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**PLANNING & ZONING COMMISSION  
MEETING AGENDA**

**May 10, 2022  
5:30 PM**

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

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**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:**

- Mental Health Awareness Week
- Salvation Army Day
- Shrimp Day
- Regional Housing and Growth Issues Partnership, Housing Availability and Affordability Study – Kiki Miller, to present

**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 – April 12, 2022, Planning and Zoning Commission Meeting
- b. Reasoned Decision – Stone’s Throw Subdivision File No. SUBD-0006-2022
- c. Reasoned Decision – Wellsprings Addition Subdivision File No. SUBD-0001-2022
- d. Zoning Recommendation – Wellsprings Annexation File No. ANNX-0001-2022
- e. Zoning Recommendation – Morris Annexation File No. ANNX-0013-2021

**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. 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.*

**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. **Zoning Recommendation** for Jacklin-Prairie Annexation File No. ANNX-0012-2021 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council for a zoning designation of Community Commercial Mixed (CCM) upon annexation of approximately 89 acres.
- B. **Zoning Recommendation** for Douglass Annexation File No. ANNX-0002-2022 – Ethan Porter, Associate Planner, to present a request for a recommendation to City Council for a zoning designation of Community Commercial Services (CCS) upon annexation of approximately 9.63 acres.

- C. **Zoning Recommendation** for Mongeau Meadows Annexation and **Review Requested** for Mongeau Meadows Subdivision File No(s). ANNX-0003-2022/SUBD-0003-2022 – Ethan Porter, Associate Planner, to present a request for a recommendation to City Council for a zoning designation of Single-Family Residential (R1) upon annexation of approximately 3.91 acres. Additionally, a subdivision review request of 17 lots.

**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



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**7 PLANNING & ZONING COMMISSION  
MEETING MINUTES**

**April 12, 2022  
5:30 PM**

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

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**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.**

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**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS**

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

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:**

- **NATIONAL EDUCATION AND SHARING DAY** - On National Education and Sharing Day, honored every year on the birthday of a leader, which is day 11 of Nissan on the Jewish calendar, we get to know that sharing is truly caring. Education goes beyond obtaining a degree to shape a certain career; it cultivates the spirit and develops the character through the collaborative efforts of mentors, educators, family members, scholarship programs, and community leaders. Join us as we pay tribute to the great Rabbi Menachem Mendel Schneerson and his work of more than a century ago for shared education nationwide and across borders.
- **NATIONAL LICORICE DAY** – Provided licorice in the Ante Room.

**AMENDMENTS TO THE AGENDA**

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None

## 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 – March 23, 2022, Planning and Zoning Commission Meeting
- b. Reasoned Decision – Stockwell Court Subdivision File No. SUBD-0013-2021

Motion to approve as presented by Carey

2<sup>nd</sup> by Hampe

Vote Steffensen – Yes; Carey – Yes; Kimball – Yes; Davis – Yes; Schlotthauer – Yes;

Hampe - Yes

Moved

### 2. CITIZEN ISSUES

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

Flowers – Who do you think you represent? The City of Post Falls or the People of Post Falls?

### 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. **Zoning Recommendation for Wellspring Annexation Review Requested** Subdivision File No(s). ANNX-0001-2022/SUBD-0001-2022 – Laura Jones, Associate Planner, to present a request for a recommendation to city council for a mixed zoning designation of Medium Density Residential (R2) and Limited Commercial (LC) upon annexation of approximately 9.17 acres. Additionally, a subdivision request of 24 lots with 23 - R2 lots and 1-LC lot. Two requested actions are to provide a recommendation to City Council for the zoning designations of Medium Density Residential (R2) and Limited Commercial (LC) on approximately 9 acres as part of the annexation request into the City of Post Falls. The second action is an approval to subdivide the said 9 acres into 24 lots of which 23 lots will be an R2 and 1 lots will be the LC; this will be contingent on Planning and Zoning recommendation of these zoning designations and annexation approval from City Council. It is generally located at the southeast corner of W. Prairie Ave and N. Greensferry Rd. and is a vacant lot; it is over the Rathdrum Prairie Aquifer. Ross Point Water District will be the water provider and the City of Post Falls will provide wastewater. To the north is single-family in the county; east is Green Meadows 2<sup>nd</sup> Addition R2 single-family to the south is Green Meadows R1 single-family and to the west is County single-family with the Gondo Annexation right on the southwest corner with Community Commercial Services (CCS).

Zoning Criteria:

- Amendments to the Zoning Map should be in accordance with the Future Land Use Map, the designation is Transitional – designated to lands suitable for growth however timing is undetermined. Guidance for proposed growth can be located within the Focused Area. The Commercial Activity Node is intended to encourage commercial activities at major transportation nodes to compliment the overall community. 41 North Focus Area, land values will pressure development to attract a range of residents, offering shared amenities, housing variety and neighborhood-scale services. The focus provisions for multi-family, commercial, and tech uses near higher classified roadways; the focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day. There were several Goals and Policies that were applicable to the request and are detailed in the staff report.
- Infrastructure and service plans; the City of Post Falls will provide water reclamation services and has the capacity and willingness to serve the site. Water will be provided by Ross Point Water District; will serve letter has been provided.
- It is over the Rathdrum Prairie Aquifer
- Prairie Ave and Greensferry Rd should not adversely impact the existing transportation network
- Along Seltice Way and Highway 41 are the higher intense Urban activity areas. Out at Riverbend and the Pointe is a development urban activity area and this location is also developing as one.
- The request isn't for industrial so the last criteria in not applicable.

Lot 1 is the Limited Commercial and is situated right on the corner of the intersection. Lots 2-24 are the Medium-Density Residential and the density for the residential units are approximately 3.7 units per acre with a total of 2.6 units per acre.

Subdivision Review Criteria

- Water will be provided by Ross Point Water District
- Sewer to be provided by the City of Post Falls the plan is in conformance with the City's Water Reclamation Master Plan.
- The subdivision should not have a negative impact on the local transportation system and the residential lots will not have direct access onto Prairie Ave or Greensferry Rd.
- There are no soil or topographical conditions which have been identified as presenting hazards the site is over the Rathdrum Prairie Aquifer.
- The subdivision approval is contingent upon Council approval of the annexation however, the lots conform to the requirements of Title 17 and Title 18.
- 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.

All agencies have been notified and KCFR reserves comments for the permitting process with the PFPD and DEQ responding neutral. The Post Falls Highway District requested no direct access onto Prairie Ave and the ROW on Prairie get annexed with the property this will be a condition upon annexation. Their last comment being the city taking ownership of the signals at Prairie and Greensferry this is common practice for the city.

**Hampe** – How large is lot 1?

**Jones** – I believe 2.966 acres.

**Carey** – As a commercial use, would access be off Prairie or Greensferry?

**Jones**- I believe off the private road, however, I will have Mr. Palus speak to that.

**Palus** - If it was zoned for the limited commercial and then developed as such there'd be several different options as to how access could come to that site principally, we would most likely see a commercial access on and off Greensferry Rd. We could also see the development of a secondary access from the roadway on the south side, there is the potential. We know that Post Falls Highway District has asked for no access onto Prairie Ave., there is a Critical Arterial Corridor Policy which restricts any new access points on to Prairie Ave. that would be controlled. That would mean either a roundabout or traffic signal at the half mile spacing, the city policy also allows for a quarter mile access but that would be a restricted access for roadways and depending upon what the use was, there could be the value of having a right in right out. Which is the most we would possibly see from an access onto Prairie Ave. that would be something that may have a distributed access coming in a business that people filter in but then they all leave at about the same time. A right in right out could be helpful for a location like that, because it would not overwhelm the traffic signal as much but it's something that we would look at depending upon what the actual commercial use is and then weighing it against our standards as to what is the best access and not to mess up the regional priorities of Prairie Ave. or how the arterial works on Greensferry.

**Carey** - A question then on Greensferry, if that's used as an entrance exit it would have to be upgraded some because it's not that wide there.

**Palus** – Correct, so with the subdivision they would be widening Greensferry to meet our standards from Prairie Ave. down the entire frontage which would tie into what the Green Meadow Subdivision has done for widening to the south.

**Kimball** – Would they also be widening Prairie Ave.?

**Palus** – So, Prairie Ave. is listed in the City's Transportation Master Plan as a principal arterial and is listed in our Capital Improvement Plan as an Impact Fee Project. So, the widening of Prairie Ave. itself, curb, gutter, and asphalt would be covered by Impact Fees as a future project. The alternative is the applicant would build it and the city would need to reimburse them for the costs of the widening from the Impact Fee dollars. One of the immediate problems is that depending on how we widen out Prairie Ave., we have a traffic signal that needs to be adjusted in location as well and that's a high-cost item to move a traffic signal pole.

**Manley** – I would like to add a comment for clarity and transparency. Regarding the units per acre, if you go lots per acre that would be correct; there is a range because zoning allows for different types of products. Zoning gives vested rights so the applicant is desiring to put single-family homes it would be 3.7 units per acre, any lots greater than 7,200 square feet duplexes could be built per code so the range would be 3.7 to 7.4 approximately. That is the difference between an R1 and an R2 as you can get diversity and potential density.

**Kimball** – So the maximum overall density would be 5.2.

**Manley** – Based off the whole site 5.1 is what I calculated. You can see lots 3 and 4 are under 7,200 square feet so those type of lots couldn't be duplexes.

**Jones** – 3 and 4 are just under 7200.

**Schlotthauer** – Several are listed as duplex lots on the map.

**Jones** – I believe there are 4 on the south end, lots 21-24 are listed as duplex.

**Manley** – It doesn't change the analysis of the staff report, I just wanted to be transparent on the density with the requested R2.

**Jones** – Regardless it's R2 zoning.

**Applicant – Bart North, North Engineering** - The applicant, Pastor John Devries, is here in the audience this evening and we have reviewed the staff report and take no exception to any of its findings. I thought it might be useful to give you a little background on how we got to this point. In 2006 Pastor John Devries, with the support of his congregation, purchased this parcel with the intent of constructing the Wellsprings of Life Christian Fellowship. Which is a Fivefold Ministry Full Gospel Church and Training Center. It, of course was and still is currently in the county and in 2006 Pastor John submitted a Conditional Use Permit which gave it the designation C-1132-05 and over the course it was approved and issued in January 2007. As Pastor John moved forward with the project the 2008 housing bubble burst and with the recession, he was unable to build. From 2008 to present, it has been a recovery process. It was discovered in a pre-application meeting with Kootenai County during the lapse of time the city boundary had moved up to this parcel and city services were adjacent to the southwest corner of this property. Applying for Annexation is the only path forward for the success of this project. Now this property has double frontage and the cost of extending infrastructure to City Standards for annexation is substantial, the intent is to construct a church facility however, to fund the improvements required for annexation Fivefold Ministries found the need to propose the subdivision presented tonight. The 3-acre Limited Commercial lot is where the proposed church facility will be constructed, and the proposed subdivision is R2 zone. All but 4 lots are proposed to be single-family detached residential, and the 4 lots located to southwest corner are the proposed duplex lots. Regarding the Limited Commercial lot there is a potential approach onto the residential roadway. There has



been formal submittal and would be reviewed at time of Site Plan however, potentially a restricted access onto Greensferry Rd and Prairie Ave. As Mr. Palus pointed out, it would be consistent with the Critical Arterial Access Policy as in approaches would be right in and right out and would not have a negative impact on the transportation network.

**Steffensen** – In our packet the Concept Development Plan, looks like the commercial lot is split in 2? Will there be future phases?

**North** – I think that was a conceptual drawing, we have been working on a preliminary site plan that would place the church within the southerly half of the commercial lot. Which is what the phases 1 and 2 are about, however, as we stand before you this evening, we are looking for a use on the Limited Commercial (LC) zoning.

**Steffensen** – So, obviously the request for (R2) for duplexes why only 4 duplexes and all other lots single-family?

**North** – Applicant preference, it lends itself to single-family detached units, which is the intent.

**Testimony:**

**In Favor** - None

**Neutral** - None

**In Opposition – Read into the record by Davis – Tammy Godfrey** – Stop building until our infrastructure is addressed. Better roads, police, fire, schools, food stores, etc. it seems Post Falls hasn't caught up to the overwhelming amount of people coming into the city. The people of Post Falls can't even afford the housing cost, lets address the needs of our city first then continue to build. Infrastructure first!

**Rebuttal**

**Applicant – North** – In response this project contributes to the infrastructure as we are widening Greensferry Rd and as Mr. Palus stated Prairie Ave. widening is an impact fee project and the applicant will be contributing to those funds. The 12-inch water main for Ross Point Water is part of the infrastructure that will be brought in from the south. The LC zone also opens to possible neighborhood commercial.

**Hampe** – Under the conditions for the subdivision, it goes 1-9 then there is number 4 listed should it just conditions 1-10?

**\*Correct\***

**Steffensen** – What is the timing of everything if it is approved?

**North** – The intent would be to have a Plat recordation occur in 2022.

**Schlotthauer** – I personally haven't seen and Annexation and Subdivision come through sequentially like this, is this common?

**Manley** – It isn't unusual. We just condition the subdivision upon ultimate determination by the City Council on the Annexation.

**Comments:**

**Davis** - The question was asked as far as our representation I want to stress again that we are volunteers. We're appointed volunteers who are not elected by citizens but rather appointed by the Mayor approved by Council to terms and we have a process that we're required to follow that does not include side conversations, site visits, emotions, or opinions. We are simply recommending that if council was to annex our recommendation for annexation would be x and reviewing the subdivision file, there are six criteria in which we are required to follow so we'll actually go through those right now.

### Annexation

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.  
**Steffensen** – It is in the transitional area, the zoning that they are requesting is right next to other property that has the same zoning so that makes sense.  
**Schlotthauer** – What better transition can you have than the same use of the neighboring properties and then transition to commercial on the corner next to commercial on the corner, it's as straight forward as it can be.  
**Kimball** – I think one of the key points is that in the Comprehensive Plan we've got these nodes at certain intersections and those were commercial places where we thought that commercial would be appropriate. I think this proposal follows those intentions.  
**Hampe** – I'd prefer to see more commercial in the commercial node, this parcel is over 9 acres and a third or less is for commercial the rest is residential. I would personally like to see it developed to more of the intent of what the commercial node is.  
**Schlotthauer** – I will add to that, I would like to see more commercial and am glad to see that the corner is taken up by commercial. It is what the Comprehensive Plan had in mind but also as far as our representation, I think we represent individuals and their property rights. Their right to do with their property what they want providing it meets the Comprehensive Plan, that's who I think we represent more so than the vocal minority.
2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.  
**Kimball** – I think staff discussed that well in the staff report.
3. 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.  
**Carey** – I think this has been covered well too. The commercial use there is with consideration of the street classifications for Prairie and Greensferry.  
**Kimball** – I think Hampe brings up a good point, I also think it is important to think about what's an appropriate type of commercial use at a corner like this. Highway 41 is a huge commercial corridor and is a mile away and probably where people will go. Neighborhood commercial is where there's enough houses in the vicinity for someone to walk to a little C store which is what Limited Commercial is for. When you look at the size for the use, it would be a little office building or little commercial uses, 10 acres of commercial is too much that is the size you would see a grocery store develop on. That is more of a destination type of commercial, this size parcel with the development pattern what it is I think Limited Commercial right on the 2 acres is probably the right size.  
**Schlotthauer** – The word that sticks out in this criterion is Balance, I think the applicant has created a balance.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.  
**Kimball** – The fact that there are 2 arterials and its Limited Commercial at that corner covers that.  
**Steffensen** – I wouldn't call this high-density, its medium but you do have the capacity on Prairie and Greensferry for that type of zoning.

5. 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.

**Steffensen** – Its on the edge of town with 9.7 acres.

**Hampe** – I don't think it will be the edge of town much longer. It is low density residential which is allot of what is surrounding this property. This isn't really what this is describing is it? Lower density residential is typically assigned for properties as they proceed farther away from higher intensity urban activity and this is a commercial node, that's what it's been designated. Just goes back to, I would like to see more commercial and les residential.

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

**Davis** – Nothing to add here.

Annexation Motion to recommend the zoning as presented by the applicant with limited commercial and R2 by Kimball

2<sup>nd</sup> by Schlotthauer

Vote Steffensen – No; Carey – Yes; Kimball – Yes; Davis – Yes; Schlotthauer – Yes;

Hampe - No

Moved

### Subdivision

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.

**Kimball** – Ross Point Water District has provided a will serve letter and it sounds like the applicant will be putting in water mains on Prairie Ave. and Greensferry to complete that part of the water systems.

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

**Carey** – Staff reported that the City of Post Falls has capacity to handle it.

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

**Kimball** – This was well covered by Palus; they get the opportunity to build two expensive chunks of the street and or at least contribute to it. 2 arterials are consistent with the Transportation Master Plan.

**Hampe** – In my opinion low density residential isn't a good fit even for the classification of the streets.

**Steffensen** – This is where my concern is, there's too many questions on how it's going to look, you get a church depending on how big you have a lot of traffic going in and out and then what type of commercial are you going to be putting there? How will that look, then the residential, this is where I was coming from.

**Schlotthauer** – I don't see the difference if it were a 10-acre Wal-Mart you're still going to have a commercial user on the corner and residential adjacent, I don't think this location would ever be used for that type of use. Shrinking it down more, like Kimball stated, seems reasonable. In the node like this you're still going to have commercial transitioning to residential, its how this area has been designed.

**Kimball** - I think this is the opposite of what we see when it comes to concerns about a development project putting pressure on our transportation. They're at the corner of

two arterials with a traffic signal and they're proposing less intensive uses than what could be there under a CCS, high use commercial node and the Transportation Master Plan is pretty specific that those 2 streets. Greensferry and Prairie are arterials that must be built to that standard and the local street is the standard, so they are consistent with the transportation element in the Comprehensive Plan. We haven't heard any testimony from any engineers to say that there's any problems with any transportation elements in the area. I'm sure that traffic signal is operating at a level of surface of A or B probably and a church doesn't operate during peak hours so I mean they're not..

**Davis** - Your transportation issues are going to be Wednesday evening and Sunday morning.

**Kimball** - Right not Thursday at 8 00 a.m. or 7 30.

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.

**Davis** - I thought about this earlier in the last several dozen of our public hearings this is where two different times this policy has jumped in or this uh this process has jumped in and worked to where we found mysterious landfills and things of that nature, but I think everything has been covered here any thoughts?

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

**Schlotthauer** – As conditioned.

**Kimball** – I think as conditioned everything meets the requirements of the zoning ordinance if it's zoned as recommended.

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.

**Kimball** – We are an impact fee city and so any development does pay impact fees for parks, streets, and pedestrian facilities, also police and maybe soon EMS and Fire, the impact fees make sure the developer pays their fair share. The city is set up well to make sure development pays for development.

**Schlotthauer** – I probably stand on the opposite side of this, I think we go overboard on fair share, for instance if it was just the church developing just the corner, I doubt they could possibly pull off the fees and the infrastructure requirements. Adding the residential buffer around the property probably helps them pull the whole project off.

Subdivision Motion recommend approval finding meets criteria 1-6 and adopting the conditions 1-9 plus 4 found in the staff report by Kimball

2<sup>nd</sup> by Schlotthauer

Vote Hampe – No; Schlotthauer – Yes; Davis – Yes; Kimball – Yes; Carey – Yes; Steffensen - No

Moved

- B. **Zoning Recommendation for Morris Annexation File No. ANNX-0013-2021** – Jon Manley, Planning Manager, to present a request for a recommendation to city council for a zoning designation of Community Commercial Services (CCS) upon annexation of

approximately 12 acres. Requested action is to recommend the CCS zoning in support of an approximate 12-acre annexation request into the City of Post Falls. The request is located north of the northwest corner of Highway 41 and W. Prairie Ave. It is currently Ag within the county and has no significant topography or vegetation matters that would present a hazard. The water provider will be Ross Point Water District and the sewer is to be provided by the City of Post Falls.

Zoning Criteria:

- Majority of the land surrounding this request is zoned CCS within the city limits hence the request, it was deemed consistent with the adjacent uses. To the west is the Technology Mixed zone, south of Prairie are some R1 and a PUD, Community Commercial Mixed with a band up along Highway 41 of Community Commercial Services.
- Within the Future Land Use Map shows Business Commercial for the designation and Community Commercial Services is an implementing zoning district. Southwest of this area you have some low density residential and just west of Charleville south of Prairie you have commercial with a little medium density to the south in the Foxtail Subdivision.

The purpose of Business Commercial is to provide a wide variety of general service, retail, professional office, light industrial, artisan manufacturing and mixed-uses that serve local and regional residents as well as the traveling public. The CCS zoning is part of the implementing zoning district. Multifamily uses may also be integrated into business/commercial areas. Compatible non-residential uses are also allowed under special conditions. Technology Park land uses that provides for a mix of light manufacturing, warehousing, business park, service commercial, and multifamily uses in area with suitable land and transportation access that are buffered appropriately to residential and other uses typically seen as incompatible with technology park activities. The 41 North focus area analysis states these uses should be near higher classified roadways; development should provide pedestrian connectivity to all multi-use paths and trails, including the Prairie Trail.

Zoning Criteria continued:

- The proposed zone is located along higher classified roadways; The proposed Zone Change area is adjacent to Prairie Ave. (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.
- This location is near the higher intensity urban activity area of Highway 41/Prairie Ave.
- The applicant is not requesting industrial zoning, therefore Criteria 6 not applicable.

All agencies have been notified and KCFR reserves comments for the permitting process and the PFPD, PFHD remain neutral and the DEQ stated there is no environmental impacts at this stage.

**Kimball** – I have a question with regards to the Commercial Mixed and Technology Mixed, what are the minimum property sizes for those zones?

**Manley** - 20 acres.

**Kimball** – So, those zones would be off the table for this application because there is only 12?

**Manley** – The CCM might be 4, I know the Technology Mixed is 20 acres.

**Kimball** – So, they couldn't do the Technology Mixed.

**Manley** – They couldn't do the Technology Mixed, the applicant can speak to why they are requested CCS rather than going down the CCM route.

**Applicant – Gordon Dobler, Dobler Engineering** - I can answer one question why the CCS versus CCM, well this property is owned by the abutting property owner Douglass which owns the whole Tech Park which is CCS so their attempts to fold it into the Tech Park with the same kind of land use as the Tech Park. That's the whole point of this really in fact it almost needs to be integral with the Tech Park. I'm jumping ahead a little bit but that's where all the transportation and infrastructure is coming from, it would need to come through the Tech Park. So, let's jump back to the zone, surrounded by CCS across the street is CCS being developed by GVD Properties as a Commercial Center. Of course, all around this property is Tech Park. We've already had a pre-app with staff on planning this whole tech part piece, not relevant at this point. The plan is to extend Charleville up and would access this parcel from the backside; in fact, there's some verbiage in the Development Agreement that says when that happens access to 41 would be eliminated. So again, the intent is to integrate this with the surrounding Tech Park therefore the zoning we feel is consistent certainly with the surrounding zonings and with the Tech Park. Access again, ultimately will come from the Tech Park right now there is an access off 41 that's being constructed with the 41 project however, in the Development Agreement, states that access will go away when future access is provided. CCS we feel is appropriate up against 41 because it conforms to the Highway 41 Plan etc. Water is Ross Point you have the will serve letter in the packet and this development is bringing water across the freeway and just a smidge north of this property. It'll come up into the Tech Park so theoretically it would have access to water as soon as these improvements are constructed this summer. Sewer will be brought in from the west side up through the Tech Park a statement from staff says that the city is willing and able to provide sewer that covers the facilities. Pedestrian access, when we had our pre-app with staff with the subdivision of the Tech Park there would be a requirement to extend a multi-use path down 41. So, as well as development of the Prairie Trail along the tracks, when they're vacated, on the site of 41. So, we've got pedestrian connectivity on all those points for the project, and I think in short that that pretty much covers the points that staff hasn't.

**Testimony:**

**In Favor – None**

**Neutral – None**

**In Opposition – Bob Flowers, Maplewood Ave** - I don't really object to this piece I mean it's a logical annexation. What I object to is the CCS zoning and all these mentions of high density, in other words what's allowed in a CCS zone, and I have this bad feeling that if this piece of property gets annexed in and gets that zoning designation what guarantees do we have that it's just not going to become a giant apartment complex. They're going to say they need it for employees of the Tech Park or district or whatever in other words we've seen it a thousand times or not maybe a thousand, but we've seen CCS suddenly go into high density apartments and I think before you grant them what they're asking for you should get some assurances and something in writing. Stating that isn't going to happen with this piece of property because dumping a bunch more apartments along 41 especially right now is crazy. 41, once everything is developed that's already been approved along 41 it's already going to be full by the time everything's built

out that's been approved with all these improvements on 41, we've already overloaded it and I think before you jump into this you should get some assurances from the developer or the owner or both.

**Davis** – Thank you, Mr. Manley, can that be controlled because it would need a Special Use Permit, correct?

**Manley** – I have a couple comments on that, in the CCS zone in order to construct multi-Family you need a Special Use Permit which is a separate Public Hearing that goes before Planning and Zoning. The issue that culminated the creation of some of our mixed zoning districts because it creates a container of control. So, with the mixed zoning district you have a Development Agreement and in that it allows a measure for the body to add caps or remove certain elements that would otherwise be permitted. So, there's 2 avenues with that, through the CCS you would do the Special Use Permit.

**Carey** – To clarify the multi-family is not an allowed use in the CCS without a Special Use Permit?

**Manley** – Its not a permitted outright use its only allowed with the Special Use Permit.

**Herrington** – That is any residential, duplexes, town homes, anything, you couldn't do single-family.

## Comments

### Annexation:

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

**Steffensen** – Right along the commercial corridor.

**Davis** – Fits the surroundings.

2. Amendments to the zoning map should be consistent with the goals and policies found in the Comprehensive Plan.

**Davis** – I believe 1 and 2 go hand in hand. **\*Everyone agreed\***

3. 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.

**Kimball** – I think the CCS zone is going to fill a hole and with the traffic patterns it's going to be accessed internally from the west and will be at one point restricted from Highway 41. Follows the street classifications, Highway 41 is the highest classification we have other than I-90.

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

**Davis** – You just covered that.

**Kimball** – I just did.

5. 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.

**\*Not applicable\***

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

**\*Not applicable\***

**Davis** – Anything else anyone wants to add?

**Kimball** – This is an infill annexation, if the property owner would have sold it 10 years ago, this piece would be annexed with the rest of it.

**Davis** – Does the idea of a Special Use Permit make you feel better?

**\*Hampe and Carey said yes\***

Motion to recommend approval finding its consistent with the Comp Plan, facts findings and conclusions contained in the staff report with the requested CCS zoning designation by Steffensen

2<sup>nd</sup> by Carey

Vote Steffensen – Yes; Carey – Yes; Kimball – Yes; Davis – Yes; Schlotthauer – Yes;

Hampe - Yes

Moved

- C. **Review Requested** Stone's Throw Subdivision File No. SUBD-0006-2022 – Ethan Porter, Associate Planner, to present – Requesting to subdivide approximately 5.05 acres into 17 single-family residential (R1) lots with a residential density of 3.36 du/acre; lot sizes, on average, are about 10,457 square feet. Requested action is an approval to subdivide 5.08 acres into 17 lots within the Residential Single-Family (R-1) zone. The property is generally located along the east side of S. Greensferry Rd between E. Black Forest St. and W. Woodcrest Dr. and south of Plummer Forest. Current land use is a single-family home, the water and sewer will be provided by the City of Post Falls. This is an incorporated piece into the city, as you can see here the zoning is R1 single-family residential surrounded by R1 single-family residential. Across the road from Greensferry you have residential mobile home park which is a subdivision plotted on their own lots. Majority of this is surrounded by single family homes. The proposal is 17 lots the larger one on the south has an existing home that they will be retaining that home through the subdivision. So, they will be developing and subdividing around it into those extra lots that you see the widths and the lot sizes do meet the R1 standards with a cul-de-sac layout.

Subdivision Review Criteria:

- Water will be provided by the City of Post Falls
- The city has adequate capacity to provide services to the proposed subdivision.
- Due to the existing developments surrounding the site, additional connectivity is not practical, therefore a cul-de-sac as proposed is acceptable and will not have negative impact on the local transportation system. The proposed layout is consistent with the City's Transportation Master Plan.
- The site is currently heavily vegetated and is currently above the Rathdrum Prairie Aquifer.
- The subdivision and proposed lots conform to the requirements of Title 17 (Subdivision) and Title 18 (Zoning) for an R-1 zoning district.
- Impact 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 reclamation facilities.

All agencies have been notified, KCFR will provide comments during the review process and the PFPD and PFHD both remain neutral.

**Applicant – Gordon Dobler**, Lake City Engineering was double booked so I am standing in for them tonight. I'm prepared to answer any questions, again straightforward five-acre subdivision you've gone through the evaluation criteria, but just to touch on the provisions.



So, we've got a standard city street being built, standard cul-de-sac the lots are big for an R1 zone, I think the average lot size is 10,000 square feet which is a little bit bigger than the surrounding lots. There is an existing house they're going to maintain as staff said, it's on that one larger lot and it will be hooked up to sewer. When sewer is extended with the subdivision and the access will be changed to come off the new street. Greensferry will be widened, and improved sewer will be extended onto the project, there's an existing six-inch water main in Greensferry that'll be extended there is not an opportunity to loop it so the water is going to have to be a dead end into the cul-de-sac. Staff evaluated that and it's not a problem it'll be an eight inch which is the minimum required. The development pays for improvements along Greensferry and infrastructure.

### **Testimony**

#### **In Favor - None**

**Neutral – Howard Burns, Rocky Ct.** - I live in the neighborhood and I think it's a great plan for if you can't keep the trees forever and all the rest of it. I'd like to point out to the folks here that this does match the houses in the neighborhood this is what one would expect to see on five acres in an R1 zone as opposed to some plans that were approved down the road on Ponderosa where they had 2,900 square foot lots and 4,200 square foot lots those don't belong in this neighborhood. If the Plumber Forest Products ever comes to the market this is what should be built there because it matches what's in the neighborhood not apartments, it's a single-family home neighborhood. I would ask that the developer do give some thought on the back two lots. If I lived in the houses that back up to if they could move the houses as close to the lot line as allowed to give more of a buffer to that house that would be nice to do. I just wanted to thank the applicant and I wanted to say that I'm on the impression looking at this that it can't become a PUD that this is what we're going to get, and I just want to reassure myself that I'm looking at what I'm going to see when I drive by see the house is going up thanks.

**In Opposition – Stephen Godfrey** - I do live in that neighborhood and I walk with my dogs past that lot weekly if not couple times a week and I don't agree that it is in the same size lots proposed that are in my neighborhood. I know my lot currently is a third of an acre those are right at a quarter of an acre so is it better than high density? Sure, one of the things I want to point out that I've heard throughout every presentation about everything you guys are doing is two words, I mentioned this in a City Council meeting, standard and adequate. I have 30 years in the United States Army, I know what a standard is, and I know what adequate is and those aren't positive words those are just words that equate to acceptable or something that we can sustain or manage. Somebody was asking or mentioned something about assurances, and we can't get assurances from developers we can't get assurances from planning committee or planning division or anything like that. The people that are on the planning committee, you folks up here you're the one that provides the city with the assurances. Because we expect you to go ahead and protect and not allow things that shouldn't necessarily be or fit in, widening of Greensferry is a negative impact, the comment was there's going to be no negative impact of the of the traffic. I actually have to pull out onto Greensferry from Black Forest which is the next street above so if these people want to go anywhere, they'll pull out that street and turn right on Greensferry. So, if I'm there at Black Forest wanting to turn on Greensferry I'm not going to be able to necessarily get out that will negatively impact me. If I'm having to wait on that traffic to go past me that's coming out of there. Right now, that one lot that's wider that's bigger that has the house that's one house it's a five acre lot that's what they have that's what they own

and they want to divide that basically into 17. So, the average is two cars per family you can go down almost every street in that neighborhood there's more than two cars at each house my house has three cars and a motorcycle. That's 17 times 2 that's 34 more cars that are going to be coming out of there daily, every day more than twice a day if they work, if they're retired maybe not. I don't think that adequate is acceptable anymore we got to look at long-term. Widening Greensferry, I don't know where they're going to widen, they're going to widen it two feet they're going to get like the dirt that's right there because there's no curb no sidewalk right there in that lot. How are they going to widen it there's properties on the one side and there's properties on the other side they're going to put a middle lane they got enough property put a middle lane plus centennial trail is along Greensferry there's a bike lane there comes off Ponderosa which is south and turns right onto Greensferry. There's a bike lane where they're going to eliminate the pipeline, so we need to keep the bike lane in there as well as we're going to widen the road, we're going to add a turn lane because now we're going to have cars that must stop on Greensferry to turn into that cul-de-sac. There's a lot more consideration I understand that you guys don't get to do site surveys, City Council doesn't do site surveys either, I understand that you guys are volunteers, but you're appointed, so you're volunteering maybe not getting paid to do the job, but you're appointed by the mayor. I would love to know what each one of you do for a living and I think the citizens should know what you do because, I also know the mayor works with Coeur d'Alene Bank so who's he appointed. Who has a job up here that's a realtor, that's in construction, that is anything to do with making money off of what happens here at any of these places? There's two people that have stood out up here that seemed to really get it and understand what progress should be, so I hope you consider everything before you make decisions just to move forward site surveys need to be a part of what you guys do.

**Rebuttal – Gordon Dobler** - I certainly understand the concerns. How does Greensferry get widened, well this project dedicates additional land so that Greensferry can be widened and install curb and sidewalk that would facilitate future pedestrian connectivity. That's how it gets widened that's development paying their fair share as they move forward. I think the standard section for Greensferry might have 2 lanes, 4, or 3 lanes something like that but right now it's only two lanes but as it's widened it would I'm going to guess that it would be wide enough to incorporate a left turn as the road continues to get widened. Really that's the only way most of the streets get improved is through development. So, additional traffic, nobody wants to see one more car on their street but the project proposed fits well within the zoning parameters of the R1. Like I said the lots are substantially larger than the minimum provided to the R1.

### **Comments Subdivision**

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.  
**Kimball** – I think this is covered well in the staff report.
2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.  
**Kimball** – The provisions have been made and are outlined in the staff report.
3. Proposed streets are consistent with the transportation element of the comprehensive plan.  
**Kimball** – The widening of Greensferry meets the Transportation Policies.

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.  
**\*No comments from Commission\***
5. The area proposed for subdivision is zoned for the proposed uses and the uses conforms to other requirements found in this code.  
**Kimball** – As proposed it exceeds the requirements found on the zoning code.
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.  
**Kimball** – I don't think there is any extraordinary impacts that won't be dealt with through mitigation by three impact fees.

**Steffensen** – I would like to see them keep as many trees as possible.

Motion to approve finding it meets the approval criteria in the PFMC as outlined in our deliberation subject to conditions 1-10 in staff report and direct staff to prepare a Reasoned Decision. Carey

2<sup>nd</sup> by Hampe

Vote Hampe – Yes; Schlotthauer – Yes; Davis – Yes; Kimball – Yes; Carey – Yes;

Steffensen - Yes

Moved

## 5. ADMINISTRATIVE / STAFF REPORTS

**Herrington** – Clarified the Commission also serves as the Impact Fee Board and that requires a balance of at least one realtor and one in construction per state code.

## 6. COMMISSION COMMENT

**Steffensen** – On the Future Land Use Map what is the difference between Business/Commercial vs. Commercial?

**Manley** – Big difference is the Commercial slant is meant for pure commercial without the flexibility for other uses like the Business/Commercial would entertain. Business/Commercial is more of a flexed Future Land Use designation.

**Steffensen** – Goal 3 of the Comp Plan, “keep the smalltown feel” I think we need to look at that at some point. What is “smalltown” some would say Post Falls is not a small town anymore.

**Hampe** – I agree.

**Davis** – That is a hard piece to address because, could it be pockets of smalltown feel? Some of the developments we have seen has a very smalltown feel as far as walkability. It is an ongoing issue.

**Kimball** – I am a Civil Engineer; it was eluded we might benefit from the decisions being made tonight. We make sure we are conscientious and recuse ourselves when needed. There is this thought that the developers and builders that make all the money. I ask someone who all he subcontracts with when he builds something. He informed me they use

50 different local businesses and when a subdivision is built there are more than 50 other different businesses being used. It is a long reaching number of businesses, employees, families that are impacted by growth. This gets unnoticed and unappreciated; these people are all working, and they don't come to these meetings.

**Schlotthauer** – I think you can say within 2 degrees of separation everyone here is employed within the same industry in one way or another indirectly. There are few individuals that work in a mine that may not however, directly, or indirectly everyone else benefits from the construction industry.

**Davis** – Mentioned he appreciates each Commissioner and their level of professionalism.

**7. ADJOURNMENT 7:15PM**

Questions concerning items appearing on this Agenda should be addressed to the Community Development Department – Planning Division at 408 Spokane Street or call 208-773-8708.

The City Hall building is handicapped accessible. If any person needs special equipment to accommodate their disability, please notify the City Media Center at least 24 hours in advance of the meeting date. The Media Center telephone number is 208-457-3341.

Chair: Ryan Davis      Vice Chair: Ray Kimball

Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

Date: \_\_\_\_\_

Chair: \_\_\_\_\_

Attest: \_\_\_\_\_

# Stone's Throw Subdivision File No. SUBD-0006-2022

## Planning and Zoning Commission Reasoned Decision

### A. INTRODUCTION:

APPLICANT: Lake City Engineering

LOCATION: Generally located on the east side of Greensferry Rd. between Black Forest Ave. and Woodcrest Dr.

REQUEST: Subdividing approximately 5.08 acres into 17 single-family lots.

### B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Preliminary Plat
4. A-4 Auth Letter
5. A-5 Title Report
6. S-1 Vicinity Map
7. S-2 Zoning Map
8. S-3 Future Land Use Map
9. PA-1 KCFR Comments
10. PA-2 PFPD Comments
11. PA-3 PFHD Comments
12. PZ Staff Report
13. Testimony at the April 12, 2022, Planning and Zoning Commission hearing:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the April 12, 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 to subdivide approximately 5.08 acres into 17 lots within the Single-Family Residential (R-1) zoning designation (SUBD-0006-2022). The request is evaluated under the standards of Post Falls Municipal Code ("PFMC") § 17.12.060.

#### **Ethan Porter, Associate Planner**

Mr. Porter presented the staff report to the Commission. He testified that the owner of the property is Northern Lights Development, LLC represented by the Applicant Lake City Engineering, Inc. He testified that the applicant is seeking to subdivide approximately 5.08 acres into 17 lots within the Single-Family Residential (R-1) zoning designation.

#### PARCEL INFORMATION:

Property Size: 5.08 acres

Current Land Use: Single family residence

Current Zoning: Single Family Residential (R-1) zoning.

Proposed Land Use: The proposed subdivision will serve a single-family residential housing development

Surrounding Land Use: The land uses surrounding the subject site include single-family residential subdivisions within the City of Post Falls.

Surrounding Zoning Districts: Primarily R-1 zoning surrounds the subject site. To the east there is Residential Mobile Home Park (RMHP) zoning.

Water Provider: City of Post Falls

Sewer: City of Post Falls

Mr. Porter testified that the site is located on the east side of S. Greensferry Rd between E. Black Forest St. and W. Woodcrest Dr. and south of Plummer Forest. He explained that the current land use is a single-family home. He asserted that the city of Post Falls will provide water services and sanitary sewer. He illustrated that the existing zoning for the site is R-1 and is surrounded by R-1 zoning except to the west there is a mobile home park which is a subdivision plotted on their own lots. He noted that to the north is Plummer Forest Products. He stated most of the surroundings are single-family homes. He testified that the proposed subdivision plan for 17 lots, the larger one is the existing home what will be retained, all lots do meet the R-1 standards in the official bulk and placement table for lot sizes and widths.

Mr. Porter testified regarding the review criteria, stating again that water will be provided by the city of Post Falls. As to the second criteria, he stated that the city has sufficient capacity for the proposed subdivision. As to the third review criteria, he explained that due to the existing developments surrounding the site, additional connectivity is not practical, therefore a cul-de-sac as proposed is acceptable and will not have negative impact on the local transportation system and the proposed streets are consistent with the transportation element of the comprehensive plan. Further, he stated that the proposed layout is consistent with the City's Transportation Master Plan.

Mr. Porter testified regarding the fourth review criteria, stating that the site is heavily vegetated with trees and above the Rathdrum Prairie Aquifer. As to the fifth review criteria, he attested that the proposed lots comply with the bulk and placement standards for the R-1 zoning designation. Finally, as to the last review criteria, he 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.

#### **Gordon Dobler, on behalf of Lake City Engineering, Applicant**

Mr. Dobler testified that Lake City Engineering was double booked so he was standing in for them tonight. He explained that this was a straightforward five-acre subdivision and the Commission has gone through the evaluation criteria. He touched on the provisions, they have a standard city street being built, standard cul-de-sac, the lots are big for an R1 zone. He thought that the average lot size is 10,000 square feet which is a little bit bigger than the surrounding lots. He noted that there is an existing house they are going to maintain, it is on that one larger lot and it will be hooked up to sewer.

Mr. Dobler explained that when sewer is extended with the subdivision and the access will be changed to come off the new street. Greensferry will be widened, and improved sewer will be extended onto the project. He stated that there is an existing six-inch water main in Greensferry that will be extended as there is not an opportunity to loop it so the water will be a dead end into the cul-de-sac. He explained that staff evaluated that and it is not a problem. He noted that it will be an eight inch which is the minimum required. He asserted that the development pays for improvements along Greensferry and infrastructure.

#### **Public Testimony:**

The hearing was opened for public testimony.

**Howard Burns**

Mr. Burns testified that he lives in the neighborhood and he thought it is a great plan for it, if you cannot keep the trees forever. He wanted to point out to the folks here that this does match the houses in the neighborhood this is what one would expect to see on five acres in an R1 zone as opposed to some plans that were approved down the road on Ponderosa where they had 2,900 square foot lots and 4,200 square foot lots, those don't belong in this neighborhood. He stated that if the Plumber Forest Products ever comes to the market this is what should be built there because it matches what is in the neighborhood, not apartments, it is a single-family home neighborhood. He requested that the developer do give some thought on the back two lots. He explained that if he lived in the houses that back up to if they could move the houses as close to the lot line as allowed to give more of a buffer to that house that would be nice to do. He just wanted to thank the applicant and wanted to say that he was on the impression looking at this that it cannot become a PUD that this is what we're going to get, and he just wanted to reassure himself that what he is looking at what he is going to see when he drives by see the houses is going up.

**Stephen Godfrey**

Mr. Godfrey testified that he lives in that neighborhood and walks with his dogs past that lot weekly, if not couple times a week. He did not agree that it is in the same size lots proposed that are in his neighborhood. He stated that his lot currently is a third of an acre those are right at a quarter of an acre. He stated it is better than high density. He wanted to point out that he has heard throughout every presentation about everything you are doing is two words, standard and adequate. He had 30 years in the United States Army and knows what a standard is, and he knows what adequate is and those are not positive words. He stated those are just words that equate to acceptable or something that we can sustain or manage. He inquired about assurances, and why they cannot get assurances from developers or from planning committee or planning division or anything like that. He stated that the people that are on the planning committee, you folks up here, you are the one that provides the city with the assurances. He explained that is because we expect you to go ahead and protect and not allow things that should not necessarily be or fit in.

Mr. Godfrey stated that the widening of Greensferry is a negative impact, the comment was there is going to be no negative impact of the of the traffic. He explained that he must pull out onto Greensferry from Black Forest, which is the next street above, so if these people want to go anywhere, they will pull out from that street and turn right on Greensferry. So, he theorized, if he was there at Black Forest wanting to turn on Greensferry he is not going to be able to necessarily get out and that will negatively impact me. He explained that if he is having to wait on that traffic to go past that is coming out of there.

Mr. Godfrey explained that it is a five-acre lot and they want to divide that basically into 17. So, he explained, the average is not truly two cars per family, you can go down almost every street in that neighborhood there is more than two cars at each house my house has three cars and a motorcycle. He calculated that it is 17 times 2, equaling 34 or more cars that are going to be coming out of there daily, every day, more than twice a day if they work, if they are retired, maybe not. He did not think that adequate or acceptable anymore, noting we got to look at long-term. He questioned widening Greensferry, as he did not know where they are going to widen, they are going to widen it two feet they are going to get the dirt that is right there because there is no curb no sidewalk right there in that lot. He questioned how they are going to widen it, there's properties on the one side and there's properties on the other side, they are going to put a middle lane they got enough property put a middle lane plus centennial trail is along Greensferry. He explained that there is a bike lane there comes off Ponderosa which is south and turns right onto Greensferry. He questioned whether they would eliminate the bike lane, so we need to keep the bike lane in there as well as we are going to widen the road, we are going to add a turn lane because now we are going to have cars that must stop on Greensferry to turn into that cul-de-sac.

Mr. Godfrey testified that there is a lot more consideration, he understands that the Commission does not get to do site surveys, City Council does not do site surveys either, he understands that the Commission are volunteers, but you are appointed, so you are volunteering, maybe not getting paid to do the job, but you're appointed by the mayor. He stated that he would love to know what each one of you do for a living and he thought the citizens should know what you do because, he also knows the mayor works with Coeur d'Alene Bank. He queried, who has a job up here that is a realtor, that's in construction, that is anything to do with making money off of what happens here at any of these places? He testified that there are two people that have stood out up here that seemed to really get it and understand what progress should be, so he hoped they consider everything before the Commission to make decisions just to move forward and site surveys need to be a part of what the Commission does.

### **Rebuttal**

#### **Gordon Dobler, on behalf of Lake City Engineering, Applicant**

Mr. Dobler testified that he certainly understands the concerns. He explained how Greensferry will get widened, as this project dedicates additional land so that Greensferry can be widened and install curb and sidewalk that would facilitate future pedestrian connectivity. He explained that is how it gets widened, that is development paying their fair share as they move forward. He thought the standard section for Greensferry might have more lanes but right now it is only two lanes. He guessed that as it is widened it would be wide enough to incorporate a left turn as the road continues to get widened. He reiterated that the only way most of the streets get improved is through development. He stated that nobody wants to see one more car on their street but the project proposed fits well within the zoning parameters of the R-1. He testified that the lots are substantially larger than the minimum provided for the R-1.

**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 the city of Post Falls and they have adequate capacity to provide service 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.**

The Commission determines that the City of Post Falls has adequate capacity to provide service to the subdivision as proposed. The conceptual layout of the sanitary sewer system as proposed shows the ability to be served and shall be designed and constructed to City Standards. Existing homes, if remaining, will be required to connect to City Sewer and pay appropriate fees with construction of the Subdivision. Existing septic systems will be required to be abandoned in conformance with Panhandle Health requirements.

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

The Commission determines that the subdivision and proposed layout are consistent with the transportation element of the comprehensive plan, the city's Transportation Master Plan, and



## Design

## Standards.

Due to the existing developments surrounding the site, additional connectivity is not practical; as such, a cul-de-sac (as proposed) is acceptable and will not have a negative impact on the local transportation system. The internal roadway shall dedicate rights of way and easements and be constructed to the roadway standards as outlined within the City Transportation Master Plan. Greensferry Road is classified as a Minor Arterial Roadway. The 10-foot dedication of rights-of-way, as proposed, is acceptable due to the constructed environment and rights-of-way location to the north and south of the site.

Roadways, storm drainage management, roadway illumination, ADA ramps and roadway markings / signs shall comply with City Standards with final design and construction.

The city will be responsible for plowing and maintenance of the public roadways. Adjacent property owners will be responsible for maintenance of sidewalks, including snow removal, irrigation and maintenance of roadside swales and street trees. A Homeowners Association shall be responsible for maintenance of the Greensferry Road frontage (including irrigation of swales, street trees, landscaping, and the sidewalks (including snow removal)

**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, no evidence was presented to the contrary.

**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 R-1 zone. The proposed use conforms to the zoning and other requirements found in PFMC. The Commission notes that the proposal exceeds the requirements found in the zoning code.

**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, 1-10 listed below, when imposed will ensure that the six criteria found in PFMC 17.12.060.H are met. Based upon the representations made to the Commission on April 12, 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. A Master Development Agreement shall be prepared by staff, reviewed, and approved by the City Council, and signed by the parties prior to commencement of any construction.
3. The proposed subdivision must be completed in a single phase.
4. A Construction Improvement Agreement shall be prepared and executed prior to commencement of construction for the subdivision.
5. Submitted Preliminary Plans were reviewed from a conceptual basis only and reflect the general ability to provide service. 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.
6. Except where an exception is granted, all streetlights, roadways and City owned utilities shall be designed and constructed in accordance with City standards. The application did not request any exceptions from City Code or Design Standards.
  - A 10-foot rights-of-way dedication shall be provided along Greensferry Road
7. Direct access from residential lots to Greensferry Road shall be prohibited on the face of the plat.
8. 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.
9. A Homeowners Association (HOA) shall be formed to maintain the common right-of-way frontage along Greensferry Road; including all landscaping, irrigation, and removal of snow from sidewalks and trails.
10. Existing homes identified to remain shall provide, with construction plan approval, for the removal of existing septic systems and connection of structures to the City's Water Reclamation System; including payment of all associated connection fees.

**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-0006-2022:** 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, Stone's Throw Subdivision, SUBD-0006-2022, 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.**

**Wellspring Addition Subdivision**  
**File No. SUBD-0001-2022**  
**Planning and Zoning Commission**  
**Reasoned Decision**

**A. INTRODUCTION:**

APPLICANT: North Engineering – Bart North  
LOCATION: Generally located on the southeast corner of W. Prairie Ave and N. Greensferry Rd  
REQUEST: Subdividing approximately 9 acres into 24 mixed zoned lots (Limited Commercial and Medium Density Residential).

**B. RECORD CREATED:**

1. A-1 Application
2. A-2 Narrative
3. A-3 Preliminary Plat
4. A-4 Will Serve
5. A-5 Auth Letter
6. A-6 Title Report
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. PA-1 KCFR Comments
11. PA-2 PFPD Comments
12. PA-3 PFHD Comments
13. PA-4 DEQ Comments
14. PZ Staff Report
15. Testimony at the April 12, 2022, Planning and Zoning Commission (“Commission”) hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter “Commission”) at the April 12, 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 to subdivide approximately 9 acres into 24 lots, of which 23 lots are within the Medium Density Residential (R-2) zoning designation and 1 lot within the Limited Commercial (LC) zoning designation (SUBD-0001-2022). 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 Fivefold Foundation Ministries, Inc. represented by the Applicant, Bart North, North Engineering. She testified that the applicant is seeking to subdivide approximately 9 acres into 24 lots, of which 23 lots are within the Medium Density Residential (R-2) zoning designation and 1 lot within the Limited Commercial (LC) zoning designation.

Ms. Jones explained that the general location on the southeast corner of Prairie Avenue and north Greensferry road. She testified that the current land use is vacant and the only natural characteristics or features is that it is on the Rathdrum Prairie Aquifer. He testified that the water will be provided by the Ross Point Water District and the city of Post Falls will provide wastewater services.

Ms. Jones testified regarding the surrounding uses, explaining that to the north is county properties with single-family homes on five acre lots, to the east is Green Meadows 2<sup>nd</sup> edition, it is zoned R-2 single family but is built out with single-family homes. She went on to state that to the south is Green Meadows R-1 single family homes and to the west is commercial property, which was annexed into the city last year, and two five-acre residential properties in Kootenai County.

Ms. Jones testified that the request is for 24 lots, illustrating the larger Limited Commercial area, she indicated that the remaining 23 lots are proposed as Medium Density Residential R-2 lots. She stated that the overall density is 2.6 units per acre and if you focus on just the residential portion, it would equate to 3.7 units per acre.

Ms. Jones testified regarding the first review criteria, stating again that water will be provided by Ross Point Water District, and a will serve letter has been submitted by the applicant. As to the second criteria, she stated that the city has sufficient capacity for the proposed uses and it is in conformance with the city's water reclamation master plan. As to the third review criteria, she explained that the proposed streets are consistent with the transportation element of the comprehensive plan. She testified that the subdivision lies next to the principal arterial Prairie Avenue and a minor arterial Greensferry and there will be no access to Prairie Avenue or Greensferry from any of the residential lots.

Ms. Jones testified regarding the fourth review criteria, stating that the site is located over the Rathdrum prairie aquifer and at this time there are no known soil or topographical conditions that have been identified as hazards. As to the fifth review criteria, she attested that the subdivision is contingent on the annexation and zoning approval from City Council and if approved, the proposed lots comply with the bulk and placement standards for the relevant zoning designations. 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, in response to a question from the Commission, indicated that the LC lot 1 was 2.9 acres in size and would be accessed off the road into the subdivision.

#### **Rob Palus, Assistant City Engineer**

Mr. Palus, in response to a question from the Commission about access to the limited commercial lot. He testified that there are a number of options for access to the site, indicating that they would most likely see a commercial access off of Greensferry Rd. and could also see a second access from the roadway to the south. He explained that Post Falls Highway District has asked for no access onto Prairie Ave., there is a Critical Arterial Corridor Policy which restricts any new access points on to Prairie Ave. and that would be controlled. He went on to state that it would mean either a roundabout or traffic signal at the half mile spacing, the city policy also allows for a quarter mile access but that would be a restricted access for roadways and depending upon what the use was, there could be the value of having a right-in right-out. He explained that a right-in right-out could be helpful for a location that people filter in but then they all leave at about the same time, because it would not overwhelm the traffic signal as much. He indicated that it is something that we would look at depending upon what the actual commercial use is and then weighing it against our standards as to what is the best access and not to conflict the regional priorities of Prairie Ave. or how the arterial works on Greensferry.

Mr. Palus, in response to a question from the Commission, testified that the subdivision would be widening Greensferry to meet our standards from Prairie Avenue along the entire frontage which would tie into what the Green Meadow subdivision has done for widening to the south. He testified that the widening Prairie Avenue is listed in the city's transportation master plan as a principal arterial and also listed in our capital improvement plan as an impact fee project. The widening would be a future project funded through impact fees.

**Jon Manley, Planning Manager**

Mr. Manley testified regarding the units per acre. He explained that there is a range because the proposed zoning allows for different types of products. He stated that the zoning gives vested rights so the applicant is desiring to put single-family homes it would be 3.7 units per acre, any lots greater than 7,200 square feet duplexes could be built, per code, so the range would be 3.7 to 7.4 approximately. He noted that is the difference between an R1 and an R2 as you can get diversity and potential density.

**Bart North, North Engineering, Applicant**

Mr. North testified that the applicant, Pastor John Devries, was there in the in the and they have reviewed the staff report and take no exception to any of its findings. He thought it might be useful to give you a little background on how we got to this point. Mr. North explained that in 2006 Pastor John Devries, with the support of his congregation, purchased this parcel with the intent of constructing the Wellsprings of Life Christian Fellowship, which is a Fivefold Ministry Full Gospel Church and Training Center. He noted that it was and still is currently in the county and in 2006 Pastor John submitted a Conditional Use Permit which was approved and issued in January 2007.

Mr. North explained that as Pastor John moved forward with the project the 2008 housing bubble burst and with the recession, he was unable to build. He described that from 2008 to present, it has been a recovery process and it was discovered in a pre-application meeting with Kootenai County during the lapse of time that the city boundary had moved up to this parcel and city services were adjacent to the southwest corner of this property.

Mr. North testified that applying for annexation is the only path forward for the success of this project. He explained that this property has double frontage and the cost of extending infrastructure to City Standards for annexation is substantial, the intent is to construct a church facility however, to fund the improvements required for annexation Fivefold Ministries found the need to propose the subdivision presented. He testified that the 3-acre Limited Commercial lot is where the proposed church facility will be constructed, and the proposed subdivision should be zoned R-2. He testified that all except 4 lots are proposed to be single-family detached residential, and the 4 lots located to southwest corner are the proposed duplex lots.

Mr. North testified regarding the Limited Commercial lot that there is a potential approach onto the residential roadway and there has been formal submittal and would be reviewed at time of Site Plan however, potentially a restricted access onto Greensferry Rd and Prairie Ave. as Mr. Palus pointed out, it would be consistent with the Critical Arterial Access Policy as in approaches would be right in and right out and would not have a negative impact on the transportation network.

Mr. North testified that we have been working on a preliminary site plan that would place the church within the southerly half of the commercial lot. He explained that is what the phases 1 and 2 are about, however, we are looking for a use on the Limited Commercial (LC) zoning.

**Public Testimony:**

The hearing was opened for public testimony.

**Tammy Godfrey (Brief Written Comment Read into Record)**

Ms. Godfrey testified, stop building until our infrastructure is addressed. Better roads, police, fire, schools, food stores, etc. it seems Post Falls has not caught up to the overwhelming amount of people coming into the city. The people of Post Falls cannot even afford the housing cost, lets address the needs of our city first then continue to build. Infrastructure first!

**Rebuttal****Bart North, North Engineering, Applicant**

Mr. North, testified in response, this project contributes to the infrastructure as we are widening Greensferry Rd and as Mr. Palus stated Prairie Ave. widening is an impact fee project and the applicant will be contributing to those funds. He noted that the 12-inch water main for Ross Point Water is part of the infrastructure that will be brought in from the south. He explained that the LC zone also opens to possible neighborhood commercial.

**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 Ross Point Water District and they have adequate capacity to provide service to the project as proposed. The applicant has provided a will serve letter and will be installing water mains on Prairie Ave. and Greensferry Rd. to complete that part of the water system.

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

The Commission determines that the City of Post Falls has adequate capacity to provide service to the subdivision as proposed. The layout of the sanitary sewer system would be extended along Greensferry Rd. in conformance with the City’s Water Reclamation Master Plan.

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

The Commission determines that: The subdivision lies next to existing developed roadways of Prairie Ave. and Greensferry Rd. and the proposed streets are consistent with the transportation element of the comprehensive plan. The subdivision proposed layout accommodates connectivity and will not have a negative impact on the local transportation system. Though reduction of cul-de-sacs in the roadway network is generally desirable to facilitate connectivity, emergency services and maintenance; a cul-de-sac in this layout is a preferred option in order to preserve safety and roadway capacity on Prairie Avenue by complying with the City’s Access Spacing requirements.

The roadways shall dedicate rights of way and easements and be constructed to the roadway standards as outlined within the City Transportation Master Plan.

Roadway illumination, ADA ramps and roadway markings / signs shall comply with City Standards.

Direct access from residential lots to Greensferry Rd. or Prairie Avenue will not be allowed.

- 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, while the site is located over the Rathdrum prairie aquifer, no testimony or evidence was presented that identified any soil or topographical conditions as presenting hazards.

- 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 conditioned upon the subsequent annexation and zoning by the City Council. If the area is zoned within the City of Post Falls as proposed with Limited Commercial (LC) and Medium Density Residential (R-2) zone. The proposed use conforms will conform with 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.

- 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, 1-10 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 April 12, 2022, at a properly noticed public hearing, the record compiled in this matter, and the applicant must meet the following conditions:

1. This subdivision may only be approved subject to annexation approval.
2. 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.
3. A Master Development Agreement shall be prepared by staff, reviewed and approved by the City Council, and signed by the parties prior to commencement of any construction.
4. The proposed subdivision must be completed in a single phase.
5. A Construction Improvement Agreement shall be prepared and executed prior to commencement of construction for the subdivision.
6. Submitted Preliminary Plans were reviewed from a conceptual basis only and reflected only the Phase I construction. 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.



- 7. Except where an exception is granted, all streetlights, roadways and City owned utilities shall be designed and constructed in accordance with City standards. The application did not request any exceptions from City Code or Design Standards.
- 8. Direct access from residential lots to Prairie Avenue and/or Greensferry Road shall be prohibited on the face of the plat.
- 9. A Homeowners Association (HOA) shall be formed to maintain the common right-of-way frontage along Prairie Avenue and Greensferry Road; including all landscaping, irrigation and removal of snow from sidewalks and trails.
- 10. Lot Access along Prairie Avenue in conformance with the KMPO Critical Arterial Policy

**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-0001-2022:** 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, Wellspring Addition Subdivision, SUBD-0001-2022, 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.**

# Wellspring Annexation File No. ANN-0001-2022

## Planning and Zoning Commission Zoning Recommendation

### A. INTRODUCTION:

APPLICANT: North Engineering – Bart North

LOCATION: Generally located on the southeast corner of W. Prairie Ave and N. Greensferry Rd.

REQUEST: Zoning recommendation of Medium Density Residential (R2) on 23 of the lots and Limited Commercial (LC) on the remaining lots totaling approximately 9 acres AS DEPICTED IN EXHIBIT S-4.

### B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-4 Will Serve
4. A-5 Auth Letter
5. A-6 Title Report
6. S-1 Vicinity Map
7. S-2 Zoning Map
8. S-3 Future Land Use Map
9. S-4 Annexation Development Agreement
10. PA-1 KCFR Comments
11. PA-2 PFPD Comments
12. PA-3 PFHD Comments
13. PA-4 DEQ Comments
14. PZ Staff Report
15. Testimony at the April 12, 2022, Planning and Zoning Commission (“Commission”) hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter “Commission”) at the April 12, 2022 public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. 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.

#### **Laura Jones, Associate Planner**

Ms. Jones presented the staff report. She testified that the applicant was seeking a recommendation for an initial zoning designation of Medium Density Residential (R-2) and Limited Commercial (LC) on approximately nine (9) acres upon the annexation into the city of Post Falls. She explained that the general location on the southeast corner of Prairie Avenue and north Greensferry road.

Ms. Jones testified that the current land use is vacant and the only natural characteristics or features is that it is on the Rathdrum Prairie Aquifer. He testified that the water will be provided by the Ross Point Water District and the city of Post Falls will provide wastewater services.

Ms. Jones testified regarding the surrounding uses, explaining that to the north is county properties with single-family homes on five acre lots, to the east is Green Meadows 2<sup>nd</sup> edition, it is zoned R-2 single family but is built out with single-family homes. She went on to state that to the south is Green Meadows R-1 single family homes and to the west is commercial property, which was annexed into the city last year, and two five-acre residential properties in Kootenai County.

Ms. Jones stated that the Future Land Use Map designates the area as transitional. She submitted that the transitional designation is given to lands suitable for growth with unknown timing. She testified that guidance for transitional areas can be found within the associated Focus Area in the Comprehensive Plan. She testified that that the area is located within a commercial activity node, which is intended to encourage commercial activities at major transportation nodes to complement the overall community. She explained that nodes should consist of retail office or other commercial services to be integrated into the nearby community with the intent to create a focal point of vibrancy conveniently located near neighborhoods and other commercial services.

Ms. Jones explained that this area is within the 41 North focus area, which is developing with land values that should pressure development that should attract a range of residents offering shared amenities, housing variety, and neighborhood scale services. She indicated that the focus area provides for multi-family, commercial, and tech uses near higher classified roadways and should be focused along arterial collector streets where traffic volumes exceed 4,000 trips per day.

Ms. Jones testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal five, six, seven, eight, ten, and fourteen to possibly be relevant and applicable goals. She testified that policies one and two may be appropriate for consideration by the Commission. Ms. Jones explained that in support of policy two, looking at the infrastructure, the city of Post Falls will provide water reclamation and Ross Point will provide water. She indicated that policies three, fifteen, and twenty-four may also be applicable.

Ms. Jones testified that zoning should be assigned following consideration of such items such as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features. She stated that the site is over the Rathdrum Prairie Aquifer.

Ms. Jones testified that commercial and high-density residential zoning is typically assigned along streets with a higher road classification. She explained that the site is located along higher classified roadways of Prairie Ave. and Greensferry Rd. and should not adversely impact the existing transportation network.

Ms. Jones 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. She illustrated that the site is in an area that is starting to develop with commercial activity, however it is limited in nature and more of a residential scale.

Ms. Jones testified that the last criteria is inapplicable as there is not a request for industrial zoning nor are they located near any other industrial properties.

### **Bart North, North Engineering, Applicant**

Mr. North testified that the applicant, Pastor John Devries, was there in the in the and they have reviewed the staff report and take no exception to any of its findings. He thought it might be useful to give you a little background on how we got to this point. Mr. North explained that in 2006 Pastor John Devries, with the support of his congregation, purchased this parcel with the intent of constructing the Wellsprings of Life Christian Fellowship, which is a Fivefold Ministry Full Gospel Church and Training

Center. He noted that it was and still is currently in the county and in 2006 Pastor John submitted a Conditional Use Permit which was approved and issued in January 2007.

Mr. North explained that as Pastor John moved forward with the project the 2008 housing bubble burst and with the recession, he was unable to build. He described that from 2008 to present, it has been a recovery process and it was discovered in a pre-application meeting with Kootenai County during the lapse of time that the city boundary had moved up to this parcel and city services were adjacent to the southwest corner of this property.

Mr. North testified that applying for annexation is the only path forward for the success of this project. He explained that this property has double frontage and the cost of extending infrastructure to City Standards for annexation is substantial, the intent is to construct a church facility however, to fund the improvements required for annexation Fivefold Ministries found the need to propose the subdivision presented. He testified that the 3-acre Limited Commercial lot is where the proposed church facility will be constructed, and the proposed subdivision should be zoned R-2. He testified that all except 4 lots are proposed to be single-family detached residential, and the 4 lots located to southwest corner are the proposed duplex lots.

Mr. North testified regarding the Limited Commercial lot that there is a potential approach onto the residential roadway and there has been formal submittal and would be reviewed at time of Site Plan however, potentially a restricted access onto Greensferry Rd and Prairie Ave. as Mr. Palus pointed out, it would be consistent with the Critical Arterial Access Policy as in approaches would be right in and right out and would not have a negative impact on the transportation network.

Mr. North testified that we have been working on a preliminary site plan that would place the church within the southerly half of the commercial lot. He explained that is what the phases 1 and 2 are about, however, we are looking for a use on the Limited Commercial (LC) zoning.

#### **Public Testimony:**

The hearing was opened for public testimony.

#### **Tammy Godfrey (Brief Written Comment Read into Record)**

Ms. Godfrey testified, stop building until our infrastructure is addressed. Better roads, police, fire, schools, food stores, etc. it seems Post Falls has not caught up to the overwhelming amount of people coming into the city. The people of Post Falls cannot even afford the housing cost, lets address the needs of our city first then continue to build. Infrastructure first!

#### **Rebuttal**

#### **Bart North, North Engineering, Applicant**

Mr. North, testified in response, this project contributes to the infrastructure as we are widening Greensferry Rd and as Mr. Palus stated Prairie Ave. widening is an impact fee project and the applicant will be contributing to those funds. He noted that the 12-inch water main for Ross Point Water is part of the infrastructure that will be brought in from the south. He explained that the LC zone also opens to possible neighborhood commercial.

**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 Medium Density Residential (R-2) and Limited Commercial (LC) on approximately nine (9) acres upon the annexation into the city of Post Falls. The Future Land Use Map designates this area as transitional within the 41 North focus area.

The applicable focus area provides that 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.

The Commission finds that this is in a transitional area and the zoning they are requesting is next to other property with the same zoning as well as a transition to the commercial on the other corner. The Commission notes that the area is within a commercial node and the provision of limited commercial helps satisfy the intent of the node.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation consistent with the guiding principles within the associated focus area and therefore the request is 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 following goals and policies contained in the comprehensive plan:

**Goals:**

**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 6:** Maintain and improve Post Falls' transportation network, on pace and in concert with need and plan objectives.

All cities require functional, resilient transportation networks providing for the flow of people and materials. In assisting with this plan, residents urged improvements to the existing fabric and criteria that provide a full-featured street network for Post Falls, improving the efficiency, function and value of the City. Residents also recognize the importance of transit services, as well as connectivity to regional ground, rail and air transportation systems.

**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 10:** Provide and support Post Falls' parks and recreational opportunities on-pace with growth.

Post Falls residents value current parks and recreational services and wish to retain the same or higher levels of service as the community grows. This goal directs the city to consider parks and recreational needs in all related plans and actions, including land use decisions, regulatory requirements, and budgeting.

**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.

#### **Policies:**

**Policy 1:** Support land use patterns that:

- Maintain or enhance community levels of service;

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

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

Additional housing may help further long-term fiscal health of the community by provide living accommodations to current and future workforce within the city.

- Maintain and enhance resident quality of life;

Diversified housing options assists with providing quality housing for different sectors of the community.

- Promote compatible, well-designed development;

Development will be required to meet City design standards for the proposed limited commercial and residential uses.

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

Transportation impacts, and sewer and water capacity are reviewed by city staff. Any anticipated inadequacies identified are addressed and/or have a plan on how to be in compliance with the relevant master plan prior to public hearing.

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

- Future land use mapping;

This is addressed by the first review criteria in Criteria one of this recommendation.

- Compatibility with surrounding land uses;

The proposed development pattern for this proposal would not be incompatible with the surrounding uses as they are primarily residential in nature.

- Infrastructure and service plans;

Sanitary Sewer for the location would need to be extended from the southwest corner of the property to Prairie Avenue, in conformance to the City's Water Reclamation Master Plan. The property requesting annexation and zoning is identified in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced sewer main. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

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

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

The Ross Point Water District would provide water service.

- Existing and future traffic patterns;

The property is adjacent to Greensferry Road, a classified Minor Arterial; and Prairie Avenue, a classified Principal Arterial and Critical Arterial Corridor. Dedications of rights-of-way and easement would be required, at the time of annexation and complying with adopted City Design Standards:

**Greensferry Road - Minor Arterial:** 110-foot total right-of-way width, along with a 15-foot sidewalk, drainage and utility easement. 55-foot half road right-of-way measured from the section line near the existing centerline of Greensferry Road. Right-of-way line to align with the subdivision immediately to the south.

**Prairie Avenue- Principal Arterial:** 110-foot total right-of-way width, along with a 15-foot sidewalk, drainage and utility easement. 55-foot half road right-of-way measured from the section line near the existing centerline of Prairie Avenue. Right-of-way line to align with the subdivision immediately to the east.

Future traffic patterns to/from this site are benefitted from the proximity to adjoining Arterial Roadways that would distribute traffic from the subject site to SH41, Poleline Ave., as identified in the City's Transportation Master Plan. Access to the site would



be restricted in conformance with City Standards to Greensferry Rd. and Prairie Avenue. Additional access restrictions exist along Prairie Avenue, in conformance with the KMPO Critical Arterial Corridor Policy.

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

The response to this is embedded within the evaluation 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.

The proposal is partially located within a commercial node as outlined in the Comprehensive Plan. The owner's intent to build a church within this commercial area might provide daily needs services within walking distance of residences.

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

This site is currently undeveloped and under-utilized.

**Policy 9:** Encourage annexation of County "islands" within the City, with priority given to areas:

- Surrounded by incorporated areas;  
Due to recent annexation the site is currently located within a County "island".
- That have readily available service infrastructure and capacity;  
There is water and sewer infrastructure available to the site.
- That support increased development intensity near the urban core.

The site is not located within the urban core however it is located within a commercial node.

**Policy 14:** Follow all annexation procedures established by Idaho State Statutes and applicable City ordinances.

Idaho State Statutes and City ordinances associated with annexations have been followed.

**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.

Annexation with residential zoning could allow for further housing types and price levels.

**Policy 24:** Plan for and protect transportation corridors from encroachment and preserve adequate rights-of-way for future corridors including utility facilities.

Additional rights-of-way along W. Prairie Avenue and N. Greensferry Road will be dedicated as part of the annexation agreement.

**Policy 27:** Work to improve street connectivity in all areas of Post Falls, improving

walkability, public health and safety, and transportation efficiency.

Existing multi-use paths and sidewalks will be extended as part of the development of this site.

**Policy 45:** Guide annexation decisions guided by and considering:

- Master plans for water, sewer, transportation, parks, schools and emergency services;

Compliance with associated master plans has been outline herein. Schools and emergency services have been notified of this request and have been given the chance to comment on the request.

- Provision of necessary rights-of-way and easements;

Dedication of additional rights-of-way and associated easements have been described as part of the annexation agreement.

- Studies that evaluate environmental and public service factors;

No know environmental studies have been conducted however Panhandle Health District and the Department of Environmental Quality have been notified of this request and have been given the chance to comment on the request.

- Timing that supports orderly development and/or coordinated extension of public services;

The recently annexed commercial property to the west could coordinate extension of public services associated with this annexation request.

- Comprehensive plan goals and policies.

The response to this is embedded within the analysis within this section.

**Policy 47:** On an ongoing basis, work to obtain water rights whenever possible through annexation, acquisition from landowners, or through application.

All water rights associated with the site will be relinquished to Ross Point Water District as part of the annexation agreement.

**Policy 71:** Promote the planting and protection of trees citywide, helping;

- Beautify and enhance community value;
- Provide shade and comfort;
- Affirm the city's association with the outdoors and its historic origins;
- Provide wildlife habitat.

Frontage improvements associated with the proposed development, including the planting of street trees and adequate irrigation, are required. Additionally, street trees, 1 per lot per frontage will be required with the associated residential subdivision. Lastly, parking lot trees within the limited commercial site will be required to meet the standard for shade as outline in the commercial performance standards of the Post Falls Municipal Code.

**Policy 72:** Support and participate in efforts to protect the high quality of water from the Rathdrum Prairie Aquifer, which provides the existing and future municipal water supply.

All development associated with this proposal will be connected to municipal wastewater systems will not utilize a septic system.

**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), and Greensferry Road, a minor arterial, which is designed to accommodate traffic volumes of 6,000 - 15,000 vehicles per day. In 2035 the projected volumes along this section of roadway are approximately 5,000 vehicles per day.

Prairie Avenue, a principal arterial, is designed to accommodate traffic volumes of 12,000 - 30,000 vehicles per day. In 2035 the projected volumes along this section of roadway are approximately 9,000 vehicles per day.

Future traffic patterns to and from this site are benefitted from the proximity to adjoining arterial roadways that would distribute traffic from the subject site to SH41, Poleline Avenue, as identified in the City's Transportation Master Plan. Access to the site would be restricted in conformance with City Standards to Greensferry Road and Prairie Avenue. Additional access restrictions exist along Prairie Avenue, in conformance with the KMPO Critical Arterial Corridor Policy.

The Commission finds that 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.

**Water and Sanitary Sewer:**

The Commission finds:

**Water:** Water service is provided by Ross Point Water District. The property requesting annexation and zoning is identified in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced main. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

**Sanitary Sewer:** Sanitary sewer currently exists at the southwest corner of the property and would need to be extended to Prairie Avenue at the time of site development. The City's Water Reclamation System has the capacity to provide service and the City is willing to serve to the property at the requested density. The proposed zoning is compatible with the land uses anticipated within the City's Water Reclamation Master Plan – Collections. Current capacity of the City's Water Reclamation System is not a guarantee of future service.

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

**Compatibility with Existing Development and Future Uses:**

The Commission finds that the proposed residential use is adjacent to other residential uses and is therefore compatible. Churches are permitted within residential zones, with approval of a special use permit, and therefore shows compatibility with the neighboring residential uses within the area.

**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 zoning is the most appropriate zone per the direction of the applicable Focus Area and the road classifications of Greensferry and Prairie Ave.

**Geographic/Natural Features:**

The site is located over the Rathdrum Prairie Aquifer and contains no other geographic or other natural features that would adversely affect development of the site.

The Commission finds that is important to consider what is an appropriate type of commercial use at a corner like this. Highway 41 is a huge commercial corridor and is a mile away and probably where people will go. Neighborhood commercial is where there are enough houses in the vicinity for someone to walk to a little convenience store. When you look at the size for the use, it would be a little office building or little commercial uses, 10 acres of commercial is too much, that is the size you would see a grocery store develop on. The Commission finds that this size parcel with the current development patterns supports Limited Commercial, and the 2 acres is probably the right size and creates a nice balance.

**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, and Greensferry Road is a minor arterial. The Commission finds that the higher road classification is in line with this review criteria and Limited Commercial at that corner is in the right place.

**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 the area is currently the edge of town, but will not be for long. The area is currently starting to develop as a commercial node and the limited commercial is far away from higher intensity urban activity. 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 the request is not for industrial and there are no industrial uses or industrial zoned properties within the area.

**D. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:**

**ANNX-0001-2022, 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 Medium Density Residential (R-2) and Limited Commercial (LC) on approximately nine (9) acres 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.**

**Morris Annexation  
File No. ANN-0013-2021**

**Planning and Zoning Commission  
Zoning Recommendation**

**A. INTRODUCTION:**

APPLICANT: Dobler Engineering – Gordon Dobler

LOCATION: Generally located approximately 500' due north of Prairie Ave. along the west side of Highway 41, near the northwest corner of the Highway 41 and Prairie Ave. intersection.

REQUEST: Zoning recommendation of Community Commercial Services (CCS) of approximately 12 acres AS DEPICTED IN EXHIBIT S-4.

**B. RECORD CREATED:**

1. A-1 Application
2. A-2 Narrative
3. A-3 Legal and Exhibit Map
4. A-5 Auth Letter
5. A-6 Title Report
6. A-8 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. PA-4 DEQ Comments
15. PC-1 Burns Comments
16. PZ Staff Report
17. Testimony at the April 12, 2022 Planning and Zoning Commission hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the April 12, 2022 public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. 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 Community Commercial Services (CCS) on 12 acres upon the annexation into the City of Post Falls. He explained that the general location is north of the intersection of Prairie and Highway 41 in the northwest corner.

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.

Mr. Manley testified that all the lands around this area in the city are zoned CCS therefore making the request consistent with the surrounding zoning and adjacent uses. He noted that to the west is the technology mixed zoning and farther to the south there is some mixed zoning. He noted that CCS is a common zoning district along Hwy 41. He stated that the Future Land Use Map designates the area as Business/Commercial and CCS is an implementing zoning district. He explained that the purpose of Business/Commercial is to provide a wide variety of general service, retail, professional office, light industrial, artisan manufacturing, and mixed uses to serve local regional residents as well as the traveling public. He argued that one may deduce that the proposal's location on Prairie and Hwy 41 would serve that purpose.

Mr. Manley testified that that this area is within the 41 North focus area, which provides for multi-family, commercial, and tech uses near higher classified roadways. He explained that Hwy 41 provides for 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 to the north and would aid in providing 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, and twelve are possibly relevant and applicable goals. He testified that policies one, two, three, and seven, as well as those in the staff report 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 Highway 41 and is adjacent to Prairie, Fennecus Rd., and Meyer Rd.

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 Highway 41 and Prairie is a higher intense urban activity area and they are not requesting limited or neighborhood commercial or lower density residential.

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

Mr. Manley testified that they could not request the Technology mixed zone as they do not have requisite minimum acreage and the applicant may explain why they chose CCS versus going for a CCM.

#### **Gordon Dobler, Dobler Engineering, Applicant**

Mr. Dobler testified that as to why the CCS versus CCM, stating that this property is owned by the abutting property owner Douglass that owns the whole Tech Park which is CCS so they are attempting to fold it into the Tech Park with the same kind of land use as the Tech Park. He explained that it is an integral part of the Tech Park. He indicated that is where all the transportation and infrastructure is coming from, it would need to come through this site to the Tech Park.

Mr. Dobler testified that it is surrounded by CCS, across the street is CCS, being developed by GVD Properties as a Commercial Center. As previously states, all around this property is Tech Park and they have already had a pre-app with staff on planning this whole tech part piece. He testified that the plan is to extend Charleville up and streets would access this parcel from the backside. He noted that in fact, there is some verbiage in the Development Agreement that says when that happens access to 41 would be eliminated. He reiterated that the intent is to integrate this with the surrounding Tech Park therefore the zoning is consistent certainly with the surrounding zonings and with the Tech Park.

Mr. Dobler testified that access ultimately will come from the Tech Park, right now there is an access off 41 that is being constructed with the 41 project however, in the Development Agreement, states that access will go away when future access is provided. He explained that they feel CCS is appropriate up against 41 because it conforms to the Highway 41 Plan etc. He testified that Water is Ross Point you have the will serve letter in the packet and this development is bringing water across the freeway and just a smidge north of this property. He went on to state that water will come up into the Tech Park so theoretically it would have access to water as soon as these improvements are constructed this summer. He testified that sewer will be brought in from the west side up through the Tech Park and the city is willing and able to provide sewer.

Mr. Dobler testified that when we had our pre-app with staff about the subdivision of the Tech Park there would be a requirement to extend a multi-use path down 41. So, he explained, as well as development of the Prairie Trail along the tracks, when they are vacated, on this side of 41. He stated that they have pedestrian connectivity on all those points for the project, and I think in short that that pretty much covers the points that staff has not.

**Public Testimony:**

The hearing was opened for public testimony.

**Bob Flowers**

Mr. Flowers testified he does not object to this piece, as it is a logical annexation. He objected to the CCS zoning and all these mentions of high density, in other words what is allowed in a CCS zone, and he has this bad feeling that if this piece of property gets annexed in and gets that zoning designation what guarantees do we have that it is just not going to become a giant apartment complex. He theorized that they are going to say they need it for employees of the Tech Park or district or whatever in other words we've seen it a thousand times, or not maybe a thousand, but we've seen CCS suddenly go into high density apartments and he thought before you grant them what they are asking for you should get some assurances. He thought they should provide something in writing, stating that is not going to happen with this piece of property because dumping a bunch more apartments along 41 especially right now is crazy as we have already overloaded it and I think before you jump into this you should get some assurances from the developer or the owner or both.

**Questions for Staff:**

**Jon Manley, Planning Manager.**

Mr. Manley, in response to a question from the Commission, stated that in the CCS zone to construct multi-family you need a Special Use Permit which is a separate Public Hearing that goes before the Commission. He explained that that issue that culminated the creation of some of our mixed zoning districts because it creates a container of control. He went on to clarify that with the mixed zoning district you have a Development Agreement and in that it allows a measure for the body to add caps or remove certain elements that would otherwise be permitted. With this request, the CCS you would do the Special Use Permit for any multi-family, which would be a separate public hearing.

**Field Herrington, Deputy City Attorney.**

Mr. Herrington clarified that single-family is not allowed at all, and duplexes, town homes, or any other multi-family requires the special use permit.

**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 Community Commercial Services (CCS) on 12 acres as part of the annexation into the City of Post Falls. The Future Land Use Map designates this area as Business/Commercial within the 41 North focus area.

The Commission finds that Community Commercial Service (CCS) zoning district is an implementing zoning district outright.

The proposed zone is in the 41 North Focus Area which states development trends along and adjacent to the HWY 41 corridor have been commercial in nature. With the improvement along HWY 41, future growth should continue this development pattern. HWY 41's role as a major north/south corridor may spur continued interest in commercial use development.

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.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation is one of the implementing zones the Business Commercial area allows, it is along an existing commercial corridor and fits in with the surrounding area. 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 zoning is consistent with the following goals and policies contained in the comprehensive plan:

**Goals:**

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

Creating a diverse community with a variety of different types of commercial activities assists creating live, work, play neighborhoods. The CCS zoning district states the following:

The Community Commercial Services (CCS): The CCS Zone supports uses that include retail sales or performance of consumer services and permits a variety of retail, professional, or service businesses, including some manufacturing, technical, or other professional uses. This zone is applied in areas primarily located near arterials and collector streets. Residential uses may be allowed within this zone at densities permitted by the High-Density Multi-Family Residential (R3) Zone

by special use permit when they will not compromise present uses. Lot area and building bulk and placement requirements shall agree with the values set forth in section [18.20.040](#), "Official Bulk And Placement Regulations Table", of this title.

**Goal 2:** Maintain and improve the provision of high-quality, affordable and efficient community services in Post Falls.

Commercial Corridors provide opportunities to create high-quality, affordable and efficient community services.

**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.

Placing Community Commercial Services at this location is an appropriate area for more intense commercial growth along the HWY 41 Principal Arterial.

**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 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.

**Policies:**

**Policy 1:** Support land use patterns that:

- Maintain or enhance community levels of service;  
Impact Fees are paid at the time of permit issuance to assist maintaining the community levels of service.
- Foster the long-term fiscal health of the community;  
Providing the opportunities for creating the variety of service, retail, and office in the Community Commercial Services (CCS) such as this proposal furthers the establishment of having residential housing near commercial 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;  
The proposed annexation is in the area that may provide amenities currently unavailable to existing and future residents in the vicinity.
- Promote compatible, well-designed development;  
Providing the opportunities for creating the variety of service, retail, and office in the Community Commercial Services (CCS) such as this proposal furthers the establishment of having residential housing near commercial uses to create sustainable and independent living communities
- Implement goals and policies of the comprehensive plan, related master plan and/or facility plans.  
The proposed Zoning request is in the 41 North Focus Area. The development trends along and adjacent to the HWY 41 Corridor have been commercial in nature. With the improvement along HWY 41, future growth should continue this development pattern. HWY 41's role as a major north/south corridor may spur continued interest in commercial use development.

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

- Future land use mapping;  
This is addressed by the first review criterion of this recommendation.
- Compatibility with the surrounding land uses;  
To the west and north is vacant Technology Mixed (TM) and other vacant Community Commercial Services (CCS) zoned undeveloped lands. To the east is vacant undeveloped Community Commercial Services (CCS) zoned lands. To the south is a commercial nursery with a residence operating in Kootenai County.
- Infrastructure and service plans;  
Ross Point Water District would provide water and the city of Post Falls would provide Sanitary Sewer. Sanitary sewer is not currently available to the site. The nearest connection point for the sanitary sewer is at the intersection of Prairie Avenue and Charleville Rd. The City of Post Falls has the capacity and is willing to serve the property at the requested zoning, subject to the limitations identified within the Development and Annexation Agreement related to the 12<sup>th</sup> Avenue Force Main Surcharge. Extensions of the City's sanitary sewer shall be in compliance with the current version of the Water Reclamation Master Plan.

- Existing and future traffic patterns;  
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.  
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.

The Community Commercial Services (CCS) zone is intended to accommodate commercial and possibly high-density residential development through a Special Use Permit being granted by the Planning and Zoning Commission. The proposal is located along the west side of HWY 41, which is a Principal Arterial. Development in the CCS zone provides an opportunity to provide residences in Post Falls to be situated within walking distance to commercial development and may provide suitably scaled daily needs services.

**Policy 4:** Encourage compact, pedestrian-oriented, mixed-use development patterns along the ID-41 corridor and in neighborhood and regional centers.

The Community Commercial Services (CCS) zone is intended to accommodate commercial and possibly high-density residential development through a Special Use Permit. Compact, pedestrian-oriented, mixed-use development patterns along the ID-41 corridor.

**Policy 5:** Encourage compact, pedestrian-oriented, mixed-use development patterns along the ID-41 corridor and in neighborhood and regional centers.

The CCS zone provides this opportunity as vertical mixed-use and commercial uses are a permitted development pattern. Multi-family may be allowed, but only by review and approval by the Planning and Zoning Commission.

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

The CCS zone in this area provides this opportunity.

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

Redevelopment of this area would be considered compatible infill and is currently under-utilized

**Policy 9:** Encourage annexation of County "islands" within the City, with priority given to areas:

- Surrounded by incorporated areas;  
This is true regarding this request
- That have readily available service infrastructure and capacity;  
An internal roadway system from the site to the future "backage road" system will need to be created and sanitary sewer extended to the property.
- That support increased development intensity near the urban core.  
At this point in time Post Falls is a Corridor Community. The Corridors are Seltice Way, Mullan Avenue, HWY 41, and I-90.

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

The HWY 41 Construction project is installing a multi-use trail along the east side of that corridor and will not be installing it on the west side. The multi-use trail along the west side will be completed incrementally through private develop along this corridor.

**Policy 27:** Work to improve street connectivity in all areas of Post Falls, improving walkability, public health and safety, and transportation efficiency.

The multi-use trail along the west side will be completed incrementally through private develop along this corridor.

**Policy 67:** Promote linking greenbelts, trails and open space areas with related features and destinations throughout the region.

The multi-use trail along the west side will be completed incrementally through private develop along this corridor. This multi-use trail will eventually connect into the Prairie Trail due north.

**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 area is adjacent to SH41 (Principal Arterial / State Highway), the highest road classification we have aside from the interstate. The requested zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan. Annexation at the requested zoning 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. Removal of the existing access to SH41 will be required at such time that access can be provided from the site to the backage road system identified in the City's Transportation Master Plan. The site would be subject to the access restrictions identified within the City's Transportation Master Plan, SH41 Corridor Master Plan and KMPO Critical Arterial Corridor Policy.

**Water and Sanitary Sewer:**

The Commission finds that water is provided by the Ross Point Water District and sanitary sewer would be provided by the city. The nearest connection point for sanitary sewer is at the intersection of Prairie Avenue / Charleville Road. The requested zoning is in conformance with the land use assumptions in the City's Sanitary Sewer Master Plan. The City of Post Falls has the capacity and is willing to provide sanitary sewer service the property at the requested zoning, subject to the limitations identified within the Development and Annexation Agreement and associated with the 12th Avenue Force Main Surcharge Area.

**Compatibility with Existing Development and Future Uses:**

To the west and north is vacant Technology Mixed (TM) and other vacant Community Commercial Services (CCS) zoned undeveloped lands. To the east is vacant undeveloped Community Commercial Services (CCS) zoned lands. To the south is commercial nursery with a residence operating in Kootenai County. As such, the Commission finds the proposal compatible with existing development and future uses.

**Future Land Use Designation:**

The Commission finds that the Future Land Use Map, depicts the land use designation for this area as Business/Commercial. The proposed CCS Zone is allowable per the direction of the HWY 41 Focus Area and the road classification of HWY 41 (Principal Arterial).

**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 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. HW-41 is classified as a Principal Arterial. Principal Arterials are intended to serve as primary routes for travel between major urban centers. These function in an analogous manner to Minor Arterials but generally carry higher traffic volumes from 12,000 to a maximum of 32,000 vehicles per day. Only three roadways are identified as Principal Arterials within Post Falls: Seltice Way, Prairie Avenue and ID-41.

**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 this criterion is not applicable to the request, the proposal is along higher classified roadways and is not for limited commercial or lower density residential, nor is any in the immediate area.

**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. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:**

**ANNX-0013-2021, 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 approve 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 12 acres of Community Commercial Services (CCS) 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.**

**CITY OF POST FALLS  
STAFF REPORT**

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**DATE:** May 6, 2022

**TO:** POST FALLS PLANNING AND ZONING COMMISSION

**FROM:** JON MANLEY, PLANNING MANAGER • [jmanley@postfallsidaho.org](mailto:jmanley@postfallsidaho.org) • 208-457-3344

**SUBJECT:** STAFF REPORT FOR THE MAY 10, 2022, P&Z COMMISSION MEETING  
JACKLIN-PRAIRIE ANNEXATION / ANNX-0012-2021

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**INTRODUCTION:**

The Planning and Zoning Commission reviews the zoning requested at the time an annexation is sought to determine if it is consistent with the adopted review criteria. The Commission provides a recommendation on zoning for the City Council's consideration if the Council determines that the property should be annexed. **The Planning and Zoning Commission does not make a decision or a recommendation on annexation.**

Jacklin Land Company LLLP has requested approval to annex approximately 89 acres into the City of Post Falls with a zoning designation Community Commercial Mixed (CCM). The Community Commercial Mixed (CCM) zoning district requires a development agreement be approved by City Council to guide development to be generally consistent with the Conceptual Plan (Exhibit A-8). 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. 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:** JACKLIN-PRAIRIE ANNEXATION / File No. ANNEX-0012-2021

**Owner(s):** Jacklin Land Company LLLP, 4752 W. Riverbend Ave., Post Falls, ID 83854

**Applicant:** Rand Wichman, 2992 E. Gotham Bay Rd., Harrison, ID 83833

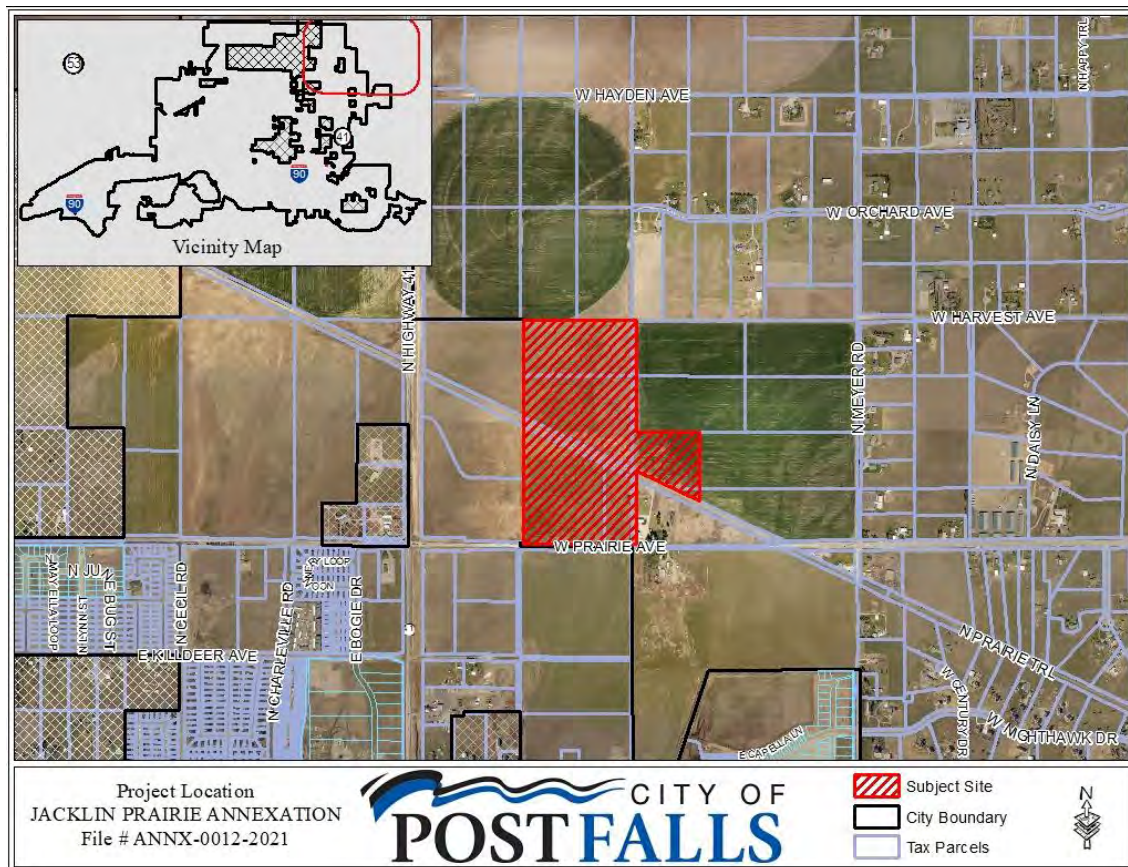
**Project Description:** The owner plans for a large commercial use on a portion of the site (approximately 30 acres of 78 acres), as well as a K-12 charter school (on approximately 11 acres). No residential uses are proposed for the site/annexation area.

**Project Location:** NE Corner of the future intersection of N. Zorros Rd. and W. Prairie Ave. and to the NW corner of the future intersection of N. Fennecus Rd. and W. Prairie Ave., north of the planned Foxtail Community.

**AREA CONTEXT (proposed site hatched red below):**

**Surrounding Land Uses:** Surrounding this property are mostly undeveloped lands either in Kootenai County or in the City of Post Falls. To west and in the city is a planned commercial development site with an approved commercial subdivision.

**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 addition commercial opportunities may assist creating a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health.

The Community Commercial Mixed (CCM) zone is intended to accommodate both commercial and high-density residential development at densities permitted by the high-density multi-family residential (R3) zone in a mixed-use development pattern. This zone should be applied in areas primarily located near arterials and collector streets to support commercial, residential, professional office, and civic uses that support an accessible work, live, and shop environment. Approval of the Community Commercial Mixed (CCM) zone requires a development agreement regulating the development site as provided in section [18.20.190](#) of this title.

- a. The CCM zone is appropriate for:
  - i. Areas designated Commercial, Commercial Mixed, Business Industrial, 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 CCM zone.
- b. Permitted Uses: Permitted and specially permitted uses in the CCM zone are listed in the land use table in Section 18.20.030 of this title. Multi-family residential uses may not exceed fifty percent (50%) of the total development site. Multi-family uses that are incorporated into vertical mixed-use buildings are excluded from this calculation.

→ Note: The Development Agreement proposed by applicant is for no residential uses to be allowed within the proposed Annexation Area.

**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: Creating addition commercial opportunities may assist creating a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health and in return 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 for additional Commercial Development upon development of the area may provide the necessary amenities to enhance resident quality of life by providing additional opportunities of commerce and education.

- Promote compatible, well-designed development;

Staff Comment: Creating addition commercial opportunities may assist facilitating this endeavor.

- 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 (Not allowed in DA-Exhibit S-4), 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.

**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: Surrounding this property are mostly undeveloped lands either in Kootenai County or in the City of Post Falls. To west and in the city is a planned commercial development site with an approved commercial subdivision.

- Infrastructure and service plans;

Staff Comment: Generally, the planned street infrastructure and service plans for the area would support the proposed zone change as it is consistent with the anticipated land uses and trip generations within the City's Transportation Master Plan.

#### **Road System Details:**

Fennecus Road is classified as Major Collector Roadway and the ½ Mile Backage Roadway to State Highway 41. Zorros Road and Harvest Avenue are classified as a Minor Collector Roadways. Zorros Road serves as a ¼ Backage Road to SH41. Harvest Avenue will provide connection, per the City's Transportation Master Plan, from the north/south roadways to SH41 with a future signalized intersection. The intersections of Zorros Road and Fennecus Road are planned to intersect Prairie Avenue with multi-lane roundabouts. Driveway access would be required to conform with City Standards that prohibit single family and duplex developments from having approaches that access onto roadways classified as collector or higher. Prairie Ave. would require more stringent access control, conforming with the KMPO Critical Arterial Corridor Policy.

The intersection of Prairie Avenue / Zorros Road is in preliminary development for the construction of a roundabout, associated with the Prairie Crossing Shopping Center (in development, immediately to the west). The City's master plan also identifies a future roundabout at the intersection of Prairie Avenue / Fennecus Road. The timing for construction of this future roundabout would be based upon traffic volumes.

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 12<sup>th</sup> Avenue Force Main and Meyer Alternative Line Surcharge Basins. The applicant has had a sewer study conducted that shows the flows can be rerouted to a different sewer service basin without negative impacts to the City's collection system. The rerouted sewer will not have any surcharges associated with the Meyer Alternative Basin. The property will be subject to the Surcharges for the 12<sup>th</sup> Avenue Force Main. Established surcharges 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).

- 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. Development would include the construction of identified roadway infrastructure within the City's Transportation Master Plan and the SH41 Corridor Master Plan (KMPO). Per the findings of local and regional

planning documents, provisions of these improvements will facilitate the efficient movement of commerce and vehicles.

- 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 proposed location for additional Commercial Development upon development of the area may provide the necessary amenities to enhance resident quality of life by providing additional opportunities of commerce and education as the planned future Prairie trail runs through this site.

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

Staff Comment: The CCM zone in this area may provide this opportunity. The SH41 backage road system encourages internal and local circulation parallel to SH41, preserving capacity for longer “regional” trips.

**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.**

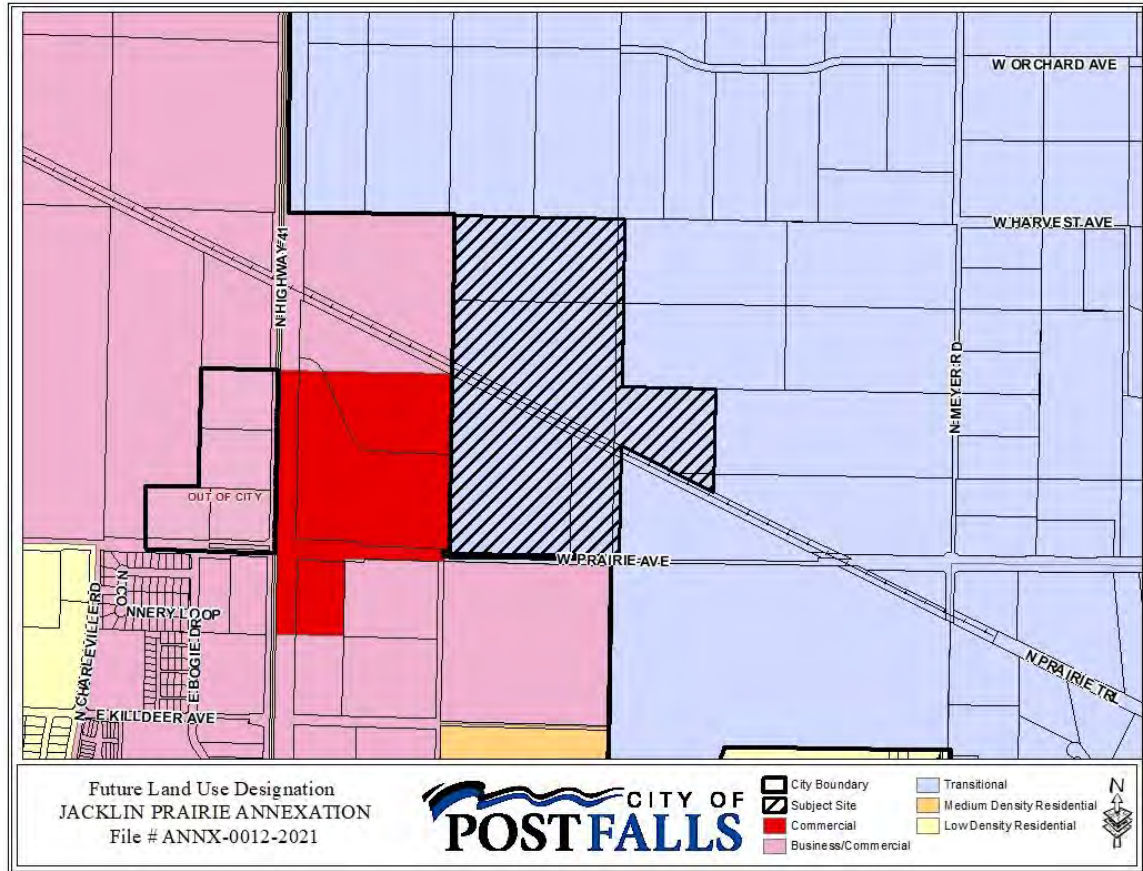
**Streets/Traffic:** The proposed Zone Change area is adjacent to Prairie Avenue (Principal Arterial), Fennecus Rd. (Major Collector), Zorros Rd. (Minor Collector) and Harvest Avenue (Minor Collector). The requested zoning is in conformance with the anticipated land uses and trip generations within the 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)

**Compatibility with Existing Development and Future Uses:**

Surrounding this property are mostly undeveloped lands either in Kootenai County or in the City of Post Falls. To west and in the city is a planned commercial development site with an approved commercial subdivision. 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 CCM Zone may be allowable per the direction of the HWY 41 Focus Area and the nearby road classifications. Prairie Avenue is a Principal Arterial and Fennecus Rd. is a Major Collector. Zorros Rd. and Harvest Ave. are classified as Minor Collectors.



**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. It is to be noted that this site is over the Rathdrum Aquifer.

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

Staff Comment: The proposed CCM zone is located along higher classified roadways. Prairie Avenue is a Principal Arterial and Fennecus Rd. is a Major Collector. Zorros Rd. and Harvest Ave. are classified as Minor 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 transitioning away towards the larger county lots to the northwest, and northeast.

**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 and Rescue (Exhibit PA-1)** – Comments on projects through the project review process.
- **Post Falls Police Department (Exhibit PA-2)** – Remains neutral
- **Post Falls Highway District (Exhibit PA-3)** – Requests the city to acquire 60' right-of-way dedication along Prairie Ave.
- **Idaho Department of Environmental Quality (Exhibit PA-4)** – Has no comments for this stage of the project.

**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-3	Exhibit Map
Exhibit A-4	Auth Letter
Exhibit A-5	Title Report
Exhibit A-7	Will Serve
Exhibit A-8	Concept

**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 PA-4	DEQ Comments
Exhibit PC-1	Beesley Comments
Exhibit PC-2	Burns Comments
Exhibit PC-3	Stucki Comments
Exhibit PC-4	Moore Comments
Exhibit PC-5	Sgantas 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

<b>STAFF USE ONLY</b>			
Date Submitted: <u>11-17-21</u>	Received by: <u>AS</u>	File # <u>ANNK-0012-2021</u>	
Application Fee <u>3,000</u>	Public Hearings: <u>\$600</u>	Mailing \$6* = <u>168</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\*\***

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: <i>Jacklin Land Company LLLP</i>		
MAILING ADDRESS: <i>4752 W Riverbend Ave.</i>		
CITY: <i>Post Falls</i>	STATE: <i>ID</i>	ZIP: <i>83854</i>
PHONE: <i>208 773 6745</i>	FAX:	EMAIL: <i>toms@riverbendcp.com</i>
APPLICANT OR CONSULTANT: <i>Rand Wichman</i>		STATUS: ENGINEER OTHER <input checked="" type="checkbox"/>
MAILING ADDRESS: <i>2992 E Gotham Bay Rd</i>		
CITY: <i>Harrison</i>	STATE: <i>ID</i>	ZIP: <i>83823</i>
PHONE: <i>208 689 6066</i>	FAX:	EMAIL: <i>randwplan@gmail.com</i>

**SITE INFORMATION:**

PROPERTY GENERAL LOCATION OR ADDRESS: <i>north of Prairie Ave, east of 41, west of Meyer</i>		
PROPERTY LEGAL DESCRIPTION (ATTACH OR DESCRIBE): <i>attached</i>		
TAX PARCEL #: <i>see narrative</i>	EXISTING ZONING: <i>County Agriculture</i>	ADJACENT ZONING: <i>CCS, P1, Agriculture</i>
	CURRENT LAND USE: <i>vacant</i>	ADJACENT LAND USE: <i>vacant</i>
DESCRIPTION OF PROJECT/REASON FOR REQUEST: <i>Zoning to CCM and annexation to facilitate construction of large commercial use and charter school</i>		

**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	Address	Phone
------	---------	-------

2992 E. Gotham Bay Rd 208 689 6066  
 Harrison ID 83833

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 17<sup>th</sup> DAY OF November 2021

  
Rand Wichman, Planning Consultant

**PART 4 – COMPLETED BY CITY STAFF**

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



**Jacklin Land Company LLLP  
Prairie Annexation  
Application Narrative  
November 17, 2021**

**Overview**

Jacklin Land Company LLLP (Jacklin) is requesting annexation of approximately 86 acres of property that it owns northeast of the City of Post Falls, together with one City-owned parcel. The property lies north of Prairie Avenue, west of Meyer Road, and south of the westward extension of W. Harvest Avenue. See the attached maps and descriptions for a more complete depiction of the proposed boundaries.

The property is composed of 6 parcels owned by Jacklin, two of which are only partially included in this request, and one City-owned parcel. The parcel numbers are as follows:

<u>Parcel No.</u>	<u>AIN</u>	<u>Acreage</u>
51N04W-19-4800	341883	19.3
51N04W-19-5200	124502	23.0
51N04W-19-6900	324740	25.9
51N04W-19-7100	341891	6.7
51N04W-19-9300 (part)	341884	10.6
51N04W-19-9500 (part)	341889	0.4
51N04W-19-5250 (City)	344635	<u>3.1</u>
Total:		89.0

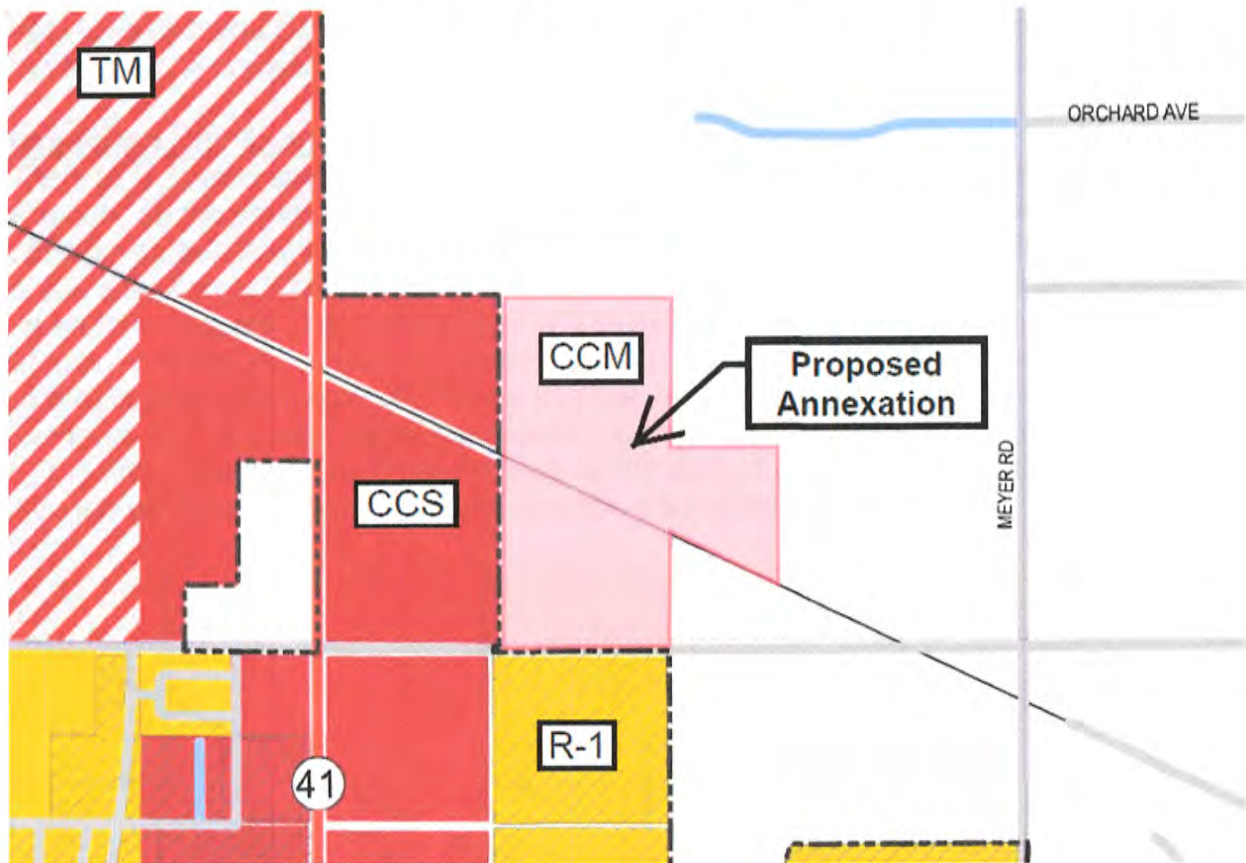
The property is vacant and currently used for agriculture. The abandoned railroad right of way crosses diagonally through this property. It was recently acquired by the City of Post Falls and is planned to be developed into a recreational trail.

**Proposed zoning**

The principal reason for the annexation is to facilitate construction of a large commercial use on a portion of the site (approximately 30 acres), as well as a K-12 charter school (on approximately 11 acres). No residential uses are proposed for the site and the owner will agree to a provision in the development agreement that prohibits residential development on the subject property.

Community Commercial Mixed (CCM) is proposed for the zoning on the property. As stated in the Post Falls Municipal Code, *"(t)he Community Commercial Mixed (CCM) zone is intended to accommodate both commercial and high-density residential development at densities permitted by the high-density multi-family residential (R3) zone in a mixed-use development pattern. This zone should be applied in areas*

primarily located near arterials and collector streets to support commercial, residential, professional office, and civic uses that support an accessible work, live, and shop environment. Approval of the Community Commercial Mixed (CCM) zone requires a development agreement regulating the development site as provided in section 18.20.190 of this title.” The CCM zone allows for the specific uses that have been proposed for the property, while imposing greater restrictions on manufacturing / industrial uses than the CCS zone. With the restriction on residential development that will be included in the development agreement, CCM is the best fit for the property.



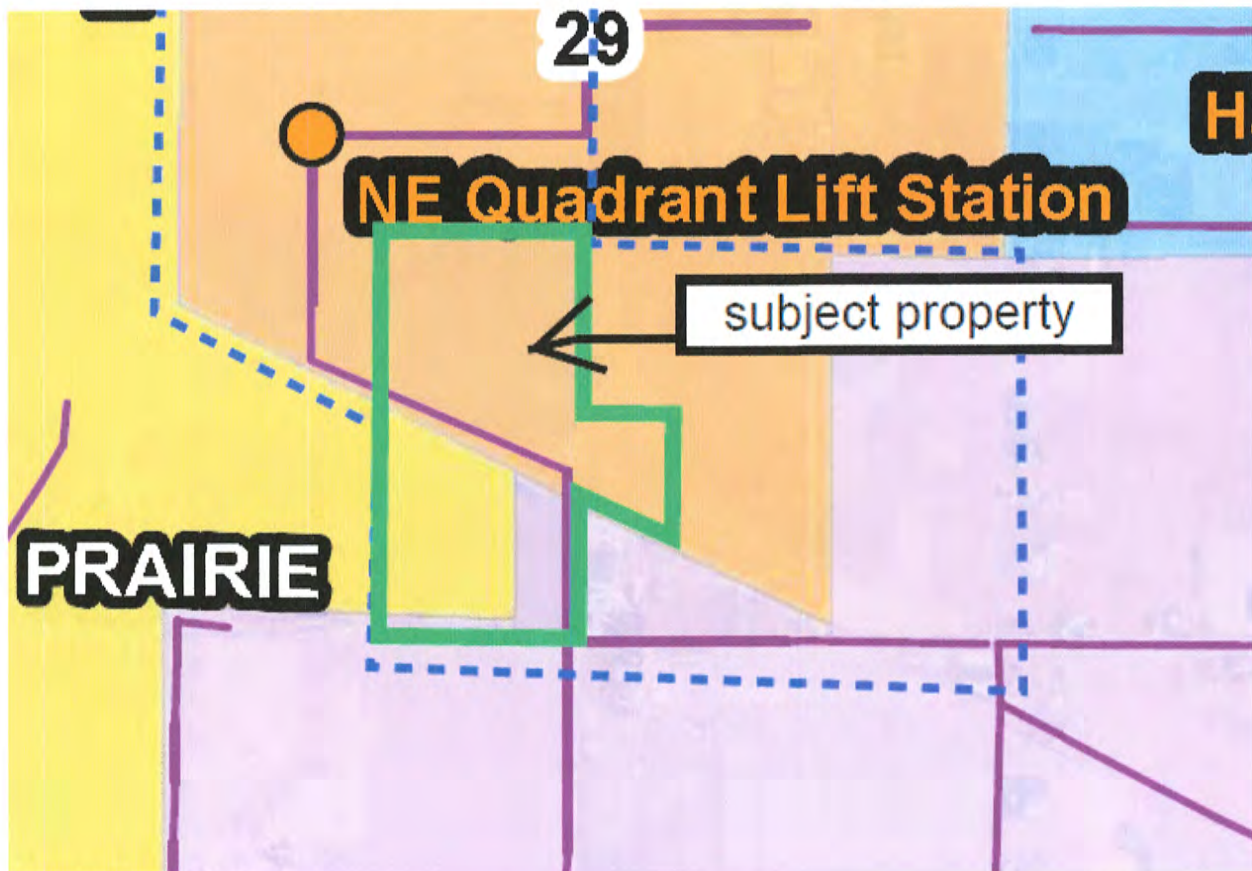
Zoning map

The code also states:

*“The CCM zone is appropriate for:*

- i. Areas designated Commercial, Commercial Mixed, Business Industrial, 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 CCM zone.”*

Wastewater services will be provided by the City of Post Falls. The subject property has been included in City's sewer master plan and portions of the site fall into 3 separate sewer basins, as identified in the plan. The City's consultant has been engaged to evaluate whether adjustments can be made to the plan to serve the entire subject property with gravity sewer in a single basin.



*Sewer basin map*

Potable and fire flow water will be provided to the site by the Ross Point Water District. Annexation of the property into the District is in process and a will serve letter is forthcoming.

### **Comprehensive Plan**

As mentioned above, the property is in the Transitional designation on the future land use map, and in the "41 North" focus area.

The Plan states that the Transitional designation is assigned to lands suitable for growth. Regarding the zoning which is appropriate for this designation, the plan directs that zoning should be compatible with adjacent zones/uses within the City and



consistent with the guiding principles within the associated focus area.

Turning to the “41 North” focus area, it is described as follows:

*“The 2016 Highway 41 Corridor Master Plan calls for the creation of “collector” and “backage roads” parallel to 41 to aid the corridor’s suitability for mixed-use development. These, the plan envisions, will allow regional retail, residential and service uses to coexist, reducing reliance on large parking lots with direct access to highway lanes and easing the transition between the highway and lower-intensity residential development expected to occur to the east and west.”*

The annexation and development of this property will help implement this plan by constructing the collector and backage roads through the project.

The Plan also includes “key policies” for the focus area, which are listed as:

- *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 “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.*

The proposed annexation and zoning also serve to implement these policies. The commercial uses within this development will be near the arterial roadways of Prairie Avenue and Highway 41. The Prairie Trail runs through the subject property and connectivity to the trail will be an important part of future development of the site.

With regard to the Coeur d’Alene Airport Master Plan, this particular property is partially within the “Airport Influence Area” as described in the Airport Master Plan. It is not within any of the safety zones, protection zones, or critical zones described in the plan. The Airport Master Plan does not prescribe any special restrictions for this property.

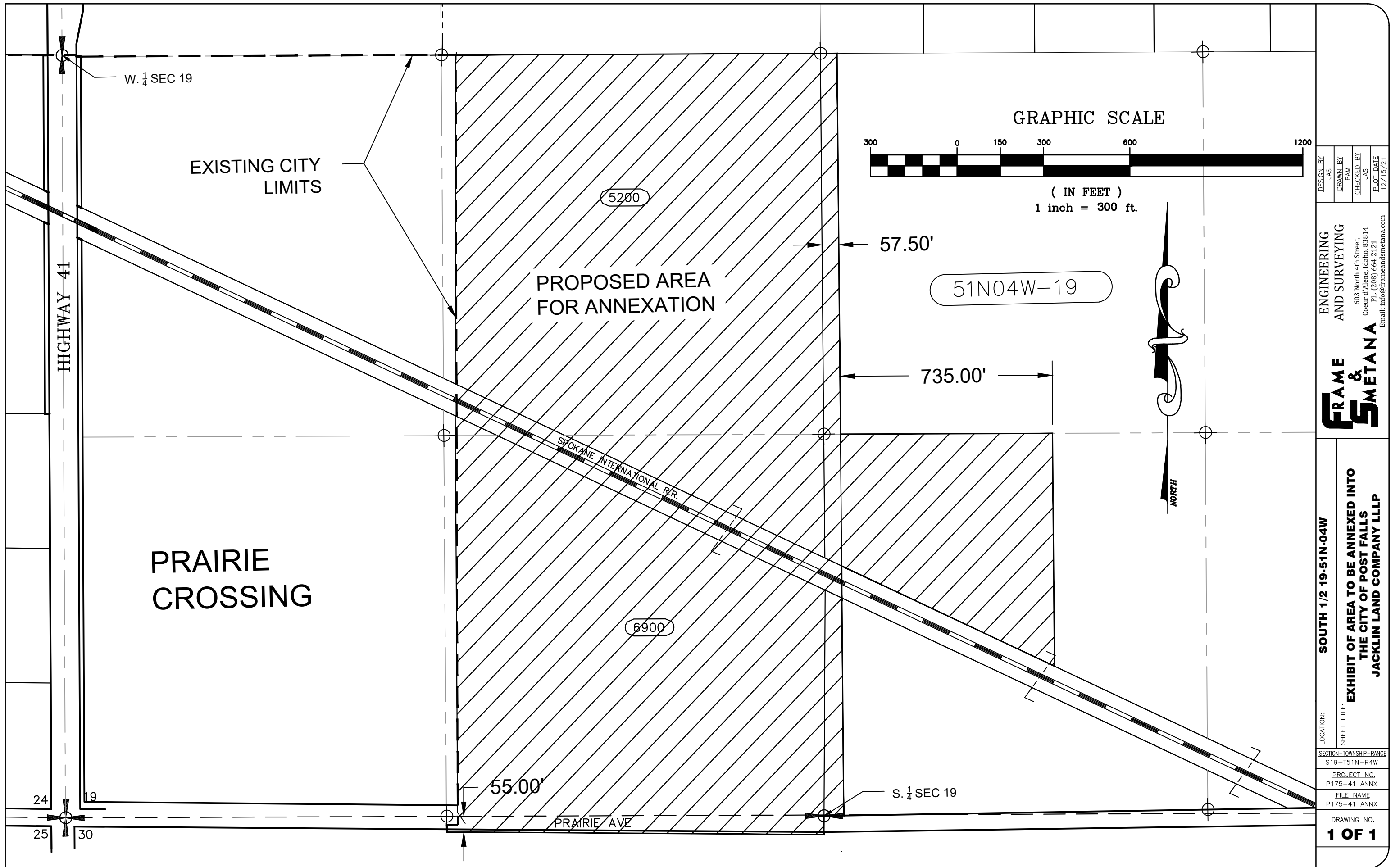
The proposal will create the “backage road” system within the boundaries of the property. Commercial uses will be within close proximity to the arterial roadways and collector streets.

In summary, the proposal is well-supported by the “Transitional” Comprehensive Plan designation and the key policies of the “41 North” focus area.

### **Conclusion**

The proposal is consistent with the numerous master plans that address land use and

infrastructure development within the City and implements the vision of those plans. The annexation will allow for the creation of a high-quality development containing uses that will be of great benefit to the City and its residents.



W. 1/4 SEC 19

EXISTING CITY LIMITS

HIGHWAY 41

5200

PROPOSED AREA FOR ANNEXATION

51N04W-19

57.50'

735.00'

PRAIRIE CROSSING

SPOKANE INTERNATIONAL R.R.

6900

55.00'

PRAIRIE AVE

S. 1/4 SEC 19

GRAPHIC SCALE



( IN FEET )  
1 inch = 300 ft.



DESIGN BY  
JAS  
DRAWN BY  
BAM  
CHECKED BY  
JAS  
PLOT DATE  
12/15/21

ENGINEERING  
AND SURVEYING  
**FRAME & SMETANA**  
603 North 4th Street,  
Coeur d'Alene, Idaho, 83814  
Ph: (208) 664-2121  
Email: info@frameandsmetana.com

LOCATION:  
**SOUTH 1/2 19-51N-04W**  
SHEET TITLE:  
**EXHIBIT OF AREA TO BE ANNEXED INTO  
THE CITY OF POST FALLS  
JACKLIN LAND COMPANY LLLP**

SECTION-TOWNSHIP-RANGE  
S19-T51N-R4W

PROJECT NO.  
P175-41 ANNEX

FILE NAME  
P175-41 ANNEX

DRAWING NO.  
**1 OF 1**



4752 W. Riverbend Avenue • Post Falls, ID 83854 (208) 773-6745 • Fax (208) 777-4080

November 9, 2021

City of Post Falls, Planning Division  
408 N. Spokane Street  
Post Falls, ID 83854

**RE: AUTHORIZATION FOR LAND USE APPLICATIONS**

To Whom It May Concern:

Jacklin Land Company, LLLP is the owner of numerous parcels identified as Assessor's Parcel Nos. 51N04W-19-4800, -5200, -6900, -7100, -7300, -7500, -7800, -8100, -8900, -9300, and -9500.

As a Manager of this LLLP, I hereby authorize Rand Wichman and Rand Wichman Planning, LLC to act as the authorized agent for the purpose of representing the owner on land use issues related to the property.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tag Jacklin", written over a horizontal line.

Tag Jacklin, Manager

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

Commitment No.: 416616

**SCHEDULE A**

Escrow Officer: -

Title Officer: Sam Johnson - sam@kootenaititle.com

1. Commitment Date: November 9, 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
	<b>Total:</b>	<b>\$215.00</b>

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:

**Jacklin Land Company, LLLP, an Idaho Limited Liability Limited Partnership**


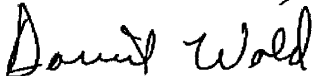
5. The Land is described as follows:

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**

All of the following Requirements must be met:

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 address to be associated with the Land described herein:  
  
NNA  
Post Falls, ID 83854

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# OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

## 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: \$93.18, due and payable  
2nd Installment: \$93.18, payable but not yet due  
Parcel No.: 51N04W194800  
AIN No.: 341883  
Parcel 1  
  
1st Installment: \$110.49, due and payable  
2nd Installment: \$110.49, payable but not yet due

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## OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Parcel No.: 51N04W195200  
AIN No.: 124502  
Parcel 2

1st Installment: \$120.86, due and payable  
2nd Installment: \$120.85, payable but not yet due  
Parcel No.: 51N04W196900  
AIN No.: 324740  
Parcel 3

1st Installment: \$33.26, due and payable  
2nd Installment: \$33.26, payable but not yet due  
Parcel No.: 51N04W197100  
AIN No.: 341891  
Parcel 4

1st Installment: \$182.07, due and payable  
2nd Installment: \$182.07, payable but not yet due  
Parcel No.: 51N04W199300  
AIN No.: 341884  
Parcel 5

1st Installment: \$100.21, due and payable  
2nd Installment: \$100.20, payable but not yet due  
Parcel No.: 51N04W199500  
AIN No.: 341889  
Parcel 6

8. The lien for any taxes deferred by virtue of the designation of the insured land or any portion thereof as forest lands as provided by Section 63-1701 et. seq., of the Idaho Code
9. Assessments of Ross Point Water District.
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: July 5, 1978  
Instrument No.: [Book 292 of Deeds at Page 335](#), records of Kootenai County, Idaho.
11. An easement for the purpose shown below and rights incidental thereto as reserved in a document  
Purpose: Ditches and canals  
Recorded: April 20, 1993  
Instrument No.: [1301166](#), records of Kootenai County, Idaho.
12. Any rights, interests, claims or other adverse matters which may exist or arise by reason of facts

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## OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

shown on Record of Survey recorded October 9, 2007 in [Book 25 of Surveys at Page 210](#), records of Kootenai County, Idaho, including without limitation those described as follows:

- A. Discrepancies between the bearings, measurements and locations of record and those shown on said survey.
  - B. Prairie Ave and 100' Railroad rights of way and the location(s) thereof
13. Quitclaim Deed conveying the water rights associated with the Land  
Grantee: Ross Point Water District  
Recorded: January 7, 2010  
Instrument No.: [2248381000](#), records of Kootenai County, Idaho.
14. Order annexing property into Ross Point Water District and Agreement(s) to Conditions for Annexation attached thereto, including the terms, conditions, covenants, provisions set forth therein  
Recorded: May 5, 2010  
Instrument No.: [2264132000](#), records of Kootenai County, Idaho.
15. Any rights, interests, claims or other adverse matters which may exist or arise by reason of facts shown on Record of Survey recorded May 31, 2013 in [Book 27 of Surveys at Page 407](#), records of Kootenai County, Idaho, including without limitation those described as follows:
- A. Discrepancies between the bearings, measurements and locations of record and those shown on said survey.
  - B. Prairie Ave and Spokane International RR rights of way and the location(s) thereof
16. Any rights, interests, claims or other adverse matters which may exist or arise by reason of facts shown on Record of Survey recorded May 22, 2014, in [Book 28 of Surveys at Page 130](#), records of Kootenai County, Idaho, including without limitation those described as follows:
- A. Prairie Avenue and Meyer Road rights of way and the location(s) thereof
17. Easements for and right, title and interest of the public in and to the public road right of way commonly known as Prairie Avenue, including utilities lying therein or adjacent thereto, over the southern portion of the Land.
18. Easements for and right, title and interest of the public in and to the public road right of way commonly known as Meyer Road, including utilities lying therein or adjacent thereto, over the eastern portion of the Land.
19. Right, title and interest of Jacklin Land Company, an Idaho Partnership, as to Parcels 5 and 6

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**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

**END OF SCHEDULE B**

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**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
**SCHEDULE C**

The Land is described as follows:

Parcel 1:

The North Half of the Northeast Quarter of the Southwest Quarter of Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, State of Idaho.

Excepting any portion that lies within that portion of the Southwest Quarter of Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho described as follows:

Beginning at the West quarter corner of said Section 19, from which the Southwest corner of said section bears South 01°01'59" West, a distance of 2,640.05 feet; thence

South 88°55'52" East along the north line of said Southwest Quarter, a distance of 1,356.21 feet; thence

South 00°59'01" West, a distance of 1,189.76 feet, more or less, to the centerline of the Spokane International Railroad; thence

North 63°38'33" West along said centerline, a distance of 1,501.52 feet, more or less, to a point on the west line of said Southwest Quarter; thence

North 01°01'59" East along said west line, a distance of 548.34 feet, more or less, to the Point of Beginning.

Parcel 2:

That portion of the South Half of the Northeast Quarter of the Southwest Quarter and that portion of the Southeast Quarter of the Southwest Quarter in Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, State of Idaho, located North of that certain 100 foot strip conveyed to the Coeur d'Alene and Pend d'Oreille Railway Company by Deed recorded August 11, 1910, in Book 40 of Deeds, Page 262, records of Kootenai County, Idaho.

Excepting any portion that lies within that portion of the Southwest Quarter of Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho described as follows:

Beginning at the West quarter corner of said Section 19, from which the Southwest corner of said section bears South 01°01'59" West, a distance of 2,640.05 feet; thence

South 88°55'52" East along the north line of said Southwest Quarter, a distance of 1,356.21 feet; thence

South 00°59'01" West, a distance of 1,189.76 feet, more or less, to the centerline of the Spokane International Railroad; thence

North 63°38'33" West along said centerline, a distance of 1,501.52 feet, more or less, to a point on the west line of said Southwest Quarter; thence

North 01°01'59" East along said west line, a distance of 548.34 feet, more or less, to the Point of Beginning.

Parcel 3:

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## OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

The West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, lying South of the Spokane International Railroad right of way.

Together with the West Half of the Northeast Quarter of the Southwest Quarter lying South of the Spokane International Railroad right of way and the West Half of the Southeast Quarter of the Southwest Quarter also lying South of the Spokane International Railroad right of way, all in Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

Excepting therefrom any portion that lies within the following:

A parcel of land being a portion of the East half of the Southwest Quarter and a portion of Government Lot 3 and 4, lying in Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho and more particularly described as follows:

Commencing at the Southwest corner of said Section 19, marked by a rail road spike in monument case, from which the South Quarter corner of said Section 19, bears South 88°29'45" East a distance of 2633.37 feet;

Thence North 60°04'25" East a distance of 57.53 feet to the intersection of the existing North right-of-way line of Prairie Avenue and the existing East right-of-way line of State Highway 41, said point being the True Point of Beginning for this description;

Thence, along said existing east right-of-way line of State Highway 41, North 01°01'17" East a distance of 1983.37 feet to the intersection of the south railroad right-of-way line;

Thence, along said South right-of-way line, South 63°38'33" East a distance of 1447.31 feet to a point;

Thence, leaving said right-of-way line, South 00°59'01" West a distance of 1375.06 feet to a point on the existing North right-of-way line of Prairie Avenue;

Thence, along said North right-of-way line, North 88°29'45" West a distance of 1309.05 feet to the True Point of Beginning.

Parcel 4:

The East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, lying South of the Spokane International Railroad right of way.

Parcel 5:

That portion of the North Half of the South Half of the Southeast Quarter of Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, State of Idaho, located North of that certain 100 foot strip conveyed to the Coeur d'Alene and Pend d'Oreille Railway Company by Deed recorded May 24, 1910, in Book 37 of Deeds, Page 411, records of Kootenai County, Idaho.

Parcel 6:

That portion of the South Half of the South Half of the Southeast Quarter of Section 19, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, State of Idaho, located North of that certain 100 foot strip conveyed to

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## OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

the Coeur d'Alene and Pend d'Oreille Railway Company by Deed recorded May 24, 1910, in Book 37 of Deeds, Page 411, records of Kootenai County, Idaho.

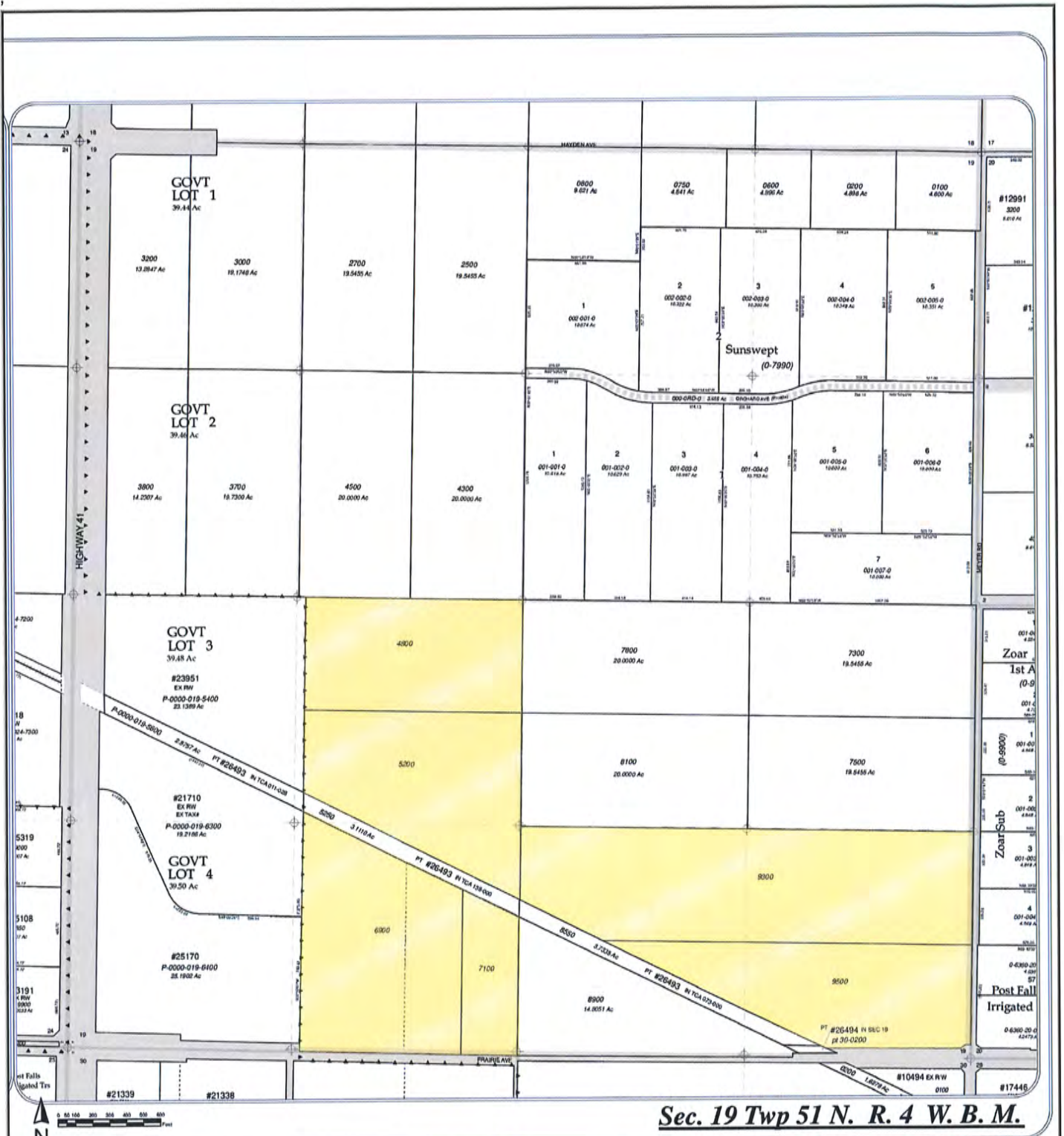
Except that portion conveyed to Post Falls Highway District by Right of Way Deed recorded November 26, 2012 as Instrument No. 2385292000, records of Kootenai County, Idaho.

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***Sec. 19 Twp 51 N. R. 4 W. B. M.***



1450 Northwest Blvd Ste 200 Coeur d'Alene, ID 83814  
 Phone: (208)667-9431 Fax: (208)208-666-0410

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.

# ROSS POINT WATER DISTRICT

December 9, 2021

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

RE: APPROX 227.7253 ACRES – SEE ATTACHED LEGAL DESCRIPTION

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 Jacklin Land Company LLLP acres, conditioned upon the developer completing off-site improvements, if any.

Additional requirements include:

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

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  
Gordon Dobler, Frame & Smetana



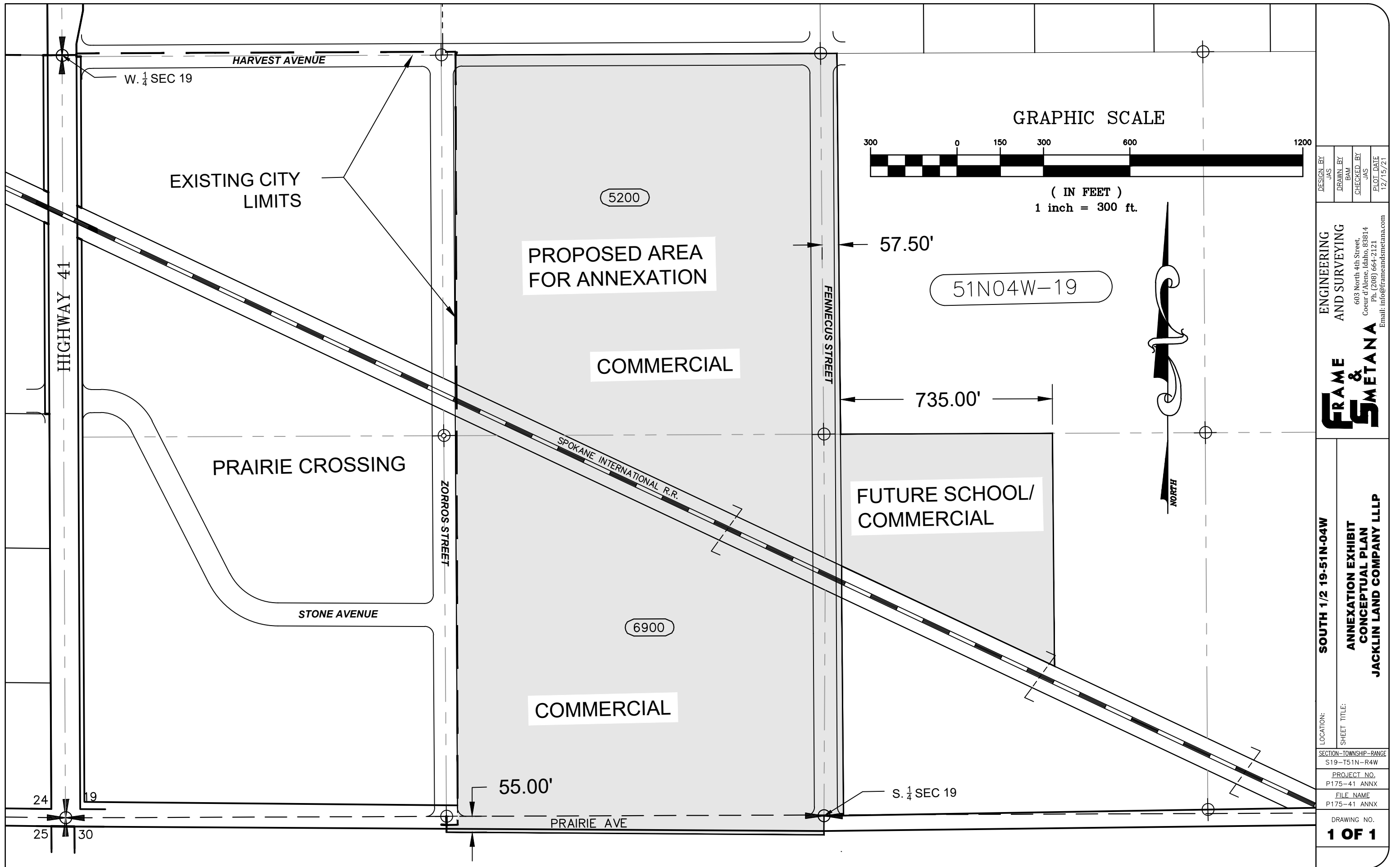
**JACKLIN LAND COMPANY, L.L.L.P.**  
**ROSS POINT WATER DISTRICT ANNEXATION REQUEST**  
**LEGAL DESCRIPTION**

THE SOUTH HALF OF SECTION 19, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE  
MERIDIAN, KOOTENAI COUNTY, STATE OF IDAHO.

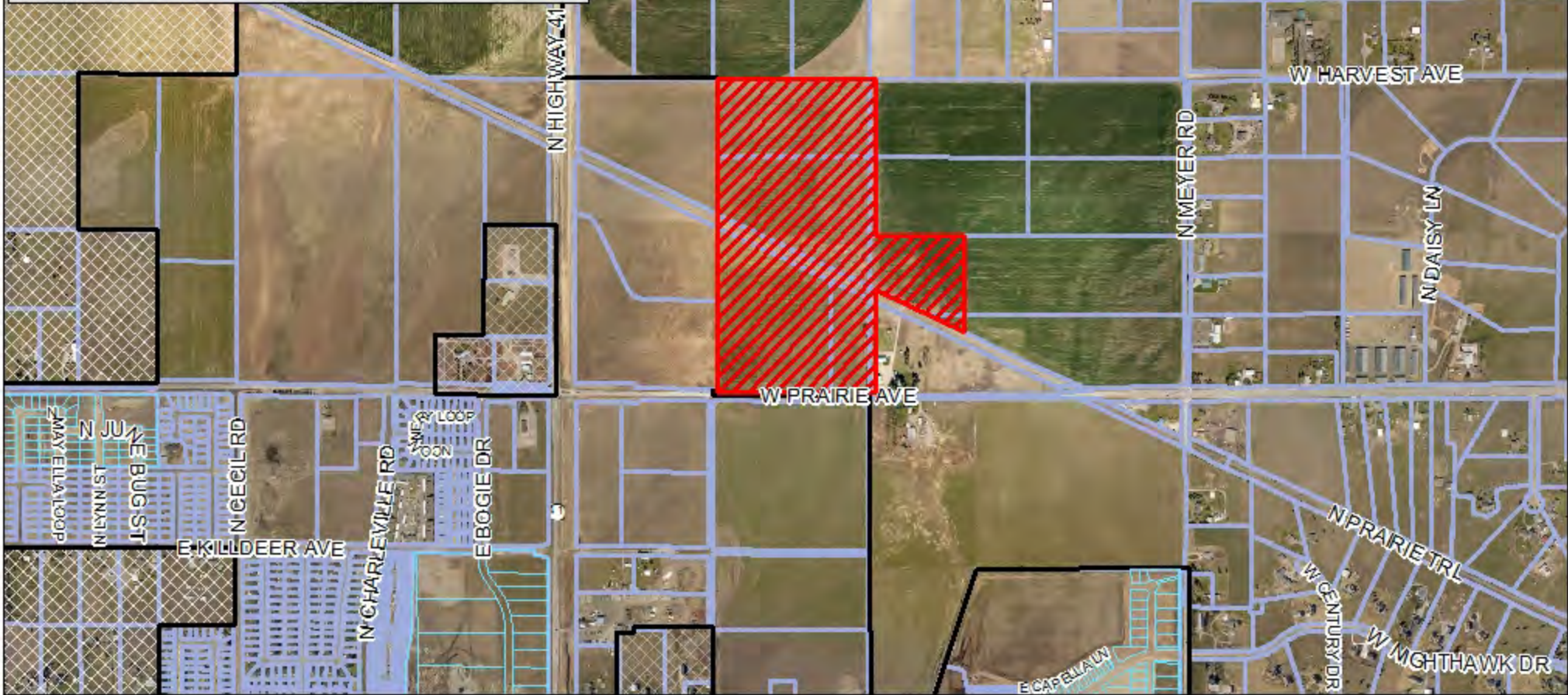
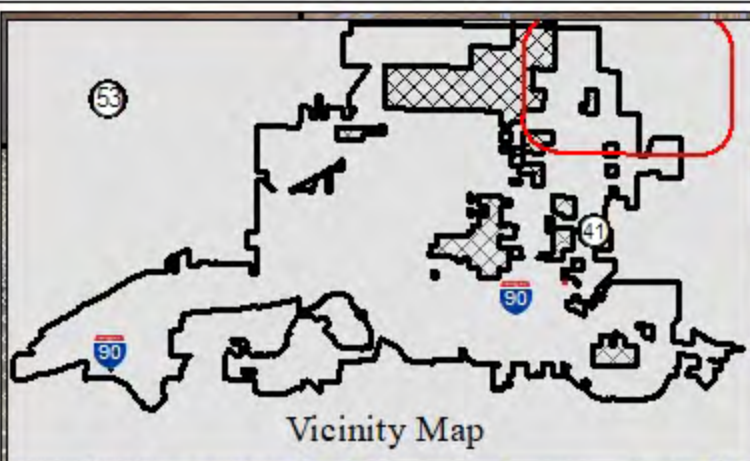
EXCEPTING THEREFROM ANY PORTION PREVIOUSLY ANNEXED INTO THE ROSS  
POINT WATER DISTRICT.

EXCEPTING THEREFROM PORTIONS OF THE VACATED RAILROAD RIGHT OF WAY  
IDENTIFIED AS PARCELS 51N04W-19-5250, 51N04W-19-8550, AND 51N04W-30-0200








DESIGN BY JAS	DRAWN BY BAM	CHECKED BY JAS	PLOT DATE 12/15/21
ENGINEERING AND SURVEYING			
<b>FRAME &amp; SMETANA</b> 603 North 4th Street, Coeur d'Alene, Idaho, 83814 Ph. (208) 664-2121 Email: info@frameandsmetana.com			
LOCATION: SOUTH 1/2 19-51N-04W			
SHEET TITLE: ANNEXATION EXHIBIT CONCEPTUAL PLAN JACKLIN LAND COMPANY LLLP			
SECTION-TOWNSHIP-RANGE S19-T51N-R4W			
PROJECT NO. P175-41 ANNEX			
FILE NAME P175-41 ANNEX			
DRAWING NO. <b>1 OF 1</b>			

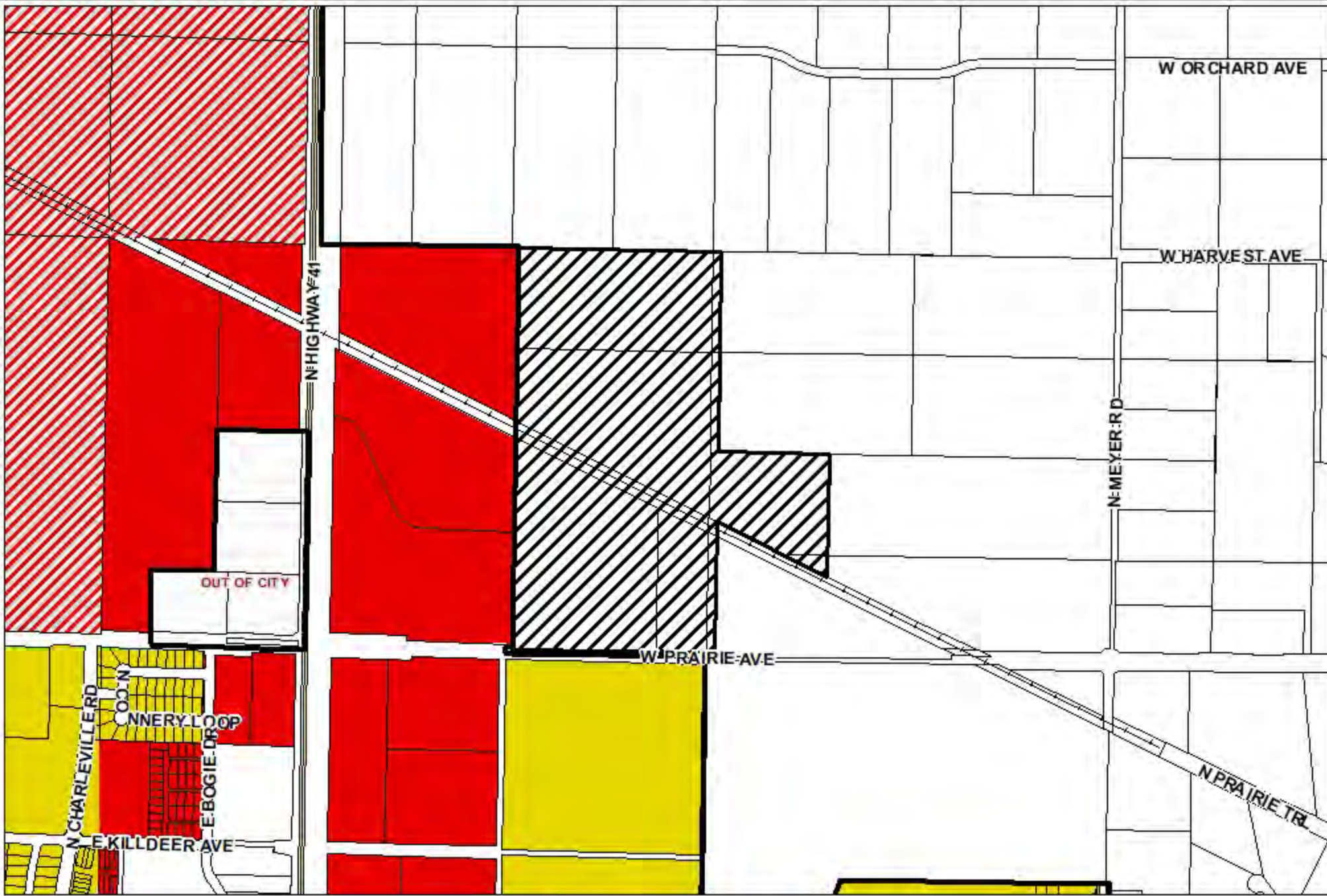


Project Location  
 JACKLIN PRAIRIE ANNEXATION  
 File # ANNX-0012-2021








-  Subject Site
-  City Boundary
-  Tax Parcels



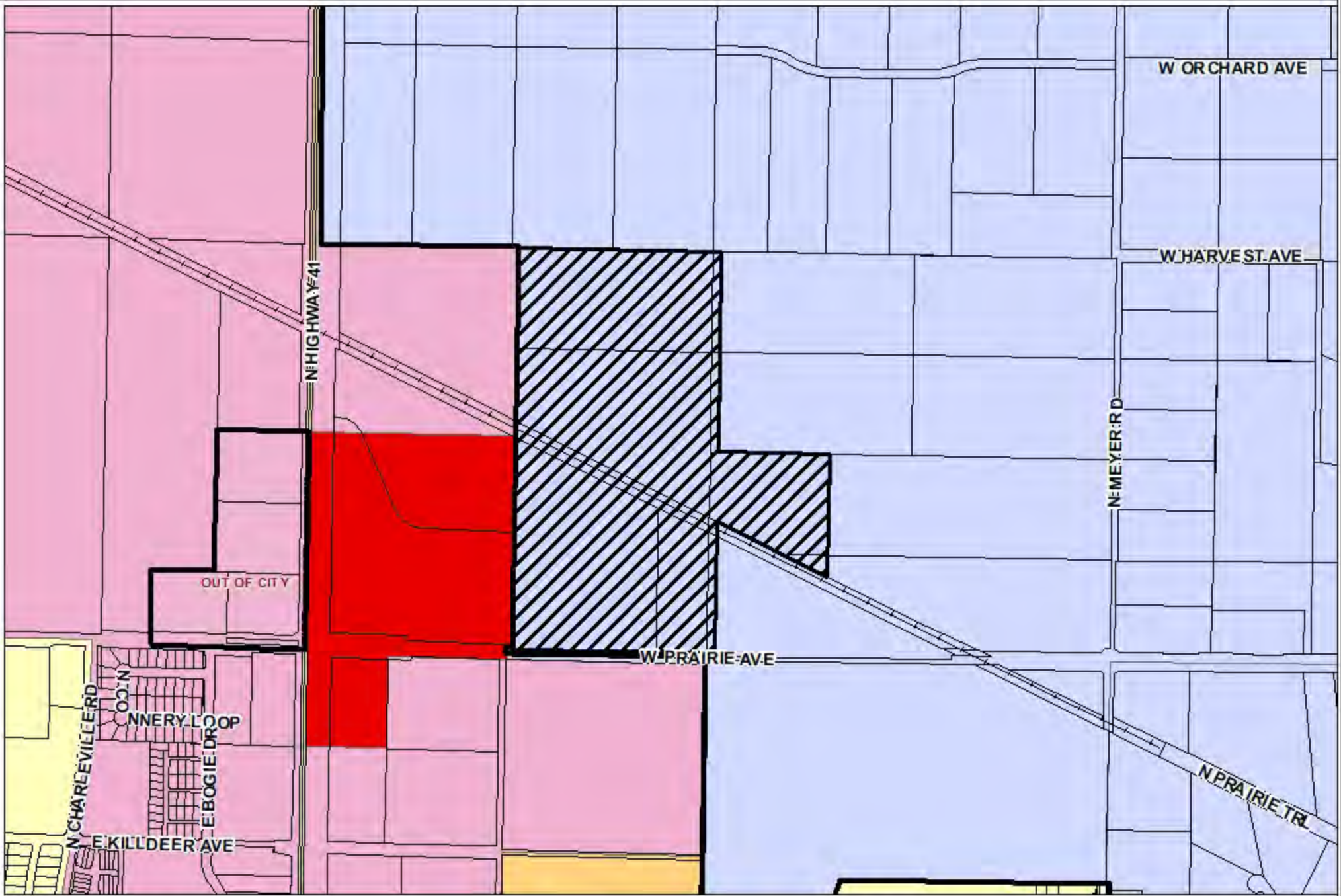


Zoning Map  
 JACKLIN PRAIRIE ANNEXATION  
 File # ANNX-0012-2021



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





Future Land Use Designation  
 JACKLIN PRAIRIE ANNEXATION  
 File # ANNX-0012-2021



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



**DEVELOPMENT AND ANNEXATION AGREEMENT**  
**JACKLIN PRAIRIE**  
**(File No. ANN-0012-2021)**

THIS AGREEMENT is made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the **City of Post Falls**, a municipal corporation organized and existing pursuant to the laws of the State of Idaho, with its principal place of business at 408 N. Spokane Street, Post Falls, ID, and **Jacklin Land Company LLLP, an Idaho Limited Liability Limited Partnership**, with its principal place of business at 4752 W. Riverbend Ave. Post Falls, ID 83854.

WHEREAS, Jacklin Land Company LLLP (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 Community Commercial Mixed (CCM) 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 north of Prairie Avenue, between Highway 41 and Meyer Ave; 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 temporary water service from any lawful source whether public or private beginning 90 days after the date that the Owner requested water service from each public water supply system that has legal

authority to serve the Property. Upon public water service becoming available to the Property, Owner will disconnect from the temporary service and connect to the public water service.

3.1.1. Water Rights: Prior to commencement of development of the Property, Owner agrees to grant, 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 12<sup>th</sup> Avenue Force Main and Meyer Alternative Line Surcharge Basins. The owner has requested and conducted a sewer analysis, in conjunction with the City, to evaluate the ability of the property to be removed from the Meyer Alternative Line Surcharge Basin. Changing of the subject property from the Meyer Alternative Line Surcharge Basin to the SH41 Corridor is an acceptable solution. The owner acknowledges and agrees to pay the sewer surcharges established for the 12<sup>th</sup> Avenue Force Main that has been established to fund the downstream collection system infrastructure needed to provide permanent sewer service to the Property. The surcharge is based on supplementing the City's existing sewer infrastructure to meet anticipated buildout 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). The surcharge is currently established at \$2,918.73 per service unit for the 12<sup>th</sup> Avenue Force Main. Owner agrees to pay the surcharge 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 12<sup>th</sup> Avenue Force Main Surcharge is based on the need to provide a force main from the 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 unless otherwise stated below:
  - 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 Zorros Road for utilities, sidewalks, and stormwater drainage. Easement dedication will occur concurrently with the Zorros Road rights-of-way dedication.
- 4.1.4. By grant of right-of-way in a form acceptable to the City, Owner will dedicate rights-of-way for Zorros Road based on an 80-foot width right of way generally centered on the quarter-quarter section line along the property's western boundary. The Owner may adjust the alignment, in a manner acceptable to the City, to allow meandering for aesthetic reasons. Right of way will be dedicated at the time of application for building permit or land development.
- 4.1.5. 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. Easement dedication will occur concurrently with the Fennecus Road rights-of-way dedication.
- 4.1.6. By grant of right-of-way in a form acceptable to the City, Owner will dedicate rights-of-way for Fennecus Road based on an 85-foot width right of way generally centered on the center of section line along the property's eastern boundary. The Owner may adjust the alignment, in a manner acceptable to the City, to allow meandering for aesthetic reasons. Right of way will be dedicated at the time of application for building permit or land development.
- 4.1.8. By grant of easement in a form acceptable to the City, Owner will grant a 10-foot wide easement along the south side of Harvest Avenue Street for utilities, sidewalks, and stormwater drainage. Easement dedication will occur concurrently with the Harvest Avenue rights-of-way dedication.
- 4.1.9. By grant of right-of-way in a form acceptable to the City, Owner will dedicate rights-of-way for the future Harvest Avenue, being a half road right-of-way width of 40 feet, measured from the north line of the Southwest quarter of the underlying Section. The Owner may adjust the alignment, in a manner acceptable to the City, to allow meandering for aesthetic reasons. Right of way will be dedicated at the time of application for building permit or land development.
- 4.1.10. By grant of right-of-way in a form acceptable to the City, Owner will dedicate additional rights-of-way at the intersection of Prairie Avenue / Fennecus Road for the accommodation of a multi-lane roundabout. Right-of-way dedication will be based on preliminary layout of the Prairie Avenue / Zorros Road Roundabout being developed for the property immediately to the west.
- 4.1.11. By grant of right-of-way in a form acceptable to the City, Owner will dedicate additional rights-of-way at the intersection of Prairie Avenue / Zorros Road for the accommodation of a multi-lane roundabout. Right-of-way dedication will be based on the preliminary layout of the Prairie Avenue / Zorros Road Roundabout being developed for the property immediately to the west.

- 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. Residential Development Restriction Standards: Owner agrees not to construct any residential land uses on the Property.
- 5.3. Construction of the Prairie Trail: The City has acquired the former rail corridor that bisects the Property for use as an extension of the Prairie Trail. Owner has expressed an interest in developing this property as a paved pedestrian and bicycle trail according to the specifications attached as Exhibit B. Owner, at Owner's cost, will salvage the rail, ties, and surface ballast within this property in exchange for Owner's use of subsurface structural soil in the corridor for road base. The Parties agree to work together in good faith to negotiate an agreement for the construction of the Prairie Trail.

#### 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**

**Jacklin Land Company LLLP**

By: \_\_\_\_\_  
**Ronald G. Jacobson, Mayor**

By: \_\_\_\_\_  
**Thomas P. Stoeser, Manager**

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: \_\_\_\_\_

STATE OF IDAHO )  
 ) :ss  
County of Kootenai )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary for the State of Idaho, personally appeared **Thomas P. Stoeser**, 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 Jacklin Land Company LLLP.

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:

# 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

April 18, 2022

Amber Blanchette  
Planning Administrative Specialist  
amberb@postfallsidaho.org

## RE: Notice to Jurisdiction Response

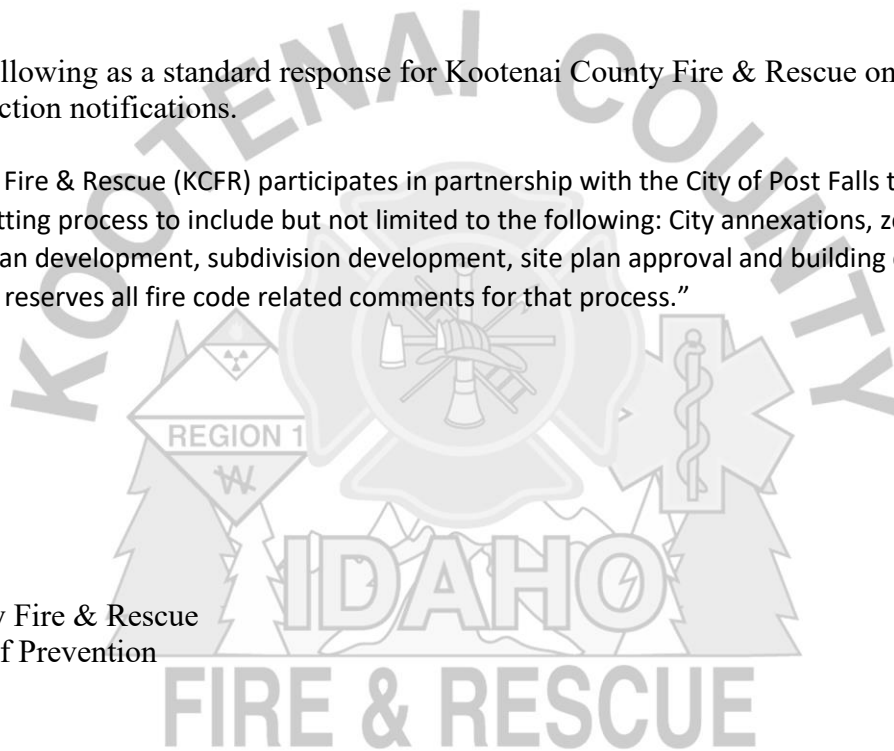
Amber,

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

April 18<sup>th</sup>, 2022

Amber Blanchette  
Planning Administrative Specialist  
[amberb@postfallsidaho.org](mailto:amberb@postfallsidaho.org)

Re: Jacklin-Prairie Annexation File No. ANNX-0012-2021

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  
Captain  
Post Falls Police Department





April 19, 2022

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

Sent by email to [amberb@postfallsidaho.org](mailto:amberb@postfallsidaho.org)

RE: ANNX-0012-2021, Jacklin-Prairie Annexation  
North Prairie Ave. Between Highway 41 and Meyer Ave.

Greetings:

Post Falls Highway District has received annexation request for the above referenced proposal. The District respectfully asks the City of Post Falls to acquire a right-of-way dedication of 60' 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](mailto:mlenz@postfallshd.com). Thank you for including us in your planning efforts.

Respectfully,

A handwritten signature in blue ink that reads "Michael C. Lenz". The signature is written in a cursive style.

Michael C. Lenz  
Director of Highways  
Post Falls Highway District

## Amber Blanchette

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**From:** Kristie May <Kristie.May@deq.idaho.gov>  
**Sent:** Wednesday, May 4, 2022 7:19 AM  
**To:** Amber Blanchette  
**Subject:** RE: Jacklin-Prairie Annexation File No. ANNX-0012-2021

**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 Morning,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the project listed above at this stage of development.

Thank you,  
Kristie

### Kristie May | 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](http://www.deq.idaho.gov)

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

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**From:** Amber Blanchette <amberb@postfallsidaho.org>  
**Sent:** Friday, April 15, 2022 3:49 PM  
**To:** Ali Marienau <AMarienau@kmpo.net>; 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>; 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



05/03/2022

## **PUBLIC COMMENT**

**Jacklin-Prairie Annexation**

**File No. ANNX-0012-2021**

**Exhibit: 4C**

**Applicant: Rand Wichman**

**Location: North of Prairie Ave. Between Highway 41 and Meyer Ave.**

**Request: To annex approximately 12 acres with Community Commercial Mixed (CCM) zoning designation.**

**Hearing Date: May 10, 2022**

Questions list:

Name: Nina Beesley

Address: 6107 W Majestic Ave

Email: ninabeesley@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

Comments:

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

Comments:

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.: Yes

Comments:

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

Comments:

5. Is the requested zoning district in accordance with the Future Land Use Map in the Comprehensive Plan?: Yes

Comments:

6. Is the requested zoning district consistent with the goals and policies in the Comprehensive Plan?: Yes

Comments:

Subdivision

Please Provide Your Position on the Proposed Subdivision:

1. Has the subdivision made definite provisions for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed?:

Comments:

2. Have adequate provisions been made for a public sewage system and can the existing municipal system accommodate the proposed sewer flows?:

Comments:

3. Are the proposed streets consistent with the transportation element of the comprehensive plan?:

Comments:

4. Have all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards been identified and are the proposed uses of these areas compatible with such conditions?:

Comments:

5. Is the area proposed for subdivision zoned for the proposed use and do the proposed uses conform to other requirements found in the City Code?:

Comments:

6. Has the developer 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.:

Comments:

## Amber Blanchette

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**From:** Howard Burns <burns\_crew@yahoo.com>  
**Sent:** Tuesday, May 3, 2022 7:23 PM  
**To:** Public Hearing Notice  
**Subject:** Regarding the Jacklin Annexation on the Planning Commission Agenda, 5-10-2022 meeting

**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.

First: As noted in a previous correspondence on another nearby piece of property, why isn't the pending shopping center site plan (NEC HWY 41 at Prairie) shown/discussed as it abuts this property all along its western property line? Is there nothing submitted to the Planning Staff yet on the shopping center?

Secondly, How sure can we be that there is no residential EVER on this property within the development agreement....or....as I suspect, the applicant/owner, or future owner, can file a request for a rezone and go through the hearing process to nullify the development agreement. Yes, a hearing would be required but it would be, by the very basic 'staff finding' reasons, be recommended for approval as it would be: on a major arterial, have water, etc....

Third. Just because the applicant has 'agreed' that no residential will be constructed, a 105 foot high HOTEL or MOTEL or ? which are not considered "residential" could go in. CCM zone allows 105 foot high buildings. Is a large assisted living facility considered residential? It is not the place for 105 foot high structures

I believe that if the applicant would agree to CCS with NO RESIDENTIAL it might be able to be absorbed by the City without disruption but not CCM.

Howard Burns, Post Falls Resident

## Amber Blanchette

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**From:** Shannon Stucki <stucki123@yahoo.com>  
**Sent:** Wednesday, May 4, 2022 3:35 PM  
**To:** Public Hearing Notice  
**Cc:** Shannon Stucki  
**Subject:** Support Annexation of Jacklin Prairie ANNX-0012-2021

**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,

I, Shannon Stucki, living at 2102 W Malad Avenue, Post Falls, ID 83854, **SUPPORT** the request for a recommendation to the City Council for the annexation of **Jacklin Prairie ANNX-0012-2021**. It is consistent with the goals and policies found in the Comprehensive Plan of Post Falls I have listed below:

Goals 01, 03, 05, 07, 11

Policies 02, 03, 04, 10, 25, 87, 102

If you'd care for my reasoning behind each of these, please read on.

**Goal 01** - Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health

**This plan associated with Kootenai Classical Academy (KCA) will attract families to the area as it did mine. The possibility of this school is one of the most important factors we considered when choosing to relocate to Post Falls as opposed to any other city. This school will also provide jobs which is crucial to the fiscal health of an area.**

The next few work in tandem, so I've included them together

**Goal 03** - Maintain and improve Post Falls small - town scale, charm and aesthetic beauty.

**Goal 05** - Keep Post Falls neighborhoods safe, vital, and attractive

**Policy 102** - Nurture the sense of community pride Post Falls residents feel for their city

**A few small-town benefits of this school being built will be; it will be pedestrian friendly and there will be a bustling athletics program the community can bond over, smaller class sizes which translates to more attention dedicated to each student which means safer kids in the school.**

The next several policies all have to do with infrastructure, so I've included them together.

**Policy 02** - Apply or revise zoning designations with careful consideration of factors including: future land use mapping, compatibility with surrounding land uses, infrastructure and service plans, existing and future traffic patterns, goals and policies of the comprehensive plan, related master plan and/or facility plans.

**Policy 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.

**Policy 04** - Encourage compact, pedestrian-oriented, mixed-use development patterns along the ID-41 corridor and in neighborhood and regional centers.

**Policy 10** - Prioritize location of schools in areas with: access to arterial and collector streets, ample sidewalks and pedestrian access, proximity to residential areas being served, cost-effective access to necessary utilities and services.

**Policy 25** - Improve year-round access, safety, utility, convenience and service levels for alternative modes of transportation, including walking, bicycling

**KCA will be accessible via the bike path which addresses Policies 02, 03, 04, and 25. Congestion will be a concern at the half mile long two lane area of Prairie Avenue for a few years, but I am willing to endure that for a while, rather than lose this school. The proposed location of KCA is in compliance with Policies 04 and 10.**

The following are complimentary, thus they are together.

**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.

**Policy 87** - Work with Post Falls School District and other educational service providers, coordinating the development of educational facilities and master plan development.

Post Falls schools are overcrowded, thus, we need more schools as soon as possible which will benefit the children of the community. This plan is proposing exactly that.

**Goal 11** - Sustain and expand Post Falls arts, cultural and civic environment.

**The people of Post Falls value and support the arts, cultural, and social organizations, events and facilities. KCA will directly contribute to this in many ways thus benefitting the civic health, quality of life, and economic vitality of Post Falls.**

Thank you very much for your time,  
Shannon Stucki  
(775) 691-1988  
2102 W Malad Ave. Post Falls, ID 83854



I write to express my **support** for the annexation of Jacklin-Prairie ANNX-0012-2021 so that the Kootenai Classical Academy Charter School (“the KCA”) can be built there. Indulge me to use two true football stories to illustrate the positive impact the KCA can have on the Post Falls community we love and want to protect, as defined in the Comprehensive Plan’s Goals and Policies Criteria.

- *In the 2019 NFL season, the Cincinnati Bengals won 2 games and lost 14. Amongst the 32 NFL teams, the Bengals finished in last place. They had not been in a play-off game in 31 years. In 2020, they hired Heisman trophy winner Joe Burrow as their new quarterback. In 2022, the Bengals went to the Super Bowl.*
- *In the 2019 season, the Tampa Bay Buccaneers won 7 games, lost 9, and finished in 22nd place in the NFL. The last time they were in a play-off game was 2002. In 2020, they hired Tom Brady as their new quarterback. The Tampa Bay Buccaneers finished the 2020 season as Super Bowl champions.*

I call this The Brady/Burrow Effect.

Neither of these two teams was a winner. The Buccaneers were playing mediocre ball. The Bengals were probably surprised anyone was showing up even at their season opener. All it took to change both stories was for one new player to be brought into their ranks: a natural born leader, a quarterback who knew how to win and how to lead and would accept nothing less of himself. The introduction of *a player of excellence* into the mix changed the dynamics of the entire team, including the coaching staff. One entity playing at a higher level caused everyone around him to play at that higher level. They had no choice. Mediocrity could no longer hide. People started to pay attention to what was working and what wasn’t. Burrow and Brady’s visions of winning were infectious. Community pride went through the roof. City revenue went up. People were smiling and speaking to one another and gathering to share and believe in goals that, only a year earlier, were unimaginable.

These are attractive qualities in a community. That’s the kind of place people want to live, put down long-term roots, and raise families.

***Now let me tell you about a third team: the Post Falls school district.*** In 2022, the Post Falls school district’s graduation rate was 88%. Its overall district rank in the state was in the top 50%. Student test scores show an average math proficiency of 49% (the Idaho state average is 45%) and a reading proficiency of 56% (compared to the statewide average: 55%). Those are failing scores.

Imagine that a visionary City Council wants to change that record. They see a day in the not too distant future when the Post Falls school system as a whole (public, private, and home schools) is the underdog team that has made it to Super Bowl status. The Council says, let’s dream big. We’re going to stop playing without a vision and turn ourselves into champions. Our school district used to be in the top 50% in Idaho. We’re going to be in the top 5%.

What can the Council do to turn the entire Post Falls school “team” around with the least effort and expense?

***Answer: Trigger The Brady/Burrow Effect.***

Introduce *a player of excellence*, a proven winner-leader, who can show the rest of the team (all the educational entities in Post Falls) what is possible and what it takes to achieve it. Also this player must believe that Post Falls children have what it takes to play at a Super Bowl level.

The *player of excellence* I’m referring to is the Hillsdale/BSCI (Barney Charter School Initiative) curriculum and method which will be taught at the Kootenai Classical Academy Charter School— if Jacklin-Prairie ANNX-0012-2021 passes.

The average graduation rate of a Hillsdale-affiliated school is 98%. In order to submit this letter by the deadline, I only had time to look up one Hillsdale-affiliated academy’s performance record: the first one that came up in my online search, Hillsdale Academy in Hillsdale, Michigan. For the past 20 years, this school has consistently placed in the 97th-99th percentile in *national* school norms. Since the first graduating class in 2001, 1 in 6 Academy seniors has been recognized as National Merit Scholars. 9% have been recognized as National Merit Finalists— an honor that nationwide less than 1% of high school seniors receive. In 2019, Hillsdale Academy was ranked the #3 school *in the nation* on the Classical Learning Test.

I believe the Kootenai Charter Academy will be the “introduction of *a player of excellence*” into the whole of the Post Falls “education team,” causing everyone in the system to improve their game, just as Brady and Burrow’s arrival changed the performance dynamics for the Buccaneers and the Bengals. Mediocrity will stand out like a sore thumb. Raising the test scores across the school district while at the same time nurturing children who are excited about going to school because they feel successful there— these are great goals for a community!

For these reasons, I urge you to approve of the Jacklin-Prairie ANNX-0012-2021:

G-07: *It is land use that supports community needs.*

Area schools are currently over capacity and under-performing.

P-102: *It is beneficial growth; it will make Post Falls proud and desirable.* (See my next points.)

G-01, G-05, and G-11: *It helps keep Post Falls prosperous, will benefit the civic health of the community, and will keep its neighborhoods safe, vital, and attractive.*

One of the biggest factors in the real estate adage Location-Location-Location is “high-ranking school district.” As the school district goes, so goes the health of the home-buyers market. A school district can make or break a home sale. Owning a house in a desirable community is a huge investment that causes families to want to stay and put down roots, certainly for as long as the children are in the highly-sought-after school. A feeling of long-term

commitment takes hold. Homeowners want their families and their largest investment to be safe *always*. They want their environment to be thriving, attractive, and desirable. Homeowners will invest time, money, and energy into lawns, curb appeal, wise maintenance, cultural opportunities, and law enforcement because this is where they plan to be in ten years.

High home-ownership equates to lower crime. Low crime and great schools equate to low housing turn-over. People are not always moving in and out, with their eyes on the horizon for where they'll live next. They're home. Home is Post Falls, and they love it. They love the character and unhurried pace; the safe, active, and aesthetically pleasing neighborhoods; the prairie, the valley, the mountains, the river, the Great Outdoors; the nearness of camping, skiing, kayaking, hiking, fishing; the importance of being in a community that supports and values families. These are the type of people who will fight to protect the Post Falls we love from turning into something we fear.

Even for buyers who do not have school-age children or never plan to, investing in a home in a sought-after school district protects your property value

*P-02: It is compatible with surrounding land uses.*

*G-03: It provides for urban growth in an appropriate area.*

I am advocating for a *school* to be built, a school that will draw its students from children who either already live in Post Falls or whose families purchase *existing* homes in Post Falls, a school that will raise the community's prosperity and fiscal health but not its population number. Ideally, I want to see Idaho population growth stopped and education scores going through the roof. I believe a City Council with the same goals can find ways to make both a reality.

Wouldn't it be great if 10 years from now, the story being told is how the introduction of the Kootenai Charter Academy changed the entire school district, including the private schools and home schools, into the highest ranked school system in north Idaho— no, in the state of Idaho— no, in the whole Pacific Northwest?!

Dream with me. ***Please vote to annex the Jacklin-Prairie parcel of land into Post Falls*** so the Kootenai Charter Academy can be built.

Thank you for your time and your service.

Respectfully,

M.M. Shelly Moore

601 E. Front Ave. #1402  
Coeur d'Alene, ID 83814

**I, ROSALENE SGANTAS, SUPPORT THE REQUEST FOR A RECOMMENDATION TO CITY COUNCIL FOR THE ANNEXATION OF JACKLIN PRAIRE ANNEX-0012-2021. IT WILL BE CONSISTENT WITH POLICY 10 AND MAKE POST FALLS PROUD (P102). PLEASE SEE ATTACHMENT BELOW.**

**“HILLSDALE COLLEGE WAS FOUNDED IN 1844 TO PROVIDE THE KIND OF EDUCATION NECESSARY TO PERPETUATE THE BLESSINGS OF CIVIL & RELIGIOUS LIBERTY & INTELLIGENT PIETY.” (Hillsdale Publication, Dec. 2021)**

OUR CHILDREN TODAY ARE AT A GREAT DISADVANTAGE COMPARED TO MY UPBRINGING. THEY HAVE NO IDEA AS TO THE STUDY OF THE RIGHTS & DUTIES OF CITIZENS AND OF HOW GOVERNMENT WORKS (CIVICS). IN MY TIME, AS A CHILD, WE LEARNED CIVICS (WE EVEN HAD DEBATES IN ELEMENTARY MID SCHOOL, HIGH SCHOOL & COLLEGE). ALONG WITH THIS SUBJECT, WE STUDIED HISTORY, ARTS, CIVICS, LATIN, CULTURES & LANGUAGES OF OTHER COUNTRIES ACROSS THE WORLD, MUSIC, ETC. WE HAD JUST ENOUGH HOMEWORK TO CHALLENGE US. AS A CHILD, I WAS MOTIVATED TO WANT MORE BECAUSE OF THIS. I LEARNED THE MEANING OF DISCIPLINE & RESPONSIBILITY AT A VERY EARLY AGE AT HOME & IN SCHOOL. IT IS ANOTHER QUALITY MISSING IN CHILDREN TODAY. I WANTED TO BE EDUCATED IN MY MIND. I WANTED TO BE A VESSEL OF HONOR TO PROMOTE GOOD & THE BEST FOR MY GOD, MY FAMILY & MY COMMUNITY, THEREBY REACHING OUT TO OTHER LANDS FOR THE BETTERMENT OF ALL.

I WANT MY GRANDCHILDREN & OTHER CHILDREN IN AMERICA TODAY TO UNDERSTAND AMERICAN HISTORY & WHAT BROUGHT ABOUT THIS GREAT COUNTRY, AS I DID. THEY NEED TO APPRECIATE OUR GREAT PAST, THE TRIALS & TRIBULATIONS OF MEN & WOMEN WHO SUFFERED & ACCOMPLISHED MUCH ( THRU DISCIPLINE & BEING RESPONSIBLE CITIZENS)TO BRING ABOUT THE GREAT UNITED STATES OF AMERICA. TODAY, THERE IS SO MUCH CONFUSION & CHAOS, FABRICATED LIES ABOUT OUR HISTORY IN ORDER TO PROMOTE A HATRED FOR AMERICA’S HISTORY. THIS POISON OF CURRENT EVENTS ON SOCIAL MEDIA, NEWS, ETC, THE APATHY IN OUR HOMES & SOCIETY BECAUSE OF THE POLITICAL WARS ACROSS AMERICA & OTHER NATIONS HV ENCOURAGED A HOPELESSNESS IN OUR SOCIETY & YOUNG PEOPLE. THE NAÏVE IN OUR SOCIETY BELIEVE EVERYTHING THEY HEAR INSTEAD OF RESEARCHING FOR THE TRUTH. BECAUSE OF THIS OUR AMERICAN HERTIAGE IS SLOWLY SLIPPING AWAY (INCLUDING SHRINES, BUILDINGS, MONUMENTS, THE FLAG, EAGLE, PATRIOTIC SONGS). **THIS POISON & DRAMA HAS PLAYED A MAJOR PART IN DESTROYING MY COUNTRY & CONFUSING MANY YOUNG PEOPLE.**

I BELIEVE THAT HILLSDALE CHARTER SCHOOL WOULD BE A GREAT ASSET IN PERPETUATING TRUTH, FACTS & A DESIRE TO WANT TO GET EDUCATED. IT WOULD BE A CHALLENGE FOR PUBLIC SCHOOLS TO BRING BACK NECESSARY TEACHINGS, CIVICS, & HISTORY... TO INFLUENCE OUR CHILDREN TO BE PATRIOTIC, TO BE APPRECIATIVE OF THE PAST, TO ACCOMPLISH, MAYBE MORE THAN THOSE OF THE PAST, TO BE OPEN TO GOOD CHANGE, THE RULE OF LAW, THE VIRTUES OF OUR FOREFATHERS, & THE GREAT IMPORTANCE OF EDUCATION RATHER THAN IGNORANCE. IT IS A KNOWN FACT IN THE BIBLE, BY GREAT SCHOLARS, PHILOSOPHERS THAT A LACK OF KNOWLEDGE PROMOTES IGNORANCE, WARS, DEFEAT, ETC. ARISTOTLE SAID THAT A COMMUNITY WITH OUT THE RULE OF LAW PROMOTES CONFUSION, CHAOS, & SOMETIMES UNNEEDED WARS & MUCH CONFLICT COME FORTH OUT OF THIS. ARISTOTLE WAS A GREAT PHILOSOPHER, A THINKER OF ETHICS, POLITICS, PHYCOLOGY (STUDY OF ALGAE, LIFE SCIENCE). I SAID ALL THAT TO SAY, OUR CHILDREN NEED TO BE BETTER EDUCATED & PREPARED TO GO TO COLLEGE. CHARTER SCHOOLS LIKE HILLSDALE, & COUER D'ALENE CHARTER ACADEMY, I BELIEVE, ARE THE KEY TO DO THIS.

I SUPPORT PUTTING A HILLSDALE CHARTER SCHOOL IN POST FALLS TO HELP ALL OF US, TO BRING BACK MORE HOPE IN OUR COMMUNITIES, TO THE CHILDREN, WHO ARE THE NEXT GENERATION, AND TO SPREAD ALL AROUND AMERICA. I BELIEVE THIS HILLSDALE CHARTER SCHOOL **MIGHT** INSPIRE A DEEP FRUSTRATION TO OUR CURRENT PUBLIC SCHOOLS. BUT...I FEEL IT WOULD BE A CHALLENGING ANTEDOTE FOR THE PUBLIC SCHOOL SYSTEM IN KOOTENAI CTY & OTHER COUNTIES ACROSS THE NATION TO DO SOMETHING ABOUT THE APATHETIC EDUCATION & POISON THAT SOME OF OUR CHILDREN ARE BEING FORCED TO LEARN. **I SAY YES TO HILLSDALE CHARTER SCHOOL IN POST FALLS FOR JACKLIN PRAIRIE ANNEX-0012-2021.**

THANK YOU FOR LISTENING,

*ROSALENE SGANTAS*

760-415-9796

POST FALLS, ID 83854

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**CITY OF POST FALLS  
STAFF REPORT**

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**DATE:** MAY 6, 2022

**TO:** POST FALLS PLANNING AND ZONING COMMISSION

**FROM:** ETHAN PORTER, ASSOCIATE PLANNER • [eporter@postfallsidaho.org](mailto:eporter@postfallsidaho.org) • 208-457-3353

**SUBJECT:** STAFF REPORT FOR THE MAY 10, 2022, P&Z COMMISSION MEETING  
DOUGLASS PROPERTIES ANNEXATION / ANNX-0002-2022

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**INTRODUCTION:**

The Planning and Zoning Commission reviews the zoning requested at the time an annexation is sought to determine if it is consistent with the adopted review criteria. The Commission provides a recommendation on zoning for the City Council's consideration if the Council determines that the property should be annexed. **The Planning and Zoning Commission does not make a decision or a recommendation on annexation.**

Whipple Consulting Engineers, Inc. has requested approval on behalf of the property owner, Douglass Properties LLC, to annex approximately 9.63 acres into the City of Post Falls with a zoning designation Community Commercial Services (CCS) (Exhibit A-1). 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:** Douglass Properties Annexation / File No. ANNX-0002-2022

**Owner(s):** Douglass Properties LLC, 1402 Magnesium Rd., Spokane, WA 99217

**Applicant:** Whipple Consulting Engineers, Inc, 21 S Pines Rd., Spokane Valley, WA 99206

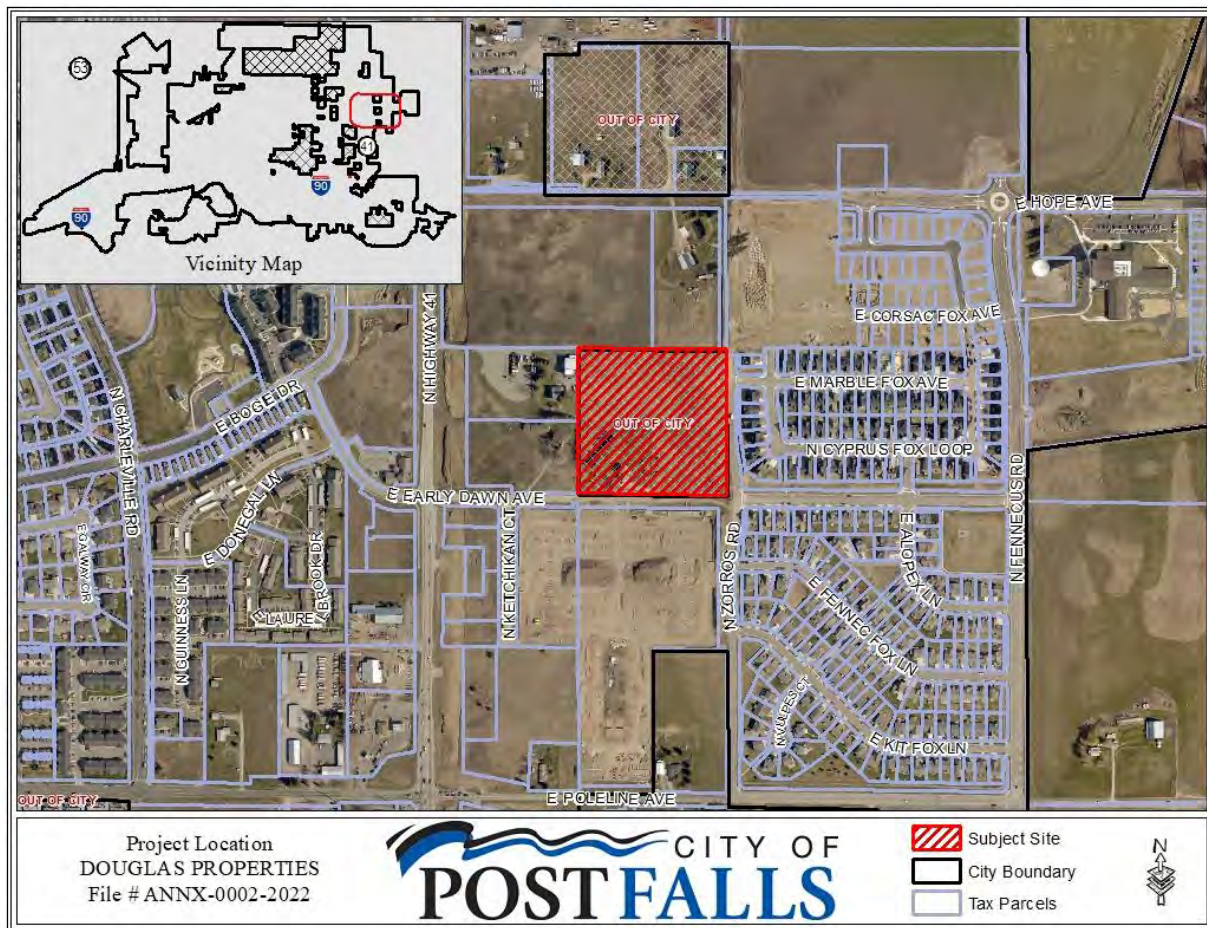
**Project Description:** The owner proposes to annex their approximate 9.63 acres into the City of Post Falls with a request of Community Commercial Services (CCS) Zoning.

**Project Location:** Proposed annexation is located on the northwest corner of Early Dawn Ave. and Zorros Rd.

**AREA CONTEXT (proposed site hatched red below):**

**Surrounding Land Uses:** Located to the west and north are large lot residential homes. Directly east, across Zorros Rd., is the Foxtail 3<sup>rd</sup> Addition Subdivision that is all single-family homes. South of the subject property, across Early Dawn Ave., is the Bluegrass Apartments.

**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 **Business/Commercial**. This category includes a broad mix of commercial, retail, professional office, civic, and cultural uses. Implementing zoning districts include: CCM, LC, CCS, SC4, and SC5 per focus area. Assigned zones should be compatible with adjacent zones/uses within the City and consistent with the guiding principles within the associated 41 North Focus Area.

The 41 North 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.

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

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



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

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

**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.

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

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

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

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 for parks, streets, public safety, and multi-modal pathways.

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

Staff Comment: Long-term fiscal health may be fostered by providing for opportunities to create a variety of service, retail, office, and mixed-use development(s) through appropriate zoning, which this proposal along the Highway 41 commercial corridor may achieve.

- Maintain and enhance resident quality of life;

Staff Comment: The proposed new zoning of CCS could provide development of the area that may provide the necessary amenities to enhance resident quality of life.

- Promote compatible, well-designed development;

Staff Comment: Providing the opportunity for a variety of service, retail, office, and mixed development as this proposal may offer could further the Highway 41 commercial corridor uses and allow for a more compatible and well-designed corridor.

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

Staff Comment: To help enrich the future identity of the 41 North Focus Area, 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 Highway 41 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: Exhibit S-3: Future Land Use Map, depicts the land use designation for this area as Business/Commercial. The proposed Community Commercial Services (CCS) Zone is an allowable implementing zoning district within the Business/Commercial land use designation category.

- Compatibility with the surrounding land uses;

Staff Comment: Land uses surrounding the site are all residential in nature. Within the Highway 41 commercial corridor more commercially zoned properties may be (re)developed soon as most of the uses, surrounding this proposal, are all legally non-conforming uses within the CCS zoning district.

- Infrastructure and service plans;

Staff Comment: Early Dawn Avenue and Zorros Road are classified as Minor Collector Roadways with Zorros Road being the 1/4 Mile Backage Roadway to State Highway 41. 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: This proposal is located near Bluegrass Apartments and Foxtail Subdivision, which are separated by roadway right-of-way. These uses being in proximity to this proposed commercially zoned property may lend itself to a work, live, play lifestyle reducing the dependency for automobiles while supporting the community with further amenities for the public.

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

Staff Comment: This CCS zone request is not directly along Highway 41, but is within close proximity and upon development will need to meet transportation standards set forth in City code. This may provide necessary accesses and traffic circulation in this area from being a corner lot.

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

Staff Comment: This subject site would be 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.

**Policy 45:** Guide annexation decisions guided by and considering:

- Master plans for water, sewer, transportation, parks, schools, and emergency services;

Staff Comment: Development as well as this staff report identifies compliance with necessary water, sewer, transportation, parks, schools, and emergency services. Applicable agencies are notified to comment and respond in regards to such master plans.

- Provisions of necessary rights-of-way and easements;

Staff Comment: Annexations require additional rights of way as conditions upon approval as well as identified within the annexation agreement.

Studies that evaluate environmental and public service factors;

Staff Comment: Studies that have been previously done and accounted for are found within the master plans that are adopted by the applicable agencies. Further studies that are identified and may need to be completed will be determined through the public hearing process as well as development of the site.

- Timing that supports orderly development and/or coordinated extension of public services;

Staff Comment: Highway 41 is currently being expanded and is under construction. This may allow for further traffic flow along this north south corridor with 1/8-mile backage roads to be constructed through new development along Highway 41.

- Comprehensive plan goals and policies;

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

**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:** Early Dawn Avenue and Zorros Road are classified as Minor Collector Roadways with Zorros Road being the 1/4 Mile Backage Roadway to State Highway 41. 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

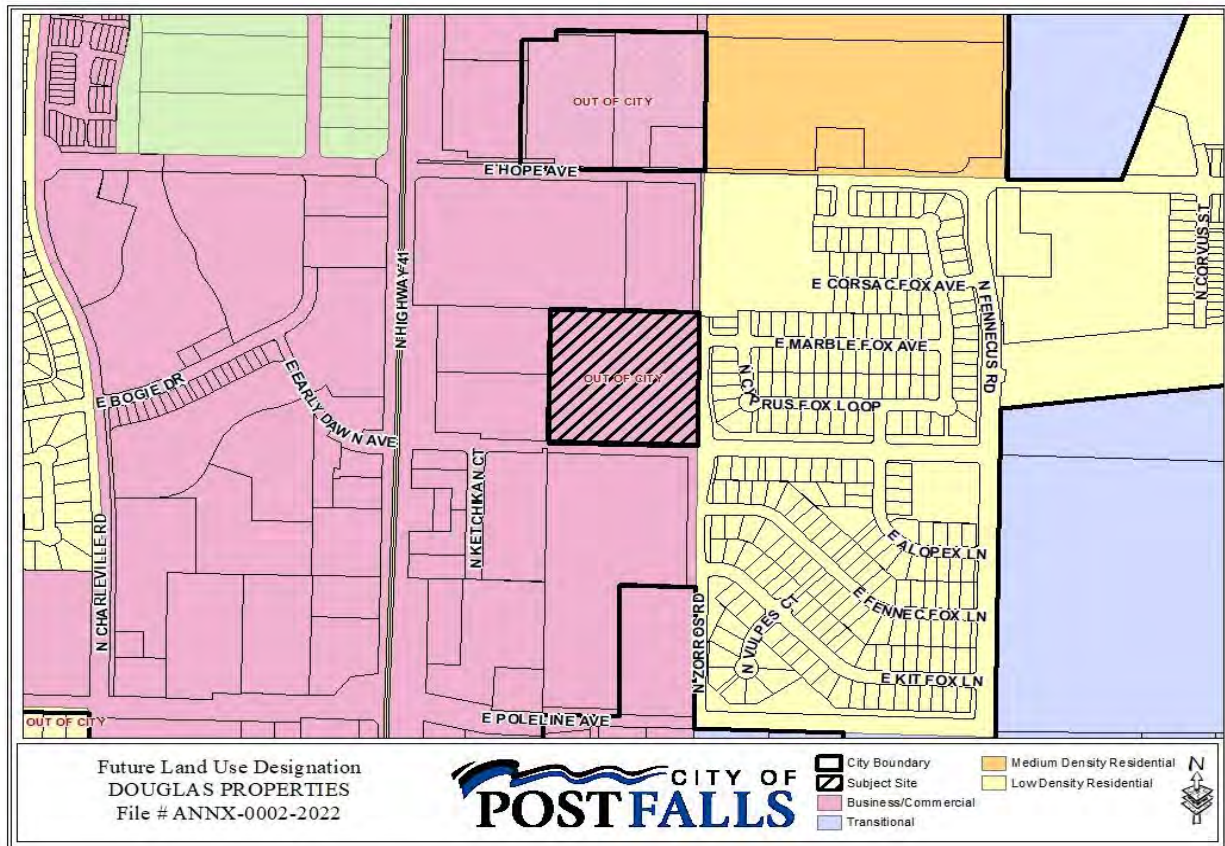
all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with rules and regulations of the City. The City does not warrant that sanitary sewer capacity will be available at the time Owner requests connection to the sanitary sewer system. The property is within the 12<sup>th</sup> Avenue Force Main Surcharge Basin and with development it will be required to pay the sewer surcharges established for the that basin which has 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:**

Future uses along Highway 41 are to be Business/Commercial, which has CCS zoning as an implementing zoning district for this designation. Existing adjacent residential uses will need to conform to the commercial standards and zoning upon development.

**Future Land Use Designation:**

Exhibit S-3: Future Land Use Map, depicts the land use designation for this area as Business/Commercial. The proposed CCS zone may be allowable per the direction of the 41 North Focus Area and the adjacent road classifications.



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

**Geographic/Natural Features:**

The site is over the Rathdrum Prairie Aquifer. No geographic or other natural features have been identified that would affect development, safety, health, or welfare on this 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. Early Dawn Ave. and Zorros Rd. are proposed minor collector roadways.

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

Staff Comment: Not applicable as this is for a commercial zone within the Highway 41 higher intensity of 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.**

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 (Exhibit PA-1)** – Comments on projects during the project review process.
- **Post Falls Police Department (Exhibit PA-2)** – Remains neutral.
- **Post Falls Highway District (Exhibit PA-3)** – Responded with no comment

**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-4	Map
Exhibit A-5	Will Serve
Exhibit A-6	Title Report
Exhibit A-8	Auth Letter

**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	PFHD Comments
Exhibit PC-1	Burns 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

<b>STAFF USE ONLY</b>	Date Submitted: <u>1/28/22</u>	Received by: <u>AB</u>	File # <u>AnnX-0002-2022</u>
Application Fee <u>3,000</u>	Public Hearings: <u>\$600</u>	Mailing <u>\$6*26 = 3/2</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\*\***

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: Douglass Properties LLC		
MAILING ADDRESS: 1402 Magnesium Road		
CITY: Spokane	STATE: WA	ZIP: 99217
PHONE:	FAX:	EMAIL:
APPLICANT OR CONSULTANT: Whipple Consulting Engineers, Inc.		STATUS: <input checked="" type="checkbox"/> ENGINEER <input type="checkbox"/> OTHER
MAILING ADDRESS: 21 S Pines Rd., Spokane Valley, WA, 99206		
CITY: Spokane Valley	STATE: WA	ZIP: 99206
PHONE: 509.893.2617	FAX:	EMAIL: toddw@whipplece.com

**SITE INFORMATION:**

PROPERTY GENERAL LOCATION OR ADDRESS: 4171 E. Early Dawn Avenue		
PROPERTY LEGAL DESCRIPTION (ATTACH OR DESCRIBE): Please see attached		
TAX PARCEL #: 0-6360-30-042-AA	EXISTING ZONING: AG	ADJACENT ZONING: CCS, R-1
	CURRENT LAND USE: Single-Family	ADJACENT LAND USE: Low Density Residential, Business Commercial
DESCRIPTION OF PROJECT/REASON FOR REQUEST: The property is surrounded on all sides with incorporated land. As an infill site located entirely within The City of Post Falls, annexation would align with Post Falls Annexation Goals. Please see the attached narrative.		

**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	Address	Phone
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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 23 DAY OF December 2021

*James D. Jungfer*  
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 \_\_\_\_\_  
 \_\_\_\_\_

**PART 4 – COMPLETED BY CITY STAFF**

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

WCE No. 20-2796  
January 20, 2022

Post Falls Planning and Zoning Commission  
C.O.: Jon Manley, Planning Manager  
408 N. Spokane Street  
Post Falls, ID 83854

Re: City of Post Falls  
Annexation Narrative

To whom it may concern:

This letter is intended to serve as a written narrative for a proposed annexation of parcel 0-6360-30-042-AA, AIN 192891, into the City of Post Falls. This letter discusses zoning information, how the proposal relates to the City of Post Falls Annexation Goals and Policies, and any impact the proposal would have on City services.

### **Site Description**

The subject property is an approximately 9.67-acre rectangular parcel located in the Agriculture Zone in Kootenai County, Idaho in Section 30, Township 51 North, Range 45 East, W.M. and is in Kootenai County tax parcel number 0-6360-30-042-AA. The property has frontage on Corsac Fox Avenue to the northeast, Zorros Road to the east, and Early Dawn Avenue to the south. The City of Post Falls Future Land Use Map designates this property for annexation as Business/Commercial.

### **Background**

In 2020, the previous owner applied for annexation into the City with a zoning request of High-Density Multi-Family Residential (R-3). This application was supported by City Staff and the staff report was generally in favor of the proposed annexation. This annexation was denied by City Council in part due to the developing Highway 41, which ITE states will be completed this year.

### **Zoning**

The site is currently located in the Kootenai County Agricultural Zone and is also located in the Border designation of the Kootenai County Comprehensive Plan.

Surrounding properties already annexed into the City of Post Falls include CCS zones to the north, south, and west, which are used for retail sales or performance of consumer services. The CCS zone is typically located in areas adjacent to major transportation corridors such as the I-90 corridor, Seltice Way and Highway 41. To the east of the site is zoned R-1 for single-family residences.

January 20, 2022

**City Annexation Code Review**

Per PFMC 18.16.010 and 18.20.100, the zone change approval criteria in the City of Post Falls has six requirements, listed below as A through F. The annexation of this property meets the requirements in the following ways:

*A. Amendments to the Zoning Map should be in accordance with the Future Land Use Map.*

We ask that this parcel be annexed into the CCS zone in keeping with adjacent land uses to the north, south and west. CCS is supported by the Comprehensive Plan in the Future Land Use Map which designates the site as business/commercial.

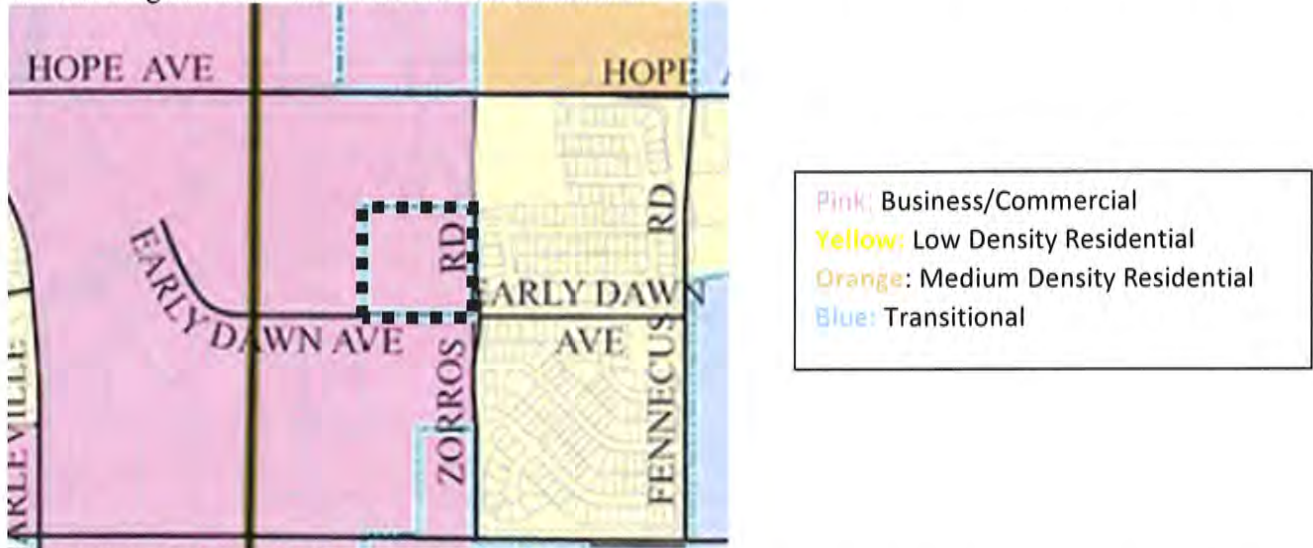


Figure 1: figure 2.03, page 37 of the Comprehensive Plan

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

This proposed annexation meets the Comprehensive Plan goals and policies in the following ways:

*G.07 – Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City’s long-term sustainability.*

This goal is met through the following policies:

*P.09 – Encourage annexation of County “islands” within the City, with priority given to areas: surrounded by incorporated areas; that have readily-available service infrastructure and capacity; that support increased development intensity near the urban core.*

This parcel is currently an island of County Agricultural Zoning surrounded on three sides by the City CCS and one side by the City R-1 zones. Incorporation of this parcel into the CCS zone would remove the County island.

*P.14 – Follow all annexation procedures established by Idaho State statutes and applicable City ordinances.*

This proposal will follow all annexation procedures established by Idaho State statutes or applicable City ordinances.

*P.33 – Annexation should help implement Post Falls’ transportation plans, enabling completion or preserving continuity of circulatory patterns for roads and pedestrian ways.*

A future project at this site would connect collector Zorros Rd to collector Early Dawn Ave and therefore to HWY 41, allowing easier access from the adjacent subdivision to the east. It would also allow easier pedestrian access from the residential zone to the East to the existing CCS zone.

*P.44 – Annexation should leverage existing capital facilities, with minimal need for expansion or duplication of facilities.*

As this parcel has developed or developing land surrounding it, no significant extensions would be required.

*P.46 – Mitigate impacts of annexation through the use of service agreements and/or development intensities that minimize City fiscal impacts.*

The developer of this property would be responsible for installation of utilities and public road improvements along the perimeter of the property. With any future project, the developer would also be responsible for impact fees, permit fees, hookup fees, etc. to mitigate.

*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.*

1. Street classification: per the transportation layer on the Post Falls GIS (figure 3), this site is adjacent to E. Early Dawn Avenue to the south and N. Zorros Road to the east, both minor collectors. Additionally, to the west is the proposed SH41 1/8<sup>th</sup> Mile Backage Road. Further west is the N. Highway 41 principal arterial.
2. Traffic patterns: Access to the parcel from Highway 41 can be through either Hope Avenue or Poleline Avenue, which are existing signalized intersections. Early Dawn Avenue is proposed to have a ¾ movement intersection.
3. Existing development: To the south of the property lies the existing Bluegrass Apartments and to the east of the property is an existing subdivision. To the west, across HWY 41, is existing commercial and apartment developments.
4. Future land uses: The future land use of this parcel is Business/Commercial, which is in line with the proposed CCS zone.
5. Community plans: This parcel lies within Focus Area 41 North, which places importance on retail, mixed-use residential and services as well as multi-family and tech uses. It calls for the creation of collector roads parallel to HWY 41 with the purpose of aiding mixed-use development. A main goal of the community plan for Focus Area 41 North is to place commercial uses along arterial and collector streets.
6. Geographic or natural features: The property is currently flat, which is appropriate for commercial zoning due to the larger building footprint which would require substantial grading to accommodate.

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

This site is adjacent to E. Early Dawn Avenue to the south and N. Zorros Road to the east, both minor collectors. Additionally, to the west is the proposed SH41 1/8th Mile Backage Road. Further west is the N. Highway 41 principal arterial.



Figure 2: Post Falls GIS transportation layer

*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. Due to the site’s proximity to higher-intensity transportation routes including Highway 41 and Early Dawn Avenue, it is an appropriate location for CCS.*

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

While the site has sufficient access to transportation routes, this criterion is not applicable due to the property’s proximity to the nearby subdivision to the east.

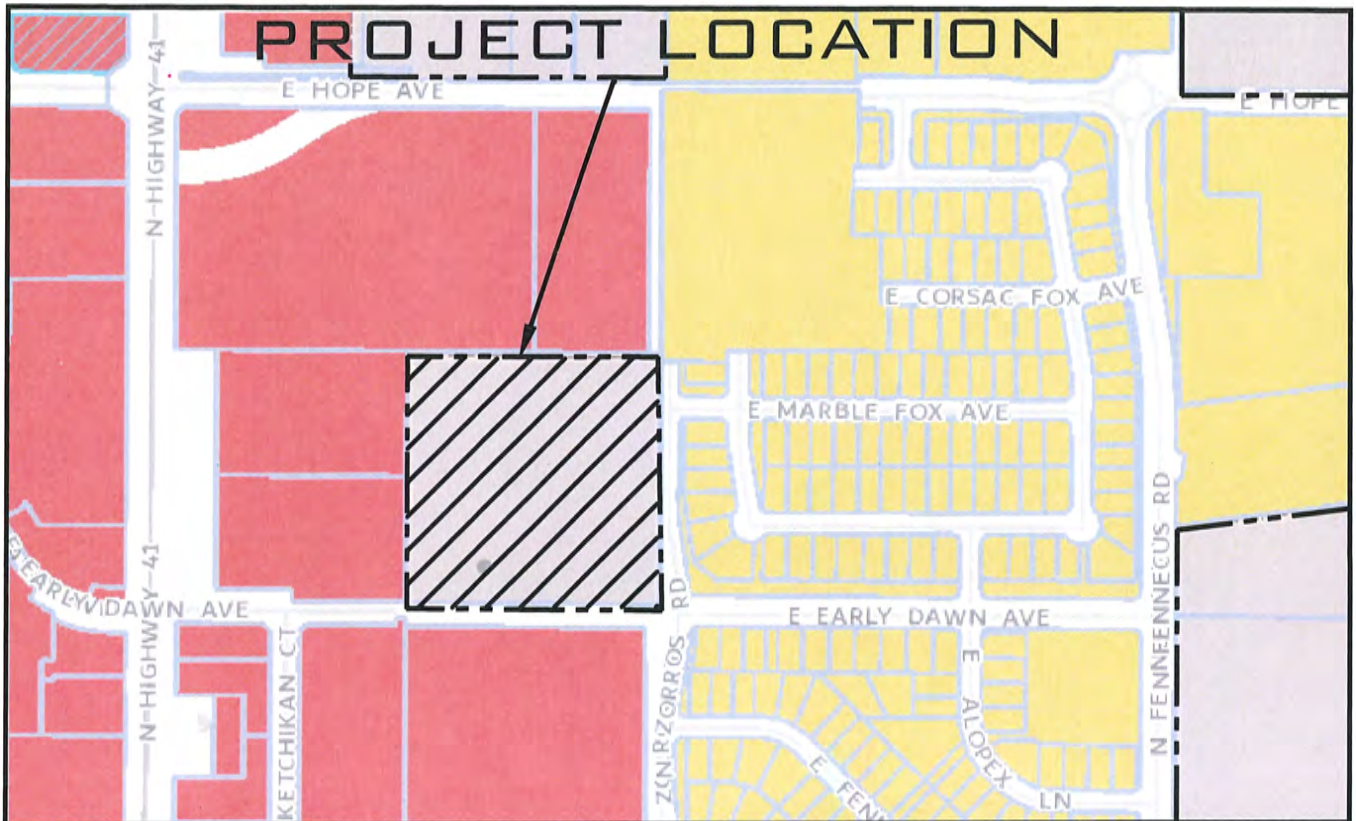
### **Impact on City Services**

This parcel is within the future land use map of the City of Post Falls. As the parcel is surrounded by City of Post Falls designated properties, all City services are already available. Any impact on City services from a future project should not impact services beyond an acceptable level. A will-serve letter from Ross Point Irrigation District was submitted along with the application.






If you have any questions or comments regarding this letter, please feel free to contact us at (509) 893-2617

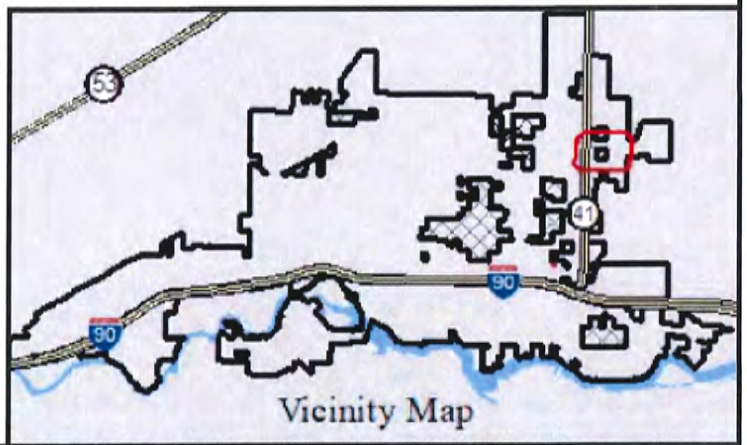
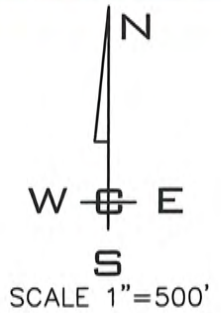
Thank you,

Todd R. Whipple, P.E.  
President, Whipple Consulting Engineers, Inc.



**LEGEND:**

-  KOOTENAI COUNTY AGRICULTURAL ZONE
-  CITY OF POST FALLS CCS ZONE
-  CITY OF POST FALLS R1 ZONE
-  PROPOSED SITE
-  POST FALLS CITY BOUNDARY



PROJ #: 20-2796  
 DATE: 12-15-21  
 DRAWN: JED  
 APPROVED: TRW

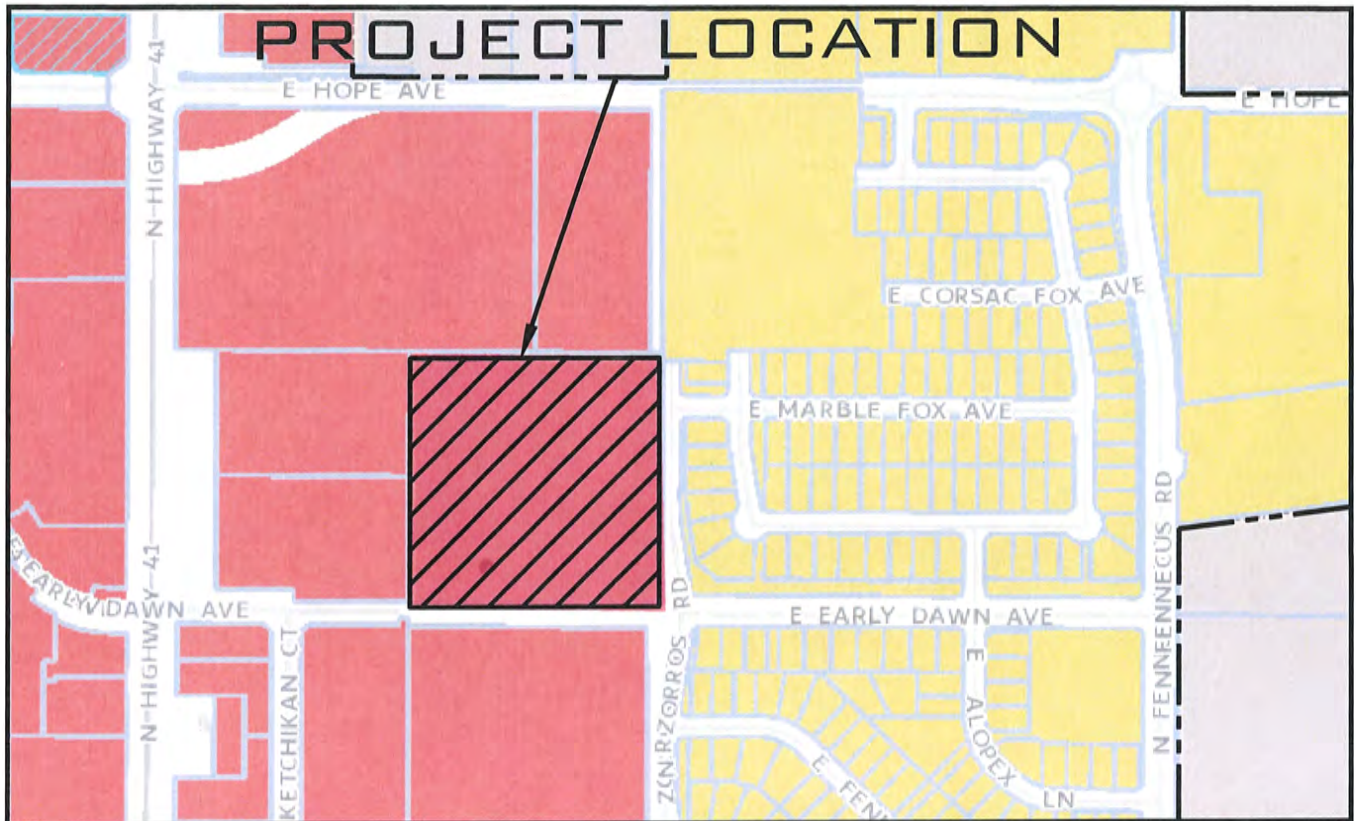
**CITY OF POST FALLS ANNEXATION APPLICATION  
 LIVINGSTON ANNEXATION  
 4171 EAST EARLY DAWN AVENUE  
 POST FALLS, IDAHO**








WHIPPLE CONSULTING ENGINEERS  
 CIVIL AND TRANSPORTATION ENGINEERING  
 21 S. PINES ROAD  
 SPOKANE VALLEY, WASHINGTON 99206  
 PH: 509-893-2617 FAX: 509-926-0227

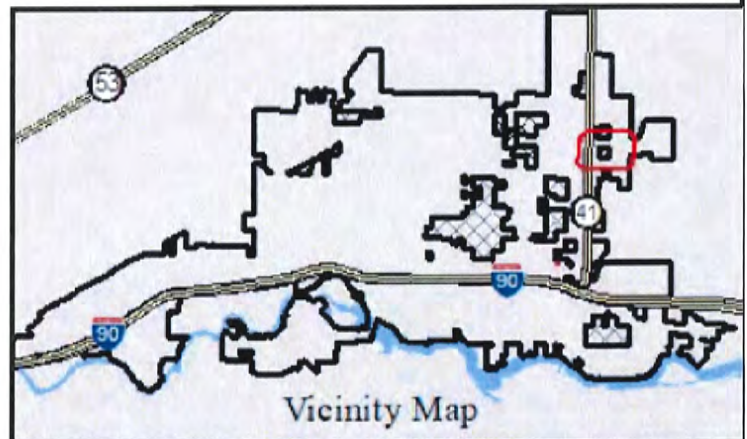
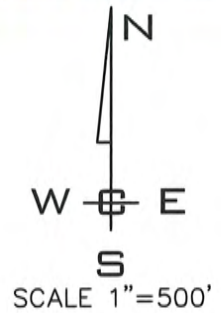
**FIGURE 1**

**EXISTING JURISDICTION  
 AND ZONING**



**LEGEND:**

-  KOOTENAI COUNTY AGRICULTURAL ZONE
-  CITY OF POST FALLS CCS ZONE
-  CITY OF POST FALLS R1 ZONE
-  PROPOSED SITE
-  POST FALLS CITY BOUNDARY



PROJ #: 20-2796  
 DATE: 12/15/21  
 DRAWN: JED  
 APPROVED: TRW

**CITY OF POST FALLS ANNEXATION APPLICATION  
 LIVINGSTON ANNEXATION  
 4171 EAST EARLY DAWN AVENUE  
 POST FALLS, IDAHO**

**WCE**  
 WHIPPLE CONSULTING ENGINEERS  
 CIVIL AND TRANSPORTATION ENGINEERING  
 21 S. PINES ROAD  
 SPOKANE VALLEY, WASHINGTON 99206  
 PH: 509-893-2617 FAX: 509-926-0227

**FIGURE 2**

**PROPOSED JURISDICTION  
 AND ZONING**

# ROSS POINT WATER DISTRICT

December 15, 2021

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

RE: PROJECT at 4171 E EARLY DAWN 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 above address project, conditioned upon the developer completing off-site improvements, if any.

Additional requirements include:

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

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  
Austin Fuller, Whipple Consulting Engineers, Inc.





**COMMONWEALTH LAND TITLE INSURANCE COMPANY**  
**NOTICE**

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

**COMMITMENT TO ISSUE POLICY**

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, Commonwealth Land Title Insurance Company, a(n) Washington corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within 30 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

**COMMITMENT CONDITIONS**

**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.

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LAND TITLE  
ASSOCIATION



## COMMONWEALTH LAND TITLE INSURANCE COMPANY

- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
  - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
  - (b) the Commitment to Issue Policy;
  - (c) the Commitment Conditions;
  - (d) Schedule A;
  - (e) Schedule B, Part I—Requirements; [and]
  - (f) Schedule B, Part II—Exceptions; and
  - (g) a counter-signature by the Company or its issuing agent that may be in electronic form].

#### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

#### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - (i) comply with the Schedule B, Part I - Requirements;
  - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
  - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

#### 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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## COMMONWEALTH LAND TITLE INSURANCE COMPANY

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

### 7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

### 8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

### 9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

Commitment No.: 413252

**SCHEDULE A**

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

1. Commitment Date: December 23, 2020 at 12:00 AM

2. Policy to be issued:

a. Owner's Policy	(ALTA Owners Policy (06/17/06))	Amount:	\$1,685,597.76
Proposed Insured:		Premium:	\$4,152.00
<b>Lanzce Douglass Properties</b>		<b>Total:</b>	<b>\$4,152.00</b>

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:

**Brian K. Livingston, also shown of record as Brian Kent Livingston, an unmarried person**

5. The Land is described as follows:

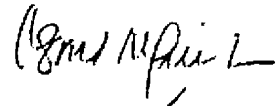

SEE SCHEDULE C ATTACHED HERETO

Commonwealth Land Title Insurance Company

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

By:   
Kootenai County Title Company, Inc.



By:  President  
By:  Secretary

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**COMMONWEALTH LAND TITLE INSURANCE COMPANY**  
**SCHEDULE B, PART I**  
**Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. This Commitment is subject to further underwriting review and approval. Additional Exceptions and/or Requirements may be added pending the outcome of said review.
6. The Company will require the following documents for the entity named below:  
  
Entity: Lanzce Douglass Properties  
  
A. Evidence the entity has been duly created and is in good standing with its state of domicile  
  
B. Articles of organization  
  
C. A list of the current member(s) and manager(s)  
  
D. The Company's current operating agreement including all amendments thereto, together with a verified statement that the operating agreement is a true and correct copy of the agreement now in effect.
7. In the event this transaction fails to close and this commitment is cancelled, a fee will be charged.
8. We find the following address to be associated with the Land described herein:  
4171 E. Early Dawn Ave.  
Post Falls, ID 83854

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# COMMONWEALTH LAND TITLE INSURANCE COMPANY

## 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) of (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 2020, which are a lien, of which the 1st installment is due December 20 of the tax year and the 2nd installment is due June 20 of the subsequent year (amounts do not include penalty and interest if delinquent):  
1st Installment: \$1,480.02, delinquent  
2nd Installment: \$1,480.02, payable but not yet due  
Parcel No.: 0636030042AA  
AIN No.: 192891
  8. General taxes and assessments for the year 2021, which are a lien, not yet due or payable.

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## COMMONWEALTH LAND TITLE INSURANCE COMPANY

9. Assessments of Ross Point Water District
  
10. Reservation or exclusion of water rights from the Land as set forth in a Deed by Post Falls Irrigation District  
Recorded: May 10, 1944  
Instrument No.: Book 123 of Deeds at Page 585, records of Kootenai County, Idaho.  
  
[Book 123 of Deeds at Page 585;](#)
  
11. An easement for the purpose shown below and rights incidental thereto as set forth in a document  
Granted to: Kootenai Electric Cooperative, Inc.  
Purpose: Electric transmission and/or distribution line or system  
Recorded: September 1, 1994  
Instrument No.: 1370301, records of Kootenai County, Idaho.  
  
[1370301;](#)
  
12. Well, Water Agreement and Easement, including without limitation the terms, conditions, covenants and provisions thereof, and any easements, water rights and assessments set forth therein or pursuant thereto  
Between: Scott L Livingston  
And: Brian K Livingston  
Recorded: January 4, 1995  
Instrument No.: 1383483, records of Kootenai County, Idaho  
  
[1383483;](#)
  
13. Possible encroachment of a building and paving onto the northwestern portion of the Land

END OF SCHEDULE B

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**COMMONWEALTH LAND TITLE INSURANCE COMPANY**  
**SCHEDULE C**

The Land is described as follows:

Tract 42, Block 30, Post Falls Irrigated Tracts, according to the plat thereof recorded in Book C of Plats at Page 78, records of Kootenai County, Idaho

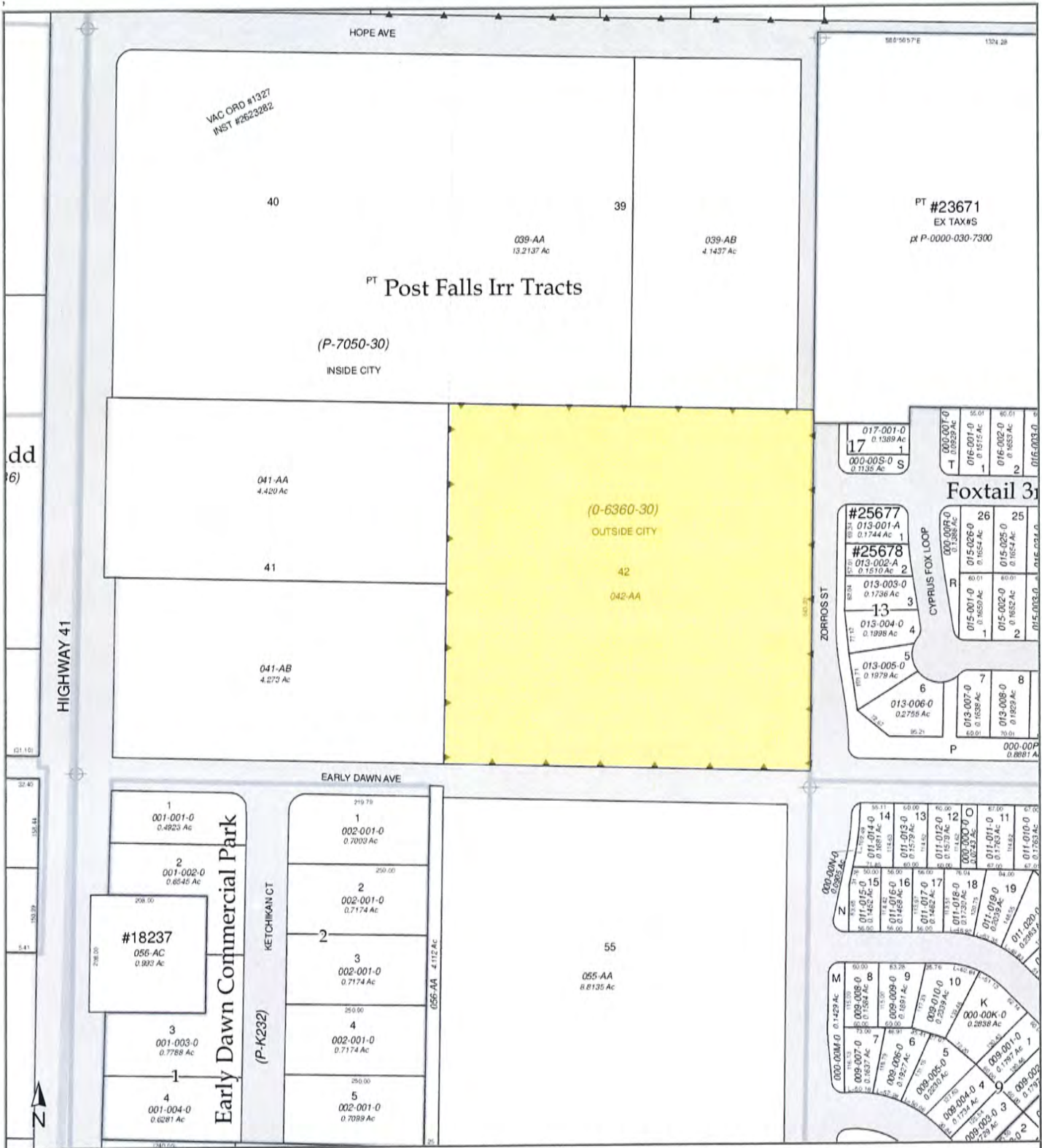
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1450 Northwest Blvd Ste 200 Coeur d'Alene, ID 83814  
 Phone: (208)667-9431 Fax: (208)208-666-0410

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.

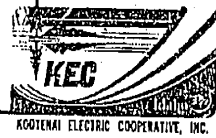
1370301

RC26X-1X-T2

STATE OF IDAHO )  
COUNTY OF KOOTENAI ) s.s.  
AT THE COUNTY CLERK'S OFFICE )  
KOOTENAI ELECTRIC CO-OP, INC.

# Kootenai Electric Cooperative, Inc.

A Consumer Owned Electric Utility



SEP 16 3 49 PM '94

W. 2451 Dakota Ave. • P.O. Box 278 Hayden, ID 83835-0278  
(208) 765-1200 • Fax (208) 772-5858

TOM LAGGART

[Signature]  
DEPUTY

FEES \$ 6. ELECTRIC LINE - RIGHT-OF-WAY EASEMENT

KNOWN ALL MEN BY THESE PRESENTS, that we the undersigned, (whether one or

more) Brian K. Livingston and Melissa L. Livingston  
(unmarried) (husband and wife) for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto Kootenai Electric Cooperative, Inc. a cooperative corporation (hereinafter called the "Cooperative") whose post office address is Hayden Lake, Idaho, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County

of Kootenai, State of Idaho, Township 51N, Range 04W,

Section 30, and more particularly described as follows:

see attached

and to construct, operate and maintain an electric transmission and/or distribution line or system on or under the above-described lands and/or in, upon or under all streets, roads or highways abutting said lands; to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as Cooperative may from time to time deem advisable, including, by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, handholes, manholes, connection boxes, transformers and transformer enclosures; to cut, trim and control the growth by machinery or otherwise of trees and shrubbery located within 15 feet of the center line of said line or system, or that may interfere with or threaten to endanger the operation and maintenance of said line or system (including any control of the growth or other vegetation in the right-of-way which may incidentally and necessarily result from the means of control employed); to keep the easement clear of all buildings, structures, or other obstructions; and to license, permit, or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation.

The undersigned agree that all poles, wires, and other facilities including any main service entrance equipment, installed in, upon or under the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 28 day of July 1994.

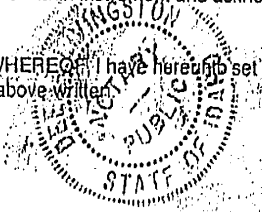
[Signature] (L.S.)  
[Signature] (L.S.)

STATE OF IDAHO ) s.s.  
County of Kootenai )

On this 21 day of July, 1994, before me, the undersigned Notary Public, personally appeared Brian Kent Livingston + Melissa L. Livingston

known to me to be the person \_\_\_\_\_ whose name \_\_\_\_\_ subscribed to the within instrument and acknowledged to me that \_\_\_\_\_ he executed the same.

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



[Signature]  
Notary Public for the State of Id  
Residing at: Coeur d'Alene  
My Commission Expires: 11-2-94

35168

1370301

1349131

# QUITCLAIM DEED

FOR VALUE RECEIVED *Ralph L. Livingston, an UNMARRIED MAN*

do hereby convey, release, remise and forever quit claim

unto *Brian K. Livingston & Melissa L. Livingston*  
*Husband & wife*  
whose address is *ES 07 B 2nd Street Post Falls Idaho*

the following described premises, to-wit:

*Tract 42, Block 30 Post Falls Irrigated Tracts,  
According to the plat filed in Book C, pages  
78, 79 AND 80 of plats, Kootenai County, Idaho*

ATTEST: Notary Public } ss  
COUNTY OF KOOTENAI }  
STATE OF IDAHO }  
ATTEST: *Ralph Livingston*

Apr 8 10 20 AM '94

together with their appurtenances, together with any after acquired title.

dated: *8 April 1994*

Notary Public  
C. P. [Signature]  
FEE \$ 3.75

*Ralph Livingston*  
*Ralph Livingston*

### ACKNOWLEDGMENT - Individual

STATE OF Id, County of Kootenai, ss.

On this 8th day of April, in the year of 1994, before me, Twila G. Willcutt, a notary public, personally appeared Ralph L. Livingston, 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.

Notary Public: Twila G. Willcutt  
Residing at: Post Falls, ID 83726

STATE OF IDAHO, COUNTY OF  
I hereby certify that this instrument was filed for record at the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock m.,  
this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, in my office, and duly recorded in Book \_\_\_\_\_ of Deeds at page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_ Deputy.

Fees \$  
Mail to:

Pioneer Title Company of Kootenai County  
100 Wallace Ave. • P.O. Box 486  
Coeur d'Alene, Idaho 83814-0486  
(208) 664-8254 • FAX (208) 664-9479

1383483

STATE OF IDAHO }  
COUNTY OF KOOTENAI } ss  
AT THE REQUEST OF  
SECURITY-TITLE CO OF IDAHO

WELL, WATER AGREEMENT

JAN 4 1 57 PM '95

AND EASEMENT

TON TABBART  
*S. Browning*  
DEPUTY  
FEES 62.00

This agreement made and entered into this 22nd day of December, 1994. by and between Scott L. Livingston owner of the following described real property and Brian K. Livingston and Melissa L. Livingston.

East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts, according to the Plat filed in Book "C" pages 78, 79, and 80 and Plats, Kootenai County, ID.

WHEREAS, a well has been drilled and established on the above described real property; and

WHEREAS, it is the intention of the party owning and controlling said well that it benefit all of the following described real property, to wit:

East 1/2 of Tract 39 and Tract 42 of Block 30, Post Falls Irrigated Tracts, according to the Plat filed in Book "C" pages 78, 79, and 80 and Plats, Kootenai County, ID.

NOW, THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

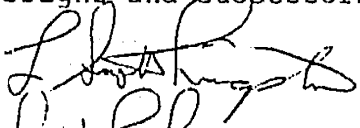
1. That the well presently drilled, established and pumping which is located on the East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts is declared to be a common well for the benefit of all owners of any portion of the East 1/2 of Tract 39 and Tract 42 of Block 30, Post Falls Irrigated Tracts.

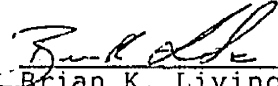
2. The owner of the East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts hereby conveys and grants an easement in place over, across and under the East 1/2 of Tract 39, Block 30, Post Falls Irrigated Tracts for installation, maintenance and use of pipes conveying water to dominant estate.

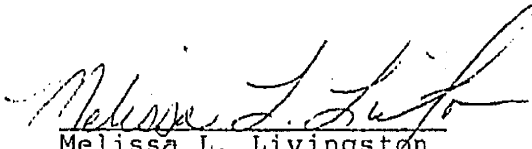
1383483

3. It is further agreed that all persons receiving water from said well shall share equally in the costs of maintenance, power, repair and upkeep on said well. For purposes of this agreement the Well shall be deemed to include the actual well, any pumps installed thereat, and any holding or storage tank which benefit all of the users of the water. Each user shall be responsible for the maintenance, repair and upkeep of the pipelines serving said individual user.

4. This agreement shall inure to the benefit of the heirs, assigns and successors in interest of the parties hereto.

  
Scott L. Livingston  
Scott L. Livingston  
Owner

  
Brian K. Livingston  
Brian K. Livingston  
Owner

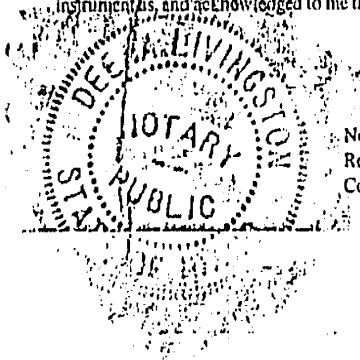
  
Melissa L. Livingston  
Melissa L. Livingston  
Owner

STATE OF }  
COUNTY OF } ss.

On this 27th day of December in the year 1994, before me, a Notary Public, personally appeared

Scott L. Livingston

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.



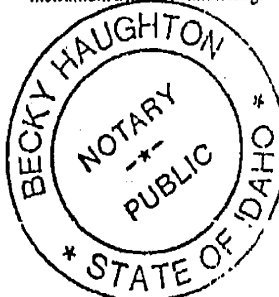
Notary Public Scott L. Livingston  
Residing at Crossed Plains, Idaho  
Commission expires 11-2-96

STATE OF }  
COUNTY OF } ss.

On this 22nd day of December in the year 1994, before me, a Notary Public, personally appeared

Brian K. Livingston & Melissa L. Livingston

known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public Becky Haughton  
Residing at Post Falls, Idaho  
Commission expires 7/28/2000

T. A. Stott  
 Nellie Stott

STATE OF IDAHO )  
 ) ss  
 COUNTY OF SHOSHONE )

On this 25th day of March A. D. 1943, before me, Catherine Whalen a Notary Public in and for the State of Idaho, personally appeared T. A. STOTT and NELLIE STOTT husband and wife personally known to me to be the individuals who signed the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

(Notarial Seal)

Catherine Whalen  
 Notary Public in and for the State of  
 Idaho residing at Kellogg, Idaho

State of Idaho )  
 ) ss  
 County of Kootenai )

Filed for record at the request of Mrs. Paul Monzingo on MAY 10 1944 at 9:15 o'clock A. M. and recorded in book 123 of Deeds page 584.

Jas. A. Foster County Recorder

Fee \$1.50

166109

D E E D

THIS INSTRUMENT, made and entered into this 15th day of January, A. D. 1944 by and between the POST FALLS IRRIGATION DISTRICT a municipal corporation, duly organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, and EVERETT A. KIRKPATRICK, a divorced person without remarried, party of the second part, WITNESSETH:

That the party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to it in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the party of the second part the following described property formerly being a part of the Post Falls Irrigation District, to-wit:

Tracts 5 to 12 inclusive in Block 25; Tracts

37, 38, 43, 44, 49, 50, 51, 62 and 64 in Block (IR Stamps \$4.40 FEB 15 1944)

26; Tracts 39, 40, 41, 42 and 55 in Block 30,

all of which said tracts have now been excluded from the District and are sold as dry land without water to irrigate, or the right to irrigation water in connection therewith; and also

Tract 63 of Block 26 Post Falls Irrigation District

All of the above tracts being described as certain numbered tracts in the plat of the Post Falls Irrigation tracts, commonly known as the same numbered tracts and blocks in Post Falls Irrigation District, Kootenai County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD the same unto the said party of the second part, his successors and assigns forever, subject, however, to all rights of way for streets, roads and alleys over and across said property and any and all rights of ways for ditches, flumes, pipe lines of devices for carrying water across said property for irrigation, or domestic purposes and any rights of way for any purpose existing thereon.

The first two parcels of property above described are now under lease, part of which are in crop by the tenants for the year 1944 and the land is sold subject thereto, the purchaser to have the landlords portion of the crops for the year 1944.

Purchaser to pay all taxes for the year 1944 and subsequent and party of the first part warrants that said property is now free and clear of all encumbrances, particularly the bonds issued against said property and which will be satisfied in accordance with the contract with the bondholders approved by the Federal Court for the District of Idaho. Purchaser is to make no claim whatever for irrigation or domestic water, or any rights under the Post Falls Irrigation system for any of said tracts, except Tract 63 in Block 26. Should it become necessary to levy any irrigation district assessment for the purpose of liquidating the bonds of the Post Falls Irrigation District, it is understood and agreed that said assessment will be paid and caused to be cancelled by the said Post Falls Irrigation District, in accordance with the contract entered into by said District and the Commonwealth Investment Company, approved by the District Court of the United States for the District of Idaho, Northern Division.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and caused its seal to be affixed the day and year first above written.

(Corporate Seal)

POST FALLS IRRIGATION DISTRICT

By Howard McGinley  
 President

Attest: E. L. Brugger Secretary

STATE OF IDAHO )  
COUNTY OF KOOTENAI ) ss  
AT THE REQUEST OF  
Charles Ben

AUG 20 4 47 PM '97

DANIEL J. ENGLISH *DN*  
DEPUTY  
FEE\$ 3.00

1502024

### QUITCLAIM DEED

FOR VALUE RECEIVED, MELISSA LEAH HIETT, fka MELISSA LEAH LIVINGSTON, an unmarried person, does hereby convey, release and forever quit claim unto BRIAN KENT LIVINGSTON, an unmarried person, whose address is 4301 E. Early Dawn Avenue, Post Falls, Idaho 83854, the following described premises, to wit:

Tract 42, Block 30, Post Falls Irrigated Tracts. according to the Plat filed in Book C of Plats; at pages 78-80, Kootenai County, Idaho,

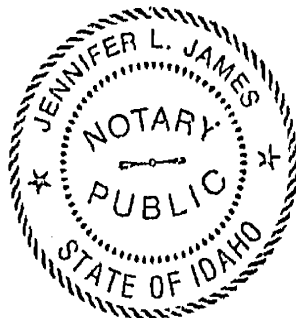
together with their appurtenances, together with any after acquired title.

Dated this 14 day of August, 1997.

*Melissa Leah Hiett*  
MELISSA LEAH HIETT  
fka MELISSA LEAH LIVINGSTON

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this 14th day of August, 1997, before me, the undersigned Notary Public, personally appeared MELISSA LEAH HIETT, known or identified to me as the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



*Jennifer L. James*  
Notary Public for Idaho  
Residing at: Hayden Lake  
My Commission Expires: 1-25-00

STATE OF IDAHO }  
COUNTY OF KOOTENAI } SS  
AT THE REQUEST OF  
Charles Ben

AUG 20 4 47 PM '97

DANIEL J. ENGLISH *en*  
DEPUTY  
FEE\$ 3.00

1502024

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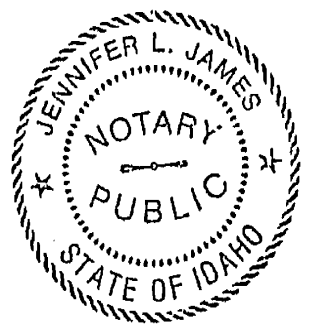
together with their appurtenances, together with any after acquired title.

Dated this 14 day of August, 1997.

Melissa Leah Hiett  
MELISSA LEAH HIETT  
fka MELISSA LEAH LIVINGSTON

STATE OF IDAHO )  
                          ) ss.  
County of Kootenai )

On this 14th day of August, 1997, before me, the undersigned Notary Public, personally appeared MELISSA LEAH HIETT, known or identified to me as the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Jennifer L. James  
Notary Public for Idaho  
Residing at: Hayden Lake  
My Commission Expires: 1-25-00



Instrument Number

Escrow No.: N-35192-WW

### WARRANTY DEED

FOR VALUE RECEIVED, **L. Scott Livingston and Jacqueline E. Livingston**, husband and wife  
Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto **Sergey V. Artemenko and Elena V. Artemenko, HUSAND AND WIFE AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP**, Grantee, whose address is:  
4320 EAST HOPE AVENUE, POST FALLS, the following described premises, County of Kootenai, State of Idaho to-wit: TD. 8385Y

The East half of Tract 39 in Block 30 of Post Falls Irrigated Tracts, according to the official plat thereof, filed in Book "C" of Plats at Page(s) 78, 79, and 80, records of Kootenai County, Idaho.

Excepting therefrom that portion conveyed to the City of Post Falls by Grant of Right-of-Way recorded July 9, 2008 as Instrument No. 2167728000, Kootenai County Records.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

And that he/she/they will warrant and defend the same from all lawful claims whatsoever.

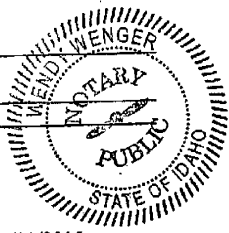
DATED, April 22, 2015

[Signature]  
L. Scott Livingston  
[Signature]  
Jacqueline E. Livingston

STATE OF IDAHO )  
 )ss.  
COUNTY OF Kootenai )

On this 23rd day of April, 2015, before me, a Notary Public in and for said State, personally appeared L. Scott Livingston and Jacqueline E. Livingston, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

[Signature]  
Notary in and for said County and State  
Residing at: Hayden  
Commission Exp.: 4/28/2016





JIM BRANNON 2 P 2751708000  
KOOTENAI COUNTY RECORDER  
KKR 5/15/2020 1:20 PM  
REQ OF KOOTENAI COUNTY TITLE  
COMPANY

RECORDING FEE: \$15.00 DD  
Electronically Recorded

2020-056

**QUITCLAIM DEED**

For Value Received

Heidi Mallet, an unmarried woman

do hereby convey, release and forever quit claim unto

James D. Mallet, an unmarried man

whose address is: PO Box 3543, Hayden, ID 83835

the following described premises, to wit:

See Exhibit A attached hereto and made a part hereof for legal description  
together with their appurtenances and including any and all after acquired title.

Dated: May 12, 2020

Heidi Mallet  
Heidi Mallet

STATE OF IDAHO

COUNTY OF KOSOTENAI

On this 15 of May, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Heidi Mallet, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same.

Keri Mitchell  
Notary Public for Idaho  
Residing at Coeur d'Alene  
My Commission Expires: 8-25-2023

**KERI MITCHELL**  
Notary Public - State of Idaho  
Commission Number 5192  
My Commission Expires 08-25-2023

**ACCOMODATION RECORDING**  
KOOTENAI COUNTY TITLE COMPANY  
has not examined this document,  
and assumes no liability as to its  
validity or its effects on title.

## EXHIBIT A

The North Half of Tract 41, Block 30 POST FALLS IRRIGATED TRACTS, according to the plat recorded in Book "C" of Plats, at Pages 78, 79, and 80, records of Kootenai County, Idaho.

EXCEPTING THEREFROM that portion conveyed to the State of Idaho by Right of Way Deed recorded May 14, 1952 in Book 151 of Deeds at Page 30, records of Kootenai County, Idaho.

ALSO EXCEPTING THEREFROM that portion conveyed to the City of Post Falls by Grant of Right of Way recorded July 16, 2004 as Instrument No. 1888610, records of Kootenai County, Idaho.

ALSO EXCEPTING THEREFROM a parcel of land in a portion of Government Lot 3 (Northwest Quarter of the Southwest Quarter (NW4SW4)), Section 30, Township 51 North, Range 4 West, of the Boise Meridian, Kootenai County, Idaho, being a part of Tract 41, Block 30, Post Falls Irrigated Tracts (Book C of Plats, Pages 78, 79 and 80), directly affecting that parcel described in Deed Instrument No. 2254510000, as shown on the attached Exhibit Map and being more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 30, a calculated position per CP&F Instrument No. 2628322000, being Station 1104+19.28, 45.00 feet left as set forth in ITD Project No. A019 (682), from which the Southwest Corner of said Section 30, a calculated position per CP&F Instrument No. 2628321000, bears South 00°58'56", 2638.98 feet, thence along the West line of said Government Lot 3 (NW4SW4), South 00°58'56" West, 978.16 feet to a point being perpendicular from the intersection of the South line of said certain parcel with the East right-of-way of SH-41, being Station 1094+41.14, 45.00 feet left; thence

Departing said West line of said Government Lot 3 (NW4SW4), South 89°01'04" East, 61.77 feet to said intersection, being the POINT OF BEGINNING; thence

Along said East right-of-way, North 00°57'29" East, 320.54 feet to the North line of said certain parcel; thence

Departing said East right-of-way and along said North line, South 88°37'34" East, 98.37 feet; thence

Departing said North line and along a line being parallel with and 160.00 feet offset from said West line of said Government Lot 3 (NW4SW4), South 00°58'56" West, 320.71 feet to said South line of said certain parcel; thence

Departing said parallel line and along said South line, North 88°31'40" West, 98.23 feet to said East right-of-way of SH-41, being the POINT OF BEGINNING.

A handwritten signature in black ink, appearing to be the initials 'HOM' followed by a flourish.

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
Finnegan Enterprises LLC  
820 N Williams St  
Post Falls, ID 83854

JIM BRANNON 3 P 2710786000  
KOOTENAI COUNTY RECORDER  
MRR 9/6/2019 11:06 AM  
REQ OF FIRST AMERICAN TITLE -  
KOOTENAI

RECORDING FEE: \$15.00 DD  
Electronically Recorded

Space Above This Line for Recorder's Use Only

## WARRANTY DEED

File No.: **851454-C (jh)**

Date: **September 03, 2019**

For Value Received, **E. JoAnn Wolkenhauer, Trustee of the E. JoAnn Wolkenhauer Living Trust, dated September 20, 2018**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Finnegan Enterprises LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **820 N Williams St, Post Falls, ID 83854**, the following described premises, situated in **Kootenai County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 09/03/2019

Warranty Deed  
- continued

File No.: 851454-C (jh)

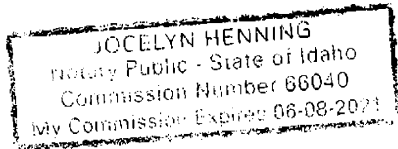
E. JoAnn Wolkenhauer, Trustee of the E. JoAnn  
Wolkenhauer Living Trust

*E. JoAnn Wolkenhauer, Trustee*  
E. JoAnn Wolkenhauer, Trustee

STATE OF Idaho )  
 ) ss.  
COUNTY OF Kootenai )

On this **4th day of September, 2019**, before me, a Notary Public in and for said State, personally appeared **E. Joann Wolkenhauer**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **E. Joann Wolkenhauer Living Trust** Trust, and acknowledged to me that she executed the same as such Trustee.

*Jocelyn Henning*  
\_\_\_\_\_  
Notary Public of Idaho  
Residing at: Coeur d Alene, ID  
Commission Expires: 06/08/2021



Date: 09/03/2019

Warranty Deed  
- continued

File No.: 851454-C (jh)

## **EXHIBIT A**

**THE SOUTH HALF OF TRACT 41, BLOCK 30, POST FALLS IRRIGATED TRACTS, ACCORDING TO THE PLAT RECORDED IN BOOK C OF PLATS, PAGE 78, 79 AND 80,**

**EXCEPT THAT PORTION DEEDED TO THE CITY OF POST FALLS UNDER GRANT OF RIGHT OF WAY RECORDED JULY 9, 2004 AS INSTRUMENT NO. 1887086.**

RECORDING FEE: \$0.00 DD



After recording return to:  
Idaho Transportation Department  
Attn: HQ RW  
PO Box 7129  
Boise ID 83707-1129

Project No. A019(682)  
Key No. 19682  
Parcel No. 47  
Parcel ID No. 50573

408288KM

### WARRANTY DEED

THIS INDENTURE is made this 7th day of October, 2019, by and between **FINNEGAN ENTERPRISES, LLC, AN IDAHO LIMITED LIABILITY COMPANY** ("Grantor") and the **STATE OF IDAHO, IDAHO TRANSPORTATION BOARD, by and through the IDAHO TRANSPORTATION DEPARTMENT** ("Grantee"), 3311 West State Street, Boise, Idaho 83703.

WITNESSETH: That Grantor, for value received, does, by these presents, grant, bargain, sell and convey unto Grantee the following described real property situated in the County of KOOTENAI, State of Idaho, to-wit:

SEE **EXHIBIT A** ATTACHED HERETO  
AND BY THIS REFERENCE MADE A PART HEREOF.

Containing approximately 0.861 acres.  
Highway Station Reference: 1091+16.93 to 1094+41.14

Together with all appurtenances, easements and rights of way.

TOGETHER WITH all right, title and interest of Grantor in and to that portion of existing US-95, adjacent and contiguous to the property described on EXHIBIT A attached hereto and by this reference made a part hereof.

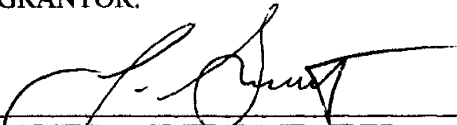
TO HAVE AND TO HOLD the said property with its appurtenances unto said Grantee, and Grantee's successors and assigns forever. Grantor does hereby covenant to and with Grantee, that Grantor is the owner in fee simple of said property; that said property is free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements (if any) of record, and general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

RECORD AT THE REQUEST OF THE STATE OF IDAHO  
FEE EXEMPT - I.C. 67-2301

Project No. A019(682)  
Key No. 19682  
Parcel No. 47  
Parcel ID No. 50573

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

GRANTOR:

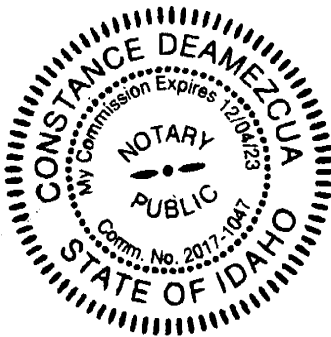
  
\_\_\_\_\_  
**JAMES A. SMIDT, MEMBER**

STATE OF IDAHO                             )  
   ) ss.  
County of KOOTENAI                        )

On this 07 day of October, 2019, before me,

Constance de la Cruz a Notary Public in and for the State of Idaho, personally appeared JAMES A. SMIDT, known or identified to me to be a Member of the FINNEGAN ENTERPRISES, LLC, AN IDAHO LIMITED LIABILITY COMPANY that executed this instrument or the person who executed this instrument on behalf of said Company, and acknowledged to me that such Company executed the same.

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



Notary Public for IDAHO

Residing at 27809 E. Country Vista  
#76, Liberty Lake, WA 99019

My commission expires 12/4/23



# EXHIBIT A

Idaho Transportation Department  
SH-41, Mullan Avenue to Prairie Avenue  
Project No. A019(682)  
Key No. 19682  
Parcel No. 47  
Parcel ID No. 50573

May 22, 2018  
Fee Acquisition  
37,508 Sq. Ft. ±  
0.861 Acres ±  
Page 1 of 3  
1 Exhibit Map (Page 3 of 3)

## Legal Description

A parcel of land located in a portion of Government Lot 3 (Northwest Quarter of the Southwest Quarter (NW<sup>4</sup>SW<sup>4</sup>)), Section 30, Township 51 North, Range 4 West, of the Boise Meridian, Kootenai County, Idaho, being part of Tract 41, Block 30, Post Falls Irrigated Tracts (Book C of Plats, Pages 78, 79, and 80), directly affecting that certain parcel described in Deed Inst. No. 1467372, as shown on the attached Exhibit Map and being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 30, a calculated position per CP&F Inst. No. 2628322000, being Station 1104+19.28, 45.00 feet Left as set forth in ITD Project No. A019(682), from which the Southwest Corner of said Section 30, a calculated position per CP&F Inst. No. 2628321000, bears S00°58'56"W, 2638.98 feet, thence along the west line of said Government Lot 3 (NW<sup>4</sup>SW<sup>4</sup>), S00°58'56"W, 978.16 feet to a point being perpendicular from the intersection of the north line of said certain parcel with the east right-of-way of SH-41, being Station 1094+41.14, 45.00 feet Left;

Thence departing said west line of said Government Lot 3 (NW<sup>4</sup>SW<sup>4</sup>), S89°01'04"E, 61.77 feet to said intersection, being the **POINT OF BEGINNING**;

Thence along said north line of said certain parcel, S88°31'40"E, 98.23 feet;

Thence departing said north line and along a line being parallel with and 160.00 feet offset from the said west line of said Government Lot 3 (NW<sup>4</sup>SW<sup>4</sup>), S00°58'56"W, 291.78 feet;

Thence departing said parallel line and along a line being parallel with and 50.00 feet offset from the south line of said Government Lot 3 (NW<sup>4</sup>SW<sup>4</sup>), S88°33'20"E, 197.40 feet;

Thence departing said parallel line, S01°26'40"W, 30.00 feet to the north right-of-way of Early Dawn Avenue;

Thence along said north right-of-way, N88°33'20"W, 295.26 feet to said east right-of-way of SH-41;

Thence along said east right-of-way of SH-41, N00°57'29"E, 321.83 feet to said north line of said certain parcel, being the **POINT OF BEGINNING**.

The above described parcel contains 0.861 acres or 37,508 Sq. Ft., more or less.

Highway Project Plans Station Reference: 1091+16.93 to 1094+41.14 as set forth in ITD Project No. A019(682).

Station and offset distances are perpendicular or radial to the said highway design centerline.

The basis of bearing for the above parcel description is Grid North based on the Idaho State Plane Coordinate System, Idaho West Zone. All distance shown are ground distances.

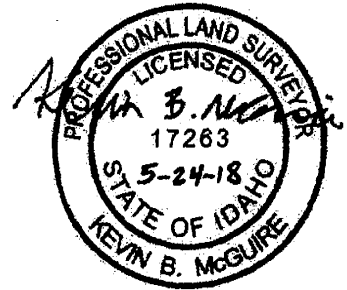
# EXHIBIT A

Idaho Transportation Department  
SH-41, Mullan Avenue to Prairie Avenue  
Project No. A019(682)  
Key No. 19682  
Parcel No. 47  
Parcel ID No. 50573

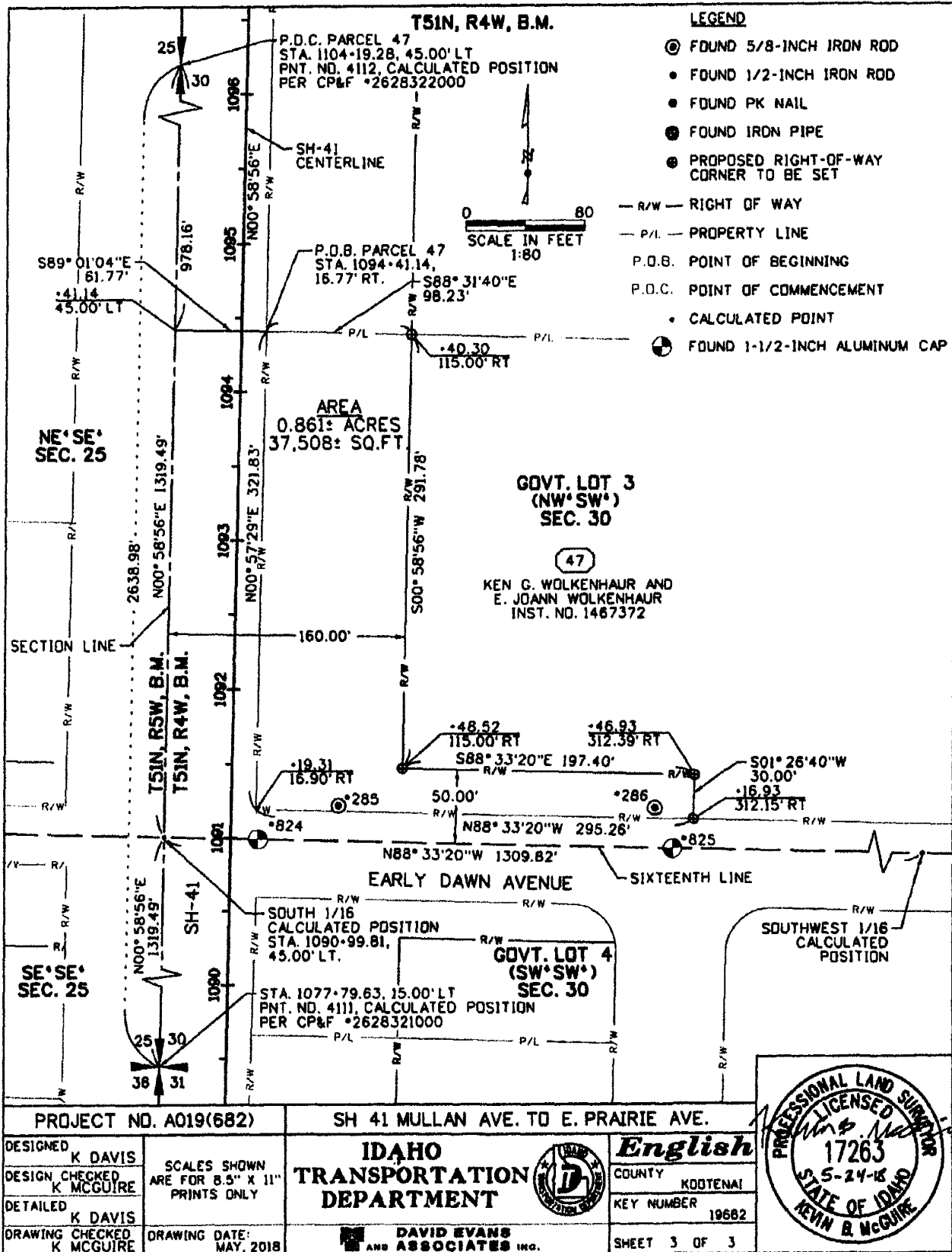
May 22, 2018  
Fee Acquisition  
37,508 Sq. Ft. ±  
0.861 Acres ±  
Page 2 of 3  
1 Exhibit Map (Page 3 of 3)

Parcel is subject to any easements or reservations.

The existing right-of-way for the purposes of this description was presumed to include those portions granted to the City of Post Falls.



# EXHIBIT A



February 8, 2022  
W.O. No. 20-2796

City of Post Falls  
Attn: Laura Jones  
408 N Spokane St  
Post Falls, ID 83854

Re: Owner Authorization, Douglas Properties Annexation

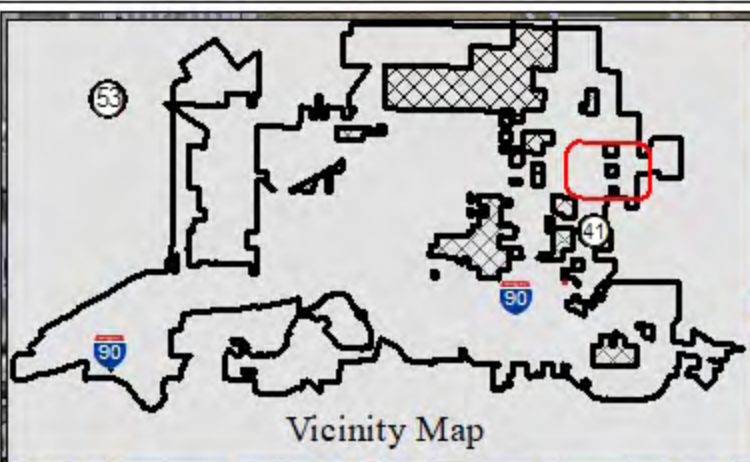
Dear Ms. Jones,

Please consider this letter as authorization for Whipple Consulting Engineers, Inc. to submit and communicate on my behalf as Agent in regards to the annexation of my parcel No. 0-6360-30-042-AA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lance G. Douglass".

Lance G. Douglass






Vicinity Map

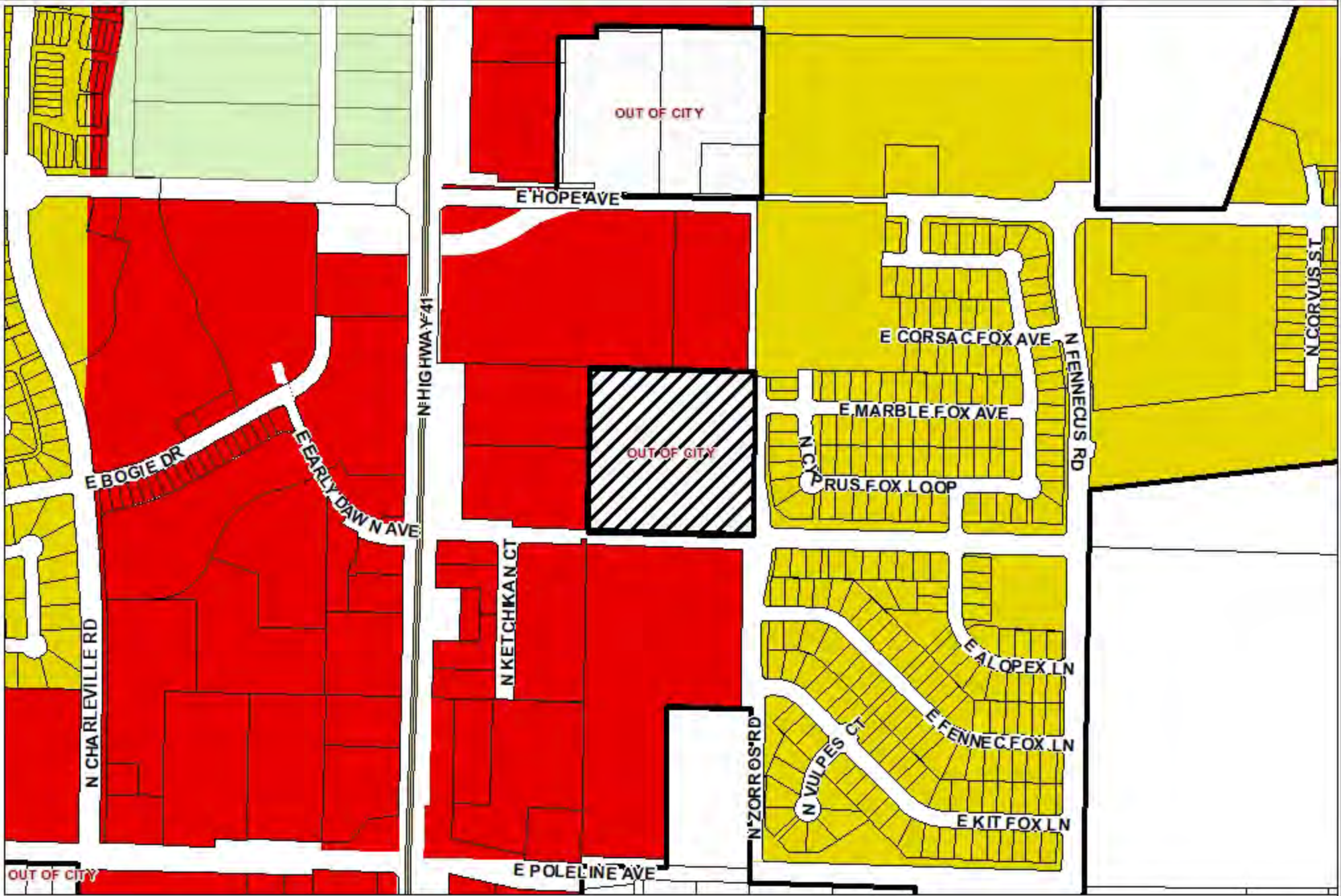


Project Location  
 DOUGLAS PROPERTIES  
 File # ANNX-0002-2022



-  Subject Site
-  City Boundary
-  Tax Parcels



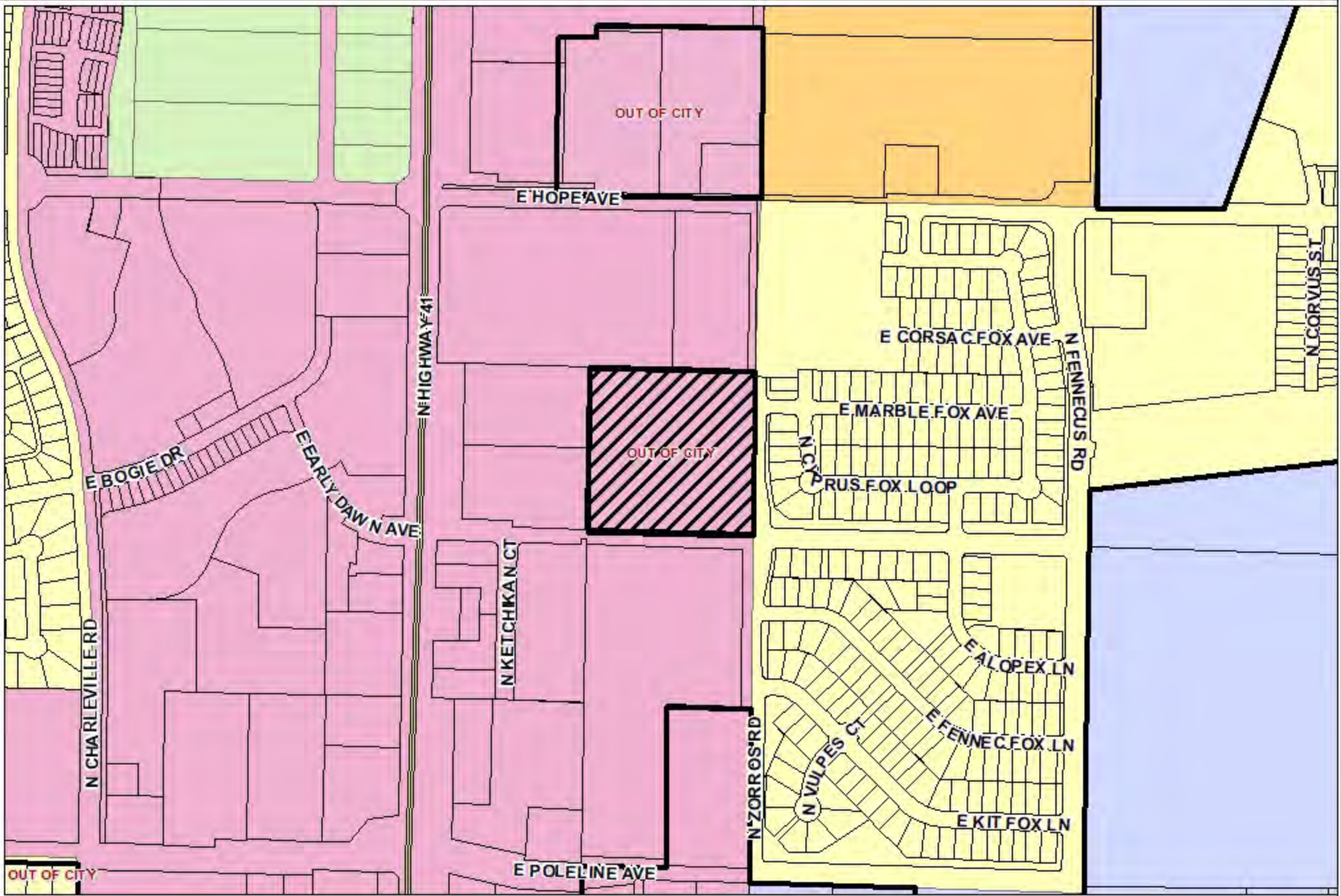


Zoning Map  
 DOUGLAS PROPERTIES  
 File # ANNX-0002-2022



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





Future Land Use Designation  
 DOUGLAS PROPERTIES  
 File # ANNX-0002-2022



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



# 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

April 18, 2022

Amber Blanchette  
Planning Administrative Specialist  
amberb@postfallsidaho.org

## RE: Notice to Jurisdiction Response

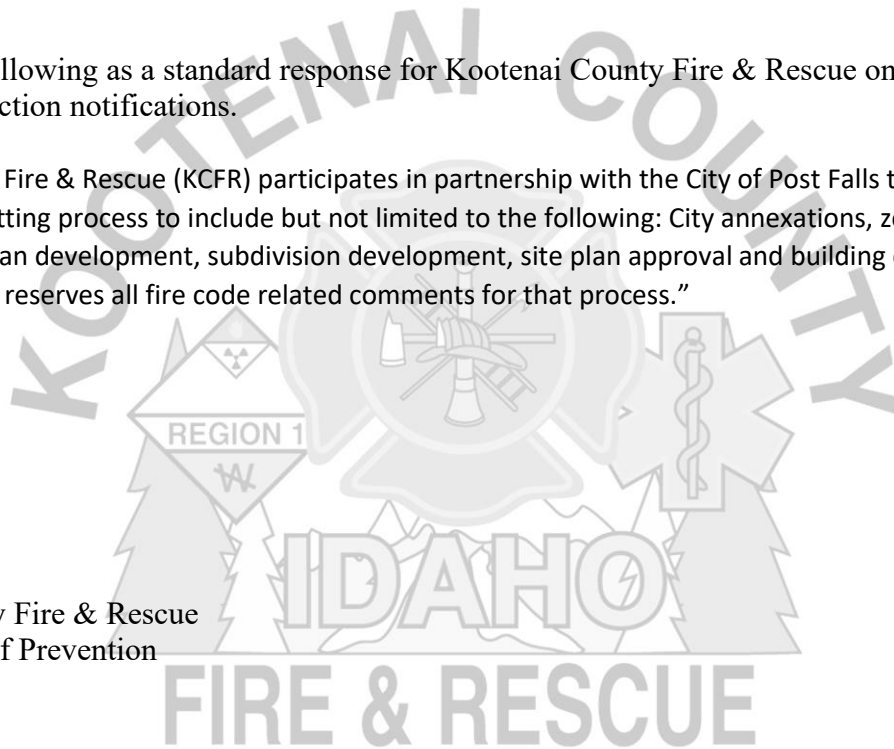
Amber,

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

April 18<sup>th</sup>, 2022

Amber Blanchette  
Planning Administrative Specialist  
[amberb@postfallsidaho.org](mailto:amberb@postfallsidaho.org)

Re: Douglass Annexation File No. ANNX-0002-2022

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  
Captain  
Post Falls Police Department

## Amber Blanchette

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**From:** jonie@postfallshd.com  
**Sent:** Tuesday, April 19, 2022 7:13 AM  
**To:** Amber Blanchette  
**Cc:** shannon@postfallshd.com  
**Subject:** RE: Douglass Annexation File No. ANNX-0002-2022

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

Good Morning Amber,  
PFHD has no comment.

Regards,

Jonie Anderson  
Administrative Assistant 1  
Post Falls Highway District  
p 208.765.3717  
f 208.765.0493  
[contactus@postfallshd.com](mailto:contactus@postfallshd.com)



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**From:** Amber Blanchette <amberb@postfallsidaho.org>  
**Sent:** Friday, April 15, 2022 3:43 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

## Amber Blanchette

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**From:** Howard Burns <burns\_crew@yahoo.com>  
**Sent:** Tuesday, May 3, 2022 7:32 PM  
**To:** Public Hearing Notice  
**Subject:** Douglass Property Early Dawn Ave Annexation and zone request

**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.

Please do not approve this Annexation and Zone request to CCS UNLESS:

- 1) the applicant agrees not to build any residential structures
- 2) no building within 100 feet of the eastern lot line will be over 45 feet in height and no structure within 50 feet of the eastern lot line be over 35 feet in height....Foxtail residents deserve to have abutting structures no higher than their homes.

Douglass Properties constructed the massive apartment project to the south using the CCS designation. If they want to build apartments, then ask for an annexation with R3 zoning and be straight-forward about what the company constructs.

Howard Burns:

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**CITY OF POST FALLS  
STAFF REPORT**

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**DATE:** May 6, 2022

**TO:** POST FALLS PLANNING AND ZONING COMMISSION

**FROM:** ETHAN PORTER, ASSOCIATE PLANNER • [eporter@postfallsidaho.org](mailto:eporter@postfallsidaho.org) • 208-457-3353

**SUBJECT:** STAFF REPORT FOR THE MAY 10, 2022, P&Z COMMISSION MEETING  
MONGEAU MEADOWS ANNEXATION AND SUBDIVISION  
ANNX-0003-2022 & SUBD-0003-2022

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**INTRODUCTION:**

The Planning and Zoning Commission reviews the zoning requested at the time an annexation is sought to determine if it is consistent with the adopted review criteria. The Commission provides a recommendation on zoning for the City Council's consideration if the Council determines that the property should be annexed. **The Planning and Zoning Commission does not make a decision or a recommendation on annexation.**

Whipple Consulting Engineers is requesting, on behalf of Wilde Horse Investments, LLC, the property owner, approval to annex and subdivide 3.91 acres into 17 lots within the City of Post Falls with a zoning request of single-family (R-1) zoning (Exhibit S-1). The Planning & Zoning Commission must conduct a public hearing and review the proposed zoning as part of the annexation proposal per the Zone Change approval criteria contained in Post Falls Municipal Code Section 18.16.010 and 18.20.100. The Planning & Zoning Commission is also being asked to review the proposed subdivision and determine that it meets the requirements of the City's ordinances and approve the Subdivision with appropriate conditions. Following the public hearing, **the Planning Commission will forward its recommendation on zoning to City Council** for review and final action pertaining to the annexation. The approval criteria for establishing zoning are:

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

**PROJECT INFORMATION:**

**Project Name / File Number:** Mongeau Meadows Annexation & Subdivision  
File No. ANNX-0003-2022 & SUBD-0003-2022

**Owner(s):** Wlithorse Investments, LLC, 14899 W Stub Ave., Rathdrum, ID 83858

**Applicant:** Whipple Consulting Engineers, 21 S Pines Road, Spokane Valley, WA 99206

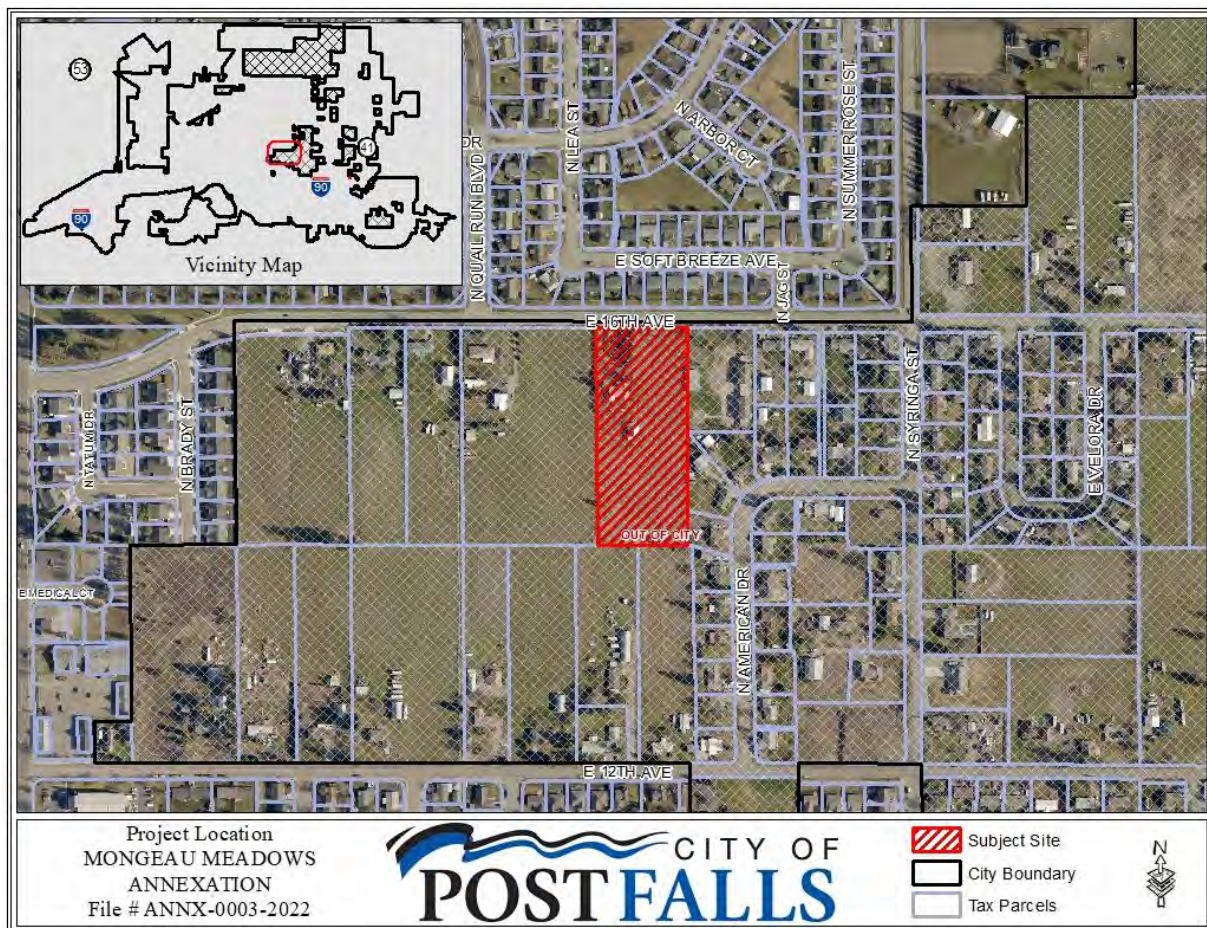
**Project Description:** Annex and subdivide 3.91 (3.91) acres into 17 lots within the City of Post Falls with a zoning request of Single-Family Residential (R-1) zoning.

**Project Location:** The property is generally located on the south side of 16<sup>th</sup> Avenue east of Quail Run Boulevard.

**AREA CONTEXT (proposed site hatched red below):**

**Surrounding Land Uses:** Located north of the project site, across 16<sup>th</sup> Avenue, is the Windsong 1<sup>st</sup> Addition single-family subdivision. Surrounding the property on the west and south are large lot residential homes within Kootenai County. Directly east is the American Homes single-family subdivision within Kootenai County as well as a County multi-family site.

**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.** Detailed within the following Subsection C.
- 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

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

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

**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.

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

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

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

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

**Policy 1:** Support land use patterns that:

- Maintain or enhance community levels of service;

Staff Comment: Impact Fees are paid at the time of permit issuance to mitigate impact and maintain/enhance community levels of service.

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

Staff Comment: Development of housing may help with further long-term fiscal health of the community to keep up with the current housing demands for future residents.

- Maintain and enhance resident quality of life;

Staff Comment: Development of housing may assist with providing walkable neighborhoods and a better sense of community. Subdivisions and housing must meet City standards for residential development as well as building code requirements to assist in safe homes and neighborhoods are built.

- Promote compatible, well-designed development;

Staff Comment: Development will be required to meet City 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 2:** Apply or revise zoning designations with careful consideration of factors including:

- Future land use mapping;

Staff Comment: Exhibit S-3: Future Land Use Map, depicts the land use designation for this area as low-density residential. The proposed Single-Family Residential (R-1) Zone is an allowable implementing zoning district within the low-density land use designation category.

- Compatibility with surrounding land uses;

Staff Comment: The proposed development pattern for this proposal would not be incompatible with the surrounding uses as they are all primarily residential in nature.

- Infrastructure and service plans;

Staff Comment: Sanitary Sewer for the location would need to be extended to the site from the intersection of 16<sup>th</sup> Avenue / Jag St. The property requesting annexation and zoning is identified in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced sewer main. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

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

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

Water would be serviced by the City of Post Falls. The City has an existing 6" main located within 16<sup>th</sup> Avenue.

- Existing and future traffic patterns;

Staff Comment: The property is adjacent to 16<sup>th</sup> Ave., a classified Major Collector roadway. Dedications of rights-of-way and easement would be required, at the time of annexation and complying with adopted City Design Standards:

16<sup>th</sup> Avenue – major Collector: 85-foot total right-of-way width, along with a 10-foot sidewalk, drainage and utility easement. The ½ road right-of-way width will be measured from the section line in 16<sup>th</sup> Avenue.

Future traffic patterns to/from this site are benefitted from the proximity to numerous Collector and Arterial Roadways: Syringa St. is less than a ¼ mile to the east

and Idaho St. is 1/3 mile to the west. 16<sup>th</sup> Ave. connects to SH41 at a signalized intersection (2022).

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

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

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

Staff Comment: This proposal is located within a Kootenai County island that would become smaller if this request is approved.

**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: Annexation with residential zoning could allow for further housing types and price levels.

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

#### **Streets/Traffic:**

Staff Comment: Major Collectors (16<sup>th</sup> Ave.) are designed to accommodate traffic volumes of 4,000 - 12,000 vehicles per day. In 2035 the projected volumes along this section of roadway are approximately 2,200 vehicles per day.

Future traffic patterns to/from this site are benefitted from the proximity to numerous Collector and Arterial Roadways: Syringa St. is less than a ¼ mile to the east and Idaho St. is 1/3 mile to the west. 16<sup>th</sup> Ave. connects to SH41 at a signalized intersection (2022).

#### **Water and Sanitary Sewer:**

Staff Comment: Water service is provided by the City of Post Falls with an existing 6" main in 16<sup>th</sup> Ave. Sanitary sewer service is being provided by the City of Post Falls. Sanitary Sewer currently exists at the intersection of 16<sup>th</sup> Avenue / Jag St. and would need to be extended to the site. The property requesting annexation and zoning is identified in the City of Post Falls Water and Water Reclamation Master Plan as being serviced by the referenced mains. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

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

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

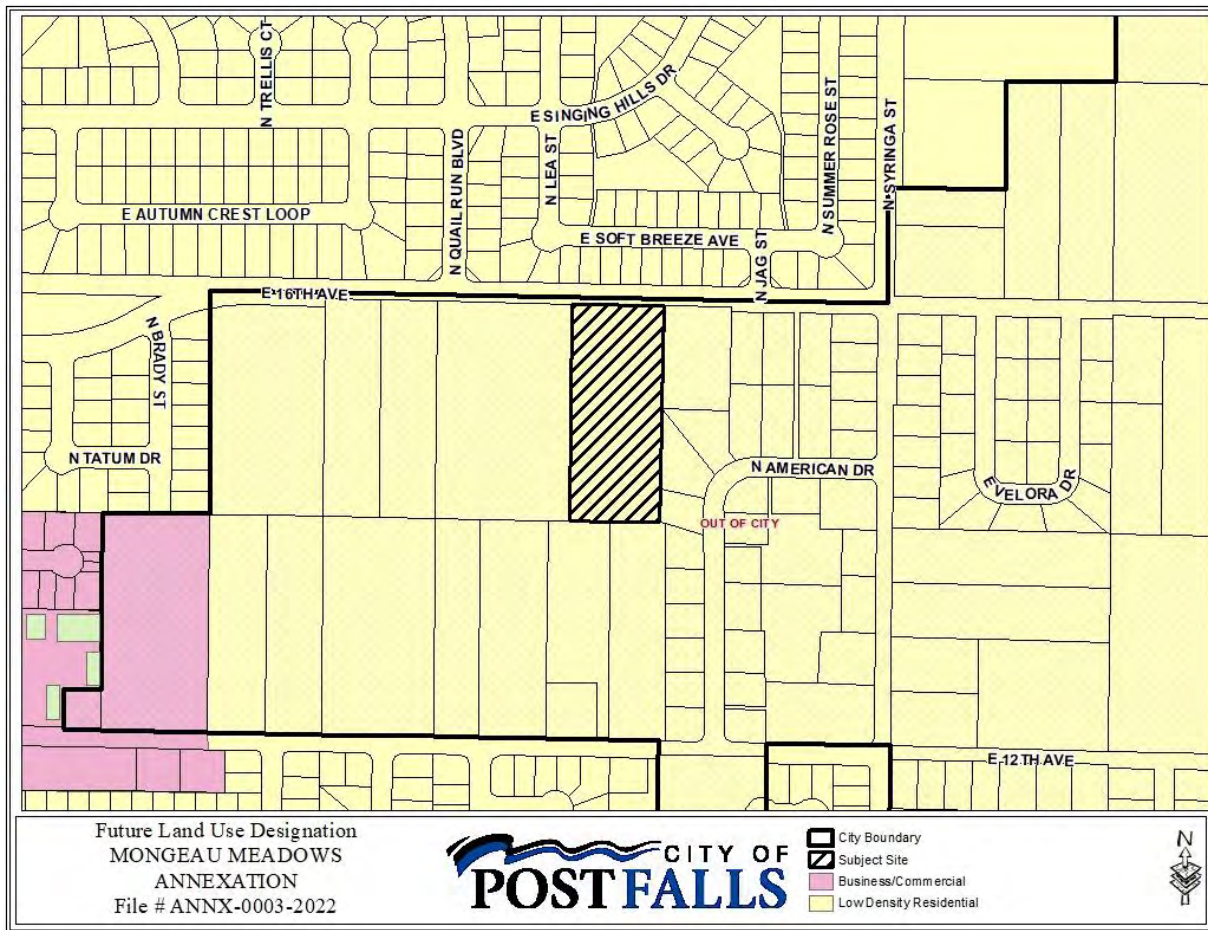


**Compatibility with Existing Development and Future Uses:**

Staff Comment: Residential uses are compatible with other residential uses. Proposal is next to County multi-family development and the surrounding area is designated as low-density residential for the future.

**Future Land Use Designation:**

Staff Comment: Future Land Use Designation as mentioned above is low-density residential (See image below).



**Community Plans:**

Staff Comment: None

**Geographic/Natural Features:**

Staff Comment: The site is relatively flat and no geographic or other natural features that would affect health, safety and/or welfare have been identified.

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

Staff Comment: Not Applicable as this area is suitable for medium to lower residential densities per the Comprehensive Plan.

**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: The proposed zoning request is outside an intense urban activity node or corridor.

**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

**SUBDIVISION REVIEW CRITERIA (Post Falls Municipal Code Title 17.12.060, Subsection H):**

No subdivision shall be approved from the planning and zoning commission unless findings and conclusions are made that:

**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.**

Staff's Response: Water service to the project would be provided by the City of Post Falls. The proposed layout of the water to the site is adequate.

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

Staff's Response: The City of Post Falls has adequate capacity to provide service to the subdivision as proposed. The layout of the sanitary sewer system as proposed is adequate. Existing homes, if remaining, will be required to connect to City Sewer and pay appropriate fees with construction of the Subdivision. Existing septic systems will be required to be abandoned in conformance with Panhandle Health requirements.

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

Staff's Response: The subdivision and proposed layout accommodate connectivity and will not have a negative impact on the local transportation system. The roadways shall dedicate rights of way and easements and be constructed to the roadway standards as outlined within the City Transportation Master Plan.

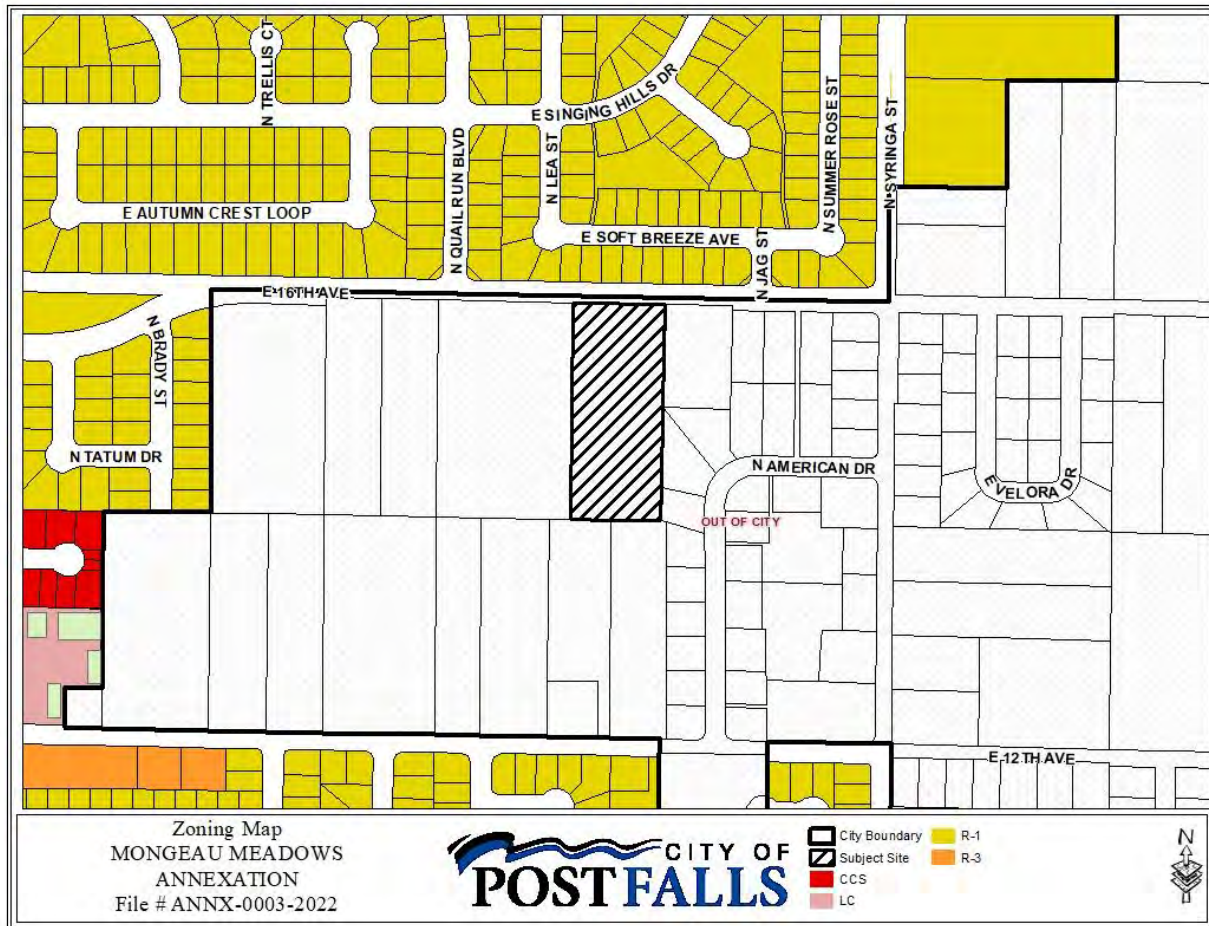
Roadway illumination, ADA ramps and roadway markings / signs will comply with City Standards.

**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.**

Staff's Response: There are no soil or topographical conditions which have been identified as presenting hazards.

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

Staff's Response: The applicant is also requesting annexation into the City and the requested zoning for this subdivision is appropriate based on the existing land use in the general area (refer to zone change review criteria above). The subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning).



**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.**

Staff's Response: Impact fees will be assessed on individual building permits to assist in mitigating the off-site impacts to parks, public safety, multi-modal pathways and streets. The City will assume typical costs for the regular maintenance and operation of the public roadway, sanitary sewer and water facilities constructed with the project.

**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 (Exhibit PA-1)** – Comments on projects through the project review process.
- **Post Falls Police Department (Exhibit PA-2)** – Remains neutral.
- **Post Falls Highway District (Exhibit PA-3)** – Requests the city to annex all rights-of-way on 16<sup>th</sup> Ave. from Syringa St. to the west property line of parcel 0-6360-35-039-AC.
- **Idaho Department of Environmental Quality (Exhibit PA-4)** – General comments for time of construction.

#### ITEMS TO BE CONSIDERED FOR INCLUSION IN AN ANNEXATION AGREEMENT:

1. Prior to commencement of development of the property, the Owners shall grant to the City or to a municipal water purveyor designated by the City all water rights associated with the land being annexed, but may continue the use of the water for agricultural purposes from the well located on site, if any, until such time that the annexed area is fully developed, at which time Owners shall discontinue the use of any well serving the property and the use of the water for agricultural purposes.
2. Dedication of Rights-of-way and easements along 16<sup>th</sup> Avenue
  - a. 85-foot right-of-way (1/2 road right-of-way measured from the section line in 16<sup>th</sup> Ave.)
  - b. 10-foot sidewalk, drainage and utility easement

**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. Accompanying the annexation is the proposed Subdivision, which the Planning and Zoning Commission shall approve as presented, make an approval with conditions or modifications, or disapprove the proposed Subdivision. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a date certain. If the Commission has heard sufficient testimony but needs additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a date certain.

**FINDINGS & CONCLUSIONS:** The Planning & Zoning Commission should adopt Findings and Conclusions when forming a reasoned decision. Staff proposes the following conditions upon a potential recommendation of approval of the proposed Mongeau Meadows Subdivision. The Commission may adopt additional conditions from review of the application or from discussion at the Commission meeting.

**SUBDIVISION CONDITIONS:** Should the Planning & Zoning Commission move to recommend approval; staff proposes the following conditions:

1. This subdivision may only be approved subject to annexation approval.
2. 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.
3. A Master Development Agreement shall be prepared by staff, reviewed and approved by the City Council, and signed by the parties prior to commencement of any construction.
4. The proposed subdivision must be completed in a single phase.
5. A Construction Improvement Agreement shall be prepared and executed prior to commencement of construction for the subdivision.
6. Submitted Preliminary Plans were reviewed from a conceptual basis only and reflected only the Phase I construction. 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.
7. Except where an exception is granted, all streetlights, roadways and City owned utilities shall be designed and constructed in accordance with City standards. The application did not request any exceptions from City Code or Design Standards.
  - The southern rights-of-way of 16<sup>th</sup> Avenue shall be based on the section line in 16<sup>th</sup> Avenue.
  - The southern curb location of 16<sup>th</sup> Avenue shall be based on the location of the existing northern curb line of 16<sup>th</sup> Ave. and the City's Standard Cross Section for Major Collector Roadways
8. Direct access from residential lots to 16<sup>th</sup> Avenue shall be prohibited on the face of the plat.
9. A Homeowners Association (HOA) shall be formed to maintain the common right-of-way frontage along 16<sup>th</sup> Avenue, including all landscaping, irrigation and removal of snow from sidewalks and trails.
10. The Existing homes that is identified for removal, shall include the removal of existing septic systems.

**ATTACHMENTS:**

**Applicant Exhibits:**

Exhibit A-1a	Annexation Application
Exhibit A-1b	Subdivision Application
Exhibit A-2	Narrative
Exhibit A-3	Preliminary Plat
Exhibit A-4	Preliminary Plan
Exhibit A-9	Will Serve
Exhibit A-10	Auth Letter

**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	PFHD Comments
Exhibit PA-4	DEQ 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

<b>PROPERTY OWNER:</b> Wild Horse Investments, LLC			
<b>MAILING ADDRESS:</b> 14899 W. Stub Ave			
<b>CITY:</b> Rathdrum		<b>STATE:</b> ID	<b>ZIP:</b> 83858
<b>PHONE:</b>	<b>FAX:</b>	<b>EMAIL:</b> mike@stegmanns.us	
<b>APPLICANT OR CONSULTANT:</b> Ray Kimball, Whipple Consulting Engineers			<b>STATUS:</b> <u>ENGINEER</u> OTHER
<b>MAILING ADDRESS:</b> 21 S. Pines Road			
<b>CITY:</b> Spokane Valley		<b>STATE:</b> WA	<b>ZIP:</b> 99206
<b>PHONE:</b> 509.893.2617	<b>FAX:</b>	<b>EMAIL:</b> rkimball@whipplece.com	

### SITE INFORMATION:

<b>PROPERTY GENERAL LOCATION OR ADDRESS:</b> 1274 E. 16th Ave		
<b>PROPERTY LEGAL DESCRIPTION (ATTACH OR DESCRIBE):</b> Tract 38, Block 35, Post Falls Irrigated Tracts, Except the West 396 feet thereof.		
<b>TAX PARCEL #:</b> 0-6360-35-038-AA	<b>EXISTING ZONING:</b> Ag-Suburban (County)	<b>ADJACENT ZONING:</b> Ag-Suburban, High Density Residential, R-1
	<b>CURRENT LAND USE:</b> Rural Single Family	<b>ADJACENT LAND USE:</b> Single Family, Apartments, Rural
<b>DESCRIPTION OF PROJECT/REASON FOR REQUEST:</b> See Attached Narrative		

## 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 Mike Stegmann

Address 14899 W. Stub Ave

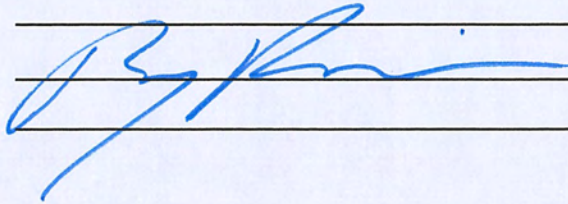
Phone 314.753.6622



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 3 DAY OF FEBRUARY 20 22



**PART 4 – COMPLETED BY CITY STAFF**

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



# SUBDIVISION APPLICATION

## Public Services Department – Planning Division

408 N. Spokane St. Post Falls, ID 83854  
208.773.8708 Fax: 208.773.2505

<b>STAFF USE ONLY</b>			
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\*\***

A subdivision is any division of a lot, tract or parcel into two or more lots and accompanied by proposed new streets or extension of existing streets, municipal sewer and water services.

*(For additional information on this process and requirements please see PFMC 17.04)*

- Completed Subdivision Pre-application:** Name of Subdivision at Pre-application stage, and Date of pre-app.
- Completed application form**
- Application fee** *(Per most recently adopted fee resolution)*
- A written narrative:** Describing the proposal
- Subdivision Plans:** (specific elements are identified in PFMC 17.12.040(A-C)) - *To include all lots being dimensioned and with square footage for each lot depicted, for the application to be considered complete.*
- Water District Will-Serve Letter:** (MC Section 17.17.060(H)(1) – a subdivision cannot be approved unless 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.
- Owner authorization letter:** If there is to be an applicant or consultant acting on the owner's behalf.
- A report(s) by an Idaho licensed Title Company:** *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. (Labels are required – 2 sets) 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 to one (1) publication notice 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**

**NOTE: Subdivision applications that are not deemed complete will not be processed.**

Plans Checked By: \_\_\_\_\_ Date: \_\_\_\_\_

**PART 2 – APPLICATION INFORMATION**

<b>PROPERTY OWNER:</b> Wild Horse Investments, LLC		
<b>MAILING ADDRESS:</b> 14899 W. Stub Ave		
<b>CITY:</b> Rathdrum	<b>STATE:</b> ID	<b>ZIP:</b> 83858
<b>PHONE:</b>	<b>FAX:</b>	<b>EMAIL:</b> mike@stegmanns.us
<b>APPLICANT OR CONSULTANT:</b> Whipple Consulting Engineers, Ray Kimball PE/PLS		<b>STATUS:</b> ENGINEER OTHER
<b>MAILING ADDRESS:</b> 21 S. Pines Road		
<b>CITY:</b> Spokane Valley	<b>STATE:</b> WA	<b>ZIP:</b> 99206
<b>PHONE:</b> 509.893.2617	<b>FAX:</b>	<b>EMAIL:</b> rkimball@whipplece.com

**SUBDIVISION INFORMATION:**

<b>PROPOSED SUBDIVISION NAME:</b> Mongeau Meadows		
<b>PROPERTY GENERAL LOCATION OR ADDRESS:</b> 1274 E. 16th Ave		
<b>PROPERTY LEGAL DESCRIPTION (ATTACH OR DESCRIBE):</b> Tract 38, Block 25, Post Falls Irrigated Tracts, except the West 396 thereof		
<b>TAX PARCEL #:</b> 0-6360-35-038-AA	<b>EXISTING ZONING:</b> Ag Suburban to R-1	<b>ADJACENT ZONING:</b> Ag-Suburban, High Density Residential, R-1
<b>AVERAGE LOT SIZE:</b> 6,980 sf	<b>CURRENT LAND USE:</b> Single Family Residential	<b>ADJACENT LAND USE:</b> Apartments, Single Family Residential
<b>SIZE OF SITE:</b> 3.91 Acres	<b>NUMBER OF LOTS:</b> 17	<b>DENSITY:</b> 4.3 du/acre

DESCRIPTION OF PROJECT/REASON FOR REQUEST: See Attached Narrative

**SITE INFORMATION:**

ASSESSOR'S PARCEL NUMBER(S): 0-6360-35-038-AA		
COMPREHENSIVE PLAN DESIGNATION: Low Density Residential-Central Island		
LOCATION OF PROPOSED ACCESS TO THE SITE: 16th Ave		
SIZE AND POINT OF UTILITIES CONNECTION:	WATER SIZE: <u>6</u> inch	LOCATION: 16th Ave
	SEWER SIZE: 12 inch	LOCATION: 16th Ave/Jag St
NAME AND LOCATION OF NEAREST SCHOOL(S): Prairie View Elementary/ Post Falls Middle School		
LOCATION OF AND DISTANCE TO NEAREST FIRE STATION OR SUB-STATION: 1.6 miles to the 16th Ave Fire Station		
STREET(S) SERVING THE PROJECT (PROVIDE R-O-W AND PAVEMENT WIDTH): 16th Ave - 46' Pavement Width, 80' ROW		
PHYSICAL DESCRIPTION OF SITE (TOPOGRAPHY, COVER, FEATURES): Relatively flat with a single family dwelling, outbuildings, and pasture		
ANY PHYSICAL LIMITATIONS? (ROCK OUTCROPS, SLOPE, ETC.): <span style="margin-left: 100px;"><input checked="" type="radio"/> NO</span> <span style="margin-left: 100px;"><input type="radio"/> YES (PLEASE ATTACH DESCRIPTION)</span>		

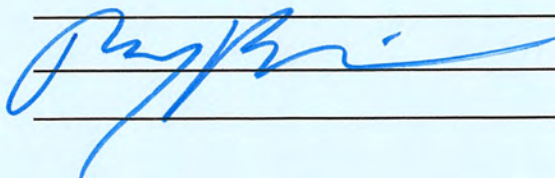
**PART 3 – CERTIFICATION**

**\*\*Applications will be scheduled to go before the Planning and Zoning Commission once the material submitted has been reviewed by staff and has been determined to be considered a complete application.**

**CERTIFICATION:**

I understand that the applicant or representative shall attend the public hearing before the Planning and Zoning Commission and that the decision on a Subdivision is final; unless appealed by myself, by adjoining property owners, or by other affected persons. I also understand that the Subdivision Plat is a separate application to be approved by the City Council before it can be recorded. All the information, statements, attachments and exhibits transmitted herewith are true to the best of my knowledge. I hereby certify that I am the owner or contract buyer.

DATED THIS 3<sup>RD</sup> DAY OF FEBRUARY 20 22

  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PART 4 – COMPLETED BY CITY STAFF:**

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



Whipple Consulting Engineers, Inc.

### 16<sup>th</sup> Ave Annexation/Subdivision

The site of the proposed annexation is located in the Southwest  $\frac{1}{4}$  of Section 35, T51N, R5W at 1274 E. 16th Ave. The property consists of one parcel with an existing home and several outbuildings. The applicant is requesting a City R-1 zoning and subdivision into 17 single family lots. See below for a Vicinity Map.

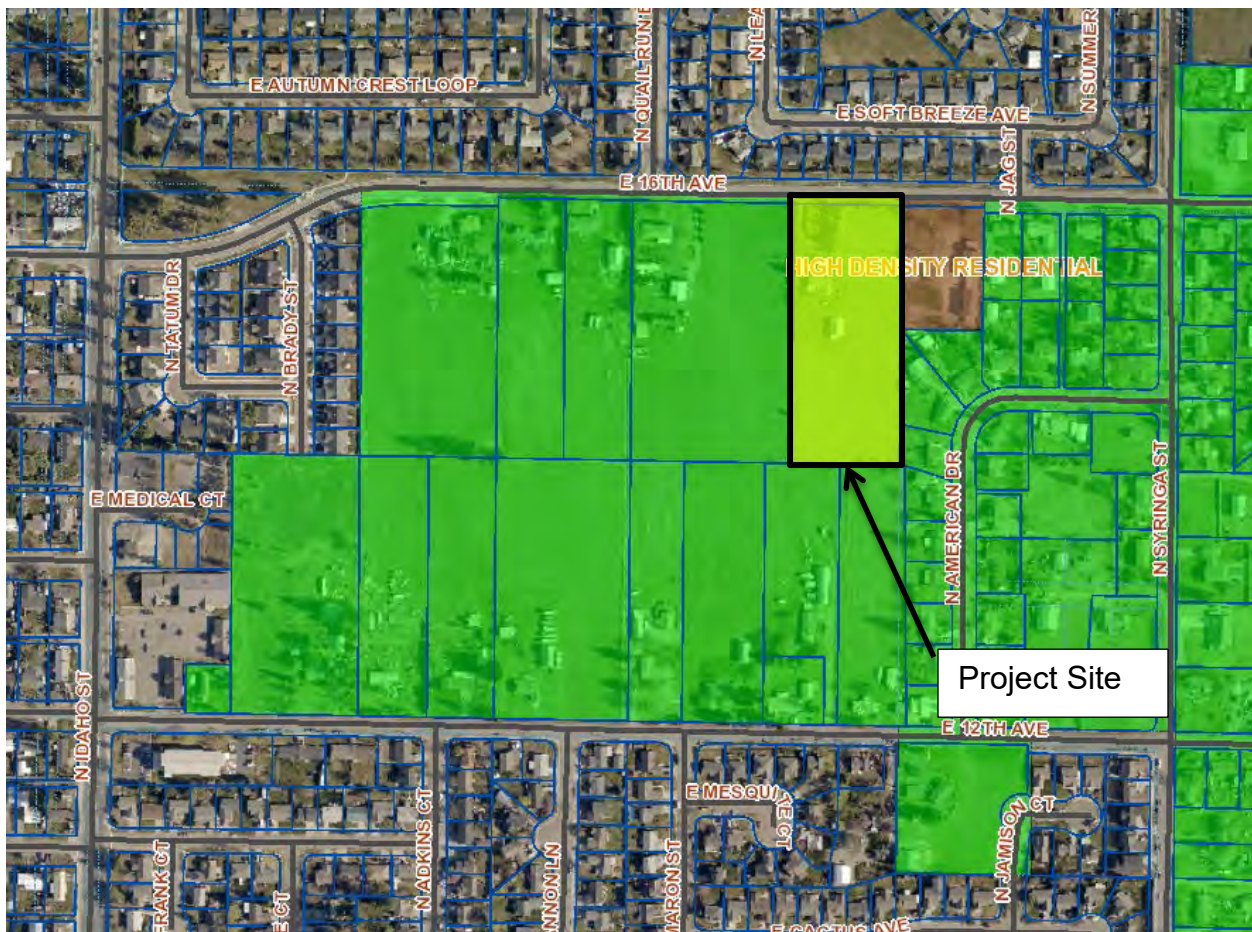


Figure 1: Vicinity Map

The subject property consists of a 3.91 acre parcel located south of 16<sup>th</sup> Avenue, between Idaho Street and Syringa Street. The Windsong subdivision is located directly to the north, and the St. Vincent DePaul apartments and the American Homes subdivision adjoin the property to the East. Large lot residential properties adjoin on the South and West.

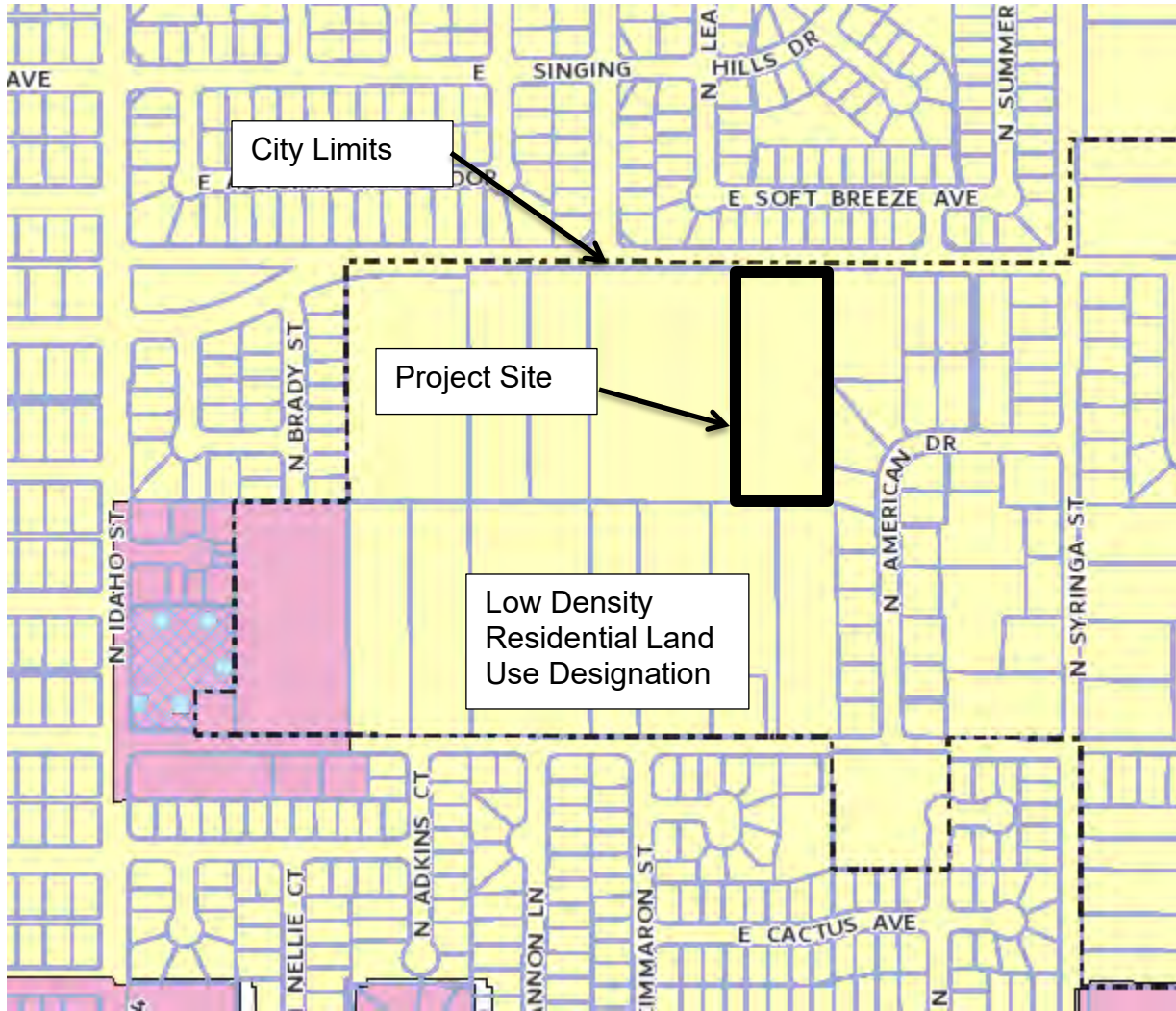









Figure 2: Future Land Use Map

-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Business/Industrial
-  Business/Commercial
-  Commercial
-  Transitional

**Zoning:**

As shown on the future land use map, the property has a low density residential land use designation. This is consistent with the surrounding development patterns and annexation into the City with an R-1 Zoning is consistent with both the surrounding zoning as well as the future land use map.

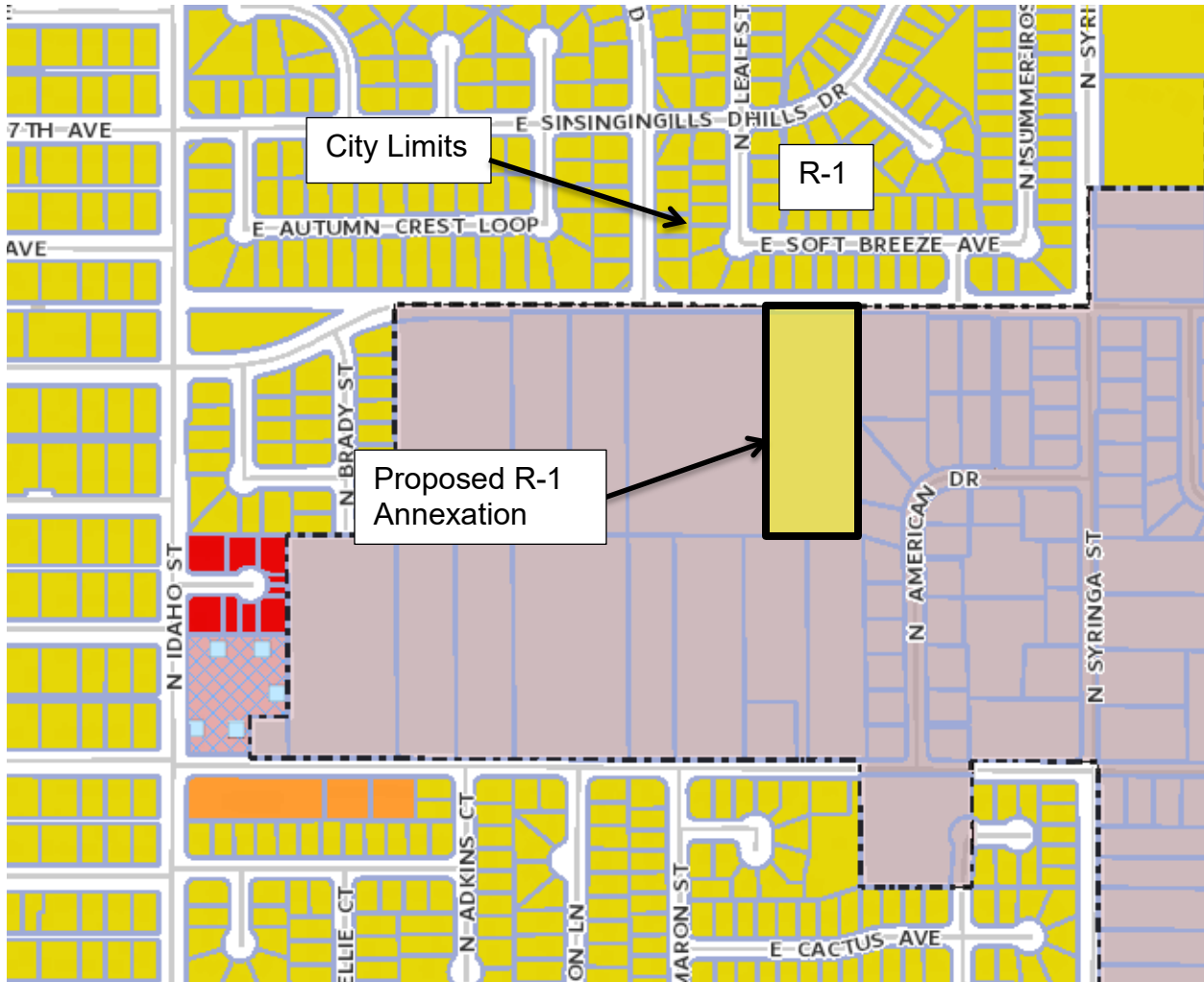


Figure 3: Zoning Map

When residential zoning is considered, it's important to consider both the existing and future surrounding environment. The existing single family residential subdivision to the north of the property has lot sizes in conformance with the R-1 zoning and the county property to the west of the subject site will likely follow suit at some time in the future. The apartments and single family subdivision to the east are located in the County but are development patterns that mimic what would be found within an incorporated environment.



**Utilities and Access:**

Primary access to this property will be from Mongeau Street which tees into 16<sup>th</sup> Ave. Connectivity to the south and west is provided with the extension of Mongeau Street and Healy Street. Both streets are considered local access streets. 16<sup>th</sup> Avenue is considered collector streets within the City's Transportation Master Plan and will be widened accordingly.

Both water and sewer mains are located in 16<sup>th</sup> Avenue. The Sewer will be extended west from the intersection of Jag Street and 16<sup>th</sup> Avenue, and then into the project via Mongeau Street. A 12" water main is also located in 16<sup>th</sup> Avenue and will provide domestic water to the property. Water and sewer extensions will be stubbed to the south and west for future development. Dry utilities are also located on the property and available to serve any future development on site.

**Subdivision:**

As shown on the attached subdivision plan, the proposed subdivision will result in 17 single family residential lots. The lots range in size from a minimum of 6,500 sf to a maximum of 7,339 sf with the average size in the neighborhood of 6,980 sf, and all lots meet the dimensional requirements of the R-1 zoning. Mongeau Street will extend south and Healy Avenue will extend to the west. This will provide important connectivity to the adjacent undeveloped parcels and will allow for them to develop in the future should the land owners decide to do so. Right of way for the widening of 16th Avenue will be dedicated and either improved or cashed out at the City's discretion.

As mentioned above, water and sewer are both immediately available and of adequate capacity to serve the proposed subdivision. There is approximately 4 to 6 feet of relief across the site, which will yield relatively flat lots for single family construction.

**Comprehensive Plan Analysis:**

This property is located within the Central Island focus area, which is a "County Island" completely surrounded by the City. This area has long been a challenge for the City and is considered a priority for annexation and is considered infill. The future land use map designates this area to be Low Density Residential which encompasses all types of single family residential uses. The requested R-1 zone is an implementing zoning district in Low Density Residential.



The proposed annexation and subdivision complies with the City's adopted comprehensive plan as follows (*policy goal in italics*):

**Land Use:**

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

The proposed R-1 single family zoning and subdivision is intended to provide a safe and vibrant neighborhood ideal for the residents of Post Falls. Sidewalks will provide a safe pedestrian environment, and the connection of the streets to adjoining properties will allow for this neighborhood to grow in an orderly manner. Impact fees collected at building permit will provide for acquisition and construction of parks, off site transportation infrastructure, and public safety needs.

*G.07. Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability.*

The residential housing mix in Post Falls is very diverse, but currently extremely limited in availability. A shortage in available and developable land coupled with an increase in demand has resulted in a sharp increase in home prices. High prices and limited availability make it difficult for the City to attract high paying employers to our community. Development of this property will increase the supply of available lots/homes which in turn supports the community need for mid-range housing.

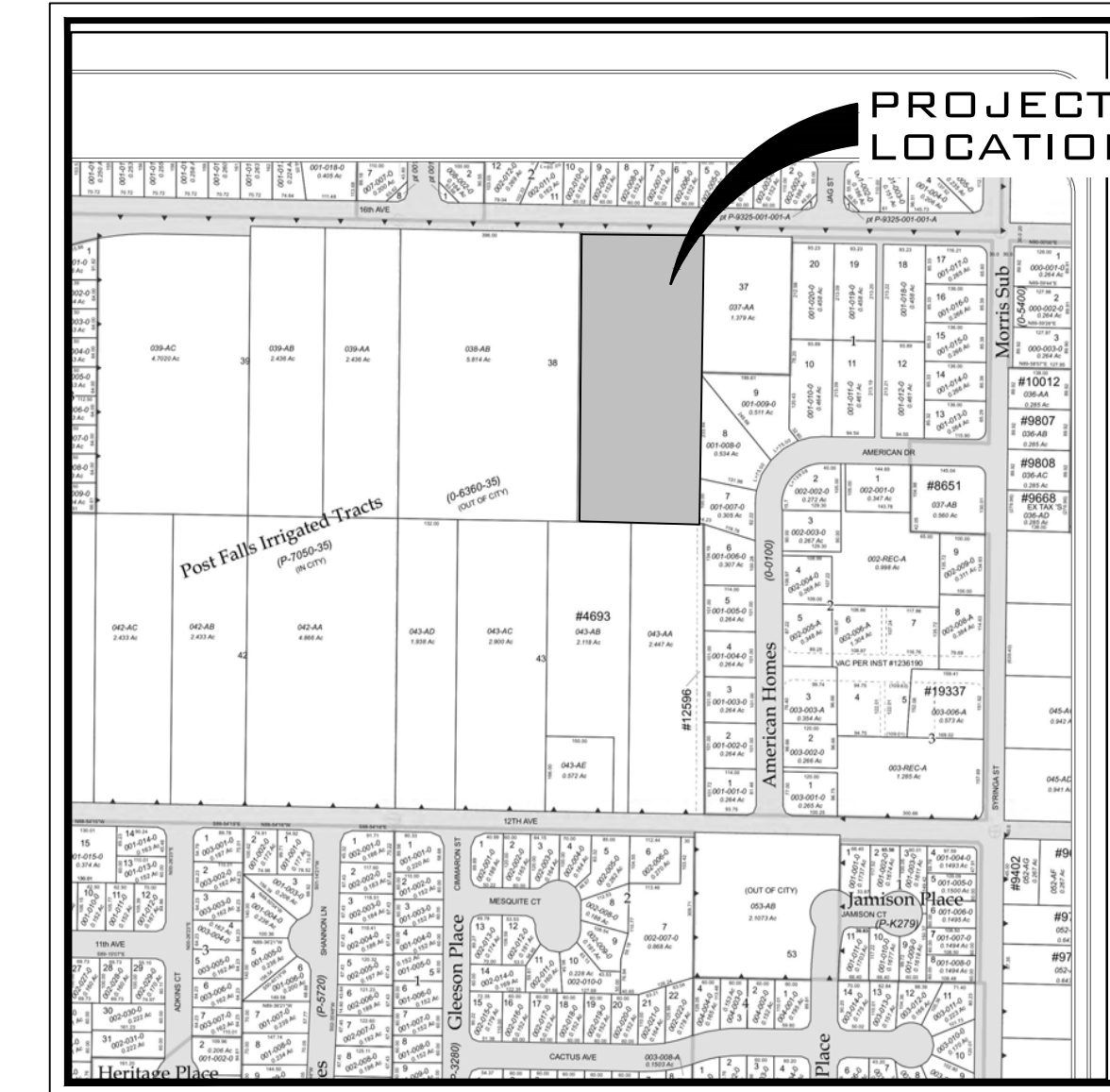
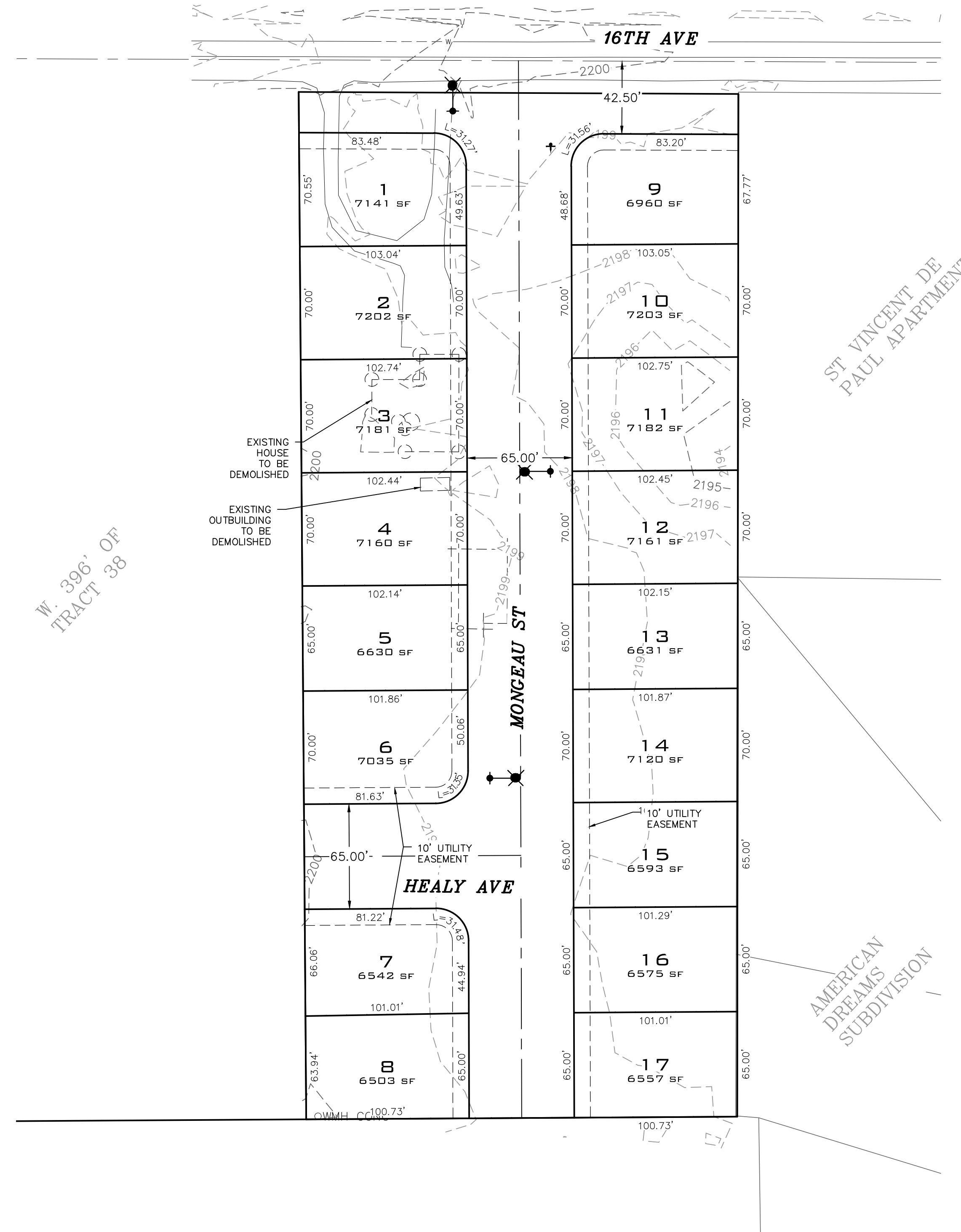
**Conclusion:**

The proposed annexation and subdivision are both supported by the comprehensive plan as outlined in this narrative and the proposed subdivision meets the requirements of the City's subdivision ordinance, therefore we are requesting approval of the annexation and subdivision of the property as presented.

SW 1/4, SECTION 35, T. 51 N., R. 5 W., B.M.

## MONGEAU MEADOWS PRELIMINARY SUBDIVISION PLAN

LOCATED IN THE SW 1/4 OF  
SEC 35, TOWNSHIP 51N, RANGE 05W, B.M.  
CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO



VICINITY MAP

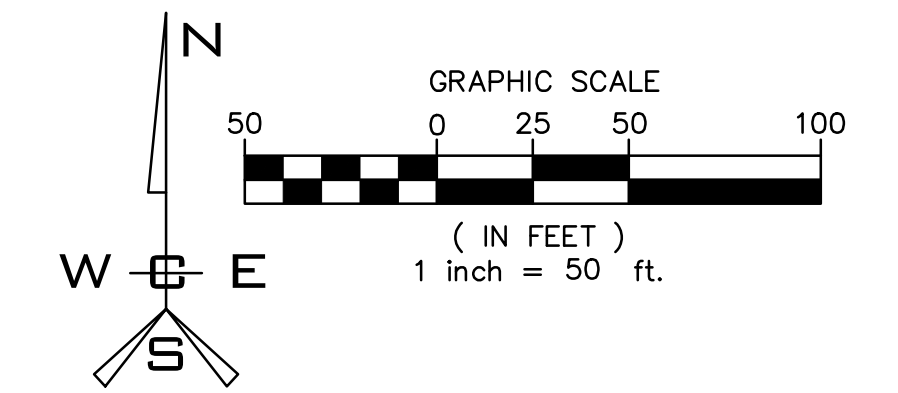
SITE DATA TABLE	
GENERAL DESIGN DATA	
PARCEL NUMBERS	0-6360-35-038-AA
EXISTING ZONING	COUNTY AG-SUBURBAN
PROPOSED ZONING	R-1
PROJECT AREA (ac)	3.91
NUMBER OF LOTS	17
MAXIMUM LOT AREA (SF)	7,203
MINIMUM LOT AREA (SF)	6,503
PROPERTY DENSITY (lots/ac)	4.3
AVERAGE LOT AREA (SF)	6,980
DOMESTIC WATER	CITY OF POST FALLS
SANITARY SEWER DISPOSAL	CITY OF POST FALLS
FIRE DEPARTMENT	KCFR
DATUM	NAVD 88
ELECTRIC PROVIDER	AVISTA
GAS PROVIDER	AVISTA
OTHER PURVEYORS	TO BE DETERMINED

**ENGINEERING (CONTACT)**  
THIS PRELIMINARY PLAT WAS  
PREPARED BY:  
WHIPPLE CONSULTING ENGINEERS  
21 S. PINES ROAD  
SPOKANE VALLEY, WA 99216  
PHONE: 509-893-2617  
CONTACT: RAY KIMBALL, PE/PLS

**OWNER**  
WILD HORSE INVESTMENTS, LLC  
14899 W. STUB AVE  
RATHDRUM, ID 83858  
MIKE STEGMANN

**LEGAL DESCRIPTION**

THAT PORTION OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
THE TRACT 38, BLOCK 35, POST FALLS IRRIGATED TRACTS, ACCORDING TO THE PLAT RECORDED IN BOOK C OF PLATS, PAGES 76, 79, AND 80, RECORDS OF KOOTENAI COUNTY, IDAHO; EXCEPT THE WEST 396 FEET THEREOF.



PREPARED BY WHIPPLE CONSULTING ENGINEERS 10/29/20  
RAY KIMBALL, P.E.

**LEGEND**

- FOUND MONUMENT AS NOTED
- ⊕ SECTION CORNER
- ⊙ SECTION QUARTER CORNER

NO.	DATE	BY	REVISIONS

**SCALE:**  
HORIZONTAL: 1"=50'  
VERTICAL:

PROJ #: 21-3131  
DATE: 12/28/21  
DRAWN:  
REVIEWED: RDK

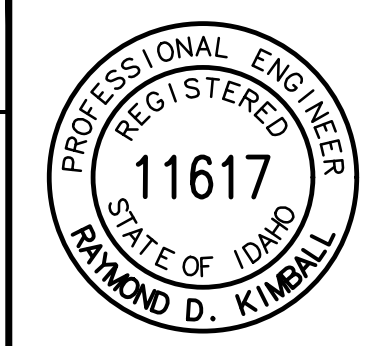
- CIVIL
- STRUCTURAL
- SURVEYING
- TRAFFIC
- PLANNING
- LANDSCAPE
- OTHER



**MONGEAU MEADOWS  
SUBDIVISION PLAN - PRELIMINARY PLAT**  
1274 E. 16TH AVE  
POST FALLS, ID

**SHEET**  
1 OF 2  
JOB NUMBER  
21-3131

**City of Post Falls  
Approval**  
Approved By: \_\_\_\_\_  
City Engineer Date

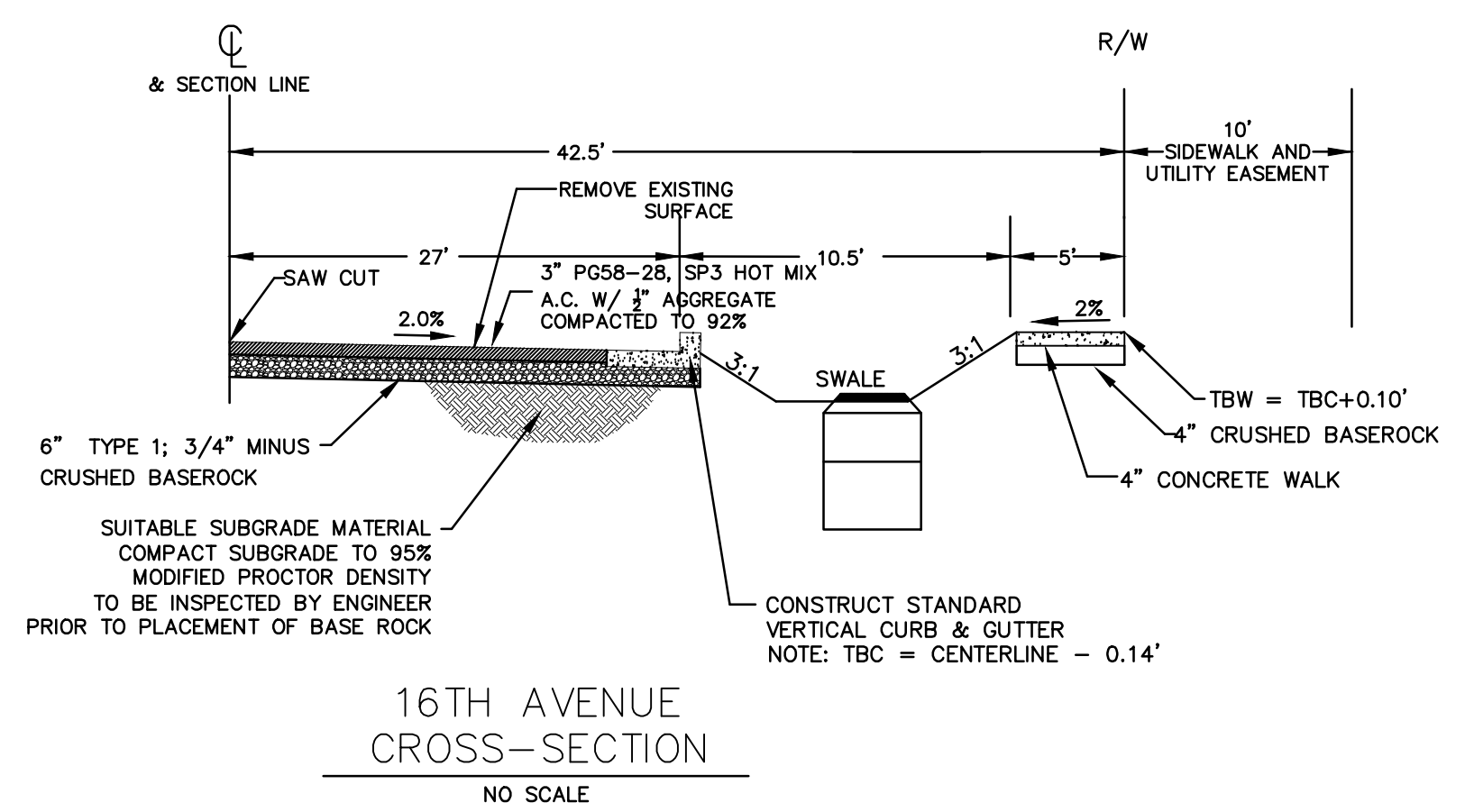
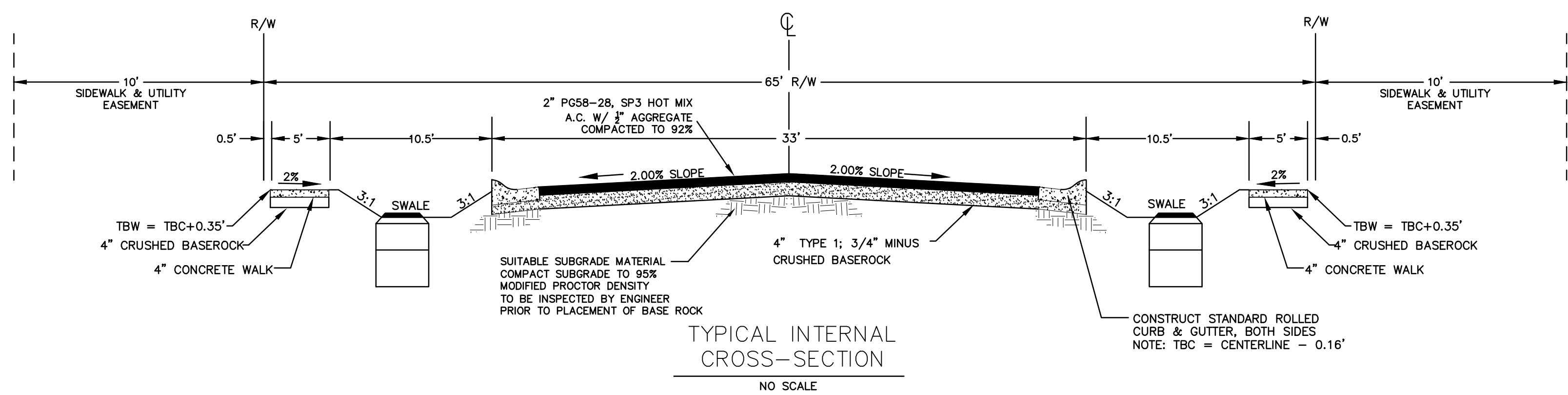
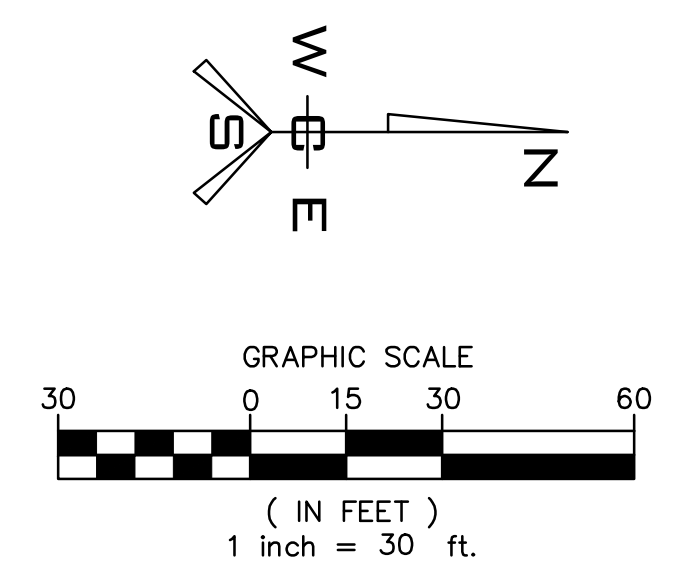
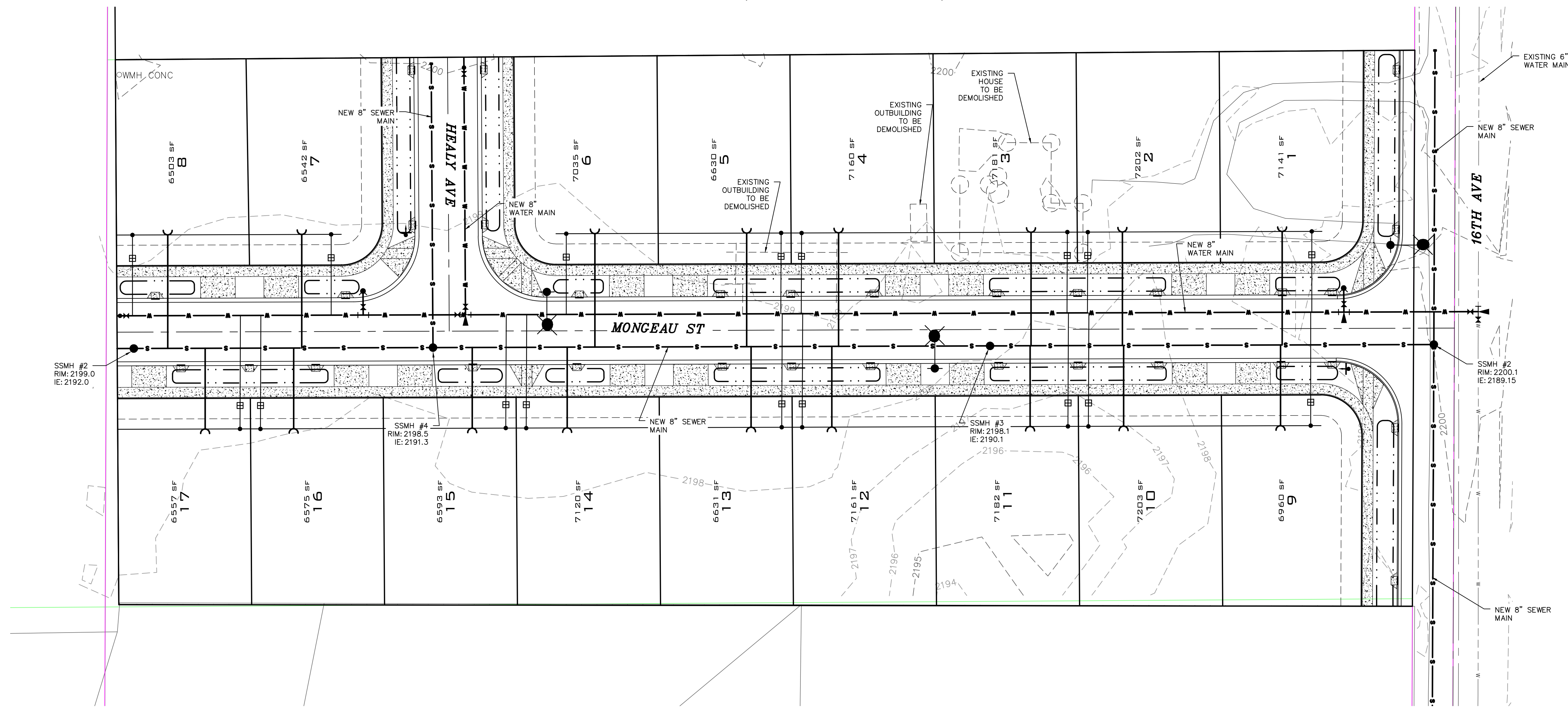


NAVD - 88  
BENCHMARK:

SW 1/4, SECTION 35, T. 51 N., R. 5 W., B.M.

# MONGEAU MEADOWS PRELIMINARY SUBDIVISION PLAN

LOCATED IN THE SW 1/4 OF  
SEC 35, TOWNSHIP 51N, RANGE 05W, B.M.  
CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO



**ENGINEERING (CONTACT)**  
THIS PRELIMINARY PLAT WAS  
PREPARED BY:  
WHIPPLE CONSULTING ENGINEERS  
21 S. PINES ROAD  
SPOKANE VALLEY, WA 99216  
PHONE: 509-893-2617  
CONTACT: RAY KIMBALL, PE/PLS

**OWNER**  
WILD HORSE INVESTMENTS, LLC  
14899 W. STUB AVE  
RATHDRUM, ID 83858  
MIKE STEGMANN

**LEGEND**

- FOUND MONUMENT AS NOTED
- ✚ SECTION CORNER
- ⊕ SECTION QUARTER CORNER

PREPARED BY WHIPPLE CONSULTING ENGINEERS 2/2/22  
RAY KIMBALL, P.E.

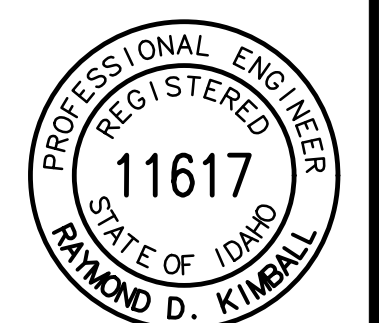
NO.	DATE	BY	REVISIONS

<b>SCALE:</b>	<b>PROJ #:</b> 21-3131	<b>CIVIL</b>
<b>HORIZONTAL:</b> 1"=50'	<b>DATE:</b> 12/28/21	<b>STRUCTURAL</b>
<b>VERTICAL:</b>	<b>DRAWN:</b>	<b>SURVEYING</b>
	<b>REVIEWED:</b> RDK	<b>TRAFFIC</b>
		<b>PLANNING</b>
		<b>LANDSCAPE</b>
		<b>OTHER</b>



**MONGEAU MEADOWS  
SUBDIVISION PLAN - PRELIMINARY PLAT**  
**1274 E. 16TH AVE  
POST FALLS, ID**

**City of Post Falls  
Approval**  
Approved By: \_\_\_\_\_  
City Engineer Date



**SHEET  
2 OF 2**  
JOB NUMBER  
**21-3131**

NAVD - 88  
BENCHMARK:

# ROSS POINT WATER DISTRICT

February 1, 2022

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

RE: EAST END OF 12<sup>TH</sup> AVE – AIN #147451

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 PARCEL NUMBER AIN #147451, located at the east end of 12<sup>th</sup> Ave, conditioned upon the developer completing off-site improvements, if any

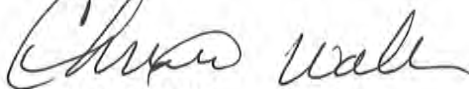
Additional requirements include:

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

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  
Olson Engineering, Eric Olson



March 21, 2022

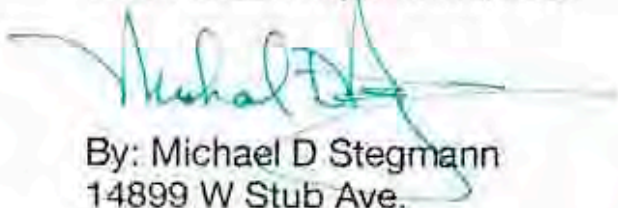
**Re: 1274 E 16th Ave / Mongeau Meadows**

To Whom It May Concern:

Ray Kimball of Whipple Consulting Engineers has my authorization to apply for and discuss land use application on my behalf.

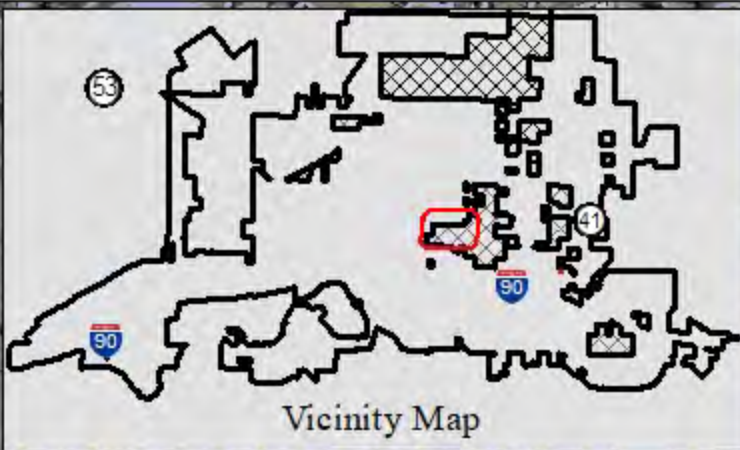
If you have any questions please feel free to contact me.

Wild Horse Investments, LLC



By: Michael D Stegmann  
14899 W Stub Ave.  
Rahtdrum, ID 83858

314-753-6622  
mike@stegmanns.us






Vicinity Map



Project Location  
 MONGEAU MEADOWS  
 ANNEXATION  
 File # ANNX-0003-2022



-  Subject Site
-  City Boundary
-  Tax Parcels











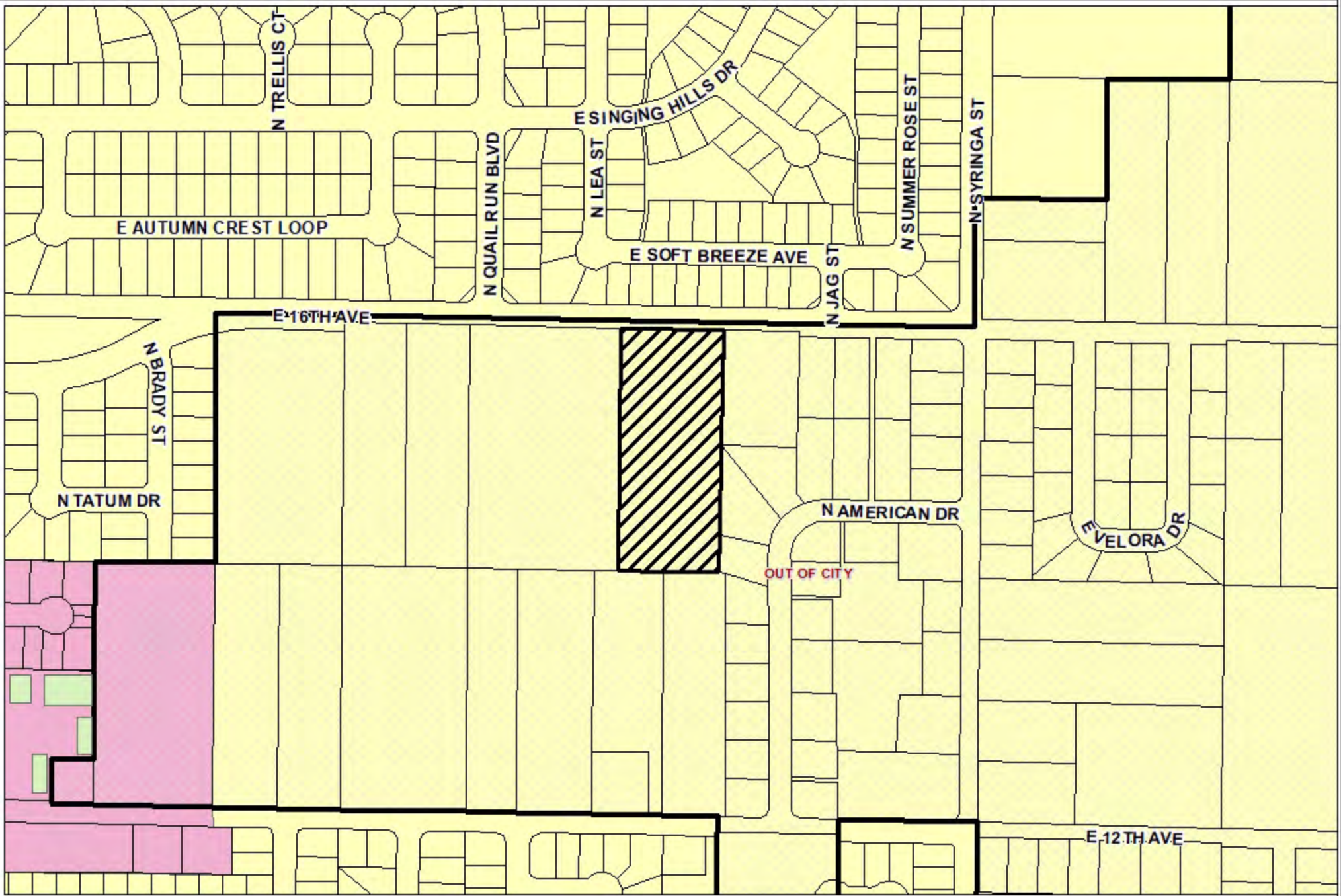


Zoning Map  
 MONGEAU MEADOWS  
 ANNEXATION  
 File # ANNX-0003-2022







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





Future Land Use Designation  
 MONGEAU MEADOWS  
 ANNEXATION  
 File # ANN-0003-2022



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



# 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

April 18, 2022

Amber Blanchette  
Planning Administrative Specialist  
amberb@postfallsidaho.org

## RE: Notice to Jurisdiction Response

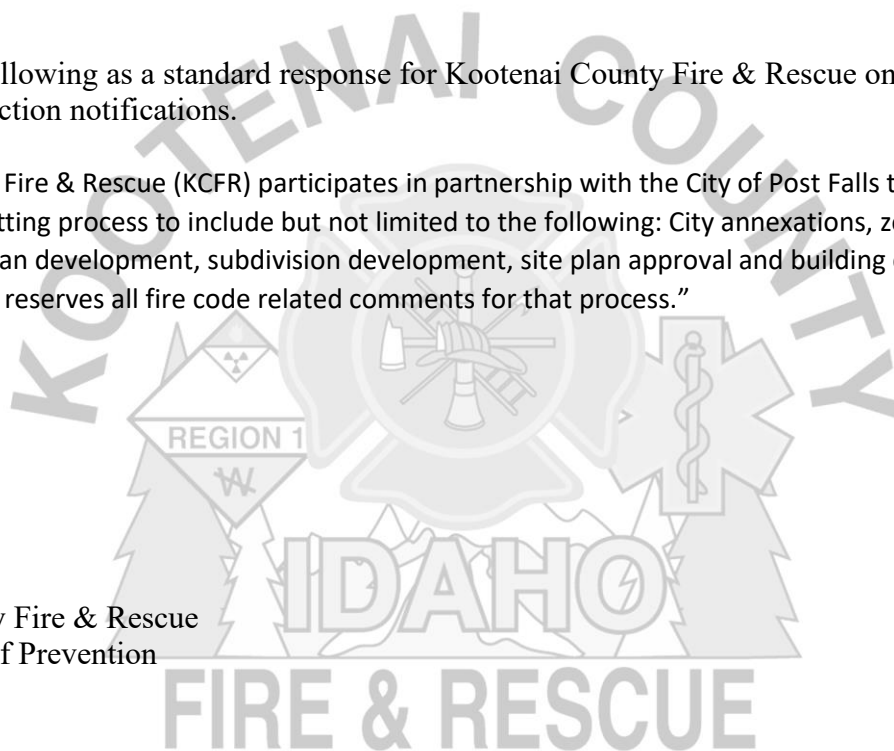
Amber,

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

April 18<sup>th</sup>, 2022

Amber Blanchette  
Planning Administrative Specialist  
[amberb@postfallsidaho.org](mailto:amberb@postfallsidaho.org)

Re: Mongeau Meadows Annexation and Subdivision File No. ANN-0003-2022/SUBD-0003-2022

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  
Captain  
Post Falls Police Department



April 19, 2022

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

Sent by email to [amberb@postfallsidaho.org](mailto:amberb@postfallsidaho.org)

RE: ANN-0003-2022/SUBD-0003-2022, Mongeau Meadows Annexation  
South of 16<sup>th</sup> Ave. east of Quail Run Blvd.

Greetings:

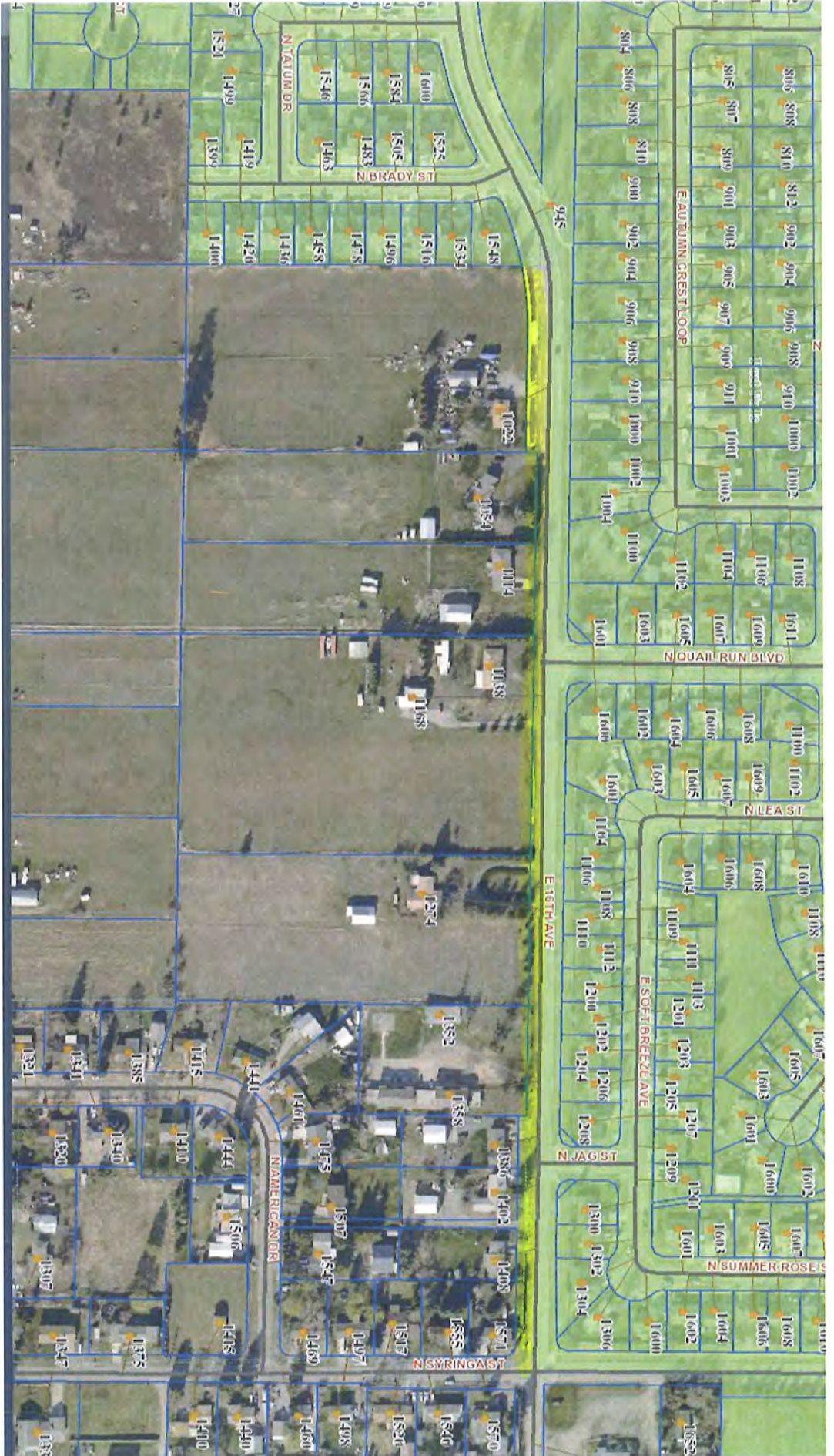
Post Falls Highway District has received annexation request for the above referenced proposal. To eliminate multi-jurisdictional confusion, the District respectfully asks the City of Post Falls to annex all Right-of-way on 16<sup>th</sup> Ave from Syringa St. to the west property line of parcel 0-6360-35-039-AC. Map attached.

Please contact me if you have any questions at [mlenz@postfallshd.com](mailto: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





## DEQ Response to Request for Environmental Comment

Date: May 4, 2022  
Agency Requesting Comments: City of Post Falls  
Date Request Received: April 15, 2022  
Applicant/Description: ANNX-0003-2022/SUBD-0003-2022

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

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

### 1. Air Quality

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

construction debris is not an allowable form of open burning as defined by IDAPA 58.01.01.600. Demolition and construction debris must be treated in accordance with state solid waste regulations.

- For questions, contact Shawn Sweetapple, Air Quality Manager, at (208) 769-1422.
- **Air Quality Permits** - IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For permitting questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

## **2. Wastewater**

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

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

## **3. Drinking Water**

- DEQ recommends using an existing drinking water system whenever possible or construction of a new drinking water system. Please contact DEQ to discuss this project and to explore options to best serve the future residents of this development and provide for protection of ground water resources.
- If connecting to an existing public or non-public drinking water system, DEQ recommends



verifying that there is adequate capacity to serve this project prior to approval. Please contact the water provider for a will-serve letter stating the provider's capacity to serve the project, willingness to serve this project, and a declining balance of available connections.

- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval. All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in the proposed project, DEQ recommends at a minimum testing the private well for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.

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

#### **4. Surface Water**

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

by Dept. of Water Resources). Activities that discharge fill material below the OHWM must have a permit under Section 404 of the CWA (administered by US Army Corps of Engineers). All activities must also comply with Idaho Water Quality Standards.

- Idaho Department of Water Resources permits: <https://idwr.idaho.gov/streams/>
- Idaho Department of Lands permits: <https://www.idl.idaho.gov/lakes-rivers/lake-protection/index.html>
- US Army Corp of Engineers permits: <https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>

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

## **5. Solid/Hazardous Waste And Ground Water Contamination**

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

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

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

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

## 6. Additional Notes

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

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

Dan McCracken, Regional Administrator, Coeur d'Alene