



**PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA**

**September 13, 2022
5:30 PM**

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

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:

- INTERNATIONAL CHOCOLATE 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. Meeting Minutes 7-25-2022
- b. Meeting Minutes 8-9-2022
- c. Zoning Recommendation – Froehlich Zone Change File No. ZZC-22-5
- d. Zoning Recommendation – Hargrave-Hathaway Annexation File No. ANNX-22-8

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 the Gabourie Annexation File No. ANNX-22-9 – Ethan Porter, Associate Planner, to present a request for a recommendation to City Council on a request for a zoning designation of Single-Family Residential (RI) on approximately .30-acres; the applicant is wanting to obtain city services.

5. ADMINISTRATIVE / STAFF REPORTS

6. COMMISSION COMMENT

7. ADJOURMENT

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**

**July 25, 2022
5:30 PM**

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

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

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SPECIAL MEETING – 5:30 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- NATIONAL CULINARIANS 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.

None

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

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None

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ACTION ITEMS:

- a. Minutes – July 12, 2022, Planning and Zoning Commission Meeting
- b. Zoning Recommendation – Barnum’s Addition Zone Change File No. ZC-22-3
- c. Reasoned Decision – KCF Station #3 Special Use Permit File No. SUP-22-1

Motion to approve as presented – Kimball

2nd by: Ward

Vote: Hampe – Yes; Ward – Yes; Davis – Yes; Kimball - Yes

Moved

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None

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ACTION ITEMS:

- A. **Zoning Recommendation** for Froehlich Zone Change File No. ZC-22-5 – Laura Jones, Associate Planner, 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. The requested action is to provide a recommendation to City Council for the zoning designation of Medium Density Residential (R2) from the existing Single-Family Residential (R1) zoning on approximately 1.88 acres.

Manley – Title 67, Chapter 65 is the Land Use Planning Act, LLUPA. It looks at protecting property rights, low-cost housing, and mobile home parks, looks to encourage urban and urban-type development within incorporated cities and to avoid undue concentration of population and overcrowding of land. I looked up the meaning of undue and it means unjustified, looks back to the Comp Plan, are you creating areas that are not supported by our Comp Plan. Are you countering the review criteria and countering the Comp Plan therefore being undue? The housing section within the planning duties is look at safe, sanitary, and adequate housing, low-cost conventional housing, and siting of manufactured housing and mobile homes in subdivisions as well as maintain a competitive market of each of those housing types.

Jones – Back to the Froehlich Zone Change, the project location is at the northwest corner of E 16th Ave and N. Cecil Rd. It is currently a large residential lot with no present topographical or hazardous conditions however, to note it is over the Rathdrum Prairie Aquifer. The water provider is Ross Point Water District, and the sewer would be provided by the City of Post Falls. The property is currently R1 with R1 zoning to the west and south and county directly north and to the east with some R2 to the far southeast along Charleville Rd. with commercial north of it.

Zone Change Review Criteria:

- The Future Land Use Map designates this site as Low-Density Residential. With medium density residential on the opposite southeast corner of this project. The principal use and character allow up to eight dwelling units per acre however, densities may vary as appropriate to location, street, and infrastructure capacities and the R2 is an implementing zone. The focus area is the Central Island that promotes infill development in this context area and supports development patterns that are interconnected, and that provide pedestrian connectivity to all multi-use paths and trails.
- Goal 1 to grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health. Goal 2 maintain and improve the provision of high-quality, affordable, and efficient community services in Post Falls. Goal 6 maintain and improve Post Falls' transportation network, on pace and in concert with need and plan objectives. The developer is responsible for the frontage improvements along E. 16th and Cecil Rd. Goal 7 is to plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability. Goal 12 is to maintain the City of Post Falls' long-term fiscal health. Policy 1 supports land use patterns that maintain or enhance community levels of service, foster the long-term fiscal health of the community maintain and enhance resident quality of life promote compatible, well-designed development and implement goals and policies of the comprehensive plan. Policy 2 to apply or revise zoning designations with careful consideration of factors including the future land use map and compatibility with surrounding land uses. We have touched on both, and we will get into the infrastructure, service plans and traffic patterns soon. Policy 8 to encourage compatible infill development and redevelopment of vacant and under-utilized properties within city limits; this is in an area that is currently undeveloped or underdeveloped. Policy 15 ensures 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. Jon touched a little on the Land Use Planning Act. Policy 27 to work to

improve street connectivity in all areas of Post Falls, improve walkability, public health and safety, and transportation efficiency. I have mentioned the frontage improvements are the developer's responsibility if and when this property develops.

- This is over the Rathdrum Prairie Aquifer; we have talked about the future land use, and it is in a low-density residential area. Cecil Rd., a Major Collector Roadway, it is designed to accommodate traffic volumes of 4,000-12,000 vehicles per day. 16th Ave., a Major Collector Roadway, it is designed to accommodate traffic volumes of 4,000-12,000 vehicles per day. As the speed of roads increases you usually get higher intensity uses, commercial and industrial and as speeds reduce you would get the lower street classifications and lower intensity uses like single-family residential. With these being major collectors, they fall in the middle with that medium density use.
- Commercial and high-density criteria is not applicable.
- The location of this site is within that half mile area from both 41 and Mullan, it is a little further from the high intense urban areas.
- Industrial zoning is not being requested.

All agencies have been notified and Post Falls Police Department responded as neutral, Kootenai County Fire & Rescue reserves their comments for when the site develops, the Department of Environmental Quality had no comments for this stage, the School District is neutral, and the Post Falls Highway District is in support of the Zone Change.

Hampe – What is on the southeast corner, it's out of the city.

Ward – It's within the medium zoning.

Hampe – that is what the Future Land Use Map shows but it's not in the city.

Jones – It's not in the city, right on the corner looks like a multi-family site with single-family homes next to it.

Ward - It's the trailer park.

Hampe – What about the parcels across 16th St., how large are those?

Manley – To the west they look like the typical 6500 square foot lots and to the east they look marginally larger than those to the west if I had to guess.

Hampe – So a typical R1 size probably.

Manley – Maybe a little larger, to the north there is also a multi-family site that's in the county.

Hampe – Those are apartment housing.

Ward – they are apartments.

Hampe – If it were to be zoned R2, what is the maximum number of units that could be on that property?

Manley – They couldn't do multi-family but can-do duplexes, townhomes, or single-family homes.

Hampe – Okay, I don't think I have the right bulk and placement table.

Manley – One thing to note in your handouts, the implementing zones that are in it doesn't recognize R2, we have amended the comp plan and what you have was based off the original comp plan. The comp plan has been amended and does include the R2 as an implementing zone that occurred after we removed multi-family as an allowed use in the R2. Your current copy is on the original and not on the amended comp plan.

Hampe – Okay. Off the top of your head, how many possible units could be allowed.

Manley – I didn't calculate that; I don't know what the minimum lot size is for a townhome and then divide and take 1.8 acres and divide that by the minimum lot size. Plus, there

will be internal road, so you lose about 30% of the site to roads that factors in the calculation as well as the frontage improvements with the street trees, etc.

Hampe – Thank you.

Applicant, Tessa Vogel, Assistant Land Use Planner, Ruen-Yeager – My fellow representative is also here, Laura Winter for any engineer questions. – We are asking for a rezone from R1 to R2 for a possible subdivision of the property. The subject site has existing home with outbuildings and is expected to be subdivided off onto its own property the remainder has not been determined yet whether they will be townhomes, single-family or duplex. The minimum lot size for each townhome is 2400, single-family is 3000, and duplex is 3600 square feet. The internal roads and other improvements will take up space and if the applicant wants a community type open space that will also take up acreage. Looking at surrounding developments, there is the church to the west, single-family to the north, a mass housing development south with some rural development and then to the east is that county island. As stated, this designation request is within the future land use map the county shows it to be medium density. Further east is there the R2 zoning is where E. Solena Ave is located, within your policies and goals states county islands should be annexed into the city this area would be a transition, allow for transition to go with that E. Solena Ave through this county island. If it were to be R2 up and connect to Cecil and further to the east is commercial zoning which would give this easy access. Based on the staff report both Cecil and 16th are not near their capacities, they are well under them. This project will not negatively impact the transportation network. This site will be serviced by the City of Post Falls for the sewer and Ross Point Water District for the water, Avista Utilities or Kootenai Co-Op for the power. The Central Island area of the city is showing successful development of this area and incorporation into City limits will likely rely on incentives rewarding developers with higher density or modified design standards in exchange for forward-thinking integration of the land into its surrounding context. This will fit in with this area, it is close to schools for walkability, great transition into that commercial area with the higher densities.

Ward – The development will egress onto Cecil?

Vogel – There are 2 points, one is on 16th and the other is on Cecil, this will be determined by planning.

Ward – Do you have an idea in your plans how far the exit for the neighborhood is from the stop sign at Cecil and 16th?

Vogel – We don't have plans yet, however, we will meet the requirements and take into consideration the city's suggestions at that time.

Manley – We have city design standards that regulate the proximity depending on the development type to intersections for public safety. One thing to note, Herrington did some math and without any road dedications you could yield about 15 lots, they will need to incorporate internal roads and do frontage improvements though.

Testimony

In Favor - None

Neutral – Howard Burns – I do think we need R2 in the city, I was at a presentation recently that showed what was happening in the city and if I am not mistaken there is a giant church next to this. Am I correct? It says it's R1 but in fact it is a church.

Commission it is a church, yes

Burns – I think that's important when thinking about this, it says it is R1 land and should be rezoned to match the use that it currently is. The county also approved some multi-family to the north not sure how many units but with Mr. Manley's estimate taking 1.88 times 43560 and then pick the lot size and get 24 to 15 units. I don't know if you can condition a zone change to have a maximum number of units, I think this would be an applicable thing to say, we agree it's R2. There is also another item to consider, and many cities are facing it, the problem is people don't have houses to buy, they can rent because companies buy them up and turn around and rent them out. I believe you can add an HOA and say it can be an R2 with a condition in the HOA rules individuals that buy must live in the unit for a minimum of 2 years before it can be rented.

In Opposition – John Leonhardt – My back fence faces this property directly across the street from it. In speaking with my neighbors about the drag strip also known as 16th St. with the construction of 41 people use this road like a drag strip. The church next to this request is call His Place Church, which is a relatively small church, the mega church is north of this. There is another church to the south on 12th and Cecil. All afternoon there is just an exhaust smell coming over my fence and you put more people in there... The other properties you're asking about are single family homes, they are mobile homes yes, but they are single-family dwellings. There are just single-family homes all the way down the street, there is even horse property in this area. I am happy the Fire Department have been approved to add a new fire station, but we have enough in this area we don't need to add to the mess. There is the elementary school, the high school, the traffic is just a joke through here. I don't think this area needs to be annexed in with an R2, there are many beautiful homes in this area. There have been at least 4 fires around this intersection in the last couple of years. There is no way you can put 15 houses in there maybe 4-5, they are going to be tiny lots, in my opinion you shouldn't approve this.

Rebuttal – Tessa Vogel – As it sits now, with minimal design standards we could shove approximately 12 lots on this property at the current zoning. We are proposing R2 however, that doesn't mean every lot will be as small as possible. This zone will give them options however, in my experience property owners ask for rezones so they can parcel their lot out smaller and then create other lots to fit the surrounding buildout. It sounds like there is some excessive speeds on this road and that is not something the applicant can control it sounds like the local police need to be involved with better restrictions.

Hampe – The lot the church is on, it looks like it goes from 16th up to Horsehaven, correct?

Jones – It appears to be.

Hampe – Something would have to happen for them to divide that?

Jones – To divide the church?

Hampe – From the map, it doesn't look like the church is on the entire parcel. I am wondering what the potential is for that if it is more lots?

Jones – Well without more information I could guess that it appears to be just one lot, and if they decided to develop into more lots they would come back before the Commission for an approval of a subdivision depending on how many lots they would ask for. Typically, we require a Special Use Permit for Churches to be constructed within an R1 zone, I don't know the history of this church and when it was established so it may not have received a Special Use Permit. But yes, if it were to develop it would go through a site plan review if it was part of the church or a public hearing.

Hampe – That is what I wanted to know, thank you.

Davis – Mr. Manley, as far as conditions placed on number of units and things of that nature, we're simple in a zoning recommendation tonight so we're simply recommending to council that if they choose to annex the recommendation would be for an R2, correct if we motioned it that way, correct? That would be more for council?

Manley – I would note that the comp plan does call out being low density residential of the cap of 8 dwelling units per acre so to subdivide they would show that as part of their subdivision how they would be consistent with that aspect and so you'd be looking at that as being the regulatory element of being part of the comp plan.

Herrington – As well as city code.

Kimball – It is also not an annexation it is just a zone change tonight.

Hampe – So, that means this isn't the place for trying to cap it.

Herrington – Our code drives our bulk and placement table with the lot sizes and stuff, and it drives the policy consideration that's how we apply those things.

Hampe – Okay.

Manley – One reason why we have minimum lot sizes in our mixed zone of 4 acres to enter a development agreement to have enough land mass to controlling different things in different aspects. The mixed zones are where we get into the development agreements and having restrictions before it goes back to the code being more Euclidean based R1 type zoning that falls into the bulk and placement standards.

Comments

Zone Change Criteria:

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

Kimball – The Future Land Use Map calls that area out as low density residential and R2 is an implementing zone, so it meets this criteria.

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

Hampe – It has the right road classification being on those roads I think it is better having a little higher density as a buffer as we talked about buffering, and I like R2 as opposed to something denser as R3.

Kimball – The staff report went through the goals and policies very well and we haven't heard much to the contrary.

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 we covered it.

Kimball – I think it's important to look at the existing development pattern there is a church to the west which is all days of the week except Sunday generally speaking low intensity use and then on Sundays it's a little higher intensity use. There are apartments to the east and just northeast of it so even though that's in the county it has a higher intensity use. Even though an R2 isn't a high intensity use it does fit there on the corner. It is also important to understand that when we have traffic issues it's never on the main drag it is always at the intersections. So, when we get development that improves those intersections it is beneficial to our transportation system as a whole. It happens at a cost to the developer not the taxpayers or the City of Post Falls.

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.

Kimball – I think it is far enough away from the Highway 41 corridor and is close enough to be that medium zone yet far enough away that it's not going to compete with them.

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 from R1 to R2 finding meets approval criteria in PFMC as outlined in our deliberations and ask staff to draft a Zoning Recommendation. - Hampe

2nd by: Ward

Vote: Kimball – Yes; Davis – Yes; Ward – Yes; Hampe - Yes

Moved

- B. **Zoning Recommendation** for Joseph Family Trust Annexation File No. ANN-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. Requested action is to forward a recommendation of approximately 20 acres of CCS and 20 acres of CCM to City Council. The location is on the northeast corner of N. Greensferry Rd. and W. Prairie Ave. The current uses are 5–10-acre residential lots in the county with no significant topology or vegetation matters and it is over the aquifer. The water provider would be Ross Point Water District and the sewer would be provided by the City of Post Falls.

Zone Change Review Criteria:

- This area on the future land use map is designed as transitional it also shows that this area is potentially suitable for commercial uses. The purpose of the commercial node was to have a more neighborhood commercial location, so the residents don't have to drive to 41 or down to Seltice Way or Mullan for services. These areas also promote walkability and civic third place type of functionality. The Transitional purpose is due to timing for growth is undetermined, but guidance can be located within the associated focused area. This is located on the very western edge of the 41 North Focus Area with a focused provision 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. So, at time of development, you would end up getting the improvements along the north side of Prairie and the east side of Greensferry and that also includes either a multi-use path and or a sidewalk providing connectivity north, south, east, and west.
- Grow and sustain a balanced, resilient economy for Post Falls providing community prosperity and fiscal health; maintain and improve Post Falls' small-

town scale, charm, and aesthetic beauty. Maintain and improve Post Falls' transportation network, on pace and in concert but needed the plan objectives. For Goal 6; Greensferry is a Minor Arterial, Prairie is a Principal Arterial and Highway 41 is about half mile east. For what was approved in the area, the southwest corner was annexed in with commercial with intent to do an agg commercial, to the southeast there was a recent annexation with limited commercial which will be neighborhood commercial and church, with R2 to the east most of the R2 is single-family development. To the east is the Technology Mixed which allows for a mix of commercial, multi-family, and industrial. So, with the development agreement for this area, they put a cap on percentage of site so to the west of the future extension of Cecil would be the multi-family development of the Tech Park. The elaboration of Goal 6 is to show the improvements along the north side of Prairie i.e., the sidewalks, trails, also shows future connections at Lynn St., Cecil Rd, Charleville, and Bogie. So, as you can see, we would have some sections that would remain unimproved without development in the city. With roads that have higher speed generally speaking would have higher end uses along them because there aren't as many points of conflict. The roads with lower speeds would facilitate lower end uses because they would have more points of conflict.

Hampe- You may have said this, what is the denied RM?

Manley – Within the last two years, I believe it was Copper Basin, came forward for an annexation of RM and that was denied and so I was trying to denote there that until that gets annexed and developed you would not get the improvements along that property.

Hampe – So, that is still county.

Manley – At this point that is still county. But, with that potential development in the future, we would have majority of the road widening project for Prairie between Greensferry and Highway 41.

Hampe – So that is what we're waiting for to actually widen that road is the development on the north side.

Manley - At this point in time, yes. You have a road classification, and it may be a 2-lane road circa 2010 but looking at the grid system and its road classification and how it's going to function long-term. When development comes forward for an annexation and the road is widened that is how it meets the long-term growth counter to that growth still occurs regionally not just in Post Falls. You still end up with people encumbering the system and so when you have a county road that's unimproved with 2 lanes it also creates an encumbrance for a period of time until that gets widened it does create and opportunity for safety hazards when they don't get improved in concert with regional growth.

Hampe – Right, so it would still just be improved in those sections, widen Prairie because eventually it will be 5 lanes.

Manley – It will likely be 5 lanes eventually from Pleasant View to 41.

Hampe – The land will be given for that improvement when it could all get done.

Manley – When they develop, they dedicate right-of-way, and they do the improvements as well as pay the impact fees at the time of development towards any sort of regional infrastructure elements too.

Hampe – Okay, wouldn't it be kind of hit and miss then?

Manley – That generally how it occurs and why we have county pockets in Post Falls. Other states do it differently but in Idaho growth does their development in pace with their development.

Hampe – Okay.

Manley – 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. Protect and maintain Post Falls' natural resources including clean air, soils, river, and aquifer, and minimizing light and noise pollution citywide. Maintain the City of Post Falls' long-term fiscal health. Policy 1, support land use patterns, I have touched on much of this one and policy 2 apply or revise zoning designations with careful consideration of factors of which I went over this policy in depth as well. Policy 3 and 7 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. Encourage the development of off-corridor access and circulation for commercial and mixed-use areas abutting limited-access arterials. I went over these two policies as well.

- Once again, the surrounding zoning the Tech Park Mixed area goes up to Hayden from Prairie I believe. With commercial to the south and the limited commercial and R2 zoned corner which has not been recorded into the city just yet. To the north, west, and the parcel directly to the east are all county land. The more commercial developed area is along Seltice and Mullan with some activity on the north end of Highway 41 and out at the Pointe with some commercial activity along Prairie near this request. There is a planned Pleasant View Rd. Interchange that's planned and scheduled to be done over Hwy 53. If any of you went this way and have tried to take that left towards Beck Rd, it's pretty dangerous. Once this interchange is done, I'd take this route to get my kids to school at East Valley and I'd be willing to wager more residents would take this route as well. Which would mean Prairie Ave. will be used more than it does currently as it may be faster to get to a job or something similar.
- Prairie Ave is a Principal Arterial and Greensferry Rd. is a Minor Arterial.
- This is in a location in transition, once on the outskirts of Post Falls will evolve into a major east/west arterial corridor.
- Industrial zoning isn't being requested so the last criteria is not applicable.

Some things that I still need to mention is the north portion of the requested area that they are requesting a CCS zone on there are some infrastructure limitations, sewer grade issues with that so I know the applicant intends to put a use that does not demand much sewer. From what I hear they would like to do a storage use there as not much sewer is needed for that use. To the south, closer to Prairie they are asking for CCM, there is a section that shows CCM-MF, as both are options. In the CCM you're allowed up to 50% of multi-family within the Development Agreement. I believe in the draft Development Agreement they call out approximately 17% of multi-family and currently would be impossible to construct to the north of this request due to the limitations of infrastructure. We sent notice to all the agencies and the Police remain neutral, Kootenai County Fire will review as part of the permitting process, Department of Environmental Quality have not commented at this time, the Post Falls School District remains neutral, and the Post Falls Highway District supports the annexation.

Hampe – Did you say because of the sewer limitations it was unlikely that the 40 acres could not likely go any higher than 17% at the high-density multi-family?

Manley – The 17% was established due to what you have mentioned, however, the CCS they could request a Special Use Permit, they are not going down that path though. As they are entering into a Development Agreement for the entire request of 41 acres which is more binding. With that 17% proposed in the area that has been requested which an exhibit will be attached to the agreement depicting the requested areas.

Hampe – So, 17% of the CCS?

Manley – 17% of the 41 acres as a whole. It is 17% of the entire annexation area.

Hampe – So, 7 or 8 acres I'm not sure what 17% is.

Manley – I am sure the applicant knows.

Kimball – To clarify a development agreement is typically for a CCM but not a CCS, is this a special case where that would occur?

Manley – Our ordinance is designed to help with development of the typical zoning designations and similar with a PUD we have agreements for any special conditions for the mixed zones and we found it to be amenable to incorporate the entirety of the 41 request with the CCS and CCM within the one Development Agreement.

Applicant, Jeramie Terzulli, Olson Engineering – I will be focusing on the first 4 criteria as we are not requesting industrial or limited commercial. So, everything in my presentation came from the Post Falls Comprehensive Plan and is just my interpretation and how it affects the city. This is located at the northeast corner of Greensferry and Prairie and is assigned the transitional designation going into the focus areas to gain some guidance on how this area should be zoned. This request is right on the boarder of both the 41 North and Central Prairie Focus Areas. Some of the key points overlap between the two areas in showing consistency that major arterials, principal arterials, and minor arterials are areas that are suited for higher density residential as well as commercial uses. In the comp plan it also shows this corner as a commercial node, those that helped create the comp plan realized the benefit of having these commercial nodes in the strategic locations on Principal arterials. This request is consistent with the future land use map. Creating a balance in the land use and zoning designations as well as provide opportunities for local businesses to flourish we believe this request would provide an opportunity for these neighborhood commercial services to provide a home for local businesses and people that have hitched their wagon to the City of Post Falls. Keeping Post Falls neighborhoods safe, vital, and attractive we believe that the storage component that we are proposing on the northern portion of this property, there is a lot of storage around town, and I've done my research spoke with owners in the area and we are not at saturation for this market. Part of the reason is the developments go up and the covenants within the developments are restrictive as we move forward. People are not allowed to leave their toys, campers, boats, side by sides etc. out on your property. So, people get storage units for their stuff, and this supports the idea of keeping the neighborhood safe, vital, and attractive. Maintain and improve Post Falls transportation network, the highway district and the City of Post Falls developed a transportation master plan, and it is quite clear that it needs to be followed. This request is consistent with the transportation master plan it gives the city an opportunity to acquire much needed right-of-way to build out that principal arterial of Prairie and again as Jon mentioned giving residents options regarding moving east and west. Something to note is that Greensferry as of right now other than 41 is the only north-south corridor that is not impeded by the

Burlington Northern train line, which I use to my benefit at times. This does protect and maintain Post Falls' natural resources, clean air, river, and aquifer and minimizes light and noise pollution citywide. Panhandle Health District does offer some guidance on that and one of the best ways is they indicate that happening by eliminating some of these residential septic systems that are becoming outdated and not always maintained at a level as we would like to see. Redevelopment holds the developer to a stringent standard regarding storm water remediation storage and injection back into the aquifer. Panhandle Health issued a report a couple years ago and stated the health of the aquifer is improving as the septic systems come offline. Maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty, those that created the Comp Plan saw these commercial nodes as a critical element to maintaining that small town feel. Having these commercial nodes on the periphery of town will minimize the need for people to come back into town clogging up the roadways and allow them alternative routes home. Such as vet clinics, dental clinics, physical therapy, convenience stores, coffee shops, smoothie bars, etc. these types of neighborhood spaces the people can satisfy their needs for shopping and services without the need to go down to Spokane St, Seltice Way, or 41. If we only view these particular areas like Seltice, Mullan, etc. we will eventually run out of available land for commercial uses and will end up going vertical with more parking lots. So, these commercial nodes do help with the small-town scale and charm. High traffic areas for commercial centers and encouraging pedestrian uses, when possible, commercial services in proximity to parks and additional rooftops will tend to blend. This will work with the tech park, when it develops sometime soon individuals that are working there can come to this site for lunch, or coffee. I believe this is consistent and adjacent to the principal arterials this intersection is signalized and the Post Falls Highway District is in support saying it is consistent with their master plan. The right-of-way buildout staff went over it very well. Commercial frontage along Prairie regarding depth for multi-tenant commercial buildings a mix of office uses, convenience store to the north it will ultimately be some form of storage. Self-storage, commercial storage, possibly contractor yard storage those types of things up there. We were asked to put a maximum of what might be residential, by no means are we proposing a residential area at this time however we understand this could be requested in the future and were asked to create a map showing if we did go down that road where we would potentially place it. The developer is responsible for the improvements of the infrastructure along Greensferry and Prairie, sewer, water, swales, sidewalks/trail systems, and the widening of the roadway as well as pay impact fees and taxes to the city. We believe this development is a key component to the long-term fiscal health of the city. I know there have been several letters in opposition to this request and after an article in the paper and a public hearing notice I've been approached by members of the commercial brokers community and residents in the area asking when this project is going to be built because they feel the location is great for their business or a client.

Hampe – I looks like you are showing a driveway right off Prairie.

Terzulli – It's so preliminary we just wanted a few pretty pictures to show it, those will be controlled approaches due to it being on the arterial they will more than likely be right in and right out. What we would like to do is pull it back off Prairie and put double stacks and parking up front with a backage road that will connect to the Copper Basin development to the east and connect to Lynn St. it will create a network eventually.

Testimony

In Favor – None
Neutral - None
In Opposition –

Bob Flowers – I realize we are only talking about the zoning tonight, I also realize the city will not annex in this piece of property until 41 is complete, I believe Mr. Kimball was made aware of that last week. I have a problem with both the zoning designations, one can allow 100% high-density residential and the other can allow 50%. They are showing all the pretty pictures, however, let's say they do get approved for annexation with the zoning designations, now this property is more valuable and who's to say they won't sell to another developer. Now all the guarantees about all the businesses and storage units never appear because there is a new owner. I hope the Planning and Zoning right now, would just turn this request down it's at the wrong time and wrong place. Until the 41 corridor is completed, and we know what kind of mess we will have with the other projects once they are built out, I truly don't believe we should be thinking about annexing any other properties or rezoning anything else at this point in this area, we have too much of a mess right now.

Howard Burns – We talk about keeping small town atmosphere, pedestrian walkability, trail connections however, if we put in roundabouts from this point to the east along Prairie it will be a nightmare. Going through the roundabouts on Seltice with the 4 lanes, it only takes one person that's afraid to enter it and everything backs up. Prairie is too big of a street to handle roundabouts. The Douglass Properties just requested to annex in with a CCS and was denied, the property on the other side of Highway 41 is a 50-acre shopping center where Peak Fitness is trying to go in, we know that 98-acres was just annexed from Jacklin on the other side of it with that school site which sounds wonderful but there's 73-acres along with it, the CCM to the south has yet to develop that allow 105ft buildings there. We approved the RM zone from Greenstone to the west that allows for some commercial on Syringa, plus the other 2 properties off Prairie there is lots of commercial land on Highway 41 that has yet to be built out as well. Where they want the storage, go with LC, that allows storage don't make it CCS. The CCM, if that is what is needed along Prairie and Greensferry then condition it so buildings can't be 105' high multi-use buildings are allowed in the CCM zone and Copper Basin's project was denied for that cookie cutter little lots, they looked like a deck of cards. Copper Basin owns the great URD now on Pleasant View, which is another thing that wasn't discussed the city has a URD here. Why should we put something else into the city when we haven't benefited from our own URD, let's focus on that and put businesses there that is what is in our best interest as a city. The Northland Nursery is not in the city, but I believe the city struck deal with them to get the Prairie Ave. improvements done, I think someone should be talking about how that happens.

Kaye Balk – My number one reason I'm in opposition is the infrastructure, I've lived out on my property since 1998 and I'll lose my view, the quietness of country living. Prairie and Greensferry are 2-lane roads and using Greensferry as a main north-south arterial is cumbersome as Greensferry was not built to handle the additional traffic with only 2 lanes. Some of these new housing developments south of Greensferry only have one exit, Prairie is building a gym on the south side of the road, a church is being built on the corner of Greensferry and Prairie along with single-family homes and duplexes. Now they want to build on the north side of Prairie, where will all the traffic go? According to the proposed page 2.2.5 no roadway intersections from the property to Prairie will be allowed right in right out full access driveway approaches will not be allowed, again my question to

you is where will all this traffic go? Building storage units brings other concerns, light shining all night, traffic in and out all hours of the night, our view will be blocked by what we've had for over 24 years of the mountains this is an urban community where we're living not a rural community. Apartments, traffic, people coming and going all hours, there's not even a road there for this to come. Only being access apartments coming from the east, crime goes up in high density area more population crime increases. What about fire hazards with people only limited to right turning lanes, how will people be able to exit safely. Ambulances for medical care, how are they to provide emergency services with one entrance. We understand that growth needs to happen however, with growth comes consideration of the people that lived in our neighborhood like us for over 24 years. There should be consideration to limit the times people can access their storage units, should be fenced, dimmer lights, and most importantly only 1-story tall so we don't lose our view. There needs to be more than adequate parking for the apartments as people always park on the roads. The system of the public works of a country, state, or religion, the infrastructure resources, personal buildings, or equipment equipped for activity the underlying foundation of basic framework including roads, dams, waters, and sewer systems. Basically, Greensferry and Prairie are all overwhelmed with traffic now, we feel if the city approves this that the roadwork would be completed before the construction begins using the east side of Prairie for road widening. My question is when was the last time you were on Prairie sitting through 4 lights before you can cross 41, I challenge you to try. The mentioned wanting to leave Post Falls and the community as safe, attractive, vital, small-town feeling. I want you to leave my neighborhood alone we've been there 24 years and we moved out of town to be in the country, and we are now at risk.

Ted Macaulay – As others have stated we have quite a bit of commercial properties that have already been approved 3 of them that come to mind right away, the one on the northeast side of Prairie and 41, one on the southeast corner of Prairie and 41 the large one at Horsehaven. What has also been mentioned is that Greensferry and Prairie are only 2-lane rural roads, the applicant stated the traffic would be on Prairie. The reasons they are wanting to put this in is to help the residents, so they don't have to travel long distances to go the dentist or whatever but most of the people in this area are on Greensferry south of Prairie. To the west of Greensferry it isn't very populated most of it is to the east and south of Prairie. It should also be noted that the Union Pacific Railroad does cross Greensferry just to the north of this proposal. I can testify that I hear the trains often and they are at grade. I see that they state they've contacted other agencies like the School District and Fire, but I never see that they have contacted any residents, is there criteria that states the residents of a project area are informed? If not, I would love staff to investigate that because it is pretty important.

Manley – I paused the time so we can respond.

Herrington – To address the noticing issues we follow state code for noticing the property is posted, notice is published in the paper and

Macaulay – Do you send letters out to the residents?

Manley – We do within 300' that is following state code, we post on the website.

Macaulay – Thank you, I appreciate that. There are also 2 elementary schools south of here, Greensferry Elementary and Post Falls (it is Prairie View) Elementary and if this commercial gets added there will surely be even more traffic trying to go by these schools. It is difficult now during certain times of the day to get up and down Greensferry due to the schools being let in and out, I'd love to see the city do more infill rather than

hopscothching around and adding properties in. The many county pockets should be infilled before we start expanding more. The applicant is talking about Prairie being a 5-lane road from Pleasant View to Highway 41, what about the folks with property on Prairie on the north and south side to expand that road? There is plenty of capacity on Highway 41 for commercial properties that need developed so, I don't think we need to rezone any more property or annex the properties in.

Rebuttal – Jeramie Terzulli – To address the impact of the storage units, the data shows that a storage unit is the least impactful when it comes to traffic, the logic I guess is people stick their stuff in them and most only come back on the weekends to grab a camper or whatever. But, for commercial users and generating traffic the least trips per day self-storage is at the top of the list. We did allude to contractor and commercial storage, and we would think those times would be isolated to when they would be going to and from job sites. The light pollution, jurisdictions are very clear about down lighting wall packs on the sides of buildings and storage units don't build up they build out. It is not cost effective to go vertical with storage. As far as the other comments in opposition, all I have is the Comprehensive Plan and the Master Transportation Plan, the criteria that is brought up at every one of these hearings. These arterials are to help mitigate traffic city-wide to help provide commercial and much-needed services to rooftops. The southern corners we know one corner will be a church and the other corner she wants to do a unique urban farm with crafts etc. not your true commercial services and she might decide to sell as it was pointed out and that new owner has entitlements to build our that commercial node. The comp plan clearly points out this area as a commercial node and those two corners are already using the opportunity for that. We must trust the people that wrote the Comp Plan with the community input which is key to the growth of this city. I feel like this proposal meets all the standards without a shadow of a doubt.

Manley – One of the public testimonies brought up the storage units as being one-story limitations. This is a CCM it has a Development Agreement and conditions can be added through your discussions. Howard Burns mentioned the 105' in CCM he's not incorrect you could in the Development Agreement cap that at a height lesser than 105'. There was a comment referencing a portion going 100% multi-family, once again this is going to be encumbered by a Development Agreement the current proposal has a cap of 17% which is recorded against the property and title so it will stay with the land whether this is sold or not.

Davis – Everything you just covered is covered or can be covered in the Development Agreement.

Manley – Or anything else you discuss moving forward.

Comments

Zone Change Criteria:

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

Ward – It is right inside one of the nodes, perfect spot.

Hampe – I like that there's a commercial node, I like following commercial nodes, but it seems like we've already muddled this one up, there is very little commercial that whole southeast side has little spot of commercial with the rest being residential. Seems like we have already started a trend of it not being commercial unfortunately, so I am on the fence.

Kimball – Our Future Land Use Map shows this as being transitional the zones being requested are implementing zones in the transitional area. The focus are talks about higher intensity uses on arterials, so CCM and CCS are both higher intensity uses. That commercial nose is one of those things that doesn't have a radius to it really. It was intended to state that this intersection is going to develop as commercial in some way, shape, or form and the adjoining properties must figure out how to make it work. Whether it works in their plan and vision on how their property develops or if they can sell etc. but, if we are strictly looking that the future land use map and how it fits, it does.

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

Hampe - The goals and policies in the comprehensive plan have many points to it. Maintain an enhanced resident quality of life that could be said yes putting some businesses there would be great because residents are closer to pick up a pizza or whatever the case may be there's truth to that. Then we also have residents saying this is really going to decrease my quality of life and so I think it could go either way I see some good points that it meets and covers. Others I think are all up to interpretation.

Kimball – I think Hampe is right, not every project is going to meet every goal and policy, in this case I think there are some being met not everyone, but I think the applicant and staff went through them and found a significant number and went over them. I think there is enough of them presented to us to support the application.

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 this is one of the most important ones when it comes to looking at our transportation master plan. So, regionally speaking there's the Kootenai Metropolitan Planning Organization master plan which is our regional planning for streets, and it has Greensferry as an arterial and Prairie Ave. as a principal arterial. So, we have five lanes going east-west at least three lanes going north-south probably a little bit more than that eventually speaking and so it's hard to look at it today and see the vision for the future. But the fact is that our Transportation Master Plans dictate that we are going to put traffic in those locations that's just the regional transportation master plan say that and those are our planning guidelines. If we look at this tonight and we're here, just to look at what should the zoning be right now and so if you ask yourself the question well what other city zoning it should be it's at the intersection of two arterials and both of which in the future whether we like it or not are going to have a lot of traffic on them. This is the correct zoning for that it's a commercial type zoning it's not a single-family zoning necessarily it's supposed to be a higher intensity use and so I think that the traffic patterns and street classifications, the community plan which is a transportation master plan I think that all points to the that direction.

Hampe – As it stands with community plans it could also be argued that there is an Urban Renewal District very close to that looks like it was created in 2018. As a section of that it is pursuant to Idaho Code the City shall aid and cooperate with the URA in carrying out this plan and shall take all actions necessary to ensure the continued fulfillment of the purposes and objectives of this plan. Urban Renewals both a public-

private partnership to support growth and economic development and a direct partnership between the city and the Urban Renewal Agency to expand the City's economic base, create jobs, and improve public infrastructure. That is just in part but that says to me the Urban Renewal District should be what we try and build out first.

Davis – But if you talk about growth and economic development the idea of neighborhood commercial services, what is proposed there, it does seem to fit.

Hampe – As I said on the southeast corner of that commercial node is primarily residential. So, it could go both ways and I don't know that it's a bad thing it would be great to have some of the areas built out that are already in the city. We already know what they are designed for and there's a plan for them and then see what it all becomes.

Kimball – I can't disagree with you Hampe I think you are 100% right, there is a lot of commercial in this area and I just go back to what our job is tonight. We are here to determine what the appropriate zone is not whether it's the right timing that's City Council's decision.

Hampe – True, that is yes.

Ward – I think to protect the neighbor's view I think there should be a level put in the agreement for the height of the storage units. 108' building on that corner just seems out of place to me, I live down the street and I am trying to think of a 108' building in Post Falls, there is not too many of them. How something like that out on the Prairie just seem horrific to me you don't know what you will get once you approve it.

Kimball – To give everyone a scale the Ross Point Water District tower out there that is 150'.

Ward – Yeah, that's too big.

Davis – Those things that come in during the Development Agreement.

Herrington – Just to be clear on a fact this location is not within a boundary of an Urban Renewal District.

Hampe – Yes.

Davis – Neighboring but not within.

Manley – There currently is no height restriction in the draft Development Agreement.

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

Davis – Kimball I think you talked about those roads will continue to be developed.

Kimball – It is inevitable the master plans state this is what the size will be and if the developers and the adjoining property owners don't pay for it then the taxpayers end up paying for it as part of a city or highway district sponsored project. That is how Prairie Ave. has been built out already to the east over in Coeur d'Alene from Ramsey to Meyer that is all federal and grant funding highway district. So, this is an opportunity for our Transportation Master Plan to be built at the expense of the developer and not the taxpayers.

Hampe – I think everyone knows where I stand, and I understand I have no vote as to whether or not this is annexed. I can give opinions but that is all they are and putting my hat on as a commissioner tonight is to decide if this is appropriate zoning. In the end with some restrictions, it could be.

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

Kimball – Let's talk about building height, our R1, single-family code states houses are limited to 35' I think county zoning is the same 35' in height. I think typical commercial zoning is at 45', obviously 110' is high.

Ward - 45' seems low

Kimball - I would be comfortable with half so about 55', still gives opportunity, I don't see a hotel going out there, I don't know if it even matters based on what the applicant is saying their plans are so 55' is probably appropriate.

Ward – Probably the height of the building that they are putting is south of Prairie.

Kimball – that is probably 45'.

Davis – Based on what I am seeing this is more for us and make us feel good about it but, 55' that makes sense.

Kimball – At some point there's 55, 85, 105, you know it's a tallish building but based on what they said is seems pretty functional at 55'. If City Council feels that would be inappropriate, then they have the ability to adjust that accordingly. So, ready for a motion?

Davis – I don't know Hampe you talked about having restrictions I am assuming height was one of them, was their anything else?

Hampe – I think that would be overall, we talked about some storage units, right? Nothing would get higher than that for any reason.

Manley – Well that's not true, they do have multi-story storage unit facilities.

Kimball – Yeah, I would think we should limit storage units to 35' which is the same as a single-family house.

Hampe – Okay.

Kimball – Manley, is it in the Development Agreement that the north 20 acres is limited to storage?

Manley – I don't have it memorized; I just know that the sewer can't facilitate anything other than very minimal usage, so an office worked. I do know that the multi-family was restricted to less than 17%.

Kimball – Okay.

Manley – Once again you can add it.

Kimball – I don't know that that is appropriate.

Herrington – So, for the northern half of the property only low impact uses generating less than one service unit which is 5,000 gallons of sewage per month per 5-acres of land would be allowed to be constructed on the northern half of the property. Those uses must drain by gravity mainly into the Greensferry sewer main providing services to the southern right.

Kimball – So that is super limited.

Motion to recommend approval to City Council finding the requested zonings meet approval criteria found in the PFMC 18.16.010 and 18.20.100 as outlined in our deliberations and direct staff to prepare a Zoning Recommendation. To include

Development Agreement conditions limiting the height in the CCS to 35ft. and the height in the CCM to 55ft - Kimball

2nd by: Ward

Vote: Hampe -Yes; Ward – Yes; Davis – Yes; Kimball - Yes

Moved

- C. **Zoning Recommendation** for Hargrave-Hathaway Annexation File No. ANNX-22-8 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council on a request for a zoning designation of Residential Mixed (RM) on 9.63-acres which requires a Development Agreement. The requested action is to recommend RM zoning in support of an approximate 9.63-acres annexation request to the City of Post Falls. This request also required a Development Agreement which can have restriction embodied within it. The desire to construct about 77 townhomes or less and retain a 31,000 square foot commercial lot. It is located just a tad west of the intersection at Chase and Poleline, along the north side of the Montrose Development and just west of the Black Stallion lots. The current land use is larger residential lots in the county with no significant topology or vegetation matters and is over the Rathdrum Aquifer. Water will be provided by East Greenacres Irrigation District and sewer would be provided by the City of Post Falls. Some of the RM design elements you have a minimum lot size of 4 acres for the product types of duplexes, twin-homes, and single-family the maximum height is 35' and all other structures is 45' the reason is because the RM allows for up to 20% multi-family and 10% commercial so the 45' goes towards those other uses. Open space requirements in the RM are 7% of the total site, they are planning on doing the town-home option of the RM with the open space being a passive recreation with some amenities. They are proposing a trail system that connects to the improved section on the south side of the development with the commercial site located along Poleline. Permitted uses multi-family residential uses cannot exceed 20% and neighborhood commercial/office uses cannot exceed 10%. Because they are planning to do townhomes, units on their own platted lots they may have zero lot lines, but it is no different than any other single-family home. They are proposing no zero multi-family, I know some comments for the public notice there was a lot of mention of multi-family and wanted to make it clear they want to do single-family townhomes. They have commercial restriction and are capped at 7.4% of the development area.

Zone Change Criteria:

- The future land use has this designated as low density residential. All types of single-family residential uses up to eight dwelling units per acre, the 77 townhomes (single-family) on 9.63 acres equals to 7.9 dwelling units per acre. So, this makes them eligible to request the RM as an implementing zone within that low density. Looking at it being consistent with the focus area, Central Prairie, support provisions for a variety of housing types and densities, the roadway classification is able to support in excess of 4,000 vehicles per day. 2035 project traffic volumes are for 3,000 vehicles per day. Both Poleline and Chase are classified as minor arterials that are designed to accommodate traffic volumes of 6,000-15,000 vehicles per day. Poleline Ave. is estimated to have 2025 volumes of 1,700 vehicles per day and 2035 volumes of 3,000 vehicles per day.
- Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health; maintain and improve Post Falls' small-

town scale, charm, and aesthetic beauty; and maintain and improve Post Falls' transportation network, on pace and in concert with need and plan objectives. As you can see with the Black Stallion development the city received the improvements along Poleline Ave. and they also planned to extend Miss Hannah Ave and would come back to Poleline and with development they would improve the northern portion of the trail connecting it to the north side with some improved pedestrian connection and would be in line with goal 6. Goal 7, plan for and establish types and quantities of land uses in Post Falls supporting community needs and the and the City's long-term sustainability. To protect and maintain Post Falls' natural resources including clean air, soils, river, and aquifer, and minimizing light and noise pollution citywide; maintain the City's long-term fiscal health. Policy 1, maintain or enhance community levels of service; foster the long-term fiscal health of the community; maintain and enhance resident quality of life; promote compatible, well-designed development; implement goals and policies of the comprehensive plan, related master plan and/or facility plans. Policy 2; looking at future land use maps compatibility with surrounding land uses infrastructure and service plans existing and future traffic patterns. The staff report goes into further analysis. Policy 7; encourage the development of off-corridor access and circulation for commercial and mixed-use areas of abutting limited arterials. Encourage compatible infill and redevelopment of vacant and under-utilized properties. 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. This policy ties back to the Land Use Planning Act and what I mentioned earlier about the purposes of it regarding housing and for jurisdictions. Policy 27 work to improve street connectivity in all areas of Post Falls, improving walkability, public health and safety, and transportation efficiency. With this development and future phases of Montrose you will get this.

- We recently received a major PUD amendment and subdivision plan for Montrose, they're looking at phasing in their portion south of Poleline Ave. They show the pedestrian network they intend to construct going east and west connecting to Clark Fork Parkway which would go up to Poleline. At some point in the future there is a plan to construct a bridge on Poleline to make that connection to the west towards McGuire. There currently are 2 users on the rail line and at such time they are no longer using it the city will discuss providing a green trail from Montrose to downtown towards our city center planning area. There is an approved subdivision to the east at the northwest corner of Poleline and Chase called Coleman Acres, they haven't started construction, but they are approved and for all intensive purposes except for a couple of county islands it may be feasible to attain those frontage improvements on both north and south side meeting the road classification requirements.
- These are minor arterials so the road will be designed to handle significant traffic which would make it compatible with some commercial uses.
- To acknowledge that there is no high-intense urban activity area near this, so it lends itself to some lower density hence the future land use designation of low-density designation.
- Industrial zoning is not applicable.

All the agencies have been notified and we received comments from the Police Department as being neutral as well as the School District and the Kootenai County Fire reserve the comments for the review and permitting process. Post Falls Highway District is in support and the Department of Environmental Quality had no impact comments at this time.

Kimball – In order for an RM zone to be appropriate in the low density to residential it must be 8 units per acre or less, correct?

Manley – Yes

Kimball – So, would it then be appropriate to limit the density in the agreement to 8 units per acre to keep it in conformance with the Comprehensive Plan?

Manley – That is what they attempted with the 77 units as a cap, 9.63 divided by 77 and came up to 7.9.

Kimball – I understand the math it just doesn't say it in the agreement.

Manley – Okay, that should have been an add in, yes.

Ward – Can you go to the traffic count slid?

Manley – I'll answer certain questions, Mr. Palus is here to answer the rest.

Ward – The 2035 projections, when was that done, it definitely wasn't done before the growth right?

Manley – Mr. Palus said 2014, I will say this, the proposed amendment that Montrose is moving forward they plan on removing about 300 multi-family units that were approved in that area to the north. So, they are converting their multi-family units to single-family lots.

Ward – The only egress right now would be through Montrose down Clark Fork or back out Poleline to Chase right, there is no other exist to get to McGuire from there. They blocked that off a couple years back.

Robert Palus, Assistant City Engineer - So currently from this location here you do have Clark Fork Parkway which does go down to the south connects with Midway Ave. by the elementary school which would go out to McGuire. Then you also have Santium Dr. which doubles back up to Poleline Ave. that was a temporary road access point that was put in when the railroad crossing was created to allow for the elementary school.

Ward - So it still funnels them down through Montrose though.

Palus – Yes, and when you were talking about the year that the traffic counts were done in 2014 with the 2035 volumes being the City of Post Falls at about around 90,000 in population and that also considers that 3,000 volumes with that bridge over the Union Pacific Railroad and that's really what's driving the additional traffic coming in this area.

Ward - Is Clark Fork classified as minor?

Palus – Yes

Hampe – It doesn't exist right now though, does it?

Palus – It does exist right now it is a 2-lane roadway with no urban improvements, no curb gutter, sidewalk.

Hampe – So it is running through there.

Palus – Yes, Clark Fork is an urban roadway, 36' in width up to just north of Snoqualmie Ave. and then it reduces down to a 2-lane roadway that done to provide additional access and emergency services to the area.

Hampe – Okay

Palus – One thing to note, we do anticipate that Clark Fork Parkway will probably have to bounce about 200' further to the east to accommodate a future bridge at that location.

Applicant, Bret Hargrave - I just wanted to reiterate just a couple of things and then point out potentially a few other options or other points of interest on this. Number one is that on the density because I think that there's been lots of comments and concerns about the density going in and that is eight units per acre being allowed, we are maximizing that. But we are following that up to its fullest potential; the other thing that I wanted to address is there were some concerns about privacy and these units are only allowed to be up to 35 feet in height which is the same height as a single-family home. So, there's no difference views blocked or somebody peeking in your backyard or whatever that potential is exactly the same. The other thing that I think is noteworthy about this and this goes to protecting what I think a lot of people are also concerned about but are sometimes a little bit reserved in how they present themselves and that is frankly their property values. That's a big concern and it should be a concern for everybody but thankfully the City of Post Falls has some pretty good guidelines on what you can and can't do for townhouses for example, you cannot use vinyl siding it doesn't have the same durability as brick, stucco, stone, fiber, or cement products like that and so over the long term you have a better product. The city has put together some code requirements to offset facades giving the building a varying look there's also a requirement to have a bit of a themed approach to your development and requiring a minimum of 2 varying options. So, you can't have one set of townhouses look colonial and the next one look completely out of place with some sort of salt box look, there must be a continued theme. This is to help protect the value of the development and your neighbors' properties as well. I think the next point is probably the most important thing is we're talking about individual home ownership this is not a development to be sold off as a multi-family group it is our design and intention to hold on to a unit or two to service our own family as well. The reality that we see is that Post Falls as a community is getting tough and doing townhouses like this gives us the ability to provide a little expansion and with that rapid expansion is a rapid climb in property values and the ability to buy. This gives some diverse and competitive housing options for those that want something that is a little less maintenance and gives professional housing for those that are interested in something in a product like this. So, we want to meet that need one of the other things that I want to address as well is the ability for the commercial space and I think that there's some concerns. When somebody hears commercial space especially after this evening, you're talking about in previous discussions commercial space and what it can do out on 41 and Prairie and that sort of thing and that's not what we're talking about. The commercial space is 31,000 square feet of lot space but in that we're talking about a maximum of about 4,000 square feet of building capacity space. We are looking for community centered like a bakery or coffee shop we're looking for opportunities for a mom and pop to come in lifestyle businesses to come in. The goal is to provide services that people want to walk to and provide a community a commercial space that is open and inviting for a community that wants to walk inviting Montrose, Black Stallion, and the developments to the east of us there along Poleline. We're not talking about restaurants or fast food, or convenience stores that can drive a lot of traffic we want to develop something that will encourage walking traffic. So that's that is the goal and that's everything that I wanted to present.

Testimony

In Favor – Read into the record by Davis – William Hathaway – My wife and I reside on the west half of the proposed annexation; we have lived there for 16 years and support the annexation.

(In Opposition) Tyler Mort - Born and raised here I sell real estate here and do some building I have a small building company and do a little bit of developing with my uncle and dad and I look at this think the drawings are beautiful but just look at the area and what's surrounding it. It's all R1 R1S there's a reason why The Meadows and The Prairie Meadows are the most sought-after development in Post Falls, it's because bigger lots and the elbow room with shop space. I've yet to meet a buyer that comes into town from Seattle, California, Colorado, wherever they're coming from that says I want to live in a townhome on the prairie, let's just let's call townhomes what they are a duplex. It's a duplex and I think no one's opposed to the annexation I've talked with neighbors' people in the existing development no one's opposed to the annexation they'd like to see it stay consistent with what's there. Especially when part of the access is off Miss Hanna everything in Black Stallion is a quarter of an acre, third of an acre, up to I think .79 acres. So, I'm the one building in Black Stallion right now, no doubt that you put a nice product in there Mr. Hathaway, but I haven't sold a house under \$800 grand. So, you start looking at that and that people are buying bigger homes with shops and bigger lots; then there is a townhome project right across the way. I get it I'm in the business more lots means more money and higher density means more money makes it more desirable. As far as if you were to ever sell it or whatever it makes it more desirable but just from a citizen that lives there and what's already in that development, I look at that and I just go man how much more high density does Post Falls need? Just come in east from Spokane and what's the first thing you see when you cross state line, it's apartments. There's lots of duplexes, townhomes, so again I have no qualms that it'll be a nice product. You seem like a great guy I think you'd probably do a great project in there; I just look at what's surrounding it and I just don't think it fits. I look at the road system in there Poleline's essentially a dead-end road and I know that's a huge concern about whether the studies say it can hold it or not, but you know 77 lots two cars apiece 100 and some odd cars coming through. Accessing either through Miss Hannah or right up the school zone on Clark Fork so just some things that I look at and when you look at what's surrounding it and why that area there is a desirable area it's the bigger lots and the ability to have shops so again thank you.

Elizabeth Godbehere - I'm a nurse in the area I work at all the hospitals in the surrounding area. All the hospitals in the area are having big staffing shortages and we are hiring expensive contract labor and one of the number one concerns is the lack of diverse housing, no one can find housing the area speaks for itself there's no reason why contract labor that comes in shouldn't stay. It's just they can't find places to live and townhouses well I mean everybody would love to be able to buy 10 acres on the prairie it's not feasible and townhouses are a good option for professional housing.

Jonathan Frantz - One of the things that I particularly like about it is the fact that it is individual lots that it is individual home ownership. There's a lot to do with multi-family out there and there's some undesirable aspects to large multi-family projects but I think when you get to a project like this, and you see that there's individual ownership you get that pride of home ownership. I think that goes a long way, one of the other aspects that I do like about it is, I certainly appreciate everything Mr. Mort said, but not everybody has the ability to buy an \$850,000 house or property there's a lot of housing issues that are going on right now. I believe the median household or the median sales price for a single-family

home here in Kootenai County just crossed the threshold of a half a million dollars. That's getting really difficult for a lot of folks, under a quarter of the county can actually afford a median price single-family home right now. I view projects such as this as a potential answer for those problems we've got the ability to put forth some housing in a manner that can accommodate some folks that don't have the 850 to a million dollars to be able to buy a house, but they can still come here they can still get their piece of the American dream or perhaps the Kootenai County dream. I think it provides some real solutions to a lot of the things that we're looking at and for that reason as opposed to coming in with a true multi-family project I do support this style of project here something that I think could be realistically attained by.

Neutral

In Opposition – Tracy Matheson - I am on the property adjacent to the Hargraves and very much appreciate your brother getting up here and speaking about affordable housing in the area and the fact that you had a nurse come in and talk about affordable housing. I definitely respect that and I'm for it, but you can't say in one minute that you want to make these affordable townhome duplexes and then talk about contract labor because it is temporary workers that are in here for contract labor going to buy a townhouse or a duplex. It kind of seems like it's coming from both sides, and it is a congested area it is a dead-end road it's on my property line and I've known the Hargraves forever until this I really respected them and liked living next to them, they were great neighbors for a long time. Very few incidents over the years but the fact that they're trying to do this and act like they're invested in the community is disheartening and I will never view it the same I'm adamantly opposed to it, and I wasn't going to get up here and speak my daughter told me to behave because I get very passionate because it's on my line and I get myself in trouble. Which is very true, and I think honestly that Tyler said everything in the sentiment that we're all thinking so with that I'll shut my mouth before I get in trouble.

Howard Burns – It's a nice project in the wrong place, should be R1S zoning. We talked about Cecil and 16th, it would be great there, Greenstone has a huge chunk of RM property where I believe they will be doing some townhomes and projects on Prairie over in the developing area, south of Prairie. There will be some nice development there, at least that's what they promised. If it becomes some kind of multi-family, well let's call it single-family lots, I still come back to the same issue as I mentioned out on Cecil and 16th, keep Blackrock from buying them out and turning it all into rentals. They have the right to do so unless you restrict it in the HOA. You can say small lots with lovely townhomes and it's not affordable if you look at Coeur d'Alene, they just build 6 on smaller lots off Sherman Ave. and they range from 2.4 – 2.9 million so there is no guarantee about the price. So, just keep it R1S keep the RM where it is already approved there is lots of it. Let's just hope Greenstone starts building where they already have the rights to.

Lynn Collett – We have lived in the Prairie Meadows development for 6 years. I was drawn to this City because of its beauty, friendly people, and small-town country feel. The R1 zoning in this area has been in place for many years. I feel that a high-density project with 77 lots on 9.63 acres would not be appropriate in this location or be in the best interest of the community of City. The traffic on Poleline is already becoming a problem and this many units would add a massive amount of additional congestion and the noise and light pollution would also affect our community and quality of life. These types of high-density projects are initially held to a high standard but as time goes on, they often deteriorate affecting the value of properties in the surrounding areas and city. As homeowners we also feel blindsided to hear the owners of the property have been

meeting with the city since last September, and we only found out about it a month ago. I contacted the city over the last few years and was told more than likely this property would be zoned rural residential in keeping with the existing homes and development. If we all want a cohesive city, we can be proud of, townhomes, condos, or apartments are not the appropriate fit for this location. We are counting on the City Council and Planning and Zoning Commission to please represent us as a community and vote no on this project. I feel a single-family housing project consistent with the surrounding area would be a much better fit and falls within the existing goals the city had in place for many years.

Manuela Armbruster – We purchased our property in 2013 because we saw that the existing laws and regulations of the City of Post Falls wouldn't affect our privacy and rights in any way. I'm writing to voice my strong opposition to the RM designation for the Hargrave-Hathaway plot on the piece of land along Poleline Ave and directly south of my property. The proposed development of close to 80 townhomes is not in the best interest of the City of Post Falls. It will adversely impact our community services, such as police, fire, water, and sewer. It will also add over 100 new cars to our roads which are already impacted and will also cause a strain on our local schools. The proposed RM designation is not at all in line with the Future Land Use Map created by the City of Post Falls Planning and Zoning Commission, which places this plot of land in the middle of a large area of exclusively R1 zoning (single-family homes). A townhouse development would damage the small town feel of the area as well as the aesthetic beauty of the area, which is in direct opposition to the City of Post Falls Comprehensive Plan, which states one of the goals of the land use planning is to "maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty". Which is what we so much enjoyed so far living in Post Falls. Finally, I am very concerned about the adverse impact that this proposal zone change will have to my property and property value. It is very upsetting to imagine 15 townhouses along the fence line of our property. The nuisance of noise and loss of privacy would affect our quality of life immensely. Please do not empower a few greedy developers to destroy our and our children's lifestyle which we have worked so hard for to accomplish. They will not fool me by glorifying themselves pretending they will do something amazing to our community, NO, I don't believe it. I am devastated that they only think about themselves and fill their pockets but not about their fellow citizens who must live and deal with the mess they create. I hope that our City Council members will keep their promises they made to us residents when they were running on "Slow Growth Post Falls." Please vote No regarding the Hargrave-Hathaway Annexation.

Gary Alvarado – I have been a resident since I was 7 years old, I've seen a lot of growth. Post Falls was just a couple of taverns when I was here, other than my stint in the United States Air Force I came back home, and I lived in the county. I got to a place where I couldn't continue to take care of my 10-acre property, and we moved into town. Town was great because Poleline was basically a dead-end and once they put in Clark Fork we saw an uptick in traffic, a significant uptick in traffic. We've got Westridge Elementary School (statement was Ridgeway) down there off N. Clark Fork Rd. As I said I have been here a long time and growth is inevitable, last week when I was here you talked about the best interest of the city, and you spoke of the new policy, and you were making some amendments to it. You voted it in, and I didn't have the ability at the time to address certain things, but I must ask, who is the City of Post Falls, you as the Commission are not, individually you are but not as a Commission. These people out here are the City of Post Falls with the exception of Mr. Manley who lives in Washington and the Hargraves who live in Utah. So, 50% of those people over there do have any stake in this game

other than to enrich themselves. So, when we look at the amount of traffic that's already there, you must ask yourself 77 units X 2 because typically they're going to have 2 vehicles. Where are they going to park, the project looks nice on paper and it does, as he said, nice project wrong location. R1 throughout the entire area and now we want to do these high-density apartments basically condos, townhouses they might sell them now but, in a few years, they will want to rent them. Soon vehicles will be parked along Poleline, where else are they going to park. Talking about greenspace, it is small, there isn't going to be a lot of greenspaces. Drive down Clark Fork and into Ridgeway and you will see cars are parked on both sides of the street it is narrowed because of boats, RVs all throughout the neighborhood because they can't park in their garage. Miss Hannah, right now it is a cul-de-sac and there is only one way in and one way out. Just go drive down there and you will see the black patches from people racing down that road, twice they have almost taken out my fence.

Manley – Not that it matters but, I live in Post Falls, and I run Poleline Ave and Clark Fork.

David Collett – Are the roads big enough for a fire truck to get down them?

Davis – You can continue, we will make notes and address them when we come to it.

Collett – Okay, if someone parks on the road can they get a fire truck past them? did he get his realtor's license and if he did who will sell them? I hear you are going to move out of the neighborhood somewhere where it's rural. My neighbor is cop and the first thing he said about this, the crime rate is going to go way up. It's all R1 residential so why are you putting all those houses or townhomes in there for everybody to look at. They will look like apartments you won't be able to tell the difference.

Davis – Quick pause, when we do public comment, it's bringing to our attention obviously how you feel but if there's specific things that we need to be aware of. Obviously, traffic is an issue and those things. One thing I would strongly suggest is let's keep it to that lets not keep it to accusations or where people live or things of that nature. Let's keep it on task because we have very clear parameters that we must work from and the personal feeling and how you feel about an individual and where individual lives doesn't really matter in this case.

Ava Doman - I'd like to comment on this as of July 2022 the new annexation criteria now says is the proposed zoning district consistent with the vision for the area contained in the currently adopted Post Falls Comprehensive Plan. The Central Prairie Comprehensive Plan Appendix A discusses multi-family housing along Prairie Avenue and commercial development along Prairie Avenue; if this is the case, why are we considering a Coeur d'Alene River Stone wannabe in the southwest corner of the Central Prairie that is thriving with single-family neighborhoods. The Central Prairie Comprehensive Plan Appendix A also outlines a focus of commercial uses where traffic volume exceeds 4,000 vehicles per day. We covered this already and currently Chase and McGuire don't even connect on Poleline. I will tell you the plans seem to be very conceptual and very premature the project narrative document for the Micah Station annexation and subdivision indicates the proposed subdivision supplies important commercial space opportunities according to LoopNet; we currently have over one half of a million square feet in lots reserved for commercial construction. Ray just said there's a lot of commercial in this area to say this project supplies important commercial space is vague and may or may not be true commercial space in this part of the Central Prairie is not necessary why don't we fill the existing Tedder Business Center with thriving businesses instead why don't we follow the city's Comprehensive Plan to focus commercial development along Prairie Avenue. One

additional item from the project narrative indicates access through this 9-acres is a continuation of the street called Miss Hannah Avenue, to me the terminology of Miss refers to young unmarried women or girls under the age of 18. And seems to be enjoined with another female name specifically Hannah. Why are we perpetuating terminology with a southern United States reference and a female-related name in a street in northern Idaho. Perhaps I have completely missed the point, miss should be more of a verb meaning, fail to hit, reach, or contact. We appear to want to be progressive in terms of housing like a big metropolitan city in western Washington and yet we are certainly not progressive in our terminology. This development does not meet land use goal number 3, to improve and maintain Post Falls small town scale, charm, and aesthetic beauty this development is a western Washington copycat. Even the developer of this project acknowledges the proposal for 80 townhomes in his email on September 27, 2021, quote "Our concept is not what we typically see happening right now in this area." Aside from making a lot of money why has he changed his mind? While I'm in support of annexing the 9-acres into Post Falls I do not believe the proposed development in rezoning to the Residential Mixed Area is in concert with the Post Falls Comprehensive Plan for the Central Prairie keep this property as R1.

Douglas Williams - I believe you have all taken an oath of office which included an oath to uphold and defend the Constitution of the United States, when was the last time you read the Constitution, yesterday, last week, last year, ever? A lot of people believe that something is constitutional, when in fact it isn't even mentioned in the constitution and a fallacy is promoted and sold to the people who have no idea what the constitution says, because the people have not even read or studied it. I also assume you have read and are familiar with and have studied the Post Falls Comprehensive Plan growth areas, focus points, future land use maps, and land use goals you are now contemplating the Hargrave-Hathaway Annexation. The developer has put forth his plan for this project in the which he has eloquently put forth the fallacy that the proposed land use conforms to the surrounding area, if you read the emails between the city planner and the developer it appears that the planner aided the developer almost guaranteeing it will pass. Is that conspiring and colluding, is your criteria for services the only criteria that you use? What about the criteria of an input of the citizens I am sure the developer has made all kinds of assurances regarding how the property will look and function, but how does lower income property look in 10 years or 20 years. Who and why would you put an unsightly pimple on the face of pristine housing R1 around that surround this zoning area? Read and study your Comprehensive Plan the land use maps and especially the land use goals the ordinances describing low density residential and high density residential and misused zones. Any assumption that this project fits into the surrounding area or the Prairie Use Focus Area is ludicrous and ignorant or simply delusional. I believe you have taken an oath to uphold to defend the Comprehensive Plan and City Ordinances is fully written I expect you to keep your promise and deny this request, thank you.

Jean O'Neill - I am vehemently opposed to the RM zoning request for the Hargrave-Hathaway piece of land and I feel hopeful coming here tonight to talk to you because, watching the two previous annexation requests I see that the three criteria that you use are first looking at the future land use map for the City of Post Falls. For me this is a very clear case where that piece of land sits very solidly within R1 zoning there's literally no other pieces of property adjacent to this piece of land that is anything except R1 not even an R2 it's all R1 everywhere around it. Those of us who bought adjacent to this piece of land we detrimentally relied on the fact that that piece of land, if it ever was developed,

would be R1. Sorry I'm a little nervous not used to public speaking I'm used to mommying. But we detrimentally relied on the fact that maybe one day that land would be developed but it would be probably single-family homes and not townhomes. The second criteria that you guys are looking at are the Post Falls Comprehensive Plan and just looking at the different goals. The first one that caught my eye was to maintain and improve the provision of high quality affordable and efficient community service in Post Falls, it concerns me the strain that this many houses on this small piece of land would cause to our schools, our fire, our police, our sewer, our water these are all things that we need to work effectively for us all to enjoy our community services and our community. The other one that caught my eyes and probably the most important one is to maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty. I think if you were driving down the road and looked around everywhere and saw all these single-family homes and then came upon townhouse it would just look strange, it would not maintain the aesthetic beauty. It sounds like a lovely development and a lovely idea it just doesn't sound like the right place to put it and I think it aesthetically would look very strange to have single-family homes and then a townhouse development. The third thing is the traffic and I feel like everybody has effectively spoken on the traffic issues along Poleline it might be deemed a minor arterial road but it's really a neighborhood road. It stops and the intersection there will be very busy with the addition of 150 extra cars. I just wanted to say from a personal note, one of the reasons that we made an unconventional choice to buy along a train track was because for us, we have many children, and for us it was important for them to be able to play freely in our backyard. To have carefree childhood and it upsets me a lot, I know 35' doesn't sound like a lot but when you shove eight townhouses against our fence line, 35 feet is going to still be second story houses that are going to have people eight families who are going to be able to look down into my backyard and see my children playing. I feel like when we bought the property, we relied on the idea that it would be a consistent use of land for that place and one thing I haven't heard mentioned that we had discussed was the presence of a very large gas line that runs along Poleline. I'm not an expert in gas lines but it does concern me the idea of a large gas line and a high concentration of people who will be living along it. For the people who are going to potentially buy townhouses there I think I would like to hear more discussion about that.

Andy Shepherd - Two years ago our family decided to relocate our business here to Post Falls and I am all in favor of growth, if you see our business, it is Grow Ignited. I'm all in favor of economic growth but I'm also in favor of following a plan, you guys did a phenomenal job putting together your Comprehensive Plan. When we're working with businesses helping them grow, we always see that the most success comes from following that plan when we chose Post Falls to relocate our business to, we looked at your Comprehensive Plan. We relocated from northern Indiana we really didn't have any idea about the growth that was going on in the community we just saw a quaint town with charm, and we would be close to family in Washington. When we moved in and looking at the plan, we looked at the development around everything around our property, by the way we live at 1550 West Broad Water, and the back of our property points directly at the new proposed development. When we looked at that plan, we saw this is a great area it's going to maintain quaintness it's going to maintain the charm of the city and it's all zoned R1 everywhere, except for the one triangle behind us, what is the likelihood at that point as a family moving in that you would assume that would become a RM or a zone other than R1, very unlikely. So, we thought it was safe to purchase that property if we look at

the market, currently and I know that housing costs have risen. I will just speak to the contract nursing, I will say Northwest Specialties Hospital, if you look at that hospital their culture that they promote they have very little to no contract in nursing, because of their culture, their amazing culture. We have an amazing culture in the city from what I can tell we don't want to change that we want to keep drawing people into this quaintness because that's what drew us but when we look at the real estate market, last year versus this year, last year in June there was 463 active listings in Kootenai County this year in June we have 1006 active listings. Last year we had 1,650 homes sold which was up 11 from the year prior, this year we have 1,362 which is down 18 from the year prior. I would like to encourage you guys to follow your plan you have a plan, there's a time and a place I'm not saying that this isn't something that is needed by our community because it really is, we do need some townhomes. This is the wrong area for this development we need to stick to our plan so we're successful moving forward into the future.

Rebuttal: Bret Hargrave - There's been a lot of valid concerns and a lot of comments mostly pointing to concerns of interpreting property values is what I'm hearing, I understand that and it's a very legitimate concern. One of the benefits of this Residential Mix is that it comes with this Development Agreement that we're already talking to the city about and what this looks like. So, there's a strong ability for the city to have some input on how to protect land values of the neighbors. I would just encourage the thought process, as far as the concerns on density, I know that eight units per acre or 77 units on 10 acres sounds like a lot. When we talk about high density, just for a point of reference I am a construction manager and I do currently reside in Utah, I am working on a 10-acre project where we're doing 400 units on 10 acres. That's what I'm doing right now, so 77 on 10-acres it's not a high density when you consider what is allowed in R1. R1 is up to 8 units per acre that's what's in the code and so if it wasn't townhouses individual lots in there would eliminate green space and take away any sort of ability for a community feel. We would just be stacking units in there and nobody wants that next to them either and we certainly aren't interested in a project like that but, it is a possibility and is a reality and so we feel that this proposal is by far what would give it the highest and best use. It will add value to the area and add value to the city of post falls as a whole and with that limited commercial opportunity add value to that neighborhood and surrounding neighborhoods.

Ward – Does the fire truck fit down the road?

Manley – We have the Fire Department here.

Chief Ryan - When projects come to the Planning and Zoning Commission there's still such a global picture that the fire department doesn't get involved with access and things like that until we start getting further into the plan and start finalizing things. Because there are so many variables that come into place, but we do make sure that road width is acceptable that even with on-street parking we have access and then we look at alternate means of ingress and egress as much as we can. The Fire Department is limited especially when it comes to residential development, really all we can talk about is access and water.

Ward – Do we have an idea on when the bridge is being built?

Palus - Our current Transportation Master Plan and our Capital Improvement Plan from our impact fees has it identified as a long-range project, so that would mean a project that should be constructed by the year 2035. Right now, we are in the midterm of that which goes through projects through 2025 so somewhere between 2025 and 2035 depending

upon when dollars are available in the impact fees. We are in the process of starting a Transportation Master Plan update that would be starting this fall so sometime within the next 18 to 24 months we would have an update which would better identify where those plans may occur.

Comments

Zone Change Criteria:

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

Hampe – I don't think it is, if we look at the Future Land Use Map, everything in that area is designated as low density residential. This doesn't fall within the Future Land Use designation.

Kimball - It is low density residential on the Future Land Use Map and by definition in our Comprehensive Plan that is up to 8 units per acre, and I think that that's what they've presented. That's what we can condition in the RM zone I think that was intended to be in the Development Agreement and so I guess technically speaking by definition it meets that requirement, although may not feel like it.

Ward - My thought would just be the fact that you're sticking all those cars back in that corner and everybody will go past one of our schools that's already overcrowded in Montrose and run them all the way back out to Poleline and all the way down. If they want to egress down to I-90 they would go all the way down Chase which puts them past another school. So, the town definitely needs the housing options and and I appreciate everybody wanting to maintain their housing value but decide what's best for a community overall and that includes everybody not just the \$800,000 property owners. I do think in my opinion that this is a great plan but a little too early, having all those cars back in that corner and I'm down there quite a bit, it's crazy there are cars parked all over Clark Fork Parkway.

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

Kimball - I think that our goals and policies in the Comprehensive Plan support this. In our first public hearing tonight, the staff talked about affordable housing and mandates in state code that frame our Comprehensive Plan, it's not just affordable housing, it's a variety of housing types and we really don't have any townhomes here in Post Falls to speak of. The fact is I personally don't like the fact that, I mean personally I feel great that my house value is quadruple, not excited about the fact that it has priced so many working-class people out of home ownership. As a Planning Commission and as a city and according to state code, we have an obligation to provide a variety of housing. Someone said it tonight, people who move here are buying an \$800,000 house they're not looking to buy a townhome, that doesn't mean that there's no market for that. It means the people who probably grew up here and are working in a decent job, but they just can't afford a house maybe this gives them an opportunity for a route to do it. The project on McGuire that we looked at or just off McGuire a little bit ago with those twinhomes it's similar in a similar area, those are surrounded by five-acre tracks, and I think that the goals and policies are laid out pretty well by staff and the staff report and I think it meets a lot of them.

Hampe – I think we do need a variety of housing and from the standpoint of financial higher end to lower end but, I believe we have had a lot of that come before us. We have had no R1S come before us, and this is in an area that was largely designed for R1S. They've had some exceptions to it for the Prairie Meadows they received some lot size adjustments through a PUD, I think. What we don't have a lot of is larger lots, smaller lots have come before us so, I disagree that we are not servicing the community with more affordable housing. A gentlemen stated it's a great project just wrong location and I agree with that.

Davis – We have had a lot of smaller stuff come before us, but I think it was in multi-family, the idea of actual homeownership... I hear a lot of things tonight and I think it is emotionally driven in the sense of 1) I think we've all looked and had staff look and we've never found anything that says a project like this or anything close to it will lower your home values. I live in Post Falls, and you hear, well these townhomes are going to come in they're going to be dilapidated and it's going to cause this, that, and the other. I drive through subdivisions all of the time and I see garbage stacked up all over the place so you can't put that on this kind of project. I think if you look at it and that there is an argument for it not being in the right place, absolutely, but does it fall within the Comprehensive Plan, I think it does.

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.

Davis – Ward, you hit on this a little bit, your biggest concern was traffic.

Ward – Yeah, so I think the average is 2.6 cars per house, if you add it up it escalates the count of cars and if they come out and half egress into Montrose that's going to be a nightmare during school. I am just a little confused on it myself.

Hampe – Again, with the Future Land Uses, I don't agree.

Kimball – As an Engineer when it comes to traffic etc. at 77 houses is a pm peak hour volume of around probably 65 trips would be an average of 1 per minute. If we were to have a minute of silence, imagine sitting at an intersection for a minute, that is what the added traffic would be. I live in the vicinity of Chase and Poleline, I drive through that intersection often and in the morning peak hour it's incredibly rare to see more than 3 or 4 vehicles in the intersection much less on a particular leg. Our Transportation Master Plan has Poleline as a minor collector and those are streets that are meant for that type of traffic. 1 car per minute during the peak hour is not going to do anything significant. The Community Plan, that's the sewer stuff which is in the vicinity. There aren't any geographic features that prohibit it if a traffic problem existed Mr. Palus would have talked about it. Again, it is a zoning thing and if we talk about the fact that there's a little commercial component to it, whether it is built or not, I don't know. It would be nice to have a little coffee shop there or something to walk to. I find that to be beneficial to the community as a whole.

Hampe – I certainly didn't hear anyone say that Clark Fork Parkway was going to be developed to its full standard prior to this development going in if we annexed it. They said it is just a 2 lane smaller road, it's a pretty small road is what it sounds like right now. Will it be built out and able to handle more traffic, yeah, it probably will be, certainly. There isn't a guarantee, and no one said that was going to happen before

this development. I don't know why we think that will handle all the traffic. So, I don't agree.

Kimball – From a traffic standpoint are you talking about the area that goes across the field that's just 2 lanes.

Ward – Yeah.

Hampe – Isn't that the road we are talking about.

Kimball – Prairie Ave. has 2 lanes.

Hampe – Yeah, and you think the traffic is great on Prairie Ave.?

Kimball – It isn't a capacity issue. When it is built out, it will be to the full width.

Hampe – Sure when it is built out.

Kimball – At this point there is no traffic issue with over 200 capacity-wise and a 4,000 ADP and 60 peak hour trips it's not going to kill it.

Hampe – So, it's not a problem for you?.

Kimball – No, not at all.

Hampe – Okay.

Kimball – It's really not, the engineer part of it is there are no capacity issues.

Ward – There are benefits for sure the commercial space would limit vehicle miles or at least knock some off.

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.

Kimball - With regards to this lower density housing at least by definition and limited commercial which is what is basically being presented, is further away from those higher intensity urban activities which is you know the Seltice Way Corridor.

Davis – 77 townhomes and 31,000 square feet of commercial lot space, 7% of open space, zero multi-family.

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 the requested zoning meet approval criteria found in the PFMC 18.16.010 and 18.20.100 as outlined in our deliberations and direct staff to prepare a Zoning Recommendation. To include a density cap of 8 units/acre in the Development Agreement. - Kimball

2nd by: Ward

Vote: Hampe – No; Ward – Yes; Davis – Yes; Kimball - Yes

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

None

7. ADJOURNMENT 9:23PM

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: _____



**PLANNING & ZONING COMMISSION
MEETING MINUTES**

**August 9, 2022
5:30 PM**

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

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, Schlotthauer, Kimball - Present
Ward – Excused

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- NATIONAL BOOK LOVERS 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.

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

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

ACTION ITEMS:

- a. Zoning Recommendation – Ashlar Ranch Annexation File No. ANNX-0004-2022
- b. Zoning Recommendation – Bel Cielo III Annexation File No. ANNX-22-6
- c. Zoning Recommendation - Ashford Place Annexation File No. ANNX-22-5
- d. Zoning Recommendation – Hydrilla Estates Zone Change File No. ZC-22-2
- e. Reasoned Decision – Ashlar Ranch Subdivision File No. SUBD-0004-2022
- f. Reasoned Decision – Ashford Place Subdivision File No. SUBD-22-7
- g. Reasoned Decision – Hydrilla Estates Subdivision File No. SUBD-22-8

Motion to approve as presented – Hampe

2nd by: Steffensen

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

Herrington – If you were not at the meeting however, you read the packet you can vote on the Consent Calendar as it is a general vote.

Kimball – I had 2 conflicts of interest so I will still abstain.

Re-Vote: Steffensen – Yes; Carey – Yes; Kimball – Abstain, Davis – Yes; Schlotthauer – Abstain; Hampe - Yes

Moved

Kimball – I wasn't here during the declaration of conflict, I do not have any, to be clear for everyone.

Davis – Noted.

2. CITIZEN ISSUES

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

None

3. UNFINISHED / OLD BUSINESS

This section of the agenda is to continue consideration of items that have been previously discussed by the Planning and Zoning Commission.

None

4. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter.

Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

- A. **Zoning Recommendation** for Farwest Steel Annexation File No. ANNEX-22-10 – Laura Jones, Associate Planner, to present a request for a recommendation to City Council on a request for a zoning designation of Industrial (I) on approximately 10.2-acres. The requested action is to provide a recommendation to City Council for the zoning designation of Industrial (I) on approximately 10-acres as part of an annexation request into the City of Post Falls. The subject property is located west of N. Pleasant View Rd. and north of W. Seltice Way, it is currently developed with an Industrial Use and is over the Rathdrum Prairie Aquifer. Water and sewer will be provided by the City of Post Falls. The surrounding zoning and land use to the north/west is the railroad right of way and unincorporated industrial properties in Kootenai County; to the east is undeveloped commercial property in the city and to the south is developed industrial properties in the city.

Zone Change Review Criteria

- The Future Land Use Designation is commercial, which provides for a wide variety of general service, retail, professional office, and mixed (commercial and multi-family) uses that serve local and regional residents as well as the traveling public. Within the Implementing Zoning Districts, we would look at the Focus Area West Prairie, it states that Industrial and commercial uses are envisioned west of Pleasant View Rd.
- Goals 1, 7, and 14 to grow and sustain a balanced resilient economy for Post Falls providing community prosperity and fiscal health; to plan for and establish types and quantities of land uses in Post Falls supporting community needs and the city's long-term sustainability; and to involve the community of Post Falls in all local government planning and decision making. Looking at policies that support these goals, we go over our policies 1 and 2 in almost all annexations so feel free to ask any questions if you have any but, I think you are all very familiar with those two policies. The infrastructure, I mentioned that the water reclamation services will be provided by the City of Post Falls as we have the capacity and willingness to serve the site and the water will be provided by the City of Post Falls as well. Looking at other policies that support the goals; policy 8 is to encourage compatible infill development and redevelopment of vacant and underutilized properties within the city limits and this property is considered an underutilized site. Policy 24 is to plan for and protect transportation corridors from encroachment and preserve adequate rights of way for future corridors including utility facilities and with this annexation the applicant would be required to dedicate additional rights of way along Seltice. Looking at policy 45, guide annexation decisions guided by and considering master plans for water, sewer, transportation, parks, schools, and emergency services. As indicated earlier the city has willingness and capacity to serve water, sewer, and transportation we'll be looking at with criteria d. Parks is given the chance to review the staff report and schools and emergency services are agencies that are notified of the project and given a

chance to comment. There are provisions of necessary rights of way and easements which I've covered; studies that evaluate environmental and public service factors, there are no known environmental studies done on this site that would lead us to believe there is a concern any environmental concerns.

Timing that is available to the site within close proximity and so that shouldn't pose an issue supports orderly development and or coordinated extension of public services there's water and sewer developing the property. Policy 76 is to encourage environmentally and economically sound measures to reduce minimize or eliminate air noise and water pollution with this property being annexed into the city it gives the city the chance to review the development and all the development will have to meet city standards versus being in the county that would just be a different set of standards that we won't have any review of. Policy 77 is to support and participate in regional efforts to manage the collection transportation and disposal of solid and industrial wastes including such activities above the aquifer or recharge areas; this again goes along with the site development and the city requires will serve letters from the sanitation services, so we'll be given the opportunity to review that. Lastly is policy 86 with the local business community work to enhance sustain and diversify the local economic base by helping retain, promote, and expand existing businesses in industry supporting innovative entrepreneurial enterprises; supporting opportunities related to business campus and mixed-use models coordinating provision of workforce housing and attracting new businesses in clean industry. so, with the industrial zoning on this site they would be meeting most of those criteria and expanding that industrial campus in that Innovation Way area and then provision of workforce housing there is single-family, duplex, and multi-family housing in the area and again attracting new industry to the area.

- The street classifications are reviewed under Criteria D, existing development and future land uses covered under Criteria A, and Geographic/natural features over the Rathdrum Prairie Aquifer.
- W. Seltice Way and N. Pleasant View Rd. are both Principal Arterials; Designed to accommodate traffic volumes of 12,000-32,000 trips per day; Seltice Way is 14,400/day and Pleasant View Rd is 12,410/day. So, this site should not negatively impact the current and existing transportation network.
- Not applicable however, this site is in an area where there is higher use and more development occurring, so it fits in with industrial being in that area.
- This is adjacent to other industrial uses both to the north in the county and to the south in the city and the housing in this area isn't adjacent to the request.

All agencies have been notified and the Post Falls Police Department remains neutral, the Pipeline had no comments or concerns, the DEQ had general comments applicable at time of construction, the Post Falls Highway District is in support of the annexation, and Kootenai County Fire and Rescue reserves comments for the permitting process.

Carey – Where is residential in relationship to where this piece of property is, how close and what kind of residential.

Jones – There is Creative way to the west which is a twinhome product that has been approved and Woodbridge and Woodbridge South next to it that is single-family. To the east and southeast are some multi-family developments and some single-family.

Manley – There are commercial developments to the east with the mobile home park to the north of that. The other commercial developments separate this site from the residential.

Applicant – Tyler Reeves, Spec Development in Oregon – We are working on behalf of Farwest Steel Corp., they are a steel processing and distribution company headquartered in Eugene Oregon and initially identified this site here in Post Falls as an opportunity to expand business operations east of Oregon and Washington and help bolster the Spokane and Post Falls markets. After subsequently purchasing the site and going through the pre-application process we were informed at that pre-application meeting that the best path forward for development was likely annexation and we were on board with that and are moving forward accordingly and look forward to moving forward with all of you together in this process. Also, to reiterate what we heard from Laura earlier we think this site is well positioned given its proximity to existing zoning in addition to the economic base we think we can help grow for a long time in the future and we look forward to being a part of the community for a very long time. So, thank you for your time and consideration in this and with that I will turn it over to Michael Chen our Land Use Planner for Mckenzie.

Michael Chen - We're just going to go into a little bit more of the details of the operations just a quick overview that's been discussed a little over 10 acres which also includes the Union Pacific Railway right of way there that expands to the northeast to Pleasant View. We were asked to include that in this annexation just so that the city boundaries are more defined and it's not in limbo. The current zoning is in the county and we're asking for the annexation and rezone to industrial as Laura mentioned and then the uses are consistent for industrial in chapter 18.20.30 of the Land Use Table and as part of the site and annexation there will be improvements along Seltice Way to meet the principal arterial requirements. A quick overview Farwest looked at sites in the region and this one was really honed in on particularly because of its proximity to I-90. Farwest will not be utilizing the rail spur or the railways there I'll go into a little bit more detail on the site plan but the proximity to I-90 and the strong infrastructure that's in place currently made the site attractive for development. We submitted the site plan along with building permits last week, we know we're doing that at our own risk, but Farwest has an aggressive schedule to try and get construction and operations going as soon as possible. So, we understand the risk of running building permits and site plan view concurrent with the annexation but based on feedback from city staff and Spec Development that they've decided to just process the two concurrently. So, we're looking at the main building to the east of the site that's approximately 110,000 square feet that'll be the primary building for Farwest and all our functions offices warehousing to the west of the building will be the parking that supports the facility. Further to the west there's a smaller building approximately 10,000 square feet that is currently shown there right now but the primary function will be to permit and construct the main building. We have permits in for the smaller building but that hasn't been determined whether Farwest will obtain that for their own operations, or it could be leased to another party with; that I will turn over to Tyler Reeves.

Tyler Reeves - These final two slides here this evening are just visual references for you guys to give you an idea of what our building is going to look like and so these four images represent the building elevations from each direction the intended use of this building from Farwest is going to be predominantly the receipt storage and distribution of steel; you can see here there's plenty of windows and light and facade is going to be an

attractive looking building for the area. This last image here is a rendering of our 90 drying set and gives you a pretty good idea of what the final building is going to look like. This slide concludes our presentation here this evening we'd like to respectfully request your guy's recommendation for approval of this project in annexation and rezoning and we look forward to working with you throughout the rest of this process.

Carey – What did you say the building was being used for?

Reeves – It will be used for receiving, storage and distribution of steel products.

Hampe – There are currently buildings on there, correct?

Reeves – The existing buildings were previously removed with a demo permit from Kootenai County and there is one remaining office building close to Seltice which will also be demolished with an early site disturbance work.

Comments

Zoning Criteria

1. Consistent with Future Land Use Map.

Kimball – It fits within the Focus Area at that intersection. Currently commercial and shown in the Comprehensive Plan on the map but the focus area speaks very specifically towards industrial in that vicinity and it has industrial around it and the previous use was industrial. So, it was the plant food center, fertilizer plant.

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

Schlotthauer – It fits nicely with the goals and policies. It's pretty much a perfect fit for the property, I don't think it could be a better zoning other than industrial.

Hampe – It is kind of infill. There will be some right of way that the city will get and it's currently underutilized.

Kimball – The applicant has a very long narrative that goes through the goals and policies, and they respond to all of them in quite a bit of detail as to how they meet those goals and policies.

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 – So, with regard to street classification it's on an arterial which is perfect for that kind of a business, it's in close proximity to I-90 which is also important. They said they're not going to use the rail spur; if they ever decide to in the future that's also fantastic and the existing development on the property prior to the demolition was an industrial type of use so it fits that and it also fits the sewer master plan the water master plan.

Schlotthauer - And as far as the natural feature being over the aquifer it's much better that it comes into the city.

Kimball – Right, and one would think that the actual removal of a fertilizer producing plant over the aquifer is probably a little bit better than a steel distribution that is much better much safer for the aquifer.

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.

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.

Steffensen – As far as the transportation the arterials are at the lower end of the capacity so it’s a perfect fit.

Davis – In addition to the fine job staff did the applicant did a superb job with an immense amount of detail.

Motion to recommend approval to City Council finding it is consistent with the Comp Plan and Zoning Code and adopt the Facts, Findings and Conclusions contained in the staff report with a zoning designation of Industrial - Steffensen

2nd by Hampe

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

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

None

7. ADJOURMENT 6:00PM

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Chair: Ryan Davis Vice Chair: Ray Kimball

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

Date: _____

Chair: _____

Attest: _____

**Froehlich Zone Change
File No. ZC-22-5**

**Planning and Zoning Commission
Zoning Recommendation**

A. INTRODUCTION:

APPLICANT: Mark Loudin & Zach Froehlich

LOCATION: On the northwest corner of E. 16th Ave and N. Cecil Rd.

REQUEST: Rezone approximately 1.88 acres from Single-Family Residential (R1) to Medium Density Residential (R2).

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Legal
4. A-4 Vicinity Map
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 PFPD Comments
11. PA-2 KCFR Comments
12. PA-3 DEQ Comments
13. PA-4 PFSD Comments
14. PA-5 PFPD Comments
15. PA-6 PFHD Comments
16. PA-7 DEQ Comments
17. P&Z Staff Report
18. Testimony at the public hearing on July 25, 2022 including:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the July 25, 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 and testified that the requested action is for the Commission to review the request to rezone approximately 1.88 acres in the City of Post Falls from Single Family Residential (R1) zoning to Medium Density Residential (R2). She illustrated that the location is on the northwest corner of N. Cecil Rd. and E. 16th Ave. She stated that the current land use is a large lot residential home. She established that the site is over the Rathdrum prairie aquifer, Ross Point Water District will provide water service, with the city of Post Falls providing wastewater service.

Ms. Jones indicated that the surrounding zoning to the south and west is R1, to the north and east are developed properties within a county pocket. She testified that the Future Land Use Map designates this site as low density residential. She noted that there is other low density residential in the area and medium residential to the southeast. She submitted that the Comprehensive Plan for this designation states that that the category encompasses all single-family uses up to eight dwelling units per acre and supports land uses such as parks, schools, and public facilities. She explained that densities can vary as appropriate to the location, street and infrastructure capabilities, planned development patterns, and compatibility with existing development. She testified that R2 is one of the implementing zoning districts.

Ms. Jones testified that the applicable focus area is the Central Island focus area. She explained that the focus area provides that this area should promote infill development, support development patterns that are interconnected and that provide pedestrian connectivity to all multi-use paths and trails.

Ms. Jones testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal one, two, six, seven, and twelve to possibly be relevant and applicable goals. She noted goal six is supported through the provision of frontage improvements on 16th and Cecil. She testified that policies one, two, eight, fifteen, and twenty-seven may be appropriate for consideration by the Commission. Ms. Jones noted that policy eight is supported because the area is underdeveloped and underutilized. She indicated that policies fifteen and twenty-four may also be applicable as they relate to ensuring adequate land is available for future housing needs to serve all ages and incomes through the provision of diverse housing types and price levels.

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. She explained that the site is located along two

major collector roadways of Cecil and 16th which can handle traffic volumes of 4,000 to 12,000 vehicle trips per day. She demonstrated that as the speed of roads increases, you usually get higher intense uses with lower street classifications you get lower intensity uses, such as single family residential. Due to the medium road classification, she deduced that it falls right in line with a medium density use as proposed.

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 the proposal is not for commercial or high density and therefore this criterion is inapplicable to this zone change.

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 about a half mile from Highway 41 and Mullan Ave. which are areas higher intense urban activity and therefore the proposal would meet this criterion.

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.

Ms. Jones, following a question from the Commission, clarified that to the southeast is not in the city, it is in the county with some single-family and multi-family sites.

Jon Manley, Planning Manager

Mr. Manley, following a question from the Commission, testified that to the south and farther to the west look like typical R1 sites, to the East are larger county lots and to the northeast there is a large multi-family apartment site. He clarified that the R2 zone does not allow multi-family, but does allow duplexes, townhomes, and single-family homes.

Tessa Vogel, Ruen-Yeader, Applicant

Ms. Vogel testified that they are asking for a rezone from R1 to R2 for a possible subdivision of the property. She explained that the subject site has existing home with outbuildings and is expected to be subdivided off onto its own property, the remainder has not been determined yet. She noted they will be townhomes, single-family or duplexes. She explained that the minimum lot size for each townhome is 2,400, single-family is 3,000, and duplex is 3,600 square feet.

Ms. Vogel testified that the internal roads and other improvements will take up space and if the applicant wants a community type open space that will also take up some acreage. She explained that when looking at surrounding developments, there is the church to the west, single-family to the north, a mass housing development south with some rural development and then to the east is that county island.

Ms. Vogel testified that this designation request is within the Future Land Use Map and the county shows it to be medium density. She explained that further east is there the R2 zoning is where E. Solena Ave is located, within your policies and goals it states that county islands should be annexed into the city this area would be a transition, allow for transition to go with that E. Solena Ave through this county island. She submitted that if it were to be R2 and connect to Cecil and further to the east is commercial zoning which would give this easy access.

Ms. Vogel indicated that based on the staff report both Cecil and 16th are not near their capacities, they are well under them. She testified that this project will not negatively impact the transportation network. She certified that this site will be serviced by the city of Post Falls for the sewer and Ross Point Water District for the water, Avista Utilities or Kootenai Co-Op for the power.

Ms. Vogel explained that the Central Island area of the city is showing successful development of this area and incorporation into City limits will likely rely on incentives rewarding developers with higher density or modified design standards in exchange for forward-thinking integration of the land into its surrounding context. She asserted that this would fit in with this area, it is close to schools for walkability, great transition into that commercial area with the higher densities.

Ms. Vogel, in response to a question from the Commission, indicated that the do not have subdivision plans at this time and will have to comply with city design standards at the time of subdivision.

Public Testimony:

The Commission opened the hearing for public testimony.

Howard Burns

Mr. Burns testified that he does think we need R2 in the city. He indicated that he was at a presentation recently that showed what was happening in the city and there is a giant church next to this. He noted it says it is R1 but in fact it is a church. He thought the church property should be rezoned to match the use that it currently is. He indicated that the county also approved some multi-family to the north, he was not sure how many units but he questioned whether they could condition a zone change to have a maximum number of units. He also wanted the commission to consider the problem of people not having houses to buy, they must rent because companies buy them up and rent them out. He believes the city government should impose more regulations on private property to require an HOA with a condition in the HOA rules that individuals that buy the property must live in the unit for a minimum of two years before it can be rented.

John Leonhardt

Mr. Leonhardt testified that his back fence faces this property directly across the street from it. He stated that with the construction of 41 people use this 16th St. like a drag strip. He explained that the church next to this request is called His Place Church, which is a relatively small church, the mega church is north of this. He indicated that there is another church to the south on 12th and Cecil. He testified that all afternoon there is just an exhaust smell coming over my fence.

Mr. Leonhardt testified that the other properties you're asking about are single family homes, they are mobile homes yes, but they are single-family dwellings. He noted that there are just single-family homes all the way down the street, there is even horse property in this area. He certified that he is happy the Fire Department has been approved to add a new fire station, but we have enough in this area and we do not need to add to the mess. He indicated that there is the elementary school, the high school, and the traffic is just a joke through here. He did not think this area needs to be annexed in with an R2, there are many beautiful homes in this area. He explained that there have been at least four fires around this intersection in the last couple of years and there is no way you can put 15 houses in there maybe 4 to 5, they are going to be tiny lots, in his opinion you should not approve this.

Rebuttal

Tessa Vogel

Ms. Vogel testified that as it sits now, with minimal design standards, we could place approximately 12 lots on this property at the current zoning. He explained that while we are proposing R2, that does not mean every lot will be as small as possible. He professed that this zone would give them options and in her experience property owners ask for rezones so they can parcel their lot out smaller and then create other lots to fit the surrounding buildout. He understood that there are some excessive speeds on this road and that is not something the applicant can control it sounds like the local police need to be involved.

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

C. EVALUATION OF ZONE CHANGE APPROVAL/REVIEW CRITERIA:

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

The applicant has requested initial zoning of Medium Density Residential (R2) on approximately 1.88 acres. The Commission finds that the Future Land Use Map designates this area as Low Density Residential and R2 is an implementing zone.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation 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 goals and policies contained in the comprehensive plan and that the proposal is consistent with the following relevant goals and policies:

Goals:

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

Creating a diverse community with diverse housing assists creating community prosperity and fiscal health.

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

This site is underdeveloped and underutilized and the proposal allows for more efficient land use, transportation, and infrastructure improvements for the community it serves.

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. This proposal will bring frontage improvements to two major collectors of Cecil and 16th. Those improvements to the existing fabric and criteria help provide a full-featured street network for Post Falls, improving the efficiency, function and value of the City.

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 proposal serves 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.

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

- Foster the long-term fiscal health of the community;
The rezone may provide the opportunity for additional housing that may help further long-term fiscal health of the community by provide living accommodations to current and future workforce within the City be more attainable.

- 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 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;
The Future Land Use Map designates this area as Low Density Residential and R2 is an implementing zone.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation is consistent with the Future Land Use Map.

- Compatibility with surrounding Land Use;
The proposed development pattern would be compatible with the surrounding uses as they are primarily residential in nature. The Commission notes that churches are generally viewed as compatible with the residential uses.

- Infrastructure and service plans;
Sanitary Sewer for the location is currently located at the intersection of Tanzanite St. / 16th Ave., approximately 220 feet west of the subject property.

Sanitary sewer would need to be extended from the existing location and to the Cecil Rd /16th Ave. Intersection with future site development, in conformance to the City's Water Reclamation Master Plan. The property requesting the zone change is identified in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced sewer main. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

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

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

The Ross Point Water District would service water.

- Existing and future traffic patterns;
The property is adjacent to 16th Ave. and Cecil Rd., both classified Major Collector roadways. Rights-of-way and easements were dedicated with annexation of the property.

Future traffic patterns to/from this site are benefitted from the proximity to adjoining Arterial Roadways, including the SH41 / 16th Ave. intersection that will be signalized in 2022. Access to the site would be restricted in conformance with City Standards.

- 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 recommendation.

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 property is next to a church and about a half mile away from an evolving commercial corridor of Highway 41. Real Life Ministries is about a quarter of a mile to the north and the Post Falls High School is about half a mile to the north.

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

Redevelopment of this area would be considered infill development of under-utilized property within the city limits.

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.

Rezoning to Medium Density Residential (R2) zoning will allow for diverse housing types and price levels.

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

Upon subdivision, the property will be required to complete frontage improvements on two major collector roadways of 16th Ave. and Cecil Rd.

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:

Cecil Road, a Major Collector Roadway, it is 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 2,700 vehicles per day.

16th Avenue, a Major Collector Roadway, it is 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 1,240 vehicles per day.

Future traffic patterns to/from this site are benefitted from the proximity to adjoining collector 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.

Water and Sanitary Sewer:

Ross Point Water District will provide water service.

The city of Post Falls will providing sanitary sewer service. Sanitary sewer currently exists 220 feet west of the property in 16th Ave. at the southwest corner of the property and would need to be extended to Prairie Avenue at the time of site development. Sanitary sewer would be required to be extended to the property and to Cecil Rd. at the time of future development. 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 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.

Compatibility with Existing Development and Future Uses:

The proposed residential uses that could be developed in the Medium Density Residential (R2) zoning would be located adjacent to a church property to the west, to the north and east are single family homes and a multi-family site in Kootenai County. To the south are single family homes in the City of Post Falls. These are compatible uses near each other.

Future Land Use Designation:

Future Land Use Map depicts the land use designation for this area as Low Density Residential. The proposed R2 Zone is an implementing zoning district.

Community Plans:

None.

Geographic/Natural Features:

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

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

The Commission finds this criterion inapplicable to the request as they are not proposing commercial or high-density residential zoning.

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 location of this site is within that half mile area from both Highway 41 and Mullan, it is further and proceeding away from the high intense urban areas.

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 to the request, as Industrial zoning is not being requested as part of this consideration nor is Industrial zoning situated near the requested area.

D. CONCLUSION AND RECOMMENDATION OF THE COMMISSION:

Froehlich Zone Change, File No. ZC-22-5: Following the public hearing, the Planning and Zoning Commission considered all relevant evidence, testimony, and comments. A motion to recommend approval of the recommended zoning was made, the motion carried 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 all the applicable approval criteria for applicant's request for Medium Density Residential (R2) zoning.

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.

**Hargrave-Hathaway Annexation
File No. ANNX-22-8
Planning and Zoning Commission
Zoning Recommendation**

A. INTRODUCTION:

APPLICANT: Kimberly and Brett Hargrave

LOCATION: Generally located northeast of the intersection of Clark Fork Parkway, north of Poleline Ave. and about .4 miles west of Chase Rd.

REQUEST: Zoning recommendation of Residential Mixed (RM) on approximately 9.63 acres, which requires a Development Agreement. As depicted in A-2.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Legal and Exhibit Map
4. A-4 Hargrave Auth Letter
5. A-5 Hathaway Auth Letter
6. A-6 Title Report
7. A-7 Open Space Narrative and Map
8. S-1 Vicinity Map
9. S-2 Zoning Map
10. S-3 Future Land Use Map
11. S-4 Draft Annexation Development Agreement
12. PA-1 PFPD Comments
13. PA-2 PFSD Comments
14. PA-3 KCFR Comments
15. PA-4 DEQ Comments
16. PC-1 Collett Comments
17. PC-2 Mort Comments
18. PC-3 Widman Comments
19. PC-4 O'Neil Comments
20. PC-5 JC O'Neil Comments
21. PC-6 D Collett Comments
22. PC-7 Armbruster Comments
23. PC-8 Williams Comments
24. PC-9 Alvarado Comments
25. PC-10 Schlenker Comments
26. PC-11 Reynolds Comments
27. PC-12 Johnson Comments
28. PZ Staff Report
29. Testimony at the July 25, 2022, Planning and Zoning Commission ("Commission") hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter "Commission") at the July 25, 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 designation of Residential Mixed (RM) on approximately 9.63 acres upon the annexation into the city of Post Falls. He stated that the applicant desires to constructed about 77 townhomes as well as retaining a 31,000 sq/ft commercial lot. He noted that the zone, like other mixed zones, requires a development agreement which can have restrictions embodied within it.

Mr. Manley testified that the proposal is located west of Chase Rd. and North of Poleline and the Montrose Development and just West of the Black Stallion lots. He explained that the current land use is large residential lots with no significant topology or vegetation and the only natural characteristic or feature is that it is on the Rathdrum Prairie Aquifer. He testified that the water will be provided by the East Greenacres Irrigation District and the city of Post Falls will provide wastewater services.

Mr. Manley testified regarding the RM design elements which places a 35-foot maximum height for duplexes, twin-homes, and single-family with all other structures having a 45-foot maximum. He expounded that this was because the RM zone allows for up to 20% multi-family and 10% Commercial so that 45 feet is allowed to accommodate those uses. He affirmed that the RM zone does require 7% of the total site to designated as open space and indicated that the applicant has submitted an open space plan with their application. He indicated that they plan on doing the townhome option with greenspace and passive recreation as well as trail system. He noted the commercial site they are proposing.

Mr. Manley testified about the permitted uses in the RM zone. He explained that multi-family uses cannot exceed 20% and neighborhood commercial or office uses cannot exceed 10%. He elucidated that because they are doing townhomes, platted units on their own lots, this is no different than any other single-family homes and therefore they are proposing zero multi-family on the site. He delineated this point as there was a lot of public comment about multi-family and he wanted to make it clear that this is not multi-family, this is single-family townhomes. He testified that as far as the commercial use, it is capped in the proposal and development agreement at 7.4%, which is under the 10% allowed.

Mr. Manley testified that the Future Land Use Map designates the area as low density residential. He submitted that this designation encompasses all types of single-family residential uses up to eight dwelling units per acre. He explained that 77 townhomes on 9.63 acres comes out to about 7.9 units per acre making them eligible for the RM request. He testified that RM is an implementing zoning district in the low-density residential designation.

Mr. Manley testified that guidance for area can be found within the associated Focus Area in the Comprehensive Plan. He testified that that the area is located within the Central Prairie focus area, which supports provisions for a variety of housing types and densities as supported by roadway classification. He illustrated that W. Poleline and Chase Rd are minor arterials capable of handling six to fifteen thousand vehicles per day, which is further explained in the staff report.

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

Mr. Manley testified that 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. He indicated that they have received a major PUD amendment and subdivision plan for Montrose which includes phasing in their portions south of Poleline Ave. They will be constructing a pedestrian network and roadway construction of Clark Fork Parkway up to Poleline. He illustrated that the proposal would extend Miss Hana down to Poleline. He mentioned that the transportation master plan has identified a future bridge on Poleline over the railway to eventually make the connection westerly to McGuire Rd. He noted that the other railway going through Montrose will eventually be abandoned and will be a trail from Montrose to the downtown city center.

Mr. Manley testified that there is also an approved subdivision to the East, Coleman Acres, outside of a couple of county islands, it may be feasible to attain all the frontage improvements on both the north and south side of Poleline.

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 a minor arterial that will be designed to handle significant traffic making it compatible with the commercial uses and residential uses as proposed and should not adversely impact the existing transportation network.

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 explained there is no high intense urban activity areas near this proposal hence the lower density land use designation.

Mr. Manley 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.

Mr. Manley, in response to a question from the Commission, indicated that the development agreement should be, if not already, capped to the 7.9 when it goes to City Council for consideration.

Rob Palus, Assistant City Engineer

Mr. Palus testified that from this location you do have Clark Fork Parkway which does go down to the south and connects with Midway Ave. by the elementary school which would go out to McGuire. He noted that you also have Santium Dr. which doubles back up to Poleline Ave. that was a temporary road access point that was put in when the railroad crossing was created to allow for the elementary school, affirming that it funnels down through Montrose.

Mr. Palus testified regarding the year that the traffic counts were done, noting that the existing traffic counts were done in 2014 with the 2035 volumes assuming that the City of Post Falls would be around 90,000 in population and that also considers that 3,000 volumes with that bridge over the Union Pacific Railroad.

Mr. Palus affirmed that Clark Fork is classified as a minor arterial and exists right now as a 2-lane roadway with no urban improvements, no curb, gutter, sidewalk noting that it will be moved about 200' to the east to accommodate the future bridge.

Bret Hargrave, Applicant

Mr. Hargrave testified regarding the density, stating that eight units per acre is allowed and they are maximizing that. However, he added, they are following that up to its fullest potential. He testified regarding concerns about privacy, stating that these units are only allowed to be up to 35 feet in height which is the same height as a single-family home. So, he deduced, there is no difference in views blocked, somebody peeking in your backyard, or and other potential, as it would be the same as any other single-family home.

Mr. Hargrave testified that this goes to protecting their property values. He explained that the city of Post Falls has some rather good guidelines on what you can and cannot do for townhouses; for example, you cannot use vinyl siding, it doesn't have the same durability as brick, stucco, stone, fiber, or cement products like that and so over the long term you have a better product. He expounded that the city has put together some code requirements to offset facades, giving the building a varying look and there is also a requirement to have a bit of a themed approach to your development requiring a minimum of two varying options. He delineated that you cannot have one set of townhouses look colonial and the next one look completely out of place with some sort of salt box look, there must be a continued theme. He submitted that this is to help protect the value of the development and the neighbors' properties as well.

Most importantly, Mr. Hargrave testified, that they are talking about individual home ownership, this is not a development to be sold off as a multi-family group. He expounded that it is their design and intention to hold on to a unit or two to service their own family as well. He explained that the reality is that Post Falls as a community is getting tough and doing townhouses like this gives us the ability to provide a little relief from that rapid expansion and rapid climb in property values limiting the ability to buy. He described that this project gives some diverse and competitive housing options for those that want something that is a little less maintenance and gives professional housing for those that are interested in a product like this.

Mr. Hargrave testified about the commercial space, he went on to state that when somebody hears commercial space, they are thinking about what one can do out on 41 and Prairie and that sort of thing, which is not what they are talking about. He explained that the commercial space is 31,000 square feet of lot space but they are talking about a maximum of about 4,000 square feet of building capacity space. He asserted that they are looking for community centered business like a bakery or coffee shop with opportunities for a "mom and pop" to come in or a lifestyle business to come in. He noted that the goal is to provide services that people want to walk to and provide a community a commercial space that is open and inviting for this community as well as Montrose, Black Stallion, and the developments to the east along Poleline. He affirmed that they are not talking about restaurants or fast food, or convenience stores that can drive a lot of traffic, they want to develop something that will encourage walking traffic.

Public Testimony:

The hearing was opened for public testimony.

William Hathaway (Brief Written Comment Read into Record)

Mr. Hathaway testified that he and his wife reside on the west half of the proposed annexation; they have lived there for 16 years and support the annexation.

Tyler Mort

Mr. Mort testified that he was born and raised here, sells real estate here, does some building, as he has a small building company, and does a little bit of developing with his uncle and dad. He stated that he looks at this and thinks the drawings are beautiful but just look at the area surrounding it. He noted that it is all R1 and R1S and there is a reason. He explained that The Meadows and The Prairie Meadows are the most sought-after developments in Post Falls, because of the bigger lots and the elbow room with shop space.

Mr. Mort testified that he has yet to meet a buyer that comes into town from Seattle, California, Colorado, wherever they are coming from, that says that they want to live in a townhome on the prairie. He argued that townhomes are just duplexes. He stated that no one is opposed to the annexation, they would just like to see it stay consistent with what is there, especially when part of the access is off Miss Hana. He explained that everything in Black Stallion is a quarter of an acre,

third of an acre, up to I think .79 acres.

Mr. Mort testified that he is the one building in Black Stallion right now and he has not sold a house under \$800 grand. So, he indicated, that people are buying bigger homes with shops and bigger lots; then there is a townhome project right across the way. He explained that he gets it, he is in the business, more lots and higher density means more money and more money makes it more desirable.

Mr. Mort indicated that as a citizen that lives there and what is already in that development, he just wonders how much more high density does Post Falls need? He explained that when you come into east from Spokane the first thing you see when you cross state line, is apartments. He maintained that there is lots of duplexes, townhomes.

Mr. Mort testified that he does not think it fits with what is surrounding it. He noted the road system in there, stating that Poleline is essentially a dead-end road, and he knows that is a huge concern about whether the studies say it can hold it or not. He explained that 77 lots with two cars apiece, that is 100 and some odd cars coming through. He explained that they will be accessing either through Miss Hana or right up the school zone on Clark Fork. He professed that it is a desirable area and should have the bigger lots and the ability to have shops.

Elizabeth Godbehere

Ms. Godbehere testified that she is a nurse in the area, and she works at all the hospitals in the surrounding area. She explained that all the hospitals in the area are having big staffing shortages and we are forced into hiring expensive contract labor. She advocated that the number one concerns is the lack of diverse housing, no one can find housing the area. She explained that if it were not for the lack of diverse housing, there is no reason contract labor that comes in should not stay. She explained that it is just they cannot find places to live. She theorized that everybody would love to be able to buy 10 acres on the prairie, but that is just not feasible, and townhouses are a good option for professional housing.

Jonathan Frantz

Mr. Frantz testified that one of the things that he particularly likes about this, is the fact that it is individual lots meaning it is individual home ownership. He stated that there is a lot to do with multi-family out there and there are some undesirable aspects to large multi-family projects, but he thought, when you get to a project like this, and you see that there is individual ownership you get that pride of home ownership, and he thought that goes a long way.

Mr. Frantz testified that one of the other aspects that he likes about it is, not everybody has the ability to buy an \$850,000 house or property. He explained that there is a lot of housing issues that are going on right now. He noted that the median household or the median sales price for a single-family home here in Kootenai County just crossed the threshold of a half a million dollars. He professed that is getting really difficult for a lot of folks, under a quarter of the county can actually afford a median price single-family home right now. He views projects such as this as a potential answer for those problems as they have got the ability to put forth some housing in a manner that can accommodate some folks that don not have 850,000 to a million dollars to buy a house, but they can still come here they can still get their piece of the American dream or perhaps the Kootenai County dream. He championed that this provides some real solutions to a lot of the things that we are looking at and for that reason, as opposed to coming in with a multi-family project, he supported this style of project here something that he thought could be realistically attained by people.

Tracy Matheson

Mr. Matheson testified that she is on the property adjacent to the Hargraves, and she appreciated your brother getting up here and speaking about affordable housing in the area and the fact that they had a nurse come in and talk about affordable housing. She respected that and she was for it, but

you cannot say in one minute that you want to make these affordable townhome duplexes and then talk about contract labor because that is temporary workers that are here for contract labor, who are not going to buy a townhouse or a duplex. She thought it seemed like it was coming from both sides, and it is a congested area, it is a dead-end road, it's on my property line, and she has known the Hargraves forever and until this she really respected them and liked living next to them, they were great neighbors for a long time. She indicated that there have been very few incidents over the years but the fact that they are now trying to do this and act like they are invested in the community is disheartening and she will never view it the same and she is adamantly opposed to it. She thought that Tyler said everything in the sentiment that they are all thinking.

Howard Burns

Mr. Burns testified that it is a nice project in the wrong place and should be R1S zoning. He indicated that it would be great on Cecil and 16th. He explained that Greenstone has a huge chunk of RM property where they will be doing some townhomes and projects on Prairie over in the developing area, south of Prairie. He noted that there will be some nice development there, at least that is what they promised. He queried about whether it would become some kind of multi-family on single-family lots, and how do we keep Blackrock from buying them out and turning it all into rentals. He explained they have the right to do so unless it is restricted in the HOA. He noted that you can say small lots with lovely townhomes but that may not be affordable if you look at Coeur d'Alene, they just build 6 on smaller lots off Sherman Ave. and they range from 2.4 – 2.9 million, so there is no guarantee about the price. So, he concluded, just keep it R1S, keep the RM where it is already approved there is lots of it and hope Greenstone starts building where they already have the rights to.

Lynn Collett

Ms. Collett testified that they have lived in the Prairie Meadows development for 6 years. She explained she was drawn to this city because of its beauty, friendly people, and small-town country feel. She explained that the R1 zoning in this area has been in place for many years. She felt that a high-density project with 77 lots on 9.63 acres would not be appropriate in this location or be in the best interest of the community of city. She testified that the traffic on Poleline is already becoming a problem and this many units would add a massive amount of additional congestion and the noise and light pollution would also affect our community and quality of life.

Ms. Collett testified that these types of high-density projects are initially held to a high standard but as time goes on, they often deteriorate affecting the value of properties in the surrounding areas and city. She felt, as homeowners, they were blindsided to hear the owners of the property have been meeting with the city since last September, and they only found out about it a month ago. She contacted the city over the last few years and was told more than likely this property would be zoned rural residential in keeping with the existing homes and development. She explained that if we all want a cohesive city, that we can be proud of, townhomes, condos, or apartments are not the appropriate fit for this location. She beseeched the City Council and Planning and Zoning Commission to please represent us as a community and vote no on this project. She felt that a single-family housing project consistent with the surrounding area would be a much better fit and falls within the existing goals the city had in place for many years.

Manuela Armbruster

Ms. Armbruster testified that they purchased our property in 2013 because they saw that the existing laws and regulations of the city of Post Falls would not affect our privacy and rights in any way. She is strongly opposed to the RM designation for the Hargrave-Hathaway plot along Poleline Ave and directly south of her property. She explained that the proposed development of close to 80 townhomes is not in the best interest of the city of Post Falls. She asserted that it will adversely impact our community services, such as police, fire, water, and sewer. She claimed that it will also add over 100 new cars to our roads which are already impacted and will also cause a strain on our local schools. She submitted that the proposed RM designation is not at all in line with the Future Land

Use Map created by the city of Post Falls Planning and Zoning Commission, which places this plot of land in the middle of a large area of exclusively R1 zoning (single-family homes).

Ms. Armbruster testified that a townhouse development would damage the small town feel of the area as well as the aesthetic beauty of the area, which is in direct opposition to the city of Post Falls Comprehensive Plan, which states one of the goals of the land use planning is to "maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty". Which, she explained, is what we enjoyed so much about living in Post Falls so far.

Finally, she stated, she is concerned about the adverse impact that this proposal zone change will have to her property and property value. She explained that it is very upsetting to imagine 15 townhouses along the fence line of our property, the nuisance of noise and loss of privacy would affect our quality of life immensely. She pleaded, do not empower a few greedy developers to destroy our and our children's lifestyle which we have worked so hard for to accomplish, they glorify themselves pretending they will do something amazing to our community and she does not believe it. She is devastated that they only think about themselves and fill their pockets but not about their fellow citizens who must live and deal with the mess they create. She hoped that our City Council members will keep their promises they made to us residents when they were running on "Slow Growth Post Falls." She implored the Commission to vote no regarding the Hargrave-Hathaway Annexation.

Gary Alvarado

Mr. Alvarado testified that he has been a resident since he was 7 years old, he's seen a lot of growth. He reminisced that Post Falls was just a couple of taverns when he was here, other than his stint in the United States Air Force, he came back home, and he lived in the county. He got to a place where he could not continue to take care of his 10-acre property, and he moved into town. He stated that town was great because Poleline was basically a dead-end and once they put in Clark Fork they saw an uptick in traffic, a significant uptick in traffic. He stated that they have an Elementary School down there off N. Clark Fork Rd.

Mr. Alvarado testified that he has been here a long time and growth is inevitable, last week when he was here, the Commission talked about the best interest of the city, and you spoke of the new policy, and you were making some amendments to it. He queried, who is the city of Post Falls, you as the Commission are not, individually you are, but not as a Commission. He stated that these people out here are the city of Post Falls, except for Mr. Manley who lives in Washington, and the Hargraves who live in Utah. So, he presumed, 50% of those people over there do have any stake in this game other than to enrich themselves. He stated that when you look at the amount of traffic that's already there, you must ask yourself 77 units times 2 because typically they're going to have 2 vehicles, asking where are they going to park. He stated that the project looks nice on paper, a nice project but the wrong location. He stated that it is R1 throughout the entire area, and now they request to do these high-density apartments basically condos, townhouses, they might sell them now but, in a few years, they will want to rent them. He theorized that soon vehicles will be parked along Poleline. He noted that the greenspace is small, there is not going to be a lot of greenspaces. He noted that when you drive down Clark Fork and into Ridgeway and you will see cars are parked on both sides of the street it is narrowed because of boats, RVs all throughout the neighborhood because they cannot park in their garage. He explained that Miss Hana is a cul-de-sac and there is only one way in and one way out. He stated that if you drive down there and you will see the black patches from people racing down that road, twice they have almost taken out his fence.

Jon Manley, Planning Manager

Mr. Manley, in a brief response to Mr. Alvarado, clarified that he does live in Post Falls and runs along Poleline Ave. and Clark Fork.

David Collett

Mr. Collett queried if someone is parked on the road can they get a fire truck past them? He asked if he got his realtor's license and if he did who will sell them? He heard you are going to move out of the neighborhood somewhere where it's rural. He claimed that his neighbor is cop and the first thing he said about this is the crime rate is going to go way up. He explained that the surrounding area is all R1 residential so why are they putting all those houses or townhomes in there for everybody to look at. He stated that they will look like apartments you won't be able to tell the difference.

Ava Doman

Ms. Doman falsely stated that as of July 2022 the new annexation criteria now asks if the proposed zoning district is consistent with the vision for the area contained in the currently adopted Post Falls Comprehensive Plan. She explained that the Central Prairie Comprehensive Plan Appendix A discusses multi-family housing along Prairie Avenue and commercial development along Prairie Avenue; if this is the case, why are we considering a Coeur d'Alene River Stone wannabe in the southwest corner of the Central Prairie that is thriving with single-family neighborhoods. She stated that the Central Prairie Comprehensive Plan Appendix A also outlines a focus of commercial uses where traffic volume exceeds 4,000 vehicles per day. She stated that currently Chase and McGuire do not even connect on Poleline and she thought the plans seem to be very conceptual and very premature. She stated that the project narrative document for the Micah Station annexation and subdivision indicates the proposed subdivision supplies important commercial space opportunities. She asserted that according to LoopNet; we currently have over a half of a million square feet in lots reserved for commercial construction, to say this project supplies important commercial space is vague and may or may not be true commercial space in this part of the Central Prairie is not necessary. She asked why don't we fill the existing Tedder Business Center with thriving businesses instead and why don't we follow the city's Comprehensive Plan to focus commercial development along Prairie Avenue.

Ms. Doman testified that the project narrative indicates access through this 9-acres is a continuation of the street called Miss Hana Avenue, to her the terminology of Miss refers to young unmarried women or girls under the age of 18 and seems to be enjoined with another female name specifically Hana. She asked why are we perpetuating terminology with a southern United States reference and a female-related name in a street in northern Idaho? She noted that we appear to want to be progressive in terms of housing like a big metropolitan city in western Washington and yet we are certainly not progressive in our terminology.

Ms. Doman testified that this development does not meet land use goal number 3, to improve and maintain Post Falls small town scale, charm, and aesthetic beauty this development is a western Washington copycat. She noted that the developer of this project acknowledges the proposal for 80 townhomes in his email on September 27, 2021. She stated that she is in support of annexing the 9-acres into Post Falls but does not believe the proposed development in rezoning to the Residential Mixed Area is in concert with the Post Falls Comprehensive Plan for the Central Prairie, keep this property as R1.

Douglas Williams

Mr. Williams testified that the Commission has all taken an oath of office which included an oath to uphold and defend the Constitution of the United States, when was the last time you read the Constitution, yesterday, last week, last year, ever? He stated that a lot of people believe that something is constitutional, when in fact it is not even mentioned in the constitution and a fallacy is promoted and sold to the people who have no idea what the constitution says, because the people have not even read or studied it. He assumes you have read and are familiar with and have studied the Post Falls Comprehensive Plan growth areas, focus points, future land use maps, and land use goals you are now contemplating the Hargrave-Hathaway Annexation. He stated that the developer has put forth his plan for this project in the which he has eloquently put forth the fallacy that the proposed land use conforms to the surrounding area, if you read the emails between the city planner and the developer it appears that the planner aided the developer almost guaranteeing it will pass.

He theorized that conspiring and colluding, is the only criteria that is used. He asked, what about the criteria of an input of the citizens? He was sure the developer has made all kinds of assurances regarding how the property will look and function, but how does lower income property look in 10 years or 20 years. He inquired who and why would you put an unsightly pimple on the face of pristine housing R1 around that surround this zoning area? He urged the Commission to read and study your Comprehensive Plan the land use maps and especially the land use goals the ordinances describing low density residential and high density residential and misused zones. He stated that any assumption that this project fits into the surrounding area or the Prairie Use Focus Area is ludicrous and ignorant or simply delusional. He believed the Commission had taken an oath to uphold to defend the Comprehensive Plan and City Ordinances as fully written expected them to keep their promise and deny this request.

Jean O'Neill

Ms. O'Neill testified that she is vehemently opposed to the RM zoning request for the Hargrave-Hathaway piece of land because the three criteria that you use are first looking at the future land use map for the city of Post Falls. She indicated that this is a very clear case where that piece of land sits very solidly within R1 zoning there's literally no other pieces of property adjacent to this piece of land that are anything except R1, not even an R2, it's all R1 everywhere around it. She stated that those of us who bought adjacent to this piece of land detrimentally relied on the fact that that the piece of land, if it ever was developed, would be R1 and the land would be developed with single-family homes and not townhomes.

Ms. O'Neill testified that the second criteria that you guys are looking at are the Post Falls Comprehensive Plan and just looking at the different goals. She explained that to maintain and improve the provision of high quality affordable and efficient community service in Post Falls, it concerns me the strain that this many houses on this small piece of land would cause to our schools, our fire, our police, our sewer, our water these are all things that we need to work effectively for us all to enjoy our community services and our community.

Ms. O'Neill testified regarding the goal to maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty. She hypothesized that if you were driving down the road and looked around everywhere and saw all these single-family homes and then came upon townhouse it would just look strange, it would not maintain the aesthetic beauty. She noted that it sounds like a lovely development and a lovely idea, it just does not sound like the right place to put it and thought it aesthetically would look very strange to have single-family homes and then a townhouse development.

Ms. O'Neill testified about the traffic and felt like everybody has effectively spoken on the traffic issues along Poleline, it might be deemed a minor arterial road, but it is really a neighborhood road. She stated that the stops and the intersection there will be very busy with the addition of 150 extra cars. She noted that one of the reasons that we made an unconventional choice to buy along a train track was because for us, we have many children, and for us it was important for them to be able to play freely in our backyard and to have carefree childhood. She is upset that, while 35' does not sound like a lot, but when you shove eight townhouses against our fence line, 35 feet is going to still be second story houses that are going to have people, eight families, who are going to be able to look down into my backyard and see my children playing.

Ms. O'Neill testified that when they bought the property, they relied on the idea that it would be a consistent use of land for that place and one thing she has not heard mentioned was the presence of a very large gas line that runs along Poleline. She stated that she is not an expert in gas lines, but it does concern me the idea of a large gas line and a high concentration of people who will be living along it and for the people who are going to potentially buy townhouses she thought there would be more discussion about that.

Andy Shepherd

Mr. Shepherd testified that two years ago his family decided to relocate our business here to Post Falls and he is all in favor of growth, if you see our business, it is Grow Ignited. He stated that while he is all in favor of economic growth, he is also in favor of following a plan, you guys did a phenomenal job putting together your Comprehensive Plan. He stated that when we are working with businesses helping them grow, we always see that the most success comes from following that plan when we chose Post Falls to relocate our business to, we looked at your Comprehensive Plan. He explained that when they relocated from northern Indiana, they really didn't have any idea about the growth that was going on in the community, they just saw a quaint town with charm, and they would be close to family in Washington. He explained that when they moved in, they looked at the plan, looked at the development around everything around our property and saw this is a great area that is going to maintain quaintness, maintain the charm of the city, and it is all zoned R1 everywhere, except for the one triangle behind us. He wondered what the likelihood at that point that the parcel would become a RM or a zone other than R1, very unlikely, he deduced. So, he thought it was safe to purchase that property.

Mr. Shepherd stated that when we look at the market, housing costs have risen. He stated that Northwest Specialties Hospital, in their culture that they promote, and they have very little to no contract nursing, because of their culture, their amazing culture. He explained that we have an amazing culture in the city, and we do not want to change that. He stated that we want to keep drawing people into this quaintness because that is what drew us. He noted that when we look at the real estate market, last year versus this year, last year in June there was 463 active listings in Kootenai County this year in June we have 1006 active listings. He went on to state that last year we had 1,650 homes sold which was up 11 from the year prior, this year we have 1,362 which is down 18 from the year prior. He encouraged the Commission to follow the plan, there's a time and a place, we do need some townhomes, but this is the wrong area for this development, and we need to stick to our plan so we're successful moving forward into the future.

Rebuttal

Bret Hargrave, Applicant

Mr. Hargrave testified that there have been a lot of valid concerns and a lot of comments mostly pointing to concerns of interpreting property values. He stated that he understands that and it's a very legitimate concern. He championed that one of the benefits of this Residential Mix is that it comes with this Development Agreement that we are already talking to the city about and what this looks like. So, he explained, there is a strong ability for the city to have some input on how to protect land values of the neighbors and he encouraged the thought process. He stated that as far as the concerns on density, he knows that eight units per acre or 77 units on 10 acres sounds like a lot. However, He explained that when we talk about high density, he is working on a 10-acre project where they are doing 400 units on 10 acres, so 77 on 10-acres it's not a high-density project when you consider what is allowed in R1.

Mr. Hargrave attested that R1 is up to 8 units per acre that is what is in the code and so if it were not townhouses on individual lots, they would be eliminating green space and taking away any sort of ability for a community feel. He explained that they would just be stacking units in there and nobody wants that next to them either and we certainly are not interested in a project like that. He testified that this proposal is by far what would give it the highest and best use and it will add value to the area and add value to the city of Post Falls as a whole and with that limited commercial opportunity add value to that neighborhood and surrounding neighborhoods.

Questions from the Commission

Chief Ryan, KCFR

Chief Ryan, in response to a question about whether fire trucks fit down the road, stated that when projects come to the Planning and Zoning Commission there is still such a global picture that the fire

department does not get involved with access and things like that until we start getting further into the plan and start finalizing things. He explained this is because there are so many variables that come into place. He asserted that we do make sure that road width is acceptable that even with on-street parking we have access and then we look at alternate means of ingress and egress as much as we can. He noted that the Fire Department is limited especially when it comes to residential development, as all they can talk about is access and water.

Rob Palus, Assistant City Engineer

Mr. Palus, in response to a question regarding the bridge on Poleline stated, our current Transportation Master Plan and our Capital Improvement Plan from our impact fees has it identified as a long-range project, so that would mean a project that should be constructed by the year 2035. Right now, he explained, we are in the midterm of that which goes through projects through 2025 so somewhere between 2025 and 2035 depending upon when dollars are available in the impact fees. He noted that we are in the process of starting a Transportation Master Plan update that would be starting this fall so sometime within the next 18 to 24 months, as such, we would have an update which would better identify where those plans may occur.

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

C. EVALUATION OF APPROVAL CRITERIA FOR INITIAL ZONING:

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

The applicant has requested initial zoning of Residential Mixed (RM) on approximately 9.63 acres upon the annexation into the city of Post Falls. The Commission finds that the Future Land Use Map designates this area as low density residential within the Central Prairie Focus Area.

The Commission finds that Residential Mixed (RM) zoning is an implementing zoning district and the low-density residential zoning designation encompasses all types of single-family residential uses. The Commission finds that the Central Prairie Focus Area supports provisions for a variety of housing types and densities.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation is an implementing zoning district and is supported by the applicable 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, this project provides an attractive, pedestrian-friendly development, providing a diverse housing type, greenspace, 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. This project will provide 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.

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. This proposal, through its provision of townhomes, helps provide a variety of housing types supporting single-family homeownership.

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. Development of this site through the provision of sanitary facilities helps preserve the aquifer.

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 providing 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 is compatible with the surrounding uses as they are all primarily residential in nature. This site is separated by 100' of Railroad Rights-of-Way from the 1-acre R-1-S lots to the north. Adjacent to the east is the Berkshire Place (8-lots on 4 acres) Subdivision and an additional 1-acre lot fronting W. Poleline Avenue. To the west is a .54-acre single family residential lot in Kootenai County. An open space plan is submitted.

- Infrastructure and service plans;

Sanitary Sewer to serve the site is located at the eastern boundary line of the property in Miss Hana Ave. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan. Prior to any development of the site and required as part of preliminary subdivision review, the owners would need to verify elevations for the sewer, as is typical for all subdivisions.

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.

East Greenacres Irrigation District would provide water service.

- Existing and future traffic patterns;

The property is adjacent to Poleline Avenue, a classified Minor Arterial Roadway. Dedications of rights-of-way and easement would be required, at the time of annexation and complying with the following standards:

Minor Arterial: 110-foot total right-of-way width, along with a 10-foot sidewalk, drainage, and utility easement. The half road right-of-way (55') would be measured from the existing Section line in Poleline Avenue.

UPRXR: The Union Pacific Railroad rights-of-way lying adjacent the subject properties northerly / northwesterly boundary should be included into the annexation boundary.

Future traffic patterns to/from this site are benefitted with the proximity to Poleline Avenue.

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

The proposal is for single family infill that is consistent with the implementing zone per the associated Future Land Use designation “Low Density Residential”. The RM zone also assigns a max height of 35’ for this proposal which is no different than the R-1 and R-1-S properties in the vicinity.

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

- Surrounded by incorporated areas;
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.

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

This Policy is supported by the applicants Open Space Narrative and Map as well as the provisions contained in the Annexation and Development Agreement.

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

This infill annexation will attain the gaps in walkability, public health and safety, and transportation. With development, roads are widened to meet current standards with pedestrian improvements. As well as improvements to the adjacent right-of-way, impact Fees are paid to mitigate the impacts system wide.

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 known 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;

Improvements to Poleline Avenue will be made with adjoining development. Poleline Avenue currently has capacity to handle adjacent development.

Extension of Miss Hana Ave to Poleline Ave. would remove an existing cul-de-sac, improving traffic circulation and an additional emergency response.

- Comprehensive plan goals and policies.

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

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 annexation area is adjacent to the minor arterial of Poleline Avenue, which provides connection to other higher capacity roadways of Chase Rd. (to the east) and Clark Fork Parkway (to the south). Long range master planning anticipates the extension of Poleline Ave. westerly to McGuire Rd. and the extension of Clark Fork Parkway to Seltice Way (1 mile to the south).

Minor Arterials are designed to accommodate traffic volumes of 6,000 - 15,000 vehicles per day. Poleline Avenue is estimated to have 2025 volumes of 1,700 vehicles per day and 2035 volumes of 3,000 vehicles per day.

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 zoning is not anticipated to have any negative impacts to the City's transportation network that are not previously identified as being mitigated through the collection of Transportation Impact Fees.

Water and Sanitary Sewer:

The Commission finds:

Water: East Greenacres Irrigation District will provide water service.

Sanitary Sewer: Sanitary Sewer currently exists at the property’s eastern boundary in Miss Hana Avenue. The property requesting annexation and zoning is identified in the City of Post Falls Water Reclamation Master Plan as capable of being serviced by the existing sewer system, though elevations for the property should be verified prior to subdivision approval. 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. 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.

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.

Future Land Use Designation:

The Commission finds that the Future Land Use Map depicts the land use designation for this area as low density residential. The proposed project is at 7.9 dwelling units per acre and therefore compatible with the low-density residential designation.

Geographic/Natural Features:

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

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

The Commission finds this criterion inapplicable to the proposal.

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

The Commission finds this lower density housing and limited commercial as presented, is further away from those higher intensity urban activities on the Seltice Way Corridor. 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-22-8, 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 Residential Mixed (RM) on approximately 9.63 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.

CITY OF POST FALLS
STAFF REPORT

DATE: September 9, 2022

TO: POST FALLS PLANNING AND ZONING COMMISSION

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

SUBJECT: STAFF REPORT FOR THE SEPTEMBER 13, 2022, P&Z COMMISSION MEETING
GABOURIE ANNEXATION ANNX-22-9

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.**

Fred Gabourie is requesting approval to annex within the City of Post Falls with a zoning request of Single-Family Residential (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: Gabourie Annexation, File No. ANNX-22-9

Owner(s): Fred Gabourie, 1904 E Rodkey Dr., Post Falls, ID 83877

Applicant: Fred Gabourie, 1904 E Rodkey Dr., Post Falls, ID 83877

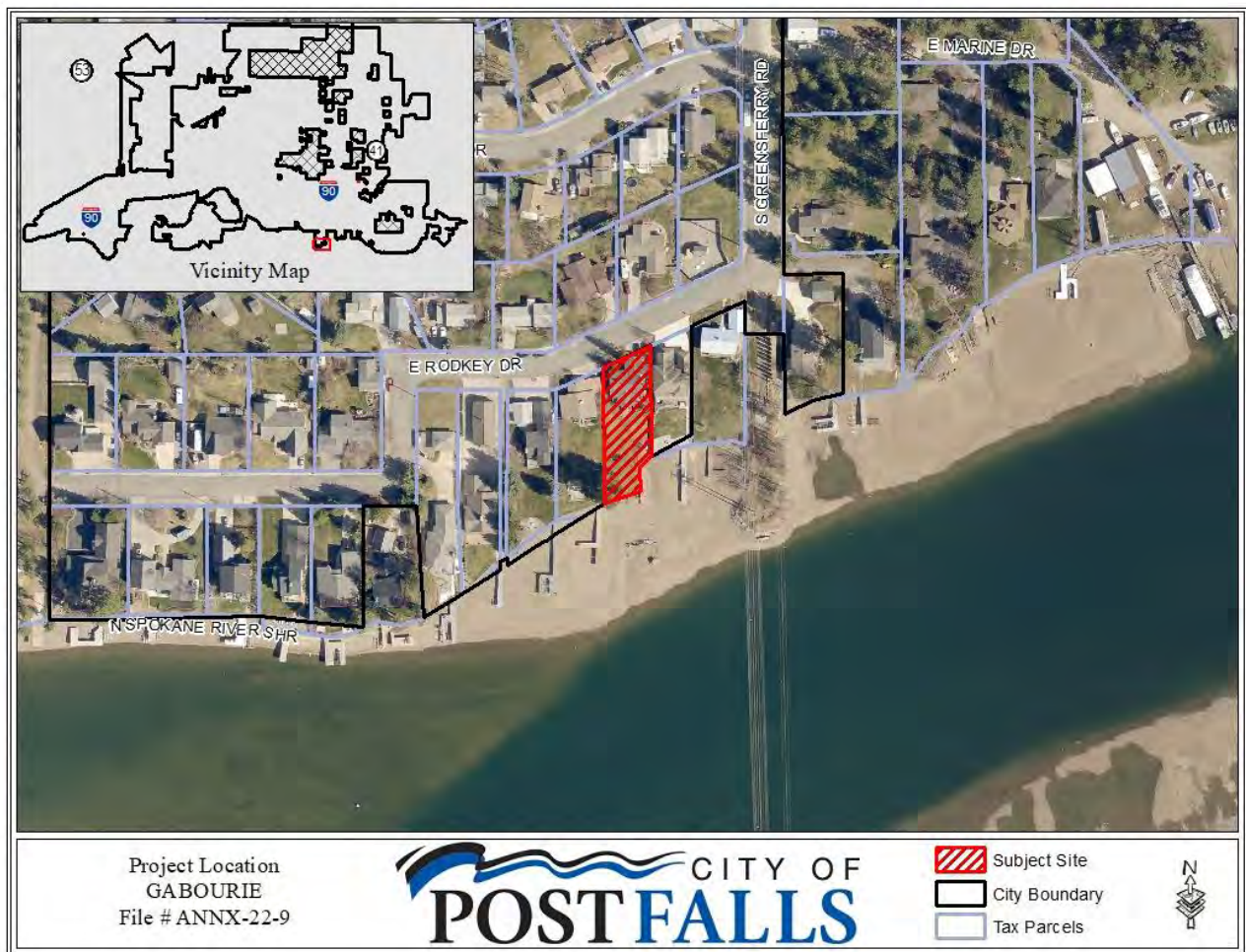
Project Description: Annex into the City of Post Falls with a zoning request of Single-Family Residential (R-1) zoning.

Project Location: The property is generally located between the south side of Rodkey Dr. and the Spokane River just west of Greensferry Rd.

AREA CONTEXT (proposed site hatched red below):

Surrounding Land Uses: Surrounding the subject property on the east and west are single-family homes within the Rodkey Subdivision. South of the property is the Spokane River and north is Rodkey Drive public roadway.

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 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 have been waived via the annexation agreement. With the site already developed this could be maintaining community levels of service through its use being congruent with the surrounding/adjacent properties.

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

Staff Comment: Annexing Kootenai County "islands" into the City could help the fiscal health of the community through its tax base by incorporating more of the "islands" into the City.

- Maintain and enhance resident quality of life;

Staff Comment: Resident quality of life could be enhanced by removing the existing septic system and connecting to City sewer services, thus reducing impacts to the Spokane River and the Aquifer.

- Promote compatible, well-designed development;

Staff Comment: Subject property is already developed into a single-family home that is compatible with the surrounding land uses.

- 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 inadequacies 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 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.

Focus Area: Milltown South

Immediately east of City Center is Milltown South. Its history is rooted in early Post Falls, where mill workers, mechanics and others lived and worked, supporting the community's early economy. One mill (Plummer Forest) remains in this district, and many of the homes and businesses in this district are positioned for reinvestment. They're close to the city center, they enjoy relatively easy freeway access, and some of the properties include Spokane River shoreline. As reinvestment comes to Post Falls, Milltown South may transform into an exciting, surprising, and diverse part of town, helping activate the city center while taking advantage of the proximity of the river. New development in this area should contribute to the activity of the City Center and commercial uses already located in the Milltown South planning area.

The following items affirm or guide development of key policies for this area, or suggest future action items for the Milltown South focus area:

Seek creative methodologies to enhance neighborhood areas and spur reinvestment;

Support development patterns that are interconnected, and that provide pedestrian connectivity to all multi-use paths and trails;

Support development patterns that improve access to nearby parks and the Spokane River;

Support development patterns that improve access to nearby commercial activity nodes and corridors;

Focus growth of commercial and higher-density residential uses near higher classified roadways.

- Compatibility with surrounding land uses;

Staff Comment: The proposed development pattern for this proposal would be compatible with the surrounding uses as they are all primarily residential in nature.

- Infrastructure and service plans;

Staff Comment: Sanitary Sewer is located in Rodkey Drive, along the properties frontage and has the capacity in the main and at the downstream lift station to

support connection of and service to the subject property. 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 Rodkey Dr.

- Existing and future traffic patterns;

Staff Comment: The property is adjacent to Rodkey Drive, a local residential street. No dedications of rights-of-way or easements would be required with the annexation.

The property is currently developed in accordance with the proposed zoning. Traffic generated from the site is already accounted for in the performance and capacities of the City's transportation network. Annexation of the property will not change traffic patterns, nor will it increase or decrease traffic volumes.

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

- Surrounded by incorporated areas;

Staff Comment: The subject property is surrounded by incorporated areas.

- That have readily-available service infrastructure and capacity;

Staff Comment: Service infrastructure is available and there is capacity.

- That support increased development intensity near the urban core.

Staff Comment: This is not within or near an urban core.

Policy 17: Encourage the preservation and rehabilitation of older housing stock throughout the community.

Staff Comment: An older home exists on the subject site that is intended to remain helping to preserve the older housing stock in this area.

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

Streets/Traffic:

Staff Comment: The property is adjacent to Rodkey Drive, a local residential street. No dedications of rights-of-way or easements would be required with the annexation.

The property is currently developed in accordance with the proposed zoning. Traffic generated from the site is already accounted for in the performance and capacities of the City's transportation network. Annexation of the property will not change traffic patterns, nor will it increase or decrease traffic volumes.

Water and Sanitary Sewer:

Staff Comment: Water service is available to the site from an existing City of Post Falls 6" main in Rodkey Dr., a water service may be extended to the site by the property owner at such time the owner desires to connect to City Water. Sanitary sewer service will be provided by the City of Post Falls. Sanitary Sewer currently exists in Rodkey Dr. and will need to be extended to the site by the property owner. Upon annexation, the property will be required to connect to the City's sanitary sewer system. 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.

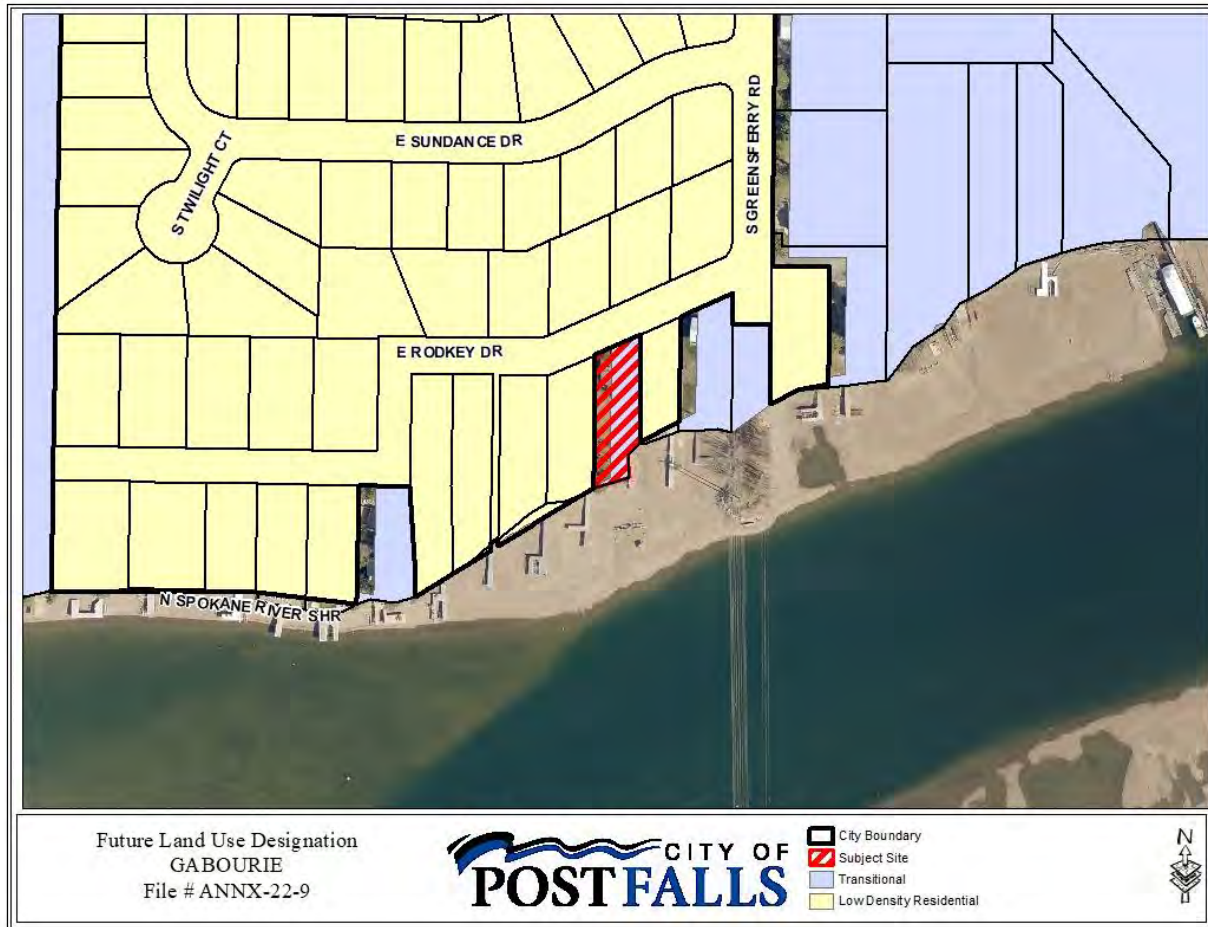
The City's Water and Water Reclamation Systems have the capacity to provide service and the City is willing to serve to the property at the requested density. The proposed zoning is compatible with the land uses anticipated within the City's Master Plans. Current capacity of the City's Water and Water 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 already within a single-family subdivision. Further future land use description can be found above within Policy 2 of review criteria B.

Future Land Use Designation:

Staff Comment: Future Land Use Designation as mentioned above is Transitional (See image below).



Community Plans:

Staff Comment: None

Geographic/Natural Features:

Staff Comment: The site is already developed and as the applicant’s narrative depicts, they are annexing to connect to City sewer, which protects the Rathdrum Prairie Aquifer from septic leaks and contamination.

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

Staff Comment: Not Applicable to this annexation request.

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 to this annexation request.

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

- **YPL (Exhibit PA-1) – No comments or concerns**
- **Post Falls Police Department (Exhibit PA-2) – Remains neutral**
- **Post Falls Highway District (Exhibit PA-3) – Is in support of the Annexation**
- **Kootenai County Fire & Rescue (Exhibit PA-4) – Saves comments for the permitting process**
- **Post Falls School District (Exhibit PA-5) – Neutral**

ITEMS TO BE CONSIDERED FOR INCLUSION IN AN ANNEXATION AGREEMENT:

1. Owner shall connect the existing structure to the City’s sanitary sewer system upon annexation.
2. Owner shall grant to the City of Post Falls any existing water rights, upon future connection to the City Water System

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.

ATTACHMENTS:

Applicant Exhibits:

Exhibit A-1	Application
Exhibit A-2	Narrative
Exhibit A-3	Map
Exhibit A-5	Title Report

Staff Exhibits:

Exhibit S-1	Vicinity Map
Exhibit S-2	Zoning Map
Exhibit S-3	Future Land Use Map
Exhibit S-4	Consent to Annex Agreement

Testimony:

Exhibit PA-1	YPL Comments
Exhibit PA-2	PFPD Comments
Exhibit PA-3	PFHD Comments
Exhibit PA-4	KCFR Comments
Exhibit PA-5	PFSD Comments

Annexation · 281 – GABOURIE

 **Expiration Date**

Active



ANNX-22-9



Details

Submitted on May 27, 2022 at 2:19 pm



Attachments

11 files



Activity Feed

Latest activity on Jul 25, 2022



Applicant

Fred Gabourie



Location

Point Location: 47.6978, -116.9161

Timeline

Add New ▾

Fee Payment

Paid May 27, 2022 at 2:20 pm



GIS Review

Completed May 31, 2022 at 10:40 am



Completeness Review

Completed Jul 11, 2022 at 12:41 pm

Jun 09



Polygon Creation

Completed Jul 14, 2022 at 11:06 am

Jul 15



Maps Created

Completed Jul 14, 2022 at 11:36 am

Jul 15



Draft Development Annexation Agreement

Completed Jul 14, 2022 at 11:40 am



Staff Report

Jul 15



Completed Jul 15, 2022 at 9:30 am

Parks Additions

Completed Jul 19, 2022 at 2:13 pm

Planning Development Review

In Progress

Engineering Additions

In Progress

Wastewater Additions

Review

Planning Review (Staff Report)

Review

Legal Review of Annexation Agreement

Review

Planning Review of Agreement

Review

Planning Review of Agreement

Review

Applicant Review of Annexation Agreement

Review

Schedule P&Z

Review

Notices for P&Z

Review

Site Posting

Review

Zoning Recommendation

Review

Schedule Council

Review

Council Memo

Review

Notices for Council

Review

Site Posting

Jul 29

Jul 20

Jul 29



Review



Reasoned Decision

Review



Consent Agenda

Review



ROW, Easement, Legal & Exhibits

Review



Ordinance Legal & Exhibits

Review



Review of Legals & Exhibits

Review



Applicant Signatures

Review



Consent Agenda

Review



Recorded Copies to Applicant

Review



🔒 Mailing Fees

Number of Mailings

22

Designated Project Name

Gabourie Annexation

Application Information

Did an Annexation Pre-app take place? *

No

Applicant Type *

Owner

Description of Project/Reason for Request *

To Annex with an R1 in order to hook up to city services

Existing Zoning *

Ag

Adjacent Zoning *

R-1

Current Land Use *

Residential

Adjacent Land Use *

Residential

Application Certification

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



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

Paper Application

May 27, 2022

Fred Gabourie and Shari Gabourie

Completeness letter

P.F. Comprehensive Plan, Goals and Policies

We have read and reviewed the Post Falls Comprehensive plan, Appendix B, goal, policy and program matrix.

We have lived at our current location since May 1978, when the entire near area was in Kootenia County, not city of Post Falls. Since then, the city has expanded, and city now is across the street at Rodkey Drive.

We are requesting annexation to the City of Post Falls; a tiny parcel, ¼ acre. We would like to be permitted and hook up to the PF city sewer infrastructure.

We do not desire water service or hook up, as we have domestic well for our domestic water and we have water rights from the state of Idaho for our exterior water needs. See attached.

We are a twin to the next-door neighbor lot 12 Block A Rodkey Subdivision by Josaitis. We request that the city of PF locate the Josaitis file and make a copy to be added to our file as an exhibit.

The Josaitis home and the Gabourie home wer built the mid 1970's, next to each other, in the county.

The property owners drilled a joint water well, servicing each home with domestic water. Property owners have sizeable investment in their domestic water well and intend to keep using the domestic water from the joint well.

Years ago, we were assured, after Sundance Meadows was annexed in the City of Post Falls, that in the event that our septic systems failed, we would be able to apply for annexation of our homes/property, and be able to hook up to Post Falls sewer system, across the street from Sundance Meadows.

We were assured that our water well would continue to be our domestic water source, no need to apply for the city water.

Some years ago, Josaitis, lot 12 Block A, Rodkey Subdivision, septic failed, they applied for annexation and sewer hookup, no water permit was applied for, and no water hookup was done. We were assured that we would be treated the same way.

Josaitis has no water permit, no water hookup, no meter, and they pay sewer bill monthly, the cost established by the city of Post Falls and Josaitis years ago. We want the same treatment as next-door neighbor Josaitis, and will abide by any agreement in this regard.

Goals

G.01

Fred Gabourie is retired now but had a Law Practice/Office in Post Falls @ 810 Spokane Street for 27 years, 1984-2011.

G.03

We have a small lot, ¼ acre, and want to be part of the city of Post Falls like our neighbors east, west and north.

G.05

We have always enjoyed our neighborhood and have kept our neighborhood safe, active and pleasing. Our neighborhood is attractive and pedestrian friendly.

G.08

By Abandoning our septic system, we are protecting the surrounding soils, the Spokane River and Aquifer.

G.15

We want to be responsible in the treatment and disposition of our waste water.

Policies

P.02

We have a single-family home on ¼ acre when annexed we should be zoned R-1, as area II of our neighbors are R-1 and we are compatible with them.

P.09

We are surrounded by incorporated areas. There is ample sidewalks and walking access, cost effective access to necessary utilities.

P.17

Annexation will encourage the preservation and rehab of our older home by our hooking up to the sewer system of Post Falls. We will, after the annexation, be assessed Post Falls City property taxes which enhances the cities financial health.

P.83

We promote recycling efforts and reduction of solid waste.

P.89

We have always supported the PF Chamber of Commerce, PF school district, and our locally owned businesses.

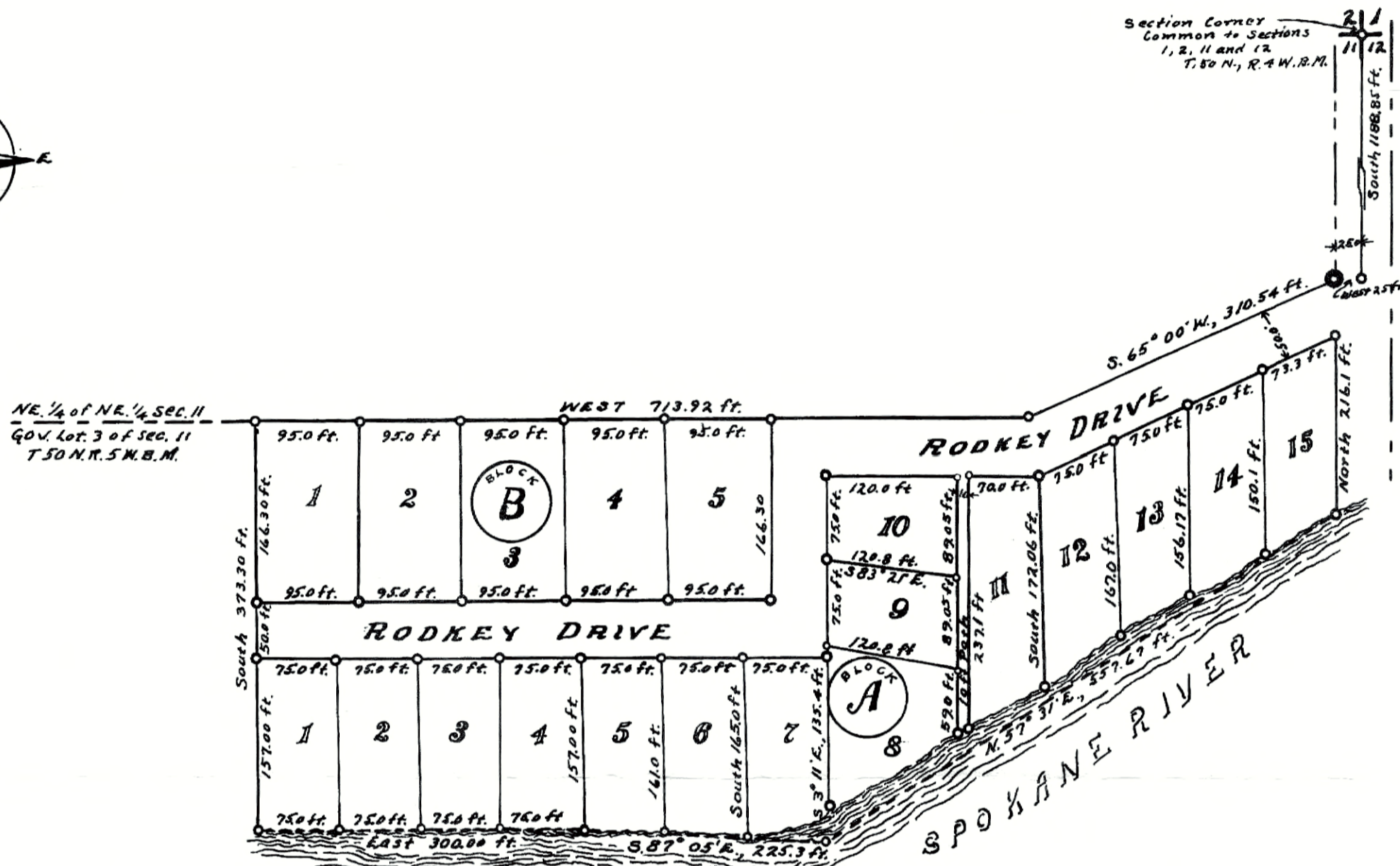
7/8/2022
Fred Guibourg

RODKEY SUBDIVISION

Located In Gov. Lot 3 and NE 1/4 of NE 1/4 Of Section 11 T50N.R5W.B.M.

D-96
317151
025'56

SCALE
1 Inch = 100 feet
⊙ = point of beginning
○ = Lot corners - Metal markers
ft. = Feet



Recorded in Book D of Plates, Page 96.

SURVEYOR'S CERTIFICATE

I, Ray H. Kindler, a licensed land surveyor for the State of Idaho, do hereby certify that this plat is a true map of the survey I made and staked out on the ground with metal corner markers as shown on this plat; that the surveyed tract is located in NE 1/4 of NE 1/4 and Gov. Lot 3 of section 11, T50N, R5W, B.M., Kootenai County Idaho, and particularly described as follows:
Beginning at a point which is located South along the section line 1188.85 ft. and West 25.0 ft. to the West road line, from the section corner common to sections 1, 2, 11 and 12, T50N, R5W, B.M. Thence S. 65° 00' W., 310.54 ft.; thence West 713.92 ft.; thence South 373.3 ft. more or less to the shore line of the Spokane River; thence East along said shore line 300.0 ft.; thence S 87° 05' E. along said shore line 225.3 ft.; thence N. 57° 31' E., along the shore line 557.67' more or less to a point on the west boundary line of Co. Road; thence North along said road line 216.10 to the point of beginning. Said tract to be known as Rodkey Subdivision.

Ray H. Kindler

STATE OF IDAHO SS
COUNTY OF KOOTENAI
Subscribed and Sworn to before me this 7th day of May 1956.

Carl W. Johnson
Notary Public for Idaho,
Residing in
My Commission Expires June 12-1960



DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, J. V. RODKEY and HELEN P. RODKEY, husband and wife are the owners of the tract of land described in this instrument and have caused the same to be divided into Street, Blocks, Lots and a park way as shown on this plat and to be known as RODKEY SUBDIVISION.
Be it further known that we, the said owners, do hereby dedicate the street and park-way shown on this plat to the use of the public forever and reserve such easements as may be necessary over or along each lot for all public utilities.
The said tract of land is described as follows, to wit:
Beginning at a point which is located South along the section line 1188.85 ft. and West 25 feet to the West Road line from the section corner common to sections 1, 2, 11 and 12, T50N, R5W, B.M., in Kootenai County Idaho. Thence S. 65° 00' W., 310.54 ft.; thence West 713.92 ft.; thence South, 373.3 ft. more or less to the shore line of the Spokane River. Thence East along said shore line 300.0 ft.; thence S 87° 05' E. along said shore line 225.3 ft.; thence N. 57° 31' E., 557.67 ft. along the shore line to a point on the West line of County Road. Thence North along said road line 216.10 ft. to the point of beginning.

J. V. Rodkey
Helen P. Rodkey

STATE OF IDAHO SS
COUNTY OF KOOTENAI

On this 15th day of May 1956, before me a Notary in and for the State of Idaho, personally appeared J. V. Rodkey and Helen P. Rodkey husband and wife, known to me to be the owners of the tract of land described in the foregoing instrument and acknowledged to me that they signed 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.

M. E. Strandsen
Notary Public for Idaho Residing in
My Commission Expires 12/1/57

COUNTY SURVEYOR'S APPROVAL

I, Warren T. Shepperd, Kootenai County Surveyor, have checked this plat of RODKEY SUBDIVISION and find that it conforms with the Idaho laws and hereby approve the same this day of May 1956.

Warren T. Shepperd
Kootenai County Surveyor



COUNTY COMMISSIONERS APPROVAL

Approved by the Kootenai County Board of Commissioners, in regular session this 11th day of May 1956

Attest E. W. Hanson
Clerk of Board

H. C. Lundgren
Chairman of the Board

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Gaborie
Title Report

(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.
- (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.

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OLD REPUBLIC NATIONAL 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 EXTRACONTRACTUAL 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, *Old Republic National Title Insurance Company*, a(n) Idaho 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 90 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.
- (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.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

- (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.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Commitment No.: 418183

SCHEDULE A

Escrow Officer: -
Title Officer: -

1. Commitment Date: June 15, 2022 at 12:00 AM

2. Policy to be issued:

a. Owner's Policy	(MINIMUM Report)	Amount:	\$0.00
Proposed Insured:		Premium:	\$220.00
		Total:	\$220.00

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. Title to the Fee Simple estate or interest in the Land is at the Commitment Date vested in:

Fred W. Gabourie, Jr. and Sharon S. Gabourie, husband and wife

5. The Land is described as follows:

Lot 13, Block A, RODKEY SUBDIVISION, according to the plat recorded in the office of the County Recorder in Book D of Plats at Page 96, records of Kootenai County, Idaho.

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: Resident
Agent: Secretary

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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. Note 1: In the event this transaction fails to close and this commitment is cancelled, a fee will be charged to comply with the state insurance code.

Note 2: The address of the herein described property is:
1904 E. Rodkey Dr.
Post Falls, ID 83854

Note 3: This report is based on a search of our tract indexes of the County records. 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.

Note 4: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06) or ALTA Loan Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

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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, which are a lien, for the year 2021, 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) :
Total: \$5,459.91, paid
Parcel No.: 0682000A0130
AIN No.: 126715
 8. General taxes for the year 2022, which are a lien, not yet due or payable.
 9. Rights of the State of Idaho in and to that portion of said premises, if any, lying in the bed of:

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

former bed of Spokane River, if it is navigable.

10. Any question of location, boundary or area related to Spokane River, including, but not limited to, any past or future changes in it.
11. Any prohibition or limitation on the use, occupancy, or improvements of the land resulting from the rights of the public, appropriators, or riparian owners to use any waters which may now cover the land or to use any portion of the land which is now or may formerly have been covered by water.
12. The right of use, control, or regulation by the United States of America in exercise of power over navigation.
13. Any difference in the mean highwater line of Spokane River and the meander line as shown by government survey.
14. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: Washington Water Power Company
Purpose: public utilities
Recorded: January 22, 1911
Instrument No.: Book 1 of Deeds at Page 13 and Book 41 of Deeds at Page 202,
records of Kootenai County, Idaho.
15. Restrictions contained in a Warranty Deed recorded August 4, 1959 in Book 179 of Deeds at Page 37, records of Kootenai County, Idaho, as follows:

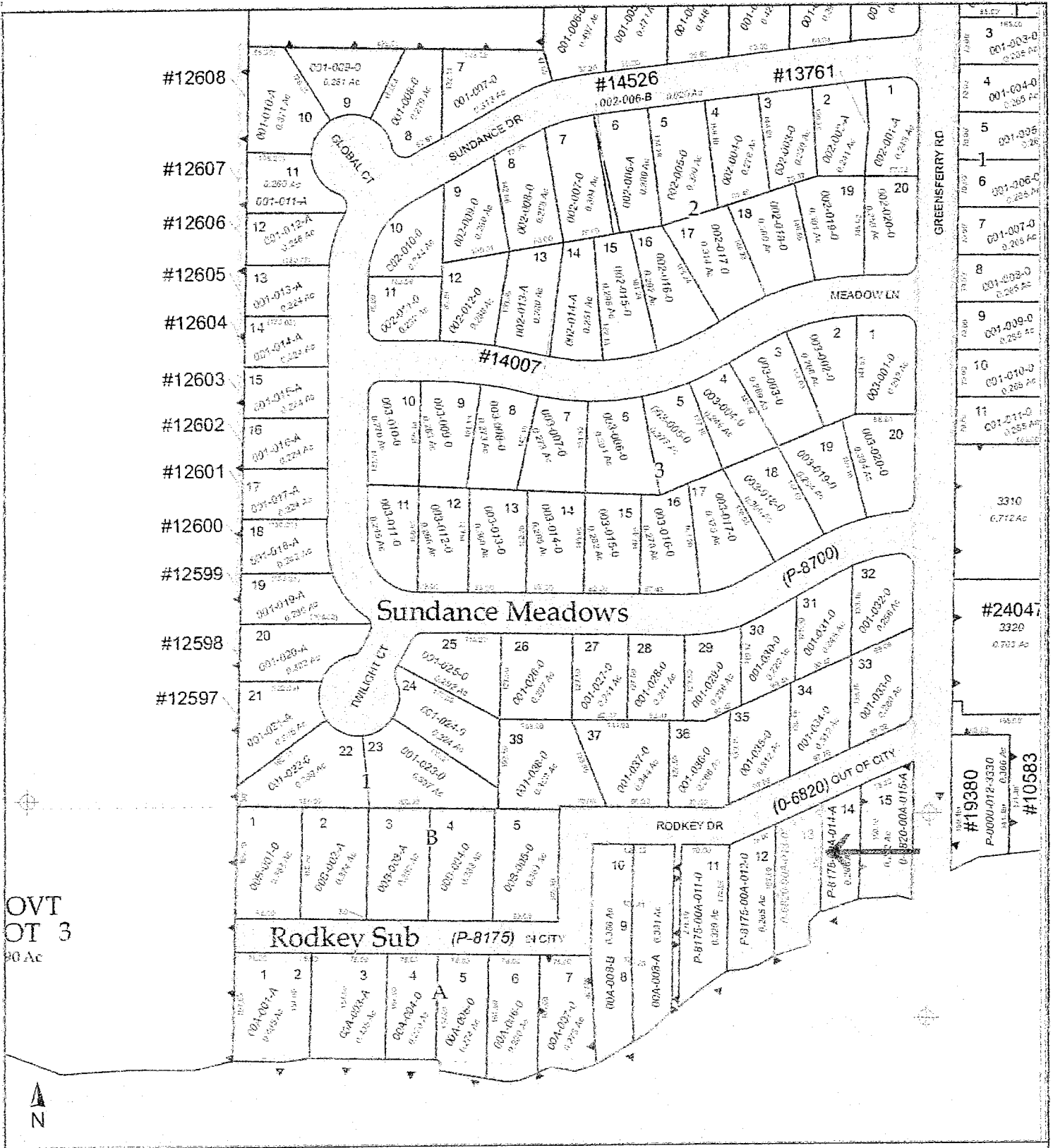
"Provided, however, that said property is forever restricted to residential use only."
16. Restrictions, conditions, dedications, notes, easements and provisions delineated and / or described on the plat recorded in Book D of Plats at Page 76, as Rodkey Subdivision, Kootenai County, Idaho.

END OF SCHEDULE B

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KOOTENAI TITLE Parcel ID: 0682000A0160
 Tax Account #: 126718
 1450 Northwest Blvd Ste 200 Coeur d'Alene, ID 83814
 Phone: (208)557-5431 Fax: (208)208-656-0410
 1904 E Rodkey Dr, Post Falls ID 83854
 This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

04/09/2018

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-16967
NAME AND ADDRESS: FRED W GABOURIE
PO BOX 2529
FOST FALLS ID 83877-2529

SOURCE: SPOKANE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1970

POINT OF DIVERSION: T50N R05W S11 SENE Lot 3 Within KOOTENAI County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in KOOTENAI County
T50N R05W S11 Lot 3 SENE

Lot 13 Blk A Kootenai Sub

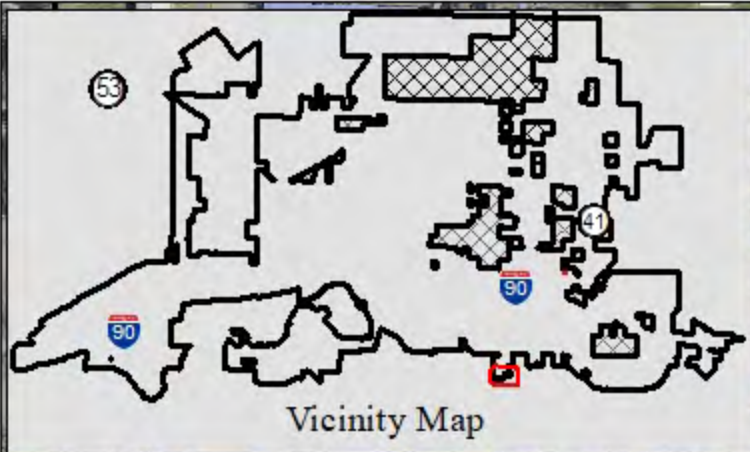
Correct

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Parcel No. 0682000A0130






Vicinity Map



Project Location
GABOURIE
File # ANNX-22-9



-  Subject Site
-  City Boundary
-  Tax Parcels





Zoning Map
GABOURIE
File # ANNX-22-9





-  City Boundary
-  Subject Site
-  R-1

Exhibit S-2





Future Land Use Designation
 GABOURIE
 File # ANNX-22-9







-  City Boundary
-  Subject Site
-  Transitional
-  Low Density Residential

Exhibit S-3



CONSENT TO ANNEXATION AGREEMENT GABOURIE – 1904 E. RODKEY DRIVE

THIS AGREEMENT is made this 19 day of ~~June~~^{July}, 2022, by and between the **City of Post Falls**, a municipal corporation organized and existing pursuant to the laws of the State of Idaho, with its principal place of business at 408 N. Spokane Street, Post Falls, ID, and **Fred W. Gabourie**, whose address is 1904 E. Rodkey Drive, Post Fall, ID 83854.

WHEREAS, Fred W. Gabourie (hereinafter the “Owner”) owns a tract(s) of land (hereinafter the “Property”) in the vicinity of the city limits of the City of Post Falls (hereinafter the “City”); and

WHEREAS, the Owner desires to annex the Property and obtain utility services; and

WHEREAS, the City is willing to annex the Property when appropriate;

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 and utility services from the City while the City seeks to obtain certainty regarding its future boundaries. The term “Owner” includes any successor in interest in the Property.
- 1.2. Description of the Property: The Property is located 1904 East Rodkey Drive and is more particularly described as Lot 13, Block A, Rodkey Subdivision.

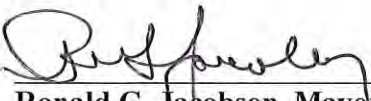
ARTICLE II: CONSENT TO ANNEXATION

- 2.1. Consent to Annexation: Owner hereby requests annexation and consents, on behalf of the Owner and the Owner’s subsequent purchasers, heirs, and/or assigns, to the City annexing the Property at the time when the City determines that annexation of the Property is appropriate. The parties intend that this Agreement will serve as written consent to annexation as contemplated by Idaho Code 50-222(4) as it now exists or as it may be subsequently amended. Owner further agrees to submit an application formally requesting annexation and to connect to public utilities upon annexation.
- 2.2. Waiver of Annexation Fees: The City agrees to waive any annexation fees that the Owner might otherwise be required to pay to obtain annexation of the Property.
- 2.3. Other Fees: Owner agrees to pay all other fees related to the annexation or provision of utility services for the Property, including, but not limited to, cap fees, connection fees, and annexation application fees at the time of applying for annexation or connecting to utility services as specified in the City municipal code.

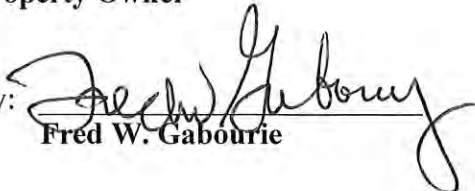
ARTICLE III. MISCELLANEOUS


- 3.1. 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.
- 3.2. Recordation: The Owner agrees this Agreement will be recorded by the City.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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.
- 3.6. 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.
- 3.7. 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.

City of Post Falls

By: 
Ronald G. Jacobson, Mayor

Property Owner

By: 
Fred W. Gabourie

Attest: 
~~Shannon Howard, City Clerk~~
Rhannon O'Neill,
Deputy City Clerk

ACKNOWLEDGEMENTS

STATE OF IDAHO)
 : ss
County of Kootenai)

On this 17 day of July, 2022, before me, a Notary for the State of Idaho, personally appeared Ronald G. Jacobson and Shannon Howard known, or identified to me to be the Mayor and City Clerk, respectively of the City of Post Falls, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Post Falls executed the same.

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



[Signature]
Notary Public for the State of Idaho
Residing at: Post Falls
Commission Expires: 2/6/27

STATE OF IDAHO)
 :ss
County of Kootenai)

On this 8th day of July, 2022, before me, a Notary for the State of Idaho, personally appeared Fred W. Gabourie, known, or identified to me to be the person(s) whose name is subscribed to within the foregoing instrument, and acknowledged to me that he executed the same.

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



[Signature]
Notary Public for the State of Idaho
Residing at: Kootenai
Commission Expires: 10/01/2024

Amber Blanchette

From: Polak, Chad M <Chad.M.Polak@p66.com>
Sent: Friday, August 19, 2022 9:16 AM
To: Amber Blanchette
Subject: FW: Gabourie Annexation File No. ANNX-22-9
Attachments: Gabourie Annex NTJ.pdf

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

Hi Amber,

YPL does not have any comments or concerns with the attached Annexation.

Sincerely,

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

From: Amber Blanchette <amberb@postfalls.gov>
Sent: Friday, August 19, 2022 10:05 AM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Polak, Chad M <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziPLY.com>; Dena Naccarato <dnaccarato@273.com>; 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>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eport@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfalls.gov>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; lauriep@kootenaifire.com; Lynn Sandsor, AECOM <lynn.sandsor@aecom.com>; Martina <martina@eastgreenacres.org>; Marvin Fenn <marvin.fenn@itd.idaho.gov>; Matthew Jones, BNSF <matthew.jones@bnsf.com>; Media <media@postfallsidaho.org>; Michael Allen <MAllen@postfallspolice.com>; Michael Thomas, P.E. <mthomas@kec.com>; Monica Miller <momiller@quantatelcom.com>; Naomi Tierney <ntierney@postfalls.gov>; Pat Knight <pknight@postfallspolice.com>;

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

Subject: [EXTERNAL]Gabourie Annexation File No. ANNX-22-9

This Message Is From an External Sender

This message came from outside your organization.

Good morning,

Attached is the notice to jurisdiction for the named annexation for the Planning and Zoning meeting on September 13th, the draft staff report will be on the city's website shortly.

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

Thank you,

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



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

The City of Post Falls will be changing our domain soon to POSTFALLS.GOV. Be watching for it.

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



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

August 19th, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

Re: Gabourie Annexation File No. ANNEX-22-9

The Police Department has reviewed the above listed annexation 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

From: jonie@postfallshd.com
Sent: Monday, August 22, 2022 10:15 AM
To: Amber Blanchette
Subject: RE: Gabourie Annexation File No. ANNX-22-9

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.

Post Falls Highway District is in support of the City of Post Falls annexing the Gabourie property, as this is one of only 3 remaining parcels in Kootenai County from the original Rodkey Subdivision.

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



From: Amber Blanchette <amberb@postfalls.gov>
Sent: Friday, August 19, 2022 9:05 AM
To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01_Real_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemire <brittany.stottlemire@avistacorp.com>; CDA GARBAGE <jennifer@cdagarbage.com>; CDA Press <BBLITZ@cdapress.com>; Chad Polak <Chad.M.Polak@p66.com>; Charles Lane <Charles.Lane@charter.com>; CHARTER <DLwest-pnw-construction@charter.com>; Chris Riedeman <criedeman@kec.com>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dana Marsh <dana.marsh@tdstelecom.com>; David Callahan <dcallahan@kcgov.us>; David Fair <dfair@postfalls.gov>; David Sauer (ZiPLY) <david.sauer@ziply.com>; Dena Naccarato <dnaccarato@273.com>; 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>; Erin Butler <ebutler@sd273.com>; Ethan Porter <eport@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfalls.gov>; J Mcmillin <jmcmillin@postfallspolice.com>; Jacob Bell <jacob.bell@tdstelecom.com>; Jame Davis <jame.davis@intermaxteam.com>; Jason Faulkner <jfaulkner@postfallsidaho.org>; Jason Kimberling <jason.kimberling@itd.idaho.gov>; Jennifer Poindexter <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Kelly Russell <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@postfalls.gov>; Judah Lopez <judah_lopez@tranacanaca.com>; Justin Miller <jmiller@postfallsidaho.org>; Keeler <keeler.white@twcable.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kirk <Kirk.Hobson@charter.com>; Kirk Hobson <kirk.hobson@twcable.com>; KMPO <Gmiles@kmpo.net>; Kootenai Electric <mblyton@kec.com>; Kootenai Electric <mnewcomer@kec.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie McEnroe

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Subject: Gabourie Annexation File No. ANNX-22-9

Good morning,

Attached is the notice to jurisdiction for the named annexation for the Planning and Zoning meeting on September 13th, the draft staff report will be on the city's website shortly.

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

Thank you,

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



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

The City of Post Falls will be changing our domain soon to POSTFALLS.GOV. Be watching for it.

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

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

September 9, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

RE: Notice to Jurisdiction Response

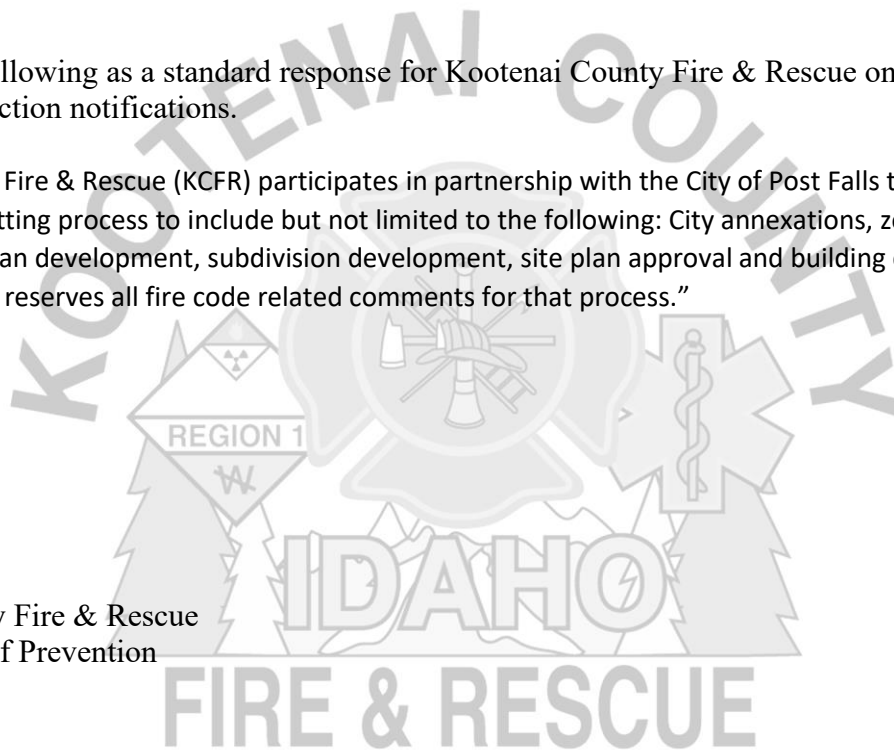
Amber,

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





POST FALLS
SCHOOL DISTRICT #273

DISTRICT OFFICE
P.O. Box 40
Post Falls, ID 83877
PHONE 208-773-1658
FAX 208-773-3218
www.pfsd.com

June 20, 2022

Robert Seale
Community Development Director
City of Post Falls
408 Spokane Street
Post Falls, ID 83854

Dear Bob,

The purpose of this letter is to restate the status and position of the Post Falls School District regarding growth within the city and school district boundaries. The Post Falls School District will continue to remain neutral regarding proposed developments and will provide additional or modified comments in a timely manner when deemed necessary.

The district has a responsibility through State statute to provide an appropriate education for every student ages 6 through 21 who attend our schools. It is also the district's responsibility to provide an adequate educational program, organizational structure, and facilities.

Though there are pros and cons for new development growth, the district will continue to provide a quality education. The district appreciates the working relationship we have with the City of Post Falls.

With the anticipated growth in future years, the district requests assistance from the Planning Department to acquire school building sites in any large proposed residential developments and support financial mitigation for smaller developments.

The enrollment status and the capacity of each school for the 2021-2022 school year is listed below. (What these enrollment numbers do not include are the anticipated increase of 50 students per elementary school due to full day kindergarten beginning in the fall of 2022.)

The district will review the current long range facility plan this fall. A copy of the current plan is included with this letter.

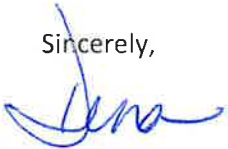
School	2021-2022 Enrollment	Building Capacity
Greensferry Elementary	374	525
Mullan Trail Elementary	340	500
Ponderosa Elementry	420	570
Prairie View Elementary	440	525
Seltice Elementary	440	560

Our school community will develop relationships, skills, and knowledge to become responsible citizens who think critically to solve problems.

Treaty Rock Elementary	415	525
West Ridge Elementary	430	525
Post Falls Middle School	870	920
River City Middle School	630	750
Post Falls High School	1560	1800
New Vision High School	160	225

The school district looks forward to continuing the good working relationship we have with the City of Post Falls. Thank you for your support of the Post Falls School District.

Sincerely,



Dena Naccarato
Superintendent

Cc: Post Falls School District Board of Trustees
Shelly Enderud, City Administrator