



**PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA**

**FEBRUARY 14, 2023
5:30 PM**

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

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

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

REGULAR MEETING – 5:30 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

-HAPPY VALENTINE'S 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 1-31-2023
- b. Zoning Recommendation – D-Bate Facility Zone Change File No. ZC-22-6

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:

5. ADMINISTRATIVE / STAFF REPORTS

6. COMMISSION COMMENT

7. ADJOURNMENT

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

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

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



**PLANNING & ZONING COMMISSION
SPECIAL MEETING MINUTES**

**JANUARY 31, 2023
5:30 PM**

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

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SPECIAL MEETING – 5:30 PM

CALL TO ORDER

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PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

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

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

None

AMENDMENTS TO THE AGENDA

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None

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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 1-10-2023

Motion to approve as presented by Hampe

2nd by: Carey

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

Moved

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ACTION ITEMS:

- A. **Recommendation** Development Impact Fee Update – Jon Manley, Planning Manager, to introduce an amendment to the Development Impact Fee to accomplish: Adjust impact fees based upon inflationary cost escalations, Basis on a ten (10) to twenty (20) year growth cost depending on the Impact Fee category. The Planning and Zoning Commission currently serve as the Impact Fee Advisory committee and the current adjustments are based on inflationary cost escalations and not updates on Capital Improvement Plans. We started the process in August, and this was presented to you in December where you asked

for a continuance. We have the Police Department, Parks as well as the Engineering Division to discuss the different areas such as Public Safety, Parks, and Streets. We do have a workshop scheduled for February 7th with City Council. Current fees, proposed fees, and difference between the 2 are listed for reference; multi-family; single-family; and the different commercial types all see an increase. Purpose for the increase is due to the background growth for the Master Planning which on average it has been increasing by 4.7% yearly. Impact fees are payments required by local governments of new development not to be used to pay for maintenance, staffing, vehicles, etc. It's away for growth to pay for itself; current categories are Parks, Police, Transportation; and the new Multimodal Paths.

Greg McLean, Chief of Police – We have not looked into our Impact Fee guides since 2018; we are still looking for Police Department support facilities and the communication facilities, which are the tower sites that allow us to communicate with all the police officers, cars, and different agencies. In 2021, the city did a facility assessment on all the buildings within the city and needs of what we're going to be needing in the future. The Police department is in a major need of an expansion due to the increase in growth, increased calls for service, we've seen 26.6% increase in that since 2018, which means more officers are on the streets to cover the calls. The areas of need due to the population increase are administrative and personnel support space; additional warehouse/storage; modification to the fleet shop to make it more efficient; more fleet, employee and visitor parking needed and to purchase some land to do so. I am currently in negotiation with a property owner to the east of the current police department; trying to acquire it so we can expand to meet codes of the city. The price is about \$11-\$15 per square foot due to it being commercial land. In 2003 we purchased our current facility with the land and shop about 24,400 square feet for approximately \$1.39 per square foot totaling \$3.4 million. To keep up with growth for the next 7-10 years a 16,000 square foot extension on the current facility as well as the outbuildings to support the evidence that is taken in. The estimated cost is about \$12.6 million; this is a big difference from the first facility. We currently collect about \$450,000 in Impact Fees and the estimated time to collect needed amount for the expansion under the current impact fees would be 26 years; the increase would allow for this project to be paid in full earlier. If things are left as they are, we will not be able to afford the loan payment and would need to find an alternative way to pay for the expansion. I watched the last hearing on the increase and the question/concern came up of why people would want to develop in our city. We are the 6th fastest growing city in Idaho. We as well as other agencies provide services that many other cities do not provide. Our Police Department responds to all medical calls, we deploy Narcan for all overdoses, we unlock vehicles, do Vin inspections, etc. many surrounding jurisdictions do not. I need to have officers on the streets for this and when you say why would people want to develop here it would be for the services provided.

Kimball – What was previously stated that most of the increase has to do with inflation. This is a huge increase which doesn't necessarily track with inflation; and I know local construction costs area high right now. However, it was mentioned that there was a mistake in the previous impact fee calculation based on facilities plan cost. Is this correct to your knowledge?

McLean – I am not aware of that particularly; if you are asking about the \$12.6 million to build that 16,000 square foot addition then that was based off of their findings of what the actual cost for the supplies at that time which was 2021. Now, I am not sure if construction costs have come down from these numbers however, I don't believe they would have come

down enough to cover the cost based on \$450,000 annually. Plus, another outbuilding to support our evidence.

Kimball – Were all of those facilities in the 2018 estimates.

McLean – Yes.

Kimball – So they were grossly underestimated.

McLean – We couldn't afford to cover the cost with the purchase of land that we need on top of that.

Kimball – Okay

McLean – The land we are currently look at is in the excess of the million-dollar area for what is needed to build the extra facilities for the expansion.

Kimball – It sounds like there was a prior mistake because inflation hasn't tracked with even 17% from last year because construction inflation is not 70%, or higher,

Davis - Those numbers don't fall solely on the Police Department expansion alone.

Kimball – I am talking about across the board.

Davis – Across the board, yeah.

Kimball – I am wanting to make sure we are being transparent with everyone regarding the expansion and not basing everything on inflation.

Dave Fair, Parks, and Recreation Director – I reviewed the previous meeting and tried to focus on the questions that came up for you tonight. The Impact Fees support out Level 1 and Level 2 parks and the indoor recreation. They were established on a replacement-based methodology. We took a snapshot of what we were back in 1997 and we've just maintained that with the level of growth. I think we have done a good job keeping with the growth and adding more parks. There was a question on the fees going up and we share your concern; we've looked at it and struggle with the understanding that it is a no-win situation as it isn't going to be perfect and all we can do is work on finding the best solution. Back in 2012 there was a reduction in fees and the Level 2 collections were eliminated; the thought process back then was that we were getting things donated and some point if that process stopped working, we would come back and fix it. Well, it didn't happen in a couple of years, and we struggled with that and in 2017 we started addressing it to go back into the Impact Fees. The delays in the study put land values at 2017-2018 levels we went from 50,000 to 65,000 an acre. We had a level 1 parcel with a developer and agreed on 65,000 an acre so we felt comfortable with that number. As the delay happened, we realized the price of land was going up drastically. The reason I'm focusing on land is we're not looking at construction costs with this, simply land purchases. As the cost of land was going up it became a discussion point with Council, and they were concerned that we wouldn't collect enough to cover the land. So, staff was directed to looking at those fees and like everything it takes time and for Park acquisition we are only looking at land costs for this update. We decided to bring in 2 realtors one did a search for us, and one gave my access to the MLS; we looked at 78 different properties that fit within our parameters. Then we looked at these properties and categorized them under the Level 1 or 2 parks with Level 1 being closer into town. We removed some properties that were commercial and way out of our price range. Almost all Level 2 properties were across the river, or you had to go into Washington to come back into Idaho, which are things we just couldn't consider. We went over recent City purchases we provided all of our findings to TischlerBise and they did an average cost and that is how these numbers were found. The property we have been looking at purchasing was \$65,000 now it is \$239,000; \$5.50 per acre.

Hampe – How long was that?

Fair – That was about a 4.5-year period.

Hampe – Can you repeat those numbers again.

Fair - \$65,000 was what we had agreed on before 2017; and now we are at the 239,000 and I can tell you those numbers have gone down it was \$6 per square foot and now it is around \$5 per square foot. It is like when we purchased the land for the Landings, is waterfront and that is a prime location and was \$500,000 an acre. We won't get all of those so that is why I am comfortable when they say \$176/170,000; don't quote me I'm probably way off. Which isn't the highest or the lowest we've seen; we have purchased land off of Hargrave for about \$70,000/acre with Public Works 5 acres will be a public park however, there isn't access to it yet; we have to put in a road eventually this is a long-term project. So, there are deals out there they just come with issues.

Hampe – How much does the land currently own that is undeveloped.

Fair – Do you mean how much park land do we have? We have passive parks like the Community Forest.

Hampe – But that is currently being used as park.

Fair – Yes.

Hampe – What land is not currently being used as a park.

Fair – We have the Cecil house that was purchased, 3.22-acres, we will be developing it however we have higher priorities and our costs have gone up. We finally received all of our permits from the Fed's for Black Bay Park, and we had to re-apply for the grant which is now being reviewed again. So, developing parks is taking longer because it is more expensive.

Hampe – We only have that 3.5 acres?

Fair – We have the Sports Complex which is 25.5 acres at Tullamore which we hope to break ground on that in 3 years when we have enough money to start the process. We have put in the roads on Cecil (half the road) along with a water line and we have done all of the structural soil, so we are ready and those are the 2 properties we have. We also have some parcels that are due to us from developers, we are waiting for there process and timing of getting those in. This is all part of our calculations for maintaining that level of service.

Hampe – So if you bought the property now when would it be developed?

Fair – Between having the money and getting the designs and permits we are looking at probably 5-6 years out.

Hampe – So purchasing it now it would be 5-6 years out.

Fair – I will say the Cecil house we have put on hold because it isn't the highest priority. The community came forward and we completed a Master Plan for Black Bay Park, and it was a little bigger than expected so, we have been saving funds and applying for grants to complete it. The Sports Complex is also a high priority, and a lot of money has been put into already it's just all underground. We were surprised with having to put in our share of the road, but we did it. We just finished the development of the Landing which was a joint project with Avista. That is how we stretch things, we go after grants, we work with partnerships, and we work with developers to one in particular to get some softball fields in. The Prairie Trail was a recent purchase we are currently working with the developer on that. We got a great deal on that because the State DOT took the brunt of the cost with the purchase of the Crossings. We can't really include this purchase when equating the cost of property because I don't think the State will help us on too much more. A developer will put in streets, curb, gutter, sewer, water however it doesn't happen for Parks. If a developer does put it in we have to reimburse them at market cost so that means we are collecting 65,000 an acre and we reimburse them \$235,000 the community is already at a negative.

This is one part of the code that has recently changed and one way to not have to reimburse is by getting the developer to agree or an annexation; these are the only 2 tools I have.

Carey – If you ask a developer to have land in his development for a park, we then have to pay for that, it isn't part of the Development Agreement that they are gifting us the land for a park.

Fair – It can be, sometimes they get extra density for that; that is how we received land in Tullamore it was part of the Master Development Agreement. However, things have changed. So, we now have to work with them upfront and not every developer gets that, but they do have the opportunity. If there is land that is fitting, they have the right for reimbursement. That happened with Foxtail.

Hampe – What changed?

Fair – State laws; the legislature made amendments to impact, and we only get to collect on houses not industrial or commercial.

Kimball – It is my understanding that cities are not allowed to double dip, necessarily. They can't have impact fees for parks and require a developer to give up park land and build it. So, if a developer builds a park and gifts, it to the city, they are mitigating their impact.

Fair – Sometimes that is a good thing, and the developer can build it cheaper than we can, they don't have to have a Public Works license per se depending on when it is developed. If they have already given the land to the city, they do. We are also seeing developments that are not that large you can't ask for a 5-acre park from a 40-acre development, I understand that. So, we look at how we can add onto existing parks. I can tell you there isn't a lot of open land left for parks. We have even spent a lot of time looking for land for a dog park that would fit the requirements; I can't move that fast our process is a bit slower.

Bill Melvin, City Engineer – We contracted with JUB to go through and update the existing Capital Improvement Program costs for both transportation and multimodal. We saw as a result the ENR Index was not keeping up with the Capital Improvement Projects. JUB looked at a unit price analysis with the ITD 10-year historical data, the market volatility, the unit price analysis trends for curb, sidewalks etc. and looked at those types of trends plus bid adjustment factors; are they federal projects that sometimes cost more because of the environmental impacts and more hoops to jump through to fund a federal project or are they local projects that we can fund strictly out of impact fees without getting grants and seek other funding sources. They took a look at project sizes sometimes a larger project we can attract a better bid price with that. I know there was a concern with the Right-of-way costs we had JUB look at for the transportation of multimodal when you actually got into the unit price portion, they were in the \$4.81 - \$6.87 per square foot. That is lower than what you might see for a large expansion of the police facility or a park because they are buying a large piece of property and we are buying a smaller portion of a property to expand right-of-way or to gain a corner of a property to put in a round-about or a traffic signal, etc. The transportation fees are based on the Transportation Master Plan we developed a Capital Improvement Program to maintain the city's level of service requirements for moving traffic. These are based on a 20-year growth cost where there's a 5, 10, and 20-year Capital Plan for the transportation portion of it. As you see the 20-year growth cost is a little over \$76 million which are applied on a per trip basis. They're set trips per residential and apartment units as well as commercial based on size, and they are applied strictly on a per trip basis. The multimodal portion of it is based on the establishment of how much level of service was established based on what the existing miles or linear foot of trail that we had within the city per population. As the city grew it was a replacement-based methodology that was the set criteria. A cost was established to replace an equivalent

amount of that and from that they took those dollars went back and established a Capital Improvement Program. We have this many dollars, here is the needs and here's where these dollars would go. That is how the multimodal was established, they are applied on a per person basis for residential and appropriate bases for commercial and industrial.

Kimball – On the multimodal it's my understanding that the current level of services based on the current number of lane miles of bike lane trails and their bike trails, multimodal pathways, etc. is that correct?

Melvin – Correct.

Kimball – When a project builds a road, let's say a collector, to a standard that has bike lanes and multimodal pathways as part of that, why isn't that just like the park stuff being subtracted back out.

Melvin – Because it isn't listed specifically within the Capital Improvement Plan so, there is a replacement base, every linear foot of trail that somebody puts in in addition to a – it's their requirements as part of the development, so they put a trail adjacent to a roadway as opposed to a sidewalk adjacent to a roadway that's our requirement to complete those improvements. We are looking at areas where expansion of trail systems along where predominantly where for example the Centennial Trail modifications of the trail assisting with the Prairie Trail system that had been established and some areas within the Capital Improvement and McGuire Rd. the areas where we need a much more serious trail system than a developer coming and building to current standards. If a developer did the improvements that are specific to the Capital Improvement Plan, then there would be some reimbursements.

Kimball – How can we use bike lanes and multimodal pathways adjacent to existing streets so the existing stuff as the basis for our level of service but not apply it in the future.

Melvin – That is how it was applied for to establish a replacement-based methodology, so Tischler came up and went through and said this is what you have population as the population grows we're going to replace that and then from there they looked at the Capital Improvement the transportation plan had a multimodal portion of it and took those dollars an applied those to certain projects listed specifically within that Capital Plan. So, if it is within the Capital Improvement and somebody develops to those specific projects then they're reimbursed.

Kimball – But aren't the lane miles that a developer would build on a project also go into the future calculation for replacement-based level of service. So, in 2018 we had 20 lane miles of multimodal pathways and bike lanes, and developers built another 5 miles between then and now and in 2 years we go through the calculations are we going to be using 25 miles as our base.

Melvin – You will have some that where you had a multi-use trail that was adjacent to where somebody built a pathway as opposed to a sidewalk those were not necessarily included within.

Kimball – I am talking about bike lanes and things like that, those would be included right? In a future level of service calculation.

Melvin – If we update the plan.

Kimball – Right.

Melvin – We would have them look at that and see if they include that, that's something our future consultant would guide us in.

Kimball – It seems like allot of developments, I know the little ones don't but allot of the larger ones put in a lot of the bike trails and multimodal pathways and bike lanes and things

like that and they are not getting credit for it. With the multimodal cost, it just seems like a little bit of a double dip.

Melvin – Like I said, it is very specific to the projects that are listed in the CIP for multimodal. Are the projects that the dollars are going towards.

Kimball – With regards to the regular Transportation Master Plan I was going through the list of the short-term projects and compared to the 2018 CIP dollars versus today's and the intersection of Henry and Mullen went from 688,000 to 3.6 million can you explain why that would be the case.

Melvin – I would have to look at that specific project. There are a multitude of projects on there and I couldn't speak to that one specifically. There may have been more right-of-way acquisition or something, but I couldn't speak to that one specifically. I could research it.

Kimball – I mean Idaho and 13th went from 22,000 to 213,000 these are huge jumps. That can't necessarily explain it with inflation.

Melvin – They dug in pretty deep when looking at these projects in regards to the size of the project, how much right-of-way then what was done with the original Transportation CIP so it was completely different consultant, JUB did not do our Transportation CIP and we asked JUB to dig deeper and look at how many lanes and right-of-way is specifically at that intersection as opposed to maybe using more generic costs for something like that.

Hampe – So the project itself could have gotten a little bigger or more.

Melvin – They kept the same Capital Improvement projects, but they looked more critical at each one.

Kimball – So, it is more scope creep rather than inflation costs.

Melvin – We didn't add projects.

Kimball – I am not talking about projects; I am talking about the scope.

Davis – The Scope of the project.

Kimball – It ballooned.

Melvin – We didn't expand the projects either.

Kimball – So, there were gross errors then.

Melvin – I would have to look at the specific elements.

Davis – It is almost what you are beginning to see right.

Kimball – It's either wrong now or wrong then.

Melvin – I would need to look at the specific projects you have.

Kimball – Right. Did JUB look at right-of-way acquisition that comes with development for most of those projects, like the big roundabouts there is a lot of right-of-way that goes with them.

Melvin – If there is right-of-way, we are gaining from the developer it is included within the CIP costs and that is reimbursable.

Fair – I would like to correct a number is stated earlier with the land I think I said 174,000 was what we were looking at for a level 1 and that number was actually 147,000 for level 1 and 87,000 for level 2.

Hampe – Has the thought come up that maybe in a year you could buy this land a little cheaper than you can right now.

Fair – Yes, we've had those discussions we've watched it go up as I said we're looking at an agreement right now at over 200,000 an acre the chief's \$12 an acre isn't that bad I can tell you I have had higher ones that we've looked at and cannot afford. Other things we have discounted are those 5 acres with a house on it, as those costs are even more. I really don't think we will see prices drop much more.

Hampe – I just feel like these are big numbers.

Fair – I feel like a day trader, and I am watching numbers and checking, I'll see a sign and call. I feel pretty tied into it just seeing less and less that is available. To purchase land just to check off a box doesn't do our citizens any good, we want land that is walkable so we can maintain that level of service.

Hampe – Just for the record, are we trying to be good stewards of our community.

Fair – Right.

Davis – I think he is being very diligent with the taxpayer's money, but he also doesn't have the magic ball because in 6 months it could be 20% increase or possibly a decrease we don't know.

Fair – Our previous mayor called me cheap, and he was right, I don't care if it is the city's money, taxpayer's money or mine, I am an old farmer I hate to use the term old, but I want the value to be there.

McLean – The property the PD is looking at 5-6 years ago it was about \$6/square foot, now it is \$12/square foot, and it is very sought after due to it being commercial.

Davis – Kimball, I think I am tracking with you in a sense that I don't want to say was it blown last time, but...

Kimball – I took a deep dive in the transportation stuff and 3.6 million for a 2-lane roundabout is astronomical it should be half that at the most. If it is 3.6 million, we should be looking at different options like a traffic signal for a million. I know it isn't in our Master Plan, I know that's not what we're here to look at tonight I definitely don't feel comfortable with the increase being what it is. With all due respect to JUB, I think their prices are inflated they do that for good reason as they are very conservative, I think we have to be careful on finding that balance between making development pay for development and making sure that development doesn't overpay and the reality is that these dollars just get passed on to the person buying a house, etc. This makes it hard for the Police Chief to find Police officers who can afford to live here. I would feel comfortable recommending an increase just not as steep as it is. I don't know if it is Jermaine to tonight and stating what that number should be, I would feel comfortable with half but that is just a number nothing behind it. I understand the parks and I understand the real-estate for the PD is right next door. It isn't ideal for them to do a satellite office somewhere else. I understand the costs of land is just where they are currently. Philosophically I have a problem with the multimodal stuff but that isn't important. I just don't think the cost on the transportation and multimodal stuff have jumped that high.

Carey- Listening to Kimball, and it is a big jump on that part, and I have to agree maybe there is an alternative way for roads or different things that are little less expensive than the roundabouts or some different way to go. We need to find a middle ground here.

Davis – I think the Chief is right the quality and level of service that's provided here are going to bring people in but as Kimball stated the price is just going to get passed on to those individuals that are coming in.

Hampe – My biggest concern is we are trying to find more affordable with the cottage housing and yet they will still have to pay the extra 70% increase. I feel this is counterproductive to affordable housing. I only know certain questions to ask, the experts are out there, and I don't know how to change those numbers. I don't know enough to suggest a different number. If we choose to not approve then it isn't approved, I just don't know enough to suggest something else.

Davis – From a legal standpoint we are only making a recommendation. In order to make a recommendation we see the Police numbers and parks and we get it. Kimball sounds like your biggest piece is the infrastructure construction piece.

Kimball – Yes.

Davis – Herrington if there is comfort level with some but not all.

Herrington – Again, it is a recommendation to City Council I have the recommendation pulled up and I can do it how you want to structure it.

Hampe – I think the question is, is it a recommendation as a whole? Rather than pieces and parts.

Herrington – The recommendation is to whether or not to adopt the changes to the improvement plan as a whole for the technical memorandum.

Carey – Does staff 100% agree with the transportation costs.

Melvin – We hired JUB who is well respected in the area reviewed their costs and we didn't go into every little specific library as that is what we hired them to do and we felt the cost and unit dollars seemed reasonable.

Herrington – For clarification, I have the recommendation pulled up and if we wanted to break it out into parts it would be okay, I can make those changes on the fly.

Motion Kimball to recommend approval of the Public Safety and Parks Impact Fee increases and further move to recommend approval of the Multi-Model and Transportation Impact Fee increases at a lesser amount than what was presented in the report.

2nd by: Hampe

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

Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

NONE

7. ADJOURNMENT 6:33PM

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/V Chair: _____

Attest: _____

**D-Bat Facility Zone Change
File No. ZC-22-6**

**Planning and Zoning Commission
Zoning Recommendation**

A. INTRODUCTION:

APPLICANT: Fusion Architecture

LOCATION: Generally located on the east side of Commerce Loop, north of 6260 E Commerce Loop, and is approximately 300-feet south of Seltice Way.

REQUEST: Rezone approximately .213 acres from Heavy Industrial (HI) to Industrial (I).

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Legal
4. A-4 Vicinity Map
5. A-5 Authorization Letter
6. A-6 Title Report
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. PA-1 PFPD Comments
11. PA-2 YPL Comments
12. PA-3 PFHD Comments
13. PA-4 KCFR Comments
14. P&Z Staff Report
15. Testimony at the public hearing on January 10, 2023, including:

The public hearing was properly noticed and conducted in accordance with the requirements of Idaho Code §§ 67-6511 and 67-6509, and Post Falls Municipal Code (PFMC) § 18.20.060. The purpose of the hearing was to afford the applicant and the public the opportunity to provide testimony and documentation to be taken by the Planning and Zoning Commission (“Commission”) in their application of PFMC §§ 18.16.010 and 18.20.100 when making the Commission’s recommendation to the City Council.

Ethan Porter, Associate Planner

Mr. Porter presented the staff report and testified that the requested action is for the Commission to review the request to rezone approximately 2.13 acres in the City of Post Falls from Heavy Industrial (HI) zoning to the Industrial (I) zoning district. He explained that the location is on the east side of Commerce Loop, north of 6260 E Commerce Loop, and is 300-feet south of Seltice Way. Currently site is undeveloped vacant land.

Mr. Porter explained that the city of Post Falls will supply water and sewer to the site. He noted that the site is over the Rathdrum Prairie Aquifer. He explained that there is more Heavy Industrial (HI) to the south and the rest of the surrounding area is Industrial. He noted that farther to the south on the other side of the railroad tracks is residential.

Mr. Porter testified that in reviewing zone changes, staff looks at relevant review criteria. He testified that the area is designated commercial within the Maplewood focus area on the future land use map. He illustrated that to the north is designated commercial and to the south and east is designated limited commercial with industrial designated to the west. He testified that the Commercial designation promotes a broad mix of commercial, retail, professional office, civic, and cultural uses. He noted that residential uses may be allowed, and active uses are emphasized along key block frontages to focus pedestrian-oriented commercial activity. He explained that multi-story buildings and a mixture of uses are encouraged with design standards that enhance the character of these areas, improve pedestrian connections, and promote compatibility between permitted uses.

Mr. Porter accentuated that the proposal aligns with the applicable focus area. He explained that the Maplewood focus area promotes infill development with commercial and industrial uses along Seltice Way. He explained that the proposal satisfies those aspects of the focus area.

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

Mr. Porter 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 Commerce Loop is classified as a Local Commercial Roadway, Seltice Way is classified as a Principal Arterial Roadway. He noted that future traffic patterns to and from the site are helped from the proximity to Seltice Way that would distribute traffic from the subject site to SH41, I-90, and Coeur d'Alene, as shown in the City's Transportation Master Plan.

Mr. Porter testified Commercial and high-density residential zoning is typically assigned along streets with a higher road classification. He explained that the site is located along E. Commerce Loop, a local Commercial Roadway, and connects to Seltice Way (Principal Arterial); approximately three hundred feet north of the site.

Mr. Porter testified that limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. He said that this is not an applicable criterion as they are not asking for those proposed zoning designations.

Mr. Porter 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 both Seltice Way and Commerce Loop are major transportation routes, and this proposal supplies sufficient access based on the City's Master Transportation Plan and the proposed zoning.

Mr. Porter testified that all agencies have been notified; noting that Kootenai County Fire coordinates with the city upon development, Post Falls Police were neutral, and the Post Falls Highway District, Post Falls School District, and Yellowstone Pipeline had no comment.

Mr. Porter also pointed out that the Heavy Industrial zone is a legacy zone that has no practical use in the city and would have to be rezoned before development occurs on the site. He noted that there are few Heavy Industrial areas in the city, at one point in time in the past the zoning designation was used.

Applicant's Presentation

Rex Anderson, Fusion Architecture

Mr. Anderson testified that he has been working on the development of this property and over the course of the development it became clear that to develop we would need to rezone the property. He testified that their narrative shows that the request meets the Goals and Policies within the Post Falls Municipal Code, and the project is in line with the location and the zoning. He also thought that the construction type will meet the Industrial Zone and fit well.

Luke Greenside

Mr. Greenside testified that they want to develop this land and feel it will be a great addition to the community. He explained that they obviously have a hurdle to work through with the Heavy Industrial and this request is to adjust that so we can move forward with this addition to Post Falls.

Public Testimony:

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

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

C. EVALUATION OF ZONE CHANGE APPROVAL/REVIEW CRITERIA:

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

Based on the testimony supplied and the staff report, The Future Land Use Map in the Comprehensive Plan designates this area as Commercial and is within the Maplewood Focus Area.

The Commission finds that the applicable focus area supports the promotion of infill development, which is what this proposal will provide. The Commission finds that the applicable focus area specifies that Commercial and Industrial uses should be focused along Seltice Way. The proposal is along Commerce Loop and would use the Seltice Way arterial.

The Commission finds that Industrial (I) zoning is in accordance with the Maplewood Focus area and therefore the proposed Industrial zoning is in accordance with the Future Land Use Map.

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

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

Goals:

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

This proposal is to change the zoning from a legacy zoning district to allow a new business to develop, which will help bring economic diversity and help Post Falls to be prosperous.

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

This proposal supports an allocation of land use types that support the community needs and foster the City's long-term sustainability by growing the local economy.

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

This proposal is community-driven, involving many residents including some standing for large groups of residents.

Policies:

Policy 1: Support land use patterns that:

- Maintain or enhance community levels of service;
Impact Fees are paid at the time of permit issuance to aid in mitigating impacts and maintain/enhance community levels of service.
- Foster the long-term fiscal health of the community;
The rezone will supply the opportunity for more new business(es) that may help further long-term fiscal health of the community.
- Maintain and enhance resident quality of life;
This request could enhance the resident's quality of life in that area by supplying services to them.
- Promote compatible, well-designed development;
Development will be required to meet City design standards through the Site Plan Review process.
- Implement goals and policies of the comprehensive plan, related master plan and/or facility plans.
Transportation impacts, and sewer and water capacity are reviewed by City staff. Any predicted inadequacies identified are addressed and/or have a plan on how to be brought into compliance with the relevant master plans. No inadequacies were found by staff about the revised zoning request.

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

- Future land use mapping;
See Exhibit S-3: Future Land Use Map. This factor is covered in the analysis contained in Criteria 1.
- Compatibility with surrounding land uses;
The proposed zoning designation and associated uses is compatible with the surrounding land uses.
- Infrastructure and service plans;
Sanitary Sewer for the location is currently found within the subject property and covered with the necessary easement to the public. The property requesting the zone change is shown in the City of Post Falls Water Reclamation Master Plan as being serviced by the referenced sewer main. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

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

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

The City of Post Falls would service water. A water main is currently found within the subject property and covered with the necessary easement to the public. The property requesting the zone change is shown in the City of Post Falls Water Master Plan as being serviced by the referenced water main. The requested zoning is in conformance with the land use assumptions within the City's Water Master Plan.

- Existing and future traffic patterns;
The property is next to E. Commerce Loop and connects to Seltice Way approximately 300 feet to the north. Frontage improvements of curb & gutter and sidewalk do exist; however, modification will be needed to accommodate a driveway approach with future development. Future traffic patterns to/from this site are helped from the proximity to Seltice Way.
- Goals and policies of the comprehensive plan, related master plan and/or facility plans.
This proposal advances and promotes development and improvements consistent with the comprehensive plan as well as the transportation, sewer, and water master plans.

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

This site is compatible infill development of a vacant and under-utilized property.

Policy 11: Prioritize location of new industrial development in areas that provide:

- Close proximity to major transportation facilities;
Subject site and proposal is just south of Seltice Way, which provides an east and west connection parallel with I-90.
- Siting near existing industrial uses, where possible;
The adjacent areas are primarily industrially zoned. An industrial use would be compatible with the existing businesses and land uses.
- Cost-effective access to utilities and services;
Further development would allow for services existing in the area to be used.
- Ability to minimize trucking through residential areas.
This area is not residential and would not be impeding on residential neighbors.

Policy 12: Ensure new industrial uses near residential areas do not create noise, odor, air or visual pollution beyond that normally associated with residential uses.

South of the site, approximately 515-feet, would be the nearest residential area, but it is not accessible since the railroad right-of-way separates the uses. The railroad crossing will need to be used to get to the residential area.

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:

Commerce Loop is a classified local commercial roadway and can accommodate industrial and commercial uses.

Seltice Way is a classified Principal Arterial Roadway. There is sufficient capacity on Seltice Way to meet predicted growth requirements in the area beyond the year 2035 (City of Post Falls currently Transportation Master Plan Model).

Future traffic patterns to/from this site are helped from the proximity to Seltice Way that would distribute traffic from the subject site to SH41, I-90, and Coeur d'Alene, as identified in the City's Transportation Master Plan. The proposed zone change will not have any negative impacts to the City's transportation system.

Water and Sanitary Sewer:

The City of Post Falls will supply water service and sanitary sewer service which currently exist on the site. The requested zoning is in conformance with the land use assumptions within the City's Water and Water Reclamation Master Plans.

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

The City's Water and Water Reclamation Systems have the capacity to supply service and the City is willing to serve to the property at the requested zoning designation. The proposed zoning is compatible with the land uses predicted within the City's Master Planning. Current capacity of the City's Water Reclamation System is not a guarantee of future service.

Compatibility with Existing Development and Future Uses:

The proposed residential use is adjacent to other residential uses and is therefore compatible.

Future Land Use Designation:

This factor is covered in the analysis contained in Criteria 1.

Community Plans:

None.

Geographic/Natural Features:

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

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

The Commission finds the site is located along E. Commerce Loop, a local Commercial Roadway, and connects to Seltice Way (Principal Arterial); approximately three hundred feet north of the site.

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

The Commission finds this criterion inapplicable to the request.

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

The Commission finds the subject site is just south of Seltice Way and north of the railroad. This location would not produce any negative noise, odor, or nuisance to residential zoning.

D. RECOMMENDATION OF THE COMMISSION:

D-Bat Zone Change, File No. ZC-22-6: Following the public hearing, the Planning and Zoning Commission considered all relevant evidence, testimony, and comments. A motion to recommend approval of the recommended zoning was made, the motion carried unanimously. The Planning and Zoning Commission hereby recommends that City Council approve the proposal, finding that it conforms to the general purpose of the comprehensive plan and meets all the applicable approval criteria for applicant's request for Industrial (I) zoning.

Date

Chairman

Attest

NOTICE OF RIGHTS:

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

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

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

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