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**PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA**

**OCTOBER 11, 2022  
5:30 PM**

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

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**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.**

**WORKSHOP – 4:30PM**

- Cottage Homes – Ethan Porter, Associate Planner, to present

**REGULAR MEETING – 5:30 PM**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

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

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

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

- NATIONAL FACE YOUR FEARS DAY
- SAUSAGE PIZZA 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 9-13-2022

- b. Zoning Recommendation – Farwest Steel Annexation File No. ANNX-22-10
- c. Zoning Recommendation – Joseph Family Trust Annexation File No. ANNX-22-7
- d. Zoning Recommendation – Gabourie Annexation File No. ANNX-22-9

## 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 Adams Annexation File No. ANNX-22-12 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council on a request for a zoning designation of Single-Family Residential (R1) on approximately 4.75-acres.
- B. **Approve/Deny** CORSTOR Special Use Permit File No. SUP-22-3 – Ethan Porter, Associate Planner, to present a request to approve or deny a Special Use Permit to construct a new mini storage within the Single-Family Residential (R1) and High-Density Multi-Family Residential (R3) zones per Post Falls Municipal Code 18.20.030 Land Use Table on approximately 6.16 acres.

## 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



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**PLANNING & ZONING COMMISSION  
MEETING MINUTES**

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

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

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**REGULAR MEETING – 5:30 PM**

**CALL TO ORDER**

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**PLEDGE OF ALLEGIANCE**

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

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

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

- INTERNATIONAL CHOCOLATE DAY

**AMENDMENTS TO THE AGENDA**

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None

**DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS**

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None

**1. CONSENT CALENDAR**

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**Herrington** – Consent Calendar items, even if you were not here for the public hearing you can still approve the minutes, reasoned decisions, and the zoning recommendations if you have reviewed them in the packet.

**ACTION ITEMS:**

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

Motion to approve as presented by Kimball  
2<sup>nd</sup> by Steffensen

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

Moved

**2. CITIZEN ISSUES**

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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 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. The requested action is to provide a recommendation to City Council for the zoning designation of Single-Family Residential R1 on approximately .30 acres as part of an annexation request into the City of Post Falls. It is generally located north of the Spokane River, south of Rodkey Dr. and to the west of Greensferry Rd. It is a Single-Family home sitting over the Rathdrum Prairie Aquifer and adjacent to the Spokane River. Their septic system has failed which is why they are requesting to annex into the city; City of Post Falls would be their Water and Sewer Provider. There is a "Consent to Annex Agreement" within the packet that you reviewed. The surrounding zoning is Single-Family Residential (R1), there are 2 other lots plus this one that are still in the county. He is requesting due to his septic failing and in order to connect to city services you need to be annexed which is why he made application.

Zoning Criteria:

- The Future Land Use Designation is Transitional that is surrounded by Low Density Residential. The Focus area is Milltown South, this is an existing development so the connections are there the main point for this request is to seek creative methodologies to enhance neighborhood areas and spur reinvestment.
- There are several goals and policies however the main point is Goal 8, protect and maintain Post Falls' natural resources including clean air, soils, river, and aquifer, and minimizing light and noise pollution citywide. We want to protect the adjacent Spokane River. Many of the goals and policies are already taken care of as this has already been built out. We also encourage county islands to be annexed in.
- This again is over the Aquifer and is adjacent to the Spokane River.
- Not applicable, not asking for commercial or high-density.
- Limited or neighborhood commercial and lower density residential; the closest commercial corridor is along Seltice Way, Mullan, and Highway 41.
- Not applicable, not asking for industrial.

All agencies have been routed, the Post Falls Police Department, Post Falls School District and YPL are all neutral and have no concerns; the Post Falls Highway District is in support of the annexation and Kootenai County Fire reserves comments for the permitting process.

**Hampe** – Can you show the boundaries again?

**Ethan** – The properties around it are annexed which is the existing boundary line currently.

**Applicant, Fred Gabourie** – I've been there since 1978, makes me a resident for 44 years. Better than most people in this town. Rodkey Subdivision was created in 1956 by Mr. Rodkey, there was only 5 houses when I moved in. Across the street Schneidmiller owned a bluegrass field of 26 acres which is now Sundance Meadows. When I moved in everything was county probably up to Plaza Dr. I think that is when they started developing that subdivision. At that time, we were all on septic, that is just what you did there wasn't city services. We always knew after speaking with the city, that when you fail you annex into the city because Panhandle Health doesn't want septic on the river anymore and I understand that. The clock has been ticking all this time I thought the owner to the east, and I were the last 2 but I guess there are 3 of us. They will probable

have to follow what I am doing sooner or later. We have been a single-family neighborhood all this time and Sundance Meadows and all around us is R1. When I came down and didn't know anything, your people in the front office are very helpful, there is a lot of paperwork involved. The engineers were good and on time my contractors worked well with them and there were no delays. The city has been ideal, couldn't have been easier really, even the lady at the far end was very helpful. There is a lot of forms and things to learn, you should really look into that. I hope you let us annex in, if not, we are hooked up to the sewer already!

**Davis** – I was going to ask if you were already hooded up.

**Gabourie** – I am, you decide what you want to do!

**\*laughing\***

**Gabourie** – I just want to say, we have never been able to vote or do anything with Post Falls, so that is kind of exciting. We have been disenfranchised for 44years!

**Testimony:**

**In Favor – None**

**Neutral – None**

**In Opposition – None**

**Comments-**

**Zoning Criteria:**

1. Consistent with Future Land Use Map.  
**\*Commission agrees it is consistent\***
2. Consistent with the Goals and Policies Found in the Comprehensive Plan.  
**Kimball** – It is infill, matches the goals and policies found in the Comprehensive Plan, and important one is to get a septic system off of the river.
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** – R1 matches with the traffic patterns being a residential street. Existing development is R1 around it and future land uses are called out as residential low density and geographical features it should be R1 and should be annexed into the city as such.
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.  
**Davis** – Pretty cut and dry.  
**Kimball** – It's about ¾ of a mile from Seltice Way.
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 it meets the approval criteria found in the Post Falls Municipal Code and as outlined in our deliberations; and direct staff to prepare a reasoned decision with a zoning recommendation of R1. - Hampe

2<sup>nd</sup> by - Steffensen

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

Moved

**5. ADMINISTRATIVE / STAFF REPORTS**

None

**6. COMMISSION COMMENT**

None

**7. ADJOURMENT 5:50PM**

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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: \_\_\_\_\_



**Farwest Steel Annexation  
File No. ANNX-22-10**

**Planning and Zoning Commission  
Zoning Recommendation**

**A. INTRODUCTION:**

APPLICANT: Specht Development, Inc

LOCATION: Generally located west of N. Pleasant View Rd. and north of W. Seltice Way.

REQUEST: Zoning recommendation of Industrial (I) on approximately 10.1 acres, As depicted in A-2.

**B. RECORD CREATED:**

1. A-1 Application
2. A-2 Narrative
3. A-3 Legal
4. A-4 Maps
5. A-5 Title Report
6. A-7 Owner Authorization
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. S-4 Draft Annexation Development Agreement
11. PA-1 PFPD Comments
12. PA-2 YPL Comments
13. PA-3 DEQ Comments
14. PA-4 PFHD Comments
15. PA-5 KCFR Comments
16. PZ Staff Report
17. Testimony at the August 9, 2022, Planning and Zoning Commission (“Commission”) hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter “Commission”) at the August 9, 2022 public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. The public hearing was properly noticed and conducted in accordance with the requirements of Idaho Code Sections 67-6511 and 67-6509, and City Code section 18.20.060. The purpose of the hearing was to afford the applicant and the public the opportunity to provide testimony and documentation to be taken by the Commission in their application of City Code section 18.16.010 and 18.20.100 when making the Commission’s recommendation on zoning to the City Council.

**Laura Jones, Associate Planner**

Ms. Jones presented the staff report. She testified that the applicant was seeking a recommendation for an initial zoning designation of Industrial (I) zoning on approximately ten (10) acres upon the annexation into the city of Post Falls. She illustrated that subject property located west of N Pleasant View Rd. and north of W Seltice Way.

Ms. Jones testified that the current land use is developed with an industrial use and the only natural characteristics or features is that it is on the Rathdrum Prairie Aquifer. She testified that the water and wastewater will be provided by the city of Post Falls.

Ms. Jones testified regarding the surrounding uses, explaining that to the northwest is the railroad right-of-way and beyond that is county properties with industrial uses, to the east is undeveloped commercial property, and to the south is developed industrial properties in the City.

Ms. Jones stated that the Future Land Use Map designates the area as Commercial. She submitted that the Commercial designation 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. She noted that industrial is not one of the implementing zoning districts so further guidance must be found from the focus area. She testified that the area is within the West Prairie Focus Area which does provide that industrial and commercial uses area envisioned west of Pleasant View Rd. which is precisely where this property is located

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

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 explained that 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 currently is 14,400/day and Pleasant View Rd is 12,410/day, well below what they can accommodate. So, she deduced, this site should not negatively impact the current and existing transportation network. She stated that the site is over the Rathdrum Prairie Aquifer.

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 stated that this is not an applicable criterion, but she illustrated that the area is within a higher intense use area and is away from lower density residential zoning.

Ms. Jones testified that the last criteria is Industrial zoning is typically assigned for properties with sufficient access to major transportation routes and may be situated away from residential zoning. She testified that the area is adjacent to other industrial uses, both in and out of the city, and there is housing in the area but not adjacent to the site.

Ms. Jones testified that 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.

Ms. Jones, in response to a question from the Commission indicated that there is Creative way to the west which is a twin home 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, commercial developments, and a mobile home park but the commercial uses buffer the industrial use from the residential.

#### **Tyler Reeves, Spec Development, Applicant**

Mr. Reeves testified that they 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. He explained that after purchasing the site and going through the pre-application process they were informed at that pre-application meeting that the best path forward for development was likely annexation and they were on board with that look forward to moving forward in this process.

Mr. Reeves testified that this site is well positioned given its proximity to existing zoning in addition to the economic base they think we can help grow for a long time in the future and they look forward to being a part of the community for an exceptionally long time.

**Michael Chen, Applicant's Land Use Planner**

Mr. Chen testified to a bit more of the details of the operations just a quick overview that has been discussed. He explained that the site is a little over 10 acres which also includes the Union Pacific Railway right-of-way that expands to the northeast to Pleasant View. He noted they were asked to include that in this annexation just so that the city boundaries are more defined and it is not in limbo. He testified that the current zoning is in the county and they are asking for the annexation and zoning to industrial as 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.

Mr. Chen gave a quick overview Farwest, who looked at sites in the region and this one was really honed in on particularly because of its proximity to I-90. He explained that Farwest will not be utilizing the rail spur or the railways there but the proximity to I-90 and the strong infrastructure that is in place currently made the site attractive for development. He explained that they submitted the site plan along with building permits last week, acknowledging they are doing that at their own risk, but Farwest has an aggressive schedule to try and get construction and operations going as soon as possible. He understands the risks of running building permits and site plan view concurrent with the annexation but based on feedback from city staff and Spec Development that they have decided to just process the two concurrently.

Mr. Chen illustrated that the main building to the east of the site that is approximately 110,000 square feet will 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. He expounded that further to the west there is 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. He stated that they have permits in for the smaller building but that has not been determined whether Farwest will obtain that for their own operations, or it could be leased to another party.

**Tyler Reeves, Spec Development, Applicant**

Mr. Reeves provided visual references to give an idea of what our building is going to look like. He explained that the intended use of this building from Farwest is going to be predominantly the receipt, storage, and distribution of steel; there will be plenty of windows and light and facade is going to be an attractive looking building for the area. He requested the Commission's recommendation for approval of this project in annexation and rezoning and we look forward to working with the city throughout the rest of this process.

**Public Testimony:**

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

**Deliberations:** After the public hearing was complete the hearing was closed, and the Commission moved to deliberations to discuss their interpretation of the information presented both orally and in the written record and to apply that information to the 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 Industrial (I) on approximately ten (10) acres upon the annexation into the city of Post Falls. The Future Land Use Map designates this area as commercial within the West Prairie focus area.

The applicable focus area specifically provides that industrial and commercial uses are envisioned west of Pleasant View Road. The Commission finds that the surrounding area is industrial and the previous use of the property was industrial.

The Commission finds that evidence and testimony demonstrate that the requested zoning designation consistent with the guiding principles within the associated focus area and therefore the request is consistent with the Future Land Use Map.

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

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

**Goals:**

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

The Commission finds there is a need to build economic diversity – capitalizing on access to neighboring job centers as well as developing a strong business base within City limits. This plan supports strategies that build and sustain a diverse, balanced economic base, retain existing quality of life assets, and helps keep Post Falls prosperous.

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

Cities exercise considerable influence over land use, in turn influencing the type and character of development, patterns of growth, and the short and long-term financial impact of growth on the local economy. Consequently, the Comprehensive Plan supports the allocation of land use types, parks features and other areas sufficient to achieve overall plan objectives.

**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;

Industrial use on this site will improve the economic base for Post Falls and assist the provision additional jobs with supportive commercial and residential housing.

- Maintain and enhance resident quality of life;

With urban improvements, pedestrian connectivity improves through the implementation of multi-use paths and sidewalks, this in turn will improve the residential quality of life. Additionally, creating areas that offer the potential for the work, live, play experience enhances the residential quality of life.

- Promote compatible, well-designed development;

Development will be required to meet City design standards for the proposed industrial uses which will require the improvement of roadways including landscaping and pedestrian amenities.

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

Development of this site will provide improvements consistent with the Comprehensive Plan, as well as the Transportation, Sewer, and Water Master Plans.

**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 of this recommendation.

- Compatibility with surrounding land uses;

The proposed development pattern for this proposal would be compatible with the surrounding uses as they are primarily industrial and commercial in nature. Additionally, landscape buffers are reviewed and implemented at the time of site plan review to mitigate incompatible uses.

- Infrastructure and service plans;

Sanitary Sewer for the location would need to be extended to the site from the existing main located along the southern side of Seltice Way. An alternative location for sanitary sewer access would be the northwest corner of the Seltice Way / Pleasant View Rd. intersection (300 feet to the east). The property requesting annexation and zoning is identified in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced sewer main(s). 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) or Subsequent User Agreements.

The City of Post Falls would service water. The property is in the City's future Distribution Area. The nearest point of connection is in the northwest corner of the Seltice Way / Pleasant View Rd. intersection (300 feet to the east). The City of Post Falls has capacity and is willing to provide domestic water service to the site.

- Existing and future traffic patterns;

The property is adjacent to Seltice Way, a classified Principal Arterial Roadway. At this location, Seltice Way is a partially developed four-lane roadway configuration. Urban improvements (curb & gutter, pedestrian facilities, roadway widening, roadway

illumination) are missing from the north. Seltice Way has existing capacity and projected future capacity to support the desired land use. In addition to the sites covenant access to I-90 (via signalized access from the Seltice Way / Pleasant View intersection (300 feet east) to I-90 (0.5 miles south), the site is serviced by a UPRR siding that may support industrial uses. Roadway improvements conforming to the goals and policies of the comprehensive plan, related master plan and/or facility plans would be required at the time of site development.

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

The Commission finds that the site is compatible infill development and currently under-utilized.

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

Additional rights-of-way along Seltice Way will be dedicated as part of the annexation agreement.

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

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

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

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

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

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

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

- Studies that evaluate environmental and public service factors;

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

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

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

Frontage improvements associated with the proposed development, including the planting of street trees and adequate irrigation, are required.

**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.

**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 and industry;  
The proposed additional lands with Industrial zoning provide this opportunity.
- Supporting innovative, entrepreneurial enterprises;  
The proposed additional lands with the Industrial zoning provide this opportunity.
- Supporting opportunities related to business “campus” and mixed-use models;  
The proposed additional land with Industrial zoning provides this opportunity as well as the sites proximity to a commercially zone property.
- Coordinating provision of workforce housing;  
There are diverse housing options in proximity to this site including the Silver Creek Apartments to the Southeast, single family homes and subdivisions to the east and the Woodbridge and Woodbridge South single-family subdivisions to the southwest.
- Attracting new businesses and clean industry.  
The proposed additional lands with Industrial zoning provide this opportunity.

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

**Streets/Traffic:**

The Commission finds that the proposed area is adjacent to the Principal Arterials of Seltice Way and Pleasant View Rd. which are designed to accommodate traffic volumes of 12,000 - 32,000 vehicles per day. In 2035 the projected volumes along these sections of roadway are approximately:

- Seltice Way - 14,400 vehicles per day
- Pleasant View Rd. – 12,410 vehicles per day (at Seltice Way) to 13,460 vehicles per day (at I-90)

Both roadways have current additional capacity to provide service to the property, at the requested zoning, without reducing levels of service below existing standards. The City’s Transportation Model indicates both roadways at the project locations as currently operating between 22% to 28% of the roadway’s capacity, leaving approximately 40% additional capacity remaining before reaching the City’s capacity thresholds.

The Commission notes that the site is on an arterial which is perfect for that kind of a business, and it is near I-90 which is important. If they ever decide to use the rail spur in the future that is also fantastic. The existing development on the property prior to the demolition was an industrial type of use.

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.

### **Water and Sanitary Sewer:**

The Commission finds:

**Water:** Water service is provided by city of Post Falls and water is in the northwest corner of the Seltice Way / Pleasant View Rd. intersection. The property requesting annexation and zoning is identified in the City of Post Falls Water Reclamation Master Plan as being serviced by the city. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

**Sanitary Sewer:** Sanitary Sewer currently exists along the south side of Seltice Way. The City's Water Reclamation System has the capacity to provide service and the City is willing to serve to the property at the requested density. The proposed zoning is compatible with the land uses anticipated within the City's Water Reclamation Master Plan – Collections. Current capacity of the City's Water Reclamation System is not a guarantee of future service.

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

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

The Commission finds that the proposed industrial zone would be considered compatible with both the existing industrial uses to the north across the railroad right of way as well as the existing industrial uses to the south across W Seltice Way and is compatible with the future use of the commercial property to the east.

### **Future Land Use Designation:**

The Commission finds that the Future Land Use Map depicts the land use designation for this area as Commercial. While the Industrial zone is not one of the implemented zoning districts of the Commercial designation the comprehensive plan also looks to the focus area for further recommendations. As indicated the West Prairie focus area supports industrial uses to the west of N Pleasant View Road thereby showing compatibility with the focus area. As such the proposed zoning is the most appropriate zone per the direction of the applicable Focus Area.

### **Geographic/Natural Features:**

The site is located over the Rathdrum Prairie Aquifer and contains no other geographic or other natural features that would adversely affect development of the site. The Commission notes that the previous user was a fertilizer plant and it may be better to have a steel distribution site rather than a fertilizer plant over the Aquifer.

**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.

**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 criterion inapplicable to the request.

**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 the subject site is located away from residential areas and is within half a



mile of the Pleasant View interchange with Interstate 90 making Industrial zoning the perfect fit.

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

**ANNX-22-10, 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 passed unanimously. The Planning and Zoning Commission hereby recommends that City Council approved the proposal finding that it conforms to the general purpose of the comprehensive plan and meets the applicable approval criteria for applicant's request for Industrial (I) zoning on approximately ten (10) 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.**

**Joseph Family Trust Annexation  
File No. ANNX-22-7**

**Planning and Zoning Commission  
Zoning Recommendation**

**A. INTRODUCTION:**

APPLICANT: Olson Engineering

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

REQUEST: Zoning recommendation of Community Commercial Mixed (CCM) on 20.26 acres and Community Commercial Services on 20.74 acres for a total of approximately 41 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 Zoning Map
4. A-4 Vicinity Map
5. A-5 Legal and Exhibit Map
6. A-6 Auth Letter
7. A-14 Oliver Deed
8. A-15 Denesha Deed
9. A-16 Turner Deed
10. A-17 Johnson Deed
11. A-18 Merged Title Reports
12. S-1 Vicinity Map
13. S-2 Zoning Map
14. S-3 Future Land Use Map
15. S-4 Draft Annexation Development Agreement
16. PA-1 PFPD Comments
17. PA-2 KCFR Comments
18. PA-3 DEQ Comments
19. PA-4 PFSD Comments
20. PA-5 PFPD Comments
21. PA-6 PFHD Comments
22. PA-7 DEQ Comments
23. PC-1 Burns Comments
24. PC-2 Dehaven Comments
25. PC-3 Leach Comments
26. PC-4 Greene Comments
27. PC-5 Wagoner 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 initial zoning designations of Community Commercial Services (CCS) on approximately 20.74 acres and Community Commercial Mixed (CCM) on approximately 20.26 acres upon the annexation of approximately 41 acres into the city of Post Falls. He explained that the general location on the northeast corner of Prairie Avenue and N. Greensferry Road.

Mr. Manley testified that the current land use is five-to-ten-acre residential uses in the Kootenai County and the only natural characteristics or features is that it is on the Rathdrum Prairie Aquifer. He testified that the water will be provided by the Ross Point Water District and the city of Post Falls will provide wastewater services.

Mr. Manley stated that the Future Land Use Map designates the area as transitional. He testified that that the area is located within a commercial activity node, which is intended to encourage commercial activities at major transportation nodes to complement the overall community. He explained that nodes should consist of retail office or other commercial services to be integrated into the nearby community with the intent to create a focal point of vibrancy conveniently located near neighborhoods and other commercial services. He testified that the purpose of the transitional designation is where the timing of growth is undetermined and therefore guidance is found within the associated focus area.

Mr. Manley explained that this area is within the 41 North focus area which provides for multi-family, commercial, and tech uses near higher classified roadways and should be focused along arterial collector streets where traffic volumes exceed 4,000 trips per day. He noted that development should provide pedestrian connectivity to all multi-use paths and trails, including the Prairie Trail. He explained that with development of this property the city would receive the roadway improvements along the north side of Prairie and the east side of Greensferry, including a multi-use path or sidewalk providing connectivity in all directions.

Mr. Manley testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goals one, three, six, seven, eight, twelve, and fourteen to possibly be relevant and applicable goals. He testified that in the immediate area is commercial to the southwest, limited commercial and R2 zoning to the south, and technology mixed farther to the east. He showed that Cecil Rd. will be extended soon and you will soon see expansions north of Prairie and areas along Prairie that do not develop will remain sections of road without improvements. He expressed that these road improvements specifically address goal six. He testified that policies one, two, three, and seven may be appropriate for consideration by the Commission.

Mr. Manley 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. He stated that the surrounding zoning the Tech Park Mixed area goes up to Hayden from Prairie. He reiterated that there is commercial to the south and the limited commercial and R2 zoned corner and to the north, west, and the parcel directly to the east are all county land. He indicated that more commercially 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. He noted that there is a planned Pleasant View Rd. Interchange that is planned and scheduled to be done over Hwy 53, which would mean Prairie Ave. will be used more than it is currently as it may be a faster route.

Mr. Manley testified that commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He explained that Prairie Ave is a Principal Arterial and Greensferry Rd. is a Minor Arterial.

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 illustrated that the site is in an area that is starting to develop with commercial activity and was once on the outskirts of Post Falls but will evolve into a major east/west arterial corridor.

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 testified that the north portion of the requested area is a CCS zone and there are some infrastructure limitations, sewer grade issues with that and the applicant intends to put a use that does not demand much sewer. He stated that they would like to do a storage use there as not much sewer is needed for that use. To the south, closer to Prairie, he noted that they are asking for CCM, and there is a section that shows CCM-MF, as both are options. He explained that In the CCM an applicant is allowed up to 50% of multi-family within the Development Agreement. He noted that in the draft Development Agreement they call out approximately 17% of multi-family and it currently would be impossible to construct to the north of this request due to the limitations of the infrastructure.

Mr. Manley testified that the city 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 has not commented at this time, the Post Falls School District remains neutral, and the Post Falls Highway District supports the annexation.

Mr. Manley in response to a question from the Commission, clarified that the 17% multi-family was established due to sewer limitations, however, in the CCS they could request a Special Use Permit, they are not going down that path as they are entering into a Development Agreement for the entire request of 41 acres which is more binding. He elucidated that the limitation of 17% is for the entire annexation area as whole. He noted that while development agreements are required for CCM they generally do not use development agreements for other zoning, like CCS, however it is possible in certain instances to incorporate the entire area into a development agreement.

#### **Jeramie Terzulli, Olson Engineering, Applicant**

Mr. Terzulli testified that he would be focusing on the first four criteria as they are not requesting industrial or limited commercial. He explained that everything in his presentation came from the Post Falls Comprehensive Plan and is his interpretation on how it affects the city. He showed that this is located at the northeast corner of Greensferry and Prairie and is assigned the transitional designation which requires going into the focus areas to gain some guidance on how this area should be zoned.

Mr. Terzulli asserted that this request is right on the border of both the 41 North and Central Prairie Focus Areas and some of the key points overlap between the two areas, showing consistency that major arterials, principal arterials, and minor arterials are areas that are suited for higher density residential as well as commercial uses. He explained that 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. He testified that this request is consistent with the future land use map and creates a balance in the land use and zoning designations as well as provides opportunities for local businesses to flourish. He thought 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.

Mr. Terzulli stated that he believed that the storage component that they are proposing on the northern portion of this property, there is a lot of storage around town, and he has done his research, spoke

with owners in the area, and we are not at saturation for this market. He noted that part of the reason is the developments go up and the covenants within the developments are restrictive as we move forward. He explained that 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.

Mr. Terzulli testified regarding the goal to maintain and improve Post Falls transportation network, noting that 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. He testified that 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 giving residents options moving east and west. He noted 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 he uses to his own benefit at times.

Mr. Terzulli testified that this does protect and maintain Post Falls' natural resources, clean air, river, and aquifer and minimizes light and noise pollution citywide. He explained that Panhandle Health District does offer some guidance on that and one of the best ways they indicate protect clean water and the aquifer is by eliminating some of these residential septic systems that are becoming outdated and are not always maintained at an appropriate level. He championed that redevelopment holds the developer to a stringent standard regarding storm water remediation storage and injection back into the aquifer. He noted that Panhandle Health issued a report a couple of years ago and stated the health of the aquifer is improving as the septic systems come offline.

Mr. Terzulli testified regarding the goal to maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty, explaining that those that created the Comp Plan saw these commercial nodes as a critical element to maintaining that small town feel. He advocated that 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. He explained that uses such as vet clinics, dental clinics, physical therapy, convenience stores, coffee shops, smoothie bars, etc. these types of neighborhood spaces that people can satisfy their needs for shopping and services without the need to go down to Spokane St, Seltice Way, or 41. He expounded that 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, he opined, these commercial nodes do help with the small-town scale and charm.

Mr. Terzulli testified about 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. He explained that this will work with the tech park, when it develops sometime soon, and individuals that are working there can come to this site for lunch, or coffee. He testified that 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. He testified that they are proposing commercial frontage along Prairie with depth for multi-tenant commercial buildings for a mix of office uses, a convenience store, and 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.

Mr. Terzulli testified that they were asked to put a maximum of what might be residential, he asserted that by no means are they proposing a residential area at this time. However, his understanding is that this could be requested in the future and they were asked to create a map showing if we did go down that road where they would potentially place it.

Mr. Terzulli testified that 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 payment of impact fees and taxes to the city. He believes this development is a key component to the long-term fiscal health of the city. He professed that he has 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.

**Public Testimony:**

The hearing was opened for public testimony.

**Bob Flowers**

Mr. Flowers testified that the city will not annex in this piece of property until 41 is complete. He has a problem with both the zoning designations, one that can allow 100% high-density residential and the other can allow 50%. He mentioned the developer's foofaraw with all the pretty pictures, however, if they do get approved for annexation with the zoning designations, now this property is more valuable and who is to say they will not sell to another developer. He believes that all the guarantees about all the businesses and storage units never appear because there is a new owner. His hope was that the Planning and Zoning would just turn this request down as it is at the wrong time and wrong place. He stated that 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, as he believes we should not 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**

Mr. Burns testified that 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. He explained that going through the roundabouts on Seltice with the four lanes, it only takes one person that is afraid to enter it and everything backs up. He thought Prairie is too big of a street to handle roundabouts. He listed other developments that have been approved or considered in the city. He testified that the commission should go with LC, which allows storage, do not make it CCS. Mr. Burns testified that in the CCM, if that is what is needed along Prairie and Greensferry then condition it so buildings cannot be 105' high multi-use buildings that are allowed in the CCM zone. He noted that there was no discussion of a URD here and questioned why we should put something else into the city when we have not benefited from our own URD, lets focus on that and put businesses there. He noted that the Northland Nursery is not in the city, but he thought the city struck a deal with them to get the Prairie Ave. improvements done.

**Kaye Balk**

Ms. Balk testified that the number one reason she was in opposition is the infrastructure, as she has lived out on my property since 1998 and she will lose her view and the quietness of country living. She noted that Prairie and Greensferry are two-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 two lanes. She indicated that 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. She questioned where all the traffic will go. She stated that according to the proposal, no roadway intersections from the property to Prairie will be allowed right in right out and full access driveway approaches will not be allowed.

Ms. Balk testified that building storage units brings other concerns, light shining all night, traffic in and out all hours of the night, and their view of the mountains for over 24 years will be blocked. She stated that this proposal is an urban community and this is currently a rural community. She claimed that apartments, traffic, people coming and going all hours, when there is not even a road there and the only access to apartments is coming from the east. She argued that crime goes up in high density areas with more population. She questioned if there are fire hazards with people only limited to right turning lanes, how will people be able to exit safely. She went on to state that ambulances for medical care, and emergency services will only one entrance.

Ms. Balk understands that growth needs to happen however, with growth comes consideration of the

people that lived in our neighborhood, like us for over 24 years. She stated that there should be consideration to limit the times people can access their storage units, it should be fenced, dimmer lights, and most importantly only one-story tall so they do not lose their view. She claimed that there needs to be more than adequate parking for the apartments as people always park on the roads. She stated that Greensferry and Prairie are all overwhelmed with traffic now, if the city approves this that the roadwork would be completed before the construction begins using the east side of Prairie for road widening. She wanted the city to leave her neighborhood alone because they have been there 24 years and moved out of town to be in the country, and they are now at risk.

### **Ted Macaulay**

Mr. Macaulay referenced that they have quite a bit of commercial properties that have already been approved, three 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. He mentioned that Greensferry and Prairie are only two-lane rural roads, the applicant stated the traffic would be on Prairie. He stated that the reasons they want to put this in is to help the residents, so they do not 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. He explained that to the west of Greensferry it is not very populated most of it is to the east and south of Prairie. He noted that the Union Pacific Railroad does cross Greensferry just to the north of this proposal and testified that he can hear the trains often and they are at grade. He questioned whether the residents were informed, and staff informed him that they were.

Mr. Macaulay testified that there are also two elementary schools south of here, Greensferry Elementary and Post Falls (Prairie View) Elementary and if this commercial gets added there will surely be even more traffic trying to go by these schools. He stated that 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, he would love to see the city do more infill rather than hopscotching around and adding properties in. He asked about the folks with property on Prairie on the north and south side to expand the road. He explained that there is plenty of capacity on Highway 41 for commercial properties that need developed so, he did not think the city needed to rezone any more property or annex the properties in.

### **Rebuttal**

#### **Jeramie Terzulli, Olson Engineering, Applicant**

Mr. Terzulli addressed the impact of the storage units, the data shows that a storage unit is the least impactful when it comes to traffic, the logic he deduced, is people stick their stuff in them and most only come back on the weekends to grab a camper or whatever. But, he expounded, for commercial users and generating traffic the least trips per day self-storage is at the top of the list. He alluded to contractor and commercial storage and thought those times would be isolated to when they would be going to and from job sites. As to the light pollution, Mr. Terzulli stated that jurisdictions are clear about down lighting wall packs on the sides of buildings and storage units do not build up they build out, it is not cost effective to go vertical with storage.

Mr. Terzulli stated that all he has is the Comprehensive Plan and the Master Transportation Plan, the criteria that is brought up at every one of these hearings. He testified that these arterials are to help mitigate traffic city-wide to help provide commercial and much-needed services to rooftops. He expounded that the southern corners, one corner will be a church and the other corner wants to do a unique urban farm with crafts etc. not your true commercial services and they might decide to sell and that new owner would have entitlements to build to the commercial node. He asserted that the comp plan clearly points out this area as a commercial node and those two corners are already using the opportunity for that. He pleaded that we must trust the people that wrote the Comp Plan with the community input which is key to the growth of this city. He advocated that this proposal meets all the standards without any doubt.

**Jon Manley**

Mr. Manley to clarify a comment asserted this is a CCM, it has a Development Agreement and conditions can be added through your discussions. Mr. Burns mentioned the 105' in CCM he is correct you could, in the Development Agreement, cap that at a height lesser than 105'. Additionally, he noted that 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.

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

**C. EVALUATION OF APPROVAL CRITERIA FOR INITIAL ZONING:**

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

The applicant has requested initial zoning of Community Commercial Services (CCS) on approximately 20.74 acres and Community Commercial Mixed (CCM) on approximately 20.26 acres upon the annexation into the city of Post Falls. The Future Land Use Map designates this area as transitional within the 41 North focus area.

The following items affirm or guide development of key policies for this area, or suggest future action items for the 41 North focus area:

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

The Commission finds that this is in a transitional area within a commercial node and commercial activity should be centered and expanded in this area.

The Commission finds that evidence and testimony demonstrate that the requested zoning designations consistent with the guiding principles within the associated focus area as it placed CCM and CCS, both higher intense uses, along arterial streets 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 1:** Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health.



Creating a diverse community with a variety of diverse types of commercial activities assists creating live, work, play neighborhoods. The CCS Zone supports uses that include retail sales or performance of consumer services and permits a variety of retail, professional, or service businesses, including some manufacturing, technical, or other professional uses. This zone is in an area primarily located near arterials and collector streets. Residential uses may be allowed within this zone at densities permitted by the High-Density Multi-Family Residential (R3) Zone by special use permit when they will not compromise present uses.

The Community Commercial Mixed (CCM) zone will accommodate both commercial and high-density residential development at densities permitted by the high-density multi-family residential (R3) zone in a mixed-use development pattern. This zone is in an area primarily located near arterials and collector streets to support commercial, residential, professional office, and civic uses that support an accessible work, live, and shop environment.

Those Residential uses will be capped via the development agreement for the entire property.

The Commission finds that the provision of commercial services in this node will grow and sustain a balanced, resilient economy for Post Falls.

**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 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. The Commission also recognizes the importance of transit services, as well as connectivity too regional ground, rail, and air transportation systems.

**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;

Providing the opportunities for creating the variety of service, retail, and office in the Community Commercial Services (CCS) and Community Commercial Mixed (CCM) such as this proposal will further the establishment of having residential housing near commercial uses to create sustainable and independent living communities. The interaction between these uses will increase their value and assist in contributing to the long-term fiscal health of the community.

- Maintain and enhance resident quality of life;

The proposed annexation is in the area that may provide amenities currently unavailable to existing and future residents in the vicinity.

- Promote compatible, well-designed development;

Providing the opportunities for creating the variety of service, retail, and office in the Community Commercial Services (CCS) and Community Commercial Mixed (CCM) such as this proposal will further the establishment of having residential housing near commercial uses to create sustainable and independent living communities.

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

The proposed Zoning request is in the 41 North Focus Area. Commercial Development within the commercial nodes will provide the opportunity to reduce the future long-term reliance of the commercialism along HWY.

**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;

To the west, west of Greensferry Rd., are larger 5 acre lots in Kootenai County. To the north is a 40-acre agriculture tract in Kootenai County. To the east is a 20-acre undeveloped parcel that attempted to annex in 2019. South of Prairie Avenue is a mix of commercial and single-family residential lands. The proposed development pattern for this proposal would be compatible with the surrounding uses.

- Infrastructure and service plans;

The southern half of the annexation area, approximately 20 acres fronting Prairie Ave. (Tax #11722 and Tax #11723) is in the 3rd Ave. Lift Station Sewer Service Basin and a sewer main in Greensferry Rd., approximately 660 feet south of the properties southwestern corner. Extension of the sewer main to the site, in accordance with the City's Water Reclamation Master Plan, will be required as part of any proposed development of the site.

The northern half of the annexation area, approximately 20 acres, is identified in the City's Water Reclamation Master Plan as being serviced by the Fisher Ave. / Guy Rd. lift stations. The northern half is further identified within the City's Water Reclamation Master Plan as being restricted, due to sewer main elevations for development to any sewer main extensions within Greensferry Rd. Development of a temporary lift station to serve the northern half of the annexation would not be an acceptable option for the site. Until sewer service from the Fisher Ave / Guy Rd. basin is available to the site, development of the northern half will be limited to:

1. Low impact uses that generate less than 1 Service Unit (5,000 gallons of sewerage per month) per 5 acres of land.
2. Configuration of land development that would be serviceable by gravity sewer, into the future Greensferry Rd. sewer main which is needed to service the southern half of the annexation area.

The Ross Point Water District would provide water service.

- Existing and future traffic patterns;

The requested zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan. Annexation at the requested zoning is not anticipated to have any negative impacts to the City's transportation network that are not previously identified as being mitigated thru collection of Transportation Impact Fees. No roadway intersections will be allowed along the property's frontage with Prairie Avenue. Access approaches will be limited in accordance with the KMPO Critical Arterial Corridor Policy along Prairie Ave, and any access points will be restricted (no left turns to / from Prairie

Avenue).

Greensferry Rd. being a Minor Arterial Roadway, roadway intersections must be spaced at least 500 feet apart, full access driveway approach spacing must be at least 200 feet apart with no driveways within the functional area of the Prairie Ave. / Greensferry Rd. intersection. Restricted access points will be considered at time of site development along Greensferry Rd.

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

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

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

The proposal is partially located within a commercial node as outlined in the Comprehensive Plan. The Community Commercial Services (CCS) zone is intended to accommodate commercial and possibly high-density residential development through a Special Use Permit being granted by the Planning and Zoning Commission. The Commission notes the applicant intends to restrict any residential development within the proposed CCS zoned area.

The Community Commercial Mixed (CCM) zone is intended to accommodate both commercial and high-density residential development at densities permitted by the high-density multi-family residential (R3) zone in a mixed-use development pattern. This zone should be applied in areas primarily located near arterials and collector streets to support commercial, residential, professional office, and civic uses that support an accessible work, live, and shop environment.

The proposal is located at the northeast corner of Greensferry Rd. (Minor Arterial) and Prairie Ave. (Principal Arterial). Development in the CCS and CCM zone provides an opportunity for commercial development along with providing residences in Post Falls to be situated within walking distance to commercial development and will provide suitably scaled daily needs services.

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

This site is currently undeveloped and under-utilized.

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

Through development, road and pedestrian improvements would be provided along Prairie Ave. and Greensferry Rd.

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

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

**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 is located at the northeast corner of Greensferry Rd. (Minor Arterial) and Prairie Ave. (Principal Arterial). The requested zoning is in conformance with the anticipated land uses and trip generations within the City's Transportation Master Plan. Annexation at the requested zoning is not anticipated to have any negative impacts to the City's

transportation network that are not previously identified as being mitigated thru collection of Transportation Impact Fees. No roadway intersections will be allowed along the property's frontage with Prairie Avenue. Access approaches will be limited in accordance with the KMPO Critical Arterial Corridor Policy along Prairie Ave, and any access points will be restricted (no left turns to / from Prairie Avenue).

Greensferry Rd. being a Minor Arterial Roadway, roadway intersections must be spaced at least 500 feet apart, full access driveway approach spacing must be at least 200 feet apart with no driveways within the functional area of the Prairie Ave. / Greensferry Rd. intersection. Restricted access points will be considered at time of site development along Greensferry Rd.

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

### **Water and Sanitary Sewer:**

The Commission finds:

**Water:** Water service is provided by Ross Point Water District.

**Sanitary Sewer:** The southern half of the annexation area, approximately 20 acres fronting Prairie Ave. (Tax #11722 and Tax #11723) is in the 3rd Ave. Lift Station Sewer Service Basin and a sewer main in Greensferry Rd., approximately 660 feet south of the properties southwestern corner. Extension of the sewer main to the site, in accordance with the City's Water Reclamation Master Plan, will be required as part of any proposed development of the site.

The northern half of the annexation area, approximately 20 acres, is identified in the City's Water Reclamation Master Plan as being serviced by the Fisher Ave. / Guy Rd. lift stations. The northern half is further identified within the City's Water Reclamation Master Plan as being restricted, due to sewer main elevations for development to any sewer main extensions within Greensferry Rd. Development of a temporary lift station to serve the northern half of the annexation would not be an acceptable option for the site. Until sewer service from the Fisher Ave / Guy Rd. basin is available to the site, development of the northern half will be limited to:

1. Low impact uses that generate less than 1 Service Unit (5,000 gallons of sewerage per month) per 5 acres of land.
2. Configuration of land development that would be serviceable by gravity sewer, into the future Greensferry Rd. sewer main which is needed to service the southern half of the annexation area.

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

The Commission finds that to the west, west of Greensferry Rd., are larger 5 acre lots in Kootenai County. To the north is a 40-acre agriculture tract in Kootenai County. To the east is a 20-acre undeveloped parcel that attempted to annex in 2019. South of Prairie Avenue is a mix of commercial and single-family residential lands. As such the Commission finds that the proposed uses are compatible in accordance with the focus area and commercial node at this location.

### **Future Land Use Designation:**

The Commission finds that the Future Land Use Map depicts the land use designation for this area as Transitional (within a Commercial Node). The proposed zoning is appropriate per the direction of the applicable Focus Area and the road classifications of Greensferry and Prairie Ave.

**Community Plans:** The Commission finds that the area this is within the HWY 41 Focus Area

within the Post Falls Comprehensive Plan as well as the 2016 KMPO HWY 41 Corridor Plan.

**Geographic/Natural Features:**

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

The Commission notes that the Kootenai Metropolitan Planning Organization master plan which is our regional planning for streets, has Greensferry as an arterial and Prairie Ave. as a principal arterial. The plan has five lanes going east-west at least three lanes going north-south. The Transportation Master Plans dictate that we are going to put traffic in those locations. This zoning is appropriate as it is at the intersection of two arterials and both of which in the future are going to have a lot of traffic on them. This is the correct zoning for that, it is a commercial type zoning, which is a higher intensity use considering the traffic patterns and street classifications and the community plan which is a transportation master plan.

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

The proposed zone is located along higher classified roadways. Prairie Avenue is a Principal Arterial, and Greensferry Road is a minor arterial. The Commission finds, based on the testimony and evidence provided, that the proposed zoning along these higher road classifications is in line with this review criteria and is consistent with this criterion.

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

The Commission finds this criterion inapplicable to the request.

**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-22-7, 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 proposed zoning upon annexation was made, the motion carried unanimously. The Planning and Zoning Commission hereby recommends that City Council approved the proposal finding that it conforms to the general purpose of the comprehensive plan and meets the applicable approval criteria for applicant's request for Community Commercial Services (CCS) on approximately 20.74 acres and Community Commercial Mixed (CCM) on approximately 20.26 acres upon the annexation of approximately 41 acres into the city of Post Falls.

The Commission further recommends for inclusion in the Development Agreement conditions limiting the height in the CCS zone to 35 feet and the height in the CCM zone to 55 feet.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman

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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.**

# Gabourie Annexation File No. ANNX-22-9

## Planning and Zoning Commission Zoning Recommendation

### A. INTRODUCTION:

APPLICANT: Fred Gabourie

LOCATION: Generally located between the south side of Rodkey Dr. and the Spokane River just west of Greensferry Rd.

REQUEST: Zoning recommendation of Single-Family Residential (R1) on approximately .30 acres, specifically for sewer services. As depicted in A-2.

### B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Map
4. A-5 Title Report
5. S-1 Vicinity Map
6. S-2 Zoning Map
7. S-3 Future Land Use Map
8. S-4 Consent to Annex Agreement
9. PA-1 YPL Comments
10. PA-2 PFPD Comments
11. PA-3 PFHD Comments
12. PA-4 KCFR Comments
13. PA-5 PFSD Comments
14. PZ Staff Report
15. Testimony at the September 13, 2022, Planning and Zoning Commission (“Commission”) hearing including:

The request was heard before the Planning and Zoning Commission (hereinafter “Commission”) at the September 13, 2022, public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. The public hearing was properly noticed and conducted in accordance with the requirements of Idaho Code Sections 67-6511 and 67-6509, and City Code section 18.20.060. The purpose of the hearing was to afford the applicant and the public the opportunity to provide testimony and documentation to be taken by the Commission in their application of City Code section 18.16.010 and 18.20.100 when making the Commission’s recommendation on zoning to the City Council.

#### **Ethan Porter, Assistant Planner**

Mr. Porter presented the staff report. He testified that the applicant was seeking a recommendation for an initial zoning of Single-Family Residential (R1) zoning on .30 acres upon the annexation into the City of Post Falls. He explained that the general location is between the south side of Rodkey Dr. and north of the Spokane River just west of Greensferry Rd.

Mr. Porter testified that the site is currently single-family residential lot in the county along the Spokane

River and is over the Rathdrum Prairie Aquifer. He stated that the City of Post Falls will provide water and sewer service. He noted that there was a Consent to Annex on file for this property as it related to a septic system failure which was secured by the city to allow that connection to sanitary sewer.

Mr. Porter testified that the Future Land Use Map designates the area as Transitional requiring analysis of the applicable focus area. He explained that the site is surrounded by low density residential. He testified that the applicable focus area is the Milltown South which provides that the city should seek creative methodologies to enhance neighborhood areas and spur reinvestment. This site is already developed as a single-family home, and a connection to city services provides tenant improvements to the site.

Mr. Porter testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal five, eight, and fourteen are possibly relevant and applicable goals. He explained that particularity goal eight which provides for protection of natural resources is likely met by removing the septic system in this location due to its proximity to the river. He testified that policies two, nine, and seventeen may be appropriate for consideration by the Commission. He noted that because the site is already built out with a single-family home, it should already meet most of the standard development considerations of mapping, compatibility, and infrastructure service plans. He noted policy nine may apply as this is a county island surrounded by incorporated area and readily available city services.

Mr. Porter testified as to the consideration of such items such as street classification, traffic patterns, existing development, future land uses, community plans, and geographic or natural features. He explained that it is near the Spokane River and is above the Rathdrum Prairie Aquifer.

Mr. Porter testified that commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He explained this was not applicable because the request is not for commercial or high-density residential.

Mr. Porter testified that limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. He noted that area is requested as R1 which is farther away from higher intense urban activity.

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

Mr. Porter testified that all agencies have been notified, the Post Falls Police Department, Post Falls School District and YPL are all neutral and have no concerns; the Post Falls Highway District is in support of the annexation and Kootenai County Fire reserves comments for any permitting processes.

### **Fred Gabourie, Applicant**

Mr. Gabourie testified that he has been there since 1978, making him a resident for 44 years. He explained that the Rodkey Subdivision was created in 1956 by Mr. Rodkey and there were only five houses when I moved in. He expounded that across the street Schneidmiller owned a bluegrass field of 26 acres which is now Sundance Meadows. He stated that when he moved in, everything was county probably up to Plaza Dr. and that is when they started developing that subdivision.

Mr. Gabourie testified that at that time, we were all on septic, which is just what you did as there was no city services. He always knew after speaking with the city, that when your septic fails you must annex into the city because Panhandle Health does not want septic on the river anymore and he understood that. He noted that the clock has been ticking all this time. He noted that the other two neighbors in the county will probably have to follow what he is doing eventually.

Mr. Gabourie testified that they have been a single-family neighborhood all this time and Sundance Meadows and all around us is R1. He explained that when he came down to the city and did not know anything, city staff in the front office are immensely helpful, there is a lot of paperwork involved. He



certified that the engineers were good and on time and his contractors worked well with them and there were no delays. He professed that the city has been ideal and it could not have been easier. He noted that there are a lot of forms and things to learn.

Mr. Gabourie testified that he hopes the city let us annex in, if not, we are hooked up to the sewer already. He was excited to gain the ability to vote in Post Falls matters as they have been disenfranchised for the last 44 years.

**Public Testimony:**

The hearing was opened for public testimony. None was received.

**Deliberations:** After the public hearing was complete the hearing was closed, and the Commission moved to deliberations to discuss their interpretation of the information presented both orally and in the written record and to apply that information to the 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 Single-Family Residential (R1) on approximately .3 acres upon the annexation into the city of Post Falls. The Commission finds that the Future Land Use Map designates this area as Transitional within the Milltown South Focus Area.

The Commission finds Milltown South is immediately east of City Center which provides that the city should seek creative methodologies to enhance neighborhood areas and spur reinvestment. The Commission finds that connections to city services provide tenant improvements to existing development and enhances neighborhood areas.

The Commission finds that evidence and testimony by Mr. Porter and Mr. Gabourie demonstrate that the requested zoning designation 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:

**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. Annexation of this site and the provision of sanitary facilities helps preserve the aquifer and the Spokane River.

**Policies:**

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

- Maintain or enhance community levels of service;

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;

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;

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;

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.

Annexation of this site and the provision of sanitary facilities helps preserve the aquifer and the Spokane River.

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

- Future land use mapping;

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

- Compatibility with surrounding land uses;

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

- Infrastructure and service plans;

Sanitary Sewer is 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.

The City of Post Falls would service water. The city has an existing 6” main located within Rodkey Dr.

- Existing and future traffic patterns;

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.

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

**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” surrounded by incorporated areas.
- 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.

**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 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 Commission finds that 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:**

The Commission finds that 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. The City of Post Falls will provide sanitary sewer service. 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:**

The Commission finds that the Residential use is compatible with other residential uses as the proposal is already within a single-family subdivision.

**Future Land Use Designation:**

The Commission finds that the Future Land Use Map depicts the land use designation for this area as Transitional and the Proposed R1 zoning is supported by the applicable focus area as explained above.

**Geographic/Natural Features:**

The site is already developed and located over the Rathdrum Prairie Aquifer and along the Spokane River. The Commission finds that annexation and connection to city sewer protects the Aquifer and the River from septic leaks and contamination.

**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 residential house 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-22-9, 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 unanimously. 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 Single-Family Residential (R1) on approximately .3 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.**

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**CITY OF POST FALLS  
STAFF REPORT**

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**DATE:** October 7, 2022

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

**FROM:** LAURA JONES, ASSOCIATE PLANNER • [ljones@postfalls.gov](mailto:ljones@postfalls.gov) • 208-457-3336

**SUBJECT:** STAFF REPORT FOR THE OCTOBER 11, 2022, P&Z COMMISSION MEETING  
ADAMS ANNEXATION ANNX-22-12

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**INTRODUCTION:**

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

Glenn Adams is requesting, on behalf of the George and Marilyn Adams Living Trust, the property owners, approval to annex approximately 4.75-acres into 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. 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:** Adams Annexation, File No. ANNX-22-12

**Owner(s):** George and Marilyn Adams, 1022 E 16<sup>th</sup> Ave., Post Falls, ID 83854

**Applicant:** Glenn Adams, P.O. Box 993, Athol, ID 83801

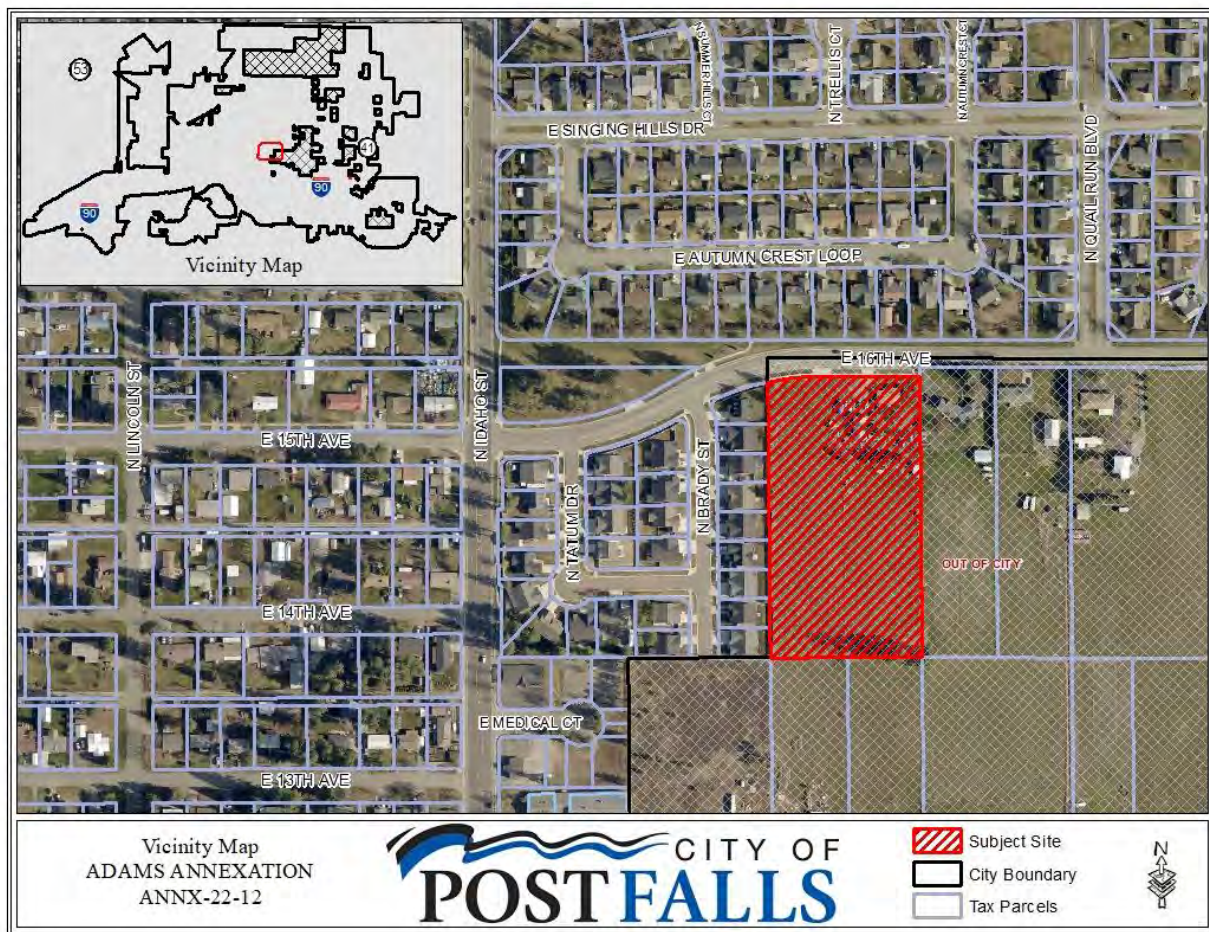
**Project Description:** Annex into the City of Post Falls with a zoning request of Single-Family Residential (R-1) zoning.

**Project Location:** The property is generally located south of E. 16<sup>th</sup> Avenue and east of N. Idaho Street.

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

**Surrounding Land Uses:** Adjacent to the subject property on the west and north are Single-Family (R-1) homes within the City of Post Falls. To the east and the south are large lot single-family homes within the Kootenai County central island that is surrounded by the city limits.

**Area Context Vicinity Map:**



**EVALUATION OF ZONING APPROVAL CRITERIA:**

The following section provides the staff analysis pertaining to the Annexation Application and the establishment of zoning. The zone change review criteria set forth within the Post Falls Municipal Code sections 18.16.010 and 18.20.100 are cited within the following staff analysis in **BOLD**. This review criteria provides the framework for decision making for the Planning Commission and City Council.

**ZONE CHANGE REVIEW CRITERIA****A. Amendments to the zoning map should be in accordance with the Future Land Use Map.**

The Future Land Use Map classifies this property with the land use designation of **Low Density Residential**.

**Principal Uses & Character:** This category encompasses all types of single-family residential uses up to eight dwelling units per acre and also supports land uses such as parks, schools, and public facilities. Densities may vary as appropriate to location, street and infrastructure capacities, planned development patterns and compatibility with existing development.

**Additional Uses:** Use patterns blending commercial and residential may be considered in areas as they develop, provided they are consistent with the Focus Area descriptor, feature higher traffic volumes, and/ or are located and designed to function as a pedestrian-friendly focal point of the surrounding neighborhood. Such patterns should feature an interconnected street system allowing easy, all-modes access to adjoining neighborhoods.

**Implementing Zoning Districts:** R-1-S, **R-1**, R-2, RM, SC3, Per Focus Area

**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 assist with this zone change request:

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

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

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

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

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

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

The following policies may assist with this zone change request:

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

- Maintain or enhance community levels of service;

Staff Comment: With the site having already been developed with a single-family home, this could be considered maintaining community levels of service.

- 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, which also consist of single-family homes.

- 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 follow 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: The Future Land Use Map depicts the land use designation for this area as Low Density Residential. This category encompasses all types of single-family residential uses up to eight dwelling units per acre and is in line with the proposed R-1 zoning designation.

#### **Focus Area: Central Island**

A particular challenge for Post Falls has been the incorporation of "county islands" into City Limits, particularly in this portion of town. A mix of agricultural uses and large-lot single-family uses has remained in place for decades, resistant to surrounding development pressures. As it transforms over time, challenges will include struggles to match and blend street network design and connections, ensure land use compatibility, and orchestrating improvements to utility systems. 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 area could benefit from a sub-area transition plan to ease the incorporation of these "county islands" into City Limits.

The following items affirm or guide development of key policies for this area, or suggest future action items for the Infill context area:

- *Seek means to generate a transition plan for this subarea;*
- *Promote infill development in this context area;*
- *Prioritize annexation opportunities;*

- *Support development patterns that are interconnected, and that provide pedestrian connectivity to all multi-use paths and trails;*
  - *Focus growth of higher-density residential uses near higher-classified roadways;*
  - *Focus provisions for commercial uses along arterial/collector streets where traffic volume exceeds 4,000 vehicles per day.*
- 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 16<sup>th</sup> Avenue, 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. Service at this time is limited to the northern quarter of the property, due to elevation limitations. The southern portions of the property will require extension of sewer main to the site from Medical Court or 12<sup>th</sup> Avenue in the future. 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 is serviced by the City of Post Falls. The City has an existing 6" main located within 16<sup>th</sup> Avenue.

- Existing and future traffic patterns;

Staff Comment: The property is adjacent to 16<sup>th</sup> Avenue, a Major Collector Roadway. No dedications of rights-of-way or easements would be required with the annexation. Rights-of-way conforming to the City's standards were acquired with the previous widening project of 16<sup>th</sup> Avenue. A 10-foot sidewalk, drainage and utility easement would be required along the property's boundary.

Annexation of the property and future development in conformance with the requested zoning is accounted for within the base transportation modeling. Any impacts would be addressed thru the collection of impact fees at the time of site development. The nearest impact fee project location is for the signalization of the 16<sup>th</sup> Ave. / Idaho St. intersection (Project # S-78 Idaho and 15<sup>th</sup>/16<sup>th</sup>).

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

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

**Policy 3:** Encourage development patterns that provide suitably scaled, daily needs services within walking distance of residential areas, allowing a measure of independence for

those who cannot or choose not to drive.

Staff Comment: The subject property is located within a quarter mile of N. Idaho Street which offers a range of daily needs services including groceries, medical, and retail.

**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 adjacent to incorporated areas on both the west and north sides.

- That have readily available service infrastructure and capacity;

Staff Comment: Service infrastructure of sanitary sewer and domestic water is available within 16<sup>th</sup> Ave and there is capacity. There are limitations on the amount of the property that can be serviced with sanitary sewer, due to elevation, requiring future sewer extension to the site for the southern portions.

- That support increased development intensity near the urban core.

Staff Comment: This property is located within half a mile of Mullan Avenue which is a high intensity urban activity area and within the urban core.

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

Staff Comment: The Idaho State statutes and applicable City ordinances are being followed throughout the annexation process.

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

Staff Comment: This subject property is a large lot developed with a single-family residence located on the northeast corner. The proposed single-family residential (R-1) zoning designation would allow for future subdivision and additional single-family homes within the urban core thereby providing for future housing needs of the area.

**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.

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

Staff Comment: Frontage improvements, sewer, and water already exist within E. 16<sup>th</sup> Avenue thereby reducing the need for expansion.

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

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

Staff Comment: The master water, sewer, and transportation plans have been reviewed with this annexation staff report. The parks department provides staff comment within this staff report. Schools and emergency services are noticed of this annexation and are given a chance to comment.

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

Staff Comment: Additional rights-of-way along E. 16<sup>th</sup> Avenue have previously been dedicated to the City. A 10-foot sidewalk, drainage and utility easement shall be dedicated to the City along the properties northern boundary.

- Studies that evaluate environmental and public service factors;

Staff Comment: There have been no known studies relating to environmental factors.

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

Staff Comment: Frontage improvements, sewer, and water already exist within E. 16<sup>th</sup> Avenue thereby reducing the need for expansion.

- Comprehensive plan goals and policies.

Staff Comment: The response to this is embedded within this section of the staff report.

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

Staff Comment: At time of annexation the property owner relinquishes any water rights associated with the property to the City.

**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 16<sup>th</sup> Avenue, a Major Collector Roadway. No dedications of rights-of-way or easements would be required with the annexation. Rights-of-way conforming to the City's standards were acquired with the previous widening project of 16<sup>th</sup> Avenue. A 10-foot sidewalk, drainage and utility easement would be required along the property's boundary.

Annexation of the property and future development in conformance with the requested zoning is

accounted for within the base transportation modeling. Any impacts would be addressed thru the collection of impact fees at the time of site development. The nearest impact fee project location is for the signalization of the 16<sup>th</sup> Ave. / Idaho St. intersection (Project # S-78 Idaho and 15<sup>th</sup>/16<sup>th</sup>).

**Water and Sanitary Sewer:**

Staff Comment: Sanitary sewer is located in 16<sup>th</sup> Avenue, 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. Service at this time is limited to the northern quarter of the property, due to elevation limitations. The southern portions of the property will require extension of sewer main to the site from Medical Court or 12<sup>th</sup> Avenue in the future. 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.

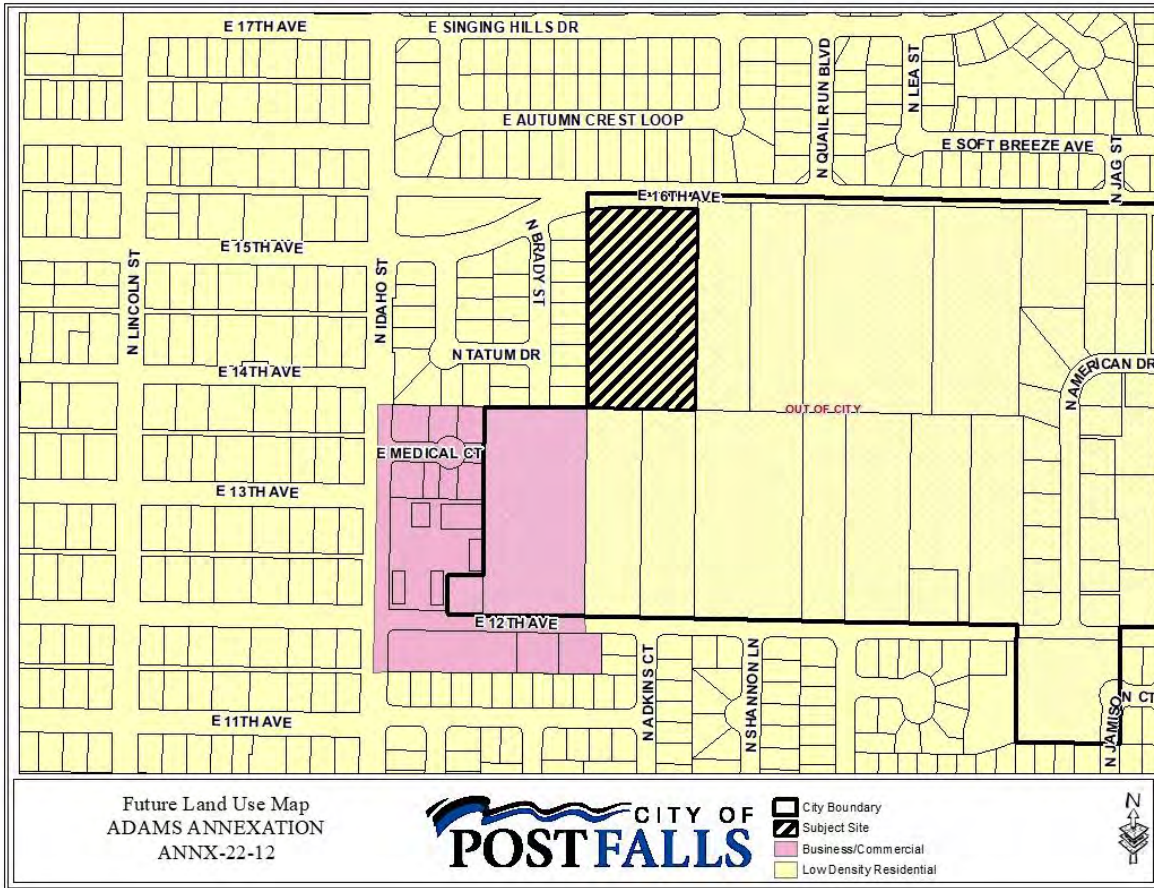
Water is serviced by the City of Post Falls. The City has an existing 6" main located within 16<sup>th</sup> Avenue.

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

Staff Comment: The proposed residential use is compatible with other existing residential uses in the area. Future land use description can be found above within Policy 2 of review criteria B.

**Future Land Use Designation:**

Staff Comment: The Future Land Use Designation is Low Density Residential (See image below).



**Community Plans:**

Staff Comment: None

**Geographic/Natural Features:**

Staff Comment: The property is located over the Rathdrum Prairie Aquifer. The site is already developed and as the applicant’s narrative states, they are annexing for the purpose of connecting 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 located approximately half a mile north of Mullan Avenue and is surrounded by other single-family homes and subdivisions. This area is considered

outside of an intense urban activity node or corridor but within the urban core and in proximity to daily needs services.

**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

- **Yellowstone Pipeline (YPL) (Exhibit PA-1)** – No comments
- **Kootenai County Fire & Rescue (Exhibit PA-2)** – Reserves comments for the permitting process.
- **Post Falls Police Department (Exhibit PA-3)** – Remains Neutral
- **Post Falls Highway District (Exhibit PA-4)** – No Comments
- **Idaho Department of Environmental Quality (Exhibit PA-5)** – No comments
- **Post Falls School District (Exhibit PA-6)** – Remains 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
3. Owner shall grant to the City of Post Falls and 10-foot Sidewalk, drainage and utility easement along the northern boundary line of the property.

**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	Legal
Exhibit A-4	Map
Exhibit A-6	Auth Letter
Exhibit A-7	Title Report

**Staff Exhibits:**

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

**Testimony:**

Exhibit PA-1	YPL Comments
Exhibit PA-2	KCFR Comments
Exhibit PA-3	PFPD Comments
Exhibit PA-4	PFHD Comments
Exhibit PA-5	DEQ Comments
Exhibit PA-6	PFSD Comments
Exhibit PC-1	Wrightman Comments
Exhibit PC-2	G Wrightman Comments



Annexation · 309 – ADAMS

 **Expiration Date**
**Active**
⋮

# ANNX-22-12



## Details

Submitted on Aug 3, 2022 at 12:17 pm



## Attachments

9 files



## Activity Feed

Latest activity on Aug 25, 2022



## Applicant

Glenn Adams



## Location

Point Location: 47.7228, -116.9340

## Timeline

Add New ▾

### Fee Payment

Paid Aug 5, 2022 at 9:18 am

### GIS Review

Completed Aug 15, 2022 at 11:54 am



### Completeness Review

Completed Aug 19, 2022 at 10:45 am



### Draft Development Annexation Agreement

Completed Aug 19, 2022 at 11:54 am

### Schedule P&Z

Completed Aug 19, 2022 at 11:55 am



### Polygon Creation

Completed Aug 22, 2022 at 9:31 am



### Maps Created



Completed Aug 25, 2022 at 9:11 am

**Staff Report**

Completed Aug 25, 2022 at 12:48 pm

Aug 26

**Planning Development Review**

Completed Sep 13, 2022 at 8:42 am

Aug 31

**Engineering Additions**

Completed Sep 13, 2022 at 8:42 am

Sep 09

**Parks Additions**

Completed Sep 13, 2022 at 8:42 am

Sep 09

**Wastewater Additions**

Completed Sep 13, 2022 at 8:42 am

Sep 19

**Planning Review (Staff Report)**

Completed Sep 13, 2022 at 8:43 am

**Notices for P&Z**

Completed Sep 13, 2022 at 8:43 am

**Legal Review of Annexation Agreement**

In Progress



**Planning Review of Agreement**

Review



**Planning Review of Agreement**

Review



**Applicant Review of Annexation Agreement**

Review



**Site Posting**

Review



**Zoning Recommendation**

Review



**Schedule Council**

Review



**Council Memo**

Review



**Notices for Council**

Review



**Site Posting**



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

56

Designated Project Name

**Application Information**

Did an Annexation Pre-app take place? \*

Yes

Applicant Type \*

Other

Description of Project/Reason for Request \*

Annex and subdivide four lots

Existing Zoning \*

Suburban Agricultural

Adjacent Zoning \*

R1/sub ag

Current Land Use \*

Sub Ag/parents residence

Adjacent Land Use \*

R1/sub ag

---

## Owner Information

Name \*

George Adams

Company

Phone \*

2087734766

Email \*

gandmadams@frontier.com

Address \*

1022 E 16th Ave

City, State, Zip Code

Post Falls, ID, 83854

---

## 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. \*



Glenn F Adams  
Mar 16, 2022

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# George Adams & Marilyn Adams

1022 East 16<sup>th</sup> Ave South, Post Falls

## Completeness Letter

### Summary

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George and Marilyn are requesting to have their 4.7 acre parcel located at 1022 East 16<sup>th</sup> Ave South annexed into Post Falls city limits with the goal of connecting to the Post Falls city sewer infrastructure shortly thereafter.

### History

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The subject house was built on the original 5 acre lot in 1968 by George and Marilyn.

The property is already connected to Post Fall city water.

A .3 acre portion of the Northern section of the 5 acre parcel was sold to the city several years ago to change the 16<sup>th</sup> Ave South connection point to Idaho Street. Curbing and sidewalks were added along 16<sup>th</sup> Ave at that time.

Multiple city sewer stub-ups were also installed to the Adams property during the 16<sup>th</sup> Ave road improvements to support future land development.

The subject property has a water well that is used for irrigation purposes that is jointly owned by the Adams, Folsom and the Kasun's that own the adjoining property to the East. The intent is to continue to utilize the well to irrigate the property.

### Request for Annexation

---

George and Marilyn are requesting that their subject property be annexed into Post Falls city limits.

The main reason for the request for annexation is to obtain city sanitation services. The original septic system is starting to show signs of failure so instead of repairing or installing a new septic system the Adams would like to connect to the Post Fall city sanitation system.

## Zoning

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R1 zoning request.

Neighboring properties to the West as well as properties to the North of 16<sup>th</sup> Ave are zoned R1. Therefore, we are requesting that the Adams property will be zoned R1 after annexation as well.

## Meeting Post Falls Goals

---

G3 – Maintain and improve Post Falls small-town scale, charm and aesthetic beauty.

Improvements to the Adams property meets the goal of maintaining property while annexing the property provide opportunity for further future development for urban growth.

G5 – Keep Post Falls’ neighborhoods safe, vital, and attractive.

Improvements to the Adams property meets the goal of making neighborhoods attractive.

G7 – Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City’s long-term sustainability.

Annexation provides path for future development of targeted ‘Central Island’ area.

G8 - Protect and enhance Post Falls’ scenic and natural areas for present and future generations.

Eliminating the existing failing septic system and connecting to the Post Falls Sanitation Services will help protect the surrounding soils and aquifer system.

## Meeting Post Falls Policies

---

P1- Support land use patterns that: Promote compatible, well designed development.

Annexation of said property promotes future development.

P8 – Encourage compatible infill development and redevelopment of vacant or under-utilized properties within City Limits

Annexation of said property will provide opportunity for future development of under-utilized property in targeted ‘Central Island’ area.

P9 – Encourage annexation of County ‘Island’ within the City, with priority given to areas: that have readily-available service infrastructure and capability.

The Adams property falls within the County ‘Island’ area with readily available service infrastructure around it.

P16 – Encourage maintenance of housing in an attractive, safe and sanitary condition, helping extend the service life of housing and enhancing the general appearance of the city and its neighborhoods.

Connecting the Adams property to city sewer system provides a safer and more sanitary solution to their failing septic system.

P17 – Encourage the preservation and rehabilitation of older housing stock throughout the community.

Improvements to the Adams property meets the goal for preservation and rehabilitation of older houses.



**Exhibit "A"**  
**Legal Description**

The West half of Tract 39, Track 35, Post Falls Irrigated Tracts, according to the plat recorded in Book C of Plats at pages 78-80, records of Kootenai County, Idaho.

EXCEPT right of way granted to the City of Post Falls recorded December 28, 2012, Instrument No. 2390022000.

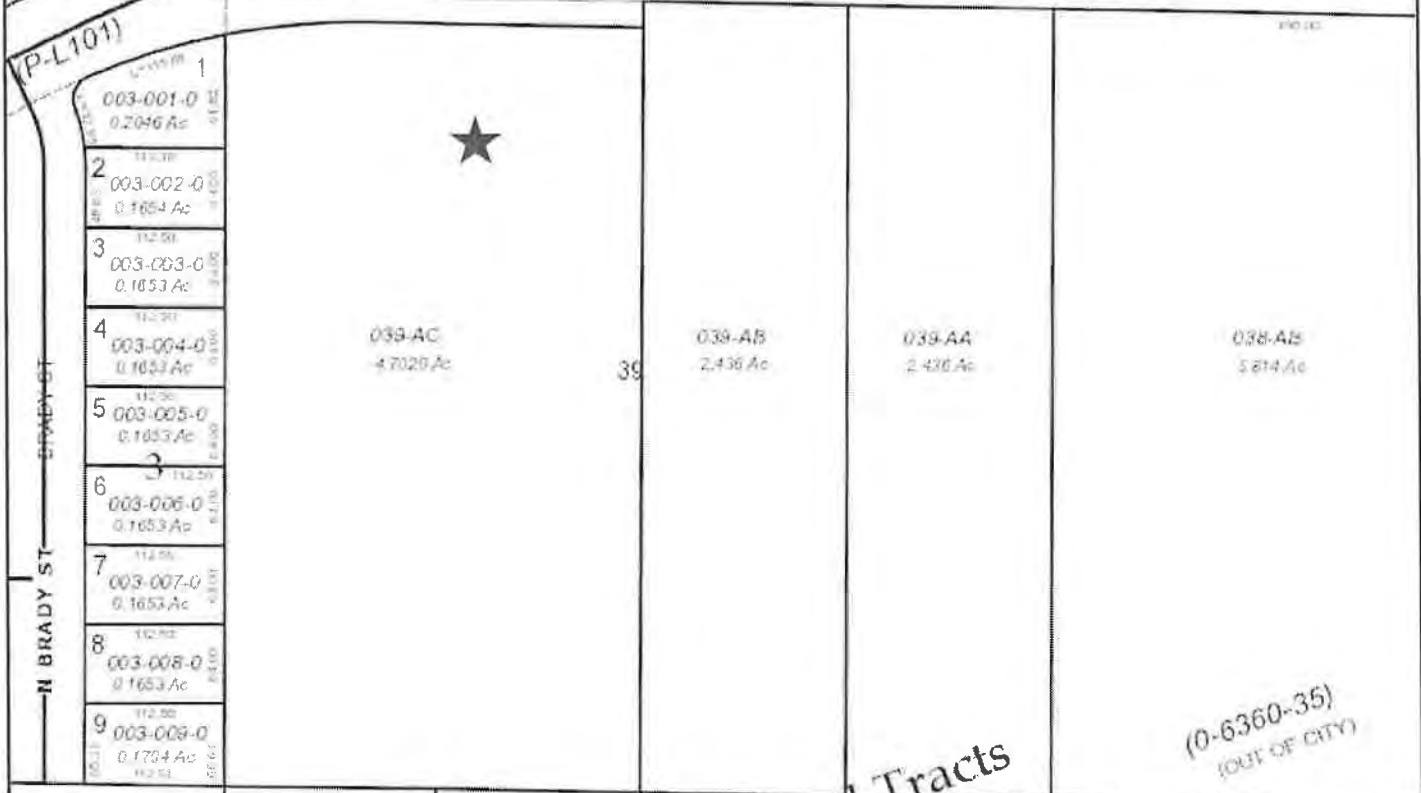
*This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I- Requirements; and Schedule B, Part II – Exceptions.*

North Idaho Title Insurance, Inc.  
Policy Issuing Agent for Stewart Title Guaranty Company

9 001-009-0 0.245 Ac	10 001-010-0 0.242 Ac	11 001-011-0 0.250 Ac	12 001-012-0 0.253 Ac	13 001-013-0 0.255 Ac	14 001-014-0 0.258 Ac	15 001-015-0 0.260 Ac	16 001-016-0 0.263 Ac	17 001-017-0 0.267 Ac	18 001-018-0 0.265 Ac	007-008-0 0.177 Ac	007-007-0 0.200 Ac	008-003-0 0.149 Ac	002-012-0 0.269 Ac
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E 16TH AVE

16th AVE




















**ParcelID: 0636035039AC**  
**Tax Account #: 147467**  
**1022 E 16th Ave, 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.

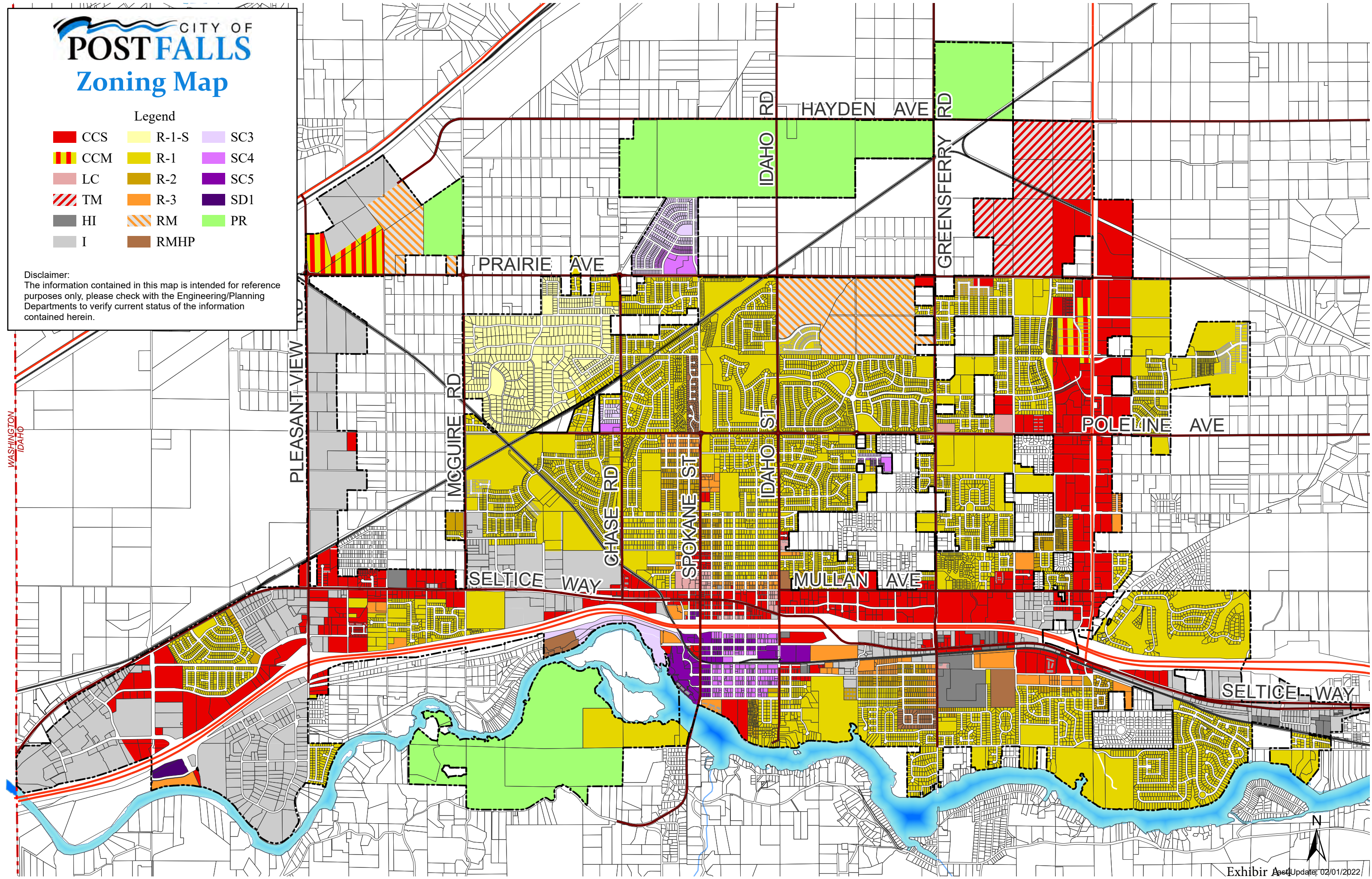
# CITY OF POST FALLS

## Zoning Map

### Legend

	CCS		R-1-S		SC3
	CCM		R-1		SC4
	LC		R-2		SC5
	TM		R-3		SD1
	HI		RM		PR
	I		RMHP		

Disclaimer:  
The information contained in this map is intended for reference purposes only, please check with the Engineering/Planning Departments to verify current status of the information contained herein.



July 3, 2022

I, George Adams, give my son Glenn Adams authority to annex and do a minor subdivision of my property located at 1022 E 16<sup>th</sup> Ave. Post Falls, ID.

Sincerely,

George Adams 

**ALTA Commitment for Title Insurance**

Issued by Stewart Title Guaranty Company



**NOTICE**

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

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

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

**COMMITMENT TO ISSUE POLICY**

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Stewart Title Guaranty Company (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 6 months after the Commitment Date, this Commitment terminates and the Company’s liability and obligation end.

**Issued By:**

North Idaho Title Insurance, Inc.  
601 E. Front Avenue  
Coeur d’Alene, ID 83814  
Agent ID: 120044

Authorized Countersignature



Frederick H. Eppinger  
President and CEO

Denise Carraux  
Secretary

*This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I- Requirements; and Schedule B, Part II – Exceptions.*

North Idaho Title Insurance, Inc.  
Policy Issuing Agent for Stewart Title Guaranty Company

**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 the 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.
- (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 the 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
- (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.

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(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 – Exceptions does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.

(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

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

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies.

The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

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

**9. ARBITRATION**

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

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**NOTICE  
FEDERAL FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT OF 1980 (FIRPTA)**

Upon the sale of United States real property, by a non-resident alien, foreign corporation, partnership or trust, the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), and as revised by the Tax Reform Act of 1984 (26 USCA 897 (C)(1)(A)(1) and 26 USCA 1445), Revised by the Path Act of 2015, These changes may be reviewed in full in H.R. 2029, now known as Public Law 114-113. See Section 324 of the law for the full text of FIRPTA changes. Effective February 27, 2016, the amendments to FIRPTA contained in the PATH Act have increased the holdback rate from 10% of gross proceeds to 15% of gross proceeds of the sale, regardless of whether the actual tax due may exceed (or be less than) the amount withheld if ANY of the following conditions are met:

1. If the amount realized (generally the sales price) is \$300,000 or less, and the property will be used by the Transferee as a residence (as provided for in the current regulations), no monies need be withheld or remitted to the IRS.
  2. If the amount realized exceeds \$300,000 but does not exceed \$1,000,000, and the property will be used by the Transferee as a residence, (as provided for in the current regulations) then the withholding rate is 10% on the full amount realized (generally the sales prices)
  3. If the amount realized exceeds \$1,000,000, then the withholding rate is 15% on the entire amount, regardless of use by the Transferee. The exemption for personal use as a residence does not apply in this scenario.
- If the purchaser who is required to withhold income tax from the seller fails to do so, the purchaser is subject to fines and penalties as provided under Internal Revenue Code Section 1445.

Escrow Holder will, upon written instructions from the purchaser, withhold Federal Income Tax from the seller and will deposit said tax with the Internal Revenue Service, together with IRS Forms 8288 and 8288-A. The fee charged for this service is \$25.00 payable to the escrow holder.

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**COMMITMENT - SCHEDULE A**

1. Effective Date: March 22, 2022 at 7:30AM

2. Policy or Policies to be Issued:	Liability	Premium
<b>2006 ALTA Standard Loan Policy</b>	<b>\$50,000.00</b>	<b>\$468.00</b>
<b>PROPOSED INSURED:</b>		

**Loan Star Mortgage**

3. The interest in the land described or referred to in this Commitment and covered herein is:

**Fee Simple**

4. The Title is, at the Commitment Date, vested in:

**George L. Adams and Marilyn E. Adams, as Trustees of the George and Marilyn Adams Living Trust**

5. The land referred to in this Commitment is described as follows:

**See Exhibit "A" Attached For Legal Description**

**Inquiries should be directed to:**

North Idaho Title Insurance, Inc.  
601 E. Front Avenue  
Suite 204  
Coeur d'Alene, ID 83814

Escrow Officer:	North Idaho Title Only
Title Officer:	Shandi Economu
Phone:	(208) 765-3333
Fax:	(208) 765-1761

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**Exhibit "A"**  
**Legal Description**

The West half of Tract 39, Track 35, Post Falls Irrigated Tracts, according to the plat recorded in Book C of Plats at pages 78-80, records of Kootenai County, Idaho.

EXCEPT right of way granted to the City of Post Falls recorded December 28, 2012, Instrument No. 2390022000.

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North Idaho Title Insurance, Inc.  
Policy Issuing Agent for Stewart Title Guaranty Company

**SCHEDULE B - Part I  
REQUIREMENTS**

The following requirements must be met and completed to the satisfaction of the Company before its Policy of Title Insurance will be issued:

1. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
2. We find no open deeds of trust of record. Escrow please confirm before closing.
3. The terms, provisions and conditions of that certain trust agreement referred to in the vesting herein. We will require that a copy of said trust and any amendments thereto as well as a copy of the Trust Certification be submitted for examination.

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## SCHEDULE B - Part II STANDARD EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of 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. STANDARD EXCEPTIONS
  - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on 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 public record.
  - (2) Any facts, rights, interests, or claims which are not shown by the public records, but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
  - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
  - (4) Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
  - (5) (a) Unpatented mining claims; (b) Reservations or exceptions 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 the Public Records.
  - (6) Any lien or right to a lien for services, labor, equipment, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
  - (7) Rights of the state or federal government and/or public in and to any portion of the land for right of way (whether or not such rights are shown by recordings of easements and/or maps in the Public Records by the State of Idaho showing the general location of these rights of way).

PARAGRAPHS 1, 2, 3, 4, 5, 6, and 7 WILL NOT APPEAR AS PRINTED EXCEPTIONS ON EXTENDED COVERAGE POLICIES, EXCEPT AS TO SUCH PARTS THEREOF, WHICH MAY BE TYPED AS A SPECIAL EXCEPTION IN SCHEDULE B - SECTION II.

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**SCHEDULE B - Part II  
SPECIAL EXCEPTIONS**

At the date hereof, exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. Taxes, special and general, assessment districts and service areas for the year 2021:

1st Installment: \$1,119.30 Paid  
2nd Installment: \$1,119.30 Open  
Exemption(s): Homeowner's Exemption of \$125,000  
Parcel No.: 0-636-035-039-AC  
AIN No.: 147467

Note: First Installment is delinquent December 21. Second Installment is delinquent June 21.

2. General taxes for the year 2022, a lien in the process of assessment, not yet due or payable.
3. Assessments for the City of Post Falls, if any, which are excluded from the coverage afforded hereby.
4. Assessments for the Prairie Water Association, if any, which are excluded from the coverage afforded hereby.
5. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
6. An easement over said land for a perpetual right of way and easement over, under, above and across together with the right to install, inspect and maintain all of the facilities necessary to provide communication service, power service and incidental purposes, as granted to Pacific Telephone and Telegraph Company, in deed recorded March 6, 1929, as (book) 93 (page) 410, Official Records.  
[Document Link](#)
7. An easement over said land for an electric distribution line with appurtenances including right of inspection and incidental purposes, as granted to The Washington Water Power Company, in deed recorded October 16, 1957, as (book) 170 (page) 319, Official Records.  
[Document Link](#)
8. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted to Prairie Water Association Inc. in a document recorded May 1, 1979, as (book) 298 (page) 679, Official Records:  
Purpose: Take and draw water from the well and to lay and maintain distribution lines, maintain and repair well and pump  
[Document Link](#)

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9. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as reserved in a document recorded July 31, 1995, as (instrument) 1407648, Official Records:

Purpose: Right of way for ditches and canals

Document Link

10. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted to the City of Post Falls in a document recorded December 28, 2012, as (instrument) 2390021000, Official Records:

Purpose: Sidewalk, drainage and utility

Document Link

11. Record of Survey recorded October 2, 2013, as (book) 27 (page) 490, Official Records.

Document Link

12. Judgment entered on December 17, 2012, in the amount of \$3,855.68, plus interest and costs, Case No. CV-2012-8085, District Court, Kootenai County, Idaho, in favor of Asset Acceptance, LLC, against George Adams, recorded December 18, 2012, as (instrument) 2392081000, Official Records.

Document Link

Renewed Judgment, recorded September 20, 2017, as (instrument) 2686301000 Official Records.

Document Link

The lien of said judgment depends upon the identity of the judgment debtor.

13. The terms, covenants and provisions of the Trust referred to in the vesting and the effect of any failure to comply with such terms.

\*\*\*\*\* End of Schedule B \*\*\*\*\*

\*\*\* INFORMATIONAL NOTES:

We have made a judgment search against Marilyn E. Adams, Trustee of the George and Marilyn Adams Living Trust, and find none.

The policy to be issued contains an arbitration clause. All arbitrable matters when the amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at ~www.alta.org~.

In the event that this transaction fails to close, a fee with a minimum of \$200.00 will be charged to comply with the state insurance code.

There is no notice of record and therefore no search has been made for any unpaid assessments, charges or fees for sewer, water, garbage, irrigation and other possible utility services.

If the proposed insured under the policy to issue has any questions concerning the Schedule B requirements or exceptions from coverage, the Company will be pleased to provide an explanation. Please contact the title officer named on Schedule A of this commitment.

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Address: 1022 E. 16th Ave., Post Falls, ID 83854

**IMPORTANT NOTICE- ACCEPTABLE TYPES OF FUNDS**

Any funds deposited for the closing must be deposited into the escrow depository and cleared prior to disbursement.

ALL FUNDS DEPOSITED MUST BE BY WIRE, CASHIERS CHECK, OFFICIAL CHECK OR PERSONAL CHECK. REQUIRED TIME NECESSARY TO CLEAR EACH TYPE OF FUNDS WILL VARY.

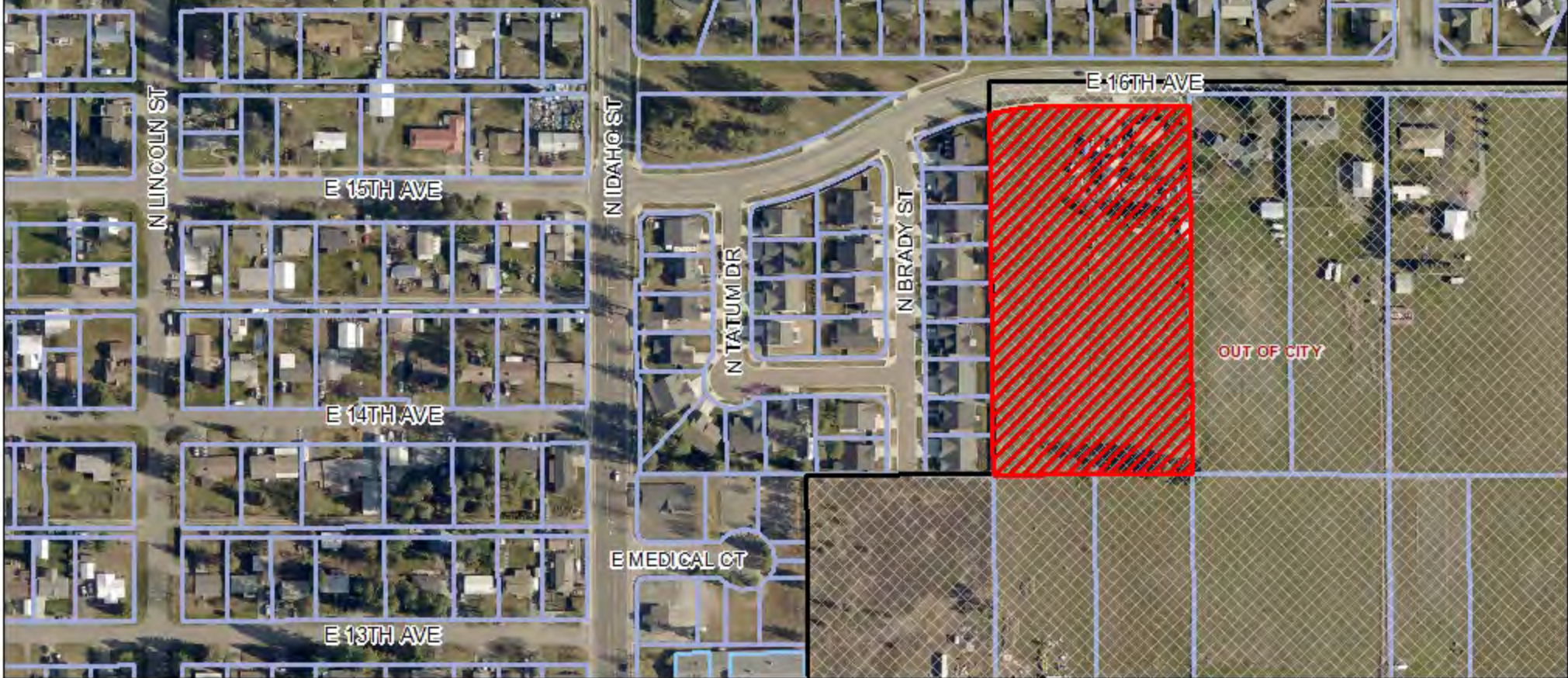
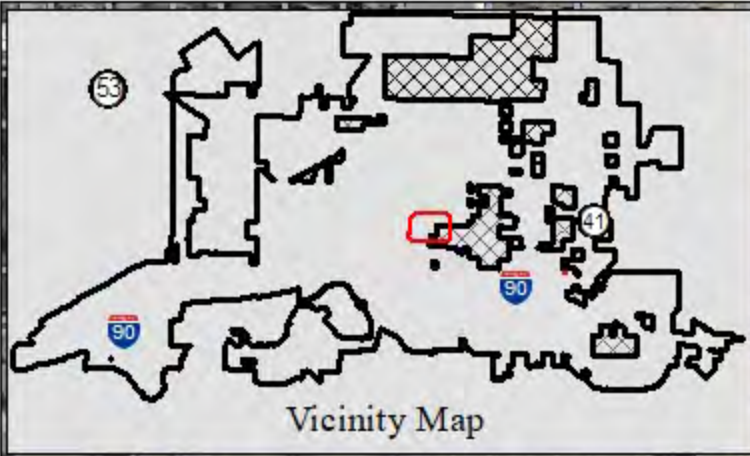
IMPORTANT NOTE: PLEASE BE ADVISED THAT ESCROW HOLDER DOES NOT ACCEPT CASH, MONEY ORDERS, ACH TRANSFERS OR ANY FOREIGN CHECKS.

PLEASE CONTACT ESCROW REGARDING QUESTIONS ON TYPE OF FUNDS REQUIRED IN ORDER TO FACILITATE THE PROMPT CLOSING OF THIS TRANSACTION.

NOTE: If you intend to remit multiple cashier's checks to close your escrow (which may or may not include gift funds or third party funds) IRS cash reporting under IRS Code 8300 may be required. For this reason, you may wish to consider wiring funds in lieu of remitting cashier's checks.




There are no conveyances affecting said land recorded within 24 months of the date of this report.

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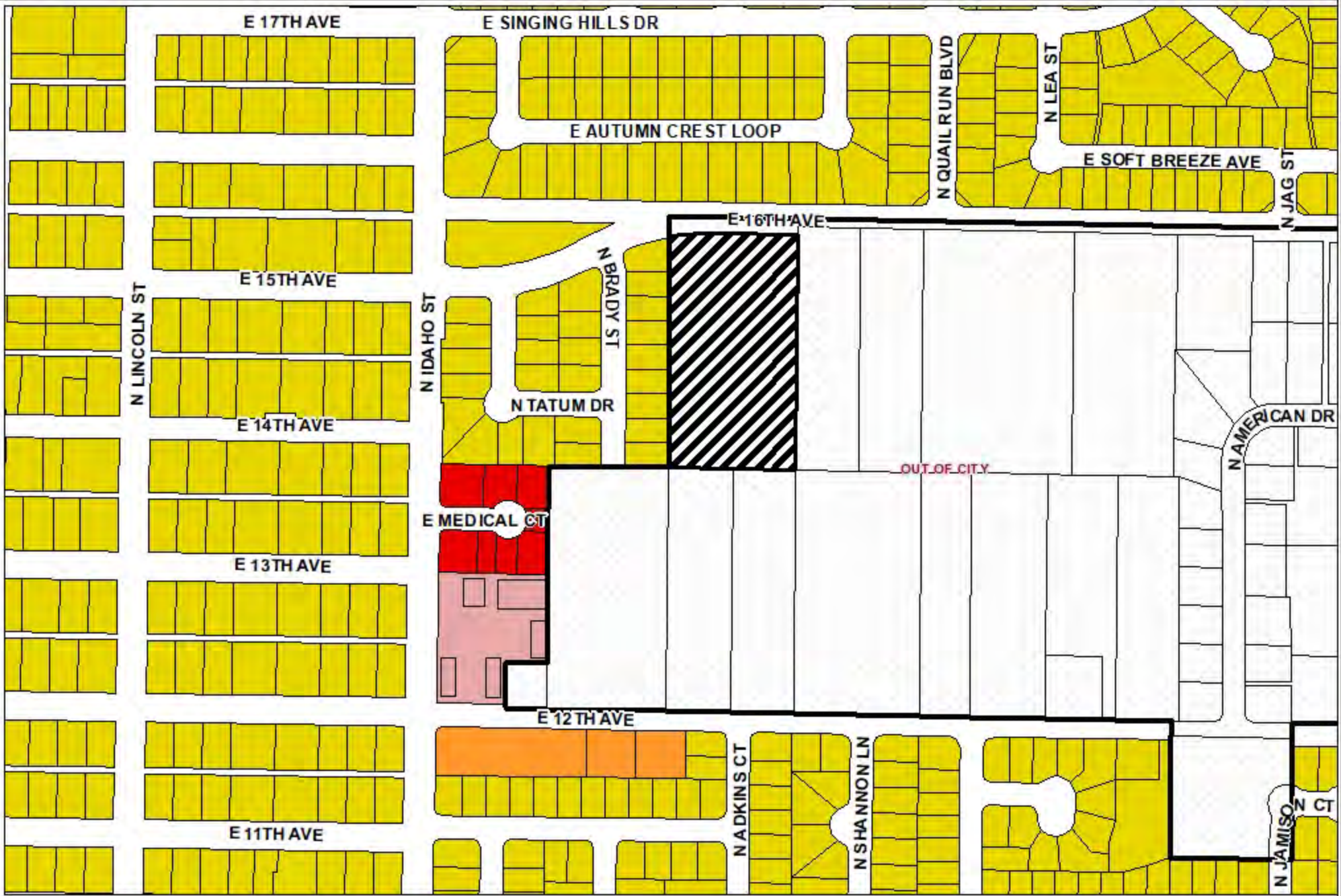
Vicinity Map  
 ADAMS ANNEXATION  
 ANNX-22-12



-  Subject Site
-  City Boundary
-  Tax Parcels






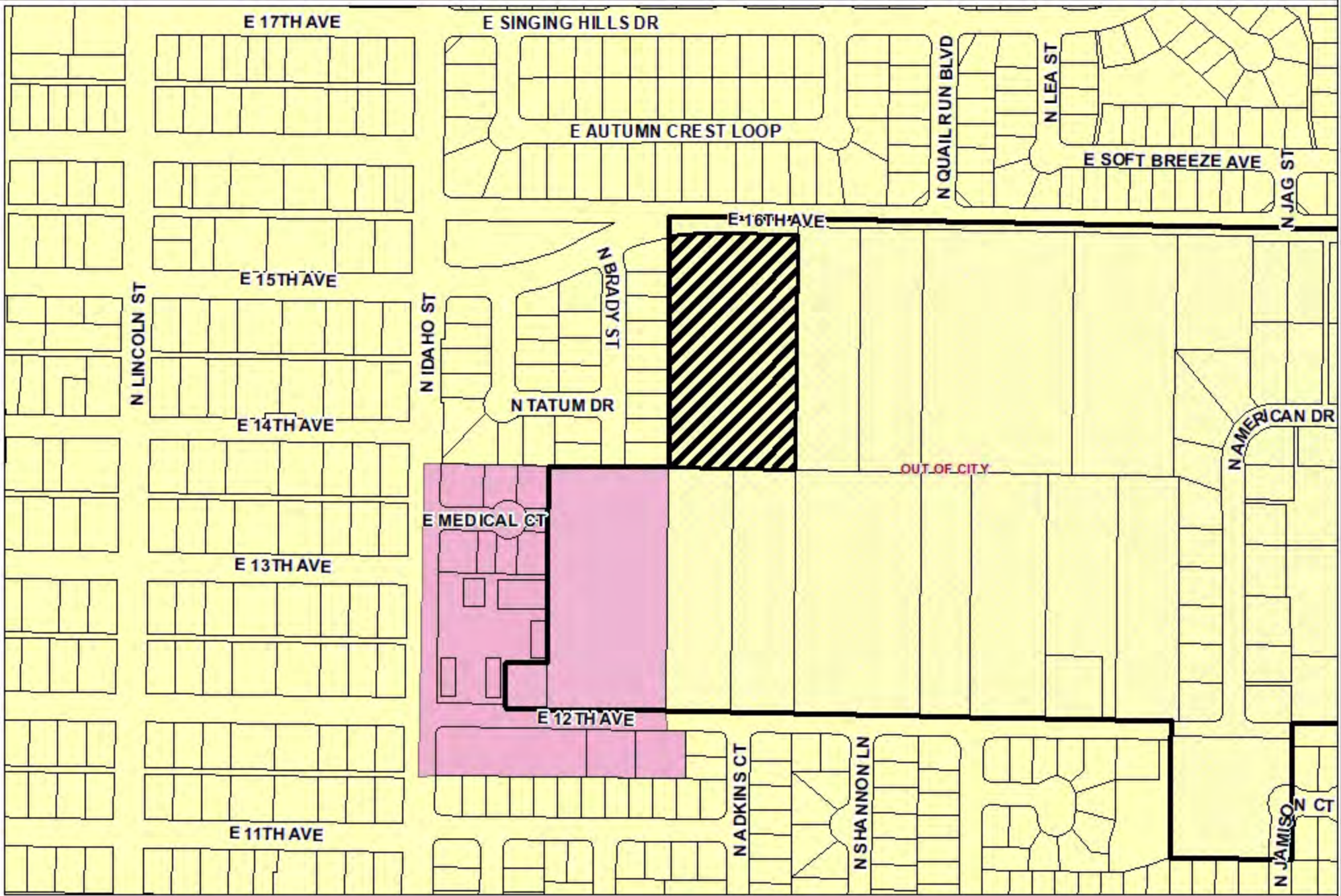


Zoning Map  
 ADAMS ANNEXATION  
 ANNX-22-12



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





Future Land Use Map  
 ADAMS ANNEXATION  
 ANNX-22-12







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



Exhibit S-3

# ANNEXATION AND ZONING DEVELOPMENT AGREEMENT

## Adams Annexation (File No. ANNX-22-12)

THIS AGREEMENT is made this Click or tap to enter a date., 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 George L. Adams and Marilyn E. Adams, with their principal place of residence at 1022 E. 16th Ave. Post Falls, ID 83854.

WHEREAS, George L. Adams and Marilyn E. Adams, (hereinafter the “Owner”) owns a tract of land (hereinafter the “Property”) adjacent to the city limits of the City of Post Falls (hereinafter the “City”), which the Owner wishes to annex and develop within the City; and

WHEREAS, the legal description and depiction of the Property is attached hereto as Exhibit “A”; and

***WHEREAS, The Post Falls Planning and Zoning Commission has approved, subject to the successful completion of the annexation process, a subdivision of the Property, which is commonly known as Adams. A copy of the approved Reasoned Decision for the Adams subdivision is attached hereto as Exhibit "B"; and <OPTIONAL-USE IF SUBDIVISION APPROVED IN CONJUNCTION WITH ANNEXATION>***

WHEREAS, the Mayor and City Council of the City have determined it to be in the best interests of the City to annex the Property subject to the Owner performing the covenants and conditions in this Agreement.

NOW THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

### ARTICLE I: PURPOSE AND DESCRIPTION OF PROPERTY

- 1.1. Purpose: Owner enters into this Agreement to obtain annexation of the Property while the City seeks to obtain partial mitigation of the impacts of annexation of the Property on the City. Owner acknowledges that City has no duty to annex the Property and that the promises of Owner contained in this Agreement are an inducement for City to do so. The term “Owner” includes any successor in interest in the Property.
- 1.2. Description of the Property: The Property is generally located at 1022 W. 16<sup>th</sup> Ave.; east of N. Idaho St. just south of E. 16<sup>th</sup> Ave. and is more particularly described in Exhibit “A”.

### ARTICLE II: STANDARDS

- 2.1. Construct to City Standards: Owner agrees that all improvements required by this Agreement or by City codes will be built to City standards or to the standards of any public agency providing service to the Property. Owner agrees to adhere to all City policies and procedures; including, but not limited to sanitary sewer improvements, water lines, fire hydrants, parks, flood works, storm water management, curbs, sidewalks, street trees, streetlights, pedestrian/bicycle facilities and roads. Such policies include extending utility lines in a manner acceptable to the City to make service available to adjoining lands and limitations on gaining site access from arterial and collector roadways (including the KMPO Critical Access Corridor Policy).
- 2.2. Applicable Standards: Owner agrees that all laws, standards, policies, and procedures regarding public improvement construction that the Owner is required to comply with or otherwise meet pursuant to this Agreement or City codes are those in effect when construction is commenced. If Owner fails to comply with applicable laws while constructing improvements, public or otherwise, on the Property, the Owner consents to the City withholding further development approvals for the Property including, but not limited to, building permits, certificates of occupancy, site plan approval, and subdivision approval until such compliance is attained. Owner waives, on behalf of itself and its successors in interest, all claims against the City relating to the City withholding development approval as authorized by this Section.
- 2.3. Inspection and Testing: Owner agrees that it will retain the services of a civil engineer, licensed by the State of Idaho, to perform construction inspection and testing during the construction of all public improvements on the Property. Owner agrees to provide copies of all field inspection reports and test results to the City Engineer accompanied by a certification that the improvements have been installed in compliance with applicable City requirements prior to requesting that the City accept the public improvements for ownership and maintenance. The inspection, testing and certification reports must be provided at no cost to the City. Owner agrees that a representative of the City must be present at the pressure testing of water mains and sanitary sewer mains. Owner agrees to provide the City with at least twenty-four (24) hours-notice before such testing.
- 2.4. As-Built Drawings: Owner agrees to provide accurate “as-built” drawings of public improvements to the City within thirty (30) days of the date of substantial completion of construction of any public improvement on the Property. If as-builts are not provided as required by this Agreement, the Owner agrees that the City may withhold further development approvals for the Property as provided in Section 2.2 and waives, on behalf of itself and its successors in interest, all claims against the City relating to the City withholding development approvals. The Owner understands and agrees that the City will not accept public improvements for maintenance or allow occupancy of constructed improvements on the Property until accurate “as-builts” are provided and until planned improvements have complied with the inspection requirements contained in Section 2.3 and have been accepted for public maintenance or approved for private use.
- 2.5

### ARTICLE III. UTILITIES AND PUBLIC SERVICES

- 3.1. Water: The Owner is currently connected to the City of Post Falls municipal water system and agrees they will utilize the Post Falls municipal water supply system as the domestic water supply system for all further development of the Property and at such time to be responsible for all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. Domestic water will be provided in accordance with rules and regulations of the City. The City does not warrant that domestic water supply capacity will be available at the time Owner requests connection to the specified public systems. If water capacity cannot be assured within 180 days of the date that service is requested by the Owner, the Owner is temporarily authorized to provide service by resorting to any lawful public or private alternative so long as legal requirements can be met.
  - 3.1.1. Water Rights: Owner agrees to grant to the City all water rights associated with the Property to assure that the City has adequate water rights to supply domestic water to the Property at such time that they desire to connect to the City's Water System.
- 3.2. Wastewater Reclamation: The Owner agrees to connect to and utilize the Post Falls Sanitary Sewer system for all existing and any future development of the Property and to be responsible for all required fees and charges including all connection and/or capitalization charges generally applicable at the time service is requested. Sanitary sewer service will be provided in accordance with rules and regulations of the City. The City does not warrant that sanitary sewer capacity will be available at the time Owner requests connection to the sanitary sewer system. If sanitary sewer capacity cannot be assured within 180 days of the date that service is requested by the Owner, the Owner is temporarily authorized to provide service by resorting to any lawful public or private alternative so long as legal requirements can be met. Upon the availability of treatment capacity, the owner shall disconnect from the temporary service and connect to and divert flows to the public system. Any proposed alternative must not frustrate the progression and continuity of the City's wastewater collection system.
  - 3.2.1 Service limitations: The Owner acknowledges that the existing water reclamation services in 16<sup>th</sup> Ave. are limited in their ability to service the southern portions of the property. The Owner additionally acknowledges that in order to allow for development of said southern portions of the property, water reclamation facilities would need to be extended to the site, in conformance to the water reclamation master plan, from Medical Ct. or 12<sup>th</sup> Ave. by the Owner.
  - 3.2.2. Connection of Existing Structure to Sanitary Sewer Infrastructure: Any existing structures located on the Property at the time of this Agreement that are serviced by a septic system must be connected to the Post Falls Sanitary Sewer system or removed from the Property at the time upon annexation or any development on the Property and the existing septic system abandoned in compliance with all legal requirements. Owner is solely responsible for the costs of connecting to the sanitary sewer and abandoning the septic system.

- 3.3. Maintenance of Private Sanitary Sewer and Water Lines: The Owner acknowledges that the City is not responsible for maintenance of any private sanitary sewer lines or water lines, including appurtenances, within the Property.
- 3.4. Size of Water and Sewer Services and Mains: The Owner agrees water and services and sewer mains will be adequately sized to provide service to the Property as determined by the entity providing water or sewer service to the Property. For water and sewer lines to be dedicated to the City, Owner agrees that the City will determine the appropriate main size based on adopted City master plans and may require the Owner to oversize the mains or to construct the mains with increased depth beyond the size/depth needed to serve the Property. If required to oversize water or sewer mains (including additional depth), the Owner may request reimbursement for oversizing costs during the subdivision or other development approval process.
- 3.5. Garbage Collection: The Owner agrees that upon the expiration of the term of any contract to provide garbage collection services to the Property, that the Owner will begin using the garbage collection service in effect with the City of Post Falls.

#### ARTICLE IV. PUBLIC PROPERTY DEDICATIONS

- 4.2. ***Public Park***: ***Owner has agreed to donate to the City, via Warranty Deed, approximately \_\_\_ acres of land to the City in the location and configuration depicted on the attached Exhibit "C", which by this reference is incorporated herein, for use as a public park. Owner agrees to transfer the park parcel to the City no later than \_\_\_\_\_.***
- 4.2.1. ***Condition of the Property***: ***Prior to transferring the park parcel, Owner will not alter the park parcel from its current condition in any manner, including but not limited to, removing soil or depositing construction waste or other debris on the parcel without the express written consent of the City.***
- 4.2.2. ***No Impact Fee Credit for Park Property***: ***Owner agrees that it is not entitled to any credit of the City's then currently adopted Impact Fees because of its donation of the park parcel. Rather the park parcel is being donated to address existing system deficiencies < or as a Project Improvement not eligible for an impact fee credit>. As such, Owner waives, on behalf of itself and its successors in interest, any and all claims it may have against the City for not granting an Impact Fee credit relating to the donation of park property as provided in Section 4.2. <OPTIONAL – USE IF PARK LAND TO BE DONATED>***

#### ARTICLE V. DEVELOPMENT OF THE PROPERTY

- 5.3. ***Site Plan***: ***Owner agrees that the development of the Property will generally conform to the conceptual site plan attached to this Agreement as Exhibit "B", which depicts the general disposition of uses and infrastructure on the Property. The parties agree that the location of major public infrastructure such as collector and arterial streets through the Combined Property cannot be relocated in a manner inconsistent with Exhibit "B"***

*without written approval of the City Council evidenced by an amendment to this Agreement. The location of private uses may be relocated on the Property to meet market demands provided that the overall development of the site generally complies with Exhibit "B". In the event of a disagreement about whether a proposed use or development project on the Property complies with Exhibit "B", the parties agree to meet and confer regarding the disagreement as contemplated by Section 7.12. <OPTIONAL – USE IF THIS IS A ZONING DEVELOPMENT AGREEMENT OR IF THERE ARE DEVELOPMENT RESTRICTIONS IN AN ANNEXATION AGREEMENT.*

#### ARTICLE V. CONSIDERATION/FEEES

- 5.1. Owner's Consideration: In addition to other consideration contained in this Agreement, Owner agrees to provide specific consideration to the City in the amounts and at the times specified in this Article. The sums specified are deemed by the parties to be reasonable in exchange for benefits provided by the City to the Owners' use and development of the Property, including, but not limited to, public safety, street services, police equipment, community, and traffic planning. The following consideration may be used in any manner that the City, in its sole discretion decides.
- 5.2. Annexation Fee: Prior to issuance of a permit for any development on the Property, the Owner, or their successors in interest, must pay the appropriate annexation fee in effect at the time of the issuance of the permit as adopted by the City Council by resolution.
- 5.3. No Extension of Credit: The parties, after careful consideration of the actual burdens on the City, have agreed to a specific timeline in which those burdens will occur. This Agreement anticipates specific payment at a specific date and is in no manner a loan of services or an extension of credit by the City.
- 5.4. Other Fees: Additionally, the Owner agrees to pay all required fees and charges including but not necessarily limited to water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s) and building permit fees and any applicable impact fees that may be imposed. Fees referred to in this Section are established by City ordinance and/or resolution and arise independent of this Agreement.
- 5.5. City's Consideration: Upon the proper execution and recordation of this Agreement, the City will prepare for passage an annexation ordinance annexing the Property. The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owners' property will occur.

#### ARTICLE VI. MISCELLANEOUS

- 6.1. Subdivision: The parties acknowledge that in the event the Owner desires to sell a portion of the Property rather than the Property as a whole, that a plat may be necessary. Owner agrees that in the event a plat is necessary, Owner will submit a proper subdivision plat and comply with the subdivision ordinance in effect at the time of the desired division.

- 6.2. De-annexation: Owner agrees that in the event the Owner fails to comply with the terms of this Agreement, defaults, or is otherwise in breach of this Agreement, the City may de-annex the Property and terminate utility services without objection from owners, assigns or successors in interest of such portions of the Property as the City in its sole discretion decides. Owner waives, on behalf of itself and any successors in interest, any claims it may have against the City for de-annexing the Property as allowed by this Section.
- 6.3. Owner to Hold City Harmless: The Owner further agrees it will indemnify, defend (in the City's sole option, and hold the City harmless from all causes of action, claims and damages that arise, may arise, or are alleged, because of the Owner's development, operation, maintenance, and use of the Property. Owner further agrees to pay City's legal costs, including reasonable attorney fees in the event this annexation is challenged in a court of law. Payment for City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses.
- 6.4. Time is of the Essence: Time is of the essence in this Agreement.
- 6.5. Merger and Amendment: All promises and prior negotiations of the parties' merge into this Agreement and the representations, warranties, covenants, conditions, and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements. The parties agree that this Agreement may only be amended by a written instrument that is signed by both parties. The parties agree that this Agreement will not be amended by a change in law.
- 6.6. Effect on City Code: The parties agree that Agreement is not intended to replace any other requirement of City Code and that its execution does not constitute a waiver of requirements established by City ordinance or other applicable provisions of law.
- 6.7. Recordation: The Owner agrees this Agreement will be recorded by the City at the Owner's expense.
- 6.8. Section Headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the sections to which they apply.
- 6.9. Incorporation of Recitals and Exhibits: The recitals to this Agreement and all exhibits referred to in this Agreement are incorporated herein by this reference and made a part of this Agreement.
- 6.10. Compliance with Applicable Laws: Owner agrees to comply with all applicable laws.
- 6.11. Withholding of Development Approvals for Violation of Agreement: Owner agrees, on behalf of itself and its successors in interest, that the City may withhold approval of subdivision, building permit, or any other development permit applications for any portion of the Property that does not comply with the requirements of this Agreement until such time as the development permit is amended to fully comply with the terms of this Agreement. Owner waives, on behalf of itself and its successors in interest, any and all claims Owner may have against the City relating to the City withholding development



approvals and agrees to indemnify, defend at the City's sole option, and hold the City harmless from any and all claims from third parties relating to the City withholding development approvals as contemplated by this Section.

- 6.12. Covenants Run with the Land: The covenants contained herein to be performed by the Owner are binding upon the Owner and Owner's heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land.
- 6.13. Promise of Cooperation: Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action, or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement and if the parties cannot amicably resolve the disagreement, retain a mediator, acceptable to both parties, to mediate a solution to the disagreement.
- 6.14. Severability: Should any provision of this Agreement be declared invalid by a court of competent jurisdiction the remaining provisions continue in full force and effect and must be interpreted to effectuate the purposes of the entire Agreement to the greatest extent possible.
- 6.15. Enforcement - Attorney's Fees: Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party will be entitled to its reasonable attorney's fees and related costs of enforcement.
- 6.16. Choice of Law and Venue: The parties agree that this Agreement will be interpreted in accordance with laws of the State of Idaho. The parties further agree that any lawsuit brought to enforce the terms of this Agreement must be filed in the First Judicial District of the State of Idaho in Kootenai County, Idaho and may not thereafter be removed to any other state or federal court.

IN WITNESS WHEREOF, the City of Post Falls has caused this Agreement to be executed by its Mayor and City Clerk, and the Owner has executed this Agreement to be effective the day and year first above written.

*[Signature Page Follows]*

**CITY OF POST FALLS  
Adams**

**George L. Adams and Marilyn E.**

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

By: \_\_\_\_\_  
**George L. Adams and Marilyn E.**

Attest:  
\_\_\_\_\_  
**Shannon Howard, City Clerk**

By: \_\_\_\_\_  
**Marilyn E. Adams**

**ACKNOWLEDGEMENTS**

STATE OF IDAHO )  
 ) : ss  
County of Kootenai )

On this \_\_\_\_\_ day of September, 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.

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

STATE OF IDAHO            )  
  :SS  
County of Kootenai        )

On this \_\_\_ day of September, 2022, before me, a Notary for the State of Idaho, personally appeared George L. Adams and Marilyn E. Adams, known, or identified to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at:  
Commission Expires:

## Amber Blanchette

---

**From:** Polak, Chad M <Chad.M.Polak@p66.com>  
**Sent:** Monday, September 19, 2022 2:18 PM  
**To:** Amber Blanchette  
**Subject:** FW: Adams Annexation File No. ANNX-22-12  
**Attachments:** Exhibit PH-2 Adams Annex NTJ.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Good Afternoon Amber,

Based on the location of the project, there is no impact to the YPL ROW and we do not have any questions or comments.

Sincerely,

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

---

**From:** Amber Blanchette <amberb@postfalls.gov>  
**Sent:** Monday, September 19, 2022 3:13 PM  
**To:** Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>;  
audie.neuson@williams.com; Avista <c01\_Real\_Estate@avistacorp.com>; Bill Melvin <bmelvin@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  
(Zipty) <david.sauer@zipty.com>; Dena Naccarato <dnaccarato@273.com>; Dewey, Kristina  
<kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.com>;  
Ellie Hilbert <ehilbert@cdapress.com>; Erik Ketner <eketner@phd1.idaho.gov>; Erin Butler <ebutler@sd273.com>;  
Ethan Porter <eporter@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>;  
Heidi Varney <hvarney@postfallsidaho.org>; 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>; Rod CDA Garbage <Rod@cdagarbage.com>; Ross Point Water <crosspointwater@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 <tgallop@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]RE: Adams Annexation File No. ANNX-22-12

### This Message Is From an External Sender

This message came from outside your organization.

My apologies, the location wasn't updated on the Notice to Jurisdiction form, please see the corrected notice. Have a great day!

**From:** Amber Blanchette

**Sent:** Monday, September 19, 2022 2:05 PM

**To:** Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01\_Real\_Estate@avistacorp.com>; Bill Melvin <bmelvin@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@postfallsidaho.org>; 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>; Jen Cresci <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@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](mailto:momiller@quantatelcom.com)>; Naomi Tierney <[ntierney@postfalls.gov](mailto:ntierney@postfalls.gov)>; Pat Knight <[pknight@postfallspolice.com](mailto:pknight@postfallspolice.com)>; PFHD <[contactus@postfallshd.com](mailto:contactus@postfallshd.com)>; PFPD <[admin@postfallspolice.com](mailto:admin@postfallspolice.com)>; Phillip Evander <[PEvander@kec.com](mailto:PEvander@kec.com)>; Post Falls Chamber <[pam@postfallschamber.com](mailto:pam@postfallschamber.com)>; Preston Hill <[phill@postfallsidaho.org](mailto:phill@postfallsidaho.org)>; Rob Palus <[rpalus@postfalls.gov](mailto:rpalus@postfalls.gov)>; Robert Seale <[rseale@postfalls.gov](mailto:rseale@postfalls.gov)>; Rod CDA Garbage <[Rod@cdagarbage.com](mailto:Rod@cdagarbage.com)>; Ross Point Water <[rosspointwater@frontier.com](mailto:rosspointwater@frontier.com)>; Scott Davis <[sdavis@kec.com](mailto:sdavis@kec.com)>; Shannon Howard <[showard@postfalls.gov](mailto:showard@postfalls.gov)>; Shelly Enderud <[senderud@postfalls.gov](mailto:senderud@postfalls.gov)>; Stacy Simkins <[stacy.simkins@itd.idaho.gov](mailto:stacy.simkins@itd.idaho.gov)>; Stephani Peugh <[speugh@postfallsidaho.org](mailto:speugh@postfallsidaho.org)>; Steven Kjergaard <[skjergaard@kcgov.us](mailto:skjergaard@kcgov.us)>; Teresa Benner <[tbenner@postfalls.gov](mailto:tbenner@postfalls.gov)>; Thomas Gwin <[thomas.gwin@twcable.com](mailto:thomas.gwin@twcable.com)>; Tisha Gallop <[tgallop@postfalls.gov](mailto:tgallop@postfalls.gov)>; Towry, Kristie <[kmtowry@bpa.gov](mailto:kmtowry@bpa.gov)>; Wade Meyer <[wmeyer@postfalls.gov](mailto:wmeyer@postfalls.gov)>; Warren M <[warrenm@kootenaifire.com](mailto:warrenm@kootenaifire.com)>; Warren Wilson <[wwilson@postfallsidaho.org](mailto:wwilson@postfallsidaho.org)>; Wilson, Ron <[Ron@eastgreenacres.org](mailto:Ron@eastgreenacres.org)>; James Steffensen <[james.steffensen@bannerbank.com](mailto:james.steffensen@bannerbank.com)>; Kevin Ward ([gatheredfamilyrestaurant@gmail.com](mailto:gatheredfamilyrestaurant@gmail.com)) <[gatheredfamilyrestaurant@gmail.com](mailto:gatheredfamilyrestaurant@gmail.com)>; Nancy Hampe <[nancyradiantlake@gmail.com](mailto:nancyradiantlake@gmail.com)>; Ray Kimball <[rkimball@whipplece.com](mailto:rkimball@whipplece.com)>; Ross Schlotthauer <[ross@burlyproducts.com](mailto:ross@burlyproducts.com)>; Ryan Davis <[rldavis208@gmail.com](mailto:rldavis208@gmail.com)>; Vicky Jo Carey <[vjcarey@aol.com](mailto:vjcarey@aol.com)>

**Subject:** Adams Annexation File No. ANNX-22-12

Good afternoon,

Attached is the notice to jurisdiction for the named annexation for Planning and Zoning on October 11<sup>th</sup>. The draft staff report will be on the city's website shortly.

**Please Note** my new email address is [amberb@postfalls.gov](mailto:amberb@postfalls.gov)

Thank you,

Amber Blanchette  
Planning Specialist  
Phone: 208-457-3338  
Email: [amberb@postfalls.gov](mailto:amberb@postfalls.gov)



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

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The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

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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 19, 2022

Amber Blanchette  
Planning Administrative Specialist  
amberb@postfallsidaho.org

## RE: Notice to Jurisdiction Response

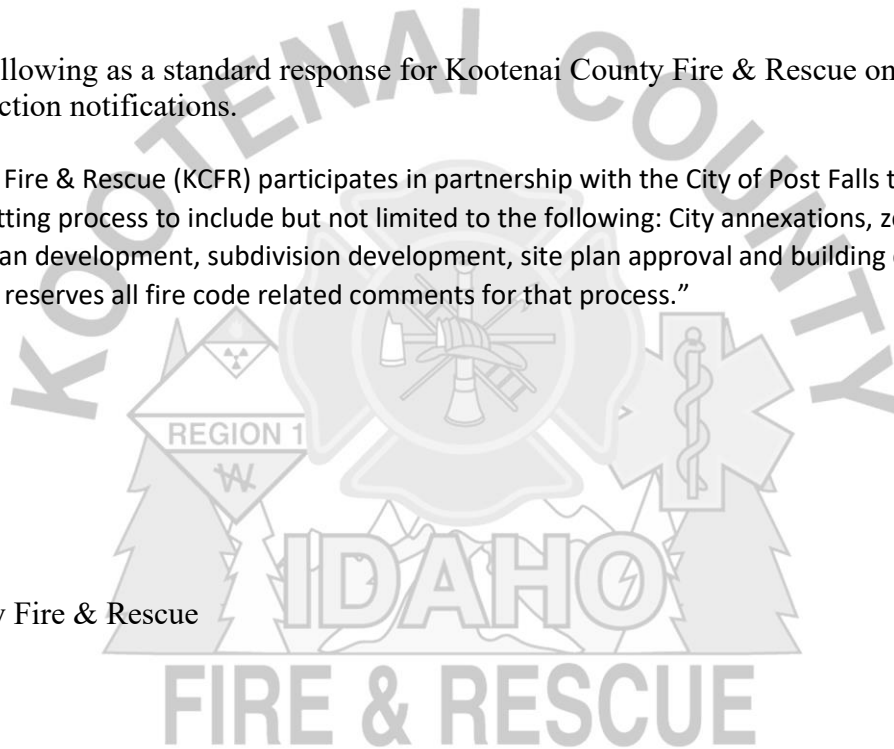
Amber,

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  
Fire Marshal





---

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

September 19<sup>th</sup>, 2022

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

Re: Adams Annexation File No. ANNX-22-12

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:** Wednesday, September 21, 2022 6:17 AM  
**To:** Amber Blanchette  
**Subject:** RE: Adams Annexation File No. ANNX-22-12

**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.

The PFHD has no comment for this annexation.

Regards,

Jonie Anderson  
Administrative Assistant 1  
Post Falls Highway District  
p 208.765.3717  
f 208.765.0493  
[contactus@postfallshd.com](mailto:contactus@postfallshd.com)



**From:** Amber Blanchette <amberb@postfalls.gov>  
**Sent:** Monday, September 19, 2022 2:13 PM  
**To:** Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01\_Real\_Estate@avistacorp.com>; Bill Melvin <bmelvin@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@postfallsidaho.org>; 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 <kronro@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; laurie@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>; 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 <tgallp@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 <rdavis208@gmail.com>; Vicky Jo Carey <vjcarey@aol.com>

**Subject:** RE: Adams Annexation File No. ANNX-22-12

My apologies, the location wasn't updated on the Notice to Jurisdiction form, please see the corrected notice. Have a great day!

**From:** Amber Blanchette

**Sent:** Monday, September 19, 2022 2:05 PM

**To:** Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01\_Real\_Estate@avistacorp.com>; Bill Melvin <bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemeyer <brittany.stottlemeyer@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 <eportner@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; 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>; Jen Cresci <jcresci@postfallsidaho.org>; Jeryl Archer <jeryla@kootenaifire.com>; jhofer@kec.com; JHolderman@KEC.com; Jodi Meyer <jmeyer@postfallsidaho.org>; John Beacham <jbeacham@postfallsidaho.org>; Jonathon Manley <jmanley@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 <kronro@phd1.idaho.gov>; Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>; Laura Jones <ljones@postfalls.gov>; laurie@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](mailto:pam@postfallschamber.com)>; Preston Hill <[phill@postfallsidaho.org](mailto:phill@postfallsidaho.org)>; Rob Palus <[rpalus@postfalls.gov](mailto:rpalus@postfalls.gov)>; Robert Seale <[rseale@postfalls.gov](mailto:rseale@postfalls.gov)>; Rod CDA Garbage <[Rod@cdagarbage.com](mailto:Rod@cdagarbage.com)>; Ross Point Water <[rosspointwater@frontier.com](mailto:rosspointwater@frontier.com)>; Scott Davis <[sdavis@kec.com](mailto:sdavis@kec.com)>; Shannon Howard <[showard@postfalls.gov](mailto:showard@postfalls.gov)>; Shelly Enderud <[senderud@postfalls.gov](mailto:senderud@postfalls.gov)>; Stacy Simkins <[stacy.simkins@itd.idaho.gov](mailto:stacy.simkins@itd.idaho.gov)>; Stephani Peugh <[speugh@postfallsidaho.org](mailto:speugh@postfallsidaho.org)>; Steven Kjergaard <[skjergaard@kcgov.us](mailto:skjergaard@kcgov.us)>; Teresa Benner <[tbenner@postfalls.gov](mailto:tbenner@postfalls.gov)>; Thomas Gwin <[thomas.gwin@twcable.com](mailto:thomas.gwin@twcable.com)>; Tisha Gallop <[tgallop@postfalls.gov](mailto:tgallop@postfalls.gov)>; Towry, Kristie <[kmtowry@bpa.gov](mailto:kmtowry@bpa.gov)>; Wade Meyer <[wmeyer@postfalls.gov](mailto:wmeyer@postfalls.gov)>; Warren M <[warrenm@kootenaifire.com](mailto:warrenm@kootenaifire.com)>; Warren Wilson <[wwilson@postfallsidaho.org](mailto:wwilson@postfallsidaho.org)>; Wilson, Ron <[Ron@eastgreenacres.org](mailto:Ron@eastgreenacres.org)>; James Steffensen <[james.steffensen@bannerbank.com](mailto:james.steffensen@bannerbank.com)>; Kevin Ward <[gatheredfamilyrestaurant@gmail.com](mailto:gatheredfamilyrestaurant@gmail.com)>; Nancy Hampe <[nancyradiantlake@gmail.com](mailto:nancyradiantlake@gmail.com)>; Ray Kimball <[rkimball@whipplece.com](mailto:rkimball@whipplece.com)>; Ross Schlotthauer <[ross@burlyproducts.com](mailto:ross@burlyproducts.com)>; Ryan Davis <[rlDavis208@gmail.com](mailto:rlDavis208@gmail.com)>; Vicky Jo Carey <[vjcarey@aol.com](mailto:vjcarey@aol.com)>

**Subject:** Adams Annexation File No. ANNX-22-12

Good afternoon,

Attached is the notice to jurisdiction for the named annexation for Planning and Zoning on October 11<sup>th</sup>. The draft staff report will be on the city's website shortly.

**Please Note** my new email address is [amberb@postfalls.gov](mailto:amberb@postfalls.gov)

Thank you,

Amber Blanchette  
Planning Specialist  
Phone: 208-457-3338  
Email: [amberb@postfalls.gov](mailto:amberb@postfalls.gov)



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

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## Amber Blanchette

---

**From:** Kristie May <Kristie.May@deq.idaho.gov>  
**Sent:** Tuesday, October 4, 2022 2:53 PM  
**To:** Amber Blanchette  
**Subject:** RE: Adams Annexation File No. ANNX-22-12

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

Good Afternoon,

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

Thank you,  
Kristie

### Kristie May | Admin Assistant II

Idaho Department of Environmental Quality  
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814  
Direct: 208.666.4608  
Office Line: 208.769.1422  
[www.deq.idaho.gov](http://www.deq.idaho.gov)

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

---

**From:** Amber Blanchette <amberb@postfalls.gov>  
**Sent:** Monday, September 19, 2022 2:05 PM  
**To:** Ali Marienau <AMarienau@kmpo.net>; 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 <dandr@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>; eketner@phd1.idaho.gov; Erin Butler <ebutler@sd273.com>; Ethan Porter <eportner@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; Heidi <heidig@inlander.com>; Heidi Varney <hvarney@postfallsidaho.org>; 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 May <Kristie.May@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>; 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 <tgallop@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:** Adams Annexation File No. ANNX-22-12

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon,

Attached is the notice to jurisdiction for the named annexation for Planning and Zoning on October 11<sup>th</sup>. The draft staff report will be on the city's website shortly.

**Please Note** my new email address is [amberb@postfalls.gov](mailto:amberb@postfalls.gov)

Thank you,

Amber Blanchette  
Planning Specialist  
Phone: 208-457-3338  
Email: [amberb@postfalls.gov](mailto:amberb@postfalls.gov)



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# 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](http://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.

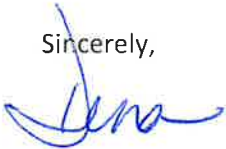
School	2021-2022 Enrollment	Building Capacity
Greensferry Elementary	374	525
Mullan Trail Elementary	340	500
Ponderosa Elementry	420	570
Prairie View Elementary	440	525
Seltice Elementary	440	560

***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

**To the planning and zoning commission, City of Post Falls, ID.**

**Re: Adams Annexation (File # ANNX-22-12)**

**As a taxpayer, life-long N Idaho resident, and Post Falls resident for the past 37 years. I am extremely disgusted and disappointed in all of you. Are any of you actual long term Idaho residents? Are any of you Post Falls residents? I doubt it, because if you were, you would put a moratorium on building anywhere within the city limits and quit annexing more acreage. Our beautiful town is turning into a cesspool. The decision makers on all levels at the City of Post Falls are responsible for it. True, you cannot prevent people from moving here, but you could stop the building of more places for them to move to. Say no to the builders!**

**Traffic is a nightmare! It is almost impossible to turn left at the intersection of 16<sup>th</sup> St and Idaho Rd. Idaho Road is like a NASCAR track from Seltice to Poleline. And Greensferry is just as bad as you continue to allow MORE homes to be built. Do any of you bother to drive on 16<sup>th</sup> St, Greensferry or Idaho Rd? It is a hazardous mess.**

**So you continue to allow more homes and apartments to be built? Where will the water come from all the new homes? The City constantly warns us about water conservation and water shortage, but you irresponsibly keep allowing building.**

**Where will all the children go to school? The schools are extremely overcrowded already, but you irresponsibly keep allowing building and pushing for growth.**

**What about police and fire protection? Already stretched to the limits! Do you not realize that more people means more crime?**



**What about infrastructure maintenance? In the 4 years I have lived on Brady Street, our housing development has been plowed a total 12 times, and most of them were after someone called the city.**

**What about mail delivery? For about 6 months, we received USPS regular mail only 1-2 times a week. Not enough carriers to support the irresponsible growth. It's gotten a bit better—3-4 times a week now. Don't blame the USPS for this. This is a bi-product of your irresponsible decision making regarding uncontrolled "development."**

**What about the lack of doctors, dentists, optometrists, dermatologists, etc. It takes MONTHS to get scheduled with any of the above. And if you get referred to another doctor, it's another 3 months.**

**Thank you for taking the time to read this. Please take your role of "planners and zoners" seriously. The established citizens of this city are tired of watching our once beautiful town turn into a city cesspool.**

**Joyce Wrightman**

*Joyce A. Wrightman*  
*September 25, 2022*

# Gary R. Wrightman

Post Falls Homeowner

---

1496 N. Brady St.  
Post Falls, ID  
208 867-0907  
hagarusa1@msn.com

## **RE: Adams Annexation (File No. ANNX-22-12)**

To Whom It May Concern,

As a homeowner living on North Brady Street I feel it is imperative that the Post Falls Planning and Zoning Commission take steps to not approve the annexation of the above said property. My reasons for this approach are stated below.

First, the increasing traffic problems that are caused by the continued adding of subdivisions in the surrounding area north and east of Idaho Street and 16<sup>th</sup> Street. As it is 16<sup>th</sup> Street alone has become a nightmare for increased traffic, speeding, and traffic jams at the intersection of Idaho Street and 16<sup>th</sup> Street. Post Falls does not have the infrastructure to be able to handle all the traffic and headaches caused by such. Poor planning and scheduling also plays a role in the streets being continually tore up to add utilities and such. Snow removal is another maintenance problem as it takes an act of congress to get the city to plow Brady Street in the winter and then only after repeated phone calls.

Second, I feel that the environmental concerns are not properly addressed by what your so-called city inspectors are doing in the new developments in the local area. Recently, I have personally watched two areas specifically and the dust and noise created by the construction is way out of bounds. Dirt, rock and other debris is continually covering the roadways during the construction adjacent to these newly annexed areas. Either the contractors are shoddy, or the inspectors are turning a blind eye to the problems mentioned here.

Third, the mayor is continually saying that the increased population is necessary to cover all the newly created jobs in the local area. If that is true, where are all these jobs and why are so many people out of work or choose not to work and live off the government. If one does not want to work, then we don't need all these extra subdivisions and all the houses. Seems plain and simple.

Lastly, what about the police and fire departments? More streets, more houses and or apartment complexes mean a leaner safety factor for the populations already

here. This lack of police allows for increased speeding on the streets, more crime and drugs in the neighborhoods. The same problems go along for the Fire Department. Houses jammed together in the existing subdivisions create more of a chance for a massive fire which could cost lives. Huge apartment complexes are spring up all over town and creating overcrowding and another existing chance for a large fire or fires.

City Hall as a taxpayer funded entity is not in tune with the situation. And if they are they are turning a blind eye to the increasing problems facing the city. Or is money somehow a factor in how the Planning and Zoning Commission votes on these annexations? Where is the over-sight in all of this? Before the planning and zoning commissions vote on any new annexation(s) it should be a requirement that police and fire be increased as per the population. Not more people and less safety.

Don't let the contractor's big money sway your thinking. Do the right thing and stop the continued growth before it gets to the point of no return. Listen to the people and not the Dollar. Lets not keep Californiacating the area. Say **NO** to the **Adams Annexation (File No. ANNX-22-12)**.

Sincerely,

Gary R. Wrightman

A handwritten signature in black ink that reads "Gary R. Wrightman". The signature is written in a cursive style with a large, sweeping flourish at the end.

**CITY OF POST FALLS  
AGENDA REPORT**

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**DATE:** October 7, 2022

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

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

**SUBJECT:** STAFF REPORT FOR OCTOBER 11, 2022, P&Z COMMISSION MEETING – CORSTOR SPECIAL USE PERMIT PUBLIC HEARING

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**INTRODUCTION:**

Scott McArthur, McArthur Engineering, has requested on behalf of CORSTOR LLC approval for a Special Use Permit to construct a new mini storage site within the Single-Family Residential (R-1) and High-Density Multi-Family Residential (R-3) zones per Post Falls Municipal Code (PFMC) 18.20.030 Land Use Table. The Planning & Zoning Commission must conduct a public hearing and determine if the proposed request meets the approval criteria contained in PFMC Section 18.20.070(B). Following the public hearing, the Planning Commission will direct staff to prepare a Reasoned Decision, along with any appropriate conditions, that explains how the approval criteria are/are not met. The Planning Commission will review and approve the final Reasoned Decision at a subsequent meeting. The approval criteria are:

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

**PROJECT INFORMATION:**

**Project Name/File Number:** CORSTOR Special Use Permit (SUP-22-3)

**Owner:** CORSTOR LLC, 1010 S Lakeside Drive, Liberty Lake, WA 99019

**Applicant:** Scott McArthur, PO Box 2488, Post Falls, ID 83814

**Project Description:** Construct a storage facility within 1.97 acres of R-1 and 4.19 acres of R-3 zones. The facility would provide 211 storage units per Exhibit A-3.

**Project Location:** The address for this site is 324 N Corbin Rd and the Adjacent 1.97-acre parcel to the north where Terra St. dead ends.

**Water Provider:** East Greenacres Irrigation District

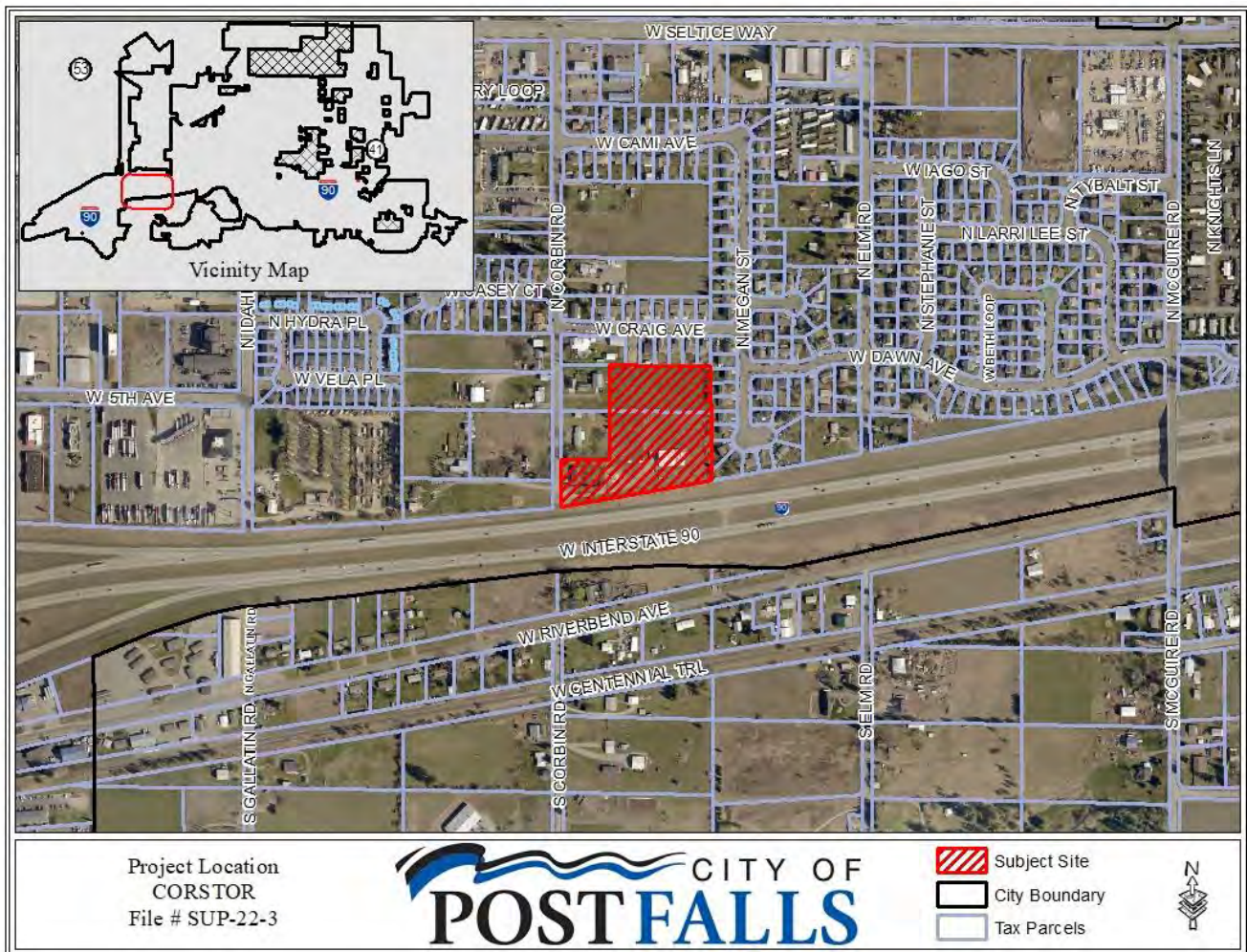
**Sewer Provider:** City of Post Falls

**Proposed Site Plan:** See Exhibit A-3

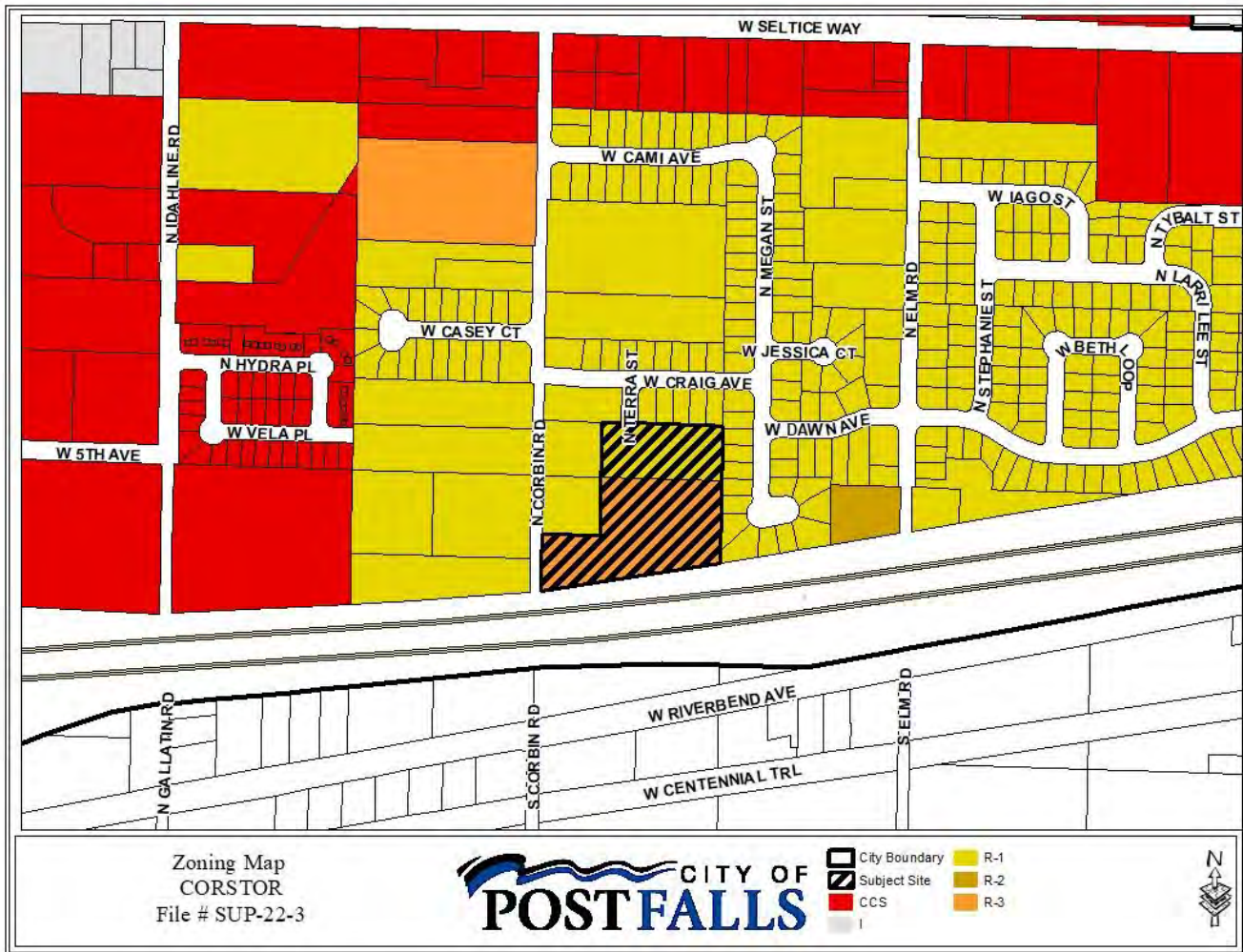
**AREA CONTEXT:**

**Surrounding Land Uses:** To the north of the subject site is Bluegrass Pointe Subdivision and Dawns Place Subdivision to the east, both of which are single-family homes subdivision. Single-family residences are adjacent to the west and directly south is the I-90 right-of-way.

**Area Context Vicinity Map:**



**Surrounding Zoning Districts:** This property is surrounded by the Single-Family (R-1) zoning district and the I-90 roadway.



**EVALUATION OF SPECIAL USE PERMIT APPROVAL/ REVIEW CRITERIA:**

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

Staff Comment: Mini storage uses may be seen as conforming to residential uses as they may provide an ancillary use and amenity to nearby residences within the surrounding community.

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

Staff Comment: Mini-storage warehouse/self-storage uses are allowed through special use permit within PFMC Land Use Table, section 18.20.030 in the R-1 and R-3 zoning districts.

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

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

Transportation: The proposed special use is not anticipated to produce impacts that would adversely impact the adjoining transportation systems. Corbin Road is classified as a local street and is in a “mixed” state of development, south of Seltice Way, with the roadway width varying from 20 feet to 32 feet. Urban improvements exist along portions of Corbin Road; however, they are not continuous. The proposed special use with 211 Storage Units would be projected to generate less than 20 Trips per day. If developed under the existing zoning as single family and multi-family the site could generate in excess of 320 trips per day at typical development densities.

Water Reclamation: The site will be connected to the City’s Water Reclamation Facilities. Existing facilities are in place along portions of Corbin Rd. and would need to be extended to the site. At present, the nearest manhole to the site is 660 feet to the north, near Craig Ave., an additional 170-foot section of sewer main would need to be constructed in Corbin Rd. between Cami Ave. and Casey Ct. Wastewater generation from the proposed mini storage units would be less than the development of single family or multi-family uses. The property is not subject to any Sewer Surcharges or Local Improvement Districts.

Domestic Water: The proposed special use will be serviced by the East Greenacres Irrigation District.

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

The following goals may or may not assist the review of this Special Use Permit request.

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

A mini storage facility could help serve the community in Post Falls for storage needs. A newly constructed site would require maintaining commercial standards. Mini storage facilities have lower impacts on Transportation and Water Reclamation Systems than single family development.

**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 need to plan for and ensure that the public’s health, safety, and welfare is being met through development. The Comprehensive Plan supports the allocation of land use types, to achieve overall plan objectives. Future land use designation depicts this area as business commercial, which a storage facility would meet that land use and provide storage needs of the community.

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

Proposed storage facility may help reduce noise from the I-90 corridor to surrounding residents. Tree requirements for site development will help to expand the number of trees on site to help filter the air. Stormwater will need to be treated and maintained on site to protect contamination to the aquifer.

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

The development of the Comprehensive Plan is community-driven, involving numerous residents including some representing large groups of residents. For plans to succeed, community buy-in and support is critical. Future conditions will certainly require the creation of new objectives and strategies, and this goal supports keeping residents highly involved in such work.

The following policies may or may not assist the review of this Special Use Permit request.

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

- Maintain or enhance community levels of service;

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

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

Staff Comment: This project could help provide more commercial business to the City of Post Falls and help to maintain the long-term fiscal health of the community.

- Maintain and enhance resident quality of life;

Staff Comment: Providing further amenities may help enhance the surrounding community's quality of life. Storage units may be quiet and non-intrusive to the surrounding land uses as some members of the community may prefer this type of use than what is outright permitted in the underlying zoning districts. Buffer requirements to adjacent residential uses would be required through development.

- Promote compatible, well-designed development;

Staff Comment: The proposed Special Use Permit would be required to meet local, state, and federal requirements for development. The underlying site improvements will require certain City design standards for their site. Current code requirement does not allow mini storage parcels/lots fronting Seltice Way, which this proposal is not fronting Seltice Way.

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

Staff Comment: This has been outlined throughout the staff report to ensure compliance with the Comprehensive Plan.

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

Staff Comment: Development of this site may be considered infill as the northern parcel is vacant and could be seen as under-utilized. If relevant, the Commission and/or Council must determine whether the development is compatible and under-utilized.



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

Staff Comment: Development of the subject site would create sidewalks as part of the frontage improvements. This site is adjacent to I-90 and does not allow further southern connection, but the cul-de-sac would be improved through the development of this proposal.

**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 and industry;

Staff Comment: This is not an existing business, but it is an expanding industry within the community.

- Supporting innovative, entrepreneurial enterprises;

Staff Comment: This may not classify as an innovative enterprise but could align with an entrepreneurial proposal as this would be creating a new business for profit. Many of the commercial and Industrial businesses in the community utilize storage units as an offsite complimentary service.

- Supporting opportunities related to business “campus” and mixed-use models;

Staff Comment: Proposed special use would not be categorized as a “campus” or mixed-use model.

- Coordinating provision of workforce housing;

Staff Comment: No housing would be proposed within this special use request and storage facilities typically do not have many employees.

- Attracting new businesses and clean industry.

Staff Comment: CORSTOR is proposed as a new storage facility site and is not proposed to emit smoke, noise, offensive odors, or harmful wastes affecting the surrounding area.

**OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:**

Agencies Notified:

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

- **Kootenai County Fire & Rescue (Exhibit PA-1)** – Reserves comments for the permitting process.
- **Yellowstone Pipeline (YPL) (Exhibit PA-2)** – No impact and no comments
- **Post Falls Police Department (Exhibit PA-3)** – Remains neutral
- **Post Falls Highway District (Exhibit PA-4)** – No comment

- **Idaho Department of Environmental Quality (Exhibit PA-5)** – General comments for time of construction.

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

**CONDITIONS (If any are applied):**

1. Site Access points will be required to conform with City Access Management requirements.
2. Sanitary Sewer will be required to be extended to the site.
3. Frontage improvements would be identified and implemented with the site plan review process.
4. To be completed in one phase.
5. Remove cited billboard sign from Exhibit A-3 as this will need to meet site signage through a sign permit within Post Falls Municipal Code Chapter 18.36.
6. Reduce visual appearance of blank walls, coordinate with City staff at the time of Site Plan Review with a planting scheme while preserving vehicular movement.

**ATTACHMENTS:**

APPLICANT’S EXHIBITS:

Exhibit A-1	Application
Exhibit A-2	Narrative
Exhibit A-3	Preliminary Site Plan
Exhibit A-4	Vicinity Map
Exhibit A-5	Auth Letter

STAFF EXHIBITS:

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

TESTIMONY:

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

Special Use Permit · 314 – CORSTOR

 **Expiration Date**

**Active**



# SUP-22-3



## Details

Submitted on Aug 10, 2022 at 3:59 pm



## Attachments

6 files



## Activity Feed

Latest activity on Sep 16, 2022



## Applicant

Scott McArthur



## Location

Point Location: 47.7116, -116.9893

## Timeline

**Add New** ▾

### Special Use Permit Fees

Paid Aug 15, 2022 at 1:13 pm



### Completeness Review

Completed Aug 16, 2022 at 10:15 am

Aug 25 ( )

### Schedule Planning and Zoning Hearing

Completed Aug 16, 2022 at 3:52 pm



### GIS Review

Completed Aug 17, 2022 at 3:35 pm

Aug 18 ( )

### Polygon Creation

Completed Aug 19, 2022 at 8:32 am


Aug 23 ( )

### Maps Created

Completed Aug 22, 2022 at 12:57 pm

Aug 24 ( )

### Draft Staff Report

 Aug 24 ( )

Completed Aug 25, 2022 at 9:36 am

### Parks Review

Completed Sep 7, 2022 at 3:27 pm

Sep 07

### Notice

Completed Sep 13, 2022 at 8:37 am



### Engineering Review

Completed Sep 13, 2022 at 8:41 am

Sep 07

### Wastewater Review

Completed Sep 13, 2022 at 8:41 am

Sep 19

### Final Planning Review

Completed Sep 16, 2022 at 12:53 pm



Sep 16

### Site Posting

In Progress



### Reasoned Decision

Review



### Consent Calendar - Planning and Zoning

Review



### Route Approved RD

Review



## 🔒 Mailing Fees

🔒 Number of Mailings

52

## Applicant Information

Applicant Type \*

Engineer

Applicant Name \*

Scott McArthur

Phone \*

2084463307

Email \*

scott@mcarthur-eng.com

Address \*

PO Box 2488

City, State & Zip Code

Post Falls

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### **Owner Information**

Name \*

CORSTOR LLC

Company

CORSTOR LLC

Phone \*

509.879.4033

Email \*

legacy14llc@gmail.com

Address \*

1010 South Lakeside Drive

City, State & Zip Code

Liberty Lake, WA 99019

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### **Site Information**

Proposed Project Name \*

CORSTOR

Description of Project \*

RV, boat, and general Storage Facility

Existing Zoning

R-1/R-3

Adjacent Zoning

R-1

Current Land Use

Single Family Residence - Barn Building Company

Adjacent Land Use

Residential/Small Business

Size of Site

6.139 Acres

Site Density, if applicable

N/A

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**Application Certification**

All exhibits presented will need to be identified at the meeting, will be entered into the record, and retained on file. \*



The applicant (or representative) must be at the meeting representing this proposal or the application will not be heard. The applicant will be responsible for costs in re-noticing the public hearing. \*

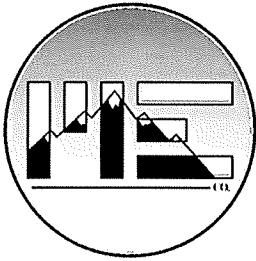


I (We) the undersigned do hereby make application for the land use action contemplated herein on the property described in this application and do certify that the information contained in the application and any attachments or exhibits herewith are accurate to the best of my (our) knowledge. I (We) 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. \*

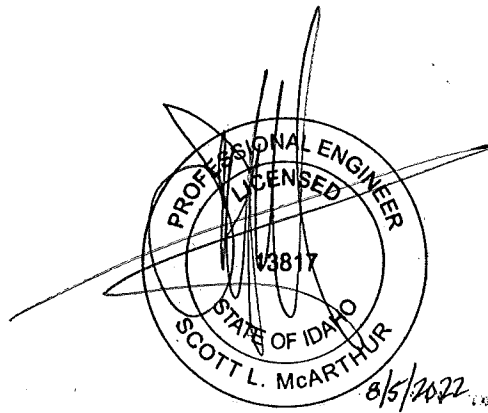
✔ Scott McArthur  
Aug 10, 2022

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August 2022

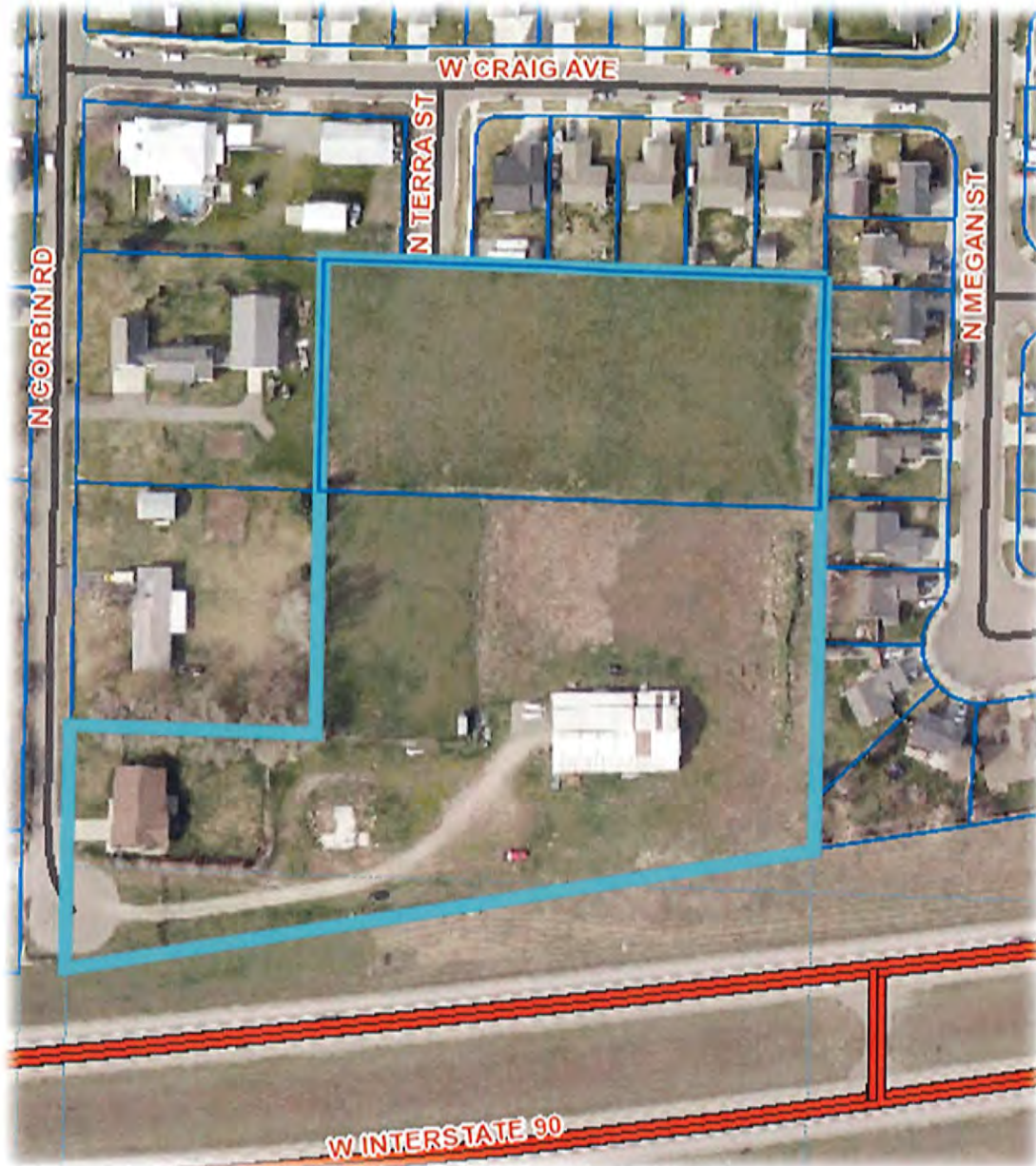


**SPECIAL USE PERMIT REQUEST**  
**CORSTOR LLC ~ STORAGE DEVELOPMENT**  
**CITY OF POST FALLS, IDAHO**



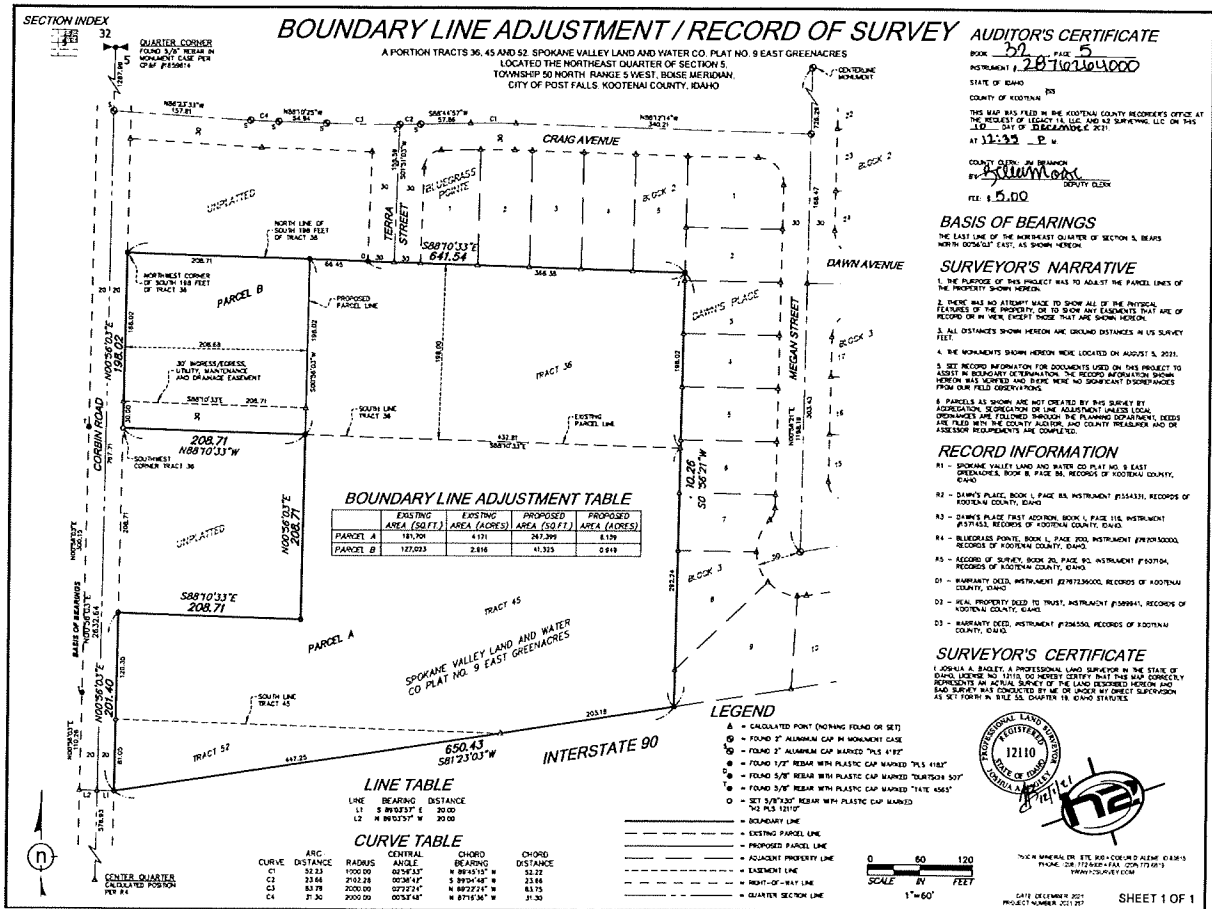


- **Project Summary:** This narrative shall outline our Client's Special Use Permit (SUP) request, for the development of a storage facility project in the City of Post Falls, Idaho. The subject property is located North of Interstate 90, East of Corbin Road, South of Craig Avenue, and West of Megan Street, and further as being in Section 05, Township 50 North, Range 05 West, Boise Meridian, City of Post Falls, Kootenai County, Idaho, shown below, and further described within this submittal:



- **Parcel(s):** P-3900-05-045-AA, P-3900-05-036-BA
- **AIN:** 104507, 346853

- **Site Address:** 324 North Corbin Road, Post Falls, ID 83854
- **Parcel Size:** 6.139 acres (Record of Survey shown below)



- **Proponent/Owner:** CORSTOR, LLC  
 1010 S Lakeside Drive  
 Liberty Lake, WA 99019  
 Tel: 509.879.4033  
 Em: legacy14llc@gmail.com

- **Applicant/Engineer:** McArthur Engineering Company LLC  
 PO Box 2488  
 Post Falls, Idaho 83877  
 Tel: 208.446.3307  
 Em: scott@mcArthur-eng.com

- **Existing Conditions:** The existing land is in the City of Post Falls, Idaho. The topography is relatively flat, with no specific overall drainage direction. The existing adjacent rights of way are consistently flat, with areas of existing improvements already constructed along Corbin Road and Terra Street.

Properties to the East and North are developed with single family residences/detached shops (R-1 zoning), while land to the West is less dense single-family residences with outbuildings on larger parcels of land in the City of Post Falls.

Dry utilities (power, gas, phone, cable, fiber, etc.) are located in the public rights of way adjacent to the property, ready for extension.

Access to the site is available via Corbin Road, to the West, which is currently an improved asphalt surface road that is not constructed to City standards, and Terra Street to the North, which is currently developed to City standards with asphalt pavement, curb/gutter, and sidewalks.

The existing home on the site is already served with water by East Greenacres Irrigation District. Offsite infrastructure improvements, as well as onsite infrastructure extensions may be required to provide the required fire flow, domestic water, and irrigation water for the proposed project.

The site is currently on an individual septic system, as permitted by Panhandle Health District (PHD). Future sewer main, and service extensions will be required to serve the existing home on the property, and any future office space that would be required by the City for the proposed development.

- **Proposed Development Plan:**

As illustrated on the attached sketch, it is the intent of the developer of this property to construct storage facility on the subject property. The following shall outline the proposed development plan:

- **Structures:**

The proponent intends to build steel storage structures on the property meeting both building code and fire code requirements, as reviewed and permitted by the City of Post Falls. The structures will vary in size, focusing primarily on RV/boat storage, with a limited number of smaller units to support a wider base of storage users.

- **Employees:**

The proposed facility will remain unmanned, with plans for a grounds keeper generally overseeing the site from the existing home located on the Southwest corner of the property. The proponent will retain a third-party maintenance company to perform routine inspections and repairs on site, and assure that the vegetation is sufficiently watered, and the snow is removed for tenant use and safety.

- **Construction Timeframe:**

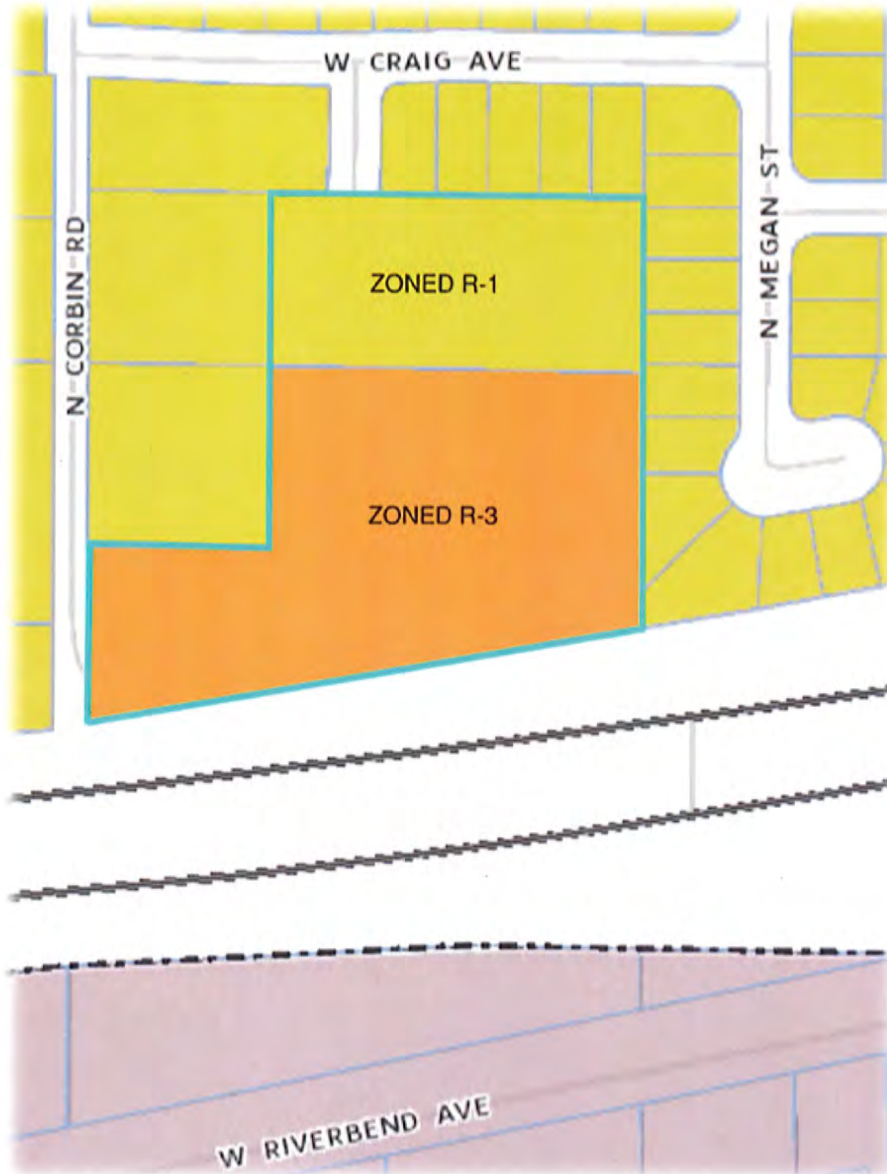
The proponent intends to obtain a Special Use Permit and then move into the preparation of, and submittal of construction plans for the proposed site improvements. At the time of this request, the proponent intends on constructing a single-phase development.

- **Access:**

Primary access to the site will be off of Corbin Road, at the Southwest corner of the property. The proponent will install a gated entrance to the facility for the tenants to use for

- access. Secondary emergency access will be via the existing stub road of Terra Street. This access will only be used for construction, maintenance, and emergency ingress/egress. It will also be gated.
- Stormwater Management:  
Stormwater from the facility's asphalt and concrete impervious surfaces will be collected in stormwater swales for treatment, and will outlet to the provided stormwater drywell, or via infiltration into the prairie gravel soils that are onsite. The stormwater runoff collected in the storage structures will be conveyed via gutters, downspouts, and tightlines to drywells that will be placed in the asphalt surface with solid rims marked "storm".
  - Landscaping:  
A professional landscape plan will be prepared and submitted with the construction plans for this project, detailing the City's required plantings and ground cover that is specified by City code and the City's Urban Forester. Landscape buffers will be maintained between the commercial structures and the existing residences that surround this property.
  - Parking:  
Outdoor parking is not generally supported, encouraged, or desired for storage facility projects, as it unintentionally invites customers to use the space for outdoor storage. This facility will not have outdoor parking spaces, rather customers will park in front of their own storage unit to transfer their belongings to and from their rented storage unit.
  - Water:  
Provided by East Greenacres Irrigation District. The proponent will work with EGID to obtain approval to extend their existing water system infrastructure to continue to serve the existing home on the property, as well as to serve the domestic, irrigation, and fire suppression needs for this proposed project. The owner has an existing 30' easement off of Corbin Road for the extension of utilities if needed to support the proposed development of this property.
  - Sanitary Sewer:  
Provided by the City of Post Falls. The proponent is aware that offsite improvements will be required to extend sanitary sewer service to the existing home on the property, as well as the City requested restroom for the storage facility project. The owner has an existing 30' easement off of Corbin Road for the extension of utilities if needed to support the proposed development of this property.
  - Dry Utilities:  
The property currently has power, gas, phone, cable, and fiber available in the public rights of way of Corbin Road and Terra Street. The owner has an existing 30' easement off of Corbin Road for the extension of utilities if needed to support the proposed development of this property.
  - Site Lighting:  
All lighting on this project shall be shown on the forthcoming construction improvement plans, meeting the City requirements for site lighting (downward facing, glare protection, etc.).

- **Zoning:** The property, post boundary line adjustment, which occurred prior to the City's adoption of the new Boundary Line Adjustment code, is split zoned, R-1 and R-3, as shown below on the snippet of the City of Post Falls zoning map. The surrounding parcels that are North of Interstate 90 are zoned R-1, with the property South of the Interstate 90 right of way being located in Kootenai County, as Agricultural Suburban (Ag-Sub).



- **Comprehensive Plan:** Per the below snippet of the City of Post Falls Future Land Use Map, the property in question, as well as the surrounding properties are designated as “Business/ Commercial”, and the properties South of Interstate 90 are designated as “Transitional”. This proposed use intends to meet the business (commercial) aspect that is stated in the comprehensive plan, providing both a service to those who live in the vicinity of the property, and minimizing the traffic impacts that are generally enhanced with standard commercial/business uses.



- **City of Post Falls Code – 18.20.070 – Special Use Permits: Comprehensive Plan:** The project proponent understands that the purpose of a special use permit is to establish procedures for the review and approval of the intended property use, which is not permitted by right in this particular zoning district. Further, the proponent understand that a Special Use Permit is not transferable from one parcel of land to another. The following criteria are found in City of Post Falls Code, Section 18.20.070 - Special Use Permits:

- A. **A completed special use permit application shall be submitted to the Zoning Administrator which shall include a description of the use proposed, the manner of implementation of the proposed use including information about appearance and configuration, how it would be compatible with infrastructure and land uses present and future, and why the proposal would be in the public interest.**

The SUP Application is a part of this submittal package. It is the proponent’s opinion that the proposed storage facility use, as permitted by the City, would eliminate the potential for multifamily housing on this property, which is currently partially zoned R-3 along the Interstate-90.

- B. **As its schedule and agenda allow, the Planning and Zoning Commission shall hold a public hearing and shall review the particular facts and circumstances of each proposed special use. In granting a special use permit, the Planning and Zoning Commission may attach appropriate conditions to mitigate impacts, and to ensure conformance with the intent of the Comprehensive Plan and applicable provisions of this title. The application for a special use permit may be approved as presented, conditionally approved, or denied by the Planning and Zoning Commission upon determining the following:**

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

The existing property is split zoned, R-1 and R-3. It is the proponent’s intent to develop a low-impact commercial use on the property that provides a service to those who live in the community, and eliminate the potential for multifamily residences to be developed on the property.

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

The proposed storage, if approved, would be designed in accordance with City development requirements and Special Use Permit conditions, including necessary buffers, access, landscaping, etc.

- 3. **Whether the proposed use will/will not be compatible with the health, safety, and welfare of the public or with land uses in the vicinity of the proposal.**

The proposed storage facility, in our opinion, does not appear to in any way negatively impact the community; however, storage facilities generally serve the community, and have lower traffic

volumes, reducing the impact to the neighboring land owners in this area of the City of Post Falls.

4. **Whether the proposed use will/will not comply with the goals and policies found within the Comprehensive Plan. The applicable Comprehensive Plans goals and policies that relate to this proposed project are:**

- **Population and Growth:**

Growth in our area continues to impact our services and infrastructure. This Special Use Permit request, in our opinion, aims to permit a project that we feel will reduce the potential impacts, through the development of a commercial use that generally sees lower traffic volumes, and has less impact on the City of Post Falls sanitary sewer system infrastructure, and the East Greenacres Irrigation District water system infrastructure.

- **Economic Development:**

It is the intent of the City's Comprehensive Plan to maintain a balance of residential, commercial, and industrial land uses to provide a well balances tax base. While this proposed facility does not encourage employment opportunities (outside of the proposed grounds keeper and the 3<sup>rd</sup> party maintenance company), it will support the City through the development of the public infrastructure that will serve the property, and through the payment of taxes.

- **Future Land Use:**

As stated above, the City of Post Falls Future Land Use Map identifies this property, and the surrounding land as being "Business/ Commercial". This proposed use intends to meet the business (commercial) aspect that is stated in the City's Comprehensive Plan, providing both a service to those who live in the vicinity of the property, and minimizing the traffic impacts that are generally enhanced with standard commercial/business uses.

- **Public Services and Utilities:**

The City of Post Falls, and East Greenacres Irrigation District are known for providing the members of this community with exceptional services. This proposed use, if permitted, in our opinion, aims to minimize the impact to those services and the infrastructure that exists, and or is proposed for this area, including streets, sewer, water, stormwater and dry utilities. This proposed commercial use would also not directly impact our public school system.

- **Transportation:**

The property is located at the end of Corbin Road, on the North side of Interstate-90, currently terminating at an existing cul de sac that encroaches into the subject property. The Idaho Transportation Department, at this time, does not foresee a capital improvement project to construct a Corbin Road overpass. The proponent would improve Corbin Road, and dedicate



the necessary rights of way, fronting the facility, and in our opinion, have a minimal impact on the existing, and or proposed transportation infrastructure.

**C. Upon granting a special use permit, the Planning and Zoning Commission may attach conditions including, but not limited to:**

**1. Minimizing adverse impact on other development.**

Landscaped buffers, and reduced lighting glare, along with reduced traffic flows, and reduced impacts to City/EGID infrastructure are ways in which the proponent feels this proposed project minimizes the impacts to other area developments.

**2. Controlling the sequence and timing of development.**

Once a Special Use Permit can be obtained from the City of Post Falls, the proponent will work with the City, reviewing agencies and districts, to develop a construction schedule, and properly time the development of the property.

**3. Controlling the duration of development.**

Once a Special Use Permit can be obtained from the City of Post Falls, the proponent will work with the City, reviewing agencies and districts, to develop a construction schedule, and properly time the development of the property.

**4. Assuring that development is maintained properly.**

Once the Special Use Permit is approved, the project proponent will submit a professional landscape plan together with the proposed construction plans, and retain the necessary professional services needed to implement the plan, and then maintain the plan, keeping this facility in a condition that promotes pride in our community, and does not negatively impact those living and or working around the facility, or those traveling on Interstate-90.

**5. Controlling the location and setbacks of development.**

The development of this facility will be designed and constructed in accordance with City of Post Falls standards and requirements, with landscape buffers, and site improvements that are aesthetically pleasing and maintained.

**6. Requiring more restrictive standards than those generally required in the zoning ordinance.**

The proposed project will be developed in accordance with City standards and requirements. It is our understanding that staff feels that the City standards, setbacks, and buffers are more than sufficient for the development of the project on the subject property.

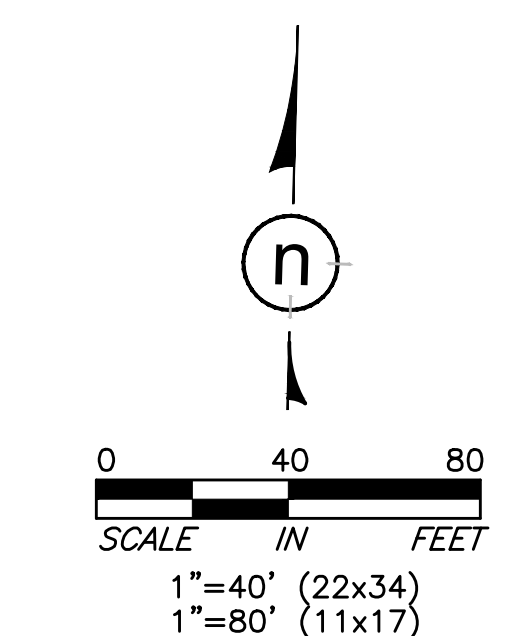
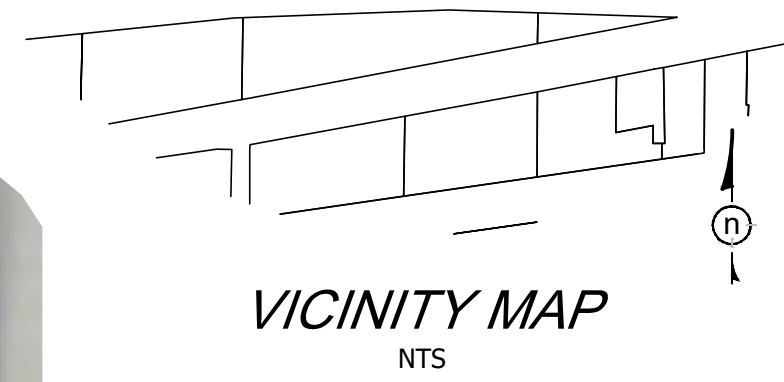


Exhibit A-3



SURVEYED	h2
DESIGNED	SLM
DRAWN	SLM
CHECKED	-



REVISIONS:

**CORSTOR**  
SPECIAL USE PERMIT REQUEST  
CITY OF POST FALLS, IDAHO

CONCEPTUAL  
SITE PLAN

SHEET #	X
PROJECT #	ME2021-045
DATE	08/05/2022











## VICINITY MAP

CORSTOR LLC ~ SPECIAL USE PERMIT REQUEST

CITY OF POST FALLS, IDAHO



July 2022

### AUTHORIZATION LETTER

Know all men by these presents that the undersigned does hereby authorize **McARTHUR ENGINEERING COMPANY LLC** to formally act on my behalf with respect to all matters relating to:

Project: CORSTOR LLC Development, Post Falls, Idaho

Location: 324 North Corbin Road, Post Falls, Idaho

Property: P-3900-05-045-AA & a portion P-3900-05-036-AB from a BLA

AIN: 104507, and a portion of 106669 acquired through a Boundary Line Adjustment

With this authorization, **McARTHUR ENGINEERING COMPANY LLC**, and his/their duly authorized representatives have authority to provide professional engineering services that are specifically specified in the signed scope of service. The signee of this document agrees that **McARTHUR ENGINEERING COMPANY, LLC** are not legally responsible for this project, the conditions of approval, quantities, or financial decisions that are to be made by the developer or contractor. Further, by signing this document, the signee hereby agrees that they are the legal owner, and or a legal representative of the project owner, and do hereby authorize the above to perform to contracted duties described in the projects signed scope of service.

Property Owner (Printed Name): Keith Bueck

Property Owner (Signature): By: [Signature] Date: \_\_\_\_\_

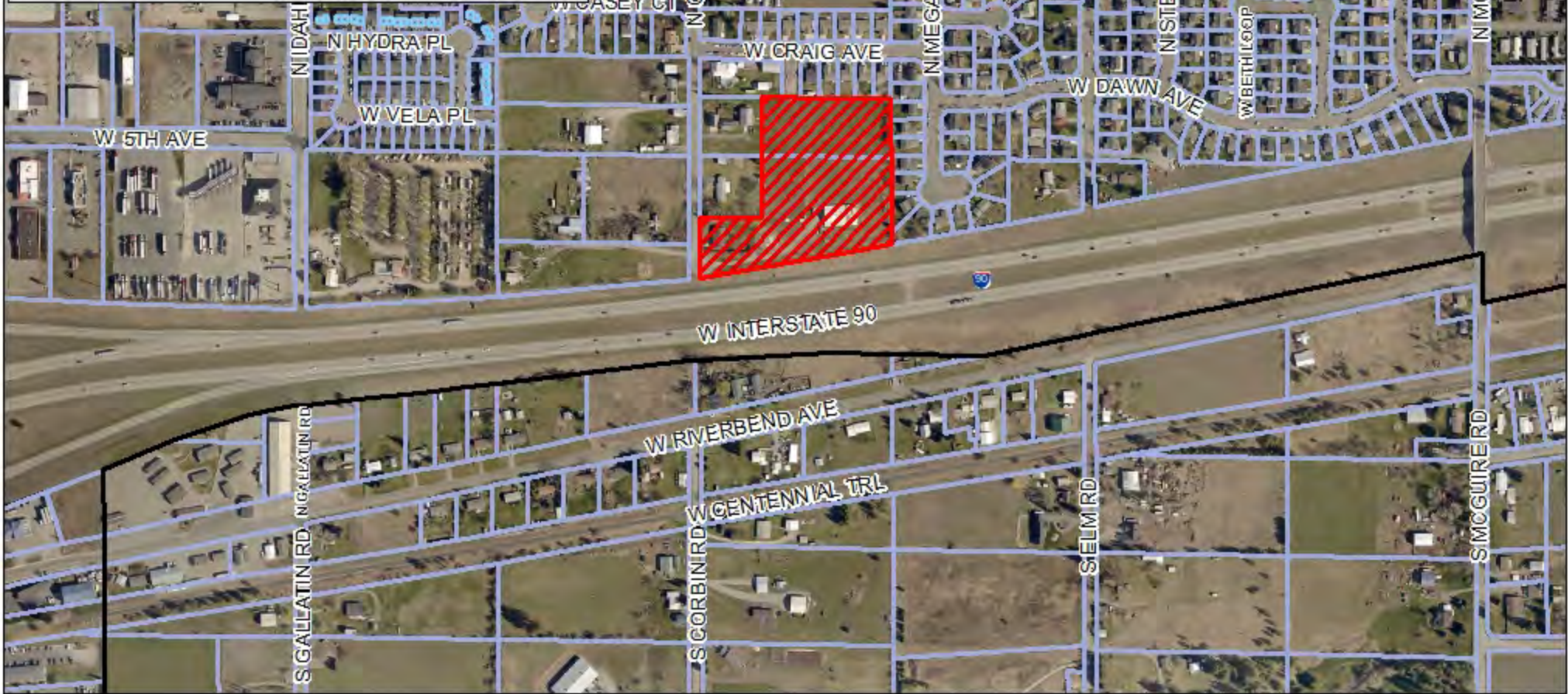
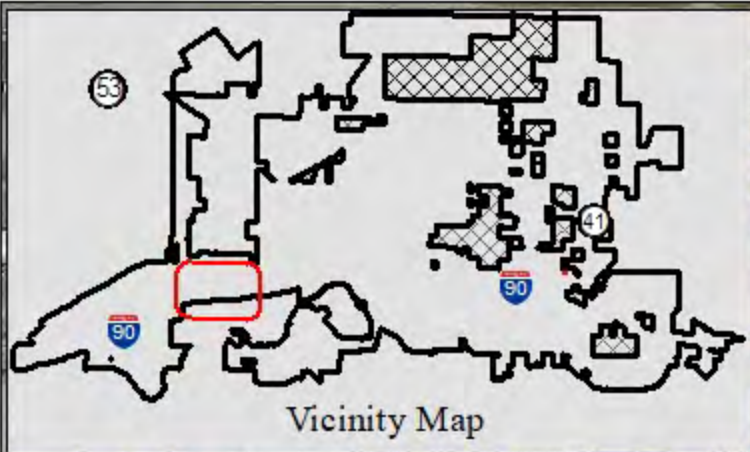
On this 28<sup>th</sup> day of July, 2022 I personally witness the above noted party execute this document authorizing **McARTHUR ENGINEERING COMPANY, LLC** to provide professional engineering services on their behalf for the specific tasks listed in their contractual agreement.

(stamp)






[Signature]  
Notary Public in and for the State of Washington  
Residing at: Spokane County



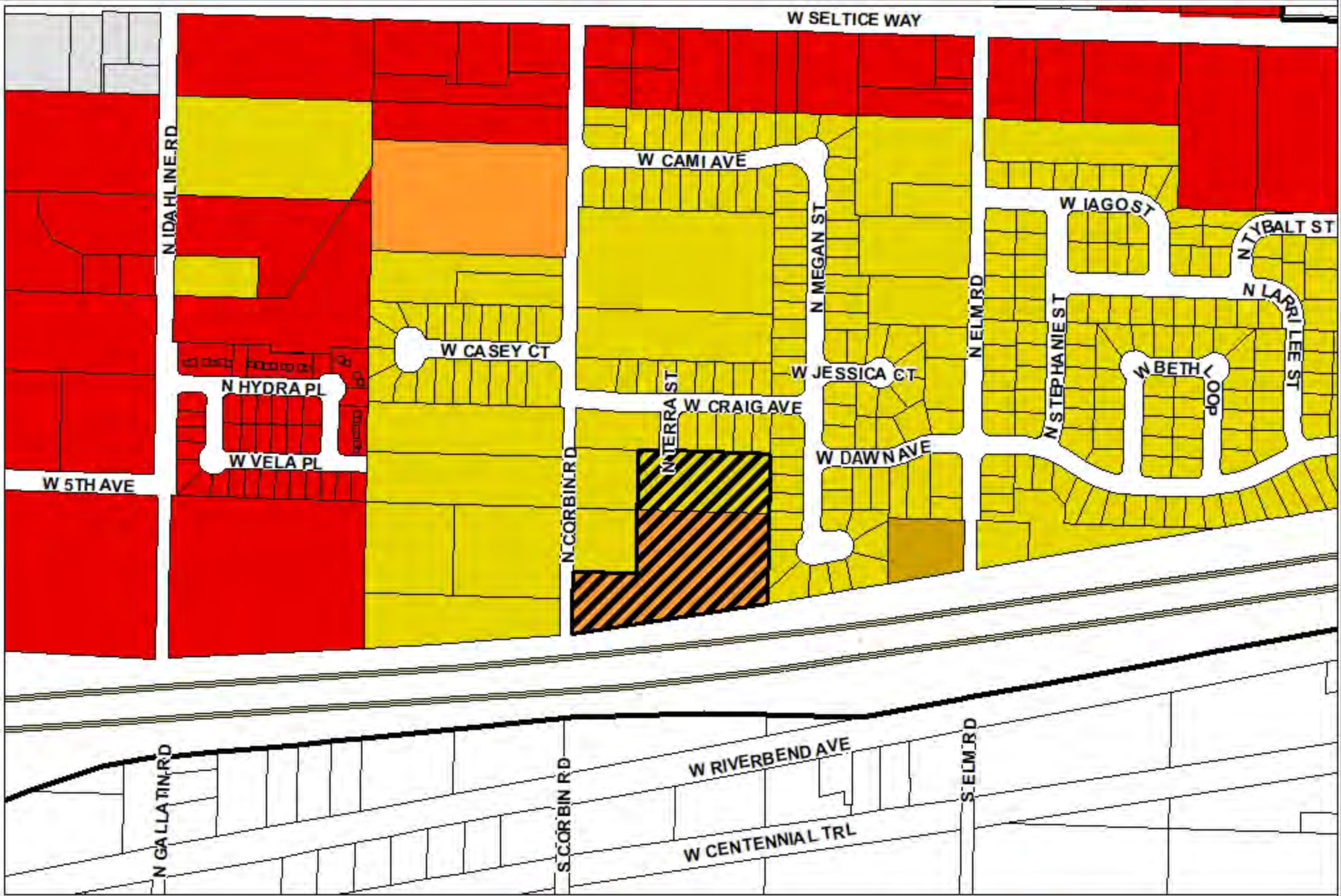


Project Location  
 CORSTOR  
 File # SUP-22-3



-  Subject Site
-  City Boundary
-  Tax Parcels



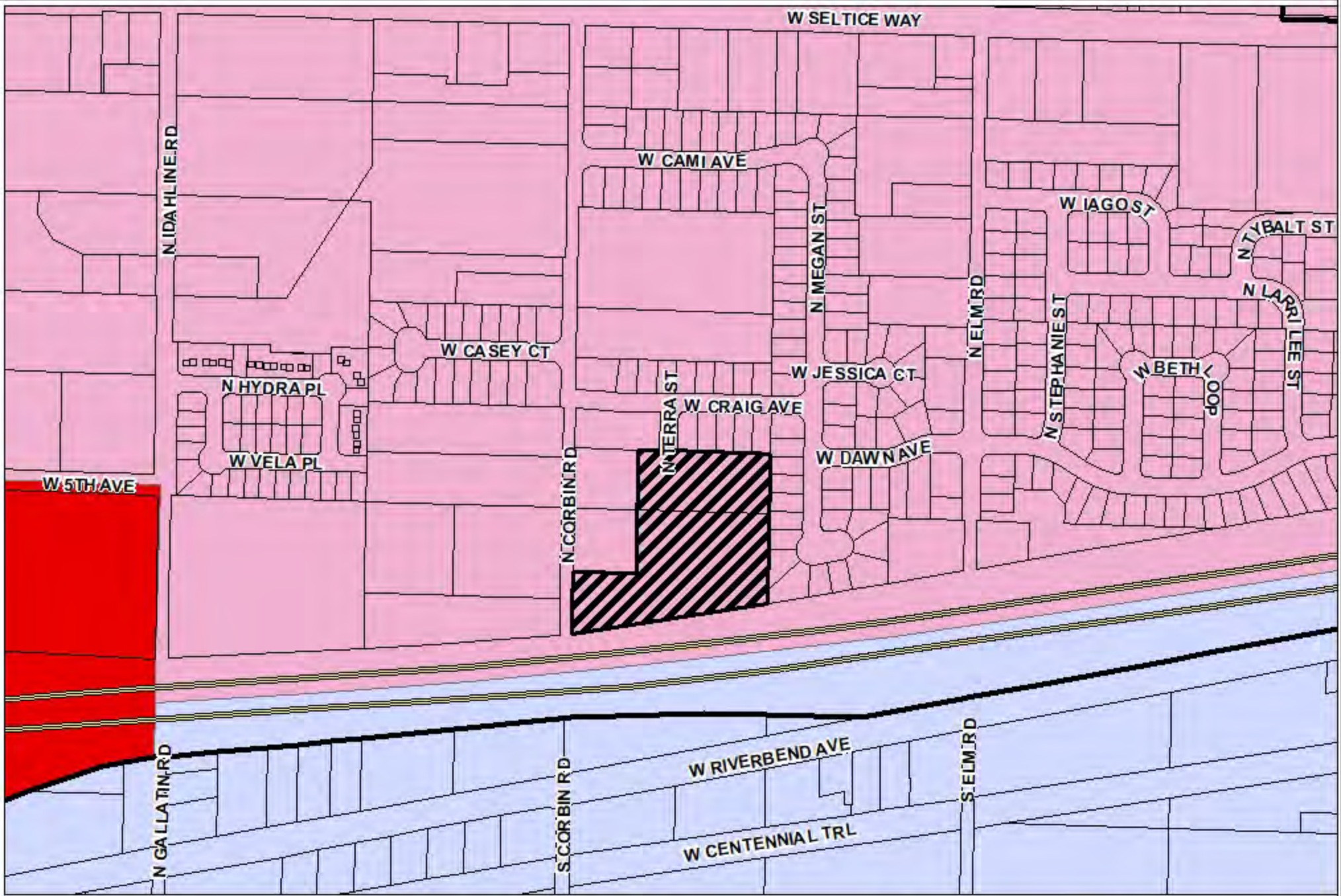


Zoning Map  
 CORSTOR  
 File # SUP-22-3



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





Future Land Use Designation  
 CORSTOR  
 File # SUP-22-3




-  City Boundary
-  Subject Site
-  Commercial
-  Business/Commercial
-  Transitional

Exhibit S-3



# Kootenai County Fire & Rescue

Fire Marshal's Office

1590 E. Seltice Way  
Post Falls, ID 83854  
Tel: 208-777-8500  
Fax: 208-777-1569  
www.kootenaifire.com

September 20, 2022

Amber Blanchette  
Planning Administrative Specialist  
amberb@postfallsidaho.org

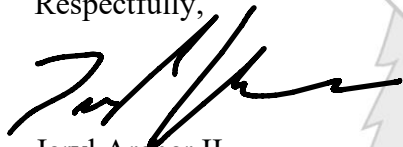
## RE: Notice to Jurisdiction Response

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  
Fire Marshal



## Amber Blanchette

---

**From:** Polak, Chad M <Chad.M.Polak@p66.com>  
**Sent:** Tuesday, September 20, 2022 7:57 AM  
**To:** Amber Blanchette  
**Subject:** FW: CORTSTOR Special Use Permit File No. SUP-22-3  
**Attachments:** CORSTOR NTJ PZ.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,

Based on the location of the project, there is no impact to the YPL ROW and we do not have any questions or comments.

Sincerely,

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

**From:** Amber Blanchette <amberb@postfalls.gov>  
**Sent:** Monday, September 19, 2022 4:58 PM  
**To:** Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01\_Real\_Estate@avistacorp.com>; Bill Melvin <bmelvin@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@postfallsidaho.org>; 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 <mbylton@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>; 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]CORTSTOR Special Use Permit File No. SUP-22-3

---

**This Message Is From an External Sender**

This message came from outside your organization.

Good afternoon,

Attached is the notice to jurisdiction for the named special use permit for Planning and Zoning on October 11<sup>th</sup>. The draft staff report will be on the city's website shortly.

**Please Note** my new email address is [amberb@postfalls.gov](mailto:amberb@postfalls.gov)

Thank you,

Amber Blanchette  
Planning Specialist  
Phone: 208-457-3338  
Email: [amberb@postfalls.gov](mailto:amberb@postfalls.gov)



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

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The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

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

September 20<sup>th</sup>, 2022

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

Re: CORTSTOR Special Use Permit File No. SUP-22-3

The Police Department has reviewed the above listed special use permit and will remain Neutral on this request. Please accept this letter as the Police Department's response to this request for both Planning and Zoning as well as City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark J. Brantl".

Mark J. Brantl  
Captain  
Post Falls Police Department

## Amber Blanchette

---

**From:** jonie@postfallshd.com  
**Sent:** Wednesday, September 21, 2022 6:15 AM  
**To:** Amber Blanchette  
**Subject:** RE: CORTSTOR Special Use Permit File No. SUP-22-3

**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.

The PFHD has no comment for this SUP.

Regards,

Jonie Anderson  
Administrative Assistant 1  
Post Falls Highway District  
p 208.765.3717  
f 208.765.0493  
[contactus@postfallshd.com](mailto:contactus@postfallshd.com)



---

**From:** Amber Blanchette <amberb@postfalls.gov>  
**Sent:** Monday, September 19, 2022 3:58 PM  
**To:** Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01\_Real\_Estate@avistacorp.com>; Bill Melvin <bmelvin@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@postfallsidaho.org>; 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 Sanders, AECOM <lynn.sanders@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@quantatel.com.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>; 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 <tgallop@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:** CORTSTOR Special Use Permit File No. SUP-22-3

Good afternoon,

Attached is the notice to jurisdiction for the named special use permit for Planning and Zoning on October 11<sup>th</sup>. The draft staff report will be on the city's website shortly.

**Please Note** my new email address is [amberb@postfalls.gov](mailto:amberb@postfalls.gov)

Thank you,

Amber Blanchette  
Planning Specialist  
Phone: 208-457-3338  
Email: [amberb@postfalls.gov](mailto:amberb@postfalls.gov)



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

---

The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.

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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.



## DEQ Response to Request for Environmental Comment

Date: October 3, 2022  
Agency Requesting Comments: City of Post Falls  
Date Request Received: September 19, 2022  
Applicant/Description: SUP-22-3

Thank you for the opportunity to respond to your request for comment. While the Idaho Department of Environmental Quality (DEQ) does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <https://www.deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts/>

DEQ has not completed a thorough review of the documents provided, therefore, the following general comments should be applied as appropriate to the specific project:

### 1. Air Quality

- **Fugitive Dust** - The City should consider requiring reasonable controls on fugitive dust emitting activity during all phases of the project (including but not limited to; roadway construction, vehicle traffic on unpaved roads, land clearing activity, topsoil management, vegetation management). All reasonable precautions shall be taken to prevent particulate matter (dust) from becoming airborne, as required in IDAPA 58.01.01.651.
- **Land Clearing** - During the land clearing and construction phases of the project the applicant should consider alternatives to open burning of the vegetative debris that is generated. Mechanical processing of land clearing debris avoids generating smoke and offers the greatest flexibility for timely project progress. Mechanical processing is not required by DEQ however.
- **Open Burning** - If open burning of land clearing debris is incorporated into the land clearing phase, smoke management practices to protect air quality as described in the Idaho Department of Lands regulation IDAPA 20.02.01.071.03 and DEQ's regulation IDAPA 58.01.01.614 must be implemented by the applicant. Local fire protection permits may also be required. The City should consider requiring a smoke management plan be developed if open burning is used on this project.
- **Construction Debris** - The City should consider requiring a project plan that commits to the proper disposal of demolition and construction debris. Open burning of demolition or

construction debris is not an allowable form of open burning as defined by IDAPA 58.01.01.600. Demolition and construction debris must be treated in accordance with state solid waste regulations.

- For questions, contact Shawn Sweetapple, Air Quality Manager, at (208) 769-1422.
- **Air Quality Permits** - IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For permitting questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

## **2. Wastewater**

- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- If connecting to an existing wastewater utility, DEQ recommends verifying that there is adequate capacity to serve this project prior to approval. Please contact the sewer provider for a will-serve letter stating the provider's capacity to serve the project, willingness to serve this project, and a declining balance of available connections.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

For questions, contact Katy Baker-Casile, DEQ Water Quality Engineering Manager, at (208)769-1422.

## **3. Drinking Water**

- DEQ recommends using an existing drinking water system whenever possible or construction of a new drinking water system. Please contact DEQ to discuss this project and to explore options to best serve the future residents of this development and provide for protection of ground water resources.
- If connecting to an existing public or non-public drinking water system, DEQ recommends

verifying that there is adequate capacity to serve this project prior to approval. Please contact the water provider for a will-serve letter stating the provider's capacity to serve the project, willingness to serve this project, and a declining balance of available connections.

- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval. All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in the proposed project, DEQ recommends at a minimum testing the private well for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.

For questions, contact Katy Baker-Casile, DEQ Water Quality Engineering Manager, at (208) 769-1422.

#### **4. Surface Water**

- **Water Quality Standards.** Site activities adjacent to waters of the United States (US) must comply with Idaho's Water Quality Standards (WQS) (IDAPA 58.01.02). The WQS provide limits to pollutants to assure water quality for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water. The federal Clean Water Act (CWA) requires states to list current conditions of all state waters (required by §305(b)), including publicly-owned lakes (required by §314), and to list waters that are impaired by one or more pollutants (required by §303(d)).
  - WQS: <http://www.deq.idaho.gov/water-quality/surface-water/standards/>
  - Current conditions of state waters (with interactive map): <http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/>
- **Point Source Discharges.** Site activities that discharge pollutants into waters of the US in Idaho may require Idaho Pollution Discharge Elimination System (IPDES) coverage (IDAPA 58.01.25) or the Environmental Protection Agency (EPA) National Pollution Discharge Elimination Program (NPDES) coverage.
  - <http://www.deq.idaho.gov/permitting/water-quality-permitting/ipdes/>
- **Construction activities.** Construction activities should implement Best Management Practices (BMPs) to control, prevent, or minimize pollution. Construction activities disturbing areas greater than one acre of land that may discharge stormwater directly or indirectly into waters of the US require development and implementation of a Stormwater Pollution Prevention Plan (SWPP) under a Construction General Permit with EPA NPDES.
  - <http://www.deq.idaho.gov/water-quality/wastewater/stormwater/>
- **Stream channel/lakeshore alteration and dredge and fill activities.** Site activities that disturb ground below the ordinary high water mark (OHWM) within streams/lakeshores must have a permit under IDAPA 37.03.07 (administered by Dept. of Lands) and IDAPA 58.13 (administered

by Dept. of Water Resources). Activities that discharge fill material below the OHWM must have a permit under Section 404 of the CWA (administered by US Army Corps of Engineers). All activities must also comply with Idaho Water Quality Standards.

- Idaho Department of Water Resources permits: <https://idwr.idaho.gov/streams/>
- Idaho Department of Lands permits: <https://www.idl.idaho.gov/lakes-rivers/lake-protection/index.html>
- US Army Corp of Engineers permits: <https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>

For questions, contact Robert Steed, Surface Water Manager at (208) 769-1422.

## **5. Solid/Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Solid Waste.** The disposal of all solid waste must comply with Idaho's Solid Waste Management Rules (IDAPA58.01.06). No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that all activities comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

- **Underground Storage Tanks.** DEQ requests that the installation of all underground storage tanks and piping along with any required testing and owner/operator training comply with Idaho's Rules Regulating Underground Storage Tank Systems (IDAPA 58.01.07)

## 6. Additional Notes

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. The Panhandle Health District regulates all ASTs over the Rathdrum Prairie aquifer. EPA regulates ASTs at all other areas. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 769-1422, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.  
For questions, contact Gary Stevens, Waste & Remediation Manager, at (208) 769-1422.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208)769-1422.

Dan McCracken, Regional Administrator, Coeur d'Alene