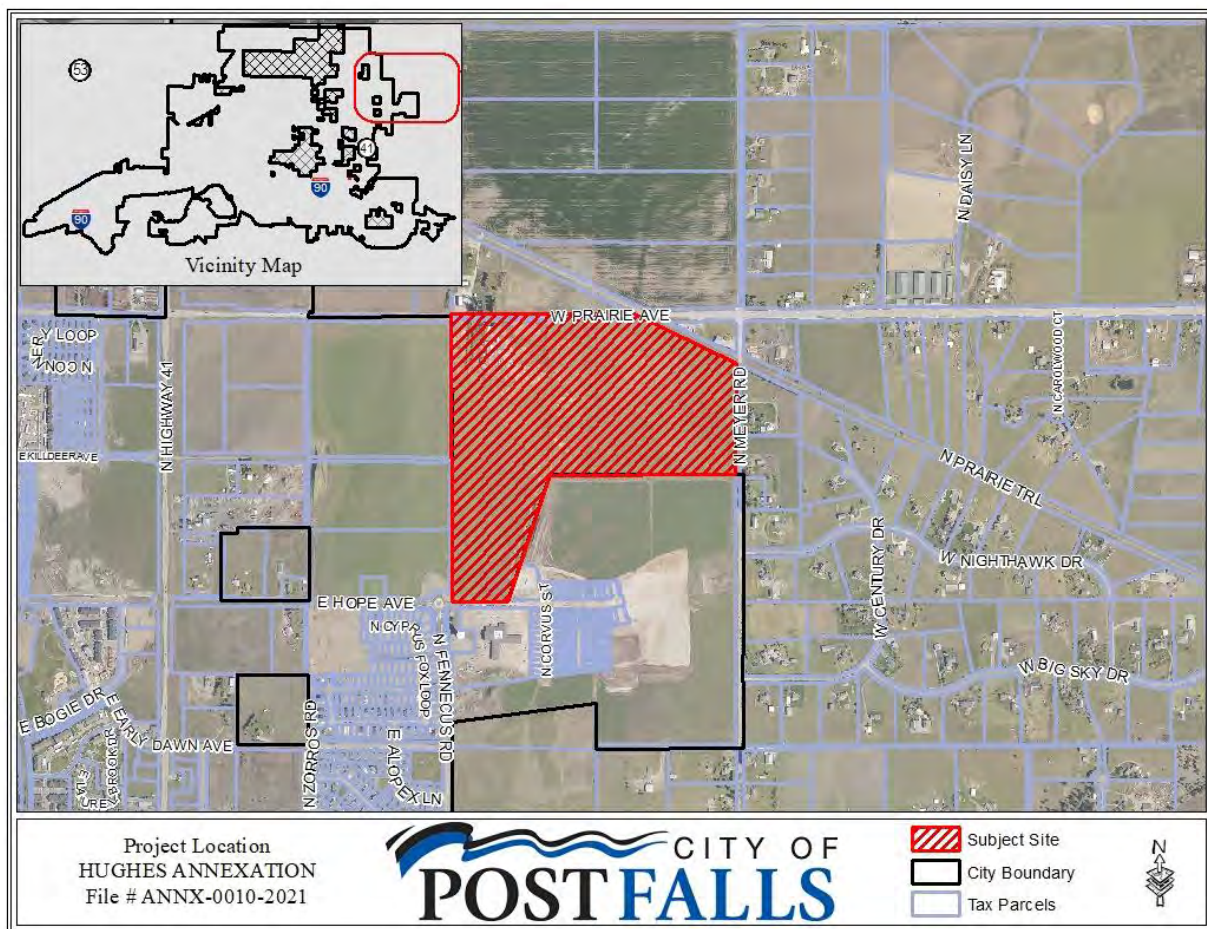
Project Description: The owner plan on building a residential subdivision with minimal area for office and retail commercial. The owners are planning on providing a large amount of open space with walking paths linking homes while not maximizing building density. The owners plan to minimize the need to travel outside the area by providing some office and retail space near Prairie Ave. (Exhibit A-2, A-5).

Project Location: SW Corner of the intersection of N. Meyer Rd. and W. Prairie Ave and to the NE of the planned Foxtail Community.

AREA CONTEXT (proposed site hatched red below):

Surrounding Land Uses: Located to the west and south are mostly undeveloped lands within the Foxtail Development and an elementary school. To the east are larger platted lots in Kootenai County. To the north are unincorporated properties within Kootenai County.

Area Context Vicinity Map:



EVALUATION OF ZONING APPROVAL CRITERIA:

The following section provides the staff analysis pertaining to the Annexation Application and 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 designated this property with the land use designation of **Transitional**, this designation is assigned to lands suitable for growth. The timing for growth is undetermined, but guidance can be located within the associated Focused Area. Assigned zones should be compatible with adjacent zones/uses within the City and consistent with the guiding principles within the associated HWY 41 focus area.

The HWY41 Focus Area states the following:

Residential development has been predominant in recent years, and with some forecasts estimating as many as 30,000 new residents in this area by 2040, it's a trend that's likely to continue. Such growth is expected to spur commercial uses adjacent to the highway, especially at stop-controlled intersections. As with North Prairie, land values will pressure development to attract a range of residents, offering shared amenities, housing variety and neighborhood-scale services. To help enrich the future identity of 41 North, growth should include strategically located, carefully designated land uses incorporating trails and an interconnected, walkable street network.

Post Falls recently annexed additional lands for a planned technology park to be located near the northwest corner of Highway 41 and Prairie Avenue. This feature is expected to help diversify land uses and boost demand for commercial services. The following items affirm or guide development of key policies for this area, or suggest future action items for the 41 North focus area:

- Focus provisions for multi-family, commercial, and tech uses near higher classified roadways;
- Development should provide pedestrian connectivity to all multi-use paths and trails, including the Prairie Trail;
- Manage development patterns in the airport fly zone east of 41 and north of Prairie Avenue, coordinating with the 2018 Coeur d'Alene Airport Master Plan;
- Facilitate the creation of the "backage roads" system envisioned in the Highway 41 Corridor Master Plan, supporting appropriately scaled commercial and mixed-use development along 41 and improving access for nearby residential uses;
- Focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day.

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 are relevant to this annexation request are shown below, followed by staff comments.

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

Staff Comment: Creating a diverse community with housing near neighborhood commercial activities assists creating live, work, play neighborhoods. Additionally, it may reduce the reliance of services being rendered on more highly trafficked corridors. The RM zoning district states the following:

The Residential Mixed (RM) zone is intended to accommodate a mixed residential community with a variety of housing types at varying densities within the development area. Small scale neighborhood commercial/office uses may be suitable within the RM zone. This zone should be applied in areas designated for a residential land use pattern within the Comprehensive Plan's Future Land Use Map. Approval of the Residential Mixed (RM) zone requires a development agreement regulating the development site as provided in section [18.20.190](#) of this title.

- a. The RM zone is appropriate for:
 - i. Areas designated Low, Medium, or High Density Residential, or Transitional in the Comprehensive Plan.
 - ii. Areas readily serviced by collector and arterial streets suitable for higher levels of traffic.
 - iii. Areas where other public services are sufficiently available for the intensity of use.
 - iv. Areas where the configuration of municipal infrastructure and neighboring land uses are compatible with the uses allowed in the RM zone.

Goal 3: Maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty.

Whether newly arrived or long-term, residents of Post Falls often cite the community's "small-town charm," its modest size, and its valley setting with open space prairie and the Spokane River as attractive features. Due to this, many of the goals, policies and programs contained in the Comprehensive Plan help retain the City's lower-scale, walkable, small-lot development patterns common in early Post Falls, while at the same time, providing for urban growth in other, appropriate areas; support the development of cultural features and activities; and direct land use decisions encouraging infill and thoughtful expansion.

Staff Comment:

Placing Commercial Services along Prairie Ave may be an appropriate area for more intense urban growth supporting an accessible work, live, and shop environment in this area serviced by a street suitable for higher levels of traffic.

Placing Commercial Services at this location may not be appropriate as it may be contrary to retaining the City's lower-scale, walkable, small-lot development patterns in the area.

If relevant, the Commission and Council must determine if the proposal maintains and improves the Cities small-town scale, charm, and aesthetic beauty.

Goal 5: Keep Post Falls' neighborhoods safe, vital, and attractive.

Residents prize the character and unhurried pace of Post Falls neighborhoods, and wish to ensure their neighborhoods are kept safe, active, and aesthetically pleasing. Supporting this goal, a diverse set of policies have been provided, including encouraging attractive, pedestrian-friendly development, provision of diverse housing types, parks facilities, and neighborhood-scale commercial services.

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.

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 8: Protect and maintain Post Falls' natural resources including clean air, soils, river, and aquifer, and minimizing light and noise pollution citywide.

City livability, health and value are fully dependent on clean, safe, and sustainable natural resources. This goal underscores Post Falls' commitment to maintaining its natural resources as a top priority, recognizing them as essential to the community's survival.

Goal 12: Maintain the City of Post Falls' long-term fiscal health.

Services that cities provide cannot be sustained without fiscal balance and accountability. This goal serves to anchor the City of Post Falls' obligation to sustain its fiscal health – achieved through the gathering of income in responsible, equitable ways, and through decisions, investments and actions that provide ratepayers with efficient, effective services now and in the future.

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

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 the review of 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 maintaining the community levels of service.

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

Staff Comment: Providing the opportunities for creating the variety of service, retail, office, and mixed housing such as this proposal may further the establishment of having residential housing within walking distance of neighborhood commercial and civic uses to create

sustainable and independent living communities. The interaction between these uses may increase their value and assist in contributing to the long-term fiscal health of the community.

- Maintain and enhance resident quality of life;

Staff Comment: The proposed location upon development of the area may provide the necessary amenities to enhance resident quality of life.

- Promote compatible, well-designed development;

Staff Comment: As stated previously, providing the opportunity for creating a variety of service, retail, office, and mixed housing as this proposal may offer could further the formation of residential housing within walking distance of neighborhood commercial and civic uses to create sustainable and independent living communities.

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

Staff Comment: HWY 41 Focus area states that growth is expected to spur commercial uses adjacent to the highway, especially at stop-controlled intersections. As with North Prairie, land values will pressure development to attract a range of residents, offering shared amenities, housing variety and neighborhood-scale services. To help enrich the future identity of 41 North, growth should include strategically located, carefully designated land uses incorporating trails and an interconnected, walkable street network.

The following items may be supported by the proposal:

- Focus provisions for multi-family, commercial, and tech uses near higher classified roadways;
- Development should provide pedestrian connectivity to all multi-use paths and trails, including the Prairie Trail;
- Focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day.

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

- Future land use mapping;

Staff Comment: This is addressed by the first review criteria in Section A of this report.

- Compatibility with the surrounding land uses;

Staff Comment: Located to the west and south are mostly undeveloped lands within the Foxtail Development and an elementary school. To the east are larger platted lots in Kootenai County. To the north are unincorporated properties within Kootenai County.

- Infrastructure and service plans;

Staff Comment: Fennecus Road and Meyer Road are classified as Major Collector Roadways with Fennecus being the ½ Mile Backage Roadway to State Highway 41. As such, driveway access from single family residences and duplexes to Fennecus or Meyer Road are prohibited. Owner acknowledges that Killdeer Avenue is classified as a Minor Collector Roadway. Killdeer Avenue will be required to extend through the Property, in a

manner that conforms with the City's Transportation Master Plan, from Fennecus Road to Meyer Road. Driveway access from single family residences and duplexes will be allowed to access Killdeer Road, however, corner lots will only be allowed street access on the lowest classified roadway fronting the lot. Development would be required to be consistent with the Annexation and Development Agreement (Exhibit S-4).

- Existing and future traffic patterns;

Staff Comment: The requested zoning is consistent with the anticipated land uses and trip generations within the City's Transportation Master Plan.

- 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 3: Encourage development patterns that provide suitably scaled, daily needs services within walking distance of residential areas, allowing a measure of independence for those who cannot or choose not to drive.

Staff Comment: The Residential Mixed (RM) zone is intended to accommodate both commercial and residential development. The proposal is located near arterials and collector streets that may support commercial, residential, professional office, and civic uses that support an accessible work, live, and shop environment. The proposal is situated within walking distance of future residential areas in Foxtail and may provide suitably scaled daily needs services. Foxtail will be providing an 8.3-acre park at some time in the future.

Policy 7: Encourage the development of off-corridor access and circulation for commercial and mixed-use areas abutting limited-access arterials.

Staff Comment: The RM zone in this area may provide this opportunity.

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

Staff Comment: Redevelopment of this area is not considered infill and is within the City of Post Falls Exclusive Tier of the Area of City Impact. If relevant, the Commission and Council must determine whether the development is compatible and under-utilized.

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: The proposed Zone Change area is adjacent to Prairie Avenue (Principal Arterial), Fennecus Rd. and Meyer Rd. (Major Collectors). The requested zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan. The Zone change is not anticipated to have any negative impacts to the City's transportation network that are not previously identified as being mitigated thru collection of Transportation Impact Fees. Development would be required to be consistent with the Annexation and Development Agreement (Exhibit S-4)

Water and Sanitary Sewer:

- Water: Water service is provided by Ross Point Water District. Development would be required to be consistent with the Annexation and Development Agreement (Exhibit S-4).

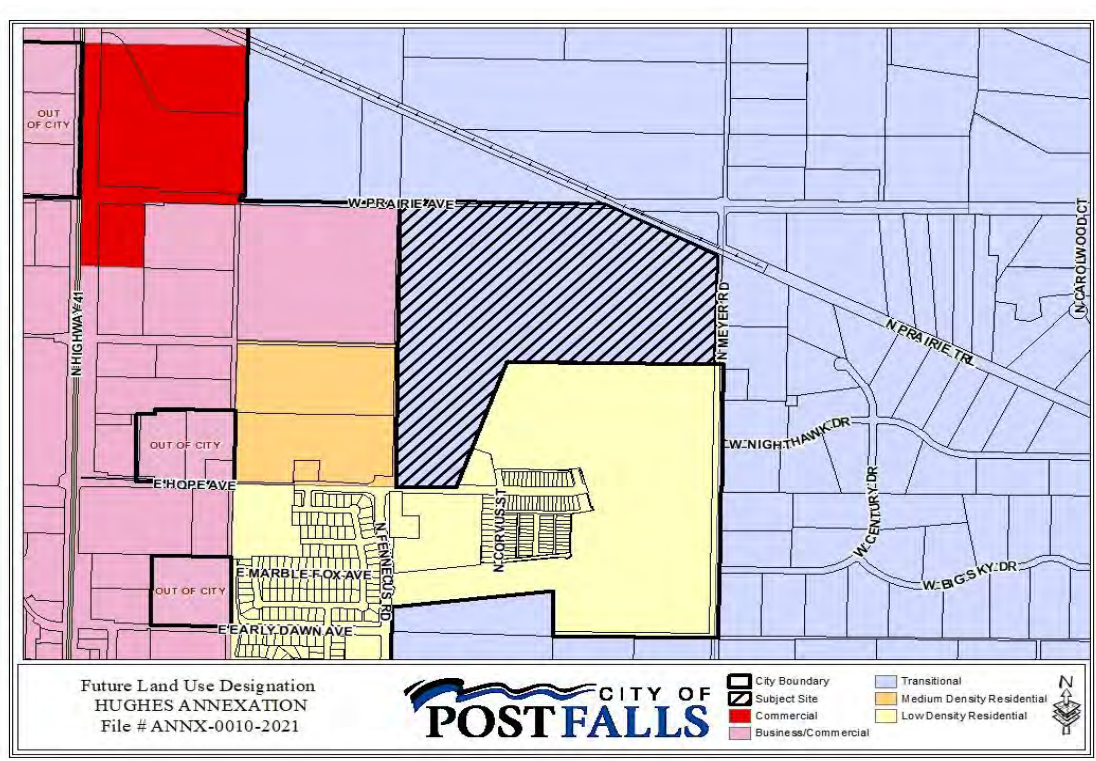
- Sanitary Sewer:** The Owner will be required to use the Post Falls Sanitary Sewer system for all development of the Property and to be responsible for all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary 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. The property is within the 12th Avenue Force Main and Meyer Alternative Line Surchage Basins and with development it will be required to pay the sewer surcharges established for each basin that have been established to fund the downstream collection system infrastructure needed to provide permanent sewer service to the Property. Development would be required to be consistent with the Annexation and Development Agreement (Exhibit S-4).

Compatibility with Existing Development and Future Uses:

Located to the west and south are mostly undeveloped lands within the Foxtail Development and an elementary school. To the east are larger platted lots in Kootenai County. To the north are unincorporated properties within Kootenai County. It is unknown of any other future uses surrounding this request other than that are not currently existing.

Future Land Use Designation:

Exhibit S-3: Future Land Use Map, depicts the land use designation for this area as Transition. The proposed RM Zone may be allowable per the direction of the HWY 41 Focus Area and the road classifications of Fennecus Rd, Prairie Ave, and Meyer Rd.



Community Plans: As previously stated this is within the Hwy 41 Focus Area within the Post Falls Comprehensive Plan.

Geographic/Natural Features:

The site contains no geographic or other natural features that would affect development of the site.

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

Staff Comment: The proposed zone is located along higher classified roadways. Prairie Avenue is a Principal Arterial, Fennecus Rd. and Meyer Rd. are Major Collectors.

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: This location is near the higher intensity urban activity are of HWY 41/Prairie Ave, but is transitional away towards the larger county lots to the east.

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: Not Applicable as Industrial zoning isn't being requested as part of this consideration nor is Industrial zoning situated near the requested area.

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

- **Kootenai County Fire & Rescue Service (Exhibit PA-1)** - 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.
- **Post Falls Police Department (Exhibit PA-2)** – Remains neutral.
- **Post Falls Highway District (Exhibit PA-3)** – Asking for the city to require a right-of-way dedication of 50’ minimum from the centerline on Prairie Ave. to accommodate the future needs for a five-lane project expansion.

MOTION OPTIONS: The Planning and Zoning Commission must provide a recommendation of zoning to City Council along with an evaluation of how the proposed development does/does not meet the required evaluation criteria for the requested annexation. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a certain date. 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-5	Proposed Use Map
Exhibit A-7	Auth Letter
Exhibit A-8	Title Report
Exhibit A-9	Will Serve

Staff Exhibits:

Exhibit S-1	Vicinity Map
Exhibit S-2	Zoning Map
Exhibit S-3	Future Land Use Map
Exhibit S-4	Annexation Development Agreement

Testimony:

Exhibit PA-1	KCFR Comments
Exhibit PA-2	PFPD Comments
Exhibit PA-3	PFHD Comments
Exhibit PC-1	Burns Comments
Exhibit PC-2	Boyer Comments
Exhibit PC-3	House Comments
Exhibit PC-4	Krueger Comments
Exhibit PC -5	Drahman Comments
Exhibit PC-6	Kefu Comments
Exhibit PC-7	Helu Comments
Exhibit PC-8	Geckle Comments
Exhibit PC-9	J. Geckle Comments
Exhibit PC-10	Kefu Comments
Exhibit PC-11	S. Brodman Comments
Exhibit PC-12	Varner Comments
Exhibit PC-13	A. Brodman Comments
Exhibit PC-14	Kosovich Comments
Exhibit PC-15	Jarecke Comments
Exhibit PC-16	Stypa Comments
Exhibit PC-17	Vincent Comments



ANNEXATION APPLICATION

Post Falls Comprehensive Plan

Public Services Department – Planning Division

408 N. Spokane St. Post Falls, ID 83854

208.773.8708 Fax: 208.773.2505

STAFF USE ONLY			
Date Submitted: _____	Received by: _____	File # _____	
Application Fee _____	Public Hearings: \$600	Mailing \$6*	= _____

PART 1 – Process of Completion and Public Hearing Schedule

- 1. Applications will need to be deemed complete by the Planning Department prior to being scheduled for a public hearing. Once the applicant has been issued a completeness letter from the Planning Department verifying the application is complete, the application will be eligible to be scheduled at the next available Public Hearing.**
- 2. Each Completeness Review Period, will be reviewed within a 2-week period**
- 3. There is a 45-day cut-off windows for a fully completed application (deemed complete) required, prior to being scheduled for the next available Public Hearing (See Note Below).**

*****NOTE: Once we have 4 Public Hearings the following applicants will be moved to the next month's Hearing Date. *****

PART 1/A – REQUIRED MATERIAL

****THE APPLICATION WILL NOT BE ACCEPTED IF THE REQUIRED MATERIALS ARE NOT PROVIDED****

Annexing land and expanding public services is based on careful planning, adopted regulations and Comprehensive Plan policies. Annexation should provide a means for orderly, logical expansion of the city and increased efficiency, and economic provisions of public services. The City of Post Falls considers approval of annexing lands when such will lead to orderly future development that would result in benefit to the community. See the Comprehensive Plan 4.0 Future Land Use; Annexation Goals and Policies.

- Completed Annexation Pre-application**
- Completed application form**
- Application fee**
- Will Serve Letter:** (water service)
- A written narrative:** Including zoning, how proposal relates to Annexation Goals and Policies, and the impact on City services.
- A legal description:** in MS Word compatible format, together with a meets and bounds map.
- A report(s) by an Idaho licensed Title Company:** showing ownership of record, any interest of record, and a list of property owners of record within 300 feet of external boundaries of the subject property and mailing labels, provided by the Title Company.
- A vicinity map:** To scale, showing property lines, thoroughfares, existing and proposed zoning, etc.

- Public hearing notification:** Two required public hearings incur a mailing fee of \$6.00 per hearing notice per property within 300ft radius of the site (3 sets of labels are also required). The cost for publication notices in the local newspaper for both Planning and Zoning and City Council is \$300 per public hearing equaling \$600.
- Owner authorization:** If there is to be an applicant or consultant acting on the owner's behalf.

PART 2 – APPLICATION INFORMATION

PROPERTY OWNER: Hughes Trust		
MAILING ADDRESS: 9305 N Gerlach Rd		
CITY: Spokane	STATE: WA	ZIP: 99217
PHONE: 208.719.1410	FAX: N/A	EMAIL: mark.hughes.mt@gmail.com
APPLICANT OR CONSULTANT: ACE Solutions, LLC		STATUS: ENGINEER <input checked="" type="checkbox"/> OTHER
MAILING ADDRESS: 609 N. Calgary Ct., Ste 7		
CITY: Post Falls	STATE: Idaho	ZIP: 83854
PHONE: 208 777 1854	FAX: 208 777 2128	EMAIL: info@acesolutions.pro

SITE INFORMATION:

PROPERTY GENERAL LOCATION OR ADDRESS: 7074 W. Prairie Ave		
PROPERTY LEGAL DESCRIPTION (ATTACH OR DESCRIBE): TAX#3146		
TAX PARCEL #: 51N04W-30-0900	EXISTING ZONING: AG	ADJACENT ZONING: AG
	CURRENT LAND USE: R/AG	ADJACENT LAND USE: AG
DESCRIPTION OF PROJECT/REASON FOR REQUEST:		
103.147 ACRE annexation into the City of Post Falls		

PART 3 – 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.

Petitioner's name(s), address, and phone number:

Name *Roger Blum* Address *609 Calgary CT STE 7 Post Falls Id 83854* Phone *208-777-1854*

I (We) the undersigned do hereby make petition for annexation and zone classification of the property described in this petition and do certify that we have provided accurate information as required by this petition form, to the best of my (our) ability.

Be advised that all exhibits presented will need to be identified at the meeting, entered into the record, and retained in the file.

DATED THIS 8 DAY OF June 2021

Roger Blum

PART 4 – COMPLETED BY CITY STAFF

COMPLETED PRE-APP:	YES:	NO:
	PRE-APP NAME:	PRE-APP FILE#:
IF NO PRE-APPLICATION, REASON?		



August 2021

Hughes Farm Annexation

Overview

The parcel for consideration for annexation is approximately 103 acres in size and is currently zoned Agriculture by Kootenai County and sits in the City of Post Falls impact area. The parcel is located east of Highway 41 on the south side of Prairie Ave. and west of Meyer Road. The parcel is in Section 30, Township 51N, Range 4W Boise Meridian. Parcel number 51N04W-30-0900 The parcel has current development on two sides. These adjacent developments are within the city limits of Post Falls and are zoned Residential. To the north and east the surrounding parcels are within Kootenai County and are zoned Agricultural.

The owners plan on building a residential subdivision with minimal area for office and retail commercial. For this they are ask for a zoning district of Residential Mixed (RM) under the City of Post Falls Ordinance. The initial conceptual plan will be to construct City streets through the property connecting to planned streets on the west and south. Additionally, there is access onto Meyer Road and Prairie Ave. We anticipate right of way dedication for existing rights of way and new roadways. There will be extension of existing City wastewater services and Ross Point water services. The owners are planning on providing a large amount of open space and garden areas while not maximizing building density. They want to create a relaxed open atmosphere with paths linking the homes to the many planned open spaces. The owners are also planning an area to provide office and retail space. This will encourage the residence to minimize travel outside of the area while providing minimal entertainment in the form of restaurant and brew pub, convenience store and local small business opportunity. This project will also provide an area for a park with path access to adjacent planned multi use paths. There is a planned area adjacent to Meyer Road to provide for a private school and sports fields. Open space will be developed along with the project. Once 50% of the project is built, then 50% of the open space will be built prior to moving forward with the development. All open spaces will have trail access through them ad connected to sidewalks or paths with wide open corridors to ensure safety and ease of access. The paths, sidewalks and open spaces will be lighted by additional lighting to ensure safety and promote use. There will be no dead-end open spaces.

All streets will be through streets or will have approved turnarounds. The north access point from Prairie Road will be a right turn in and right turn out only. The street design at this location will be boulevard style with planted center island.

Current Parcel Conditions

Currently the parcel is mostly undeveloped. There is a single-family home and farm outbuildings fronting Prairie Ave. There is also a large water well on the parcel. The remainder of the property is used for hay crops and animal grazing.

Goals and Policies of the Comprehensive plan

Exhibit A-2

This project will meet the goals and policies of the comprehensive plan and demonstrated here. The goals and policies are in italic followed by the answer of how this project will meet these goals.

- **Utility Services**

1. *All development within the city should comply with the Wastewater and Water Master Plans that are approved by the city.* Currently there is city sewer service adjacent to this property on two sides. This project will extend this service into the proposed development. This extension will also provide future connection for a planned sewer main in Meyer Road. The city does not provide water service for this location.
2. *Private utilities should be planned and sited consistent with best management practices.* Once annexed the subdivision will be fully designed with utility services and best management in mind. Stormwater will be collected and treated on site. All stormwater runoff will be attenuated on site. There will be irrigation installed for the many open spaces. Stormwater, landscaping and irrigation will be maintained by a homeowner's association.
3. *Where appropriate, the city should use grants, tax increment financing, or other means to assess and fund infrastructure improvements.* This development is not seeking any grants or City funds for this project.
4. *The city should continue to obtain necessary water rights whenever possible through annexation, acquisition from landowners, or through application.* The owners of the property are aware that they will have to give up their water rights once the property is annexed into the city.
5. *Water conservation should be supported throughout the city and the region.* The owners are aware of the need of water conservation and through the homeowner's association and proper conservation design water conservation will be balance with well kept landscape open spaces. will support water conservation through design.
6. *The city should participate in regional wastewater planning to determine service potential on the Rathdrum Prairie and update wastewater master plans accordingly.* The city has planned for the wastewater collection in this area. The owners will follow the guidelines of to ensure the master plan for this area is achieved.
7. *Protection of the Rathdrum Prairie aquifer should continue to be a priority.* All stormwater runoff will be collected and treated, wastewater will be collected, garbage service will be provided, and every effort will be made to keep the Rathdrum Prairie aquifer a priority.
8. *Continue to provide stormwater collection and treatment through use of grassed infiltration areas and encourage the use of new or improved technology whenever practical.* stormwater collection will be through use of surface grading of impervious areas or piped through stormwater collection systems and treated in grassy infiltration areas on site.
9. *Adjacent property owners, to reduce the financial burden on city taxpayers, should provide routine maintenance of grass swales.* The homers association created for this subdivision will oversee maintaining the grassy infiltration areas in the open spaces. Adjacent property owners will maintain the grassy infiltration areas adjacent to their property.

- **Water Services**

The property is currently served by an existing water well on site. Ross Point Water District provides water service in the area. With this annexation, the owners have requested to be served by Ross Point Water. Ross point water has provided a will serve letter for this development.

- **Sanitary sewer service**

Currently the property has a septic tank system with a drain field. With this annexation request the owners are asking for the City of Post Falls to serve the development with wastewater collection. There are sewer mains existing adjacent to this property with a future plan to bring a sewer main down Meyer Road. This

development will aid in connection the existing sewer mains to the future mains while serving the property.

- **Public Services**

1. *The city should maintain facilities and personnel at a level that provides citizens with services that are reasonable and affordable.* This development will provide to the City easements, rights of way, streets, landscaping, parks and all required infrastructure for the Cities ownership and public use.

2. *Promote the use of geographic information systems (GIS) as a means of improving the provision of city services.* This development once built will provide the necessary GIS information to the City for their use. This development will provide the City will all required GIS information.

3. *Promote energy conservation and recycling efforts.*

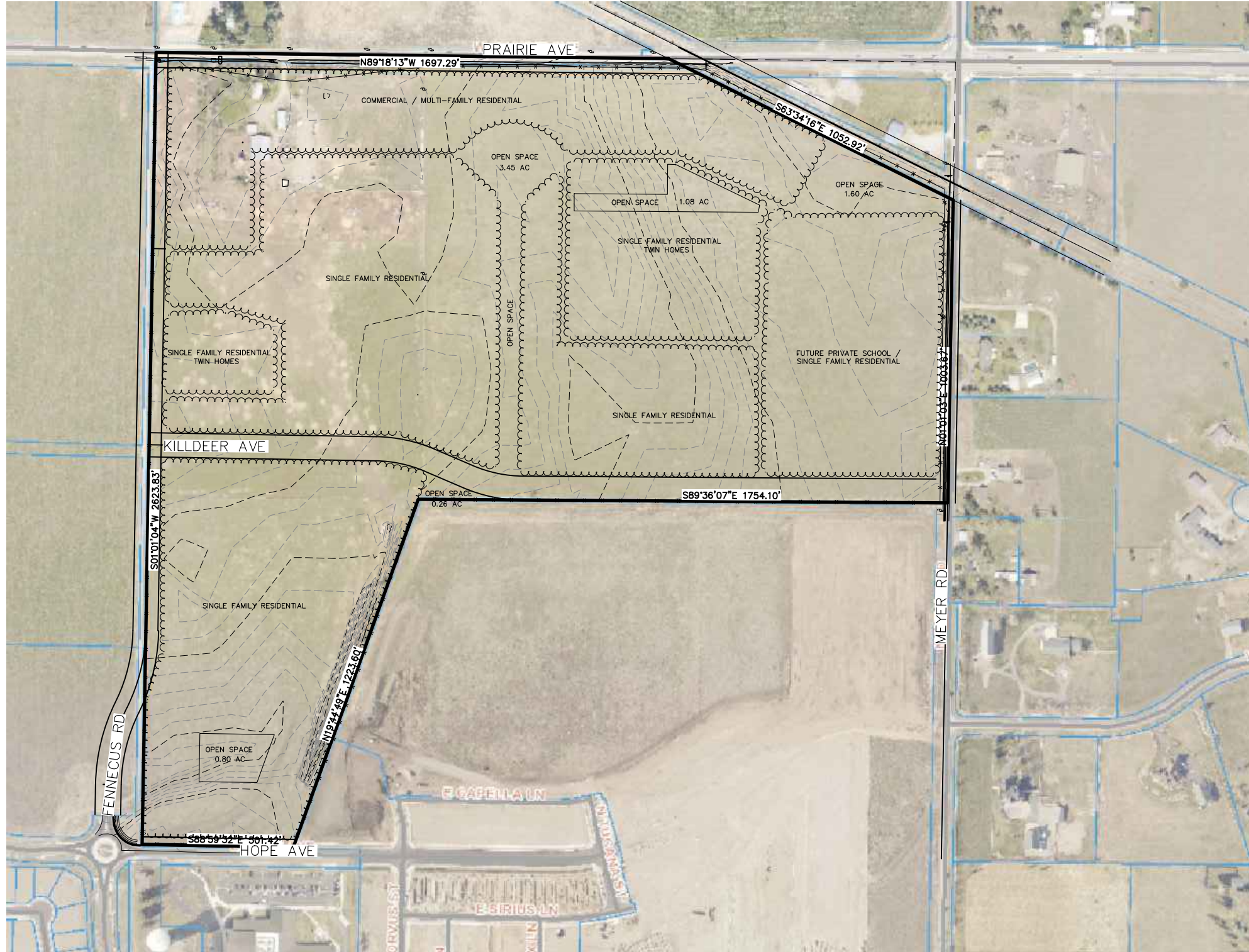
This development will support regional efforts to conserve energy, promote recycling efforts, and reduce solid waste. This development will incorporate garbage collection and encourage recycling. The street lighting will be the required LED lighting and landscaping will be designed with ease of maintenance and water conservation in mind.

- **Emergency Services and public safety**

The property is currently served by Kootenai Fire and Rescue. This property is surrounded by roadway access to provide easy and quick access for emergency services. Developments to the west and south have planned streets to be extended into the property. The property fronts Prairie Ave. and Meyer Road on the north and east which will provide easy access and connectivity. This development will provide several access points in the event of an emergency.

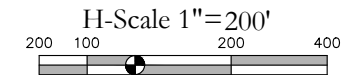
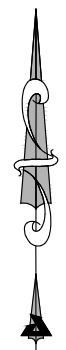
CONCEPTUAL SUBDIVISION LAYOUT FOR HUGHES FAMILY

TAX #3146 IN SECTION 30, T51N, R4W, B.M., KOOTENAI COUNTY, IDAHO



TOTAL GREEN SPACE SHOWN
7.19 AC

AT 50% BUILDOUT, THE GREEN SPACE MUST BE DEVELOPED TO 50% PRIOR TO DEVELOPING THE REMAINDER OF THE PROJECT.



609 N. Calgary Court, Suite 7,
Post Falls, Idaho 83854
PHONE: (208) 777-1854
FAX: (208) 777-2128
www.acesolutions.pro

**HUGHES FAMILY
SUBDIVISION LAYOUT**
CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO

MARK	DATE	DESCRIPTION

ISSUE DATE: 7/22/2021
PLOT DATE: 8/2/21
DRAWN BY: JM
CHECKED BY: RJG
DWG FILE: 21-065_USE_MAP
PROJ. # 21-065
SHEET TITLE:
CONCEPTUAL LAYOUT

Z:\2021\21065-HUGHES FAMILY\DWG\PLANNING\CONCEPT\21-065_USE_MAP.DWG

AGENT AUTHORIZATION

The undersigned, being the Owner of certain real property in Kootenai County, Idaho, does hereby authorize ACE Solutions, LLC to act as Owner's Authorized Agent with Kootenai County, and any other entity as it pertains to the Hughes Trust annexation process.

Dated this 28th day of May 2021

By: Marie Hughes trustee
 Marie Hughes, Trustee of Hughes Trust

STATE OF IDAHO	}	
	}	
County of <u>Kootenai</u>	}	S.S.

I, Kathleen M. Landsiedel, a Notary Public for the State of Idaho, do hereby certify that on this 28th day of May, in the year 2021 personally appeared before me, Marie Hughes, being known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Kathleen M. Landsiedel
 Notary Public, in and for the State of Idaho

Residing at: Post Falls

My Commission expires on: July 6, 2023



GUARANTEE

Issued by

*First American Title Company
1866 North Lakewood Drive, Coeur d'Alene, ID 83814
Title Officer: Ralene Hopkins
Phone: (208)667-0567
FAX: (208)765-2050*

Exhibit A-8



First American Title™

Form 5010500 (7-1-14)

Guarantee Number: 501055-976534

Guarantee Face Page

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY



First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

This jacket was created electronically and constitutes an original document

SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
 - (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
 - (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
 - (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
 - (c) The identity of any party shown or referred to in Schedule A.
 - (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee

GUARANTEE CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS.

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

2. NOTICE OF CLAIM TO BE GIVEN BY ASSURED CLAIMANT.

An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice

3. NO DUTY TO DEFEND OR PROSECUTE.

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED CLAIMANT TO COOPERATE.

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.

- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate

any liability of the Company under this Guarantee to the Assured for that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.
The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.
Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.
Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.
To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay. Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

7. DETERMINATION AND EXTENT OF LIABILITY.

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A or in Part 2;
- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. LIMITATION OF LIABILITY.

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. PAYMENT OF LOSS.

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company,

the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies. If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. ARBITRATION.

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

13. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT.

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Phone: 888-632-1642.**



First American Title

Guarantee

Subdivision Guarantee

ISSUED BY

First American Title Insurance Company

GUARANTEE NUMBER

5010500-976534-C

Subdivision or Proposed Subdivision: Hughes Farm

Order No.: 976534-C

Reference No.:

Fee: \$200.00

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY GUARANTEES:

Mark Hughes

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH KOOTENAI COUNTY SUBDIVISION REGULATIONS,

in a sum not exceeding \$200.00.

THAT according to those public records which, under the recording laws of the State of Idaho, impart constructive notice of matters affecting the title to the lands described on the attached legal description: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

(A) Parties having record title interest in said lands whose signatures are necessary under the requirements of Kootenai County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication any streets, roads, avenues, and other easements offered for dedication by said Plat are:

Vincent Patrick Hughes and Joan Catherine Hughes, Trustees of the Hughes Trust U/A dated March 2, 1999

(B) Parties holding liens or encumbrances on the title to said lands are:

1. 2021 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year.

Taxes which may be assessed and entered on the property roll for 2021 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

Year	Original Amount	Amount Paid	Parcel Number
2020	\$2275.51	\$2275.51	51N04W300900

Homeowners Exemption is not in effect for 2020.
 Circuit breaker is not in effect for 2020.
 Agricultural Exemption is in effect for 2020.

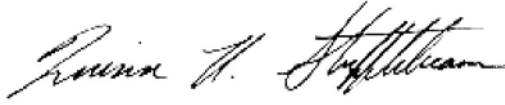
2. Subject to liens for any taxes deferred by virtue of the designation of the subject property as Forest Lands, as provided in Section 63-1701, et seq., Idaho Code.
3. Levies and assessments of Ross Point Water District, for which we find no delinquencies of record.

(C) Easements, claims of easements and restriction agreements of record are:

4. Reservations in United States Patent, recorded in Book 2A, of Deeds, Page 25.
5. Provisions in deed to Albert Knudson, Oscar Knudson and Emery Knudson, recorded May 12, 1924, in Book 80 of Deeds, page 601 .
6. Easement for Right of Way granted to the Washington Water Power Company, recorded August 6, 1940, in Book 115 of Deeds, Page 217.
7. Provisions in deed to Ivan R. Cranston and Helen E. Cranston, recorded July 23, 1947, in Book 135 of Deeds, page 348 .
8. Provisions in deed to Ivan R. Cranston and Helen E. Cranston, recorded March 21, 1955, in Book 158 of Deeds, page 609 .
9. Provisions in deed to Arthur R. Jahns and Frances L. Jahns, recorded October 28, 1968, in Book 225 of Deeds, page 366 .
10. Easement for Right of Way granted to the Washington Water Power Company, recorded June 27, 1978, as Instrument No. 772272 and 772273.
11. Declaration of Abandonment by the United States Department of the Interior recorded September 7, 2011 as Instrument No. 1369071.
12. Easement for Natural Gas Distribution Pipeline granted to the Washington Water Power Company, recorded November 27, 1995, as Instrument No. 1424113.

Date of Guarantee: May 05, 2021 at 7:30 A.M.

First American Title Company



By:

Authorized Countersignature

EXHIBIT A

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 30;

THENCE NORTH 89°42'00" EAST, ALONG THE NORTH SECTION LINE OF SAID SECTION 30, 1704.8 FEET;

THENCE SOUTH 64°34'00" EAST, ALONG THE SOUTH EDGE OF THE SPOKANE INTERNATIONAL RAIL ROAD RIGHT-OF-WAY, 1052.6 FEET;

THENCE SOUTH 0°05'00" WEST, ALONG THE EAST SECTION LINE OF SAID SECTION 30, 1006.5 FEET;

THENCE SOUTH 89°28'00" WEST, 1754.1 FEET;

THENCE SOUTH 18°49'00" WEST, 1225.3 FEET:

THENCE NORTH 89°54' WEST, 506.5 FEET TO THE ESTABLISHED CENTER OF SECTION;

THENCE NORTH 0°02'00" EAST, 2623.5 FEET TO THE POINT OF BEGINNING.



Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do we Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of **personal information** we have collected about California Residents over the last 12 months, please see "What Information Do We Collect About You" in www.firstam.com/privacy-policy. To learn about the sources from which we collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in www.firstam.com/privacy-policy.

Notice of Sale. We have not sold the **personal information** of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information", and "How Do We Share Your Information" in www.firstam.com/privacy-policy.

ROSS POINT WATER DISTRICT

July 15, 2021

TO: Bill Melvin, P.E.
City Engineer, City of Post Falls
408 Spokane Street
Post Falls ID 83854

RE: **HUGHES FAMILY @ 7074 W PRAIRIE AVE, POST FALLS IDAHO**

Dear Mr. Melvin:

Ross Point Water District has reviewed the preliminary plans for on-site improvements for the above referenced project and found them to be acceptable. We will need to review the completed construction plans before we can give final approval of the water system.

Ross Point Water District's Consulting Engineer, Whipple Consulting Engineers, Inc., have completed a study, which analyses the impact the proposed subdivision will have on our water supply and distribution system. The study identifies improvements that if made by the Developer, will allow the District to provide service to the subject project and maintain the existing level of service in the Ross Point Water District.

Ross Point Water District will provide water service to the Hughes Family Project, conditioned upon the developer completing off-site improvements, if any.

Additional requirements include:

1. Annexion of the subdivision into the Ross Point Water District service area.
2. Satisfactory completion and dedication of approved on-site and off-site water system improvements.
3. Payment of all fees and charges.
4. Compliance with all Ross Point Water District policies, rules and regulations.
5. Transfer of all water rights and wells associated with project property.

If work on the project is not begun within one year this "Will Serve" letter becomes void.

If you have any questions regarding this matter please call.

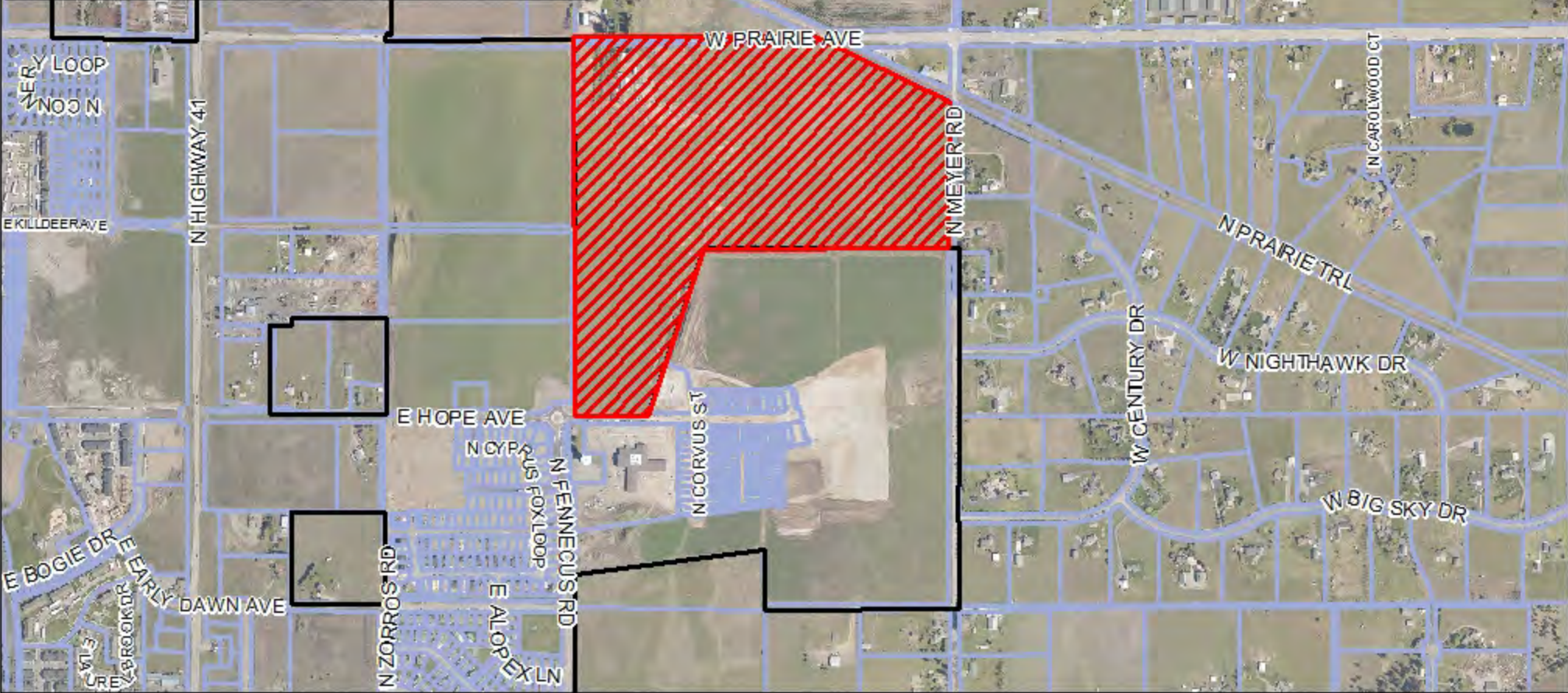
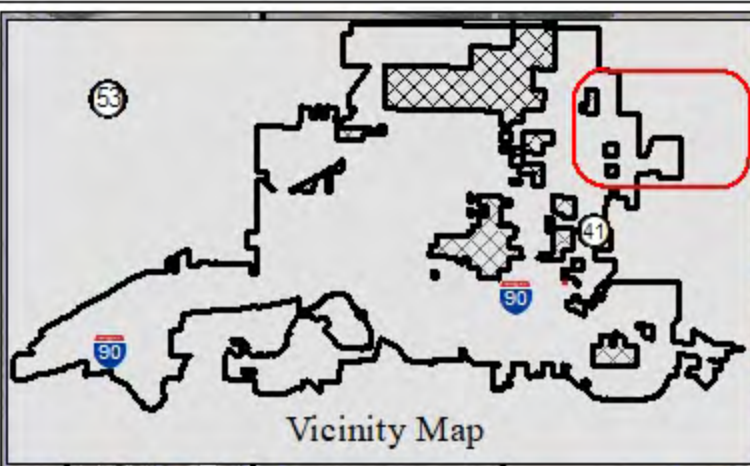
Sincerely,



Christine Waller
Ross Point Water District




Cc: Ray Kimball, Whipple Consulting Engineers, Inc.
Idaho Department of Quality
Panhandle Health District
Ace Solutions, Katy Landsiedel





Project Location
 HUGHES ANNEXATION
 File # ANNEX-0010-2021



-  Subject Site
-  City Boundary
-  Tax Parcels



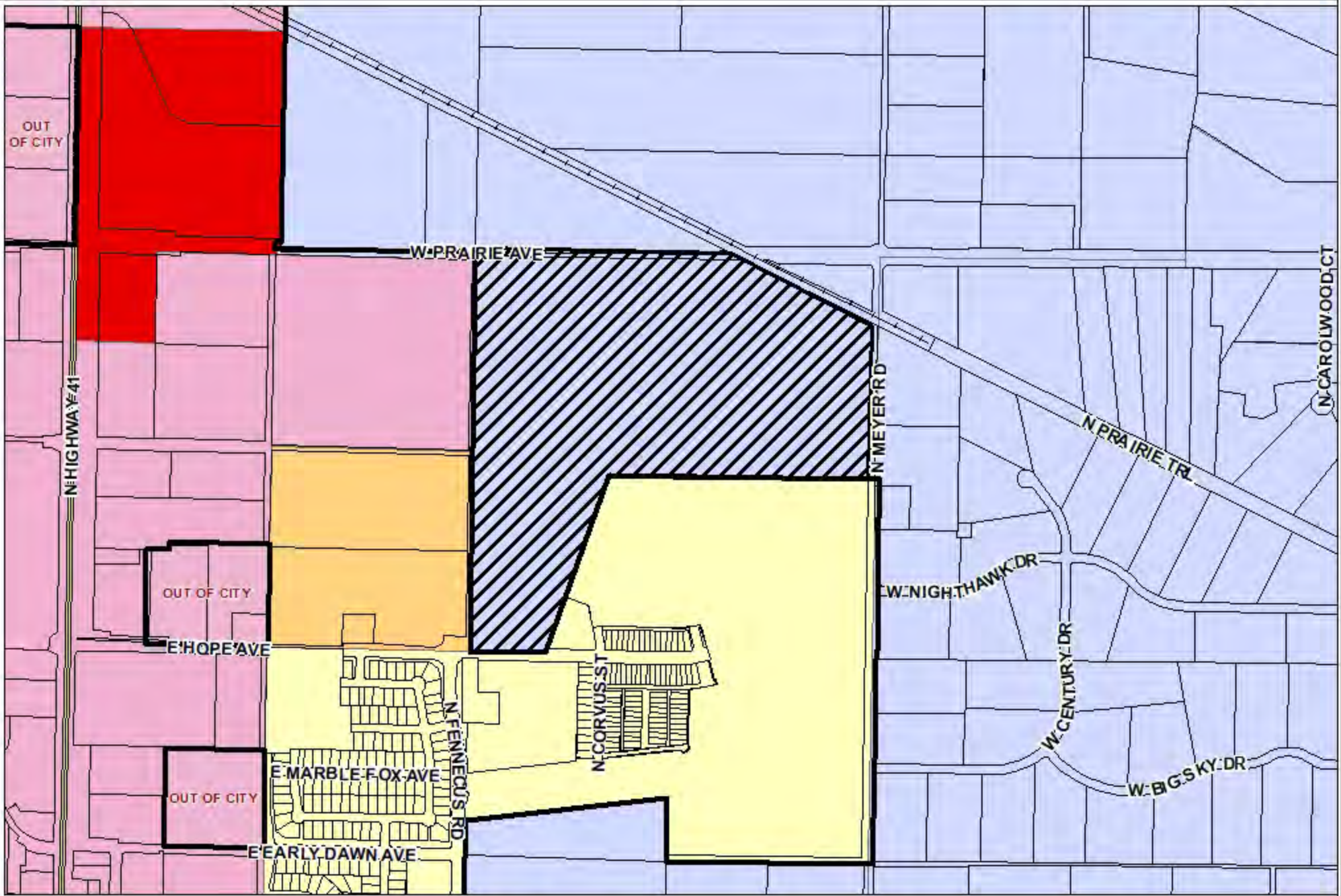


Zoning Map
 HUGHES ANNEXATION
 File # ANNX-0010-2021



-  City Boundary
-  Subject Site
-  CCS
-  R-1





Future Land Use Designation
 HUGHES ANNEXATION
 File # ANNX-0010-2021



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



DEVELOPMENT AND ANNEXATION AGREEMENT
Hughes Annexation
(File No. ANNX-0010-2021)

THIS AGREEMENT is made this 12th day of January, 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 **Marie T. Hughes, Trustee of the Hughes Trust**, with its principal place of business at 9305 North Gerlach Road, Spokane WA 99217.

WHEREAS, Marie T. Hughes, Trustee of the Hughes Trust (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 with Residential Mixed (RM) zoning while the City seeks to obtain partial mitigation of the impacts of annexation of the Property on the City and certainty over the nature of the development as contemplated by Idaho Code 67-6511a. 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 southwest of the intersection of Prairie Avenue and Meyer 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 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 and comply with City submittal standards. 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, conforming with City submittal standards, 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.

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 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.

- 3.1.1. Water Rights: Prior to commencement of development of the Property, Owner agrees to grant, in a form acceptable to the grantee, to the public water supply system agreeing to provide water service to the Property 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 shall disconnect from the temporary service 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 Sanitary Sewer Surcharges: Owner acknowledges that the Property is within the 12th Avenue Force Main and Meyer Alternative Line Surcharge Basins and agrees to pay the sewer surcharges established for each basin that have been established to fund the downstream collection system infrastructure needed to provide permanent sewer service to the Property. The surcharges are based on supplementing the City's existing sewer infrastructure to meet anticipated buildout conditions, as identified within the Cities Wastewater Collection System Master Plan (May 2019 – Keller Associates) and the NE Quadrant Sewer Study (July 2018 – JUB Engineers). Those surcharges are currently established as (\$733 per service unit for the Meyer Alternative Line and \$2,766.40 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.
 - 3.2.2. Limitation on Development Based on Sewer Flows: The parties agree that the surcharge for the Meyer Alternative Line is based on supplementing the capacity of the existing 10-inch main in Poleline Avenue, with the design and construction of new sewer mains in Fennecus Road and Horsehaven Avenue, when peak flow the Poleline Avenue 10-inch main reaches a flow of 0.75 cubic feet per second (cfs). Owner agrees that, if sufficient funding for the Meyer Alternative Line has not been acquired by the time the 0.75 cfs capacity trigger is reached, the City may withhold approval of further subdivision, building permit, or other development permits for the Property until such time as the Meyer Alternative Line has been constructed and accepted by the City.

The parties agree that the surcharge for the 12th Avenue Force Main Surcharge is based on the need to provide a force main from the 12th Avenue Lift Station to the Water

Reclamation Facility. Original facilities within the State Highway 41 Corridor were constructed in 2005 to temporarily utilize excess capacity that existed within the City's sewer infrastructure south of Interstate 90. Development along the State Highway 41 Corridor and within the City south of the Interstate have consumed a significant amount of the previous excess capacity. In 2020 the City upgraded the 12th Avenue Lift Station to handle regional flows from the State Highway 41 Corridor and to act as a "flow equalization station" to preserve capacity south of the Interstate until sufficient funding is acquired to install the force main to the Water Reclamation Facility. The 12th Avenue Force Main must be constructed prior to flows in the Caton Line reaching 2.1 cubic feet per second. Owner agrees that if the 12th Avenue Force main has not been constructed by the time that the capacity trigger is 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.

- 3.2.2. 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.
- 3.3. 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 Water and Sewer Mains: The Owner agrees on-site water and sewer mains will be adequately sized to provide service to the Property as determined by the entity providing water or sewer service to the Property. For water and sewer lines to be dedicated to the City, the City will determine the appropriate main size based on adopted City master plans and may require the Owner to oversize the mains or to construct the mains with increased depth beyond the size/depth needed to serve the Property. If required to oversize water or sewer mains (including additional depth), the Owner may request reimbursement for oversizing costs during the subdivision or other development approval process.
- 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 Prairie Avenue for utilities, sidewalks, and stormwater drainage.

- 4.1.2. By grant of right-of-way in a form acceptable to the City, Owner will dedicate additional rights-of-way along Prairie Avenue for a total half-width right of way of 55 feet measured from the Section Line.
- 4.1.3 By grant of easement in a form acceptable to the City, Owner will grant a 15-foot wide easement along Fennecus Road for utilities, sidewalks, and stormwater drainage.
- 4.1.4. By grant of right-of-way in a form acceptable to the City, Owner will dedicate additional rights-of-way along Fennecus Road for a total half-width right of way of 42.5 feet measured from the Section Line (existing east right-of-way line).
- 4.1.5 By grant of easement in a form acceptable to the City, Owner will grant a 15-foot wide easement along Meyer Road for utilities, sidewalks, and stormwater drainage.
- 4.1.6. By grant of right-of-way in a form acceptable to the City, Owner will dedicate additional rights-of-way along Meyer Road for a total half-width right of way of 42.5 feet measured from the Section Line (existing east property line).
- 4.2. No Impact Fee Credit 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

- 5.1. Other Limitations on Development: In addition to the requirements contained in policies and ordinances adopted by the City to regulate development, Owner agrees to develop the Property in compliance with the terms of this Agreement to help ensure that the development of the Property results in an attractive, safe, and healthy environment for future residents.
- 5.2. Duplex Design Standards: The Residential Mixed zoning district allows for multiple forms of residential development as well as limited supportive development. In order to ensure that the potential uses within the development of the Property blend in a harmonious manner the Owner agrees that if duplex residential structures are constructed, those structures will meet the design standards contained in this Section 5.2.
 - 5.2.1. Rear loaded duplex lots must be a minimum of forty feet (40') wide.
 - 5.2.2. Front loaded duplex lots must be a minimum of fifty feet (50') wide.
 - 5.2.3. Front loaded duplex lots located on knuckles or cul-de-sacs must have a minimum width of fifty feet (50') measured at the front setback line.

- 5.2.4. The driveway approaches for front-loaded lots may not exceed the widths provided under City Code unless approved by the City through the development process. In that event driveway widths for front-loaded lots may not exceed fifty percent (50%) of the width of the lot and must be no wider than thirty-two feet (32') in width at the throat.
- 5.2.5. Duplexes that do not provide a garage must provide at least one paved parking space for each duplex unit that must be located adjacent to the duplex and behind the principal plane of the structure. The parking area must be at least ten feet (10') by twenty feet (20') in size.
- 5.3. Other Design Standards: Owner agrees that other structures will comply with the requirements of this Section 5.3.
 - 5.3.1. Detached garages must be set back from the front plane of the residence at least fifteen feet (15').
 - 5.3.2. Twin-homes and duplexes must provide at least two feet (2') of separation between the driveways that must be located along the common property line.
 - 5.3.3. The primary entrances for all residential structures must front the street from which it is addressed. The entrance must be clearly visible from the street and be accessible from the street via a sidewalk.
 - 5.3.4. No more than sixty five percent (65%) of the massing of a residence along the front façade may be occupied by a garage. The garage area will be measured from inside the side walls to the top plate line of the garage.
- 5.4. Open Space Development: Owner agrees that, prior to submission of the first application for subdivision or other development approval, Owner will submit an open space development plan to the City detailing the location of all required open space areas, the amenities to be included in the open space, and providing a timeline for development of the open space. Owner agrees that no more than fifty percent (50%) of the Property's gross area may be platted or otherwise developed until fifty percent (50%) of the required open space has been completed. Additionally, Owner agrees that no more than eighty five percent (85%) of the Property's gross area may be platted or otherwise developed until all of the required open space has been completed.
- 5.5. Site Access: Owner agrees that access to the property from Collector and Arterial Roadways (Prairie Avenue, Fennecus Road, and Meyer Road) will be limited in accordance with the City's Access Control Policy's, in effect at the time of subdivision and building permit application. Access along Prairie Avenue will be further limited to comply with the KMPO Critical Access Corridor Policy. Owner further agrees that access points on the Property will comply with the requirements of this Section 5.5.
 - 5.5.1. Prairie Avenue: Owner agrees that Prairie Avenue access to the Property will be limited to one (1) permanent public access point located half-way between Fennecus Road and Meyer Road and limited to either a "right-in/right-out" or a "3/4-Turn" configuration, in order to promote safety and to comply with the KMPO Critical Access Corridor Policy.

- 5.5.2. Fennecus Road: Owner acknowledges that Fennecus Road is classified as a Major Collector Roadway and the ½ Mile Backage Roadway to State Highway 41. As such, Owner agrees that driveway access from single family residences and duplexes to Fennecus Road are prohibited.
- 5.5.3. Meyer Road: Owner acknowledges that Meyer Road is classified as a Major Collector Roadway. As such, Owner agrees that driveway access from single family residences and duplexes to Meyer Road are prohibited.
- 5.5.4. Killdeer Avenue: Owner acknowledges that Killdeer Avenue is classified as a Minor Collector Roadway. Owner agrees to extend Killdeer Avenue through the Property, in a manner that conforms with the City's Transportation Master Plan, from Fennecus Road to Meyer Road. The parties agree that driveway access from single family residences and duplexes will be allowed to access Killdeer Road, however, corner lots will only be allowed street access on the lowest classified roadway fronting the lot.

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 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.
- 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 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 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.
- 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 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 withholding development approvals as contemplated by this Section 7.11.
- 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.

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

HUGHES TRUST

By: _____
Ronald G. Jacobson, Mayor

By: Marie T. Hughes, Trustee
Marie T. Hughes, Trustee

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: _____

^{TD}
WASHINGTON
STATE OF ~~IDAHO~~)
^{TD}
Spokane :ss
County of ~~Kootenai~~)

On this 12th day of January, 2022, before me, a Notary for the State of ~~Idaho~~,^{TD}
personally appeared **Marie T. Hughes, Trustee** of the Hughes Trust, known, or identified to me to be the person(s) whose names are subscribed to within the above instrument, and acknowledged to me that they executed the same on behalf of the Hughes Trust.

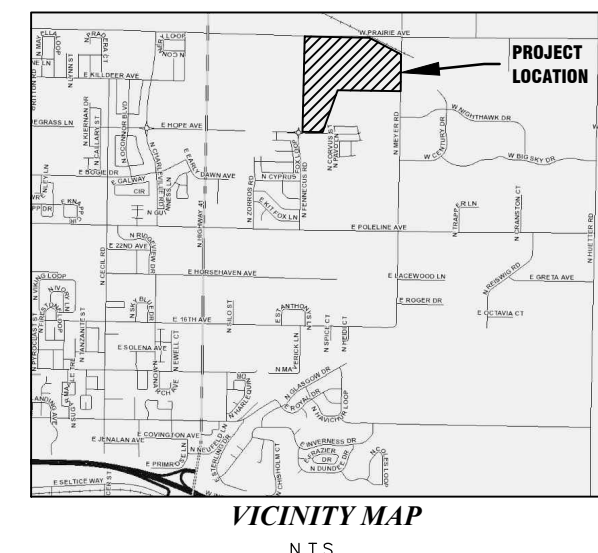
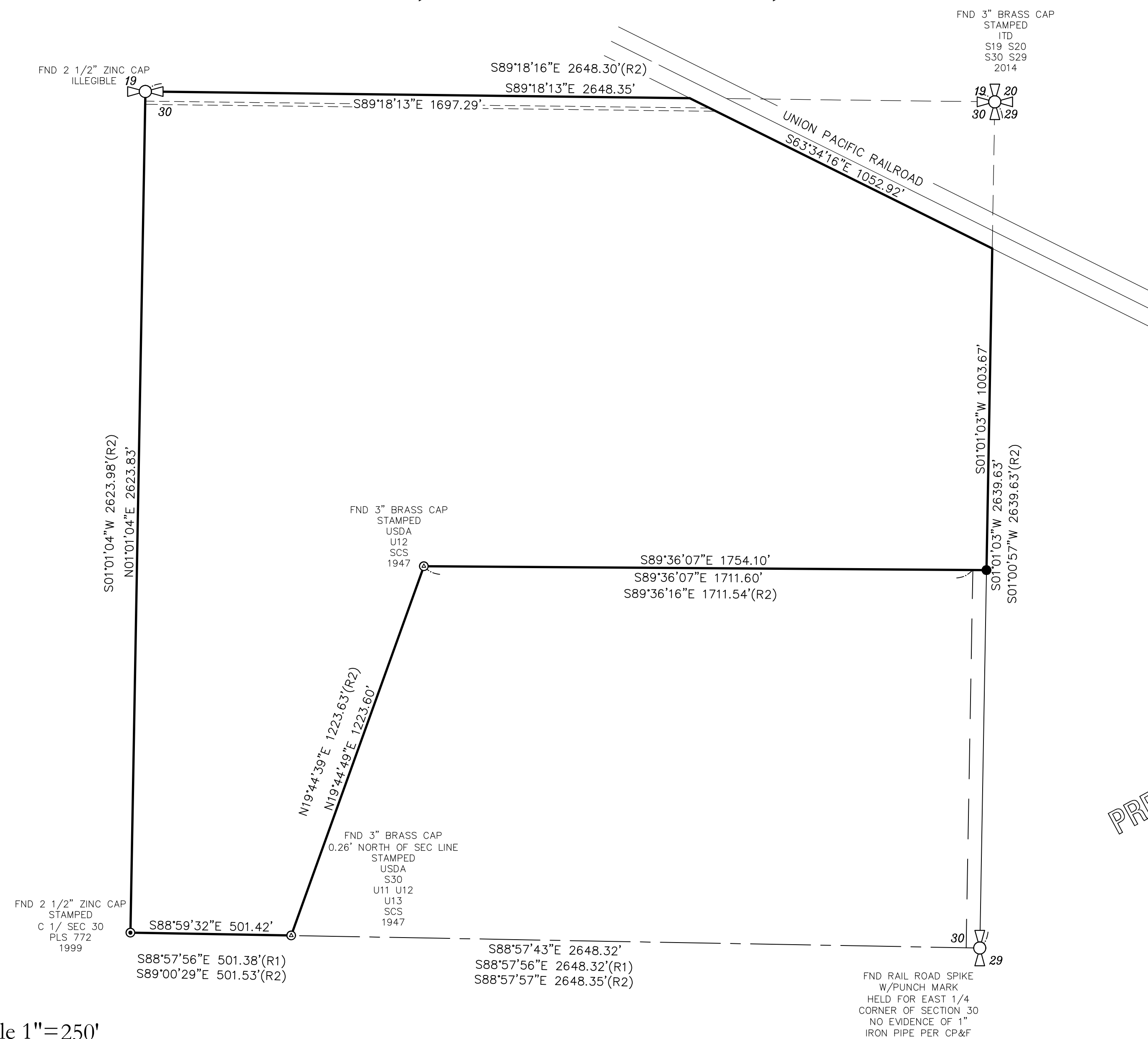
IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public
State of Washington
Timothy A. Drahrman
Commission No. 64643
Commission Expires 7-31-2024

Timothy A. Drahrman
Notary Public for the State of ~~Idaho~~
Residing at: SPokane WASHINGTON
Commission Expires: 7/31/2024^{TD}

HUGHES SUBDIVISION

A PORTION OF THE NE 1/4 OF SECTION 30, T51N, R4W, B.M., KOOTENAI COUNTY, IDAHO



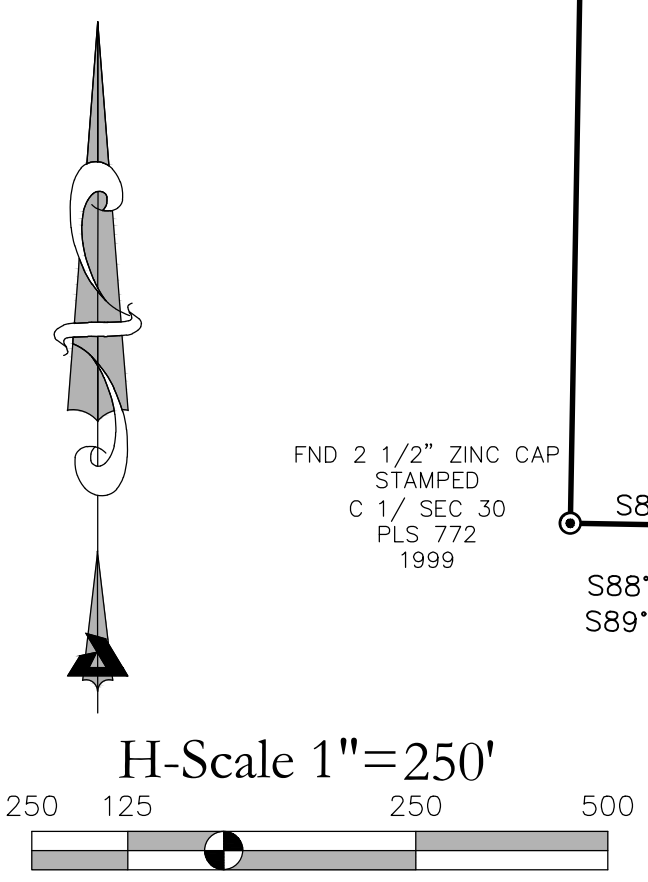
BASIS OF BEARING


BASIS OF BEARING FOR THIS SURVEY IS BETWEEN THE FOUND MONUMENTS DEFINING THE NORTH 1/4 CORNER AND THE NORTHEAST CORNER OF SECTION 30 HAVING A GRID BEARING OF S89°18'13"E PER THE IDAHO STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83 (2011).

REFERENCES

- R1 PLAT OF FOXTAIL 5TH ADDITION, BY JOHNSON SURVEYING. FILED IN BOOK L, PAGE 553, KOOTENAI COUNTY.
- R2 PLAT OF FOXTAIL ADDITION, BY INC. FILED IN BOOK K, PAGE 388, KOOTENAI COUNTY.

PRELIMINARY



609 N. Calgary Court, Suite 7, Post Falls, Idaho 83854 PHONE:(208)777-1854 FAX:(208)777-2128 www.acesolutions.pro		 Advanced Consulting and Engineering Solutions	
<i>hughes subdivision</i> KOOTENAI COUNTY, IDAHO			
DRAWN BY: blo	DATE: 21-065	DWG NAME: 21-065 FM.dwg	
CHECKED BY: XXX	SCALE: 1" = 250'	PROJ #: 21-065	SHEET 1 of 1

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 21, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

RE: Notice to Jurisdiction Response

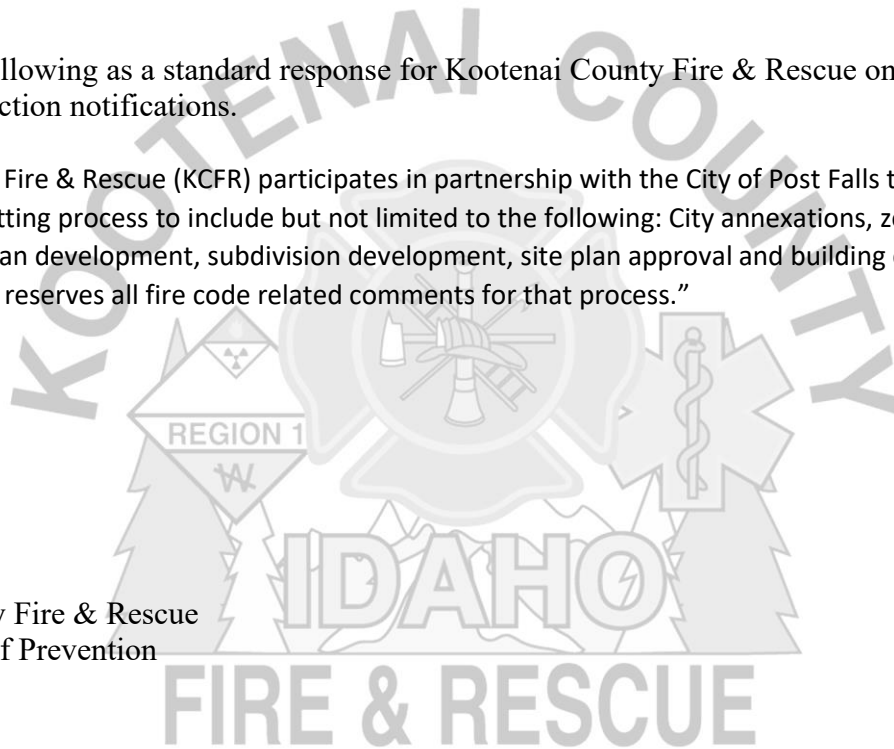
Amber,

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





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

January 21st, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

Re: Hughes Annexation File No. ANNX-0010-2021

The Police Department has reviewed the above listed annexation/subdivision request and will remain Neutral on this project. 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
Lieutenant
Post Falls Police Department



January 26, 2022

City of Post Falls
Planning and Building Division
408 Spokane St.
Post Falls ID 83854

Sent by email to amberb@postfallsidaho.org

RE: ANNX-0010-2021, Hughes Annexation
Prairie Ave and Meyer Rd

Greetings:

Post Falls Highway District has received annexation request for the above referenced proposal. The District respectfully asks the City of Post Falls to require a right-of-way dedication of 50' minimum from centerline on Prairie Avenue to accommodate the future needs for a five lane project expansion.

Please contact me if you have any questions at mlenz@postfallshd.com. Thank you for including us in your planning efforts.

Respectfully,

A handwritten signature in blue ink that reads "Michael C. Lenz".

Michael C. Lenz
Director of Highways
Post Falls Highway District

Howard Burns
502 S Rocky Point Ct
Post Falls, ID 83854
Burns_crew@yahoo.com

January 26, 2022

To the Post Falls Planning Commission and City Staff

Regarding the upcoming hearing slated for February 8th entitled “Hughes Annexation”, 103 acres.

This 2 page letter + extensive exhibits (including copies of previous letters) is being hand delivered to the City with a copy for each member of the Planning Commission and one copy for the Planning Staff. Some of you may recall the attached ‘exhibits’ as they were previous communications to the City.

To get my viewpoint out front: Please **deny the referenced Annexation** or, at a minimum, offer the Applicant Annexation with **R-1 zoning** (assuming 4 units per acre = 412 units) with a restriction it can’t change for 5 years and an agreement to dedicate full right of way width NOW for Prairie Avenue and Meyer widening **No RM zone**. Recognize that the County subdivision would allow 20 lots so 412 as allowed by R-1 is a *massive increase*.

This proposed annexation, a 103 acre parcel of flat land located on the southwest corner of Prairie and Meyer, is designated on the Kootenai County planning map as a “resource” land use. It sits adjacent to the Foxtail master plan on its western and southern boundaries with the east and northern boundaries being across from other unincorporated/County land. All the land in the Annexation Request does lie within the Post Falls City ‘impact’ zone and has the ambiguous designation in the City map as “transitional” (Exhibits included of Post Falls Impact area & ‘resource’ zone of the property as currently in the County zoning plus a current (unrelated) County zone change request showing what this acreage would be subdivided into by staying in the County).

Points to consider:

1. Past decisions and, in my opinion, end-runs by Developers. Examples include:

A. The recent “North Place East” RM Zone change request (land was already in the City) for 239 acres of an approximately 280 acre section of land. This zone change was opposed by many citizens and was approved with the somewhat mitigating condition that the applicant could not have more than 1200 (1400?) dwelling units in the project. The City staff made much of how the project would have a park if it got the RM Zone Change and “if it stays R-1 there is no obligation to have a park”. It was also pointed out that there would “have to be a development agreement” to go along with the RM zone. What was left unsaid was that the applicant did not have any true plan for the project to show audience or the Council, just a vague map of ‘areas’ that might be homes, might be apartments, would likely be commercial, etc. Also not shown on any exhibit, and from my point of view conspicuously left out of every slide where it would logically have been in evidence, was the 37 acre portion of property that had previously been given PUD status, and the R-1 lot minimums had been drastically reduced. I have **included my letter to the City Council dated June 29, 2021** regarding that ‘vague map’ of the 239 acre zone change and the PUD map as approved months before (no Council hearing on that) with the tiny lots. In addition, there was no discussion or stipulation, unless it was in the Development Agreement that is not seen by the public but is ‘approved by consent’ by the Council at a later meeting, of what would happen if the ‘buried in mid-project, no frontage on Prairie, commercial property’ never found a use/user. What would that commercial zone become in case that occurs? Syringa Avenue is not a busy street even after this project gets developed; how does 15 acres of internally buried commercial buildings get leased when Hwy 41, and Prairie at the intersection of Hwy 41, have massive amounts of commercially zoned property and projects planning?

B. Foxtail Development: Another example of bait and switch but at least in this case the most egregious effort to ‘densify’, was rebuffed by the City Council after approval by the Planning and Zoning Commission. The master planned project was significantly changed by a PUD modification to the eastern portion, creating the ‘Parkllyn’ neighborhood with much smaller lots than originally approved. Then the Developer attempted to get a zone change for the third phase from

Exhibit PC-1

mainly R-1 to Apartments and Commercial (which also allows more apartments). The Staff Report showed the 'original' Foxtail plan prior to the Parkllyn small lot re-plat which was somewhat disingenuous although maybe just an oversight (?). It also did not show the 300 units already under going building permit application adjacent to the southwest corner of the Foxtail plan. In addition, somehow the City Comprehensive Plan had an alteration in 2020 to take this third phase of the Foxtail plan and show it, an already approved master plan with single family zoning/PUD overlay, to High Density/commercial. Contemplating how this could occur might seem a bit conflicting when the Comprehensive plan suddenly has a change for one section then a bit later the Developer asks for a zone change and a massive apartment complex? **My letter of May 7, 2021** is attached as it covers this with exhibits.

Why do these two situations matter for the Hughes Annexation? It is a different piece of property, isn't it? Well, Foxtail abuts the Hughes Annexation on two frontages. Why is it not shown in the Staff Report as it is approved (Lot lines, etc., all shown). Foxtail was approved with, I believe, the testimony that the lots 'along Meyer Road will be approximately 1/2 acre in size to transition to the large lots east in the Big Sky development'. Should not this be discussed in light of the same frontage on Meyer for Hughes? In addition, should not the lot sizes for Foxtail abutting the Hughes Annexation be shown?

The North Place East project is discussion worthy for a variety of reasons including the 'cloud of use areas' (I'd use the description VAGUE), and how it compares to what the Hughes application shows....again, very vague. Additionally, since every commercial land use in Post Falls allows some type of higher density residential housing 'by right' with very limited discretionary approval needed. Contemplate the land use map for the City and use your imagination on how our City would look if every other commercially designated 'red or light purple' use became Apartments?

The North Place East project has another point to consider too. Just recently a large portion of the 37 acre PUD section (the section noted in my letter as having just seven (7) of the 140 lots meeting the actual MINIMUM R-1 standard for width) sold for \$93,500 PER LOT (see attached exhibit from realtor web site, information believed correct as it was posted there, Exhibit 7 in the June 29th letter shows the lot sizes). Therefore by reducing the lot sizes, increasing the number of lots, voila, more money for the property. It is perhaps ironic to note the North Place East Developer's application stated they wanted the PUD to enable 'affordable housing' yet they sold it for what I suggest is a significant profit (I do believe the price included delivery with streets and curbs in place and likely main utilities to achieve the \$93,500 per lot sales price) and there is no 'definition' of just what 'affordable' housing is nor any way for the City to insist it happen. Perhaps the process includes ask for small lots and use the buzz word of affordable housing; then take the money and run to the bank?

I reiterate that the City should Deny the Annexation. Hughes can stay in the County and subdivide into 5 acre lots OR re-apply with a fully-formed project showing lot sizes, parks, streets & elevations. A 'complete package' which, from my perspective, would have only R-1 lots, OR perhaps, a small R-2 area to offset larger 1/2 acre lots along Meyer giving the overall project the same density as if it was all at the minimum 6500 sf, 60 foot wide, Post Falls standard (likely 412 or less units after widening of Prairie and Meyer and internal roadways

As an aside, I reiterate my continued conviction that the 'yellow public notice signs' are *far too small* to give the public adequate 'drive-by' notice. The City has the right and ability to exceed the minimum State Standard for notice and alter public notice "posting" to require at least a 2 foot x 4 foot sign mounted a minimum of three feet from the ground with letters at least 5 inches high noting that a Public Hearing on Development was in process on the parcel.

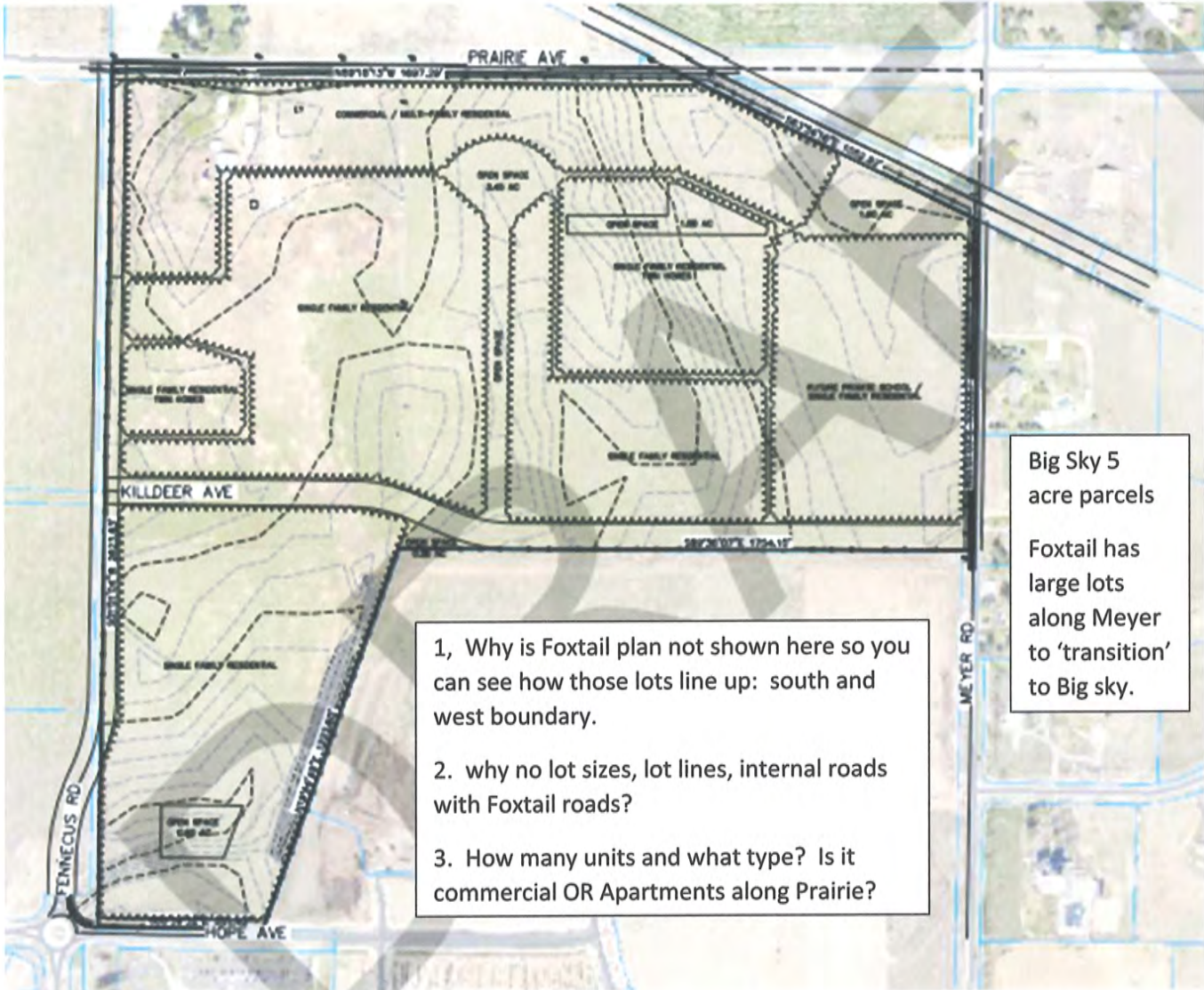
Thank you for your time reviewing all this information (it is a lot!). Should you have any questions, be unclear about my information, be unable to clearly read the electronic copy or believe I have been misinformed, please reach out to me via email at: burns_crew@yahoo.com



PROPOSED HUGHES FARM ANNEXATION 'PLAN'

CONCEPTUAL SUBDIVISION LAYOUT FOR HUGHES FAMILY

TAX #3146 | N SECTION 30, T51N, R4W, B.M., KOOTENAI COUNTY, IDAHO



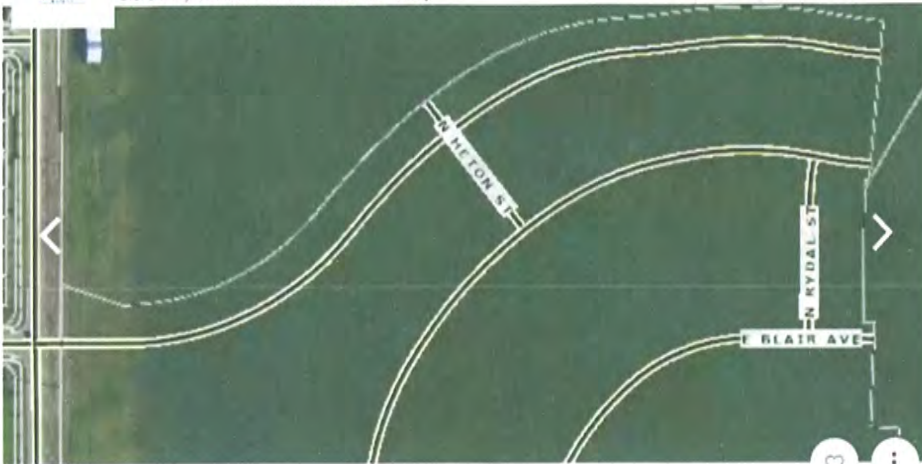
Big Sky 5
acre parcels

Foxtail has
large lots
along Meyer
to 'transition'
to Big sky.

1. Why is Foxtail plan not shown here so you can see how those lots line up: south and west boundary.
2. why no lot sizes, lot lines, internal roads with Foxtail roads?
3. How many units and what type? Is it commercial OR Apartments along Prairie?

Back Kootenai County ID Idaho Kootenai County Post Falls Percival / Blair / Allenby

Presented by Ian Swanstrom
Brokered by Coldwell Banker Schneidmiller Realty



Schedule a tour

Choose your preferred day

Wed 5 Jan	Thu 6 Jan	Fri 7 Jan
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Video In-person

Select

More about this property

Email agent

To connect right away call (208) 502-6815

By clicking or otherwise proceeding, you consent to receive calls and texts at the number you provided, including marketing by automatic and prerecorded voice, artificial voices and email from realtor.com and other third party providers and other marketing related systems, but this is a condition of any purchase. [More](#)

Pending

\$8,277,000 Est. \$38,771/mo

26.89 acre lot

Percival / Blair / Allenby, Post Falls, ID 83854

Land
Property Type

1 Day
Time on realtor.com

Contact agent

Share this home

Open Houses

Property Details

\$93,000/lot x 89 lots Sold at time of listing

Property Features

Exterior and Lot Features

• Curbs

• Sidewalks

Commute Time: Add a commute

A large section of
PUD portion of
North Place East

\$93,500 x 89 Lots. sold at time of listing





Presented by Ian Swanstrom
Brokered by Coldwell Banker Schneidmiller Realty



Schedule a tour

Choose your preferred day

Wed 5 Jan	Thu 6 Jan
-----------------	-----------------

Video In-person

Select

More about this prop

Email agent

To connect right away, call (208) 208-2082

By calling or otherwise proceeding, you consent and binds at the number you provide, including, but not limited to, automatic and pre-recorded and artificial voice mail or text, and other means, about your inquiry. We will not be held liable for any.

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Contact agent Share this home

Open Houses

Property Details

593,000/lot x 89 lots Sold at time of listing



Commute Time Add a commute



593,000/lot x 89 lots Sold at time of listing

**Howard Burns
502 S Rocky Pt Ct
Post Falls, Idaho 83854**

May 7, 2021

City Council and Planning Commission of Post Falls
Planning Staff of Post Falls
Post Falls City Hall
Spokane Street, Post Falls Idaho

Sent via EMAIL and Hand delivered

Dear Council, Planning Commissioner and Planning Staff:

I am writing in an effort to understand the process relating to PUD modifications and, in particular, the Foxtail Plan. My lack of understanding stems from the recent Foxtail zone change hearing at the Planning Commission and the presentation by the staff and applicant. I have attached two pages of 'exhibits' from that hearing. The first is the "Foxtail" plan that was page 7 of the 7 page zone change hearing notice. It shows a master plan with three neighborhoods, Red Fox, Artic Fox and Grey Fox, and has a school site, a large 11+ acre park with 2 ballfields and a soccer field, and two small 'pocket parks'. Based on the zone change Hearing Notice I mistakenly thought that this was the plan being altered but in the presentation a 'revised' plan was shown, a plan that no longer had an 11 acre park, had gone from 717 'standard' R-1 lots, 23 half acre lots, and 124 apartments (spread out in three nodes, one in each of the three Foxes)...now the plan has somehow been altered. The Red Fox area no longer has a small apartment node, the Artic Fox neighborhood, is now renamed the "Parklynn Neighborhood" and has 124 lots smaller than 4800 sf, 261 lots that are greater than 4800 sf, most meeting R-1 standard of 6500 sf and a few larger lots, 20 half-acre lots, a school site and three parks, none of which have ballfields, soccer field or significant parking. The Grey Fox neighborhood "now" wasn't really shown in the hearing unless we are to believe it hasn't been altered from the original plan, 201 R-1 lots & an 'apartment node' of 48 units. Of course the zone change was a complete redo of the Grey Fox plan. Suddenly there is a massive apartment complex being requested and 'viola' an 8 acre park is 'offered', unfortunately invisible to the public as it is surrounded by apartments on three sides.

It mystifies me how a project approved years ago was somehow changed, seemingly without any public hearings, to the design that was presented as 'done' in the zone change hearing? How did a project with almost all R-1 lots suddenly become the 'current plan'? What is the process by which such changes can happen and is the same thing happening regularly without public knowledge on other 'approved' projects?

Perhaps learning the timeline for Foxtail's changes from inception to the current plan and just how often such changes are happening today on other 'approved' plans will bring understanding. I am led to believe changes such as this means the plan must have a PUD associated with it in order for such 'after-approvals' to occur?

Sincerely,

Howard W Burns

Howard W. Burns

Attachments: 2 pages, original Plan, Plan as 'presented' at Commission hearing.

CC: ResponsibleNorthIdahoGrowth@yahoo.com

HEARING NOTICE
 PAGE 7 OF 7
 FOR ZONE CHANGE OF
 Phase 3

FOXTAIL

RESIDENTIAL COMMUNITY
 Post Falls, Idaho

PRELIMINARY PUD & SUBDIVISION PLAN

PROPOSED LAND USE PLAN

DEVELOPMENT SUMMARY

TOTAL ACRES	283.0
STANDARD S.F. LOTS	77 UNITS
1/2 ACRE S.F. LOTS	23 UNITS
MULTI-FAMILY	124 UNITS
TOTAL UNITS	864
NET DENSITY:	3.09 UNITS/ACRE
GROSS DENSITY:	3.07 UNITS/ACRE
OPEN SPACE	23.45 ACRES
CITY PARK SITE	8.31 ACRES
SCHOOL SITE	11.21 ACRES

GREY FOX NEIGHBORHOOD

201 - SINGLE FAMILY LOTS
 48 - MULTI-FAMILY UNITS
 249 TOTAL UNITS



SCHOOL

CITY PARK

ARCTIC FOX NEIGHBORHOOD

23 - 1/2 ACRE S.F. LOTS
 295 - SINGLE FAMILY LOTS
 28 - MULTI-FAMILY UNITS
 346 TOTAL UNITS

11.21 ACRE SCHOOL SITE
 8.31 ACRE PARK SITE

346 UNITS

11.21 Acre

School Site

8.31 Acre Park

GRAPHIC LEGEND

- MULTI-FAMILY HOUSING
- 1/2 ACRE LOTS
- STANDARD S.F. LOTS 6,000 - 14,000 S.F.
- PRIVATE OPEN SPACE
- CITY PARK SITE
- SCHOOL

Prepared For
HAYDEN LLC
 (owner of Alamo, Idaho)

Prepared by:



RED FOX NEIGHBORHOOD

221 - SINGLE FAMILY LOTS
 48 - MULTI-FAMILY UNITS
 269 TOTAL UNITS



THIRD PHASE
ZONE CHANGE
ATTEMPT (REJECTED)



GREY FOX NEIGHBORHOOD
384 - HIGH DENSITY RESIDENTIAL
288 - MEDIUM DENSITY RESIDENTIAL
8.31 ACRE OPEN SPACE
13.3% OPEN SPACE

DEVELOPMENT SUMMARY

TOTAL ACRES	271.0
TOTAL UNITS	1331
GROSS DENSITY	4.9 UNITS/ACRE
CITY PARK SITE	8.31 ACRES
SCHOOL SITE	11.21 ACRES
OPEN SPACE (AC)	28.4 ACRES
OPEN SPACE (%)	10.5%

RED FOX NEIGHBORHOOD
254 - SINGLE FAMILY LOTS
9.15 ACRES OPEN SPACE
11.3% OPEN SPACE

PARKLLYN -
Replaces
ARTIC FOX
Now
405 units
11.21 acre
school site

THE PARKLLYN NEIGHBORHOOD
20' 1/2 ACRE S-F LOTS
124 - SINGLE FAMILY LOTS (4,800 SF)
261 - SINGLE FAMILY LOTS (14,800 TO 20,000 SF)
405 TOTAL UNITS
11.21 ACRE SCHOOL SITE
10.9 ACRES OPEN SPACE
10.1% OPEN SPACE

10.9 acres
open space
(No "park")

124 of the 405
units have lots
UNDER 4800 SF
in size

Small multifamily
section eliminated



BIG SKY DEVELOPMENT
EXISTING

Zone map -
 approved in
 process master
 project

Future
 use -
 why change
 to Foxtail

Zoning Map
 HUGHES ANNEXATION
 File # ANNX-0010-2021

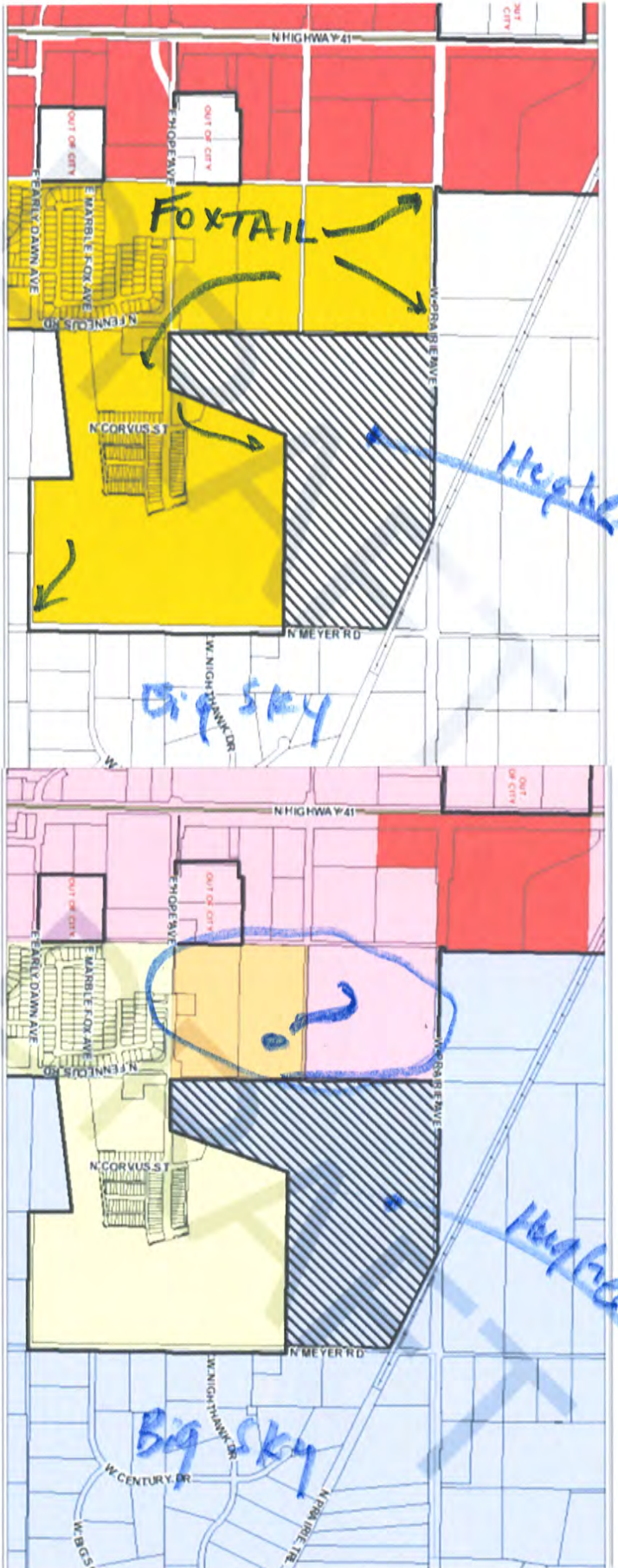
CITY OF
 POSTFALLS

City Boundary
 Subject Site
 CC5
 R-1

Future Land Use Designation
 HUGHES ANNEXATION
 File # ANNX-0010-2021

CITY OF
 POSTFALLS

City Boundary
 Subject Site
 Commercial
 Business/Commercial
 Transition
 Urban Center
 Low Density Res
 Exhibit S-3



Howard Burns
502 S Rocky Point Ct
Post Falls, ID 83854
Burns_crew@yahoo.com

June 29, 2021

City Council of Post Falls
408 Spokane Street
Post Falls, ID 83854
Sent via EMAIL to:

Members of the City Council:

This letter deals with only one topic, the North Place East Zone change application to be heard by the Council on July 6th. Please excuse any abruptness as I am trying to get my points across while minimizing the length of my letter. I have attached Exhibits in the hope that it will save you the time of 'looking up' that data/information. All the data is directly from City information..

Item one: This zone change and the staff report mention NOTHING about the May 2020 application, and subsequent approval (despite clear notification failures: the notice described that project as being "south of Ponderosa" so anyone who read the letter would, if not diligent in further reading, assume it had nothing to do with property on the north side of Poleline,(see Exhibit 1) The May 2020 approval took a 37 gross acre portion of the property (22 net) and made it, for all intents and purposes, R-M zoning without a City Council Hearing via the "PUD" loophole, 6.3 lots per net acre. This part of the project is currently 'in place' with much smaller than standard R-1 lots yet is ignored in the staff report for the Zone Change and the lot lines not shown on any exhibit. This would seem to be a glaring omission or perhaps a carefully crafted obfuscation of the situation? Then, at the end of the PUD Applicant 'letter' on why it is a 'good thing' to have small lots and high density on the 37 acres, the Applicant makes reference to the R-M Zone and how it will great when it is provided (Exhibit 2). In addition, there is no mention in the 'notice' for this hearing that the 'whole' area of vacant land is not in discussion, that the 37 acre PUD is 'not a part'. Is the City Council and Planning Dept. really looking after the Citizens with complete information?

Item two: In the Planning Commission Hearing there was discussion of 'limiting' this zone change to 1400 units yet, since the May 2020 map was ignored, and no lot lines are shown anywhere in the application or report. How many actual single family detached homes will be constructed versus Duplexes, Apartments, etc.? Every zone change that I found in Post Falls Archives seems to have the parcel map/lot lines of each lot shown, not obscure 'clouds' with miniscule writing and no data. For example 'single family detached/ single family attached label and nothing else (See Exhibit 3 and 4 a&b)

Item three: What is the true acreage being requested for 'commercial' since commercial zoning allows R-3 density? What is being 'assumed' for the commercial zoning land area if the Developer/Applicant elects to build apartments instead of job creating businesses, or assisted living units instead of businesses? How will a density cap be enforced 'forever'? Are assisted living units, hotels, motels, considered 'units' and part of the cap? Commercial should mean that after 5 or 6 pm many are closed, business done for the day.

Item four: "Open Space". In the May 2020 PUD application for a portion of this same zone change area, the Applicant's notes state that the 37.14 acres has 3.94 acres of 'open space', yet at the same time, the Applicant got permission to go from a maximum of 40% coverage per lot to 50% coverage. The City's definition of Open Space ignores the areas around each home as though that area does not contribute a feeling of 'openness' yet it is a critical component. Doing some basic math: 140 lots at an average lot are of 6000 sf (the Applicant's data)

with a coverage of 50% = $140 \times 6000 \times 50\% = 420,000$ sf of 'unbuilt' lot per code, I'd argue that could be considered 'open space' even though private property. If the standard building coverage had been maintained, even with the smaller lots, then 60% of each lot would be 'unbuilt' and there would be 504,000 sf of 'private open space', almost two additional acres 'unbuilt'. So many more lots AND less space in each lot for trees, gardens, etc. If the 'average' lot size in the 37 acre PUD is 6000 sq. ft., what is the 'mean' lot size in the already approved PUD? Hypothetical calculation: 1400 substandard lots at 4000 sf per lot at 50% coverage vs 800 lots at 6500sf and 40% coverage > there is 7.3 acres more of 'green space' with the R-1 lots.

Item five: Other than the small 'node' abutting Prairie at Syringa, the 'commercial' nodes do not conform to the City's stated 'desire' of being on a major street. In addition these two sub-standard nodes are buried from view from most travelers unless Syringa will be getting a lot more traffic. How will you address an application in the future to build 'more residential' on the commercial nodes if the commercial is actually built and fails to attract enough customers to insure business success? Factor in the massive amount of commercial zoned land abutting Prairie, Hwy 41, Greensferry, etc. Why would a business owner want to limit their business' exposure to a small street when I can get the synergy of a major arterial and other businesses? Just how successful has the 'business with units over it' been on 1st street near Ross Point in Post Falls? Built some time ago, there has been tremendous turnover and vacancy among the few small businesses located on an 'inside' section of 1st Street (Exhibit 5, photo)

Item six: The Applicant's 'project map', the one with clouds and no data, is also incorrect in that the 'vicinity map' shows the 240 acres but leaves out the bulk of the lots in the tract to the south, the most affected residents. Why were those lot lines left off? Was this due to a calculated effort not to show the disparity in lot sizes compared to the Standard R-1 lots in Fieldstone? (Exhibit 6)

Item seven: The Applicant's May 2020 PUD request may be an indication of the 'best possible' outcome if this zone change is somehow approved. Since the staff report and notice info have no map of lots, if we use the PUD, note that only 7 of 140 lots meet the City's minimum standard of 60 feet in width? Note how an average of 1.5 narrow lots back up to each standard lot existing on the north side of Warm Springs Drive in the Fieldstone tract. (Exhibit 7). Is the rear yard setback going to be increased? Of course, visiting the testimony in front of the Planning Commission, there will few, if any, single family detached homes and none on standard R-1 lots. Testimony by Staff in the P&Z hearing implies that only the R-M zoning requires open space, that R-1 has no open space. If this is true FIX IT. (See excerpt from printed Testimony, Exhibit 8)

Item eight: The comprehensive land use plan of the City shows this property as **Low Density** with a 'residential activity' zone in the middle, not commercial zoning (Exhibit 9). The 'goals of the Comprehensive Land Use plan are best met with the existing R-1 zone. Changing it is detrimental to meeting the goals. There is NO reason to approve this Zone Change. The current R-1 zone meets all the Comprehensive plan guidelines. There is plenty of land in other areas of the City suitable for R-M zoning, and there is more than enough commercially zoned land. Let it stay R-1 AND no more PUD loophole use here.

May you find the fortitude to say NO; it is fine just as it is. The Applicant already got the PUD designation over 37 acres, that is enough!

Howard W Burns

**EXHIBIT 1, Incorrect property description on May 2020 PUD hearing
A four page reprint of the notice as published. SAME APPLICANT SAME
PROPERTY**

LEGAL NOTICE MAY 8, 2020 CDA PRESS

NOTICE OF PUBLIC HEARING via ZOOM North Place East Subdivision & PUD (File No. SUBD-0006-2020/PUD-0004-2020) NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of Post Falls will hold a virtual public hearing, via Zoom, on the 26th of May, 2020 at 6:00 p.m., on a request to subdivide approximately 37 acres into 140 Single-Family Residential Lots (R-1) with a Planned Unit Development (PUD) overlay to add more diversity in lot sizes while adding adequate open space.

GENERAL LOCATION: On the east side of Greensferry Rd and just south of Ponderosa along the Spokane River. Subdivision approval must meet the following review criteria:

A. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed. B. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows. C. Proposed streets are consistent with the transportation element of the comprehensive plan. D. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions. E. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code. F. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees. PUD review criteria are the following: 1. The proposed PUD provides for adequate utilities, services, and parking to service the proposed development by: a. Providing a public water supply system that has adequate supply to serve the proposed development; and b. Providing a public wastewater collection system that is designed in accordance with the City's adopted Wastewater Master Plan and has sufficient capacity to accommodate the proposed sewer flows; and c. Providing adequate accommodation for other utilities necessary to support the proposed development; and d. Providing sufficient parking throughout the development to adequately meet the parking needs of all uses proposed in the PUD. 2. The proposed PUD provides for an integrated transportation network that adequately serves the proposed development by: a. Providing for the continuation of arterial and collector streets, meeting City standards for traffic volume, in a manner consistent with the City's adopted Transportation Master Plan; and b. Providing a local street network

EXHIBIT 2, Applicant's letter in May 2020 PUD application NOTE last paragraph

Planned Unit Development (PUD):

This project is being proposed as a PUD to allow variances to standards of the Post Falls Municipal code. The proposed PUD will comply with all City Standards, not modified through the PUD process. This PUD meets the open space requirement of 10 percent of the gross land area of the project. The PUD will be under common ownership of the current North Place homeowners Association that was established and recorded for the North Place PUD. This PUD is consistent with surrounding uses with residential development to the south and west. The following modifications to the Post Falls Municipal code are being proposed.

We are proposing the following modifications to the Municipal Code Section 18.20.040 Official Bulk and Placement Regulation Table.

Minimum Lot Width in R-1 (SF)- Reduce from 60 feet to 40 feet.

Maximum Lot Coverage (%)- Increase from 40 % to 50 %

Minimum Lot Area (Sq. Ft.)- Reduce from 6,500 Sq. Ft. to 4,000 Sq. Ft.

Reducing the Lot Frontage and Minimum Lot area accomplishes three primary objectives in our communities, located in R-1 zones.

1. Provides more affordable housing in a traditional R-1 neighborhood.
2. Provides variation in housing style.
3. Provides smaller lot for people that do not desire larger yards.
4. 40 foot wide lots would only be used if they were alley loaded.

Increasing Maximum Lot Coverage in the R-1 Zone is being proposed for the following reason.

1. As more home buyers request rancher style homes with amenities like covered back patios and three car garages the 40 percent coverage often present issues. Moving to a maximum Lot Coverage of 50 percent would help this issue greatly. All required lot setbacks would still have to be adhered to. This will not have a negative impact on the neighborhood.

We look forward to working with the City on the development of North Place. We also believe the adoption of the new Residential Mixed-Use Zone will prove to be positive for the City and look forward to applying it to future development.

Sincerely,

Kevin Schneidmiller
V.P Land Development
Greenstone Homes and Neighborhoods

EXHIBIT 3, CLOUDS, NO LOT LINES and NO DATA

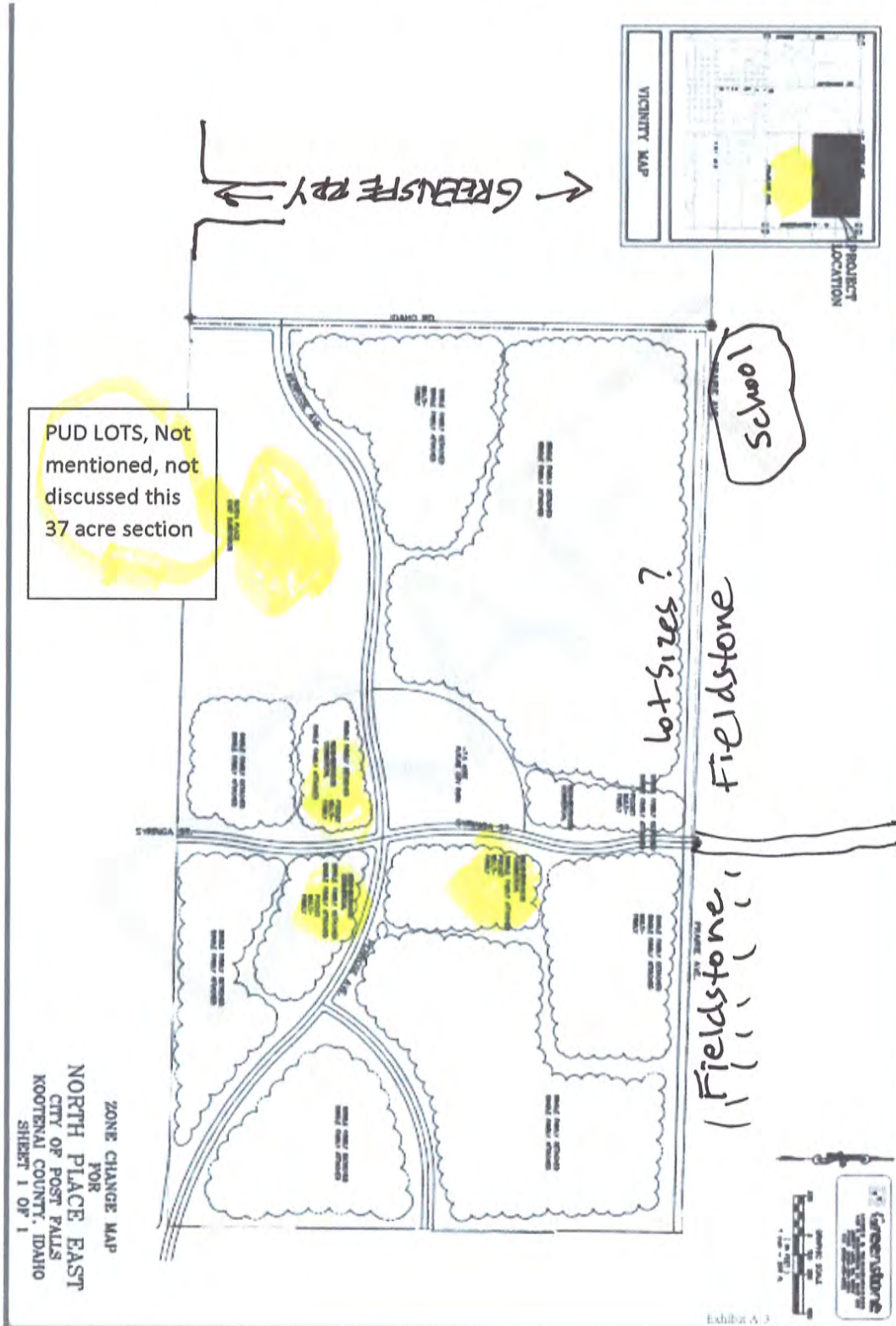


EXHIBIT 4 (a) [and (b)] NO DATA IN THE CLOUD "INFO"

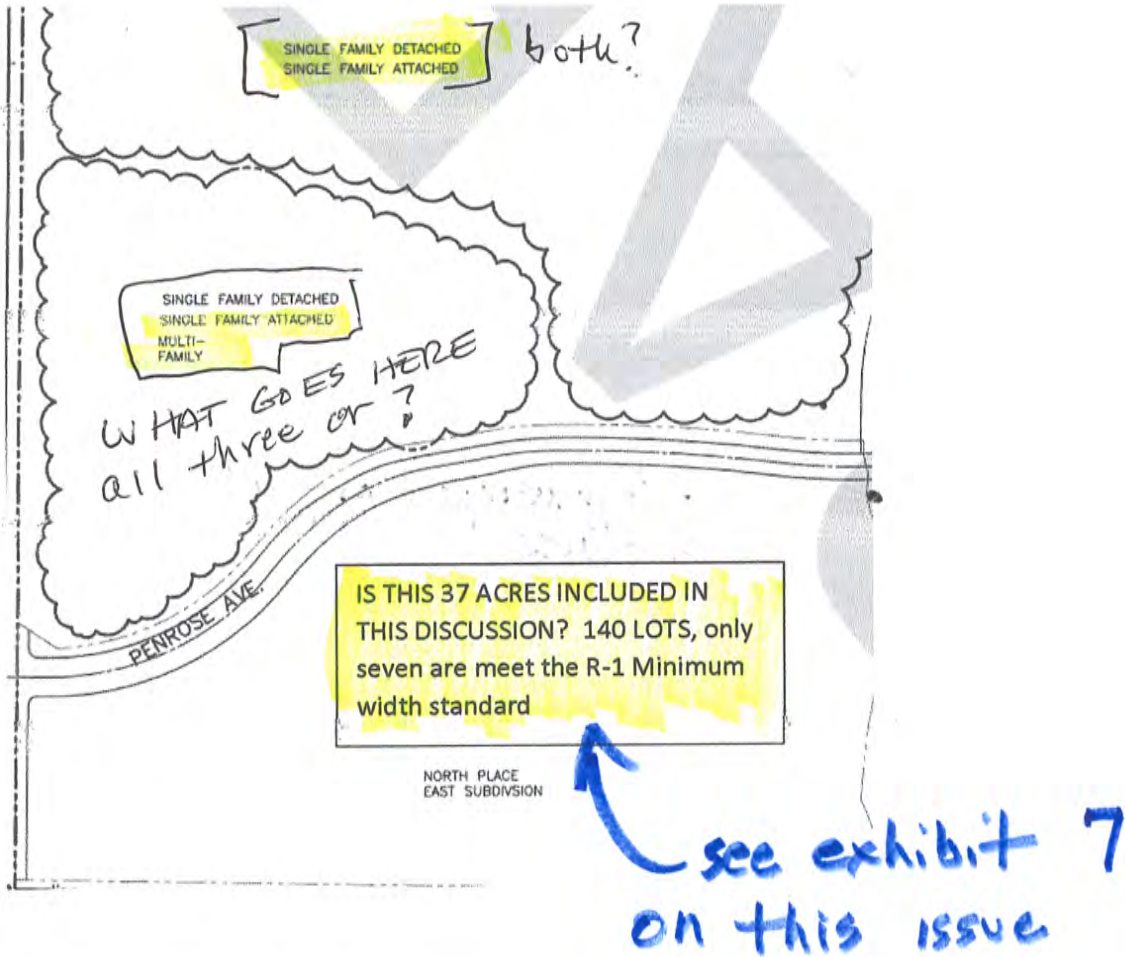
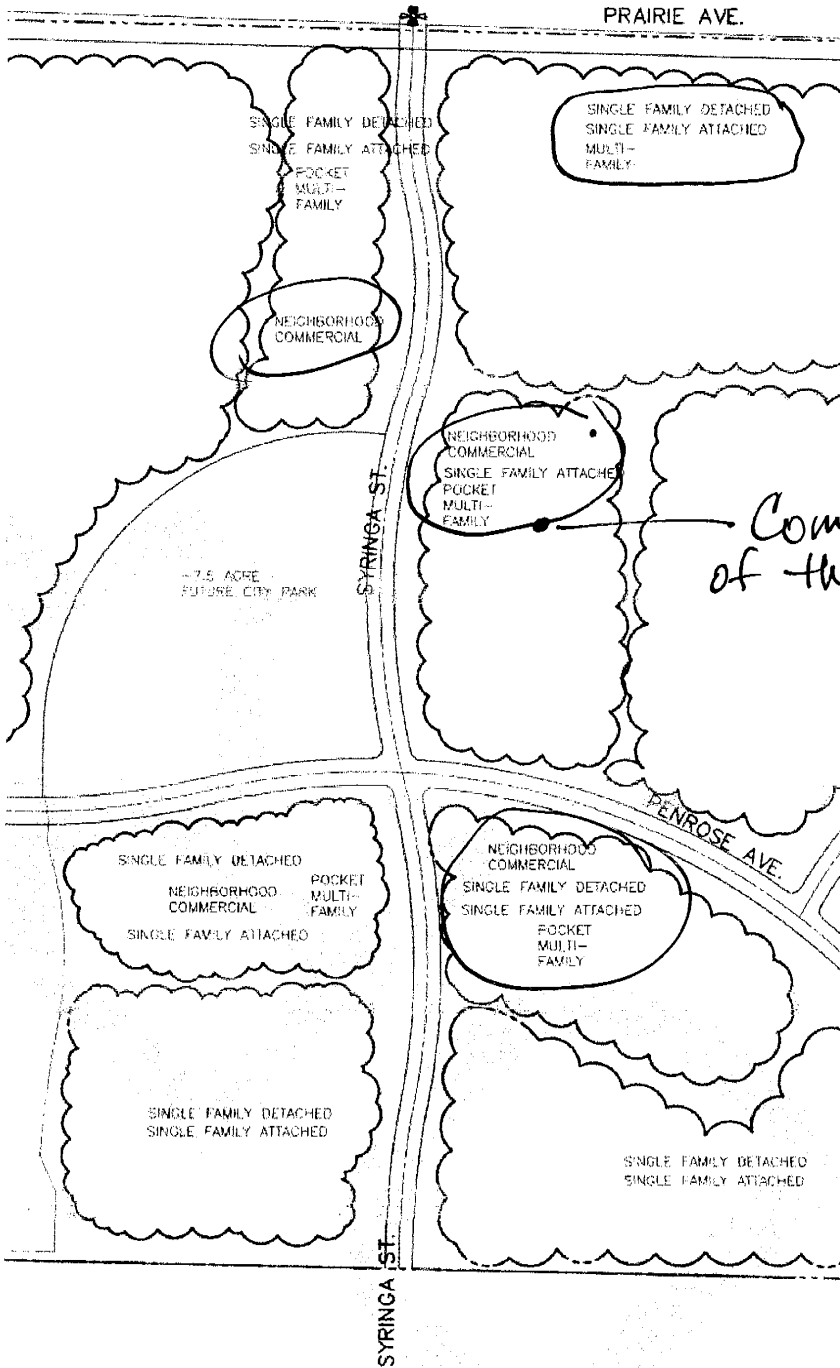


EXHIBIT 4(b) NO DATA IN CLOUD "INFO"
ACREAGE? Type & Number Units? Height? Stories?



Commercial or all of these?

EXHIBIT 5. “Buried” Commercial is NOT a good idea

“Commercial”, mixed use, units over, Post Falls. 1st Street. What is Commercial vacancy in Post Falls? The commercial units in this project have not fared well.



EXHIBIT 6. WHY NOT LOTS SHOWN. How to compare?

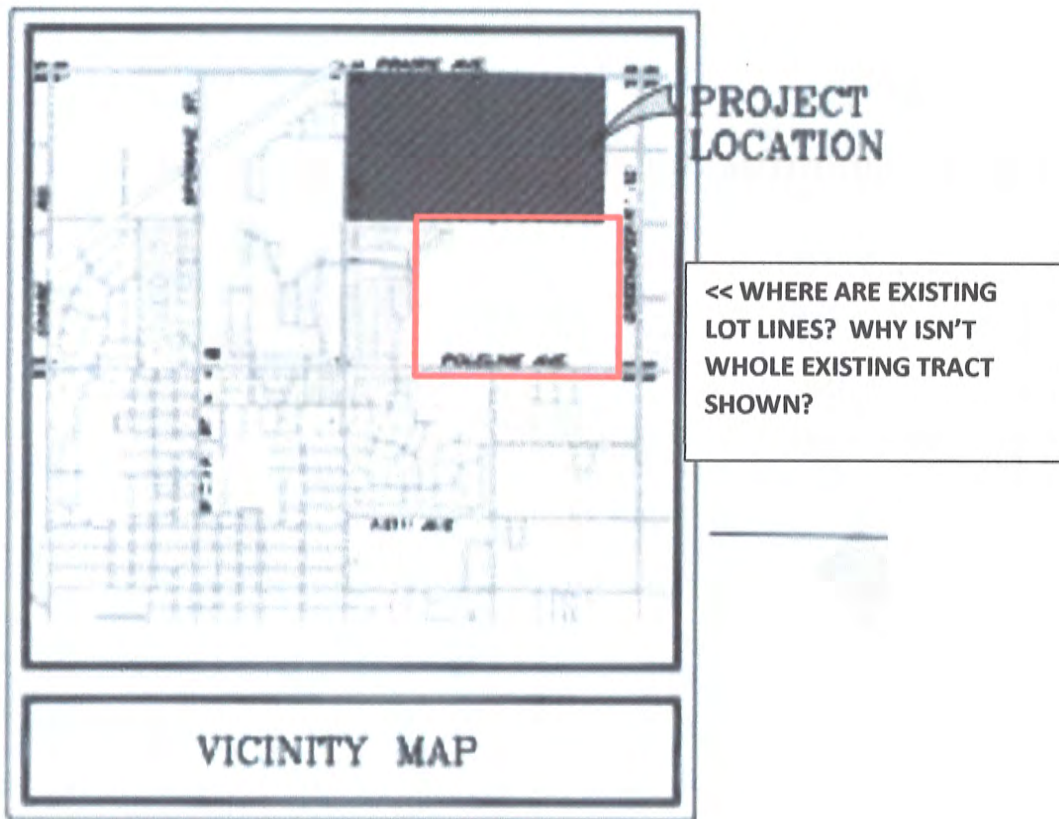
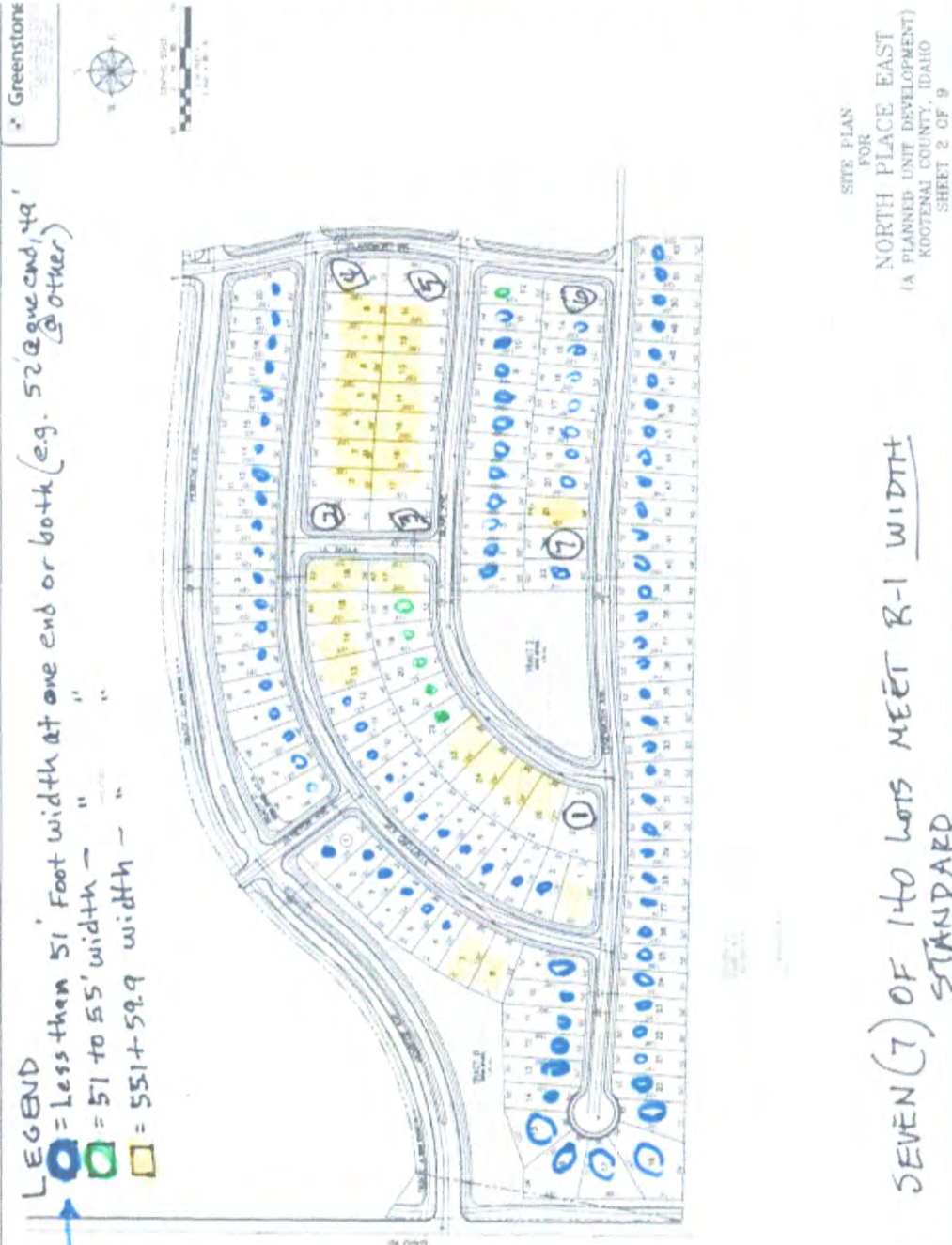


EXHIBIT 7, PUD ALREADY APPROVED SAME PROPERTY ONLY SEVEN of 140 LOTS ARE STANDARD R-1 WIDTH. NO CITY COUNCIL HEARING.

'Average' lot size is 6000 sf when Min. R-1 Standard is 6500 sf. Width min 60 ft

60' IS MIN. R-1 STANDARD WIDTH

LEGEND
 BLUE → = Less than 51' Foot width at one end or both (e.g. 52' @ one end, 49' @ other)
 GREEN = 51 to 55' width - "
 YELLOW = 55.1 to 59.9' width - "



SEVEN (7) OF 140 LOTS MEET R-1 WIDTH STANDARD

EXHIBIT 8 Excerpt from Testimony P&Z hearing

Kimball – Are there open space requirements in an RM zone?

Manley – Yes, but, not in the R-1, they are not required to build a park in the R-1.

Kimball – But they have to in an RM?

Manley – Yes, 7% has to be dedicated open space.

Kimball – They have to take 7% of 266 acres and create a park?

Manley – Or linear open space or other open space amenities. They have to meet open space definition within the code.

Kimball – In today's zone they wouldn't have to do that?

Manley – No.

Exhibit 9 Comprehensive Land Map R-1 and Residential activity node



EXHIBIT 9, Three excerpts (pages 1 thru 3) from CITY documents, Shows that this Zone Change request does NOT meet the City's stated goals anywhere near as well as the existing zoning. Page 1 of 3

Residential Policies

1. Support a variety of residential types and densities that provides residents of the city with a broad range of housing opportunities.
2. Residential zoning districts should be applied to residentially designated areas on the future land use map.
3. Residential zoning densities should be applied or changed only after careful consideration of existing and future neighborhood patterns, proximity to commercial and/or industrial uses, potential and existing traffic, land use compatibility, and utility service capability.
4. Multi-family zones should be applied in areas that have access to arterial and collector streets, areas that may serve as buffers between commercial/industrial uses and lower density single-family zones, and as part of projects involving mixed uses or master planned neighborhoods.
5. The city should develop and implement performance based residential zoning based on community values and community objectives found within the Comprehensive Plan.
6. Encourage sidewalks and paved streets in existing neighborhoods.
7. Encourage compatible infill development in all neighborhoods based on policies found in the Comprehensive Plan and proposed future land uses.
8. Determine and consider appropriate scale commercial development adjacent to and/or within residential areas to encourage local area service.
9. Residential uses developed adjacent to existing industrial or commercial development or uses should be required to provide landscape buffers, greenbelts, and /or increased setbacks to mitigate potential impacts.
10. Encourage the rehabilitation of older housing throughout the community.
11. Management of land outside the urban service boundary and within the area of city impact should be a joint responsibility of Post Falls and Kootenai County as agreed to in an Impact Area Agreement.
12. Encourage clustering of residential units in new developments to retain and provide private or community open space.
13. Changes to the urban service boundary should be based upon the ability of the city to provide public facilities and services in an orderly and economical manner and in accordance with Comprehensive Plan policies.

Exhibit 9 page 2 of 3

Commercial Policies

1. Encourage commercial development within existing, under-utilized commercial areas.
2. Encourage off-corridor circulation for commercial development with limited access points to arterial streets.
3. The city should permit appropriate neighborhood scale commercial uses intended to serve neighborhoods in residential areas by special use permit or as a part of subdivision review.
4. Commercial uses should be considered in areas indicated on the future land use map as suitable for residential/commercial or mixed use with a performance based land use review process.
5. Commercial uses may be considered in other areas designated residential on the future land use map that are near the intersections of major collectors and/or principle and minor arterials and where traffic volumes are greater than 4,000 vehicles per day and reviewed through a special use permit process.
6. The city should require new commercial development to provide landscape buffers and to mitigate potential adverse impacts to adjoining residential areas.
7. The development of commercial shopping centers should be encouraged to be located near arterial intersections and high-traffic areas.
8. Consider commercial development in areas suitable for mixed uses through a development review process that is performance based.

Exhibit 9 page 3 of 3

The Future Land Use Map indicates the desired mix of land uses that will foster the community's goals as expressed in the comprehensive plan. Land use recommendations as set forth in this plan emphasize the importance of land use planning and cooperation among the various jurisdictions and agencies in the area.

The land use component is based upon the following overall objectives:

1. Encouraging compatible land uses to maintain an optimum quality of life;
2. Designating ample land for residential, commercial and industrial uses;
3. Promoting quality residential neighborhoods and districts throughout Post Falls;
4. Encouraging development of public and private parks and recreational facilities;
5. Promote potential land reserves or areas needed for community services such as schools, public services buildings, open space, etc;
6. Supporting neighborhood commercial sites in select locations within residential areas;
7. Respecting the responsibilities and rights of land ownership;
8. Reinforcing the role of the city in regulating the use of land for the benefit of future generations;
9. Prohibiting uses, which violate obscenity statutes and requiring the location of lawful adult oriented businesses that will not adversely affect adjacent and neighboring uses and does not initiate or cause a deterioration of property values within its neighborhood.



01/30/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Michael Boyer

Address: 10547 N. Idaho Rd. Post Falls ID.

Email: boyermike@msn.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer:

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: No

Please explain your answer:

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



01/31/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Tony House

Address: 5103 E Orchard Rd
Spokane WA 99217

Email: reohouse@aol.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: Seems to be in line with proposed updates to highway 41 & Prairie Avenue

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: As indicated in ether application, there is a healthy mix of residential and commercial space

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer: Combination of low density neighborhoods, low density residential; single family homes etc

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer: Located at intersection of hwy 41 & prairie Ave

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer: Hughes family has owned this property for over 50 years; I have personally worked for /with Hughes family over the years. They have always been outstanding stewards of the land and have consistently followed thru with their projects



01/31/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Connie Krueger

Address: PO Box 2544 Post Falls ID

Email: ckrueger@stonehenge-us.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer:

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer:

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

Hugues Annexation File No. ANNX-0010-2021 Exhibit: 4A

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Dave Drahman

Address: 24716 N Elk-Chattaroy Rd
Chattaroy, WA 99003

Email: dadrah@hotmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: The acreage in question is virtually identical to many large parcels that have been annexed and re-zoned by the City. Any infrastructure demands like water, road access, etc., are already strengths of the immediate area. This, and future changes in

annexation/zoning are certainly supported by strong market demand, by any measurement. Single-family homes in Kootenai County and Post Falls have been in short supply due to a variety of long term trends that show no sign of letting up. We know multiple Idahoans who have been attempting to purchase a home to start their families in the Post Falls area for approximately 2-3 years, and have been consistently outbid. We respectfully request the annexation and zoning change be approved so additional housing may be built, per applicant's request. Thank you.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: No

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: No

Please explain your answer: Not to my understanding of the area.

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?:

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?:

Please explain your answer:



02/01/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Toni Kefu

Address: 2342 W Dalton Ave Coeur D'Alene, ID 83815

Email: ton3k3fu@ymail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer:

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer:

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

Is the request for Industrial?: Yes'

If the request for Industrial Zoning

Is it situated away from residential zoning?: No

Does it have sufficient access to major transportation routes?: Yes

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: William Helu

Address: 2342 W Dalton Avenue Couer Dalene Idaho

Email: vilz585@gmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: We need more houses build, population increase is good for economy

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: No

Please explain your answer:

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

Is the request for Industrial?: Yes'

If the request for Industrial Zoning

Is it situated away from residential zoning?: Yes

Does it have sufficient access to major transportation routes?: Yes

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Marie Geckle

Address: 22625 N Ramsey Rd Rathdrum, ID 83858

Email: mgeckle777@gmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: I am in favor of this proposal. My husband used to work for Fran Hughes, and he and the Hughes family were good employers and took great care in their farming methods. We know that they will take wonderful care in their plans for their development. As a resident of Kootenai County, I believe there is low inventory, and having a

variety of housing options will benefit the community. This family cares about this farm. What a beautiful vision they have to remember Fran's legacy.

Thank you,

Marie Geckle

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: It is along Prairie Rd and Meyer Rd.

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer: A grade school and town homes are directly to the south of the property.

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Joseph Geckle

Address: 22625 N Ramsey Rd. Rathdrum, ID 83858

Email: joegeckle@gmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: No

Please explain your answer: I worked for the late Francis Hughes for 4 years and have known the family for many years. I believe the family would do a fine job with their proposed development especially since they want to provide a legacy in Fran's memory and the memory of their late parents. As a local resident, I see a need for the variety of housing options that this

zone change would provide.

Thank you,
Joseph Geckle

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: Prairie and Meyer

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer:

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Makeleta Kefu

Address: 2342 W Dalton Ave, Coeur D'Alene, ID

Email: friendlyislandsgrill@gmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: I believe that residential redevelopment will provide move in ready housing for families, which often the greatest source of wealth and savings a family has. This will also help raise income of local business owners like like myself.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.:

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer:

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

Is the request for Industrial?: Yes'

If the request for Industrial Zoning

Is it situated away from residential zoning?: Yes

Does it have sufficient access to major transportation routes?: Yes

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Stephen Brodman

Address: 11576 N Chase Rd

Email: Stevobrodman@gmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: I've known the Hughes family for many years and know they will be responsible with their plans. Their community development plans show that they aren't attempting to just pack houses in as many as possible, but to develop a nice family oriented

community. If they were to just sell the property instead, likely it would turn into a dense housing zone.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: Prairie and Meyer roads are major roads in the area.

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: No

Please explain your answer:

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Toni Varner

Address: 16410 N Westwood Dr. Rathdrum, ID 83858

Email: mickey_varner@hotmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: I have been friends with some of the Hughes family members for a long time. I had friends who bought beef and bought produce from the fruit stand when Fran Hughes was still alive. They cared about this land and the way it was farmed. They cared about how they raised the beef. I believe this family will give a wonderful contribution to this

community with affordable housing that will be aesthetically pleasing. I am in favor of this proposal.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer:

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/01/2022

PUBLIC COMMENT

Hugues Annexation

File No. ANNX-0010-2021

Exhibit: 4A

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Alicia Brodman

Address: 4394 west idewild loop, apt.N204, CDA, ID 83814

Email: aliciabrodman95@yahoo.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1.Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: The Hughes family, is a wonderful family, who in my opinion would be very conscientious in the development of the land if, given the opportunity i believe they would try to keep as much of the natural beauty and at the same time providing more affordable housing for a growing North Idaho.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer:

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer:

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/02/2022

PUBLIC COMMENT

**Hugues Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Sarah Kosovich

Address: 738 W Questa Dr. Pueblo West, CO, 81007

Email: cota_kosovich@protonmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: It will blend into the surroundings.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: It's along Prairie Ave. and Meyer Rd.

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer: There are homes around the area along with a gradeschool to the south and plans for more development.

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer:



02/02/2022

PUBLIC COMMENT

**Hughes Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Patricia Jarecke

Address: 3880 N. Guy Rd., Post Falls, Id 83854

Email: pdjcke94@startmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: There is a lot of growth around this property and it will blend in well with existing facilities I.e., Foxtail Development and a grade school as well as an upcoming commercial development on the northeast of Prairie and Hwy 41.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: Prairie Ave. to north of this property and Meyer Rd. To the east.

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer: Currently there is a grade school directly to the south as well as small homes and town homes also directly south. Also upcoming commercial development on the northeast corner of Prairie and Hwy 41.

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer: There will be sufficient green space and lot sizes in accordance with the City Plan.

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer: See Question 5 above.



02/02/2022

PUBLIC COMMENT

**Hughes Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Marilyn C. Stypa

Address: 1711 N. Leah, Post Falls, ID 83854

Email:

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: The Hughes family has a beautiful vision for this property which will be compatible with the existing surrounding areas.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: Prairie Ave. and Meyer Rd. Are the boundaries of this property.

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer: To the south of this property is an existing grade school, small homes and town homes. The Foxtail Development is also to the southwest of this property and they are planning to extend their development to the west of the Hughes property. Commercial development is being planned to the northwest of this land.

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer: It will be in accordance with the lot sizes and green spaces and designated widths of roads inside the development.



02/03/2022

PUBLIC COMMENT

**Hughes Annexation
File No. ANNX-0010-2021
Exhibit: 4A**

Applicant: Ace Solutions

Location: 7074 W Prairie Ave

Request: To annex approx. 103.147 acres with a Residential Mixed (RM) zoning designation

Hearing Date: February 8, 2022

Questions list:

Name: Maria Vincent

Address: 14260 N Church Rd. Rathdrum, ID 83858

Email: pumpkinmom98@gmail.com

Zoning Upon Annexation

Please Provide Your Position on the Proposed Zone Change: In Favor

1. Is the requested zoning district compatible with the street classification, traffic patterns, existing development, future land uses, community plans and geographic or natural features of the area?: Yes

Please explain your answer: I understand the plans are for future housing, a park, a garter school and a couple little shops for enjoyment.

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

Is the request for commercial or high-density residential?: Yes

If the request for commercial or high-density residential.: Yes

Please explain your answer: It's on Prairie Ave.

3. 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.

Is the request for limited or neighborhood commercial or low density residential?: Yes

If the request for limited or neighborhood commercial or low density residential.

Is the property near higher intensity urban activity?: Yes

Please explain your answer: Directly South there is a grade school and there are town homes & a public grade school directly South of the property line.

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

Is the request for Industrial?: No'

If the request for Industrial Zoning

Is it situated away from residential zoning?:

Does it have sufficient access to major transportation routes?:

Please explain your answer:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Please explain your answer:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Please explain your answer: