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**PLANNING & ZONING COMMISSION  
MEETING MINUTES**

**March 8, 2022  
5:30 PM**

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

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

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

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

**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, Ward, Davis, Schlotthauer, Kimball - **Present**

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

INTERNATIONAL WOMEN'S DAY - It's a global day celebrating social economic cultural and political achievements of women; the day also marks a call to action for accelerating women's equality. The first international women's day gathering was in 1911 supported by over a million people.

**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.*

N/A

**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.*

N/A

### 1. CONSENT CALENDAR

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

#### ACTION ITEMS:

- a. Minutes – February 22, 2022, Planning and Zoning Commission Meeting

**Motion for approval as presented by Carey**

**2<sup>nd</sup> by Hampe**

**Vote Steffensen – Yes; Carey – Yes; Kimball – Abstain; Davis – Yes; Ward – Yes;**

**Schlotthauer – Yes; Hampe - Yes**

**Moved**

### 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. Comments on issues that are planned for future meeting agendas should be held for that meeting*

N/A

### 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.*

N/A

### 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. Post Falls Title 18.20 Zoning Code Update File No. TA-0003-2022 – Jon Manley, Planning Manager, to present a request to amend sections of Title 18.20 to allow an alternative compliance procedure when an applicant can show they can meet the intended purposes of certain development regulations when explicit compliance is not feasible, or the alternative compliance is superior to what is required. – The requested action is to review and approve the amendment to the Title 18 allowing for alternative compliance measure in PFMFC for Twinhomes. Zoning and what the purpose of zoning is; zoning assists the management and development of real property by a local government based off the character and land and structures and their fitness within a particular area and their uses. It's a

common form of land use regulation. Consideration is given to conserving the value of the property and encouraging the most appropriate uses and protecting the health safety and welfare of the community. So typically, you look at zoning and it works everywhere for the most part. You look at euclidean areas, sprawled areas, curvilinear streets and some of the downtown areas, lot, and blocks and so a lot of times zoning works in a lot of areas. At times you get anomalies where things occur that are unpredicted, or a property owner may not predict of what could have occurred in the past. What brought this to light is an R2 zoned area, west of Spokane St. blocks around 18<sup>th</sup> and 19<sup>th</sup> Ave., some point in time in the past there was a decision to vacate a portion of 18<sup>th</sup> Ave. So, they transferred the road obligation to Warner Rd. which isn't a road it's an alley. The residents to have access off an alley which throws a kink into our zoning because our blocks are typically 300 foot deep. When there are alleys running through the frontages are on public streets and are supported by alleys. Or there is a curvilinear street system where you have 120-foot-deep lots and it's obvious where their frontages are. What had occurred with two lots in this area they meet our minimum lot dimensions for R2 but not necessarily our bulk and placement table in title 18. Staff got together and talked about it and didn't necessarily want to propose something that went city-wide for instance like this when it's an anomaly, rather propose something with an alternative compliance type matter. When these little unique things happen, we can deal with them under certain conditions. A representation of the case in hand where the current built environment is mostly single-family homes and some duplexes and twinhomes however, most of it is single-family in nature. I think the person proposing development wanted to complement that to the best of their ability so and that's why they put single-family homes to the west. Being R2 they could have configured this area and built more twinhomes with a common lot line running down the middle of the shared wall. Although the blocks can support that I went with what the minimum requirements would be, within a 50-foot-wide lot you could have a shared common wall with what looks like a duplex across the street from other single-family homes. The property owner desires to do a common wall on the rear and front other single-family homes with similar features but still be a twinhome. When you look at the minimum lot size for a twinhome, which is 25ft by 96ft, you would yield about 1,000 square feet and if they went by the proposed configuration, they would end up with 1,315 square feet of green space. You get a little bit more green space with their proposal; however, it isn't allowed per code. Where this culminates is the bulk and placement table that states for a twinhome or townhome only the interior side can share a common wall which is at 0-5ft. are the current options and the minimum lot area is 2400 square feet. So, everything could be meet on the proposal except for that 0-5 element. Staff has their hands tied when looking at infill development in this area so, hence the mentioned alternative compliance and what would that look like. So, we're proposing is that it would be allowed when only one or more of the following conditions exist:

- Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
- the site involves space limitations or unusually shaped lots.

I would argue that potentially one and two could apply in the instance at hand, that due to some past decision created some unusually shaped circumstances on this when the intent was not to develop any more intense than the under lying zone.

- Safety considerations make alternative compliance desirable.

So potentially someone could come in and want to propose something safer for an area but because of code we can't do anything with it or have any flexibility; this would allow us a container to entertain that.

- there could potentially be other regulatory agencies or departments having jurisdiction or requiring design centers that conflict with the requirements of the title.
- the proposed design included innovative design features or architectural and/or site designs to promote walkable mixed-use neighborhoods
- Additional environmental or quality improvements would result from the alternative compliance.

Once again, the proposal is not allowed at this time because there's no mechanism and then looking at the environment with everything being single family in nature, staff would contemplate that the proposal would probably blend in better with the neighborhood. Still meeting the intent of the code and meet the intent of the underlying zoning. I looked at an old zoning map from 1979 this has been zoned R2 since then. It explicitly says in that zoning map that R2 was meant for density between 1 to 12 units per acre. Usually when you zone, you zone with an intent to create something in the future and allow some development of some intensity. So, looking at the evaluation of any proposal we'd be looking at the following:

- Strict adherence or application of the requirements are not feasible.

Right now, we can only allow it on a side yard.

- The alternative compliance provides an equal or superior means for meeting the requirements.

So, we'll be looking at whether they are proposing something that's equal or better than what would be attained by code itself and at the same time meeting the intent.

- The alternative means will not materially be detrimental to the public welfare or impair the intended uses and character of the surrounding properties

I would argue, in this case, that the proposal is more complementary. I don't think that the typical twinhome per code would be detrimental but building similar looking structures next to similar oftentimes are more compatible and complementary.

**Kimball** - You had highlighted in the table TH, is that also town homes?

**Manley** – Yes, townhome

**Kimball** - So a twinhome is a type of townhome

**Manley** - Our definitions table explicitly define the difference between a twinhome and townhome. A twinhome is a two-unit townhome.

**Carey** - The four lots at 50 feet that would be permissible in the zoning as it is now?

**Manley** – Yes, if you had a minimum of 192 feet between two streets and you had a 50-foot platted lot width you could yield four lots in those 50 feet. As you get less than 50 feet and your zoned R2 and you're trying to meet some of the density parameters for R2 you would see someone attempt to ask something like the proposal. Odds are you would have on one side of the street a single-family home up having on the opposite side you end up having just a bunch of fences. You end up not having complimentary infrastructure where you have a house on one side of the street and a house on the other much like Montrose, Fieldstone or anywhere else.

**Ward** - You mentioned infill and most of the lots north of Warner are big, is that what the target area is to infill that space there?

**Manley** - This code isn't necessarily to target this whole area it's for a unique circumstance. Most of the blocks are either in the form of how the older part of the city where you have two streets and wouldn't utilize this code section for majority of the city. There may be unique areas though where things occurred and would utilize this code section. You're meeting the intent of the code and you're trying to propose something equal or better than what would have otherwise been proposed. Now I do predict because 18th was vacated, we've removed multi-family as an option for the R2, it wouldn't surprise me depending on how much land is purchased there may be a unique circumstance and potentially 18<sup>th</sup> Ave. gets pushed through again. It's an awkward depth to go from an alley to an alley with no east-west road, so something unique is more likely going in whether it's a cottage home development or a mix of twin home and cottages. May be handled at time of a subdivision to.

**Harrington** - Another aspect of this is if that was a duplex lot would that be allowed.

**Manley** – Happy you brought that up because we did talk about this quite a bit and I brought it up too; once again, same to the similar area that I mentioned to the southeast you have duplexes on the exact same lot so you could do this as a duplex renter occupied on this exact same lot as it meets the minimum spacing. The irony is we would allow something with a renter, but we wouldn't allow the same product being owner-occupied it seems like a little bit of a disconnect.

**Testimony:**

**In Favor – None**  
**Neutral - None**  
**In Opposition – None**

**Commission Comments**

**Kimball** - As someone who may get to use this code in the future; it's great when a city or jurisdiction allows for the opportunity to have some flexibility in their code or special things like this. That can be handled administratively I think it cuts down a lot of staff time, I think it cuts down a lot of waste of having to take something like a variance to Planning Commission or City Council and I think it's a really creative way to help some infill happen and you know this is basically targeted in areas that already have been part of the city since the 50s or 60s so it targets infill I think which is a huge benefit it's one of the things that our comprehensive plan asks us to focus on. To look at infill as a priority and I think this is one of those little code changes the little, tiny tweaks in code that allows for a lot of good flexibility and I think it's a great thing.

**Schlotthauer** – I think it is a commonsense solution to give staff flexibility to help people when it makes sense for them and for the city.

**Rest of the Commissioners agree**

**Motion to recommend approval to City Council by Kimball.**

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

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

**Moved**

**5. ADMINISTRATIVE / STAFF REPORTS**

- **2021 Impact Fee** – Jon Manley, Planning Manager, to present – Idaho code requires, Title 6718 of Idaho Statutes, that each year a staff report be presented to the Planning and Zoning Commission and City Council regarding the Impact Fees and their expenditures. In the staff report you see a summary of the 2021 projects, approximately \$3 million were collected in Impact Fees and about \$1.8 million of the Impact Fees were spent on roads, parks, and public safety projects in 2021.
  - **Roads** funded the highway 41 widening, Spokane and Prairie project, traffic control at Poleline and Cecil, Traffic Safety at Mullan and Cecil and the total money spent on roads for the year 2021 was about \$814,000.
  - **Parks** they spent about a million and theirs went on to some Land Acquisition, Phase 1 of the Sports Complex and Black Bay Park.
  - **Public Safety** spent about \$36,000 and they just transferred some funds and spent some money on the study that was recently adopted

Because of COVID and various reasons we hadn't gone over some of the projects in the previous year. In 2019 about \$1.1million collected with some expenditures.

- **Roads** \$49,000 was spent on the Impact Study and Spokane and Prairie.
- **Parks** spent about \$1.8million on several park projects they did in 2019.
- **Public Safety** \$184,000 that was spent 2020
- **Roads** \$98,000 was spent on Impact Fee Study, Spokane, and Prairie
- **Parks** \$1.2million was spent
- **Public Safety** \$66,000 was spent

The history shows how the fund build to get quite large over time but there's a reason with that; we saw the parks projects costing about a \$1million to \$1.8million each year because they program their projects. Roads are difficult because those projects are expensive, they

have some projects online this summer and probably next summer they're going to be spending some money so you're going to see the total amount start decreasing as those road projects start. Road construction is very expensive, and you see the balances increase over time with some expenditures and they'll drop then they build revenue and then the savings will go up. Are there any questions on the Impact Fee Report that has been presented to you, or the data within it?

**Hampe** - So basically on the roads then is what you're saying they're saving up to get enough money that's why they're not spending it as parks or something they're just kind of waiting until they get enough in their coffers to then spend it.

**Manley** - Yeah on some expensive projects they try to do the best they can getting grants to match to expand the funds to be responsible to the taxpayers and get the most bang for their buck. They are required by state to expend funds collected within every eight years; they do look at their capital plans their projects and look at spending their money responsibly on those projects.

**Kimball** - So, is that eight-year time frame is why Cecil must happen this year?

**Manley** - I don't know if that's exactly why it must happen this year; I do know that both Bill Melvin and Rob Palus look at their capital projects and their transportation master plan with a very responsible lens.

**Kimball** - Okay, it's sad there's not more people here because everyone wants development to pay for development and that's exactly what this is. There's 13.7 million dollars in funds out there that have paid been paid exclusively at building permit time from people building homes and so developers and builders. This is the good and the bad right so we get a whole bunch of money but it comes later and it takes a while for us to build it up for us to build the things that the projects need to be built to deal with the mitigation and so the lag sucks because, I'll use traffic an example, because traffic has to get bad before it gets better before we can fix it and it's just nice to know that the city has been accumulating these funds and has plans to spend them so that's it.

**Manley** - One noticeable change will be because we had the Spokane St project, we also have the Prairie improvements on the Spokane and Prairie intersection, so you know some of the lag on that particular project was to coordinate those two so that way we can get done at once rather than having two disrupted seasons. So, a lot of times you do get your permits before you get the improvements.

**Hampe** - So is there then a cap on the amount of time you can only accumulate for or is it indefinite?

**Manley** - It's eight years.

**Hampe** - It is eight years, okay.

**Manley** - Eight years from the time you start collecting you need to expend those funds on some improvement associated with its line item for the Capital Plan.

**Schlotthauer** - I don't know if anybody here knows, for instance roads we have \$8million contributed from Impact Fees, but we certainly would have some channel for money to be contributed from property taxes. What is the channel and allocation there? I mean not all of the roadwork we need done is from new people coming in, right?

**Manley** - I'm not 100% keen on the nuances of it, I do know that growth pays for the growth improvements so our Capital Plans and our Transportation Plan we look at using Impact Fees to pay for the new infrastructure. With growth the tax collected a lot of times deals with the operation and maintenance so when we get our general funds for dealing with that, those are going to put chip seal on a road or do repairs so that's where that balance of are you growing and collecting enough and building enough tax base to pay for the long-term operation and maintenance. That's where the bigger picture comes in with zoning, city planning, the city administrator, and all the facets of the government doing planning for the city.

**Schlotthauer** - I'd just be curious to know how the numbers compare. So, they say the new Capital Improvement budget basically allocation versus the ongoing annual operating maintenance budget for maintaining the existing roads, any ideas?

**Herrington** - I don't have anything to add there other than there will likely be information on the budgeting process, certainly those workshops and stuff would help clarify what goes where and how we allocate those resources.

**Schlotthauer** - That'd be interesting to see.

**Davis** - Yeah, I think that's a fair question and I think the city does a very good job, Jon as you had mentioned previously too, but going out and trying to secure matching funds some of the grant work and things that they do as well. That's on both sides both on the maintenance the operating side but also on the new project. So, any other questions thoughts?

**Steffensen** - Real quick Fire Impact Fees, I know that's not in here, but it's been going through the different cities and what not, is there any update on that you can provide?

**Manley** - I don't have an update on that and I'm glad you brought that up because I need to ask how we deal with the staff report in the future when we're collecting funds for an outside agency, and I don't know our current role in this aspect for that in the future. **Herrington** - I can give a little bit of an update, we are working on the draft ordinances the agency has provided us. Those ordinances it's a bit of a larger ask than we anticipated as the process involves drafting a new Title for development Impact Fees. So, we're going to do that for the Fire District and then we're going to start shuttling some of our Impact Fees into that Title so that all the Impact Fees are under their own Title. It's more of an organizational aspect process but it's taking a little bit more time than we originally anticipated; once we do get those ordinances through then we also have the agreements with the Fire District for collection. With those we will just be collect it and turn it over and it's their responsibility to manage, expend, refund all those things. Then it'll just be a matter of timing because we want to make sure that when we're updating our Impact Fees, they're updating their Impact Fees and so that we're doing everything all at the same time.

**Hampe** - So we would see like a line item for it then, but we wouldn't see any break down of how it was spent. Is that correct because you're saying we kind of hold it and then just send it to them.

**Herrington** - So we'll be collecting it on their behalf, so the city will collect it because they don't have a collection mechanism. Then we will have an intergovernmental agreement where we collect it and then turn it over to them.

**Hampe** - Would we see it on the Impact Fee? So, the city's collecting it would we see it on this report along with roads etc.?

**Herrington** - We would probably see what was collected.

**Hampe** - What was collected but not a breakdown of expenditures.

**Herrington** - I don't know, the Fire District and the EMS District may provide those to us to include them but again we are working our way through this process because it is a little tricky.

**Schlotthauer** - Is it a done deal?

**Herrington** - That's another great question because, it really needs to be county wide and so trying to get the other jurisdictions on board because you can only collect those funds and they can only be expended in your service area. So, we must be careful about how those funds are managed so that those funds that are collected in our service area go to our service area. Because the service area for the district if there's a fire station right outside of city limits it's still probably in our service area, it's just a matter of working our way through those agreements.

**Davis** - I think that was his nice way of saying there's a lot of moving parts we're trying to keep everybody moving at the same pace. As far as report other than informative we don't have any action item with this, correct?

**Manley** - I didn't think there was.

**Herrington** - I don't think so, there's nothing on the agenda so there is no action item because it is not labeled as an action item.

**Ward** - There is a list of projects, right?

**Manley** - For what year?

**Ward** - The one that had roads and it said traffic control at Cecil and Poleline, is that a future project or is it a sign they're talking about?

**Manley** - These are all in the past so.

**Kimball** – Ward, that one's a round-a-bout it's in design right now. I think that their schedule is to go out to bid in two weeks on it they're close.

**Manley** - Some of these expenditures are for design so sometimes the expenditure will be on the design portion of it but the construction you'll see that maybe in 2022's Impact Fee the same project listed but it would be the design cost rather than design that occurred in a previous fiscal year.

**6. COMMISSION COMMENT**

**Hampe** – Do we know anything more about the garbage?

**Herrington** – It is under ITD's jurisdiction and it's up to them, the other aspect might be "Adopt a Highway". However, we would have to allocate funding for that.

**Ward** – One gentleman has adopted the Highway: I've seen him out there with bags.

**Davis** – West bound; I saw bags everywhere. Another person was out there going east bound.

**\*\*more discussion with all Commissioners regarding the trash, media coverage and in the "Editor" there was an article regarding the influx of trash. \*\***

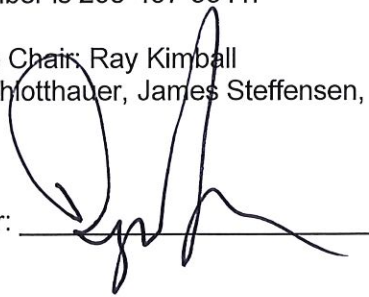
**7. ADJOURNMENT 6:10 PM**

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: 3/23/22

Chair/V Chair: 

Attest: 