



**PLANNING & ZONING COMMISSION
SPECIAL CALL MEETING AGENDA**

**March 11, 2022
10:00 AM**

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.

SPECIAL CALL MEETING – 10:00 AM

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:

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. Zoning Recommendation– Hughes Annexation File No. ANN-0010-2021

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:

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.

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

**Hughes Annexation
File No. ANN-0010-2021**

**Planning and Zoning Commission
Zoning Recommendation**

A. INTRODUCTION:

APPLICANT: Ace Solutions and Mark Hughes, Hughes Trust

LOCATION: Generally located southwest corner of N. Meyer Rd and W. Prairie Ave.

REQUEST: Zoning recommendation of Residential Mixed (RM) of approximately 103 acres
AS DEPICTED IN EXHIBIT S-4.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-5 Proposed Map
4. A-7 Auth Letter
5. A-8 Title Report
6. A-9 Will Serve
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. S-4 Annexation Development Agreement
11. PA-1 KCFR Comments
12. PA-2 PFPD Comments
13. PA-3 PFHD Comments
14. PC-1 Burns Comments
15. PC-2 Boyer Comments
16. PC-3 House Comments
17. PC-4 Krueger Comments
18. PC-5 Drahman Comments
19. PC-6 Kefu Comments
20. PC-7 Helu Comments
21. PC-8 Geckle Comments
22. PC-9 J. Geckle Comments
23. PC-10 Kefu Comments
24. PC-11 S. Brodman Comments
25. PC-12 Varner Comments
26. PC-13 A. Brodman Comments
27. PC-14 Kosovich Comments
28. PC-15 Jarecke Comments
29. PC-16 Stypa Comments
30. PC-17 Vincent Comments
31. PZ Staff Report
32. Testimony at the February 8, 2022 Planning and Zoning Commission (“Commission”) hearing including:

The public hearing was properly noticed and conducted in accordance with the requirements of Idaho Code Sections 67-6511 and 67-6509, and City Code section 18.20.060. The purpose of the hearing was to afford the applicant and the public the opportunity to provide testimony and documentation to be taken by the Commission in their application of City Code section 18.16.010 and 18.20.100 when making the Commission's recommendation on zoning to the City Council.

Jon Manley, Planning Manager.

Mr. Manley presented the staff report. He testified that the applicant was seeking a recommendation for an initial zoning of Residential Mixed (RM) on 103 acres upon the annexation into the City of Post Falls. He asserted that mixed zones require a development agreement. He explained that the general location is southwest of the intersection of Prairie and Meyer Road about half a mile east of Highway 41.

Mr. Manley testified regarding the development agreement stating, that the proposed plan includes approximately 15 acres to be used as commercial/multi-family, approximately 10 acres as single-family/twin homes, and approximately 12 acres as single-family/private school. He delineated that the zone allows for an ask of up to 20% of the area to be multi-family and commercial to be about 10%. He illustrated that the zone is flexible and could allow 15 acres of multi-family or 10 acres of commercial and 5 acres of multi-family depending on that flexibility was used. He attested that RM zone requires seven percent of the site be open space. He clarified that the development agreement allows for design criteria and conditions to go beyond would our zoning code typically would require. He elucidated that RM permitted commercial uses are more limited than your typical commercial zone, being more neighborhood centric, a place you would go for convenience if you lived nearby.

Mr. Manley testified regarding the conditions contained in the development agreement can address things like duplex design standards, which are not included in our zoning code. He explained there are conditions relating lot widths and some design standards. He testified that staff is proposing to remove condition 5.2.4. with regards to driveway approaches as our code now encompasses language and is no longer needed in the development agreement. He pointed out a condition that regulates the massing of frontages by garages so the garages are not as prominent. He noted that there is a condition for the timing of open space development, owner agrees that no more than 50% of the property's gross area may be platted or otherwise developed until 50% of the required open space has been completed with no more than 85% developed until the required open space has been completed.

Mr. Manley testified that the site is currently is Agriculture land in the county with no significant topology or vegetation. He stated that water will be provided by Ross Point Water District, as per the Will Serve Letter, and by the City of Post Falls will provide sewer service. He noted that the staff report contains extensive information about surcharges and their timing of how and when infrastructure would be implemented.

Mr. Manley testified that to the west is the Foxtail PUD, with Community Commercial Services (CCS) farther west at Highway 41, and an elementary school to the south. He stated that the Future Land Use Map designates the area as transitional. He submitted that the area is transitional because the city did not have an idea of when it would be potentially annexed and transitional is used in areas of unknown growth. He testified that guidance for transitional areas can be found within the associated Focus Area in the Comprehensive Plan. He explained that this area is within the HWY 41 focus area, which provides for multi-family, commercial, and tech uses near higher classified roadways. He explained that Prairie Ave is a principal arterial leading to applications that provide those higher uses along that corridor. He described that development would provide connectivity to multi-use paths and trails, including the Prairie Trail, which crosses the property and would provide that connectivity.

Mr. Manley testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal one, three, five, seven, eight, twelve, and fourteen to possibly be relevant and applicable goals. He testified that policies one, two, three, seven, and eight may be

appropriate for consideration by the Commission.

Mr. Manley testified that commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He explained that the site is located along higher classified roadways of Prairie, Fennecus Rd., and Meyer Rd. He noted that the commercial and multi-family is being proposed along the Principal Arterial of Prairie Ave. and east of Highway 41.

Mr. Manley testified that limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. He noted that as you from Prairie Ave. South or from Highway 41 east you are transitioning away from some of those urban corridors of intense urban activity. He explained that this is why you see the single family being provided in their request.

Mr. Manley testified that the last criteria is inapplicable as there is not a request for industrial zoning.

Mr. Manley testified that the intersection of Meyer and Prairie is not considered a commercial node, Highway 41 and Prairie would be as well as Huetter and Prairie. It is likely that the increased concentration along Highway 41 is why there is not another node in closer proximity.

Mr. Manley testified that the Development Agreement gets recorded against title and becomes a governing document. He explained that they will not have carte blanche for everything in the RM, they will be tied to that conceptual plan. He went on to state, if they say they are going to do twin homes and single-family homes in an area, that is what will be put in the general area, same with commercial and multi-family.

Mark Hughes, Applicant

Mr. Hughes thanked the commissioners and appreciated this opportunity to hear their proposal. He also thanked city staff and wanted to also acknowledge all our neighbors who have given up their evening. He explained that they are not from here, like most of the people that live here, they originally came here from the Midwest in 1970. He asserted that back then Post Falls was a bump in the road and the sign on the outskirts of town said population 1200. He went on to say there were no traffic lights in Post Falls because there was not any traffic. He asserted that they bought this farm in 1970 because our brother Fran refused to do anything with his life but farm and our dog Higgins would walk out lay down on the Prairie Avenue because that asphalt was nice and warm and there was no traffic. He stated that when somebody did drive by you knew who it was and they were usually driving a tractor. He pondered how times have changed and how the town has grown a little bit.

Mr. Hughes stated that a college professor of his made an interesting comment that really hit him at the time, he said "you're growing or you're dying". He noted that the professor was of course talking about living organisms but if anybody owns a business, they know you are growing or you are dying and if you are a town you are growing or you are dying. He suggested that if you travel anywhere around here off the beaten path, you are going to see little towns that are languishing and many of them are dying because the mine, mill, plant, or factory closed. He observed that the kids cannot wait to graduate from high school because they are gone and they are not coming back. He proposed that those little towns are sort of dying but that sure is not our problem, our challenge is growth and how do we plan for it, how do we manage it.

Mr. Hughes professed that they been here for about a half a century and have seen the growth and they have also seen the dying agriculture. He queried if anybody knew what they used to raise on the farm when they moved here, stating that they raised grass seed a very profitable crop at the time. He stated that 70% of the seed that was sold in the United States came from right here. He explained how you raise grass seed indicating that after you harvest the seed you burn the fields, a common farming practice. He noted that it's used in sugar cane fields and all around the world in lots of different crops. He explained that you burn the fields and there is smoke going up miles into the air visible one hundred miles away.

Mr. Hughes alleged that the newcomers did not care that they raised and had been raising grass seed for decades because they did not like the smoke and they sued us. He indicated that the newcomers won and the family had to give up the crop that made farming profitable. He went on to explain that shortly after World War II, BPA had a lot of excess electricity and they created an irrigation district and got a 50-year contract with BPA for pennies that powered two Rolls-Royce engines that pulled water out of the river and irrigated this whole prairie. He asserted that after 50 years BPA wanted market rates for their electricity so there went the irrigation district. He explained how all these things that were making agriculture more difficult on the prairie were happening at the same time that the growth was happening, a lot of the smaller farms that couldn't raise grass seed anymore and couldn't afford to irrigate sold out. He indicated that when agriculture or any industry is going in that direction the support services are no longer around, the tractor dealerships, all the people that helped the farmers with all their needs closed.

Mr. Hughes testified that family has reached the end of the road because their brother Fran who farmed the land passed away September 29, 2017. He attested that they had farming in our family forever, ever since their ancestors landed on these shores and we can trace it all the way back to the old countries. He indicated that they have received a lot of interest in the property, they have been getting phone calls, emails, people driving up to the house, letters in the mail, and they have thrown some big numbers around. He professed that they are a big family so it would be spread around a bunch and would be a nice payday. He explained that they have had a lot of them make an interesting comment, do not get emotionally attached you are making a business decision here, you have a good asset and you want to maximize your profit. He declared that they are emotionally invested in this land, it's been our home, we all worked on the farm, milking cows, changing pipes, harvesting work, working in the fruit stand, and when we sit around the dinner table, everything on the table came from the farm, the meat, the vegetables, the bread, the butter, the cheese, the ice cream, we raised ourselves. He went on to state that even as they grew up and everybody moved on, this is where we came to celebrate holidays, birthdays, anniversaries, this was our home and it was the center for our family. He stated that our grandkids all have worked on the farm, so they are emotionally invested in this farm.

Mr. Hughes testified that there is not a chance that they could live driving by that farm and seeing it packed full of vinyl covered boxes, human warehousing, so if that were an option let's just all agree that it is not going to be considered. However, he queried, they are done farming, so what do we do? He submitted that they are in the county and just to the east of us is blue sky so they could carve the land up into five acre parcels and sell it to the millionaires who would love to have a piece of north Idaho and put their 'McMansion' on there, drop a well & septic system, put the shop and the barn up, fence it off and put their horses in. He noted it would be pretty, as you drive by you could look at nice pretty 'McMansions' there with their horses out, it'd be beautiful wouldn't it.

Mr. Hughes stated that the reason they were here is because they have a vision for this property, and if he were able take that vision and distill it into one word that word would be "community". He stated they want a village with a livable vibrant community for families, kids, retired couples, and yes people starting out, they want to have options. He testified that they want to have a mix of housing to be able to have the kind of mix that you would have in a village or a little town. He indicated that there is going to be a park abutting the trail there it is going to be dedicated to their brother Fran who farmed his entire adult life. He advocated that there is going to be several other open spaces and these open spaces would be usable where kids can go out and throw balls around and have a game of soccer or game of football. He stated that he can see people dragging chairs and tables out onto the green for wedding receptions, graduation parties, neighborhood festivals, and potlucks. He stated that the whole point of what they are trying to create is the kind of space that draws people out of their homes, which makes people want to get out and feel like they are part of a community.

Mr. Hughes stressed that he is excited about this project, there is also going to be some commercial space because they would like for there to be the ability of having the chiropractor, the dentist, the local finance person, and those kinds of professional services available to residents in the community.

Roger Glessner, Ace Solutions, Applicant

Mr. Glessner testified that they represent the owners on this project and he thought you could hear and feel the passion. He asserted that that the residential mixed zoning is going to be perfect for the vision that they have, it will provide lots of different buildings and different structures and different types of housing that is more affordable and more obtainable. He expounded that it would have all the other attributes that go with it, the trails, the paths, the open spaces, and they are actually going to build more open space than what is actually required in this zone. He testified that they think that this zone is perfect for this application

The hearing was opened for public testimony.

Sheila Strain (Brief Written Comment Read into Record)

Ms. Strain testified in favor of the annexation of the Hughes property to move forward in the proposed development of a family friendly neighborhood.

Theresa Drahan (Brief Written Comment Read into Record)

Ms. Drahan testified in favor of moving forward with the annexation and development of the Hughes property.

Marty Hughes (Brief Written Comment Read into Record)

Mr. Hughes testified that this is a well-planned development project led by a long-time resident family, who lives here and are cognizant of retaining our quality of life. He stated he would rather have this type of local development than seeing it done by an out-of-town corporation with no sense of our concern for local culture and sentiment.

Samantha Steiglider

Ms. Steiglider stated that the staff report is not very clear on the fact that we are only here tonight for the zoning and not the annexation. She queried whether people could get the slideshow prior to the meeting so we can see staff's talking points and have more precise things to say. She stated that under criteria B, 103 acres annexed into the city is not small-town charm. She stated that perhaps this request does not meet criteria #2 because this is mixed anything can be put there and it butts up to R1. She implored the city that maybe we can annex less than 103 acres at a time if it is all going to be the same zone. She questioned if we committing to the annexation already knowing the development or is that the point of the agreement?

Bob Flowers

Mr. Flowers testified that he was here in 1970 too and in fact was over on Corbin Park Road back in those days. He indicated that he too thought that this was going to be a recommendation for both the annexation and the zoning and now he understood that it is not. He stated that he does not believe we should be annexing any more land in right now. He explained that we cannot even afford to take care of what we have, like Mullen Avenue, that is somewhere down the road with this last project that was just approved and you know we could spend the money other places. He professed that he loves Mr. Hughes's idea and would like to see those plans because if a community like that can actually be built without it being crammed packed together, he would love to see it here in Post Falls. However, he stated, right now we got other problems in the city and he just does not believe it is time to take on more roads, more city, more land,

Rebuttal

Rodger Glessner, Ace Solutions, Applicant

Mr. Glessner testified that the agreement that goes along with this zoning application and annexation where they cannot just go in there and do anything they want if we annex this in at the full 103 acres. He explained that there would be a certain set of rules that are already agreed upon and already signed and already in place. He noted that if they took it if we broke it down and looked at the different zones within this zone, the commercial, the high density residential, the medium density, the low-density single family, they could annex in those pieces and end up with the same thing. He entreated that would not be a well-planned proposal, and though that that it would be a jumbled mess. He argued that by doing it all at the same time and utilizing what the city has for a zoning policy for the RM zoning, that gives them the ability to plan this development and make it flow, make it work, make sure the paths connect and travel through, and make sure that the open spaces are built as the development moves on. He asserted that bringing this in at 103 acres agreeing to the RM zoning and developing it under their passion and what they want to do to this property is a perfect solution for the city. He applauded the city for having this zone and working to create this kind of a zone and this type of planning rather than just a little scattered pieces all over the place

Mark Hughes, Applicant

Mr. Hughes added a comment about traffic, mentioning that his brother passed away September 20, 2017 and at that time they said what are we going to do because they were not going to farm it anymore. He testified that the decision was made to not rush and think about this and they waited to let them get done with Highway 41. He testified that that the traffic is something that they considered, they looked at Fennecus, they looked at Prairie, they looked at what was happening on 41 and Meyer. He asserted that knowing traffic was a concern they waited until this day to move forward.

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 criteria in City Code sections 18.16.010 and 18.20.100.

C. EVALUATION OF APPROVAL CRITERIA FOR INITIAL ZONING:

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

The applicant has requested initial zoning of Residential Mixed (FM) on 103 acres as part of the annexation into the City of Post Falls. The Future Land Use Map designates this area as transitional within the HWY41 focus area.

The applicable focus area is the HWY41 area within the Comprehensive Plan. The HWY41 Focus Area also states that one of the guiding policies for this area should be to "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; and Focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day. Therefore, Residential Mixed (RM) uses are supported by the focus area.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation is one of the implementing zones the Transitional area allows and therefore the request would be consistent with the Future Land Use Map.

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

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

Goal:

Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health. [G.01]

The Commission finds that 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.

Keep Post Falls' neighborhoods safe, vital, and attractive (G.05).

The Commission finds that 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. The Commission finds that the development agreement will govern and provide this.

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).

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 will be paid at the time of permit issuance which will help mitigate impact to existing infrastructure. The Commission finds that the proposal will maintain and enhance community levels of service.

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

The Commission finds that providing the opportunities for creating the variety of service, retail, office, and mixed housing such as this proposal provides promotes 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 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 upon development of the area would provide the necessary amenities to enhance resident quality of life.

- Promote compatible, well-designed development;

As stated previously, providing the opportunity for creating a variety of service, retail, office, and mixed housing as this proposal offers promotes 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.

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.

Development of this area will provide development and improvements consistent with the Comprehensive Plan, Transportation, Sewer, and Water Master Plans.

[P.03] 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.

The Commission finds that 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.

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

Streets/Traffic:

The Commission finds that 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.

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.

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 Surcharge 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.

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:

The Commission finds that the Future Land Use Map depicts the land use designation for this area as Transitional. The proposed RM Zone may be the most appropriate zone per the direction of the HWY 41 Focus Area and the road classifications of Fennecus Rd, Prairie Ave, and Meyer Rd.

Community Plans: 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.

The Commission finds that the proposed RM zoning agrees with base assumptions made in Master Planning as well as other considerations already addressed above, satisfies these criteria.

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

The proposed zone is located along higher classified roadways. Prairie Avenue is a Principal Arterial, Fennecus Rd. and Meyer Rd. are Major Collectors. The Commission notes that Prairie is the highest road classification in the City aside from the interstate. The Commission finds that the higher road classification as well as the provisions of the development agreement which outline the provisions of commercial and high-density residential is in line with this review criteria and Prairie is the right place to put it.

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

The Commission finds that with the lower density towards the south which is adjacent to the lower density and lower intensity of the area; they have transitioned it nicely. This lower density is also close to the elementary school. Therefore, the Commission finds this criterion satisfied.

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

The Commission finds this criterion inapplicable as there are no industrial uses or industrial zoned properties within the area.

D. STEPS THE APPLICANT CAN TAKE TO OBTAIN APPROVAL:

Not applicable.

E. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:

ANNX-0010-2021, INITIAL ZONING: Following the public hearing, the Planning and Zoning Commission considered all relevant evidence and comments and a motion to recommend approval of the recommended zoning upon annexation was made, the motion carried a majority of the Commission. The Planning and Zoning Commission hereby recommends that City Council approved the proposal finding that it conforms to the general purpose of the comprehensive plan and meets the applicable approval criteria for applicant's request for 103 acres of Residential Mixed

(RM) upon successful annexation of the property.

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.