



**PLANNING & ZONING COMMISSION
MEETING AGENDA**

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

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

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

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

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

SPECIAL MEETING – 5:30 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- NATIONAL PECAN PIE DAY

AMENDMENTS TO THE AGENDA

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

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

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

1. CONSENT CALENDAR

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

ACTION ITEMS:

- a. Minutes – June 29, 2022, Planning and Zoning Commission Meeting
- b. Zoning Recommendation – Douglass Properties Annexation File No. ANN-0002-2022

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. **Recommendation** to amend the Zoning Approval Criteria (File No. TA-22-5) in Title 18 Chapter 16 and 20 to facilitate new Zone Change criteria that are clearer and more concise to City Council – Jon Manley, Planning Manager, to present

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



**PLANNING & ZONING COMMISSION
MEETING MINUTES**

**June 29, 2022
5:30 PM**

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ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Carey, Hampe, Steffensen, Schlotthauer - PRESENT

Davis, Ward, Kimball – EXCUSED

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

Manley – Commission needs to select a temporary Chair

Steffensen nominated by Hampe

2nd by Carey

All agreed

- INTERNATIONAL FISHERMAN DAY
- THE NATIONAL DAY OF JOY

AMENDMENTS TO THE AGENDA

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Manley – Under public hearings items B and D, Froehlich and Joseph Family Trust have chosen to be moved to a future date with a full Commission. We will be noticing these items again, so keep looking for the update.

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ACTION ITEMS:

- a. Minutes – June 14, 2022, Planning and Zoning Commission Meeting
- b. Zoning Recommendation – The Pointe Zone Change File No. RZNE-0001-2022

Motion to approve as presented – Hampe

2nd by – Carey

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

Moved

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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. **Approve/Deny** KCF Station #3 Special Use Permit File No. SUP-22-1 – Jon Manley, Planning Manager, to present a request to approve or deny a request for a Special Use to a new fire station within the Single-Family Residential (R1) zone per Post Falls Municipal Code 18.20.030 Land Use Table. The requested action is for a Special Use Permit Approval to relocate Kootenai County Fire Station #3 to the southwest corner of Prairie and Charleville. The current station is just west of the intersection at 16th Ave and N. Highway 41. The existing zone is Single-Family Residential R1 with Community Commercial Services and the Tech Park to the north; east is the Highway 41 commercial corridor. The water provider will be Ross Point Water District and the sewer will be provided by the City of Post Falls. Facility Details include 3 drive thru apparatus bays; 8 personnel, and training use the site is approximately 2.07 acres. The Future Land Use is residential surrounded by Business/Commercial. Directly adjacent to the west is the Ross Point Water District Site with City of Post Falls Future Regional Park to the south and to the west of Ross Point Water; to the east is Single-Family development with the north being vacant land. The Special Use Approval allows Fire and Rescue uses to be permitted within the R-1 zoning district.

Review Criteria

- Special Uses Permitted will still need to comply with City code and regulations of the city and state to include PFMC Section 18.20.040 Official Bulk and Placement Standards.
- The proposed use should not negatively impact the health, safety, and welfare of the public or land uses within the vicinity. The proposed special use for building height is not anticipated to produce impacts that would adversely impact the adjoining transportation systems. The site will be connected to the City's Water Reclamation Facilities. Existing facilities are in place and have the capacity and capability to handle the requested use. The proposed special use will be serviced by Ross Point Water District.
- Goals 5, 7, and 14; Policy 8, 50, and 52 encourage compatible infill development and redevelopment; cooperate with the Fire District to plan for and locate fire stations, and coordinate with and support local emergency service providers.

All agencies have been notified with Kootenai County Fire and Rescue working in partnership with the City through processes. Post Falls Police Department remains neutral along with the Post Falls School District and the Department of Environmental Quality provided general comments for the construction phase.

Hampe – Will there be any buffers, I know there are two roads Prairie and Charleville, will there be any kind of a buffer?

Manley – Typically with how this is laid out with other uses on the north side of Prairie and on the east side of Charleville we would apply our buffer requirements because of the road and the separation there. Looking at the water district site, we wouldn't buffer between two service providers our code wouldn't consider the 2 incompatible uses. With the regional park, we heard nothing in the routing from the parks department with this site creating a nuisance. So, we wouldn't require any base buffering for the site.

Hampe – Will there be full-time employees there.

Manley – That would be a good question for the applicant.

Hampe – Where do you usually have a Fire Station, what is the current zoning designation that the Fire Station is in right now.

Manley – Allot of the commercial and heavier intense uses they are permitted outright; with the residential zones and limited commercial they can ask for a special use permit. Reason for that, it could potentially be a good site and potentially there may be some lower intense uses single-family one-acre lots if one went there, there might be some buffering element that you brought up and possibly something that the Commission would want to apply in the decision.

Hampe – That makes sense.

Applicant: Chris Wave, Kootenai County Fire Chief with Kootenai County Fire and Rescue – We acquired this land in 2011 with a land swap partially and at that time it was zoned with a mixed use and changed to an R1. It has always been our intention with the city to put a Fire Station on this location. It's been long planned, we've actually had a study done, I think in 2012, about Fire Station placement and we've given the growth to the north and the 5,000 anticipated single-family residences north of prairie between that and Pleasant View at some point, we felt like we needed to get farther north that our 16th station. So, this will be 1-story with a little bit taller roof over the apparatus bays which will be on the south side of the complex. To answer the question about buffering although they're on the rear towards Ross Point there's actually a berm that buffers it some and then there will be fencing, a secure facility from the park side as well. There will be full-time employees there with room to have up to 8 full-time employees. Initially it will be staffed with an engine and a single resource so there will be 4 to 5 full-time employees 24 hours a day 7 days a week with the ability to put an ambulance there at some point which would up it to 7 employees. The facility is about 10,000 square feet and we think this is a prime location for emergency response. With the growth in our community this fits into our Master Plan. We have been asked what will happen with the 16th site and I think Mr. Manley did a good job in his staff report of talking about it. We will be selling that, but we will be covering southern responses by adding the 5th station, which is already zoned commercial, so we won't be coming back and asking for a special use permit. It will be located at Seltice in between Heutter and Highway 41. So, we will be adding coverage to the City of Post Falls.

Carey – Where Fire Stations are but in neighborhoods like this, is there some allowance for sirens and stuff, do you try to get out as far as you can before you.

Wave – Yes, we do and obviously we're sensitive to that and work with the city too on traffic control. So, eventually in the long-term plan, I know there's a thought of having a traffic light there at Charleville and Prairie and we have controls for traffic lights out of stations so we could control the traffic light right away and we wouldn't have to hit the sirens right away. The time of day would be taken into account and things like that. We have designed this facility to be very compatible with residents in that area its not going to look like a commercial building, it is designed to look like a residence, so it doesn't stick out like a sore thumb.

Hampe – When would you anticipate that to be started and finished.

Wave – How fast can the city get it through the planning process. The plans are drawn, we had to come and get the special use permit, it was part of our bond last year, so the money is sitting there, and contractor has been selected. We would love to break ground at the end of August if we can. It is about a 12-month process once started.

Hampe – Will you shut the other one down

Wave – Yes, because the staffing is already there for the one on 16th, so we won't move anybody until that available.

Schlotthauer – Can you explain what it would take streetlight wise, to not have to run the siren in the middle of night as you pull past residential areas?

Wave – At any controlled intersection we have what they call an Opticom device, it's a controlled device where we can whether it is the ambulance or the fire truck it has a light emitter that controls the light. So we can automatically get the green light if we had our lights on.

Schlotthauer – So you wouldn't have to run the siren.

Wave – We wouldn't have to unless there was traffic, obviously it's situationally dependent, going down Prairie at 4 o'clock in the afternoon I would tell I'd use the siren at that time to get other's out of the way. However, if it is 4 o'clock in the morning there would not be a need to run the sirens.

Manley – As an additional commentary that's why in our Comprehensive Plan, this being a principal arterial given that designation long term you're going to end up with more traffic, more sirens, more light pollution, more noise pollution and why generally discouraging lower density along some of the major arterial reduces that conflict. Sometimes it makes sense as you see east to west along Prairie but other times you will see these higher impact uses both in the built environment and just with the traffic long term.

Schlotthauer – I think the policy is good, but we do have quite a lot of residences across the street from it and they're probably not going to be really happy about the sirens is the downside.

Wave – They are super happy about it though when they have chest pain at 3 o'clock in the morning or their house is on fire.

Hampe – How many emergencies...

Wave – That station, current station 3 runs about 12 calls a day however, you're splitting some of that so I would say that number will be reduced a little due to the 5th station. Maybe 8-10 times a day but, not every call is an emergency call with lights and sirens either.

Testimony:

In Favor

Neutral

In Opposition

Schlotthauer – Do you have immediate plans for a light at that intersection?

Palus – Our Transportation Master Plan has that intersection identified for a future traffic control device whether that be a roundabout or a traffic signal that will be analyzed in the future to determine which one will be best for the situation. Having a fire station there will weigh on the decision as well as time frame we don't have a firm date as to when it will occur. It is based more on traffic patterns and the safety of our citizens.

Manley – If it is for Froehlich, that is being moved to a later date and the soonest will be July 25th on Monday.

Steffensen – There was some adjustments last minute today because of the size of the Commission tonight so they opted to postpone to a later date.

Manley – As part of the intro I stated you should continue to watch your website; we're going to post it again.

Schlotthauer – Thanks for coming down and we'll hope to see you next time.

Steffensen - I apologize for the confusion so sometimes these change for various reasons and this is just one of those nights.

Comments:

Special Use Permit Criteria:

A. Whether implementation of the special use would/would not conform to the purposes of the applicable zoning district.

Steffensen – In the zoning code its an R1 and it definitely says special use permit makes it allowable.

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

Steffensen – what we said in the first criteria.

Everyone agrees

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

Steffensen – The Fire Station will definitely help the health, safety, and welfare of the public.

All Agree

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

Carey – It goes along with our Comprehensive Plan and how we're building the city and having safety within the confines of the city limits.

Schlotthauer – With the location, land use, along the principal arterial we are not going to do better than that. It will affect a few folks that already live there but I don't see how you get away from that ever.

Hampe – The R1, it only has them on one side which is beneficial.

Steffensen – I live in Fieldstone; I hear sirens during the day but not at night.

Motion to approve finding it meets the approval criteria in the PFMC 18.20.070 as outlined in our deliberations and to include condition 1 contained in the staff report and direct staff to draft the Reasoned Decision. Carey

2nd by – Hampe

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

Moved

B. **CANCELED TO BE RESCHEDULED Zoning Recommendation** for Froehlich Zone Change File No. ZC-22-5 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council on a request to rezone approximately 1.88-acres from Single-Family Residential (R1) to Medium-Density Residential (R2) zoning designation.

C. **Zoning Recommendation** for Hydrilla Estates Zone Change and **Review Requested** for Hydrilla Estates Subdivision File No(s). ZC-22-2/SUBD-22-8 –Jon Manley, Planning Manager, to present a request for a recommendation to City Council for a rezone of approximately 5.37-acres from Single-Family Residential Suburban (R1S) to Single-Family Residential (R1) zoning designation, Additionally, a subdivision review request of 15 lots. The requested actions are to provide a recommendation to City Council for the

zoning designations of Single-Family Residential (R1) from the existing Single-Family Residential Suburban (R1S) zoning on approximately 5.37 acres. Additionally, an approval to subdivide approximately 5.37 acres into 15 lots, contingent on Planning and Zoning recommendation of the zoning designation and zone change approval from City Council. The Land Use Planning Act established in 1975 is what facilitated the adoption of city code and put guidance in our review criteria in these land use matters so it's the enabling statute. Title 6765 looking at the purpose of this land use planning act it is to protect the property rights as well as looking for low-cost housing and encouraging urban type development incorporated cities and to avoid undue concentrations of populations. What this means essentially is whether or not you are following the Comp Plan; if you are it is justified concentration and if not it could be deemed unjustified. The duties of this is to provide guidance to the Comprehensive Plan more specifically housing to provide safe, sanitary, and adequate housing within the provisions of low-cost housing as well as how to accommodate manufacturing and mobile homes within the community. In pursuit to maintain a competitive market for all housing types. It is located on the northeast corner of W. Fisher Ave and N. Howell Rd. to the south is Prairie Meadows which are larger estate homes and directly to the north and east are more in line with R1 or a little larger. The current land use is large lot residential in the city and is over the Rathdrum Prairie Aquifer. The water will be provided by East Greenacres Irrigation District and the sewer will be provided by the City of Post Falls. The surrounding zoning is an R1S however the development pattern is more like and R1 due to the PUD request. However, if it was developed today, there wouldn't be a PUD and they would have just asked for an R1 as there is no longer a misconception with housing types and zoning this area is vested in old processes. There are R1 projects along the south of Prairie just north of this request which are 1/3-acre type lots.

Zoning Review Criteria:

- The Future Land Use Map designates this site as low-density residential that entertains all types of single-family residential uses up to eight dwelling units per acre. This property is currently compatible and so is the requested R1. It also shows that the densities can vary as appropriate and is within the Central Prairie Focus Area. With land values increasing, new projects are more likely to integrate higher density housing with community amenities to broaden their appeal to buyers. Is supports provisions for a variety of housing types and densities.
- This request is consistent with Goals 1, 2, 5, 7, and 12 keeping good neighborhoods safe, vital, and diversified housing supporting sustainability in the community long term. Policy 1 is to support land use patterns; Policy 2 careful consideration of the infrastructure and service plans which there are some conditions in the staff report for being consistent in the timing of them whether it's the sewer or street improvements. Policy 8 encouraging compatible infill development. And Policy 15.
- Fisher Ave., a classified Minor Collector, and Howell Rd, a residential collector; the proposed zone change would not have a negative impact on the surrounding transportation systems.
- Not applicable commercial isn't be requested.
- Not near higher intensity urban activity
- Not applicable as industrial zoning isn't being requested.

The initial subdivision plan didn't allow Hydrilla Ave to extend through to Howell Rd. however, the Transportation Master Plan is to improve the circulation and connectivity the revised plan shows that connection. The revised plan still shows 15 lots, and the sizes still

meet the minimum of 6500 they shrunk the lots to the west in order to accommodate the road sill allowing the lots widths to meet the subdivision standards.

Subdivision Review Criteria:

- Water will be provided by East Greenacres Irrigation District
- City of Post Falls has adequate capacity to provide service to the subdivision as proposed and it is in conformance with the Cit's Water Reclamation Master Plan.
- The subdivision should not have a negative impact on the local transportation system. Direct access from residential lots onto Howell Rd or Fisher Ave. will be prohibited. (Condition 8)
- The site is located over the Rathdrum Prairie Ave. there are no known soil or topographical conditions which have been identified as presenting hazards.
- Subdivision approval is contingent upon Zone Change approval from City Council; (Condition #1 states Annexation and needs to be amended to state Zone Change) the subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning).
- 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, multi-modal pathways, City water and water reclamations facilities.

All agencies have been notified with the Post Falls Police Department remains neutral; Kootenai County Fire and Rescue maintaining being in partnership with the city through the review process and the DEQ responded with construction related comments. The School District also remains neutral.

Schlotthauer – Condition 8 no direct access to Howell; how come that is there?

Manley – That is for the drive approaches, when they apply for a building permit, they have a choice to utilize the residential roadways or the interior roadways; so they have no driveway approaches onto Howell or Fisher creating conflicts.

Schlotthauer – Not even as a secondary access for a camper or something?

Manley – No, and we do that for the safety of the corridor.

Carey – That would be the same regardless of zoning, right?

Manley – Yeah.

Steffensen – John, on three sides you have R1S the lots to the south seem to be a little bigger but then to the north and the east they are much smaller and appear to be more like and R1. What is the comparison with the lot sizes?

Manley – You can see from these lots they are about 80-85% the size of the lots to the east of them; to me they are closer and similar to the lots to the east than those to the south. They also look similar to the lots to north, maybe slightly larger; this request is 15 lots and to the north looks like 16 or 17 lots. The property to the northeast of this, between Arrowleaf and Tranquil Meadows is currently being developed. This is giving connectivity to the east with fire access to Prairie. With each 5, 10, 15 acres developing we look for connectivity and a road network, pedestrian connectivity and meet access restrictions from intersections.

Steffensen – Is that lot being developed through the county?

Manley – Sometimes the maps are current, we have approved this annexation however, the boundary line will adjust once it is recorded.

Steffensen – That's what I thought, I just couldn't remember.

Manley – It did come in as R1 at this location.

Hampe – What about the structures that are there.

Manley – That might be a good question for the applicant, sometimes they keep certain structures and sometimes they remove them.

Applicant, Ray Kimball, Whipple Consulting Engineers – Back in 2004-2005, I worked for the developers of the Craftsman at Meadow Ridge and designed the subdivision and was part of the annexation. In December of 2005 it was annexed in with 2 phases and chose R1S and back then PUDs were an option, which allowed us to cut the lot sizes down and increase the density. 5-6 years ago, the city changed the code and are no longer allowed to increase density with a PUD. It was always the developers plan to build this as phase 2 and then the real-estate plunged in 2007 hit; the property was never developed and never purchased by a developer. My client purchased this last year and that is when we started running concepts. The Future Land Use Map designates this area as low-density residential this project fits I that R1 is a zone within the land use designation. The density is similar a typical R1 subdivision which is typically 3.5 to 3.8 units per acre. These lots are significantly larger with a density of about 2.79 units per acre the same to the north and the lots to the east says its about 2 however that includes the park which brings that subdivision to closer to 2.5 units per acre. Yes, the zoning fits the future land us map and complies with the City's transportation and sewer master plans. The R1 zoning is supported by the comprehensive plan as described in the narrative and in the staff report. As a note, if we were to develop this property as an R1S, there wouldn't be any internal street connections all lots would front Howell. The proposed R1 zoning is surrounded by residential uses and is over a mile away from any commercial zoning. The requested R1 zoning is in conformance with the Future Land Use Map. Going into the subdivision plan, Manley explained it well in where our first submittal didn't have Hydrilla pop out to Howell and so it was requested that we redesigned the layout to show it connected. We did have to bring the lot sizes down about 500 square feet however, the lot sizes are still over 10,000 square feet: nice large lots. This proposal will allow the transportation network in the area to flow, it will allow the residents to north more that one way to travel outside of their neighborhood. This corner will also fill in the pedestrian pathway and bring that complete connection. This is within the boundaries of East Greenacres Irrigation District and has provided a will serve letter. The sewer is a little different than normal, as it needs lift station improvements. The lift stations on Howell or on Fisher have limitation issues. There is a lift station that handles majority of the northern area of Prairie Falls which is about 150 houses, a lift station is a concrete vault in the ground with pumps in it and the sewer flows into it and once it is full the pumps turn on and pumps up to another gravity manhole and it flows on its way down towards the plant. There are 2 current lift stations one is at the corner of Idaho and Prairie and another one at the corner of Spokane St. and Prairie which are being taken offline. The city is doing some sewer improvement projects, temporary lift stations and they are putting in a gravity superman that will allow the sewer to flow the way it was intended within the Master Plan. The lift station on Fisher is being upgraded this year, just means it will get bigger pumps and new control wiring. Typical wastewater systems have peak hours which is about 8 in the morning and drops off during the day and then a dinner peak happens, dishes, laundry, etc. This is the natural cycles of what happens upstream of a lift station. It takes about an hour from the Prairie Falls area to get to the first lift station, on Guy Rd., when the pump is off there is zero flow and then the pump turns on when it fills up (50 gallons per minute) then the pump shuts off again. So, that flow that is seen downstream of the Guy Rd lift station will go to the Fisher lift station after the others are

taken offline. The reason I am talking about this is because of the criteria have provisions been made to supply adequate sewer. So, we have a proposed modification to condition 11 Construction of the Subdivision cannot commence until the City of Post Falls completes reconstruction of the Fisher Ave. Lift Station, estimated completion 2025, unless the City verifies that the improvements being constructed in 2022 provide additional capacity to accommodate this development. We feel this gives flexibility to the city to be able to say yes, they can go and reevaluate the capacity after the improvements and if they have the capacity, we would be able to start construction sooner. The right of way will be dedicated for Fisher Ave. and Howell Rd. to City standards and provisions have been made o adequately provide connectivity to adjacent properties. There are no known hazards or topographical conditions that are incompatible with the proposed use and the proposal meets all of the requirements of the R1 zoning.

Hampe – Why was it not requested as an R1.

Kimball – In 2005?

Hampe – Yes.

Kimball – They are testing my memory.

Manley - I would only presume that the planning game was completely different, at the time PUDs allowed you to flex and go higher density with the R1S which would give you 1/3, 1/2 acre lots up until about 5-6 years ago. Staff decided if the applicant was going to ask for something then lets zone it for what the intent is and then we aligned the PUD with the intent of the end product due to misconception of having zoned lots whether it was industrial, commercial or R1S with single-family homes on it.

Kimball – The idea was because there was no middle product between and R1 and R1S, either 1 acre or 6500 square feet, and we wanted to go with an R1 type product but were okay with some limitations. Bigger lots were always the intent which is why we are bringing the subdivision forward at the same time to show that intent.

Manley – This is where condition 1 comes in, it will be contingent upon that zone change request to City Council if this proposal is denied by Council the subdivision dies with it.

Hampe – My question is basically is it because they were afraid there would be push back if an R1 was requested.

Kimball – In all honesty is was a much different time when it came to the attitude of subdivision growth and planning. Subdivisions like Fieldstone the public hearing went until midnight and now we think it is a fantastic neighborhood. It was definitely a path of least resistance and was a way to get to the same thing we are looking at today. The path is just different now because the PUD option is gone.

Manley – It is still consistent from 2005 to now where Prairie Ave. is still identified as an arterial, so it is how you will transition from Fisher Ave to Prairie Ave.

Testimony

In Favor – Read in by Steffensen – Wade Jacklin – Perfect location for small infill neighborhood to help alleviate housing needs in our town.

Neutral - None

In Opposition - None

Hampe – With condition 11, the sewer lift station, we have seen this several times come through to us where we maybe can't supply with sewer, and we can't connect to sewer right now but when improvements are made, we will be able to. So, I've never seen this part of it that says if the improvements being done earlier are going to reevaluate and

then we'll give you... I have never seen it added to conditions like this before. Has it been done before?

Manley – We have done this for streets that I am aware of, for sewer I would like to call up Mr. Palus. I do want to identify that the condition in the staff report is not the same what was proposed by the applicant.

Schlotthauer – Palus, do you think the condition modification they are asking for is plausible?

Palus – Engineering has been working with the applicant in getting to this stage, the bulk of what the applicant presented was very much in line as to the entry some of the technical details of how sewage gets from one point to another. The previous subdivision just to the northeast of this, The Stockwell Subdivision, as we realized that we were in the location that when those 2 lift stations go we didn't have enough capacity we found a way to get a couple more pumps to upsize the Fisher lift station and put us into a location where we have enough capacity to handle what is built plus what is already subdivided and not built. Until such time as we improve the Fisher Lift Station but there's a little bit of grayness in there as far as taking what the model shows because there are some levels of basically factors of safety we take into account, we don't look at everyone flushing their toilets at the same time, but we do look at what is a typical pattern of how sewage goes into an area. We do take into account what is the typical length of time it takes to get from the farthest reach to the lift station that's how that impacts but the reality is when you get to the ground not everyone follows that same exact pattern and it's an average. So, our water reclamation department will be making and getting those improvements in place at the Fisher Lift Station the 2 existing lift stations are going to be going offline within the next month and after those items are done we'll be able to go out there and reevaluate and see where in that gray zone do we really fall, were our estimates correct, were they over cautious or were we on the other side and from that we can make a determination. At that time, we can either say yes or we can determine that there still isn't enough capacity. So, yes, staff would be comfortable with that revised condition 11.

Hampe – So, there are no approved subdivisions currently there that would have to wait until 2024 or 2025, everything should be able to connect to the sewer as of now.

Palus – Everything that is currently platted within the Fisher Lift Station service area should be able to build out to their density or completely build on the lots that are there without overloading the Fisher Lift Station once we make the improvements that we have identified.

Hampe – So, there is nobody else waiting.

Palus – There is no one else waiting, the Stockwell Subdivision was kind of the proverbial last one in and then we closed the door and we said we're not going to take anyone else in as far as new subdivisions until we get that lift station taken care of. The applicant posed an interesting question as to the sensitivity and if we were willing to go back and re-look at those numbers after the improvements and see were we correct, is there enough room to get in 2.79 dwelling units per acre on 5-acres. The reality is that's not a lot of sewage, but it isn't an area that we said no more growth and it's a gray area but we're willing to go back and say okay for this one we'll take a look.

Hampe – Would you take a look otherwise.

Palus – At this point I would say, no. You have this one that asked for it and we having made the improvements yet and taken stuff offline to see where we're at to put that additional burden on just you have that many additional people who you could tell them sorry you have to wait. So, I would rather know the facts as to where we are at before we

give anyone else this same opportunity or actually look at these guys either come in or they don't ahead of the Fisher improvements and then everyone else waits.

Hampe – So, you would prefer not to say that it can promised to them if its there.

Palus – I can't promise it to these guys.

Hampe – If it's there.

Palus – Right

Hampe – We're promising it, if its there.

Palus – For this proposed subdivision

Hampe – If number 11 would be put in as proposed.

Palus – I don't have a problem with number 11 as proposed.

Hampe – Okay, that was my question.

Manley – Do you feel like number 11 protects the city interest for the being a provision to provide adequate sewer service.

Palus – Yes, because it says unless the city verifies that the improvements being constructed in 2022 provide additional capacity to accommodate this development, I believe it gives the city the latitude to make that decision as to whether or not there is additional capacity sufficient to handle that.

Hampe – Is that easy to figure out. Is it going to take man hours, is the city going to have to expend resources for this ask?

Palus – When we put in the new pumps, we will have to do a drawdown test to confirm that we're getting the capacity that we thought. That will give us the base information. It will probably be about 4 hours to go back through the numbers to see how much additional capacity we will have.

Comments

Zoning Criteria:

1. Consistent with Future Land Use Map.

Carey and Hampe – Yes, it is.

Steffensen – The surrounding area is R1S and its residential all over.

Schlotthauer – PUD so it is essential.

2. Consistent with the Goals and Policies Found in the Comprehensive Plan.

Hampe and Carey – Yes, that is consistent.

Steffensen – Its R1S but they have a PUD so it's going to be like size and so all the zoning is gonna look very similar from a bird's eye view lots sizes are very similar.

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.

Hampe – I think that was covered.

Carey – It fits with all the development around it, it has Fisher and some major streets.

Steffensen – It's filling in the connection of those streets as those lands are developed. Limits the ability to get out on some of those other streets but does increase another exit for that north development.

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

Not Applicable

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 – I think it was mentioned that its at least a mile away from any commercial activity.

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

Motion to recommend approval to City Council finding requested zoning of R1 meets review criteria found in the PFMC as outlined in our deliberation and direct staff to prepare a zoning recommendation. (Hampe)

2nd by – Schlotthauer

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

Moved

Subdivision Criteria:

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.

Yes – Will Serve Letter provided

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

Carey and Steffensen – It is subject to a condition.

Hampe – The current condition is not what the applicant is asking for.

Steffensen – It is depending on a future test, but it gives the city and the applicant flexibility.

Schlotthauer – I don't see where it hurts to have that flexibility to, I don't see any reason to tie their hands right now if it works then let them and if it doesn't then don't.

Manley – So, Herrington, the motion towards condition 11 as in the staff report or as presented this evening.

Herrington – So, in the motion I would also cover the correction to condition 1 and 11 in whatever motion.

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

Yes

Steffensen – It gives the connectivity to the development to the north and limits access to some of the major streets in that area.

Schlotthauer – To clarify, there were 2 subdivision preliminary plats and the second one showed the connectivity straight through.

Manley – To Hydrilla?

Schlotthauer – To Hydrilla, that is the one being moved forward?

Manley – Yes. The second one is the one staff, and the applicant would like brought forward conditioned on the zone change decision.

Schlotthauer – Okay.

Herrington – I'd likely make that part of the motion as well. That was added as an Exhibit.

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

Carey – None noted.

Steffensen – Mr. Kimball said there was some piles of dirt there that they had no problem removing. Nothing noted.

Schlotthauer – Nothing major.

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

Herrington – Again, that is considering the R1 zoning.

Hampe – And it is.

Schlotthauer – It will be at the time it applies.

Steffensen – It meets the different requirements for zoning and in the subdivision, yes.

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.

Schlotthauer – Yes, in addition to fees they'll be paying on that number of lots plus the pedestrian and vehicle connection we need so very much so.

Motion to approve finding it meets the approval criteria of the PFMC 17.12.060 as outlined in our deliberation subject to conditions 1-12 with condition 1 changed to read subject to zone change approval and condition 11 changed to include the opportunity for the City to reevaluate capacity after the 2022 system improvements are made. Adding condition 13 Exhibit A-10 plat map is utilized. Schlotthauer

2nd by – Carey

Vote: Hampe – Yes; Schlotthauer – Yes, Carey – Yes; Steffensen - Yes

Moved

- D. **CANCELED TO BE RESCHEDULED Zoning Recommendation** for Joseph Family Trust Annexation File No. ANNEX-22-7 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council on a request for a zoning designation of Community Commercial Services (CCS) on 20.74-acres and Community Commercial Mixed (CCM) on 20.60-acres for a total of approximately 41-acres which requires a Development Agreement.

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

Commission told Steffensen he did great filling in for the chair.

7. ADJOURNMENT 7:02PM

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: _____

**Douglass Annexation
File No. ANNEX-0002-2022**

**Planning and Zoning Commission
Zoning Recommendation**

A. INTRODUCTION:

APPLICANT: Whipple Consulting Engineers

LOCATION: Generally located on the northwest corner of Early Dawn Ave. and Zorros Rd.

REQUEST: Zoning recommendation of Community Commercial Services (CCS) of approximately 9.63 acres AS DEPICTED IN EXHIBIT S-2.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-4 Exhibit Map
4. A-5 Will Serve
5. A-6 Title Report
6. A-8 Auth Letter
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. PC-1 Burns Comments
14. PZ Staff Report
15. Testimony at the May 10, 2022 Planning and Zoning Commission hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the May 10, 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.

Ethan Porter, Associate Planner.

Mr. Porter presented the staff report. He testified that the applicant was seeking a recommendation for an initial zoning of Community Commercial Services (CCS) on 9.63 acres upon the annexation into the City of Post Falls. He explained that the general location is the northwest corner of N. Zorros Rd and E. Early Dawn Ave on the east side of Highway 41 to the west of Foxtail.

Mr. Porter testified that the site is currently large lot residential in the county with no significant topology or vegetation and is over the Rathdrum Prairie Aquifer. 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. Porter testified that all the land to north, west, and south is zoned CCS and to the east is the Foxtail development of single-family residential. 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 stated that it promotes a mixture of moderate high density housing types within walking distance to the city neighborhood center and corridor commercial uses, as well as civic uses and other amenities.

Mr. Porter testified that the principal uses and character of the Business/Commercial zone is to support a mixture of housing types to improve pedestrian connections and promote compatibility between permitted uses and additional uses may be multi-family and technology park uses.

Mr. Porter 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 as well as providing for pedestrian connectivity to multi-use paths and trails, including the Prairie Trail.

Mr. Porter testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal five, seven, and twelve are possibly relevant and applicable goals. He testified that policies seven, eight, and forty-five as well as those in the staff report may be appropriate for consideration by the Commission.

Mr. Porter testified as to the consideration of such items such as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features. He explained that Early Dawn Ave. and Zorros Rd. are both Minor Collector Roadways, which are not anticipated to have negative impacts from the proposed zoning. He stated that Ross Point Water District will provide water and Post Falls will provide sewer services and the property is within the 12th Avenue Surcharge basis so there will be surcharges in this area.

Mr. Porter 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 Zorros and Early Dawn, minor collector roadways which will be in conformance with the anticipated land uses and trip generations within the city's transportation master plan.

Mr. Porter testified that limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. He noted that area is requested as CCS which will be a higher intense urban activity area and they are not requesting limited or neighborhood commercial or lower density residential. He noted that the area is near the Highway 41 commercial corridor.

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

Mr. Porter testified that there would not be buffer requirements along Foxtail as the Zorros Rd. would be acting as the buffer.

Rob Palus, Assistant City Engineer

Mr. Palus testified that Zorros Rd is classified as a minor collector roadway and the standard right-of-way width for that is eighty feet. He noted that Foxtail has provided their right-of-way plus a 5- to 10-foot-wide tract as a green strip. He explained that a portion of Zorros has been completed by the Foxtail subdivision, it was developed from the centerline plus 10 feet for a minimum 28-foot-wide roadway to be usable for two-way traffic.

Ray Kimball, Whipple Engineering, Applicant

Mr. Kimball testified that the proposal is an infill pocket in the city and is surrounded by the city on all sides. He explained that the subject site is designated as Business/Commercial on the Future Land Use Map. The indicated that to the north, west and south is already CCS and Single Family residential R1 is across Zorros to the east. He testified that they will be filling the hole with CCS.

Mr. Kimball testified as to the compatibility with street classifications, traffic patterns, and existing development, indicating that it is straightforward, with Zorros and Early Dawn, are both minor collectors and a quarter mile to the south is Poleline, which is a major collector. He explained that a quarter mile to the north is Hope which is also a major collector and both Poleline and Hope have traffic signals going in. He noted that the property is an 1/8th mile east of Highway 41. He affirmed that the area is right within a high intensity, high commercial, high traffic area and is surrounded with high classification streets that lend itself for this type of CCS, high density, high intensity use.

Mr. Kimball testified that this is exactly what the second review criterion looks for in that commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He advocated that other types of zoning, like low density residential would not be appropriate. He stated that these high classification roads are fairly expensive roads, they have an 80-foot-wide right-of-way and when this develops there will be street trees to act as a buffer as well as the physical space buffer. He noted that the city buffer code between industrial and residential is 25 feet, and this will be 80 feet.

Mr. Kimball expounded that the streets are expensive to build and that is one of the ways that the city obtains, at no cost, a transportation backbone network, which is important as that is the way the city handles its transportation network. He explained that the city has a transportation master plan and that is why when you develop along those minor or major collectors the adjoining property gets to participate in constructing those improvements. He explained that when building permits issue, they also get to provide and pay to the city impact fees so the city gets an extra benefit.

Mr. Kimball testified that the requested zone should be in accordance with the Future Land Use Map and Business Commercial goes hand in hand with CCS. He went on to state that the proposal needs to be consistent with the goals and policies of the Comprehensive Plan, which was covered in depth in their application and project narrative. He professed that it does meet many of those goals and policies in the Comprehensive Plan. He concluded stating that it fills in the red spot that is missing.

Mr. Kimball, in response to a question from the Commission, stated that there is apartment construction going on to the south, there is nothing currently to the north or west. He noted that the apartments are between Poleline and Early Dawn.

Public Testimony:

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

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.

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 9.63 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 Commission finds that evidence and testimony demonstrate that the requested zoning designation is one of the implementing zones the Business/Commercial designation allows, it is an infill site 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 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, this provides urban growth in appropriate areas by encouraging infill and thoughtful expansion.

Policies:

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 development 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 area is surrounded by incorporated areas.
- That have readily available service infrastructure and capacity;
Service infrastructure and capacity is readily available.
- That support increased development intensity near the urban core.
This is increased development intensity near the HWY 41 urban core.

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 area is along Early Dawn Avenue and Zorros Road which 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 12th 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:

To the north, south, and east is other Community Commercial Services (CCS) zoned lands, there are apartments being constructed to the south. To the west is R-1 single family development which is buffered by Zorros Road. 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 this zoning is perfect for the Highway 41 Corridor and will help complete the improvements to roadways and infrastructure in the area. Therefore, the Commission finds that the proposed zoning agrees with base assumptions made in Master Planning as well as other considerations already addressed above and 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, Early Dawn Ave. and Zorros Rd. are proposed minor collector roadways. The area is also near HW-41 which is classified as a

Principal Arterial. Therefore, the Commission finds that the Proposed Commercial zoning is along streets with a higher road classification, satisfying this criterion.

- 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-0002-2022, INITIAL ZONING: Following the public hearing, the Planning and Zoning Commission considered all relevant evidence and comments, 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 9.63 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**

DATE: July 8, 2022

TO: POST FALLS PLANNING & ZONING COMMISSION

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

SUBJECT: STAFF REPORT FOR THE JULY 12, 2022 P&Z MEETING
ZONING CRITERIA ORDINANCE

FILE NUMBER/NAME: TA-22-5 / ZONING CRITERIA ORDINANCE

APPLICANT: Post Falls Planning Division

REQUESTED ACTION: The Planning Division is seeking to amend Title 18 to accomplish attaining more clarity within the Zone Change review criteria. The proposed language is in line with State's LLUPA Title 67 (Exhibit S-2).

The following are the current review criteria:

1. Amendments to the zoning map should be in accordance with the Future Land Use Map.
2. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.
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.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.
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.
6. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning

The proposed review criteria are the following:

1. Is the proposed zoning district consistent with the vision for the area contained in the currently adopted Post Falls Comprehensive Plan;
2. Does the proposed zoning district create a demonstrable adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, the Post Falls School District.

PROPOSED CHANGES: Exhibit S-1 (Draft Ordinance), details the code sections that are being requested to be modified, with the underlined text being the proposed new language and the ~~strikethrough~~ text being removed. The following is an overview of the proposed changes:

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

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

- **Post Falls Highway District (Exhibit PA-1)** – Responded with no comment.

MOTION OPTIONS: The Planning Commission must provide a recommendation pertaining to the requested amendment to City Council, of which at a later date, an additional Public Hearing will be heard by City Council. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a later 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 later date certain.

ATTACHMENTS:

Staff Submittals:

- Exhibit S-1 Draft Ordinance
- Exhibit S-2 State Zone Change Requirements

Testimony:

- Exhibit PA-1 PFHD Comments

ORDINANCE NO. [Category]

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR [PROVISION]; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and City Council find that [INSERT]; and

WHEREAS, after public hearing on the hereinafter provided, and after recommendation of the Community Development Department, it is deemed by the Mayor and City Council to be in the best interests of the citizens of the City of Post Falls that the following be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Post Falls as follows:

SECTION 1. That the third paragraph of Post Falls Municipal Code Section 18.16.010 is amended to read as follows:

18.16.010: ESTABLISHMENT OF ZONING DISTRICTS:

Zoning districts are tools created to aid implementation of land use policies found within the comprehensive plan. Through the provision of standards, zoning districts regulate the height, bulk, and placement of buildings, establish residential densities, and regulate the uses of land and buildings. The following zoning districts are established and shall be applied and depicted upon the official zoning map of the City. Every lot and parcel of land, within the incorporated City of Post Falls shall be classified in one of the zoning districts established by this section.

The regulations for each district shall apply uniformly to each type of land use, except as otherwise provided. No building, structure or land shall be used or occupied and no building or structure or

part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations specified in this title. No yard area or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth in this title. Yards or lots created after the effective date hereof shall meet at least the minimum requirements set forth in this title.

Zoning is assigned following consideration of the criteria contained in Section 18.20.100 ~~such items as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features. Commercial and high density residential zoning is typically assigned along streets with a higher road classification. 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. Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning.~~

SECTION 2. That Post Falls Municipal Code Section 18.20.100 is amended to read as follows:

18.20.100: AMENDMENT OF ZONING MAP:

An amendment of the zoning map may consist of the amending, supplementing, changing or repealing of the regulations, restrictions and/or boundaries of the zone classification of land by ordinance in accordance with applicable provisions of Idaho Code. ~~Amendments to the zoning map should be in accordance with the future land use map and the goals and policies found in the Post Falls Comprehensive Plan.~~

- A. Application: Any application for a zone map amendment or zoning upon annexation shall include the information required by the application forms supplied by the Zoning Administrator, the information required by State law and information otherwise required by this title or by the Zoning Administrator, commission or Council. In addition, the application shall provide a description of the amendment or zoning requested along with a statement that

describes the rationale for the request, how it conforms to the Comprehensive Plan, and why the City should consider the amendment or establish the zone.

B. Public Hearing: Public hearing(s) shall be held before the Planning and Zoning Commission, and City Council, using the hearing and notice procedure required by law.

C. Zone Map Amendment Review and Approval Criteria: At the close of the required public hearings, the Planning and Zoning Commission and the City Council will evaluate whether the requested zoning meets each of the following criteria:

1. Is the proposed zoning district consistent with the vision for the area contained in the currently adopted Post Falls Comprehensive Plan;

2. Does the proposed zoning district create a demonstrable adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, the Post Falls School District.

D. In addition to the Zone Map Amendment criteria contained in subsection C of this section, the City Council will also consider the following criteria when the request is for initial zoning upon annexation:

1. Is annexation of the property in the best interest of the city (Legislative Decision).

EE. Decision: The City Council, upon receipt of a recommendation from the Planning and Zoning Commission, and after review of the record, staff report, and materials received at the public hearing shall render a decision to adopt, modify, or reject the amendment. Upon granting or denying an application, the Council shall specify the reasons for approval or denial. An amendment, if approved, shall be made part of this title upon the preparation and passage of an ordinance. If an amendment of the zoning map, submitted by parties other than staff or a City commission or board, is denied by the City Council, a subsequent application for amendment of the zoning map for the subject property cannot be submitted to the City within one year of such denial unless a request for application consideration is received and approved by the City

Council. Such request shall be submitted to the Community Development Department, with the appropriate fee, and shall provide the City Council with reasons why the application should be accepted and processed. The City Council will review the request, determine whether or not the proposal is significantly different than the one denied and permit an application to be accepted and processed or deny the request.

SECTION 3. All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Post Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 5. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 6. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on June ___ 2022.

APPROVED, ADOPTED and SIGNED this day of June, 2022.

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

DRAFT

SUMMARY OF POST FALLS ORDINANCE NO. [Category]

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR [PROVISION]; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. [Category], which [DESCRIPTION]; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of Ordinance No. [Category] is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the City Clerk. Dated this ____ day of June, 2022.

/s/

Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, the legal advisor for the City of Post Falls, I have examined the attached summary of Ordinance No. [Category], which [DESCRIPTION], and find it to be a true and complete summary of said ordinance and provides adequate notice of the contents to the public.

Dated this ____ day of June, 2022.

Warren J. Wilson, City Attorney

DRAFT



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

(a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

(b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that

may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

History:

[67-6511, added 1975, ch. 188, sec. 2, p. 515; am. 1983, ch. 121, sec. 1, p. 314; am. 1985, ch. 141, sec. 1, p. 384; am. 1987, ch. 329, sec. 1, p. 688; am. 1992, ch. 269, sec. 4, p. 833; am. 1999, ch. 396, sec. 8, p. 1105; am. 2003, ch. 142, sec. 1, p. 411; am. 2011, ch. 89, sec. 3, p. 194; am. 2013, ch. 216, sec. 1, p. 507.]

How current is this law?

Search the Idaho Statutes and Constitution

Amber Blanchette

From: jonie@postfallshd.com
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To: Amber Blanchette
Subject: File No TA-22-5; Zoning Approval Criteria

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PFHD has no comment



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