

## PLANNING & ZONING COMMISSION REGULAR MEETING AGENDA

NOVEMBER 8, 2022 5:30 PM

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

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

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

**REGULAR MEETING - 5:30 PM** 

**CALL TO ORDER** 

\* PLEASE TURN OFF YOUR CELL PHONES \*

#### PLEDGE OF ALLEGIANCE

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

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

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

NATIONAL PARENTS AND TEACHERS 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 10-11-2022
- b. Zoning Recommendation Adams Annexation File No. ANNX-22-12
- c. Reasoned Decision CORSTOR Special Use Permit File No. SUP-22-3

#### 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. **Approve/Deny** Montrose 2022 Major PUD Amendment & Subdivision File No. PUDA-22-1/SUBD-22-10 – Jon Manley, Planning Manager, to present a request to approve or deny amending the PUD of approximately 467 acres to eliminate the cluster housing areas and show all single-family detached lots. The major amendment also shows changes to local access street layouts and to remove many of the cul-de-sacs within the Montrose Community Plan and to increase the lot coverage from 40% to 50% for all lots within the future phases. Additionally, to subdivide 73.73 acres into 306 lots with a proposed density of 4.15 units per acre.

#### 5. ADMINISTRATIVE / STAFF REPORTS

#### 6. COMMISSION COMMENT

#### 7. ADJOURMENT

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

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

Chair: Ryan Davis Vice Chair: Ray Kimball Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward



## PLANNING & ZONING COMMISSION MEETING MINUTES

OCTOBER 11, 2022 5:30 PM

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

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

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#### WORKSHOP - 4:30PM

- Cottage Homes Ethan Porter, Associate Planner, to present \*Davis came late, Hampe was excused, all other Commissioners were present. \* - The Cottage Home purpose and goals are to provide a form of smaller single-family residential units, diversifying a housing choice, to create a path to offer a middle ground between single-family residences and multifamily development communities while promoting open space, safety, and the interaction of the residence. Also, to continue to follow the guidance of LLUPA - Title 67, Chapter 65 seeking ways to create low-cost conventional housing. Standards may provide a level playing field for all Cottage Home Developments while creating a clearer path in permitting, may help incentivize some additional infill projects. Cottage housing can offer a smaller scale housing choice, which are suitable for meeting a variety of needs, compared to traditional detached single-family homes. The advantages of Cottage Homes; they have flexibility, making more effective or desirable use of underutilized spaces to serving the needs of different populations, for infill type development they can maintain a spacious feeling with open courts. Higher density development, they offer privacy by having detached units, their sizes allow them to be potentially more energy-efficient compared to larger residences. They can serve housing for families seeking to downsize, young households, and the workforce. Performance Standards proposed – Any detached residential structure, either on a platted lot or a common lot, with a total living area of less than 1,200 sq/ft (with ground floor area being no larger than 1,000 sq/ft) and more than 600 sq/ft. Implementing Zoning Districts: R2, R3, and RM. Also allowed in the CCM zone where the approved development agreement authorizes multi-family residential uses and in the CCS zone with an approved Special Use Permit. Comprehensive Plan Future Land Use Designation:
  - Low Density Residential (R-1-S, R1, **R2, RM**, Per Focus Area)
  - Medium Density Residential (**R2**, **R3**, **RM**, SC4, Per Focus Area)
  - High Density Residential (R3, RM, SC5, SC6, Per Focus Area)
  - Commercial (**CCM**, LC, **CCS**, SC4, SC5, Per Focus Area)
  - Business/Commercial (LC, CCS, CCM, TM, R2, R3, SC4, SC5, Per Focus Area)
  - Transitional (Per Focus Area)

It would not be allowed in the Business Industrial (I, HI, TM, Per Focus Area). General Design Standards (apply to both platted lot and common lot cottage home developments):

Must front a public ROW or a greenspace; vehicular access from the rear of the structure only; must have pedestrian access from the sidewalk to the building entry. Architectural Design: porch no less than 80 sq/ft (minimum 6' depth); no two abutting or directly opposing cottage homes may have the same front facade or the same exterior material application: minimum of four elements, features, or treatments listed in 18.24.032 (C.)(3.)(d). Accessory Structures: must match architectural style of the cottage home and meet separation requirements. Green Space: Cottage homes must provide 550 sq/ft of common Green Space per unit; developments with 8 or more units must have 50% of the common open space centrally located with 25% of the green space fronting a street; less than 8 units must consolidate the common Green Space into one location (no dimensions less than 20'). When placed on individual lots they will only require 325 sq/ft of common Green Space but will be required to provide a functional yard; located in the rear or side yard (not within front yard setback); equal to at least 10% of the parcel area; minimum dimension no less than 15' (no less than 12' for parcels smaller than 3,500 sq/ft). Fences are prohibited in common Green Space: parking: 1-bedroom units = 1 off street parking stall: 2+ bedroom units = 2 off street parking stalls; developments of 8 units or more that front a street or greenspace require an additional .25 parking stalls (centrally located) per unit. Single-Family Cottage Homes (applies only to platted lot cottage home developments): minimum lot area of 2,400 sq/ft; setbacks: front-16', side-net 15' (no less than 3' on either side); rear-20', flanking street-10', and a height of 25'. Accessory structures cannot exceed the height of the primary structure; nor the square footage of the primary structure of 720 sq/ft, whichever is less, and fences cannot exceed 36' in height. Green infrastructure: where a minimum of 25% of the lots contain green infrastructure amenities, common green space requirements may be reduced by 50 sq/ft per unit (from 325 sq/ft per unit to 275 sq/ft per unit)

- Solar arrays
- Rain gardens (located within the common green space)
- Water harvesting devices
- Green roofs
- Green alleys as outlined by National Association of City Transpiration Officials (NACTO)
- Residential scale wind turbines
- EV charging stations

Multi-Family Cottage Homes (applies only to common lot cottage home developments with three or more cottage homes; Separation must meet adopted building code; Exterior setbacks and height limitations:

- Front-20'
- Side-10'
- Rear-10'
- Flanking street-20'
- Height-25'

Green Infrastructure: Where green infrastructure amenities are provided, common green space requirements may be reduced by 50 sq/ft per unit (from 550 sq/ft per unit to 500 sq/ft per unit)

- At least two amenities as listed in 18.24.030
- EV charging stations (1 station for every 25 cottage home units)
- Green alleys as outlined by NACTO
- Solar arrays

• Rain gardens (located within the common green space

Access, driveways, parking, and garages: consolidated parking structures may be considered by the zoning administrator. Refuse: outside storage and solid waste areas must meet the requirements of 18.24.040. Example of implementing the Cottage Home Standards is the Tullamore Vista request; 20-acres; centrally located common green space; lots fronting ROW or common green space; access from rear; and pedestrian path between sidewalk and building entry. A Hypothetical infill lot is N. Spokane St. and W. 16<sup>th</sup> Ave (.40-acrea). This lot could sustain the open space requirements and the fronting requirements.

Commission Feedback:

- Parking standard desired:
  - .5 additional instead of .25
  - Have it as 2.5 across development instead of 1.5 as Ray mentioned for multifamily
- Will garages fit and is there enough space
- Exterior material application
  - More specific in the wording
  - Market driven
- Public/private street fronting for greenspace was in question for 8 or more
- 30-feet for the height maximum consideration
- Wind power green infrastructure may need to be allowed to exceed the max height
- 48-inches for the fence height to help with dogs in the yard
  - Through administrative exception?
- Special Use Permit for cottage homes in the R1 zone to promote infill and use of code
- Open space not requiring 25% fronting street frontage
  - Help with awkward shaped lots
  - Sight lines into the park area
- Let the building and fire department handle the spacing issues between structures and property line
- Define floor area
- Chande ADA parking to meet federal ADA requirements within access, driveways, parking and garages section Possibly change front setback to 12-feet for cottage homes on platted lots.

#### **REGULAR MEETING - 5:30 PM**

#### CALL TO ORDER

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#### PLEDGE OF ALLEGIANCE

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

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

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

- NATIONAL FACE YOUR FEARS DAY
- SAUSAGE PIZZA DAY

#### AMENDMENTS TO THE AGENDA

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None

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

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

None

#### 1. CONSENT CALENDAR

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#### **ACTION ITEMS:**

- a. 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

Motion to approve as presented by - Steffensen

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

Vote: Schlotthauer – Yes; Ward – Yes; Davis – Yes; Kimball – Yes; Carey – Yes; Steffensen - Yes Moved

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None

#### 3. UNFINISHED / OLD BUSINESS

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None

#### 4. PUBLIC HEARINGS

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#### **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. Requested action is to provide a recommendation to City Council for the zoning designation of Single-Family Residential (R1) on approximately 4.75-acres as part of an annexation request into the City of Post Falls. In Idaho "Growth" and "Land Use" is governed by the Local Land Use Planning Act (LLUPA) was adopted in 1975. The city adopts regulations in accordance with LLUPA. The purpose is to protect property rights, making accommodations for other types such as low-cost housing and mobile home parks. To encourage urban and urban-type development within incorporated cities and to avoid undue (unjustified) concentration of population and overcrowding of land. The general location is south of E 16<sup>th</sup> Ave and east of N. Idaho St. It is currently a large lot residential and sits over the Rathdrum Prairie Aguifer. Water and Sewer will be provided by the City of Post Falls. The zoning to the north and west of the property is Single-Family Residential (R1) with county south and direct east. There was an approval of an R1 zoning with a subdivision to the east and west of N. American Dr.

#### Zone Change Review Criteria:

- The Future Land Use Map designates this site as Low-density residential –
  encompasses all types of single-family residential uses up to 8 dwelling units per acre.
  Implementing zoning districts are R-1-S, R1, R2, RM, SC3, and Per Focus Area. The
  Focus Area is Central Island which promotes infill development as this subject
  property.
- G.03 Maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty. G.05 Keep Post Falls' neighborhoods safe, vital, and attractive; Safe: Improve roadways with development create safer conditions for both vehicles and pedestrians, as well as in many cases increase access for emergency vehicles. Additionally, impact fees are paid towards public safety. Vital: with the current housing shortage and low vacancy rates, improving the net number of housing units may be necessary in supporting the Employers of the area. Additional rooftops/housing units may also add to the vibrancy of Post Falls. Attractive: there are currently minimal design standards for single-family development. Several other goals were listed in the staff report. P.01 to support land use patterns that maintain or enhance community levels of service; foster the long-term fiscal health of the community; maintain and enhance resident quality of life; promote compatible, well-designed development; and implement goals and policies of the comprehensive plan, related master plan and/or facility plans. There are several other policies listed in the staff report as well.

- 16<sup>th</sup> Ave. Is a major collector roadway; rights-of-way conforming to the City's standards were acquired with the previous widening project of 16<sup>th</sup> Ave. And a 10-foot sidewalk, drainage and utility easement would be required along the property's boundary.
- Commercial and high-density criteria are not applicable.
- This is set further away from the higher intensity urban activities that are located along Seltice, Mullan and Highway 41.
- The industrial criteria are not applicable.

All agencies have been notified with the Yellowstone Pipeline and DEQ responding with no comment, Post Falls School District and Post Falls Police Department responded with remaining neutral and the Post Falls Highway District is in support and the Kootenai County Fire and Rescue reserves comments for the permitting process.

**Davis –** To be clear Fire and Rescue offer comments through the entire process, correct.

**Manley –** With Subdivision and site development they review intimately with the city.

**Davis –** Thank you, sometimes I think that gets missed with the in support or neutral. Steffensen – Isn't the main reason for this Annexation is to hook up to city sanitation and not build a subdivision.

**Manley –** You'll need to speak with the applicant; however, I think they do want to create a minor subdivision and create some larger lots. There are some sewer limitations currently and have spoken with the city on some means to gain services potentially and at that time possibly create a subdivision at that time. So, short term no; however, long-term, potentially but that is for the applicant to clarify.

**Applicant, Glenn Adams, Athol, Idaho –** George and Marilyn are my parents. The main reason to annex at this time is for sanitation services. We might be looking at a minor subdivision down the road our hands are tied at this point. We don't know where the future is going to take this property, my parents are in their late 80's between myself and sister we will be purchasing the property once they want to sell however at this point they want to stay in the house.

Schlotthauer – What is the limitation you were saying that you couldn't develop?

Adams – To my understanding sewer has to go north or you have to pump it due to it being 6ft. Deep and to fully develop the property you have to go south with the sewer, and we have no easement to take it that direction. Our current thought is to subdivide in 2 and building another house so someone can be closer to them.

**Ward** – On 16<sup>th</sup> there is a lot in that area further east that is in full development is the sewer running south or through the front along the road?

Kimball - It runs north and to the east.

**Manley –** I will say, the direction of the sewer isn't one of the criteria they are looking for a zone and is the zone they are asking for the right one.

#### **Testimony:**

In Favor - None

**Neutral - None** 

In Opposition – Dennis W. Braulick 917 E 12th- I am in opposition mainly I've had some interesting threats from our local realtors and the people who are wanting to develop this place. What was explained to me was 16<sup>th</sup> could not have sewer and water run through it because pipes were too small. One of them offered me \$35,000 for the right-of-way because I am at the south end of that property where they have to bring the access to. This

R1

would destroy 5 of my lots for my future development or if I decide to turn it over to my family. In 2008 we thought we would sell as a block when this first came up a developer from Canada was wanting to develop all 100+ acres for a senior development similar to cottages with a pool, etc. They offered me \$2million so I was going to sell however, no one wanted small houses. Anyway, I disagree this development will improve the road, trying to get out on 16<sup>th</sup>; I had to go to the mayor and threaten and Amercian Disability Act because the snow gets thrown up on the sidewalks even though they stated 16<sup>th</sup> was designed to be safer but kids were walking home on the street because the sidewalks were packed with snow. One of the developers told us they would get our property no matter what. I refuse to give access due to the \$1million damages that was done to my property when I refused to sell because we didn't want small lots and homes but that is what we are ending up with anyway. I've been concerned about eminent domain coming into play because there is no way this project can be built without coming up through mine.

**Rebuttal, Adams –** I know there was an offer a couple of years ago and the reason it fell through is because of the easement. I have no idea why anyone would threaten but at this time we are not looking to develop the property we are just looking to annex the property and move forward. Maybe look for another step later but for now just an annexation.

#### Comments

Davis – This is a zoning recommendation, and it will move forward to Council for the ultimate decision on whether to annex or not.

1. Consistent with Future Land Use Map.

**Kimball** – Future Land Use Map calls this area out as Low-Density Residential and is an implementing zone.

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

**Kimball** – Staff went over this in the presentation and it is also in the applicants narrative: this is part of a county island surrounded by the City of Post Falls.

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. Encourage a balance of land uses to help Post Falls remain a desirable, stable, and sustainable community.

**Schlotthauer** – R1 fits with the surrounding zones, I don't see how anyone would object to it.

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. Ensure that adequate land available for future housing needs.

**Kimball** – The closest urban intensity would be on Mullan which is about ½ mile away.

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\*

**Steffensen** – 16<sup>th</sup> and Idaho is slated as an impact fee project at that intersection in the future. If they decide to develop it, there will possibly be and intersection being developed as well.

Motion to recommend approval to City Council finding the requested zoning meets the approval criteria in PFMC and direct staff to draft a Zoning Recommendation with an R1 zoning designation by Carey

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

Vote: Schlotthauer – Yes; Ward – Yes; Davis – Yes; Kimball – Yes; Carey – Yes; Steffensen - Yes Moved

- 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. The requested action is for approval to develop a storage unit facility on approximately 6.16 acres within the R1 and R3 zoning districts. It is located north of I-90, east of N. Corbin and south of W. Craig Ave. It is currently a large residential lot and a vacant lot that is over the Rathdrum Prairie Aquifer. The water will be provided by East Greenacres Irrigation District and the sewer will be provided by the City of Post Falls. It is surrounded by R1 zoning with commercial to the far west and far north. Special Use Permit Review Criteria:
  - A. Implementation of the special use will conform to the purposes of the applicable zoning district through a Special Use Permit.
  - B. Mini-storage warehouse/self-storage uses are allowed through special use permit within the PFMC Land Use Table, section 18.20.030 in the R1 and R3 zoning districts. Conforms to the Future Land Use Map. The Business/Commercial provides for a wide variety of general services, retail, professional office, light industrial, artisan manufacturing and mixed-uses that serve local and regional residents as well as the traveling public. The Focus Area: Seltice West; Buffering between high and low-intensity development patterns should be maintained, employing use buffering and physical distance between said patterns.
  - C. Proposed special use is projected to generate less than 20 trips per day; wastewater generation from the proposed mini storage units would be less than a residential development.
  - D. Maintain and improve the provision of high-quality, affordable and efficient community services in Post Falls (G-02): municipalities exist to provide infrastructure and services that would be impossible for individuals to provide. While pooled resources make essential services achievable, they also require strong levels of coordination and management to assure; time may profoundly affect the costs of services – and livability of the community. This goal anchors the need for the City of Post Falls to consider the long-term cost, parks and recreational services, as well as other types of infrastructure. G.07 plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability. P.01 support land use patterns that: maintain or enhance community levels of service; foster the long-term fiscal health of the community; maintain and enhance resident quality of life; promote compatible, well-designed development; implement goals and policies of the comprehensive plan, related master plan and/or facility plans. P.08 encourage compatible infill development and redevelopment of vacant and underutilized properties within City limits. P.26 maintain and improve the continuity of sidewalks, trails, and bicycle paths in Post Falls. P.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; supporting innovative, entrepreneurial enterprises; supporting opportunities related to business "campus" and mixed-use models; coordinating provision of workforce housing; attracting new businesses and clean industry.

All agencies have been notified with DEQ, Post Falls Highway District, and Yellowstone Pipeline responded with no comment, Post Falls Police Department remains neutral, and the Kootenai County Fire and Rescue makes comments throughout the permitting process. The Commission may add conditions including, but not limited to, minimizing adverse impact on other development; controlling the sequence and timing of development; controlling the duration of development; assuring that development is maintained properly; controlling the location and setbacks of development; and requiring more restrictive standards than those generally required in the zoning ordinance. Other conditions remove cited billboard sign – commercial site signage Ok; and reduce the visual appearance of blank walls, coordinate with city staff at time of Site Plan Review with a planting scheme while preserving vehicular movement.

**Carey – I** don't know if this is for you or applicant, will it be 24hour access?

**Porter – I** will leave that to the applicant.

**Ward –** You mentioned something about 20 trips per day.

Porter - Correct.

**Ward** – Is that 20 vehicles in the facility per day.

**Porter –** That was Engineering review for that, I don't know if Mr. Palus wants to go over it. **Palus -** We took the number of units for this request and went to a manual called "The Institute of Transportation Engineers" this manual holds data from different studies that have been done over the years. It gives a range based on similar types of uses that you can expect for the number of trips per day. This request has about 211 units, I believe, from the chart we saw that you would anticipate around 20 trips per day coming to the site. If there was a residential use on there you would have around 300 trips per day. Most people with a mini storage do not go to it every day, maybe a couple times a month and some maybe less. The average is about 20 trips per day, 30 days that's around 600 trips per month for 200 units.

**Kimball** – For comparison I think the ITE states a single-family house produces 10 trips per day?

Palus - Correct.

**Kimball** – So, it is the equivalent of 2 houses.

Palus - Yes.

**Ward** – I went to my storage unit up on 16<sup>th</sup> for my catering trailer and the gate opened about 30 times while I was there. I think we need to worry about this, not only for the units but these facilities end up parking hundreds of vehicles in there too. The spaces are rented out for 50-100 bucks a month for RVs or boats, and it doubles the number of people that are in there vs. The number of units available.

**Palus –** I understand what you are saying, and you need to talk with the applicant as to whether or not they're looking at additional boat and RV storage other than just the units themselves.

**Porter –** With the existing R3 zoning if they did multi-family in the site, you'd probably get a lot more trips per day as well.

**Ward –** You get landscapers, carpenters, that rent out it is non-stop going.

Applicant, Scott McArthur, My clients looked at this property for years and wanted to make sure the development had the least amount of impact in this area which is why they decided on a storage facility. Originally, they were leaning towards the uses of multi-family and singlefamily under the underlying zone of R1 and R3. They also had a conversation regards to a zone change from R3 and R1 to commercial, I informed them adding commercial to this area with the residential neighborhoods would end up creating a traffic nightmare. This request boils down to traffic and not being an eyesore and knowing what my clients does nothing has been an eyesore that they are developing. There is an existing home on the property, 324 Corbin, currently is on East Greenacres Irrigation District which serves the entire property. It doesn't currently have sewer to it however, it will be extended from Cami Court to the south to serve the facility as well as the missing piece that could never seem to be developed on Corbin. We have 4.17 acres of R3 and 1.97 acres of R1 zoning and asking for a special use to encumber the entire 6.14 acres with this storage facility. It could either be a multi-phase or single-phase facility we're not quite sure yet. This will all be indoor storage and yes, the units ranging from 10x20 to 16x50 will be a range of mini storage to your RV and Boat storage. I have one and visit it once every other month to put more stuff in it for my wife. One of the main controlling items is the access, there is access to Terrace St. Which is off Craig Ave. to the north and access off Corbin Rd. to the south adjacent to the interstate. With concern being traffic, we pushed the main entrance point to Corbin with an emergency access as required by fire out through Terrace St. The existing house will serve as a rental or primarily for the facility groundskeeper as there isn't a good reason to just get rid of it. We have the schematics of the structures and what they will look like, and we'll work with city staff for the sign permit as well. I concur with the city staff and engineer that the site on average will endure 20 trips per day. Looking at just peak trips, morning and evening peak trips, in a residential R1 it would be about 47 peak trips and for a multi-family development the peak trips would be about 55. The peak trips for a storage facility are considerably less let alone the 20 trips per day. I agree with you, the odds of the gate opening that many times when you were there is considerably rare, I've developed several storage facilities in this area and it's very rare and that is one of the major concerns are traffic. We will be working with East Greenacres on how to provide domestic water, irrigation water and fire suppression; the preexisting home is on East Greenacres already and has fire suppression and is served through a 6inch line that is in Corbin Rd. There is an 8inch water stub that travels south off Craig Ave. Down Terrace St into the property. Our plan is to work with East Greenacres and extend the 8inch line and loop it into Corbin Rd. Our facilities use of the water will be for one required city restroom, irrigation use for landscaping and major buffers. Calculating today there is about 80psi for the fire flow and shouldn't be an issue. The cost of this lies on the developer however, paying for the work usually is a benefit for the surrounding neighbors. Sanitary sewer will extend from Casey Court to the south and again connecting the missing piece on Corbin Rd, south of the existing apartments down to Casey Court. We have no objection to screening requirements, the buffering required would be a good addition to the project as I travel this daily. The comments on lighting generally with facilities like this there are foot candle requirements to light the pathway and the facility for security purposes. I've never been part of a project that's failed to meet this requirement. We plan to meet all codes of the city for this project so there will be no objections to any conditions. We do have a landscape architect to provide us a full set of plans that will be reviewed by city staff (Urban Forester). There will be a security fence as well as surveillance our intent to develop a nice facility and not something that is run down or an area that would attract thieves.

Carey – Will there be open vehicle storage for trailers and stuff?

**McArthur** – It will all be indoor covered storage with garage doors.

Carey - What about hours of access?

**McArthur** – Generally speaking, hours of access are usually 24 hours a day 7 days per week. Limiting that at this point, it could be discussed, but every facility I've built this has been discussed but never been implemented and never become an issue the way the facilities are laid out it provides a buffer to the east and north for the homes there.

**Carey –** That would be my only issue is it being a 24hr access and someone coming in at 2 a.m. there will be noise and even though there is a buffer you still have single-family around this entire project.

**McArthur –** I don't have a lease in front of me, but previous ones I have agreed to have had limited access to be 7am – 10pm. People do have needs, whether they come home late from camping and need to put their trailer away and it is 11:30 at night, those are few and far between. We are more than happy to agree to a lease drafted by the city to have reduced access after 10pm.

**Ward –** Ours is reduced to access after 6pm and is annoying.

**McArthur** – It's not ideal and it's been implemented before in the county and later waived by the board of County Commissioners because of many complaints.

Carey – I could see it not being at 6pm but maybe at 10pm.

**McArthur –** We could reduce access between midnight and 6am potentially. Are you concerned about theft?

**Carey –** No, I am concerned about noise. I don't have a concern with the units just the 24 hr. Access because of where it is, if it didn't have the houses around it, it would be fine.

**Schlotthauer** – The comparison the applicant is making is if they built the R3 and had, how many units of R3?

**McArthur –** 80-83.

**Schlotthauer – I** think it is going to be less noise than 80 units of apartments regardless.

**McArthur -** With the buffering with structures facing away from the homes; your neighbor could have to get up at 3am to start their truck from the snow and let it run for about 40 minutes before they go to work. We can't stop them from doing that. Our intention, after getting to know the owners more, is to develop a nice facility, they've sacrificed units for this layout after going over many renditions of the layout they are putting together a facility that will not be questioned by the city. They want to make sure moving forward that they are creating a good name and a good product.

Schlotthauer - So the sewer will have to be brought down from Casey Court?

**McArthur** – There is a section that is south Casey Court through Corbin that is dry, no sewer in that section right now. This project will be required to put that in.

**Schlotthauer –** Then there will be 1 bathroom?

**McArthur –** Yes, and the existing home will need to be taken off septic and put on sanitary sewer.

**Schlotthauer –** Thos houses currently on Corbin, do not have sewer?

**McArthur** – No.

**Schlotthauer –** But it'll be available after this?

**McArthur –** Yes, I don't know if that house that is on the southeast corner of Craig and Corbin is on sewer but one thing to note too is the sewer basin for the area west of Corbin is in a different basin than to the east. So, we're the tail end of the sewer basin so extending this sewer to the property is really only to serve this property and the 3 parcels are

potentially, or 2 parcels, to the north. So, this is a considerable amount of work to make this facility work that's my client's intentions with the property.

**Kimball** – With regard to lighting and wall packs on the buildings, would it be amenable to your client to limit the wall packs to face the driving areas and no have them off the back of the buildings facing the neighborhood residences?

**McArthur** – I agree, I think that is ideal my only issue with that is security and I think that we have all been around flood lights and they come on when your dog runs by them, and we don't want that to happen. I don't know a good solution to that, we do want to protect the neighbors too, we don't want somebody walking down this 15-foor landscape buffer and jump a fence into someone's backyard either. It could happen now with nothing developed on the property; I think we can reduce the foot candles to that area to have some lighting but not have too much.

**Kimball** – My experience with the wall packs, as downward directed as they are still having an impact. Some of those houses look like they have about a 20-foot setback to their back property line which I would expect that it would be incredibly obtrusive to have a wall pack staring into their backyard all night long.

**McArthur –** I think what we can do in exchange is reduce the wall packs on the back of the structures and have some sort of night vision type security camera. This would capture activity without looking into the neighbor's backyard but facing down the back of the buildings.

**Schlotthauer** – In the staff report condition 4 states to be completed in 1 phase however, I think you said maybe 1 or 2 phases.

**McArthur –** We have talked about phasing this project since the submittal of this plan with the economy right now we want to make this project happen and my clients are looking at opportunities to make it happen under a single phase, but we would request that be potentially a multi-phase project. Make a quick note, the elevation is about a 3ft difference, so even though these structures will be x high, they will be lowered into the ground and will be different in scale compared to a multi-family structure.

**Carey –** Looking at your picture here, your larger units would be in the middle, the taller and larger ones.

**McArthur –** What we proposed are single shed roof on the structures that are adjacent to the north, east, and the west boundaries. The taller peak structures will be in the middle, they are 12 by 35 units in the middle, so the peak won't be as high as let's say an RV structure.

#### **Testimony:**

In Favor - None

**Neutral - None** 

In Opposition-

**Alex Sherman, 455 N Megan St.** - The main 3 points are 1, is the possibility of devaluing property value because of the construction of that as well plus another thing is traffic; like you were mentioning before the engineer presented that Special Use project is projected to generate less than 20 trips per day. I know that is an average being compared other things in general, but I feel like this is a bit low. I am curious to know if there are other values compared to that that are a little higher than the usual 20, I do understand that this is a storage unit so there is a possibility that that number is true. Right at Craig and Corbin here is

a bunch of neighbors with lots of children playing and there is a chance that this area can get congested. Possible traffic accidents or anything like that due to kids playing around and enjoying their time. Third, is a concern of the housing shortage we are currently going through. I feel this would be better suited to stay as residential to accommodate for future development. To give you a reference Seltice has 4 self-storage units and within a half mile radius of this property there's already 7 self-storage units, so I think this is to be saturated for our area. I feel in perspective of the Comprehensive Plan I feel this would be more of a detriment and could be used for single-family use later down the road and contribute to the tax for our community in general.

Casey Browning, 425 N. Megan – I am right up against this project to the far corner. I am against this due to access roads on the property, cut through a heavily residential area that is greatly offset from the main Avenue, it would create a dangerous situation for the children bringing in heavy unwanted traffic near homes and families. I did add obstruction of views and he was talking about building height I think it goes more to an undesirable view and light pollution. For those of us on that line, this will obviously need to be lit up at night so we will be bombarded with more light than we already have. This will create an eyesore for those of us that are already here it will degrade the look of the neighborhood as a whole having such a large industrial site put smack dab in the middle of our neighborhood. Which will cause property values to drop drastically and make our homes and neighborhood undesirable. This property should remain residential and be developed as such to create more opportunities for home ownership for local hard-working families to enjoy in the future. The only ones that will benefit from this development are the owners wishing to make a profit and destroying our neighborhood. This type of development should remain directly off the main road and not encroaching on a neighborhood.

Davis, we have 2 others that need read into the record, Matthew Barbari – What is the purpose of zoning laws here in Post Falls serve if this is allowed to proceed according to the zoning maps this was originally zoned as residential not business. We're not discussing a storage facility at the beginning of our neighborhood or on a main street but in the heart of our neighborhood to get this proposed you would need to drive through the neighborhood to get to the business entrance. This has the potential of lowering home values I like many others who would never choose to move next to a storage facility with rising crime significant increase in traffic to this quiet neighborhood thus making it less safe for our children. This is without question the absolute worst idea for this area and should not be allowed to proceed. I sincerely implore you to deny this absurd request for a Special Permit and to build a building in the middle of a neighborhood.

**Benjamin Ruckman –** With deep alarm and concern that you're considering issuing a building permit for commercial building in a residential area R1 R3 the address 324 N. Corbin is tucked away between single-family and multi-family residential locations and the I-90 corridor this location is limited in expansion and will either become 1 or 2 areas a commercial or residential area. Currently, it's a residential area and for it to become a commercial area it must lose its qualities that make it a place to have a home. I've used many storage units and I'm currently renting one I am utterly opposed to having commercial property stuck in the middle of an area that has required renters to pass through a residential area to gain access to their property. Renters have rights to access their property 24/7/365 and to provide that would significantly increase the road traffic in and around the residential area. By increasing

the traffic in this area you'd be risking the current and future residents of the area to have higher chances of crime and vehicle versus pedestrian minor emergencies. We currently have a significant number of children who have the freedom to ride their bikes and to play at night in the areas where the place of the mini storage unit would go, and the neighborhood would be a risk to them. We propose that finding a location that would have direct or less close access to W. Seltice way without having to dive through a R1 R3 area and risk higher crime and endangering children unnecessarily would be more appropriate.

**Herrington** – We did have an issue with the notice going out basically saying we would take written comment up to the date of the hearing rather than a few days prior. With that said Mr. McArthur has a letter in favor that he would like to read into the record prior to addressing the concerns

**McArthur reading in favor Mr. Donald Cooley, 508 N. Corbin Rd –** As an adjoining property owner I do endorse and support the project. So, he lives adjacent to the development.

**Ward –** Would that be one of the lots that would benefit from the water line? Rather, the sewer line.

McArthur - Yes, they will benefit from it.

**Rebuttal – McArthur – I** think we have gone down the path of many discussions as far as trips per day it seems low if you look at the trips per day again as Mr. Palus mentioned earlier if it were multi-family it would be 300 trips per day let alone the the single-family add another 70-80 trips per day if you develop the R1 and together I think you can see that's pretty significant up to 400 trips per day if we were to develop this under the current zones. So, again a storage facility is significantly less compared to the R1 and R3 zones. Kids playing in the area, same discussion with the trips per day, 400 trips per day to an upwards of 50 trips per day both negatively impact the neighborhood it isn't a matter of lessor of 2 evils it is what is best for this property. Any development on this property will increase access the reduced access; if this was developed as a residential neighborhood the access would be split between Terra St. And Corbin Rd. We are limiting all of our access to Corbin Rd. Nothing through Terra St. Which benefits those who may choose to navigate to the east through Megan. Most important aspect is we are controlling our points of access reducing the number of trips per day to this property under what development that's up for Planning and Zoning to decide. I have worked with Preston Hill, your Urban Forester on several commercial jobs and they have turned into some lavish landscaped projects. He does a good job of making sure these projects ae well landscaped maintained and just protecting those around people as developments are put through the city. This landscape will not happen overnight however, as trees grow, and the landscape matures the sightlines with this buffer will protect the visualization.

**Kimball** – Do you know the city ordinance for noise is?

**Manley –** I believe it is 10pm.

Palus - The noise ordinance for the City of Post Falls is from 10pm to 6am.

**Kimball** – So is someone is making obscenely loud noise during those times cops can be called for a resolution.

**Ward** – Is Corbin a minor collector?

**Manley –** I don't know if Palus wants to answer, I think it is a local access road.

**Ward –** Are there any other storage units in the City of Post Falls that access a local access road?

**Manley –** In speaking with Bill local access roads can't support residential and commercial uses.

**Ward** – So let me rephrase that, do you know of any storage facility units in Post Falls that go through a neighborhood to access them?

**Manley –** I wouldn't consider Corbin Road going through a neighborhood, that's the main access.

**Ward –** Major Collectors and Arterials are only ones I can think of except that one going through Montrose; those that are right off Chase.

**Manley –** Are there any questions on that billboard element from staff? Billboards are regulated more through the Federal Highway Administration, and they have spacing standards.

**Ward –** Do we have a height on that?

**Manley –** Commercial signs do have height limits like any other business on I-90 and would treat them like the rest, billboards are a completely different beast.

**Davis –** One thing that has come up multiple times before, seems like whenever there's a project, storge units, apartments, store, whatever the case is, the immediate is this will ruin my property values. I've tried to look and research that and have not been able to find anything statistically speaking that there is a decline in value. Many cases it is actually and increase.

**Herrington –** To piggyback off that a little bit; we have Special Use Permits that we've adopted criteria for and can-do extra conditions on them, it is the whole idea behind Special Use Permits, they are a conditional thing, and you can regulate certain things. Those added conditions do have to comply with our adopted criteria which is the health, safety and welfare of the public and not to private land property values. So, I would say those kinds of comments don't necessarily relate to a review criterion for Special Use Permits. And b, it's a hard thing to judge.

**Ward -** I am looking at a picture of a 30-foot-tall metal sign that says CoreStor Self Storage, is that the billboard we are talking about or is it not pictured.

**Manley –** To me it is just a Site Plan that shows billboard, and what I have experienced at times you have something called out on a site plan and then you come after a decision then you're wrestling during a site plan review with them saying it was approved. So, by correcting that saying you're not inadvertently approving a billboard.

**Kimball** – So, that condition of approval says that any signage you have is going to meet Post Falls signage code.

**Manely –** Yes, it is just clarifying that so a later date when we're doing some administrative review process we're not.

**Kimball –** We're not approving a 150-foot-tall billboard that blocks out the sun.

**Manley –** You can make it to where no higher than what's allowed Max height in the underlying zone. Which is 45 ft.

**Kimball** – I didn't see a title report but the Federal Highway Administration has easements and stuff along the interstate anyway so that may or may not apply. I don't know, but i think our typical sign code would be appropriate.

Comments:

Special Use Permit Criteria:

to

1. Whether implementation of the Special Use would or would not conform to the purpose of the applicable zoning district.

**Schlotthauer** – Isn't this kind of circular that it's allowed for as under a special use permit and it is transitioning the zoning district.

Steffensen – While it is allowed in there, the future land use says business commercial and then you have a bunch of R1 and you've got to have commercial in the middle there are lots that are R1 in the city that are not developed. In theory they can come back and build other houses then you're left with commercial. You will have more traffic with houses or R3 so there are pros and cons to both.

**Kimball –** I know some people that own storage units, and they say about 80% of the users are single-family, 10% are apartments and 10% are business. This is because the people that are in single-family are accumulating stuff and they want to use their garage but the wife wants that for parking her car, so the boat has to go into a storage unit. So, when you look at does it conform to the purpose, with it being built near single-family residences for the single-families stuff as they are the 80% users of storage facilities, then yes it does conform to the underlying zone.

**Schlotthauer** – Reducing traffic as a whole because they are utilizing what is close by rather than traveling across town.

**Davis –** So, what you are saying these storage units would be utilized more neighborhood based than somebody who's living in Rathdrum.

**Schlotthauer** – The houses that are adjacent to it are the perfect candidates for the units themselves. They can utilize the units for excess cars, boats which will beautify the city more and I also think the traffic and noise with this use will be less than any other use.

**Davis –** How many have we just covered?

**Herrington** – You dove into 3 of them, 2 I think you covered you know it's a use established by the land use table so I would say we're into basically 3 and 4.

2. Health, safety, welfare and goals and policies of the Comp Plan.

**Kimball** – I do think commercial lighting can be incredibly obtrusive and think they can accomplish a security on the back side of the buildings with cameras if necessary and I think that is less obtrusive than all night long security wall pack lighting. I would be in support of a condition number 7 that said, lighting should be restricted to face away from adjacent residential properties.

**Davis –** Anyone want to touch on traffic, there was concern with kids having access the roads and places to play.

**Kimball** – If a conservative estimate is 15% of the traffic generated by residential development I think it's an overall win, traffic wise if there is 300 trips per day from a single-family or multi-family development and let's say 60 trips per day from a storage unit then I think it's definitely an overall win.

**Davis -** What about compliance to the goals and policies. Herrington, do you think we hit all 4?

**Kimball** – The comp plan shows this as business commercial, those goals and policies were covered well in the staff report I thought.

**Carey** – Didn't item number 4 need to be changed? They said they weren't going to do it in 1 phase now.

**Davis –** 4 reads as 1 phase. Due to the economy, their goal is for 1 phase, but it might be phase out.

Carey – It might be.

**Herrington** – You can remove or add however many phases.

**Davis –** I don't know it needs to be in there if it isn't going to be in one phase.

Manley - We do multi-phased site plans.

**Davis –** So, inserting number 7 and omitting number 4.

**Carey –** Would it be feasible to add in a limitation on access hours, I still have a problem with the 24hr. access. Can we add a condition that it can't be utilized from 10pm to 6am?

**Davis –** The applicant stated those that have put restrictions in have removed them all just because they don't seem to function, and you Ward, said you don't like the restrictions?

**Ward –** 6 o'clock is crazy. I'd be open for like 10 or 12, I don't think anyone needs to be in a storage unit after midnight.

**Kimball** – I think it will be a rare occurrence and I contrast that to the barking dog which could happen with just a bad single-family neighborhood. We have a noise ordinance that the police can enforce.

**Ward –** One thing that worries me, is we put a moratorium on 41 for no more storage units, and now we are approving one at the entrance of our city and I would hate to see this catch fire. Storage units have the best return on investment, they are never for sale.

**Manley –** The reason why it was taken off of more prime commercial corridors is so it could lend itself to some valued commercial uses to bring in a better tax base consuming those. It was more of a land preservation methodology along Seltice, Mullan, and 41 and Prairie.

**Schlotthauer –** Seeing what they are proposing and knowing the area, I think it will add to the aesthetics f the area rather than detract.

Motion to approve the requested Special Use Permit by Kimball – finding meets approval criteria in PFMC as outlined in the deliberations subject to conditions 1-3, 5, 6 and adding condition 7 as stated in the deliberations and direct staff to prepare a written Reasoned Decision.

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

Vote: Steffensen – No; Carey – No; Kimball – Yes; Davis – Yes; Ward – Yes; Schlotthauer -

Yes Moved

#### 5. ADMINISTRATIVE / STAFF REPORTS

None

#### 6. COMMISSION COMMENT

Steffensen made comments
Davis made comments

#### 7. ADJOURNMENT 7:09PM

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

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

	Chair: Ryan Davis Vice Chair: Ray Kimball Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward
Date: _	Chair:
Attest:	

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

# Planning and Zoning Commission Zoning Recommendation

#### A. INTRODUCTION:

APPLICANT: Glenn Adams

LOCATION: Generally located south of E. 16th Ave. and east of N. Idaho St.

REQUEST: Zoning recommendation of Single-Family Residential (R1) on approximately 4.75

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-6 Auth Letter
- 6. A-7 Title Report
- 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 YPL Comments
- 12. PA-2 KCFR Comments
- 13. PA-3 PFPD Comments
- 14. PA-4 PFHD Comments
- 15. PA-5 DEQ Comments
- 16. PA-6 PFSD Comments
- 17. PC-1 Wrightman Comments
- 18. PC-2 G Wrightman Comments
- 19. PZ Staff Report
- 20. Testimony at the October 11, 2022, Planning and Zoning Commission ("Commission") hearing including:

Planning and Zoning Commission (hereinafter "Commission") heard the request at the October 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 per 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 supply testimony and documentation to be taken by the Commission in their application of City Code section 18.16.010 and 18.20.100 when making the Commission's recommendation on zoning to the City Council.

#### Jon Manley, Planning Manager

Mr. Manley presented the staff report. He testified that the applicant was seeking a recommendation for an initial zoning designation of Single-Family Residential (R1) on approximately 4.75-acres upon the annexation into the city of Post Falls. He illustrated that subject property is located south of E 16th

Ave and east of N. Idaho St.

Mr. Manley testified that the current land use is developed with a large lot residential use, and the only natural characteristics or features is that it is on the Rathdrum Prairie Aquifer. He testified that the city of Post Falls will supply the water and wastewater service.

Mr. Manley testified about the surrounding uses, explaining that to the north and west of the property is Single-Family Residential (R1) with county south and direct east and there was an approval of an R1 zoning with a subdivision to the east and west of N. American Dr.

Mr. Manley said that the Future Land Use Map designates the area as Low-density residential. He submitted that the designation encompasses all types of single-family residential uses up to 8 dwelling units per acre. Implementing zoning districts are R-1-S, R1, R2, RM, SC3, and Per Focus Area. He expounded that the Focus Area is Central Island – which promotes infill development as this subject property.

Mr. Manley testified as to whether the proposal is in accordance with the goals and policies of the comprehensive plan, illustrating goal three, five, six, seven, eight, and fourteen to possibly be relevant and applicable goals. He testified that policies one, as well as others listed in the staff report, may 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 explained that 16th Ave. is a major collector roadway; rights-of-way conforming to the City's standards were acquired with the previous widening project of 16th Ave and a 10-foot sidewalk, drainage and utility easement would be required along the property's boundary.

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 stated that this is not an applicable criterion as this is set further away from the higher intensity urban activities that are located along Seltice, Mullan and Highway 41.

Mr. Manley 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. He testified that this is not an applicable criterion.

#### Glenn Adams, Applicant

Mr. Adams testified that the main they are requesting to annex at this time is for sanitation services. He noted that they might be looking at a minor subdivision down the road, but their hands are tied at this point. He indicated that he does not know where the future is going to take this property, his parents are in their late 80's and between he and his sister they will be purchasing the property once they want to sell however at this point they want to stay in the house.

Mr. Adams indicated that his understanding is that the sewer has to go north, or you have to pump it due to it being 6ft. Deep and to fully develop the property you have to go south with the sewer, and we have no easement to take it that direction. Our current thought is to subdivide in two and building another house so someone can be closer to them.

#### **Public Testimony:**

The hearing was opened for public testimony.

#### Dennis W. Braulick

Mr. Braulick testified in opposition. He said that 16th could not have sewer and water run through it because pipes were too small. He disagrees this development will improve the road, trying to get out on 16th; the snow gets thrown up on the sidewalks and kids were walking home on the street because the sidewalks were packed with snow. He is also concerned about eminent domain coming into play because there is no way this project can be built without coming up through mine.

#### Rebuttal Glenn Adams, Applicant

Mr. Adams testified that there was an offer a couple of years ago and the reason it fell through is because of the easement. He testified that at this time we are not looking to develop the property we are just looking to annex the property and move forward. He stated that they may take another step later but for now it is just an annexation.

**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 4.75 acres upon the annexation into the city of Post Falls. The Future Land Use Map designates this area as Low Density Residential within the Central Island focus area.

The Commission finds that evidence and testimony demonstrate that the R1 zoning is a implementing zone for the Low Density Residential designation therefore the request is consistent with the Future Land Use Map.

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

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

#### Goals:

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

Development that improves roadways will create safer conditions for vehicles, pedestrians, as well as increased access for emergency vehicles. With the current housing shortage and low vacancy rates, improving the net number of housing units may be necessary in supporting employers of the area. Added rooftops/housing units may also add to the vibrancy of Post Falls. There are currently minimal design standards for single-family development

#### Policies:

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

· Maintain or enhance community levels of service;

With the site having already been developed with a single-family home, this maintains community levels of service.

Foster the long-term fiscal health of the community;

Annexing Kootenai County "islands" into the City helps 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 is enhanced by removing existing septic systems 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, which also consist of single-family homes.

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

Transportation impacts, Sewer capacity and water capacity are reviewed within preapplication 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;

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 all primarily residential in nature.

· Infrastructure and service plans;

Sanitary sewer is located in 16th 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 12th 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) or Subsequent User Agreements.

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

Existing and future traffic patterns;

The property is adjacent to 16th 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

16th 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 16th Ave. / Idaho St. intersection (Project # S-78 Idaho and 15th/16th).

**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 Commission finds that 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;
  - The subject property is adjacent to incorporated areas on both the west and north sides.
- · That have readily available service infrastructure and capacity;
  - Service infrastructure of sanitary sewer and domestic water is available within 16th 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.
  - 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.

The Idaho State statues 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.

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.

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.

Frontage improvements, sewer, and water already exist within E. 16th 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;

The master water, sewer, and transportation plans have been reviewed in the annexation staff report. The parks department supplied staff comment. Schools and emergency services were on notice of this annexation and are given a chance to comment.

Provision of necessary rights-of-way and easements;

Additional rights-of-way along E. 16th Avenue have previously been dedicated to the City. A 10-foot sidewalk, drainage and utility easement shall be dedicated to the City along the property's northern boundary.

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

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

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 16th 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 16th 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 16th Ave. / Idaho St. intersection (Project # S-78 Idaho and 15th/16th).

#### Water and Sanitary Sewer:

The Commission finds:

<u>Water</u>: Water service is provided by city of Post Falls and the City has an existing 6" main located within 16th Avenue.

<u>Sanitary Sewer:</u> Sanitary sewer is located in 16th 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 12th 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.

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

The Commission finds that the proposed residential use is compatible with other existing residential uses in the area.

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

The Commission finds that the Future Land Use Map depicts the land use designation for this area as Low Density Residential and R1 is an implementing zoning district.

#### Geographic/Natural Features:

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

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

The Commission finds this criterion inapplicable to the 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 the request is located 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.

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

The Commission finds this criterion inapplicable to the request.

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

**ANNX-22-12, 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 approve the proposal

4.75 acres upon successful annexation of the property.				
Date	Chairman			
Attest				

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) zoning on approximately

#### **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.

## CORSTOR Special Use Permit File No. SUP-22-3

# Planning and Zoning Commission Reasoned Decision

#### A. INTRODUCTION:

APPLICANT: McArthur Engineering, Scott McArthur

LOCATION: 324 N Corbin Rd; and the adjacent 1.97-acre parcel to the north where Terra St.

dead ends.

REQUEST: A Special Use Permit to construct a storage facility within 1.97 acres of R-1 and

4.19 acres of R3 zones. The facility would provide 211 storage units per Exhibit

A-3.

#### B. RECORD CREATED:

1. A-1 Application.

- 2. A-2 Narrative.
- 3. A-3 Conceptual Plan
- 4. A-4 Vicinity Map
- 5. A-5 Auth Letter
- 6. S-1 Vicinity Map
- 7. S-2 Zoning Map
- 8. S-3 Future Land Use Map
- 9. PA-1 KCFR Comments
- 10. PA-2 YPL Comments
- 11. PA-3 PFPD Comments
- 12. PA-4 PFHD Comments
- 13. PA-5 DEQ Comments
- 14. P&Z Staff Report
- 15. Testimony at the October 11, 2022, Planning and Zoning public hearing:

The Planning and Zoning Commission (hereinafter "Commission") heard the request at the October 11, 2022, public hearing, the meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. The request was for the Commission to review the request approval for 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. The request is evaluated under the standards of PFMC § 18.20.070 B.

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

Mr. Porter presented the staff report. He testified that the applicant is requesting approval for a Special Use Permit to develop a storage unit facility on approximately 6.16 acres within the R1 and R3 zoning districts. He testified that the subject property is located north of I-90, east of N. Corbin and south of W. Craig Ave. He submitted that the site is currently a large residential lot and a vacant lot that is over the Rathdrum Prairie Aquifer. He noted that East Greenacres Irrigation District will supply water and the City of Post Falls will supply sewer service. He expounded that it is surrounded by R1 zoning with commercial to the far west and far north.

Mr. Porter testified that the first review criteria examines whether implementation of the special use permit will or will not conform to the purposes of the applicable zoning district. He stated that the R1 and R3 zones, per PFMC Section 18.16.010 (A), support Mini-storage warehouse/self-storage uses through the City's Land Use Table only through a special use permit.

Mr. Porter testified that the second criteria is whether the proposed use constitutes an allowable special use for the zoning district involved and complies with all other applicable laws, ordinances, and regulations. He testified that Mini-storage warehouse/self-storage uses are allowed through special use permit within the PFMC Land Use Table, section 18.20.030 in the R1 and R3 zoning districts. He explained that the request Conforms to the Future Land Use Map as the Business/Commercial designation supports a wide variety of general services, retail, professional office, light industrial, artisan manufacturing and mixed-uses that serve local and regional residents as well as the traveling public. He noted that the Focus Area: Seltice West; shows that buffering between high and low-intensity development patterns should be maintained, employing use buffering and physical distance between said patterns.

Mr. Porter testified that the third criteria is whether the proposed use is compatible with the health, safety, and welfare of the public or with land uses in the vicinity. He said that proposed special use is projected to generate less than 20 trips per day and wastewater generation from the proposed mini storage units would be less than a residential development. He testified that based on the surrounding land uses and zoning designations the proposed use should not negatively affect the health, safety, and welfare of the public.

Mr. Porter testified that the last criteria is whether the proposed use complies with the goals and policies of the comprehensive plan. He explained that Goals 2, 7, 8, and 14 may be relevant to this special use permit and specifically Policies 1, 8, 26, and 86 may be relevant to this special use permit. He asserted that the goals and policies are outlined in detail in the staff report.

Mr. Porter testified that all agencies have been notified with DEQ, Post Falls Highway District, and Yellowstone Pipeline responding with no comment, Post Falls Police Department remains neutral, and the Kootenai County Fire and Rescue makes comments throughout the permitting process.

Mr. Porter explained that the Commission may add conditions including, but not limited to, minimizing adverse impact on other development; controlling the sequence and timing of development; controlling the duration of development; assuring that development is maintained properly; controlling the location and setbacks of development; and requiring more restrictive standards than those generally required in the zoning ordinance. He stated that another condition would be to remove cited billboard sign as to meet commercial site signage; as well as reducing the visual appearance of blank walls, coordinate with city staff at time of Site Plan Review with a planting scheme while preserving vehicular movement.

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

Mr. Palus testified that the trip generation would be 20 trips per day. He explained that they took the number of units for this request and went to a manual called "The Institute of Transportation Engineers" which holds data from different studies that have been done over the years. He stated that it gives a range based on similar types of uses that you can expect for the number of trips per day. He expounded that this request has about 211 units, so from the chart they saw that you would predict around 20 trips per day coming to the site. He noted that if there was a residential use on there you would have around 300 trips per day. He delineated that this is because most people with a mini storage do not go to it every day, a couple times a month and some maybe less. So, he surmised, the average is about 20 trips per day, in 30 days that's around 600 trips per month for 200 units. Mr. Palus explained that a single-family house produces 10 trips per day, so it is the equivalent of two houses.

#### **Scott McArthur, Applicant**

Mr. McArthur testified that they wanted to make sure the development had the least amount of impact in this area which is why they decided on a storage facility. Originally, he explained, they were leaning towards the uses of multi-family and single-family under the underlying zone of R1 and R3. He explained that this request boils down to traffic and not being an eyesore.

Mr. McArthur testified that there is an existing home on the property, 324 Corbin, currently is on East Greenacres Irrigation District which serves the entire property. He noted that it doesn't currently have sewer so it will be extended from Cami Court to the south to serve the facility as well as the missing piece that could never seem to be developed on Corbin. He explained that they have 4.17 acres of R3 and 1.97 acres of R1 zoning and they are asking for a special use to encumber the entire 6.14 acres with this storage facility. He proposed that it could either be a multi-phase or single-phase facility.

Mr. McArthur testified that this will all be indoor storage and yes, the units ranging from 10x20 to 16x50 will be a range of mini storage to your RV and Boat storage. He indicated that one of the main controlling items is the access, there is access to Terrace St. Which is off Craig Ave. to the north and access off Corbin Rd. to the south adjacent to the interstate. He stated that due to the concern about traffic, they pushed the main entrance point to Corbin with an emergency access as required by fire out through Terrace St.

Mr. McArthur testified that the existing house will serve as a rental or primarily for the facility groundskeeper as there isn't a good reason to just get rid of it. He noted that they have the schematics of the structures and what they will look like, and we'll work with city staff for the sign permit as well. He concured with the city staff and engineer that the site on average will endure 20 trips per day. He stated that looking at just peak trips, morning and evening peak trips, in a residential R1 it would be about 47 peak trips and for a multi-family development the peak trips would be about 55. He explained that the peak trips for a storage facility are considerably less let alone the 20 trips per day. Mr. McArthur testified that the odds of the gate opening that many times when you were there is considerably rare and he has developed several storage facilities in this area and it's very rare and that is one of the major concerns are traffic.

Mr. McArthur explained that they will be working with East Greenacres on how to provide domestic water, irrigation water and fire suppression; the pre-existing home is on East Greenacres already and has fire suppression and is served through a 6inch line that is in Corbin Rd. He stated that there is an 8inch water stub that travels south off Craig Ave. Down Terrace St into the property and their plan is to work with East Greenacres and extend the 8inch line and loop it into Corbin Rd. He noted that the only facilities use of the water will be for one required city restroom, irrigation use for landscaping and major buffers. He stated that calculating today there is about 80psi for the fire flow and shouldn't be an issue.

Mr. McArthur explained the cost of this lines is on the developer however, paying for the work usually is a benefit for the surrounding neighbors as Sanitary sewer will extend from Casey Court to the south and again connecting the missing piece on Corbin Rd, south of the existing apartments down to Casey Court. He testified that they have no objection to screening requirements, the buffering needed would be a good addition to the project as I travel this daily. The comments on lighting generally with facilities like this there are foot candle requirements to light the pathway and the facility for security purposes. He said that he has never been part of a project that's failed to meet this requirement and they plan to meet all codes of the city for this project so there will be no objections to any conditions. He stated that they do have a landscape architect to provide us a full set of plans that will be reviewed by city staff. He illustrated that there will be a security fence as well as surveillance our intent to develop a nice facility and not something that is run down or an area that would attract thieves.

McArthur testified that it will all be indoor covered storage with garage doors with hours of access being 24 hours a day 7 days per week. He noted that with the buffering and structures facing away from the homes; it will help with any noise as their goal is to develop a nice facility and want to make sure moving forward that they are creating a good name and a good product.

Mr. McArthur testified that they may amenable to limiting the wall packs to face the driving areas and no have them off the back of the buildings facing the neighborhood residences. He stated that his only issue with that is security. He thought they could reduce the foot candles to that area to have some lighting but not have too much or reduce the wall packs on the back of the structures and have some sort of night vision type security camera.

#### The hearing was opened for public comment.

#### Mr. Donald Cooley, (Read into record by Mr. McArthur)

As an adjoining property owner I do endorse and support the project.

#### **Alex Sherman**

Mr. Sherman testified that there is the possibility of devaluing property value because of the construction and traffic. He questioned the trips per day calculation, citing that even as an average being compared other things in general, felt a bit low. He noted that the right at Craig and Corbin there is a bunch of neighbors with lots of children playing and there is a chance that this area can get congested. He testified that with the housing shortage we are currently going through, this would be better suited to stay as residential to accommodate for future development. He indicated the area is already saturated with storage facilities. He felt this would be more of a detriment and could be used for single-family use later down the road and contribute to the tax for our community in general.

#### **Casey Browning**

Mr. Browning testified that he is right up against this project to the far corner and is against this due to access roads on the property that cut through a heavily residential area that is offset from the main Avenue. He explained that it would create a dangerous situation for the children bringing in heavy unwanted traffic near homes and families. He stated that it will be an undesirable view and light pollution as this will obviously need to be lit up at night so they will be bombarded with more light than we already have. He explained that this will create an eyesore for those of us that are already here it will degrade the look of the neighborhood having such a large industrial site put smack dab in the middle of our neighborhood. He said that this will cause property values to drop drastically and make our homes and neighborhood undesirable. He testified that this property should remain residential and be developed as such to create more opportunities for home ownership for local hard-working families to enjoy in the future.

#### Matthew Barbari (Read into the record)

Mr. Barbari was concerned about a storage facility in the heart of their neighborhood. He noted that to get this proposed area you would need to drive through the neighborhood to get to the business entrance. He argued that this has the potential of lowering home values, rising crime, and a significant increase in traffic making it less safe for our children.

#### Benjamin Ruckman (Read into the record)

Mr. Ruckman testified that this tucked away between single-family and multi-family residential locations and the I-90 corridor this location is limited in expansion and will either become 1 or 2 areas a commercial or residential area. He said that this is residential area and for it to become a commercial area it must lose its qualities that make it a place to have a home. He noted that access to their

property would be 24/7/365 and significantly increase the road traffic in and around the residential area. He would propose finding a location that would have direct access to W. Seltice way would be more appropriate.

#### Rebuttal - Scott McArthur

Mr. McArthur testified that the trips per day seems low but if you look at the trips per day if it were multi-family it would be 300 trips per day. He noted that single-family would add another 70-80 trips per day if you develop the R1 and together I think you can see that's pretty significant up to 400 trips per day if we were to develop what is currently allowed under the current zones. He stressed that a storage facility is significantly less compared to the R1 and R3 zones.

Mr. McArthur testified that any development on this property will increase access; if this was developed as a residential neighborhood the access would be split between Terra St. And Corbin Rd. He explained they are limiting all of our access to Corbin Rd. and nothing through Terra St. which benefits those who may choose to navigate to the east through Megan.

Mr. McArthur testified that he has worked with the Urban Forester on several commercial jobs and they have turned into some lavish landscaped projects and the city does a good job of making sure these projects are well landscaped. He noted that this landscape will not happen overnight however, as trees grow, and the landscape matures the sightlines with this buffer will protect the visualization.

**Deliberations:** After the public hearing was complete the hearing was closed, and the Commission moved to deliberations to discuss their interpretation of the information presented both orally and in the written record and to apply that information to the approval criteria contained in Post Falls Municipal Code ("PFMC") § 18.20.070 B.

#### C. EVALUATION OF APPROVAL CRITERIA:

### C1. Will Implementation of the special use conform to the purposes of the applicable zoning district?

The R1 and R3 Zone contained in Post Falls Municipal Code Section 18.16.010(A) provide that other accessory uses that are associated and compatible with residential uses are permitted. Further, the Future Land Use Map designates the area as business commercial.

The Commission heard testimony that the proposed storage unit use is allowed by special use permit. The Planning and Zoning Commission finds the testimony of Mr. Porter and the Applicant persuasive that the residential zoning supports the proposed use as it is associated and compatible with residential uses. As such, the Commission concludes that the implementation of the special use conforms to the purposes of the R1 and R3 zones.

C2. 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 land use table contained in Post Falls Municipal Code Section 18.20.030 allows mini-storage warehouse/self-storage through a special use permit in both R1 and R3 zoning districts. As such, the Planning Commission finds that this approval criterion is met.

C3. Whether the proposed use will be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

The testimony and evidence provided that the proposed use when viewed against the surrounding land uses and zoning designations does not necessarily negatively affect the health, safety, and

welfare of the public. There was testimony regarding traffic impacts and safety concerns.

However, the staff report transportation analysis as well as the testimony of Mr. Porter and Mr. Palus indicate that the development 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. This is significantly less than is if it was developed under the existing zoning as single family and multifamily the site which could generate in excess of 320 trips per day at typical development densities.

Further, 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.

As such, The Commission finds that the proposed use will be compatible with the health, safety, and welfare of the public and with land uses within the vicinity.

## C4. Whether the proposed use will comply with the goals and policies found within the comprehensive plan.

Based on the testimony provided and the staff report, the Commission finds that the proposal meets the following goals and policies contained in the Comprehensive Plan:

#### Goals:

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

This proposal will 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 aguifer.

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

The development of the Comprehensive Plan is community-driven, involving numerous residents

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

#### Policies:

#### [P.01] Support land use patterns that:

• Maintain or enhance community levels of service;

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

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

This project will 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;

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.

The proposed Special Use Permit will 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.

#### [P.08] Encourage compatible infill development and redevelopment of vacant and underutilized properties within City limits.

The Commission finds that redevelopment of this area is considered infill and the property is underutilized.

**[P.26] Maintain and improve the continuity of sidewalks, trails, and bicycle paths in Post Falls.** 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.

## [P.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;

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

Supporting innovative, entrepreneurial enterprises;

This supports innovative enterprise with an entrepreneurial proposal as this would create 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; Proposed special use would not be categorized as a "campus" or mixed-use model.
- Coordinating provision of workforce housing;

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.

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.

#### D. ACTIONS THAT THE APPLICANT CAN TAKE TO GAIN APPROVAL.

Not applicable.

#### E. CONCLUSION

**SUP-22-3:** Based on the evidence in the record placed before the Commission, the testimony received at the properly noticed public hearing, and with the imposition of the conditions below, it is the conclusion of the Commission that the requested Special Use Permit, meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved subject to the applicant complying with the following conditions:

- 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.** 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.
- **5.** 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.
- 6. Lighting must be directed and/or face away from adjacent residential properties.

Date	Chairman
Attest	

### REASONED DECISION

#### **NOTICE OF RIGHTS:**

Any affected person aggrieved by a final decision of the Planning and Zoning Commission may submit a written notice of appeal along with the required fees in accordance with the City's adopted fee schedule, to the City Clerk for appeal to the Post Falls City Council within fourteen (14) days of the date of the written decision, pursuant to Post Falls City Code 18.20.60.E

The final decision of the Planning and Zoning Commission is not a final decision for purposes of judicial review until the City Council has issued a final decision on appeal and the party seeking judicial review has requested reconsideration of that final decision as provided by Idaho Code 67-6535(2)(b), pursuant to Post Falls City Code 18.20.60.E.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section 67-6535 must first seek reconsideration of the final decision within fourteen (14) days of such decision. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section 67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code Section 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

# CITY OF POST FALLS AGENDA REPORT

**DATE**: November 3, 2022

TO: POST FALLS PLANNING AND ZONING COMMISSION

**FROM:** JON MANLEY, PLANNING MANAGER

(208) 457-3344, <u>imanley@postfallsidaho.org</u>

**SUBJECT:** STAFF REPORT FOR THE NOVEMBER 8, 2022 P&Z COMMISSION MEETING

MONTROSE MAJOR PUD AMENDMENT AND SUBDIVISION

PROJECT NAME: MONTROSE 2022 PUD AMENDMENT AND SUBDIVISION

FILE NUMBER: PUDA-22-1/ SUBD-22-10

APPLICANT: Kevin Schneidmiller, Greenstone-Kootenai II, N. 1421 Meadowwood Lane Ste. 200

Liberty Lake, WA 99019

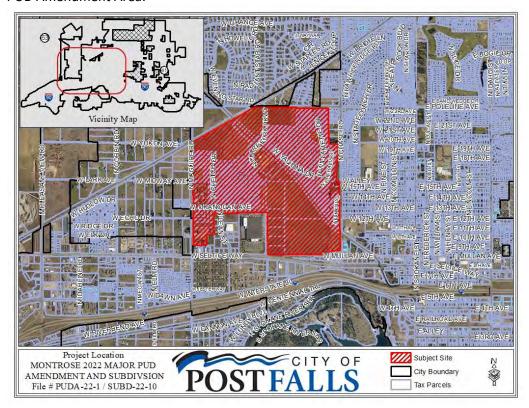
OWNER: Greenstone-Kootenai II, N. 1421 Meadowwood Lane Ste. 200, Liberty Lake, WA 99019

**PROJECT DESCRIPTION:** Montrose was entitled as a PUD in 1998. The subject area had some cluster and multi-family housing (Phase 4 and 5) shown in the 1998 Montrose PUD. This amendment proposes to eliminate those cluster housing and multi-family areas and provide all single family detached lots. This amendment also has changes to the local access street layout as depicted per Exhibit A-4a. This proposal eliminates many of the cul-de-sacs shown in the original design. The proposed Major PUD amendment requests a design standard deviation to increase lot coverage from 40 percent allowed under the City of Post Falls municipal code to 50 percent for the Montrose PUD per Exhibit A-2. This amendment decreases the potential housing units from 769 to 465 housing units (Exhibit A-3). The applicant is also requesting subdivision approval for the proposed multiphase subdivision for approximately 306 lots on 73.72 acres per Exhibit A-4a.

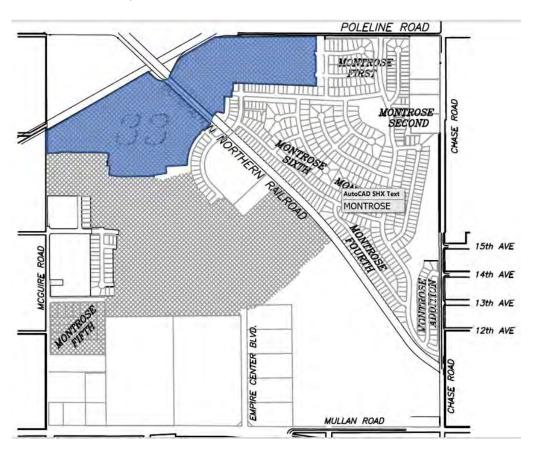
**REQUESTED ACTION:** The Planning & Zoning Commission is being asked to review and approve with appropriate conditions for the proposed Major PUD Amendment and subdivision, finding that both meet the review criteria and the code requirements found within Post Falls Municipal Code.

**PROJECT LOCATION:** The PUD Amendment and Subdivision is located south of Poleline Ave. and east of McGuire Rd., within the Montrose PUD.

# PUD Amendment Area:



# Subdivision Area depicted in blue below:



### **PARCEL INFORMATION:**

Proposed PUD Amendment Area: 467 acres

Proposed Subdivision Area: 73.72 acres with 306 lots, Exhibit A-4a

Current Land Use: Developing Montrose PUD

Current Zoning: Single Family Residential (R-1) and Industrial (I) with a Planned Unit

Development (PUD) overlay.

<u>Proposed PUD Land Use</u>: Mixed Residential/Industrial/Commercial Community with Parks and a School

<u>Surrounding Land Use</u>: The land use surrounding the subject site are either residential lots in the County or single-family homes in the City of Post Falls. There are Industrial and Commercial business, north of Seltice Way and Mullan Avenue.

Proposed Subdivision Density: Density is planned to be approximately 4.15 units per acre

Water Provider: East Greenacres Irrigation District

Sewer: City of Post Falls

#### APPLICABLE STATUTES FOR PUD AMENDMENT REVIEW:

The following review criteria is the basis for reviewing PUD applications set forth by the Post Falls Municipal Code (PFMC) Title 18.20.080: PLANNED UNIT DEVELOPMENT (PUD) PERMIT:

PLANNED UNIT DEVELOPMENT (PUD) approval is based upon finding that the proposal:

- 1. The proposed PUD provides for adequate utilities, services, and parking to service the proposed development by:
  - a. Providing a public water supply system that has adequate supply to serve the proposed development.

<u>Staff Comment</u>: The proposed subdivision will be served by East Greenacres Irrigation District (Exhibit A-4b).

b. Providing a public wastewater collection system that is designed in accordance with the City's adopted Wastewater Master Plan and has sufficient capacity to accommodate the proposed sewer flows.

Staff Comment: Post Falls is the wastewater service provider. The proposed amendment, which provides a decrease in the number of residential units through a modification from cluster housing to single family residential will generate a decrease in wastewater flows than the original PUD. The downstream wastewater collection and treatment systems provide for generated flows from the development as a part of our long-range facility plans. The wastewater collection system within the subdivisions shall be extended to accommodate service to adjacent properties per our wastewater collection system master plans

c. Providing adequate accommodation for other utilities necessary to support the proposed development.

<u>Staff Comment</u>: Other utilities are accommodated during the course of project development with the inclusion of utility easements along the dedicated public rights-of-way.

d. Providing sufficient parking throughout the development to adequately meet the parking needs of all uses proposed in the PUD.

<u>Staff Comment</u>: The proposed PUD is required to meet City of Post Falls parking requirements though individual residential permitting. Additional parking is provided thru the inclusion of standard on street parking along both sides of residential streets.

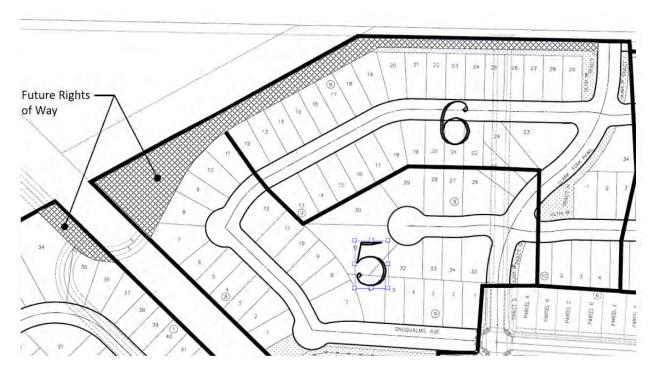
- 2. The proposed PUD provides for an integrated transportation network that adequately serves the proposed development by:
  - a. Providing for the continuation of arterial and collector streets, meeting City standards for traffic volume, in a manner consistent with the City's adopted Transportation Master Plan.

Staff Comment: The Subdivision will provide for frontage improvements to the collector and arterial roadways of McGuire Road, Poleline Avenue and Clarkfork Parkway; aiding in completion of the adjacent and interior roadways. Currently, Poleline Avenue is bisected by railroads at the intersection of the BNSF and UPRR lines at the Grand Junction, an east-west connections provided along Santium Drive and Clark Fork Parkway provide access around the currently bisected section of Poleline Ave. Santium Drive is intended as a temporary roadway connection, until such time that provisions for extending Poleline Ave. thru the Grand Junction crossings (reference City Transportation Master Plan and Capital Improvement Plans – Project NKNL2) are completed. As the development progresses, coordination with EMS and the School District will continue in regard to the long-term need for this temporary connection.

b. Providing a local street network that allows adequate traffic circulation and snow storage throughout the entire development.

Staff Comment: Traffic circulation will be provided by an internal network of public (local residential) roadways, connecting to residential collectors. The revised PUD and subdivision must eliminate the use cul-de-sacs from the original plan, providing for more efficient connectivity and be consistent with PFMC Title 17.28.040: STREET CIRCULATION AND DESIGN STANDARDS. Snow storage would be provided in the utilization of standard roadside swales and or grass strips. The proposed plan should allow adequate traffic circulation and snow storage throughout the entire development. To preserve the most flexibility in reconnecting Poleline Avenue in the future, staff is requiring the following future Rights-of-Way to be dedicated to the city

as part of any associated plat adjoining this area. At the time of dedication of these Rights-of-Way, the City will incur the maintenance of these areas.



c. Providing a pedestrian and bicycle system designed to provide adequate circulation throughout the entire development and to all open space areas.

Staff Comment: The project is providing sidewalks and / or multi use trails along all public roadways. The proposed trail system allows for the eventual abandonment of the BNSF rail spur that runs through the development, which is a long range planned City trail system, once the abandonment is complete. Completion of frontage improvements along McGuire Rd. and Poleline Ave. will aid in providing sufficient widths to accommodate future bike lanes.

### 3. The proposed PUD provides enhanced community design by:

a. Conserving and incorporating the site's significant natural, scenic and/or historical features in the development, if any; and

<u>Staff Comment</u>: There are no significant natural, scenic, or historical features on the subject property to conserve.

b. Integrating a mix of compatible land uses in the development and adequately buffering and/or separating any incompatible uses in the development; and

Staff Comment: Referring to Exhibit A-2, A-3 and A-4a, the applicant intends to

develop single family lots consistent with the other uses in the area.

c. Locating the proposed uses and lot sizes in the proposed PUD in a manner that blends with the surrounding uses, neighborhoods and public facilities located in the City; and

Staff Comment: Answered with the previous criterion.

d. Providing at least ten percent (10%) of the gross land area for open space that meets the recreational needs of the users of the development and provides for a variety of recreational uses; and

<u>Staff Comment</u>: As part of a Master PUD the 10% open space plan is already established and will be completed at such time the Master PUD is complete.

- 4. The proposed PUD provides for timely development of the property and security for future completion and maintenance by:
  - a. Ensuring that each development block contains all the necessary element to exist independently from future blocks; and

<u>Staff Comment</u>: This is within the phasing schedule of the Master PUD. This proposed amendment reduces the overall density for these associated phasing and eliminates many of the cul-de-sacs shown in the original design. The elimination of the cul-de-sacs would be considered an improvement. The design standard deviation request to increase lot coverage from 40 percent allowed under the City of Post Falls municipal code to 50 percent for the Montrose PUD would not affect this review criterion.

b. Ensuring that each building in the development lot has sufficient access around the structure to allow for continual maintenance of the building and access for emergency services.

<u>Staff Comment</u>: The proposed development plan, site plan development requirements, standards setback requirements and building code requirement should allow sufficient access around the structure to allow for continual maintenance of the building and access for emergency services.

c. Ensuring that a funding mechanism exists to adequately maintain common areas that are not publicly maintained.

<u>Staff Comment</u>: A Montrose Homeowner's Association will be established to maintain any common areas that are not publicly maintained.

In addition to the proposed PUD amendment there is an associated subdivision request.

# **SUBDIVISION REVIEW CRITERIA (Post Falls Municipal Code Title 17.12.060, Subsection H):**

1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.

<u>Staff's Response</u>: Water service to the project would be provided by the East Greenacres (Will Serve Exhibit A-4b).

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

<u>Staff's Response</u>: The City of Post Falls has adequate capacity to provide service to the subdivision as proposed. The conceptual layout of the sanitary sewer system as proposed shows the ability to be served and shall be designed and constructed to City Standards.

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

<u>Staff's Response</u>: The subdivision and proposed layout are consistent with the City's Transportation Master Plan and Design Standards.

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

The City will be responsible for plowing and maintenance of the public roadways. Adjacent property owners will be responsible for maintenance of sidewalks, including snow removal, irrigation and maintenance of adjacent swales, grass strips and street trees. A Homeowners Association shall be responsible for maintenance of the frontages along collectors and arterials and any common drainage swales and community open space.

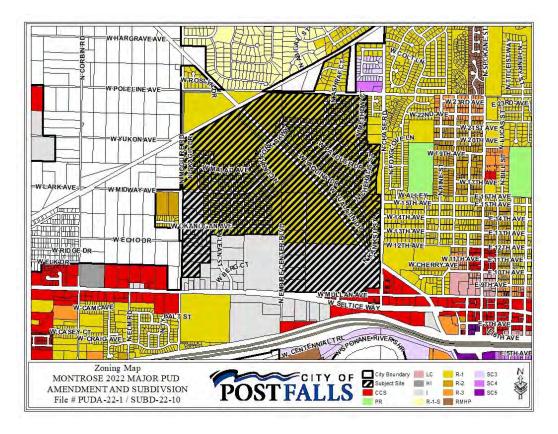
The cul-de-sac shown in the applicants' submittals should be removed.

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

<u>Staff's Response</u>: This proposal is located over the Rathdrum Prairie Aquifer, with treatment of stormwater provided through grassy swales.

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

<u>Staff's Response</u>: The subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning) being consistent with the Approved Montrose PUD. Zoning in R-1 in the Montrose PUD, refer to following page.



6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.

<u>Staff's Response</u>: Impact fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts regarding public safety, multi-modal pathways, and streets.

#### **OTHER AGENCY COMMENTS:**

Agencies Notified:

- → Post Falls Police Department (Exhibit PA-1) Remain neutral
- → YPL (Exhibit PA-2) Replied with no comments
- → Post Falls School District (Exhibit PA-3) Remain neutral
- → Kootenai County Fire & Rescue (Exhibit PA-4) Reserves comments for the permitting process.
- → Post Falls Highway District (Exhibit PA-5) Replied with no comments

PF Park & Rec	East Greenacres Irrigation Dist.	TransCanada GTN
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	Panhandle Health District	Kootenai County Planning
Quality		
Conoco, Inc. (Pipeline Co.)	NW Pipeline Corp.	KMPO
Yellowstone Pipeline Co.	Post Falls Post Office	TDS

**PUBLIC PROCESS**: This project is processed as a Major PUD Amendment and Subdivision Concurrently. A public hearing is held before the Planning & Zoning Commission; of which, will review the record, hear the staff report, and render separate decisions on the proposed PUD Amendment and Subdivision.

If the project is approved, a Master Development Agreement is prepared by staff, approved by City Council, and signed by the parties to the agreement.

Notice of the proposed Major PUD Amendment and Subdivision was sent to appropriate jurisdictions and an Alternative Notice was sent to KVNI, KXLY, and the Spokesman Review Editorial of the proposed project on October 12, 2022. Notice has been published in the Post Falls Press on October 15, 2022. The property was posted on October 27, 2022.

MOTION OPTIONS FOR MAJOR PUD AMENDMENT: The Planning and Zoning Commission shall make a reasoned decision of approval as presented, approval with conditions or modifications, or disapproval of the proposed Major PUD Amendment. 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.

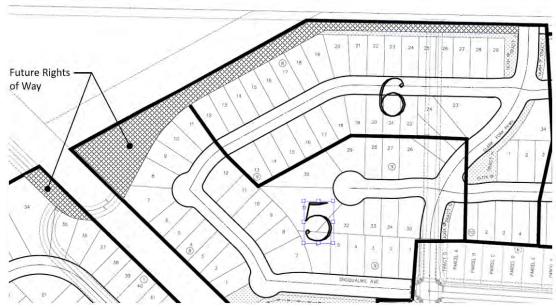
MOTION OPTIONS FOR THE SUBDIVISION: The Planning and Zoning Commission shall approve as presented, make an approval with conditions or modifications, or disapprove the proposed Subdivision. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a date certain. If the Commission has heard sufficient testimony but needs additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a date certain.

FINDINGS & CONCLUSIONS: The Planning & Zoning Commission should adopt Findings and Conclusions when forming a reasoned decision. Staff proposes the following conditions upon a potential recommendation of approval of the proposed Montrose PUD Amendment and Subdivision. The Commission may adopt additional conditions from review of the application or from discussion at the Commission meeting.

**CONDITIONS:** Should the Planning & Zoning Commission move to recommend approval; staff proposes the following conditions:

- 1. Corrections and additions, if any, to the Planned Unit Development (PUD) amendment and/ or Subdivision requested by staff and/or the Planning & Zoning Commission should be completed by the applicant and reviewed by staff prior to approval.
- 2. A Master Development Agreement shall be prepared by staff, reviewed, and

- approved by the City Council, and signed by the parties prior to commencement of any construction.
- 3. A Construction Improvement Agreement shall be completed prior to construction of each phase.
- 4. Construction plans of the streets and utilities shall be submitted to, reviewed, and approved by the Engineering Division prior to any street or utility construction associated with any phase. Such plans shall also include anticipated driveway approaches and location of proposed mailboxes.
- 5. Except where an exception is granted, all streetlights and roadways and public utilities shall be designed and constructed in accordance with City standards.
- 6. Plans for the street trees will be submitted for review and approval as part of the construction plans. Street trees shall be planted by the developer in the spring and fall following construction of homes. The Urban Forester shall be notified prior to planting.
- 7. Direct lot access to McGuire Road and Poleline Avenue shall be restricted on the respective platting.
- 8. A Homeowners Association (HOA) shall be formed to maintain the common right-of-way frontage along McGuire Rd. and Poleline Ave. and shall be responsible for maintenance of Community common areas, and all open space tracts and associated improvements and amenities within the Subdivision. This includes clearing of snow from sidewalks and trails, along with irrigation of Street Trees and other landscaping improvements.
- 9. The existing temporary section of Santium Drive must remain in place until otherwise approved by the City Engineer prior to platting the associated phase of that area.
- 10. The following proposed future rights-of-way depicted in Exhibit A-4a must be dedicated as part of each associated plat. The minimum width of the rights-of-way shall be 70 feet west of the depicted lot 20 in phase 6. East of lot 19, the minimum width of the rights-of-way shall be 55 feet.



# **ATTACHMENTS:**

# **Applicant's Exhibits:**

Exhibit A-1a PUD Amendment Application Exhibit A-1b Subdivision Application

Exhibit A-2
Exhibit A-3
Exhibit A-4a
Narrative
Phasing Plan
Preliminary Plan

Exhibit A-4b Will Serve
Exhibit A-5 Auth Letter
Exhibit A-6 Title Report

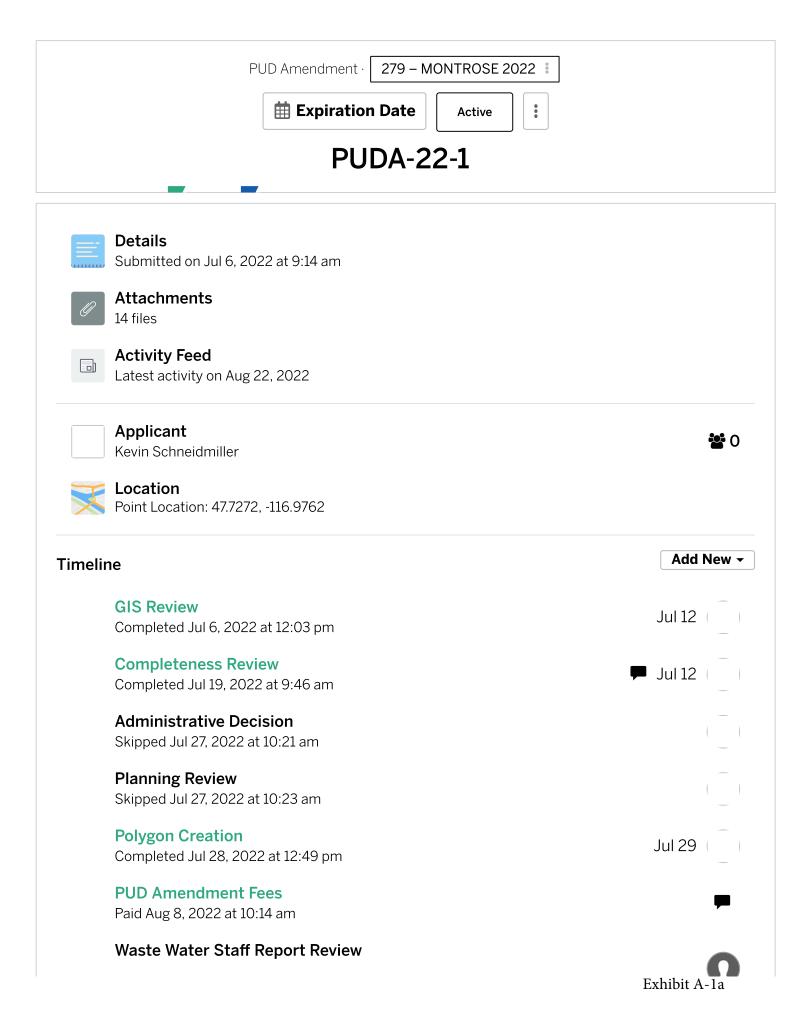
# **Staff Exhibits:**

Exhibit S-1 Vicinity Map Exhibit S-2 Zoning Map

Exhibit S-3 Future Land Use Map

# **Testimony:**

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



In Progress	
Parks Staff Report Review In Progress	0
Engineering Staff Report Review In Progress	O
Planning Staff Report to Create In Progress	
Close Out File Review	
<b>△</b> Mailing Fees	
<ul><li>■ Number of Mailings</li><li>70</li></ul>	
Applicant Information	
Applicant Name * Kevin Schneidmiller	
Company Greenstone-Kootenai II	
Phone * 509-458-5860	
Email * kschneidmiller@greenstonehomes.com	
Address * N.1421 Meadowwood Lane Ste.200	
City, State & Zip Code Liberty Lake, WA 99019	

# **Application Information**

Amendment \* ②
Major

Applicant Type \*
Other

Existing Zoning
R-1/ w PUD overlay

Adjacent Zoning R-1/ w PUD overlay

Current Land Use Agriculture

Adjacent Land Use R-1

Description of Project/Reason for Request \*

Montrose was entitled as a PUD in 1998. The subject area had some cluster housing area shown in the PUD. This amendment proposes to eliminate those cluster housing areas and show all single family detached lots. This amendment also has chages to the local access street layout. This proposal eliminates many of the cul-de-sacs shown in the original design. We are proposing to include a design standard deviation to increase lot coverage from 40 percent allowed under the City of Post Falls municipal code to 50 percent for the Montrose PUD.

# **Owner Information**

Name \*

Kevin Schneidmiller

Company

Schneidmiller Land Company / Schneidmiller Brothers

Phone \*

509-599-9255

Email \*

kschneidmi@aol.com

Address \*

N.1511 Chase Rd.

City, State & Zip Code Post Falls. ID 83854

# **Application Certification**

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

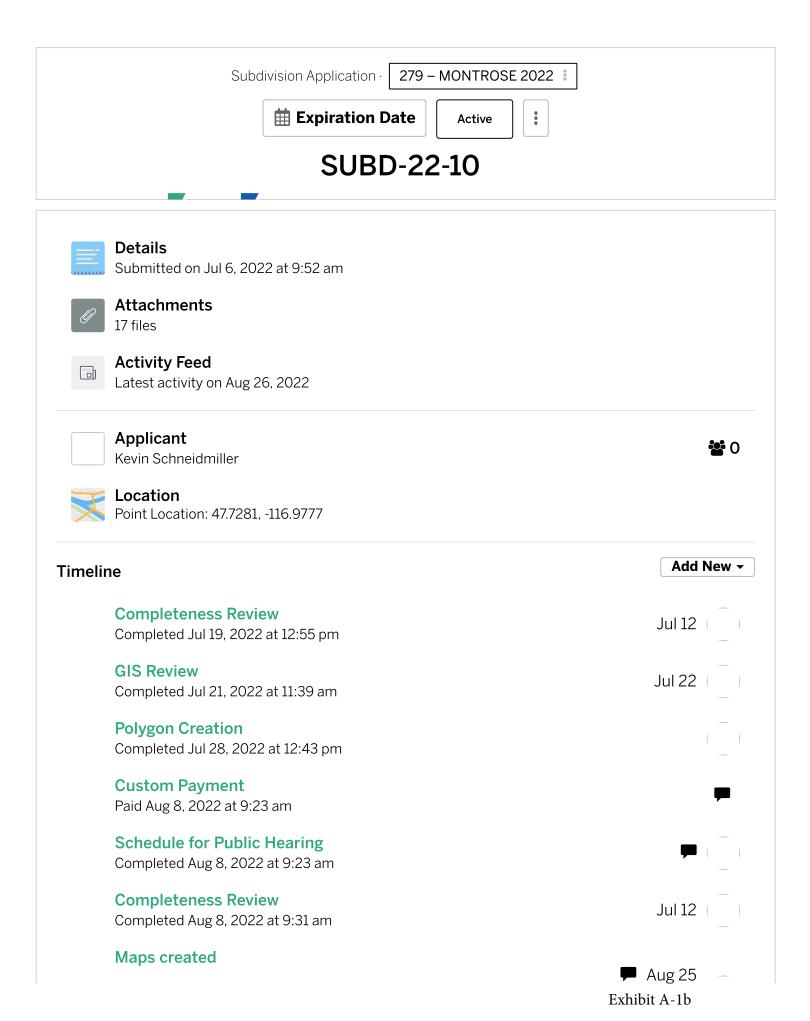


The applicant (or representative) must be at the meeting representing this proposal or the application will not be heard. The applicant will be responsible for costs in re-noticing the public hearing. \*



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. \*

Kevin Schneidmiller Jun 16, 2022



Completed Aug 26, 2022 at 11:50 am	- (
Staff Report In Progress	
Engineering Review Review	0
Parks Review Review	0
Waste Water Review Review	0
Notice Review	0
Site Posting Review	0
Reasoned Decision Review	0
Planning and Zoning Consent Calendar Review	0
MDA Review	0
Engineering Review Review	0
Planning Review Review	0
Signature/Applicant Review Review	0
City Council Consent Calendar Review	0
Recorded Copy to Applicant Review	0

# **△** Mailing Fees

■ Number of Notices \* ②

Application Information

Did a Subdivision Pre-app take place? \*
Yes

Applicant Type \*
Other

Proposed Subdivision Name \*
Montrose 2022

Number of Lots \*
306

Size of Site

Size of Site 73.54

Average Size of Lots 6,000

Existing Zoning
R-1 with PUD overlay

Adjacent Zoning

R-1

Current Land Use Agriculture

Adjacent Land Use Residential

Density 4.15 lots/acre

Description of Project \*

Preliminary subdivision of 73.72 acres into Single Family lots. The project is located in the Montrose PUD which was proposed and approved in 1998. This proposal continues the master planning of Montrose including linear and pocket park open space. It also continues the master trail system within the Montrose PUD as well has connections to the greater trail system of Post Falls. The overall open space of Montrose continues to exceed the 10 percent required by the PUD standards. This proposal will complete the northern part of Montrose and will be built out over the next 6-8 years.

### Site Information

Comprehensive Plan Designation Low Density Residential

Location of Proposed Access to Site

East of McGuire Road and south of Poleline Avenue

Street(s) Serving the Project (provide ROW and pavement width) Poleline, Clarkfork PKWY, Chetco, Wollaston and Skagit

Size & Point of Water Connection

15" water line in Clark Fork PKWY and 12" water line in Midway Avenue with 8" lines in local access streets

Size & Point of Sewer Connection

10" sewer mainline located in Chetco extending accross BNSF rail line to feed NE portion of Proposal

Name & Location of Nearest School

West Ridge Elementary School located on Clark Fork PKWY within the Montrose PUD

Location of, and Distance to, Nearest Fire Station or Sub-Station West Seltice 1.89 miles

Physical Description of Site (topography, cover, features) Relatively flat with no slopes greater than 5%

Any Physical Limitations? (Rock outcrops, Slope, e	etc.)
No.	

# **Owner Information**

Name \*

Schneidmiller Land Company/Schneidmiller Partners

Company

Phone \*

509-599-9255

Email \*

kschneidmi@aol.com

Address \*

N. 1511 Chase Rd.

City, State, Zip Code Post Falls, ID 83854

# **Application Certification**

I understand that the applicant or representative shall attend the public hearing before the Planning and Zoning Commission and that the decision on a Subdivision is final; unless appealed by myself, by adjoining property owners, or by other affected persons. I also understand that the Subdivision Plat is a separate application to be approved by the City Council before it can be recorded. All the information, statements, attachments and exhibits transmitted herewith are true to the best of my knowledge. I hereby certify that I am the owner or contract buyer. \*

Kevin Schneidmiller Jun 8, 2022

# Montrose Preliminary Subdivision and PUD Amendment Narrative 2022

# Overview

The Montrose Planned Unit Development (P.U.D) was originally proposed in 1997. The project was approved in 1998 and included approximately 467 acres. The original plan included areas of cluster residential housing. To date all of the areas proposed as cluster housing have been developed as traditional single-family housing. The removal of cluster housing and Multi-Family housing from phase four and five of the original Montrose PUD phasing plan reduces the total number of approved units from 769 to 465 units. This proposal continues the theme of developing single-family detached housing. This preliminary subdivision request and associated P.U.D amendment encompasses 73.72 acres and includes 306 lots. The request is consistent with surrounding uses and contains less density than cluster housing would have provided.

# Overall Concept and Proposed Changes

The preliminary subdivision proposal is consistent with how Montrose has been developed to date. Trails and open space being proposed are very consistent with the original design of the Montrose P.U.D. The proposal is bordered by poleline Avenue to the North, McGuire Rd to the west and previously developed areas of Montrose to the south and east. This request is split by the BNSF rail line, the plan has always been that at such time the rail line is no longer needed it would be converted to a multi-use trail. The Montrose trail system has always been planned with this in mind with future connection to the trail being possible from various points in Montrose. Poleline Avenue, McGuire Rd, Clark Fork Pkwy and Midway Avenue will serve the proposal.

# Zoning

The proposal is consistent with current zoning which is R-1 with a P.U.D overlay. It is also consistent with surrounding zoning and uses.

# Montrose P.U.D Site Standards

We are requesting one modification to previously approved P.U.D site standard.

Current City of Post Falls Municipal Code allows forty percent (40%) lot coverage in the R-1 zone. We are requesting a change to fifty percent (50%) lot coverage within the Montrose P.U.D... The reason for this request is many time when permitting for a home items such as cover back patios and three car garages push the permit request above the 40%. This is somewhat due to the fact that over time the lots sizes have more often than not have trended towards the lower end of the allowable lot coverage for R-1 zoning.

			10
			0
			0
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			0

# MONTROSE PHASING PLAN

# SCHEDULE OF IMPROVEMENTS

PHASE: 4

**DEVELOPMENT:** 

**RESIDENTIAL UNITS** 

Revised Phase Units based on SubD-22-10 Request. Note these unit counts include what has been previously constructed within the orginal phasing plan.

SINGLE FAMILY: 265 278

CLUSTER: 68 0

MULTIFAMILY 162 0

INDUSTRIAL PARK ACERAGE: 3.9 0

RETAIL CENTER ACRERAGE: 0

OFFICE PARK ACRERAGE: 0

OPEN SPACE / RECREATIONAL IMPROVEMENTS: Completion of neighborhood park (1.9 Acres) prior to the final platting of 150 lots in phase 4; completion of trail system and streetscape landscaping as the roads are constructed.

**SEWER IMPROVEMENTS:** Connection to existing sewer on-site. Complete sewer stub connections to McGuire Road to provide sewer service connections for adjacent property as shown on the overall sewer plan. Construction of sewer pump station as part of initial final plat of lots in phase 4 area.

WATER IMPROVEMENTS: Connection to existing water main on-site.

STORMWATER CONTROL IMPROVEMENTS: Completion of on-site stormwater swales and ponds required for all roads constructed.

TRAFFIC / CIRCULATION IMPROVEMENTS: Completion of internal circulation per master plan design. Complete the construction of Street "B" from Street "A" to McGuire Road as part of the initial final plat of residential lots within phase 4; Complete the construction of Street "E" from Empire Center Road to McGuire Road as part of the final plat of lots within phase 4; completion of half street improvements to McGuire Road (including half road, curbing, sidewalk / pathway and storm drainage) adjacent to areas platted and under construction. Half street improvements to McGuire Road from the rail road crossing to Seltice will be completed as part of the final platting within phase 4.

# MONTROSE PHASING PLAN

# SCHEDULE OF IMPROVEMENTS

PHASE:

5

DEVELOPMENT:

Revised Phase Units based on Sud-22-10 request. Note these unit counts include what has been previously constructed within original phasing plan.

**RESIDENTIAL UNITS** 

SINGLE FAMILY:

114

187

CLUSTER:

28

0

MULTIFAMILY:

132

0

INDUSTRIAL PARK ACERAGE: 7.8

0

RETAIL CENTER ACRERAGE:

0

OFFICE PARK ACRERAGE:

0

Completion of trail

OPEN SPACE / RECREATIONAL IMPROVEMENTS: system and streetscape landscaping as the roads are constructed.

**SEWER IMPROVEMENTS:** Connection to existing sewer on-site. Complete sewer stub connections to Pole Line Road to provide sewer service connections for adjacent property as shown on the overall sewer plan.

WATER IMPROVEMENTS:

Connection to existing water main on-site.

STORMWATER CONTROL IMPROVEMENTS: Completion of on-site stormwater swales and ponds required for all roads constructed.

TRAFFIC / CIRCULATION IMPROVEMENTS: Completion of internal circulation per master plan design. Complete the construction of Street "A" from the railroad crossing to Pole Line Road; completion of half street improvements (including half road, curbing, sidewalk / pathway and storm drainage) to Pole Line Road from the rail road crossing to the existing improvements completed in phase 1 as areas are platted and under construction.

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LANDSCAPING DETAILS	L1

# LEGAL DESCRIPTION

A portion of the Northwest Quarter of Section 33, Township 51 North, Range 5 West, Boise Meridian, in the City of Post Falls, Kootenai County, Idaho, more particularly described as follows:

BEGINNING at the Northwest Corner of Lot 13, Block 2 of Montrose Fourteenth Addition, Recorded in Book L of Plats, Pages 657 thru 657C, said point being on the Easterly Right of Way Line of McGuire Road; thence N00°35'44"E along said Right of way Line a distance of 316.97 feet to the Southerly Right of Way Line of Spokane International Railroad; thence N61°23'54"E along said Railroad Right of Way Line a distance of 1631.55 feet to the Westerly Right of Way Line of Burlington Northern Santa Fe Railroad; thence S45°43'55"E along said Westerly Right of way Line a distance of 1093.96 feet to the Northeast Corner of Lot 1, Block 2 of Montrose Seventh Addition, Recorded in Book K of Plats, pages 313 thru 313C; thence S44°16'05"W (Record S43°21'08"W) a distance of 118.50 feet (Record 118.42 feet) to the Easterly Right of way Line of Santiam Drive; thence N45°43'55"W (Record N46°38'52"W) a distance of 25.13 feet; thence S44°16'05"W (Record S43°21'08"W a distance of 57.00 feet; thence S45°43'55"E (Record S46°38'52"E a distance of 9.50 feet to the center line of Tract I of said Montrose Seventh Addition; thence along said center line the following (2) two courses;

- 1) S44°16'05"W (Record S43°21'08"W) a distance of 59.17 feet to the beginning of a tangent curve concave to the East and having a radius of 554.50 feet and a chord bearing and distance of S21°36'45"W, 427.18 feet;
- 2) Thence Southerly along said curve through a central angle of 45°18'42" an arc distance of 438.52 feet to the Northeast corner of Lot 9, Block 3 of Montrose Thirteenth Addition, Recorded in Book L of Plats, Pages 524 thru 524C; thence along the Northerly and Westerly Boundary Line the following (4) four courses;
- 1) S88°57'24"W a distance of 120.00 feet; 2) S87°24'50"W a distance of 55.02 feet;
- 3) S88°50'25"W a distance of 119.54 feet to the beginning of a non-tangent curve concave to the East and having a radius of 851.38 feet and a chord bearing and distance of S04°16'42"E,
- 4) Thence Southerly along said curve through a central angle of 06°18'29" an arc distance of 93.73 feet to the Northeast corner of Lot 2, Block 5 of Montrose Eleventh Addition, Recorded in Book L of Plats, Pages 361 thru 361B; thence along said Northerly Boundary line the following (5)
- 1) S82°30'54"W a distance of 176.39 feet; 2) S07°50'57"E a distance of 13.04 feet; 3) N89°26'24"W a distance of 393.63 feet to the beginning of a tangent curve concave to the North and having a radius of 853.00 feet and a chord
- bearing and distance of N82°59'44"W, 191.48 feet; 4) Thence Westerly along said curve through a central angle of 12°53'19" an arc distance of 191.88 feet;
- 5) N76°33'04"W a distance of 32.58 feet to the Northwest Corner of Lot 1, Block 3 of said Montrose Eleventh Addition, said point is also the Southeast Corner of Tract C of said Montrose Fourteenth Addition; thence along the Easterly and Northerly Boundary of said Montrose Fourteenth Addition the following (12) twelve courses:
- 1) N07°27′08″E a distance of 119.32 feet to the beginning of a non-tangent curve concave to the South and having a radius of 1267.00 feet and a chord bearing and distance of N79°28′10″W, 36.52 feet; 2) Thence Westerly along said curve through a central angle of 01°39'05" an arc distance of 36.52 feet;
- 3) N10°05'27"E a distance of 54.03 feet to the beginning of a non-tangent curve concave to the West and having a radius of 547.00 feet and a chord bearing and distance of N07°35'06"E, 120.05 feet; 4) Thence Northerly along said curve through a central angle of 12°35'59" an arc distance of 120.29 feet to the Northeast corner of said Montrose
- Fourteenth Addition; 5) N81°56'27"W a distance of 74.60 feet;
- 6) N85°07'29"W a distance of 74.68 feet;
- 7) N87°33'41"W a distance of 70.62 feet; 8) N88°58'57"W a distance of 292.93 feet;
- 9) N00°35'44"E a distance of 6.56 feet; 10) N89°24'13"W a distance of 174.00 feet;
- 11) S00°35'44"W a distance of 10.42 feet;
- 12) n89°24'13"W a distance of 130.00 feet to the POINT OF BEGINNING.

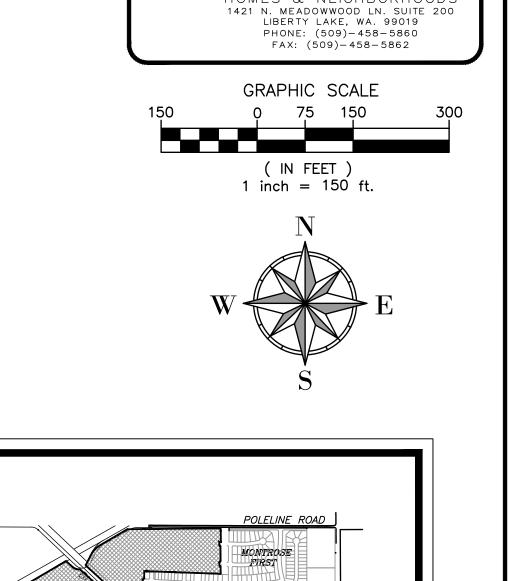
TOGETHER with a portion of the North Half of said Section 33 more particularly described as follows:

BEGINNING at the Northwesterly Corner of Tract H of Montrose Seventh Addition, Recorded in Book K of Plats, Pages 313 thru 313C, said point being on the Northerly Right of Way Line of the Burlington Northern Santa Fe Railroad; thence N45°43'55"W along said Right of Way Line a distance of 1015.78 feet to the Southerly Right of Way Line of Spokane International Railroad; thence N61°24'16"E along said Southerly Right of Way Line a distance of 782.40 feet; thence S88°49'31"E a distance of 373.33 feet to the West Line of the Northeast Quarter of said Section 33; thence continuing S88°49'31"E a distance of 1116.02 feet; thence S01°10'27"W a distance of 25.00 feet to the Northwest Corner of Tract D of Montrose First Addition, Recorded in Book I of plats, Pages 106 thru 106B; thence along the Westerly Boundary line the following (9) nine courses; 1) Continuing S01°10'27"W (Record S01°15'32"W) a distance of 175.72 feet;

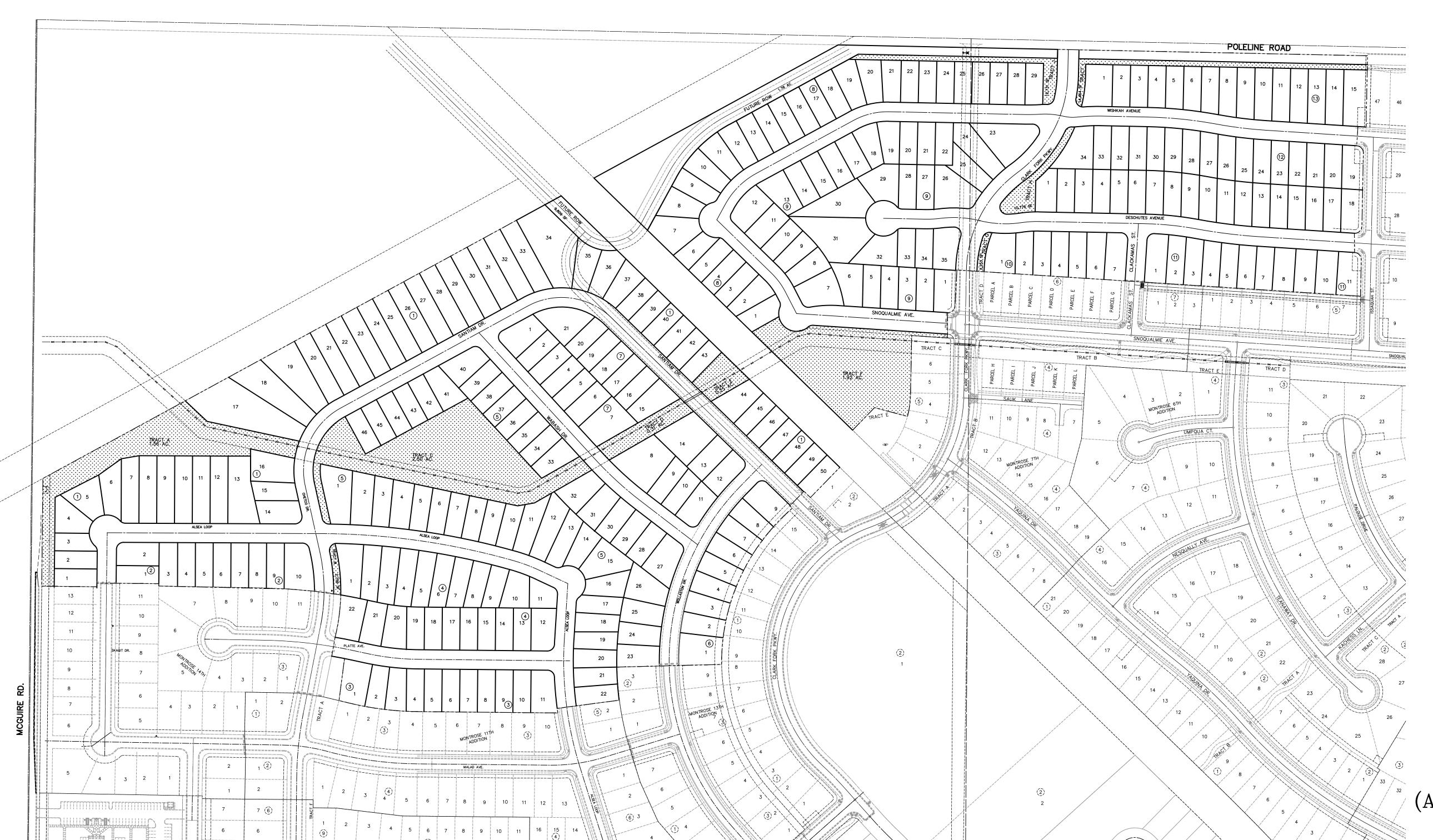
- 2) N86°17'12"W (record N87°12'07"W) a distance of 23.02 feet 3) S03°42'48"W (Record S02°47'53"W) a distance of 54.00 feet to the beginning of a non-tangent curve concave to the Southwest and having a radius of 20.00 feet and a chord bearing and distance of S42°33'18"E (Record S43°28'17"E) 27.65 feet;
- 4) Thence Southerly along said curve through a central angle of 87°27'38" (Record 87°27'40") an arc distance of 30.53 feet; 5) S01°10′27″W (Record S00°15′32″W) a distance of 206.20 feet to the beginning of a non-tangent curve concave to the Northwest and having a radius of 20.00 feet and a chord bearing and distance of S47°26'37"W (Record S46°31'43"W) ,28.90 feet;
- 6) Thence Southwesterly along said curve through a central angle of 92°32'21" (Record 92°32'20") an arc distance of 32.30 feet; 7) S00°42'02"E (Record S01°36'57"E) a distance of 54.16 feet to the beginning of a non-tangent curve concave to the Southwest and having a radius of 20.00 feet and a chord bearing and distance of S42°33'18"E (Record S43°28'17"E), 27.65 feet;
- 8) Thence Southerly along said curve through a central angle of 87°27'38" (Record 87°27'40") an arc distance of 30.53 feet; 9) S01°10'27"W (Record S00°15'32"W) a distance of 102.49 feet to the Northeast Corner of Montrose Sixth Addition, Recorded in Book J of Plats, Pages 230 thru 230E; thence along the Northerly Boundary Line of said Montrose Sixth Addition and the Northerly boundary Line of said Montrose Seventh Addition N86°17'10"W (Record N87°12'07"E) a distance of 1140.87 feet; thence along the westerly Boundary Line of said
- Montrose Seventh Addition the following (10) ten courses; 1) S01°10′29″W (Record S00°15′32″W) a distance of 100.71 feet to the beginning of a non-tangent curve concave to the Northwest and having a
- radius of 20.00 feet and a chord bearing and distance of S47°26'38"W (Record S46°31'43"W), 28.90 feet; 2) Thence Southwesterly along said curve through a central angle of 92°32'23" (Record 92°32'21") an arc distance of 32.30 feet; 3) S00°30'47"E (Record S01°25'44"E) a distance of 60.16 feet to the beginning of a non-tangent curve concave to the South and having a radius of
- 20.00 feet and a chord bearing and distance of S54°20'14"E (Record S55°15'11"E), 21.17 feet; 4) Thence Southeasterly along said curve through a central angle of 63°53'53" an arc distance of 22.30 feet;
- 5) N86°05'10"W (Record N87°00'07"W) a distance of 112.18 feet; 6) N85°51'40"W (Record N86°46'37"W) a distance of 6.29 feet;
- 7) S01°10'29"W (Record S00°15'32"W a distance of 168.20 feet to the beginning of a tangent curve concave to the West and having a radius 250.00 feet and a chord bearing and distance of S08°02'49"W (Record S07°07'52"W), 59.83 feet; 8) Thence Southerly along said curve through a central angle of 13°44'39" (Record 13°44'40") an arc distance o 59.97 feet;
- 9) N75°04'51"W (Record N75°59'48"W) a distance of 95.83 feet;
- 10) S44°16'05"W (Record S43°21'08"W) a distance of 88.49 feet (Record 88.58 feet) to the POINT OF BEGINNING.

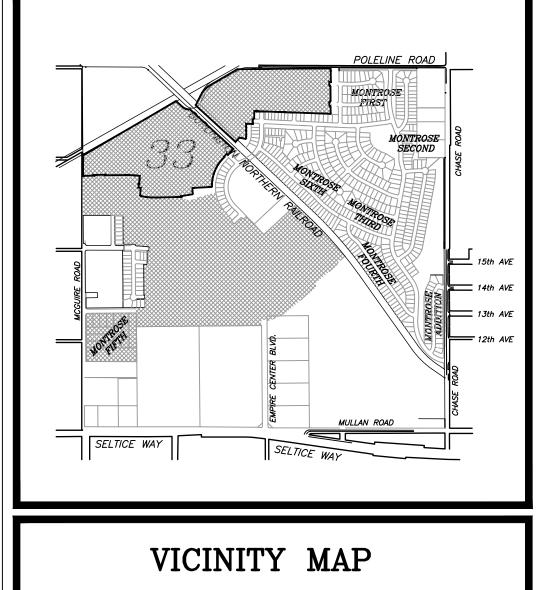
#### Except all Right of Way Subject to all easements of record

Containing 75.23 Acres more or less



Greenstone





# SUBMITTAL DATE

AUGUST, 2022

# **ENGINEER**

GREENSTONE COORPORATION — DOUG DESMOND, P.E. 1421 N. MEADOWWOD LN., SUITE 200 LIBERTY LAKE, WASHINGTON 99019 PHONE (509) 458-5860

# CONTACT

GREENSTONE KOOTENAI II - KEVIN SCHNEIDMILLER 1421 N. MEADOWWOD LN., SUITE 200 LIBERTY LAKE, WASHINGTON 99019 PHONE (509) 458-5860

# **OWNER**

SCHNEIDMILLER BROTHERS INC. / SLCO - GARY SCHNEIDMILLER 1924 NW BLVD. COEUR D'ALENE, ID 83814 PHONE (208) 664-1461

# SUBDIVISION DATA

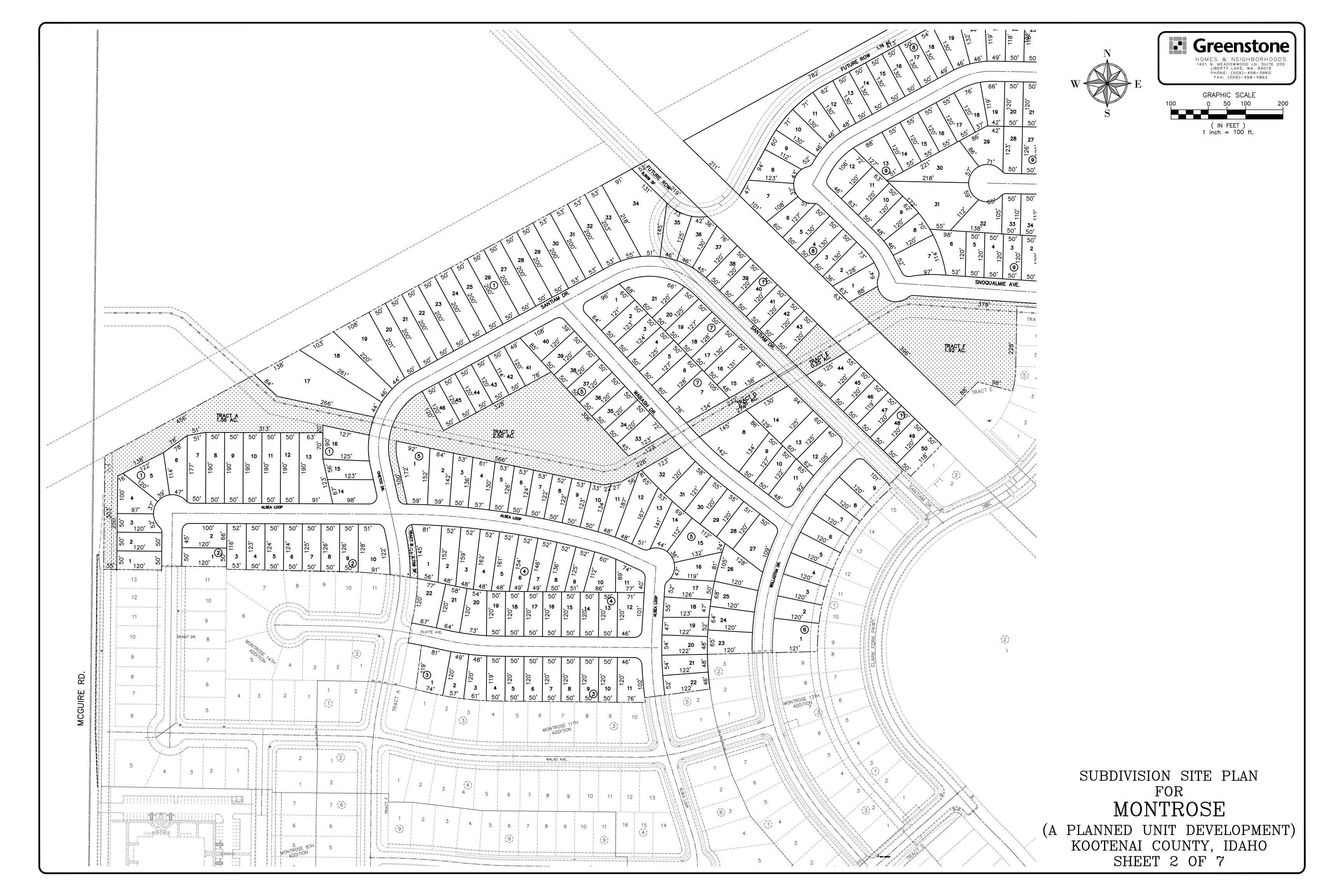
TOTAL # OF LOTS GROSS AREA 75.23 ACRES OPEN SPACE 7.53 ACRES % OPEN SPACE 10.0% % OPEN SPACE IN PUD 12.09% PROPOSED USE RESIDENTIAL R-1 W/PUD OVERLAY R-1 W/PUD OVERLAY EXISTING ZONING PROPOSED ZONING TYPICAL LOT FRONTAGE 50'–8Ó' AVERAGE LOT AREA 6,000 S.F. MINIMUM LOT AREA 5,000 S.F. LOTS / ACRE 3.99 LOTS / ACRE

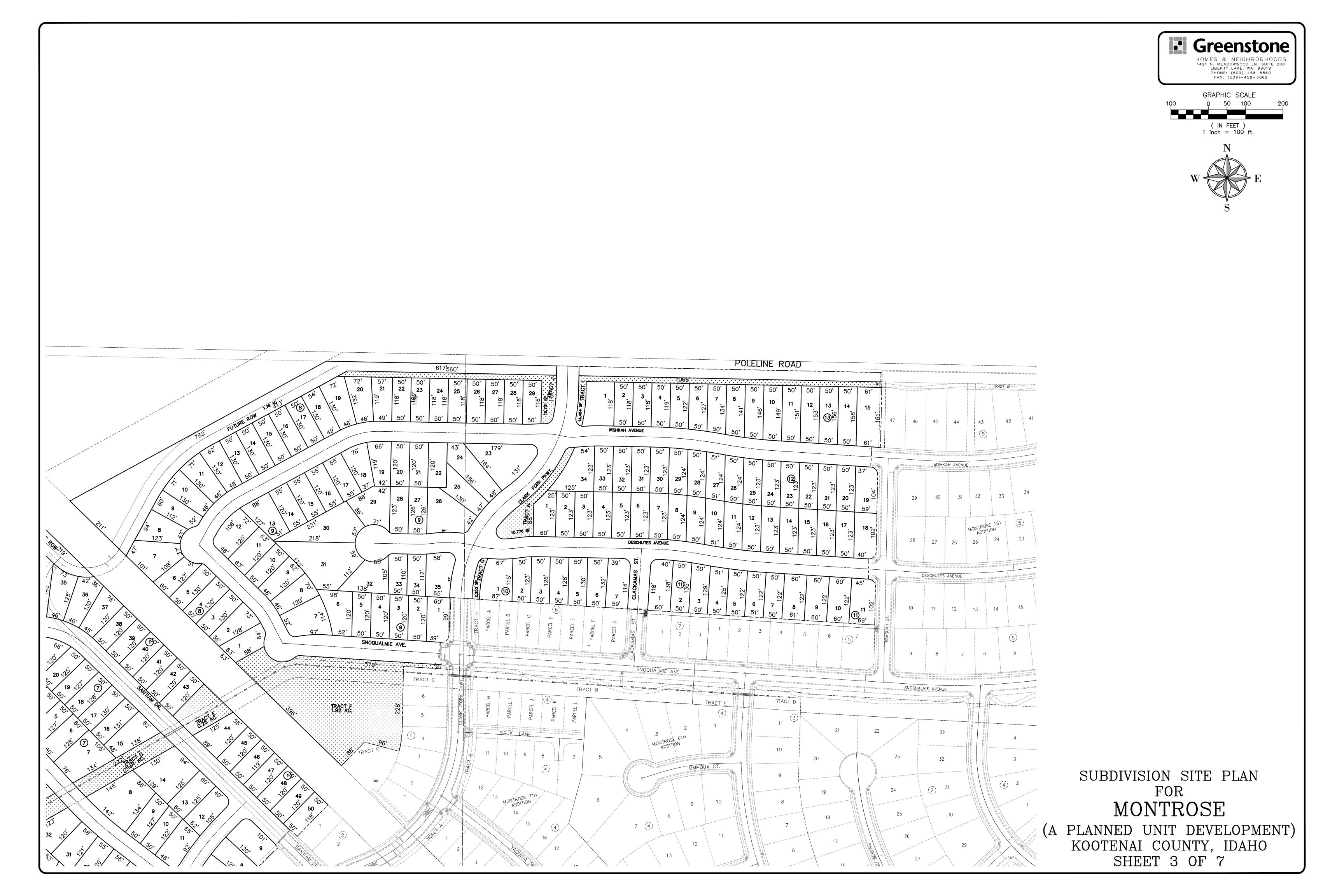
PRELIMINARY SUBDIVISION FOR

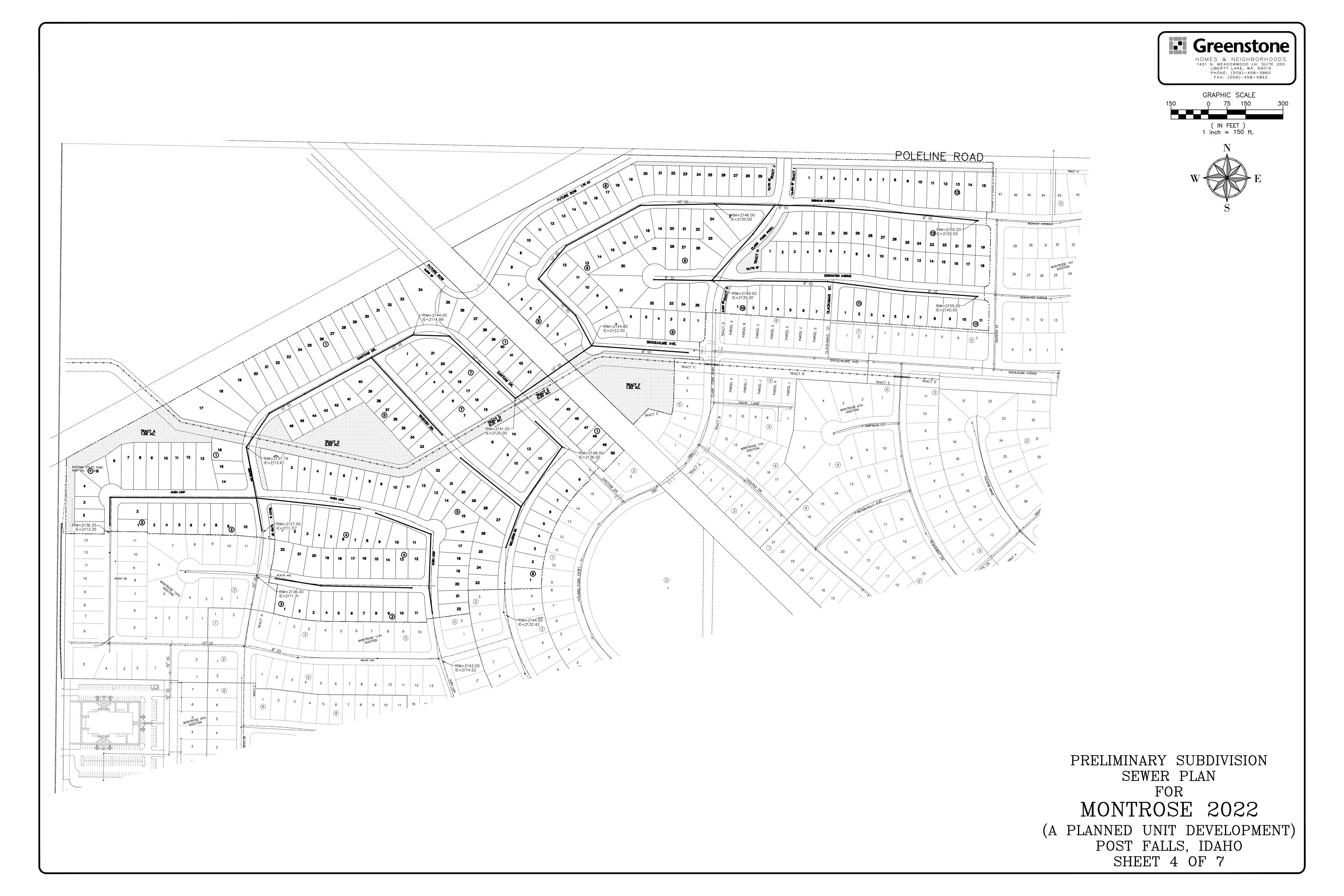
# MONTROSE 2022

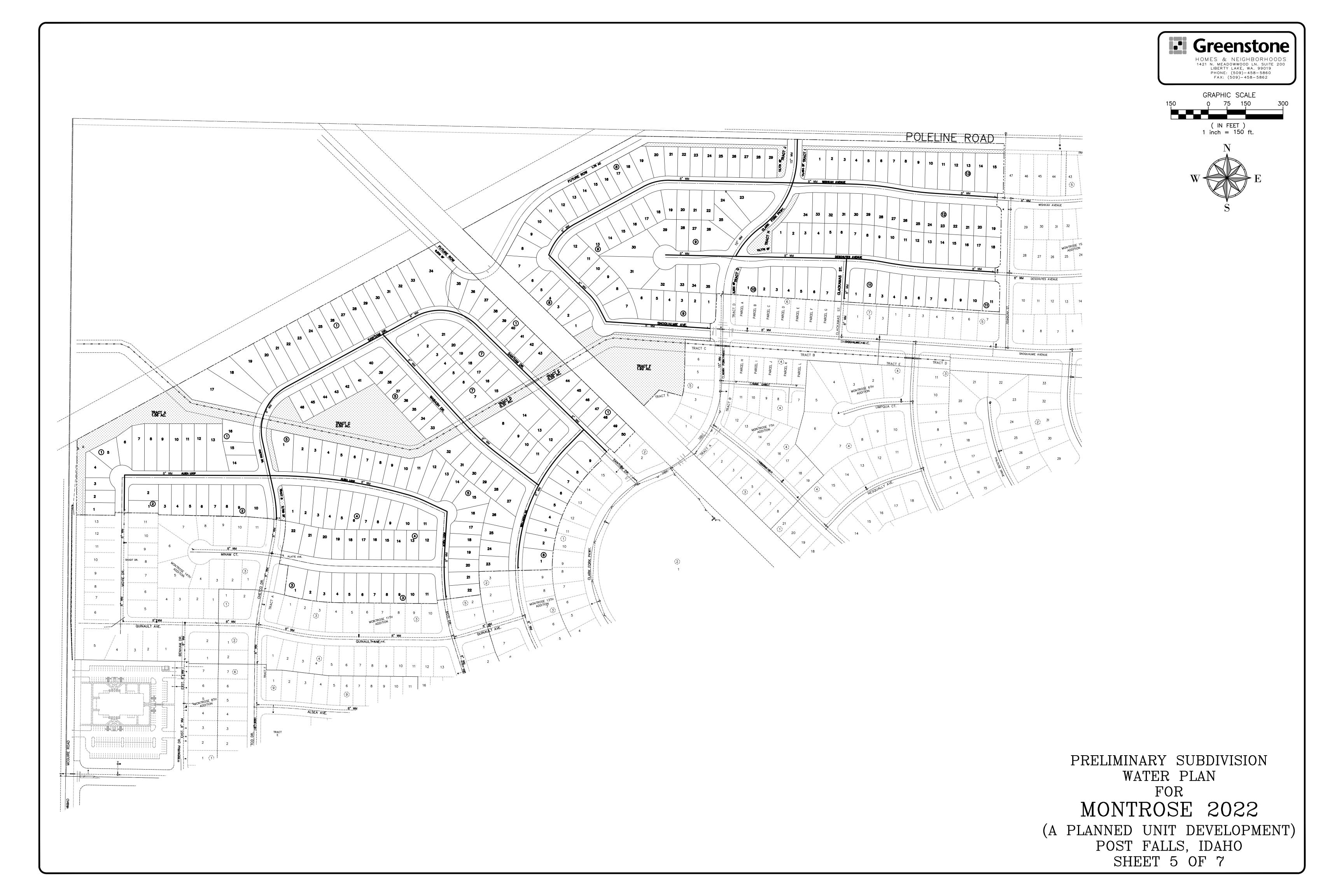
(A PLANNED UNIT DEVELOPMENT) POST FALLS, IDAHO

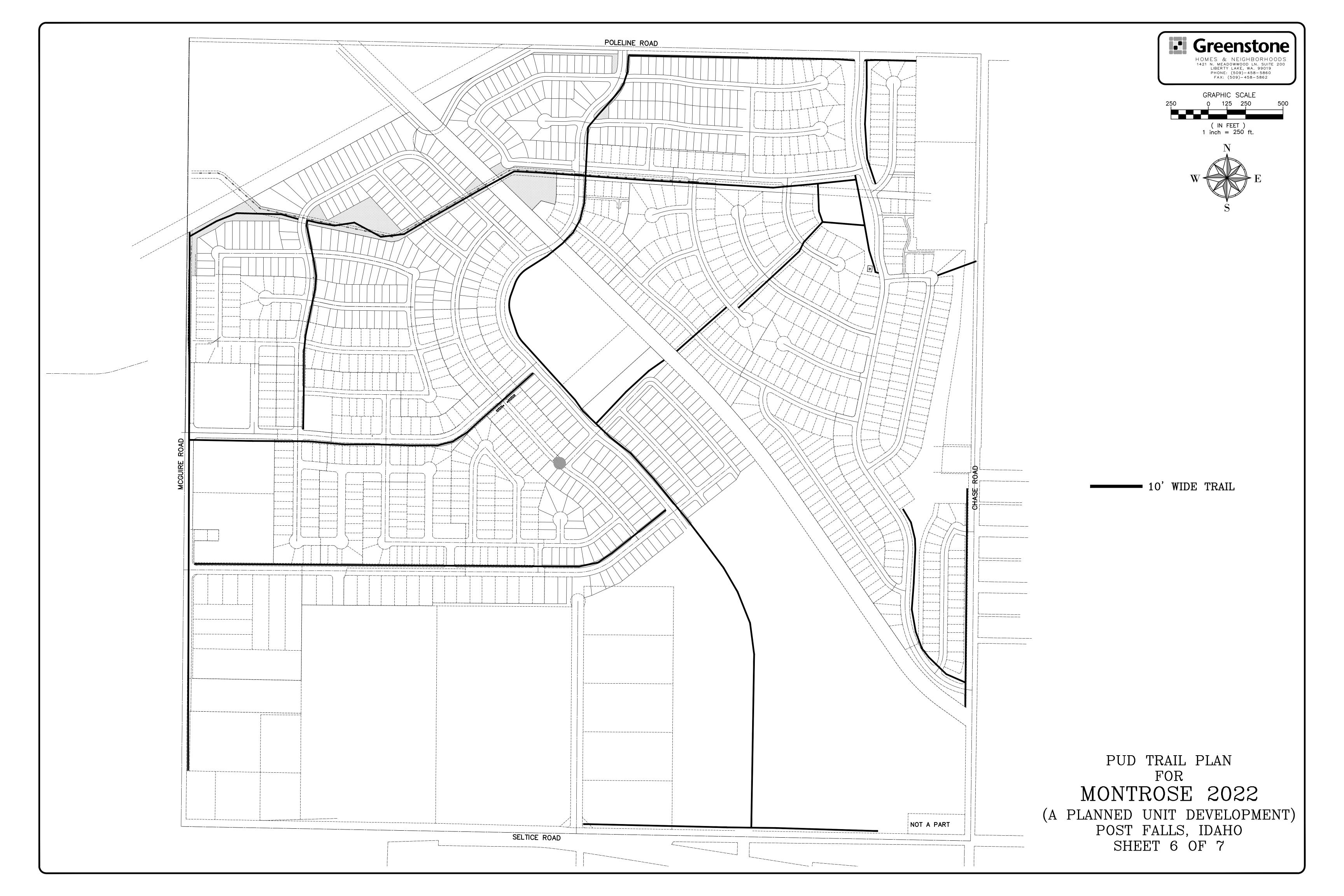
SHEET 1 OF 7

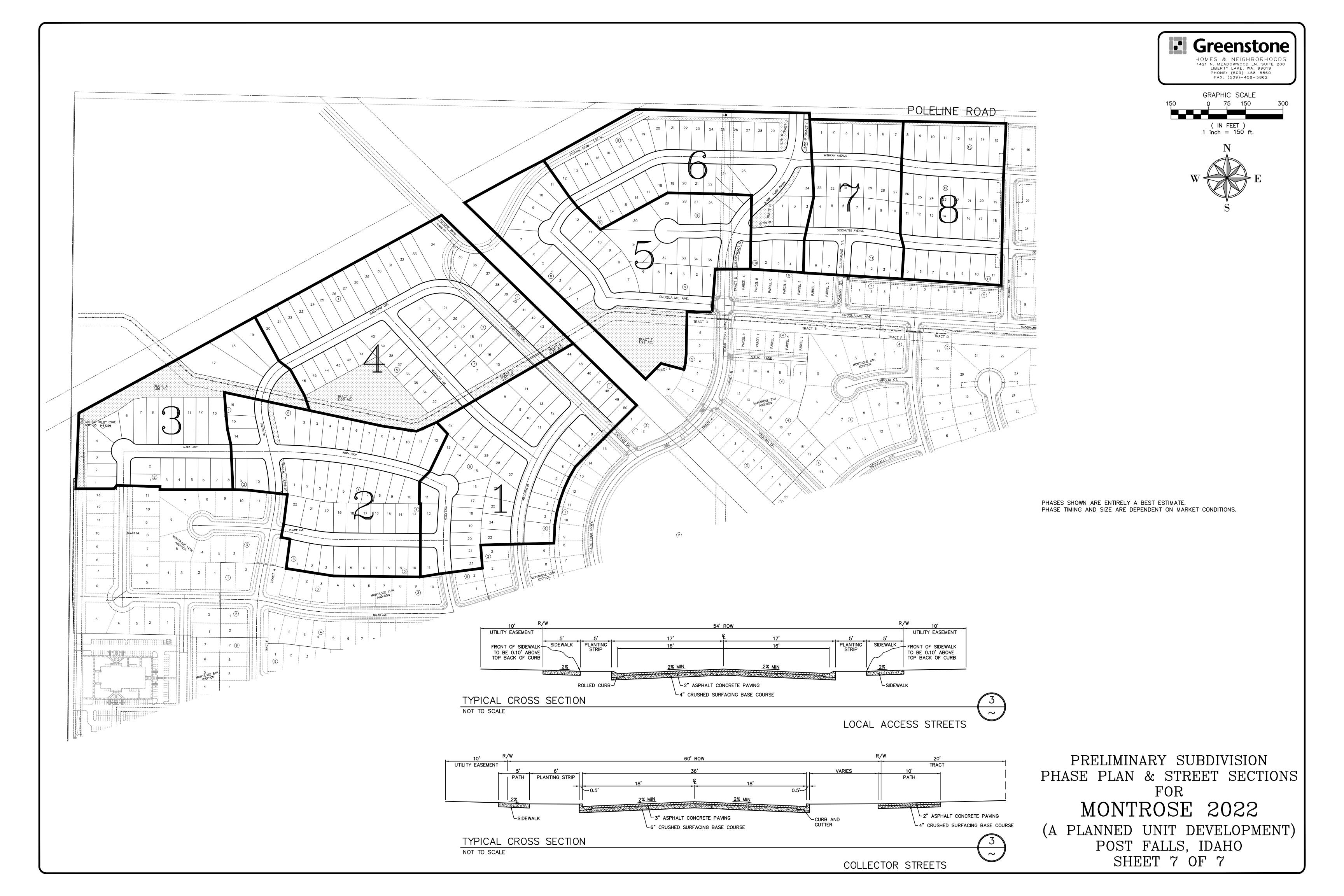














# EAST GREENACRES IRRIGATION DISTRICT

2722 North McGuire Road Post Falls, Idaho 83854 ● (208) 773-7579

June 28, 2022

Mr. Kevin Schneidmiller 1421 N. Meadowwood Lane, Ste. 200 Liberty Lake, WA 99019 kschneidmiller@greenstonehomes.com

RE: Preliminary Subdivision Water Plan Montrose 2022 Sheet 5 of 7 (subject)

Dear Mr. Schneidmiller:

The project is located within the boundary of EGID, and eligible to receive both Domestic and Irrigation water.

We have the capacity, willingness, and intent to serve the Subject subdivision conditional upon final review, and acceptance of the project drawings, and adherence to District Bylaws and Policies

The Subject does not require any modification to Reclamation's original Rathdrum Prairie Unit Water Project.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Ron Wilson District Manager

ron@eastgreenacres.org

RW/ljs

cc:

Doug Desmond, <a href="mailto:ddesmond@greenstonehomes.com">ddesmond@greenstonehomes.com</a>

Rob Palus, rpalus@postfallsidaho.org

# **Schneidmiller Entities**

6/23/2022

Jon Manley Planning Director City Of Post Falls

Mr. Manley,

This letter is authorization that Greenstone-Kootenai II is authorized to represent Schneidmiller Land Company and Schneidmiller Brothers in the matter of the 2022 Preliminary Subdivision and Planned Unit Development application, as it relates to the Montrose PUD.

Sincerely

Kevin Schneidmiller Secretary Treasurer



## **CLTA GUARANTEE**

ISSUED BY STEWART TITLE GUARANTY COMPANY A CORPORATION, HEREIN CALLED THE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, AND SUBJECT TO THE FURTHER EXCLUSION AND LIMITATION THAT NO GUARANTEE IS GIVEN NOR LIABILITY ASSUMED WITH RESPECT TO THE IDENTITY OF ANY PARTY NAMED OR REFERRED TO IN SCHEDULE A OR WITH RESPECT TO THE VALIDITY, LEGAL EFFECT OR PRIORITY OF ANY MATTER SHOWN THEREIN.

#### **GUARANTEES**

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

Dated: June 27, 2022

Signed under seal for the Company, but this endorsement is to be valid only when it bears an authorized countersignature.

Countersigned by:

**Authorized Countersignature** 

North Idaho Title Insurance, Inc.

Company Name

601 East Front Avenue Suite 204

Coeur d'Alene, ID 83814

City, State

Frederick H. Eppinger
President and CEO

David Hisev

Secretary

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the company for further information as to the availability and cost.

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File Number: N-62061

2222 Guarantee - (CLTA Form) Rev. 6-6-92

Page 1 of 3 for Policy Number: G-0000437207368

Agent ID: 120044

#### **GUARANTEE CONDITIONS AND STIPULATIONS**

- 1. **Definition of Terms** The following terms when used in the Guarantee mean:
  - (a) "the Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
  - (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
  - (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
  - (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
  - (e) "date": the effective date.
- 2. Exclusions from Coverage of this Guarantee The Company assumes no liability for loss or damage by reason of the following:
  - (a) 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.
  - (b) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water; whether or not the matters excluded by (1), (2) or (3) are shown by the public records.
  - (c) Assurances to title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A)(C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
  - (d) (1) Defects, liens, encumbrances or adverse claims against the title, if assurances are provided as to such title, and as limited by such assurances.
    - (2) Defects, liens, encumbrances, adverse claims or other matters (a) whether or not shown by the public records, and which are created, suffered, assumed or agreed to by one or more of the Assureds; (b) which result in no loss to the Assured; or (c) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of assurances provided.
- 3. Notice of Claim to be Given by Assured Claimant An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.
- 4. No Duty to Defend or Prosecute The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.
- 5. Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate Even though the Company has no duty to defend or prosecute as set forth in Paragraph 4 above:
  - (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
  - (b) If the Company elects to exercise its options as stated in Paragraph 5(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
  - (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
  - (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.
- 6. Proof of Loss or Damage In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by an authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as requi
- 7. Options to Pay or Otherwise Settle Claims: Termination of Liability In case of a claim under this Guarantee, the Company shall have the following additional options:
  - (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

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File Number: N-62061

2222 Guarantee - (CLTA Form) Rev. 6-6-92

#### **GUARANTEE CONDITIONS AND STIPULATIONS**

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price. Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5, and the Guarantee shall be surrendered to the Company of cancellation.

- (b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.
  - To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.
  - Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5.
- 8. **Determination and Extent of Liability -** This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the exclusions stated in Paragraph 2.
  - The liability of the Company under this Guarantee to the Assured shall not exceed the least of:
  - (a) the amount of liability stated in Schedule A;
  - (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 7 of these Conditions and Stipulations or as reduced under Section 10 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
  - (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

#### 9. Limitation of Liability

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.
- 10. Reduction of Liability or Termination of Liability All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 5 shall reduce the amount of liability pro tanto.

#### 11. Payment Loss

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.
- 12. Subrogation Upon Payment or Settlement Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.
  - The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.
  - If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.
- 13. Arbitration Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.
  - The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

#### 14. Liability Limited to This Guarantee; Guarantee Entire Contract

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.
- 15. Notices, Where Sent All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at P. O. Box 2029, Houston, TX 77252-2029.

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File Number: N-62061

2222 Guarantee - (CLTA Form) Rev. 6-6-92

# SUBDIVISION GUARANTEE SCHEDULE A

Order No.: N-62061

Guarantee No.: G-0000437207368

Date of Guarantee: June 27, 2022

Amount of Liability: \$1,000.00

Premium: \$350.00

Name of Assured:

The County of Kootenai and any City within which said subdivision is located.

2. Subdivision Map Reference:

#### Montrose

3. The map referred to above recites that it is a subdivision of the following described Land:

See Exhibit "A" Attached for Legal Description

#### 4. ASSURANCES:

According to the Public Records the only parties having any record title interest in the Land included within the exterior boundary shown on the map of the above referenced subdivision whose signatures are necessary, under the requirements of the Subdivision Map Act, on the certificates consenting to the recordation of said map and offering for dedication any streets, roads, avenues and other easements offered for dedication by said map are:

Schneidmiller Land Company, a Washington Corporation and Schneidmiller Partners and Greenstone-Kootenai, Inc., an Idaho corporation and Atlas Homes, LLC, an Idaho Limited Liability Company, as their interests appear of record

Issued Bv:

North Idaho Title Insurance, Inc. 601 E. Front Avenue

Coeur d'Alene, ID 83814 Agent ID: 120044

Authorized Countersignature

Order No.: N-62061

Guarantee No.: G-0000437207368

## Subdivision Guarantee Exhibit "A" Legal Description

A portion of the Northwest Quarter of Section 33, Township 51 North, Range 5 West, Boise Meridian, in the City of Post Falls, Kootenai County, Idaho, more particularly described as follows:

BEGINNING at the Northwest Corner of Lot 13, Block 2 of Montrose Fourteenth Addition, Recorded in Book L of Plats, Pages 657 thru 657C, said point being on the Easterly Right of Way Line of McGuire Road; thence N00°35′44″E along said Right of way Line a distance of 316.97 feet to the Southerly Right of Way Line of Spokane International Railroad; thence N61°23′54″E along said Railroad Right of Way Line a distance of 1579.23 feet; thence S45°43′55″E a distance of 134.00 feet to the beginning of a tangent curve concave to the Northeast and having a radius of 125.00 feet and a chord bearing and distance of S72°17′49″E, 111.80 feet; thence Southeasterly along said curve through a central angle of 53°07′48″ an arc distance of 115.91 feet to the Westerly Right of Way Line of Burlington Northern Santa Fe Railroad; thence S45°43′55″E along said Westerly Right of way Line a distance of 875.37 feet to the Northwest Corner of Lot 1, Block 2 of Montrose Seventh Addition, Recorded in Book K of Plats, pages 313 thru 313C; thence S44°16′05″W (Record S43°21′08″W) a distance of 118.50 feet (Record 118.42 feet) to the Easterly Right of way Line of Santiam Drive; thence N45°43′55″W (Record N46°38′52″W) a distance of 25.13 feet; thence S44°16′05″W (Record S43°21′08″W a distance of 57.00 feet; thence S45°43′55″E (Record S46°38′52″E a distance of 9.50 feet to the center line of Tract I of said Montrose Seventh Addition; thence along said center line the following (2) two courses;

- 1) S44°16′05″W (Record S43°21′08″W) a distance of 59.17 feet to the beginning of a tangent curve concave to the East and having a radius of 554.50 feet and a chord bearing and distance of S21°36′45″W, 427.18 feet;
- Thence Southerly along said curve through a central angle of 45°18′42″ an arc distance of 438.52 feet to the Northeast corner of Lot 9, Block 3 of Montrose Thirteenth Addition, Recorded in Book L of Plats, Pages 524 thru 524C; thence along the Northerly and Westerly Boundary Line the following (4) four courses;
- 1) S88°57′24″W a distance of 120.00 feet;
- 2) S87°24′50″W a distance of 55.02 feet;
- 3) S88°50′25″W a distance of 119.54 feet to the beginning of a non-tangent curve concave to the East and having a radius of 851.38 feet and a chord bearing and distance of S04°16′42″E, 93.69 feet;
- 4) Thence Southerly along said curve through a central angle of 06°18′29" an arc distance of 93.73 feet to the Northeast corner of Lot 2, Block 5 of Montrose Eleventh Addition, Recorded in Book L of Plats, Pages 361 thru 361B; thence along said Northerly Boundary line the following (5) five courses;
- 1) S82°30′54″W a distance of 176.39 feet;
- 2) S07°50′57″E a distance of 13.04 feet;
- 3) N89°26′24″W a distance of 393.63 feet to the beginning of a tangent curve concave to the North and having a radius of 853.00 feet and a chord bearing and distance of N82°59′44″W, 191.48 feet;
- 4) Thence Westerly along said curve through a central angle of 12°53′19″ an arc distance of 191.88 feet;
- 5) N76°33′04″W a distance of 32.58 feet to the Northwest Corner of Lot 1, Block 3 of said Montrose Eleventh Addition, said point is also the Southeast Corner of Tract C of said Montrose Fourteenth Addition; thence along the Easterly and Northerly Boundary of said Montrose Fourteenth Addition the following (12) twelve courses:

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1) N07°27′08″E a distance of 119.32 feet to the beginning of a non-tangent curve concave to the South and having a radius of 1267.00 feet and a chord bearing and distance of N79°28′10″W, 36.52 feet;

2) Thence Westerly along said curve through a central angle of 01°39′05″ an arc distance of 36.52 feet;

3) N10°05′27″E a distance of 54.03 feet to the beginning of a non-tangent curve concave to the West and having a radius of 547.00 feet and a chord bearing and distance of N07°35′06″E, 120.05 feet:

4) Thence Northerly along said curve through a central angle of 12°35′59″ an arc distance of 120.29 feet to the Northeast corner of said Montrose Fourteenth Addition;

5) N81°56′27″W a distance of 74.60 feet;
6) N85°07′29″W a distance of 74.68 feet;
7) N87°33′41″W a distance of 70.62 feet;
8) N88°58′57″W a distance of 292.93 feet;
9) N00°35′44″E a distance of 6.56 feet;
10) N89°24′13″W a distance of 174.00 feet;
11) S00°35′44″W a distance of 10.42 feet;

12) N89°24′13″W a distance of 130.00 feet to the POINT OF BEGINNING.

TOGETHER with a portion of the North Half of said Section 33 more particularly described as follows: BEGINNING at the Northwesterly Corner of Tract H of Montrose Seventh Addition, Recorded in Book K of Plats, Pages 313 thru 313C, said point being on the Northerly Right of Way Line of the Burlington Northern Santa Fe Railroad; thence N45°43'55"W along said Right of Way Line a distance of 805.61 feet to the beginning of a nontangent curve concave to the Northwest and having a radius of 125.00 feet and a chord bearing and distance of N30°23'47"E, 10.18 feet; thence Northeasterly along said curve through a central angle of 04°40'10" an arc distance of 10.19 feet; thence N28°36'10"E a distance of 158.38 feet to the beginning of a tangent curve concave to the Southeast and having a radius of 375.00 feet and a chord bearing and distance of N45°00'13"E, 211.77 feet; thence Northeasterly along said curve through a central angle of 32°48'06" an arc distance of 214.69 feet; thence N61°24'16"E a distance of 396.43 feet to the beginning of a tangent curve concave to the South and having a radius of 250.00 feet and a chord bearing and distance of N76°17'22"E, 128.44 feet; thence Easterly along said curve through a central angle of 29°46′13" an arc distance of 129.90 feet; thence S88°49′31"E a distance of 206.18 feet to the West Line of the Northeast Quarter of said Section 33; thence continuing S88°49'31"E a distance of 1116.02 feet; thence S01°10'27"W a distance of 25.00 feet to the Northwest Corner of Tract D of Montrose First Addition, Recorded in Book I of plats, Pages 106 thru 106B; thence along the Westerly Boundary line the following (9) nine courses;

1) Continuing S01°10′27″W (Record S01°15′32″W) a distance of 175.72 feet;

- 2) N86°17'12"W (record N87°12'07"W) a distance of 23.02 feet
- 3) S03°42′48″W (Record S02°47′53″W) a distance of 54.00 feet to the beginning of a non-tangent curve concave to the Southwest and having a radius of 20.00 feet and a chord bearing and distance of S42°33′18″E (Record S43°28′17″E) 27.65 feet;
- 4) Thence Southerly along said curve through a central angle of 87°27′38″ (Record 87°27′40″) an arc distance of 30.53 feet;
- 5) S01°10′27″W (Record S00°15′32″W) a distance of 206.20 feet to the beginning of a non-tangent curve concave to the Northwest and having a radius of 20.00 feet and a chord bearing and distance of S47°26′37″W (Record S46°31′43″W) ,28.90 feet;
- 6) Thence Southwesterly along said curve through a central angle of 92°32′21″ (Record 92°32′20″) an arc distance of 32.30 feet;
- 7) S00°42′02″E (Record S01°36′57″E) a distance of 54.16 feet to the beginning of a non-tangent curve concave to the Southwest and having a radius of 20.00 feet and a chord bearing and distance of \$42°33′18″E (Record \$43°28′17″E), 27.65 feet;

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8) Thence Southerly along said curve through a central angle of 87°27′38″ (Record 87°27′40″) an arc distance of 30.53 feet;

- 9) S01°10′27″W (Record S00°15′32″W) a distance of 102.49 feet to the Northeast Corner of Montrose Sixth Addition, Recorded in Book J of Plats, Pages 230 thru 230E; thence along the Northerly Boundary Line of said Montrose Sixth Addition and the Northerly boundary Line of Montrose Seventh Addition, Recorded in Book K of plats, pages 313 thru 313C, N86°17′10″W (Record N87°12′07″E) a distance of 1140.87 feet; thence along the westerly Boundary Line of said Montrose Seventh Addition the following (10) ten courses;
- 1) S01°10′29″W (Record S00°15′32″W) a distance of 100.71 feet to the beginning of a non-tangent curve concave to the Northwest and having a radius of 20.00 feet and a chord bearing and distance of S47°26′38″W (Record S46°31′43″W), 28.90 feet;
- 2) Thence Southwesterly along said curve through a central angle of 92°32′23″ (Record 92°32′21″) an arc distance of 32.30 feet;
- 3) S00°30′47″E (Record S01°25′44″E) a distance of 60.16 feet to the beginning of a non-tangent curve concave to the South and having a radius of 20.00 feet and a chord bearing and distance of S54°20′14″E (Record S55°15′11″E), 21.17 feet;
- 4) Thence Southeasterly along said curve through a central angle of 63°53′53″ an arc distance of 22.30 feet;
- 5) N86°05′10″W (Record N87°00′07″W) a distance of 112.18 feet; 6) N85°51′40″W (Record N86°46′37″W) a distance of 6.29 feet;
- 7) S01°10′29″W (Record S00°15′32″W a distance of 168.20 feet to the beginning of a tangent curve concave to the West and having a radius 250.00 feet and a chord bearing and distance of S08°02′49″W (Record S07°07′52″W), 59.83 feet;
- 8) Thence Southerly along said curve through a central angle of 13°44′39" (Record 13°44′40") an arc distance o 59.97 feet;
- 9) N75°04′51″W (Record N75°59′48″W) a distance of 95.83 feet;
- 10) S44°16′05″W (Record S43°21′08″W) a distance of 88.49 feet (Record 88.58 feet) to the POINT OF BEGINNING.

#### **EXHIBIT "B" – EXCEPTIONS**

- 1. General taxes for the year 2022, a lien in the process of assessment, not yet due or payable.
- 2. 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.
- 3. Assessments for the City of Post Falls, if any, which are excluded from the coverage afforded hereby.
- 4. Assessments for the East Greenacres Irrigation District, if any, which are excluded from the coverage afforded hereby.
- 5. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded February 9, 1929, as (instrument) Book 93 of Deeds, Page 321, Official Records:

Purpose: The right to erect and maintain poles, with the necessary wires and fixtures thereon, and to keep same free from foliage

**Document Link** 

- 6. 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 April 12, 1930, as (instrument) Book 95 of Deeds, Page 131, 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 May 24, 1930, as (instrument) Book 95 of Deeds, Page 253, 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 in a document recorded May 31, 1956, as (instrument) Book 163 of Deeds, Page 572, Official Records:

Purpose: Pipeline Easement

Document Link

9. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded October 7, 1957, as (instrument) Book 170 of Deeds, Page 245, Official Records:

Purpose: Pipeline Easement

**Document Link** 

10. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded December 16, 1957, as (instrument) Book 171 of Deeds, Page 190, Official Records:

Purpose: A right to lay, operate and maintain water pipe for the transportaion of water

**Document Link** 

11. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded December 16, 1957, as (instrument) Book 171 of Deeds, Page 193, Official Records:

Purpose: Water System Easement

Document Link

12. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded June 14, 1973, as (instrument) 627290, Official Records:

Purpose: Water pipeline easement

**Document Link** 

13. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded June 14, 1973, as (instrument) 628050, Official Records:

Purpose: Water Pipeline Easement

**Document Link** 

- 14. Covenants, conditions and restrictions, but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as contained in the deed from Chicago, Milwaukee, St. Paul and Pacific Railroad Company, recorded December 30, 1976, as (instrument) 719146, Official Records.

  Document Link
- 15. Contract Concerning the Eligibility of Excess Land to receive water withdrawn from the East Greenacres Irrigation Works, and the terms and conditions thereof, recorded May 6, 1977, as (instrument) 729424, Official Records.
  Document Link
- 16. Record of Survey recorded December 21, 1992, as (instrument) Book 12 of Surveys, Page 37, Official Records.

  Document Link
- City of Post Falls Ordinance No. 790, and the terms and conditions thereof, recorded December 23, 1994, as (instrument) 1382606, Official Records.
   Document Link
- 18. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded October 2, 1996, as (instrument) 1464280, Official Records:

Purpose: For roadway and utility purposes

**Document Link** 

 Master Development Agreement by and between Greenstone-Kootenai, Inc. and Schneidmiller Land Company, setting forth terms, recorded January 22, 1999, as (instrument) 1572462, Official Records.
 Document Link

Development Agreement Addendum, recorded June 5, 2009, as (instrument) 2215326000 Official Records. <u>Document Link</u> Development Agreement Addendum, recorded May 20, 2010, as (instrument) 2265941000 Official Records. <u>Document Link</u>

Development Agreement Addendum, recorded July 12, 2010, as (instrument) 2272717000 Official Records.

Supplemental Development Agreement, recorded October 22, 2015, as (instrument) 2520470000 Official Records.

**Document Link** 

Development Agreement Addendum, recorded May 9, 2017, as (instrument) 2593672000 Official Records. Document Link

Development Ageement Addendum, recorded May 9, 2017, as (instrument) 2593673000 Official Records. Document Link

- 20. Annexation Agreement by and between City of Post Falls and Schneidmiller Land Company, a Washington Corporation, setting forth terms, recorded August 20, 1999, as (instrument) 1603207, Official Records.

  Document Link
- 21. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded October 21, 2000, as (instrument) 2237352000, Official Records:

Purpose: Pipeline for the transportation of natural gas and/or other related products

**Document Link** 

22. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded August 30, 2010, as (instrument) 2279509000, Official Records:

Purpose: Temporary Grant of Easement for access

**Document Link** 

23. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded August 30, 2010, as (instrument) 2279510000, Official Records:

Purpose: Temporary Grant of Easement for Access

**Document Link** 

24. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded August 30, 2010, as (instrument) 2279511000, Official Records:

Purpose: Temporary Grant of Easement for storm water drainage

**Document Link** 

25. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded August 30, 2010, as (instrument) 2279512000, Official Records:

Purpose: Water Drainage Facilities

**Document Link** 

- 26. All matters as delineated on the Official Plat of Montrose Seventh Addition, on file and of record as (instrument) Book K of Plats, Page(s) 313, Official Records of Kootenai County, State of Idaho.

  Document Link
- 27. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as ordered in a document recorded September 26, 2011, as (instrument) 2328714000, Official Records:

Purpose: telecommunications cable system

**Document Link** 

28. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded February 13, 2012, as (instrument) 2345998000, Official Records:

Purpose: Temporary Utility Easement

**Document Link** 

29. Record of Survey recorded September 10, 2012, as (instrument) 2374541000, Book 27 of Surveys, Page 308, Official Records.

<u>Document Link</u>

- 30. Record of Survey recorded September 28, 2014, as (instrument) 2463757000, Official Records.

  Document Link
- 31. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded June 19, 2019, as (instrument) 2698022000, Official Records:

Purpose: Construction, improvement, operation and maintenance of sidewalks, utilities, and drainage improvements

**Document Link** 

32. An easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted in a document recorded June 19, 2019, as (instrument) 2698023000, Official Records:

Purpose: Temporary Construction Easement

**Document Link** 

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



Placer Title Co., Centric Title and Escrow, Montana Title and Escrow, National Closing Solutions, National Closing Solutions of Alabama, National Closing Solutions of Maryland, North Idaho Title Insurance, Placer Title Insurance Agency of Utah, Premier Reverse Closings, Premier Title Agency, Texas National Title, Washington Title and Escrow, Western Auxiliary Corp., Wyoming Title and Escrow

#### NOTICE AT COLLECTION AND PRIVACY POLICY

Updated July 1, 2021

We respect your personal information and are committed to protecting it. We are disclosing how Mother Lode Holding Company and its subsidiaries listed above (together referred to as "we," "us," or "our") collect, use, and share your personal information. Sections 1 and 2 constitute our Notice at Collection, Sections 1 – 9 are our Privacy Policy, and Sections 10 – 11 are additional sections of our Privacy Policy that apply only to California residents.

#### 1. Personal Information We Collect

We may collect and over the last 12 months have collected personal information in the following categories: (A) Identity information such as name, postal address, email address, date of birth, social security number, driver's license, passport, signature, physical characteristics or description, telephone number, or other similar information; (B) Financial information (such as bank account information) and insurance information; (C) Records of services or products requested or purchased; (D) Biometric information (thumbprints obtained by notaries); (E) Internet or other electronic network activity information, such as online identifier, Internet Protocol address, and information relating to interaction with our Internet websites and mobile applications; (F) Audio (voice messages), electronic, or similar information; (G) Professional or employment-related information; (H) Education information; (I) Characteristics of protected classifications such as marital status; (J) Geolocation information (with consent when using our mobile applications); and (K) information relating to pandemics, including medical, health, and travel information.

#### 2. Purposes

We collect the above information, and have collected it in the last 12 months, for the following purposes: Our operational purposes, including providing escrow and title services, fulfilling a transaction, verifying customer information, and providing and improving customer service (categories A-K); Detecting, protecting against, and reporting malicious, deceptive, fraudulent, or illegal activity (A-I); Providing and improving Websites, and debugging to find and repair errors (A, C E, F, J); Auditing and complying with legal and other similar requirements (A-I); and to reduce the risk of spreading infectious diseases and to protect our employees and guests (K).

#### 3. Sources, Sharing

The sources from which the information is and was collected include: the consumer or their authorized representative (A-J); government entities, service providers, financial institutions, our affiliates, real estate settlement service providers, real estate brokers and agents (A-D, F-I); and our internet websites and mobile applications (A-C, E-J). The categories of third parties with whom we share and have shared personal information include: a consumer's authorized representative (A-I); government entities, service providers and consultants, financial institutions, our affiliates, real estate settlement service providers, real estate brokers and agents, abstractors (A-I); notaries public (K); and data analytics and internet service providers (E, F, J). We may also disclose your information as part of a business transaction, such as a merger, sale, reorganization or acquisition (A-J).

#### 4. Cookies and similar technologies

We use "cookies" and similar technologies when you access our websites or mobile applications. A "cookie" is a piece of information that our website sends to your browser, which then stores this information on your system. If a cookie is used, our website will be able to "remember" information about you and your preferences either until you exit your current browser window (if the cookie is temporary) or until you disable or delete the cookie. Many users prefer to use cookies in order to help them navigate a website as seamlessly as possible.

We use "cookies" in the following situations. The first situation is with respect to temporary cookies. If you are accessing our services through one of our online applications our server may automatically send your browser a temporary cookie, which is used to help your browser navigate our site. The only information contained in these temporary cookies is a direction value that lets our software determine which page to show when you hit the back button in your browser. This bit of information is erased when you close your current browser window. The second situation in which we may use cookies is with respect to permanent cookies. This type of cookie remains on your system, although you can always delete or disable it through your browser preferences. There are two instances in which we use a permanent cookie. First, when you visit our website and request documentation or a response from us. When you are filling out a form, you may be given the option of having our website deliver a cookie to your local hard drive. You might choose to receive this type of cookie in order to save time in filling out forms and/or revisiting our website. We only send this type of cookie to your browser when you have clicked on the box labeled "Please remember my profile information" when submitting information or communicating with us. The second instance where we use a permanent cookie is where we track traffic patterns on our site. Analysis of the collected information allows us to improve our website and the user experience. In both instances of a persistent cookie, if you choose not to accept the cookie, you will still be able to use our website. Even if you choose to receive this type of cookie, you can set your browser to notify you when you receive any cookie, giving you the chance to decide whether to accept or reject it each time one is sent.

#### 5. Links to Other Websites and Do Not Track

Our website may contain links to third party websites, which are provided and maintained by the third party. Third party websites are not subject to this notice or privacy policy. Currently, we do not recognize "do not track" requests from Internet browsers or similar devices.

#### 6. Sale

We don't sell personal information about consumers and haven't sold information about consumers in the last 12 months.

#### 7. Minors

We don't collect information from minors under the age of 18.

#### 8. Safeguards

We restrict access to the information we collect to individuals and entities who need to know the information to provide services as set forth above. We also maintain physical, electronic and procedural safeguards to protect information, including data encryption.

#### 9. Access and Changes

This notice and policy can be accessed <a href="https://www.mlhc.com/privacy-policy">https://www.mlhc.com/privacy-policy</a>. Disabled consumers may access this notice in an alternative format by contacting MLHC Counsel, Legal Dept., 1508 Eureka Rd., #130, Roseville, CA 95661, or calling our toll free number at 1-877-626-0668, or emailing <a href="mailto:privacy@mlhc.com">privacy@mlhc.com</a>. This notice and policy will change from time to time. All changes will be provided at <a href="https://www.mlhc.com/privacy-policy">https://www.mlhc.com/privacy-policy</a> and furnished through an appropriate method such as electronically, by mail, or in person. The effective date will be stated on the notice and policy.

Questions about this notice and privacy policy may be sent to MLHC Counsel, Legal Dept., 1508 Eureka Rd., #130, Roseville, CA 95661 or privacy@mlhc.com.

#### CALIFORNIA SUPPLEMENT - THE REMAINDER OF THIS POLICY APPLIES ONLY TO CALIFORNIA RESIDENTS

#### 10. Requests Under the California Consumer Privacy Act ("CCPA")

California residents have the right to make a "request to know" (1) the specific pieces of personal information we have collected about them; (2) categories of personal information we have collected; (3) categories of sources from which the personal information was collected; (4) categories of personal information we disclosed for a business purpose; (5) purpose for collecting the information; and (6) categories of third parties with whom we shared personal information. California residents have the right to request that we deliver to them their personal information free of charge. California residents have the right to make a "request to delete" from our records of their personal information that we have collected, subject to legal limitations. We do not discriminate against consumers for exercising rights under the CCPA or other laws.

#### 11. How to Make a Request under the California Consumer Privacy Act

To make a CCPA "request to know," a "request to delete," or any other request under the CCPA, a California consumer may (1) submit a request to privacy@mlhc.com; (2) call us toll-free at 1-877-626-0668; or (3) send a written request to MLHC Counsel, Legal Dept., 1508 Eureka Rd., #130, Roseville, CA 95661. Please note that you must verify your identity before we take further action. To verify your identity, we will try to use information you have already provided. We may also need additional information. Consistent with California law, you may designate an authorized agent to make a request on your behalf. To do this, you must provide a valid power of attorney, the requester's valid government issued identification, and the authorized agent's valid government issued identification. California residents may "opt out" of the sale of their personal information. However, we do not sell your personal information and therefore we do not offer an "opt out."

Upon receipt of a verified consumer request, we will respond by giving you the information requested for the 12-month period before our receipt of your verified consumer request at no cost to you, or deleting the information and notifying any service providers to delete it, subject to legal limitations. If we have a valid reason to retain personal information or are otherwise unable to comply with a request, we will tell you. For example, the law may not require us or allow us to delete certain information collected. In addition, personal information we collect pursuant to the federal Gramm-Leach-Bliley Act is exempt from most of the provisions of the CCPA.

Questions about this notice and privacy policy may be sent to MLHC Counsel, Legal Dept., 1508 Eureka Rd., #130, Roseville, CA 95661 or privacy@mlhc.com.

#### GRAMM-LEACH-BLILEY ACT PRIVACY POLICY NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) requires financial companies to provide you with a notice of their privacy policies and practices, such as the types of nonpublic personal information that they collect about you and the categories of persons or entities to whom it may be disclosed. In compliance with the Gramm-Leach-Bliley-Act, we are notifying you of the privacy policies and practices of:

Mother Lode Holding Co.
Montana Title and Escrow Co.
National Closing Solutions, Inc.
National Closing Solutions of Alabama
National Closing Solutions of Maryland
Premier Reverse Closings
Centric Title and Escrow

Placer Title Co.
Placer Title Insurance Agency of Utah
Premier Title Agency
North Idaho Title Insurance Co.
Texas National Title
Western Auxiliary Corp.
Wyoming Title and Escrow Co.

The types of personal information we collect and share depend on the transaction involved. This information may include:

- Identity information such as Social Security number and driver's license information.
- Financial information such as mortgage loan account balances, checking account information and wire transfer instructions
- Information from others involved in your transaction such as documents received from your lender

We collect this information from you, such as on an application or other forms, from our files, and from our affiliates or others involved in your transaction, such as the real estate agent or lender.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to non-affiliates as permitted by law for our everyday business purposes, such as to process your transactions and respond to legal and regulatory matters. We do not sell your personal information or share it for marketing purposes.

We do not share any nonpublic personal information about you with anyone for any purpose that is not specifically permitted by law.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Questions about this notice and privacy policy may be sent to MLHC Counsel, Legal Dept., 1508 Eureka Rd., #130, Roseville, CA 95661 or privacy@mlhc.com.

### STG Privacy Notice Stewart Title Companies

#### WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes— to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes— information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company	Yes	No
For our affiliates' everyday business purposes— information about your creditworthiness.	No	We don't share
For our affiliates to market to you – For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

#### SHARING PRACTICES

How often do the Stewart Title companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you  request insurance-related services  provide such information to us  We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056

Effective Date: January 1, 2020

## **Privacy Notice for California Residents**

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice for California Residents** ("CCPA Notice"). This CCPA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users and others who reside in the State of California or are considered California Residents ("consumers" or "you"). Terms used but not defined shall have the meaning ascribed to them in the CCPA.

#### **Information Stewart Collects**

Stewart collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device. Most of the information that Stewart collects in the course of its regular business is already protected pursuant to the Gramm-Leach-Bliley Act (GLBA). Additionally, much of this information comes from government records or other information already in the public domain. Personal information under the CCPA does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), GLBA and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES

E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment- related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees or their agents (For example, realtors, lenders, attorneys, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

#### Use of Personal Information

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).

- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or
  fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or
  marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

#### Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent in the course of your transaction (for example, a realtor or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies
- Litigation parties and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

Category A: Identifiers

Category B: California Customer Records personal information categories

Category C: Protected classification characteristics under California or federal law

Category D: Commercial Information Category E: Biometric Information

Category F: Internet or other similar network activity

Category G: Geolocation data Category H: Sensory data

Category I: Professional or employment-related information

Category J: Non-public education information

Category K: Inferences

#### **Consumer Rights and Choices**

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

#### **Access to Specific Information and Data Portability Rights**

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

#### **Deletion Request Rights**

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

- 1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
- 2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- 3. Debug products to identify and repair errors that impair existing intended functionality.
- 4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- 5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seg.).
- 6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- 7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- 8. Comply with a legal obligation.
- 9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

#### Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us either:

- Calling us Toll Free at 1-866-571-9270
- Emailing us at <u>Privacyrequest@stewart.com</u>

• Visiting <a href="http://stewart.com/ccpa">http://stewart.com/ccpa</a>

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

#### **Response Timing and Format**

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

#### Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

#### Changes to Our Privacy Notice

Stewart reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on Stewart's website and update the notice's effective date. Your continued use of Stewart's website following the posting of changes constitutes your acceptance of such changes.

#### **Contact Information**

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

**Phone:** Toll Free at 1-866-571-9270

Website: <a href="http://stewart.com/ccpa">http://stewart.com/ccpa</a>

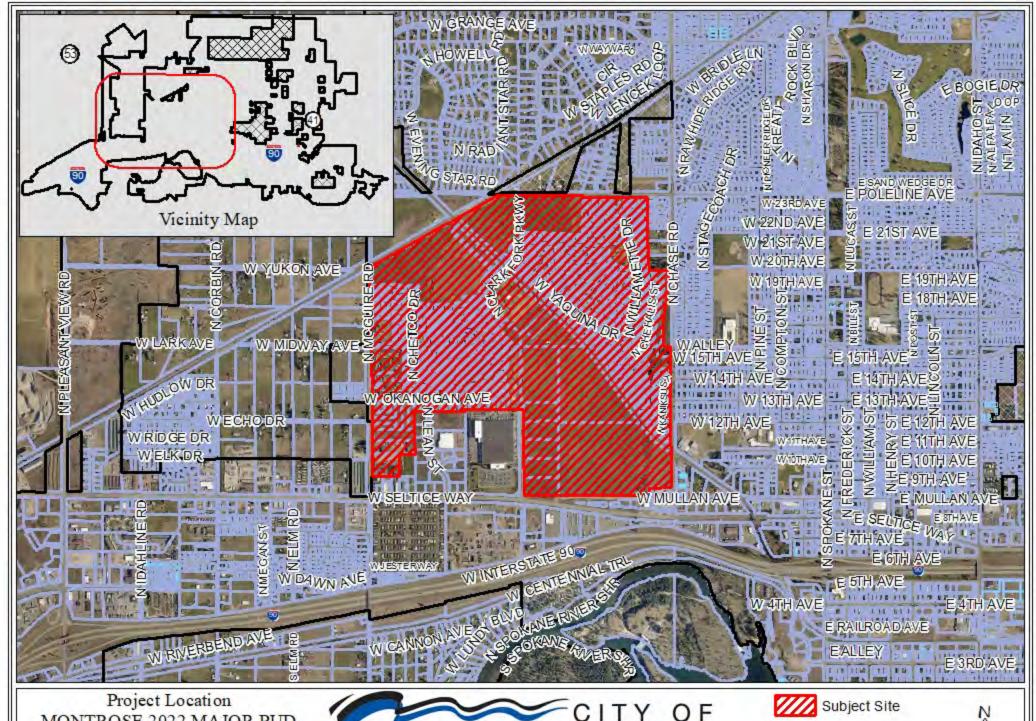
**Email:** Privacyrequest@stewart.com

**Postal Address:** Stewart Information Services Corporation

Attn: Mary Thomas, Deputy Chief Compliance Officer

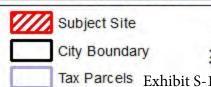
1360 Post Oak Blvd., Ste. 100, MC #14-1

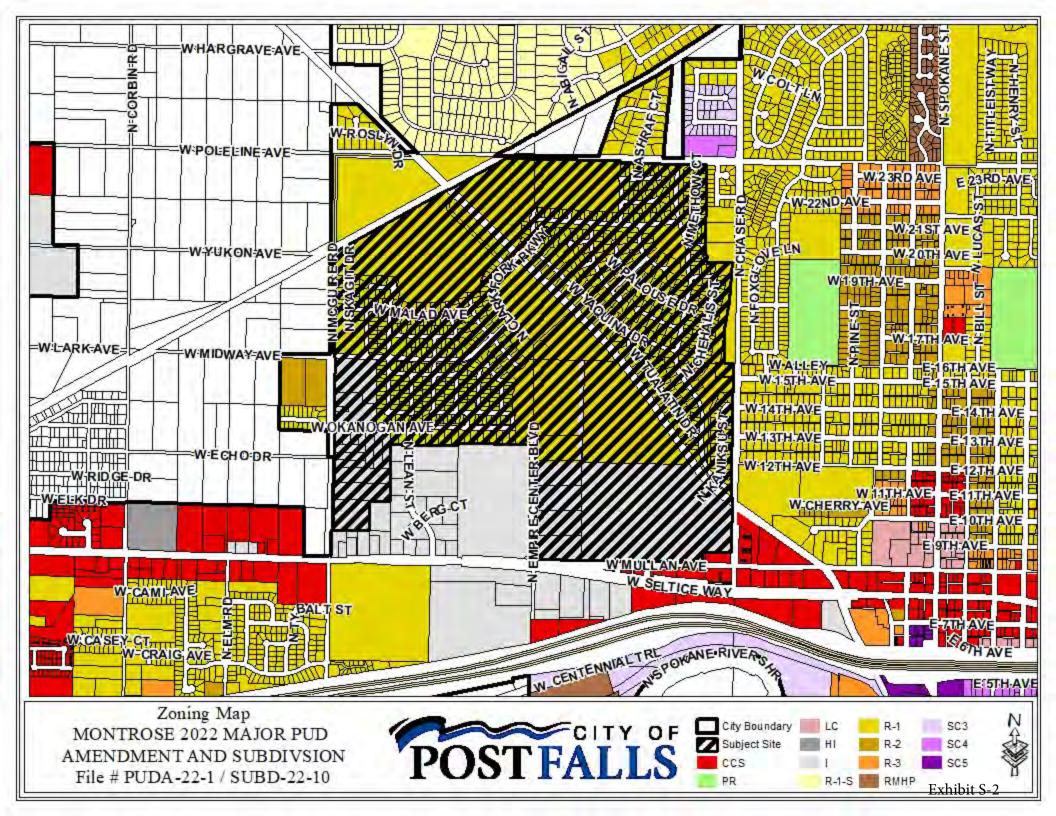
Houston, TX 77056

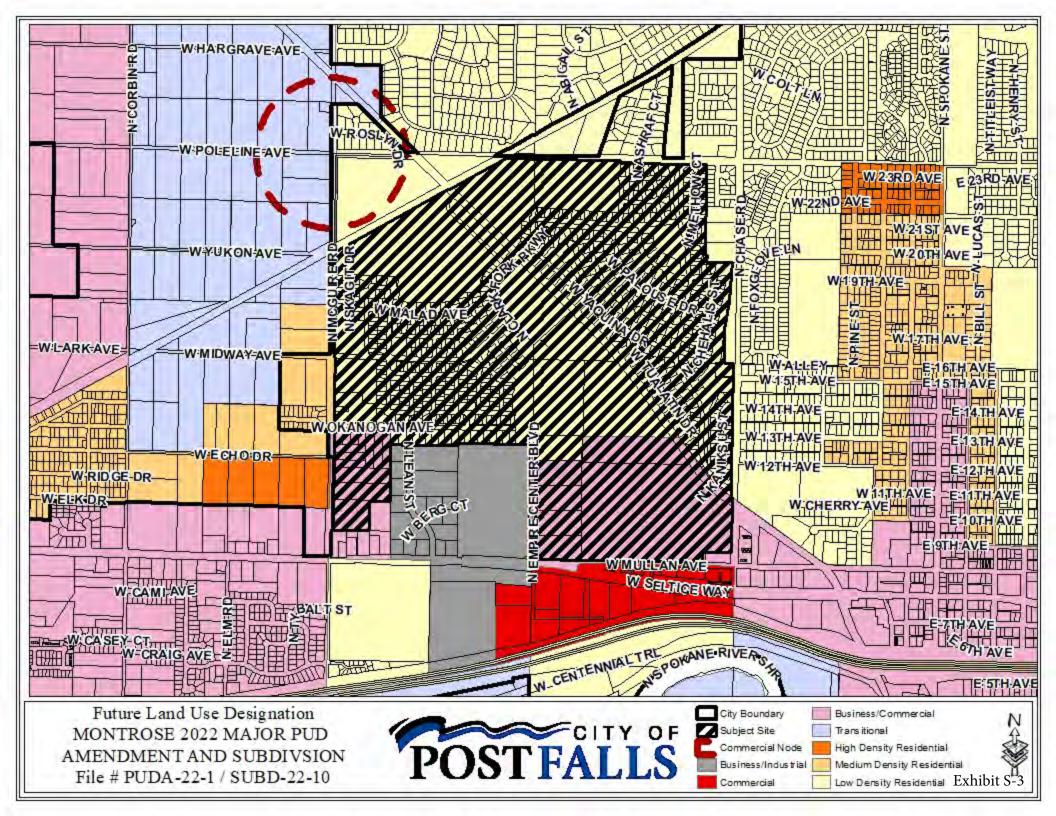


Project Location
MONTROSE 2022 MAJOR PUD
AMENDMENT AND SUBDIVSION
File # PUDA-22-1 / SUBD-22-10











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

October 17th, 2022

Amber Blanchette
Planning Administrative Specialist
amberb@postfallsidaho.org

Re: Montrose 2022 PUD Amendment and Subdivision File No. PUDA-22-1/SUBD-22-10

The Police Department has reviewed the above listed admendment plan 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,

Mark J. Brantl Captain

Mah 185

Post Falls Police Department

#### **Amber Blanchette**

From: Polak, Chad M < Chad.M.Polak@p66.com>

Sent: Monday, October 17, 2022 2:42 PM
To: Amber Blanchette

Subject: FW: Montrose 2022 PUD Amendment and Subdivision File No. PUDA-22-1/SUBD-22-10

Attachments: Montrose 2022 NTJ NOTICE FORM.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,

We have reviewed and do not have any comments on the attached project.

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, October 17, 2022 1:33 PM

To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemyre <bri>trittany.stottlemyre@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>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.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 <a href="https://www.new.gov.ne <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 <imeyer@postfallsidaho.org>; John Beacham <ipeacham@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 <a href="mailto:kirk.hobson@twcable.com">kmPO <a href="mailto:kirk.hobson@twcable.com">kirk.hobson@twcable.com</a>; KMPO <a href="mailto:kirk.hobson@twcable.co 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 <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>; Ray Kimball <rkimball@whipplece.com>; Ross Schlotthauer <ross@burlyproducts.com>; Ryan Davis <rldavis208@gmail.com>; Vicky Jo Carey <vicarey@aol.com>

Subject: [EXTERNAL]Montrose 2022 PUD Amendment and Subdivision File No. PUDA-22-1/SUBD-22-10

#### This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good afternoon,

Attached is the notice to jurisdiction for the named subdivision, for the Planning & Zoning meeting on November 8<sup>th</sup>. The draft staff report is on the city's website.

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

Thank you,

Amber Blanchette Planning Specialist Phone: 208-457-3338

Email: amberb@postfalls.gov



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

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

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.



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

June 20, 2022

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

Dear Bob,

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

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

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

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

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

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

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

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

## **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

October 18, 2022

Amber Blanchette Planning Administrative Specialist amberb@postfallsidaho.org

#### **RE:** Notice to Jurisdiction Response

Amber,

Please use the following as a standard response for Kootenai County Fire & Rescue on all applicable Notice to Jurisdiction notifications.

"Kootenai County Fire & Rescue (KCFR) participates in partnership with the City of Post Falls throughout the review and permitting process to include but not limited to the following: City annexations, zoning issues, comprehensive plan development, subdivision development, site plan approval and building construction code compliance. KCFR reserves all fire code related comments for that process."

REGION

Respectfully,

Jeryl Archer II Kootenai County Fire & Rescue **Division Chief of Prevention** FIRE & RESCUE

Fire Marshal

Exhibit PA-4

#### **Amber Blanchette**

**From:** jonie@postfallshd.com

Sent: Thursday, November 3, 2022 3:15 PM

**To:** Amber Blanchette

Subject: RE: Montrose 2022 PUD Amendment and Subdivision File No. PUDA-22-1/SUBD-22-10

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.

#### PFHD has no comment

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



From: Amber Blanchette <amberb@postfalls.gov>

Sent: Monday, October 17, 2022 12:33 PM

To: Ali Marienau <AMarienau@kmpo.net>; Andy Obermueller <aobermueller@cdapress.com>; audie.neuson@williams.com; Avista <c01\_Real\_Estate@avistacorp.com>; Bill Melvin <br/>bmelvin@postfalls.gov>; Bill Roberson <william.roberson@itd.idaho.gov>; Brittany Stottlemyre <bri>brittany.stottlemyre@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>; Devin Weeks <dweeks@cdapress.com>; Dewey, Kristina <kristina.a.dewey@usps.gov>; Diane URA <dianepfura@gmail.com>; Dylan Owens <dylan.owens@tdstelecom.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 <a href="https://www.new.gostfallsidaho.org">hvarney@postfallsidaho.org</a>; J Mcmillin <a href="https://www.new.gostfallsidaho.org">mcmillin@postfallsidaho.org</a>; 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 <a href="mailto:kirk.hobson@twcable.com">kmPO <Gmiles@kmpo.net</a>; Kootenai Electric <a href="mailto:kirk.hobson@twcable.com">kmPO <a href="mailto:kirk.hobson@twcable.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 /ynn.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</pre>; Tisha Gallop <tpallop@postfalls.gov</pre>; Towry, Kristie <kmtowry@bpa.gov</pre>; 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 <vicarey@aol.com>

Subject: Montrose 2022 PUD Amendment and Subdivision File No. PUDA-22-1/SUBD-22-10

Good afternoon,

Attached is the notice to jurisdiction for the named subdivision, for the Planning & Zoning meeting on November 8<sup>th</sup>. The draft staff report is on the city's website.

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

Thank you,

Amber Blanchette Planning Specialist Phone: 208-457-3338

Email: amberb@postfalls.gov



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

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

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