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**PLANNING & ZONING COMMISSION  
MEETING MINUTES**

**March 23, 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, Davis, Ward, Schlotthauer, Kimball - Present

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

- **NATIONAL NEAR MISS DAY** – Read by Jon Manley, Planning Manager - Near Miss Day is celebrated on March 23, each year. What would you do if a huge asteroid was about to hit planet Earth? On March 23, 1989, an asteroid about the size of a mountain came very close to colliding with the Earth. Thankfully, it was a near miss! Otherwise, the effect of the collision would have been devastating. People around the world celebrate this day to be grateful that the asteroid didn't wipe us out! According to scientists and astronomers, many meteoroids and asteroids have passed by the Earth since 1989. However, the odds of an asteroid hitting the Earth are not high. That's a relief!
- **NATIONAL CHIP AND DIP DAY** – We provided chips and dip in the Ante Room.

**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.*

Manley – Grace Delight Twin Home Reasoned Decision to be moved from Consent Calendar to Old Business

Motion by Kimball to move to Old Business

2<sup>nd</sup> Steffensen

Commission moved

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

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

**None**

### **1. CONSENT CALENDAR**

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

### **ACTION ITEMS:**

- a. Minutes – March 8, 2022, Planning and Zoning Commission Meeting
- b. Minutes – March 11, 2022, Planning and Zoning Meeting
- c. Reasoned Decision – Post Falls Baptist Spokane St. Special Use Permit File No. USE-0007-2021

**Motion to approve as present – by Kimball**

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

**Vote: Steffensen – Yes; Carey – Yes; Kimball – Yes; 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*

**None**

### **3. UNFINISHED / OLD BUSINESS**

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

- a. Reasoned Decision – Grace Delight Twin Homes Special Use Permit File No. USE-0008-2022 – Jon Manley, Planning Manager, to present – changed Condition #6 to Conditions # 6 & 7  
Condition 6 was  
6. Prior to construction, a geotechnical report shall be completed with regards to the potential unconsolidated fill and remediated in conformance with the recommendations of that report.

And was changed to

6. A geotechnical report shall be submitted with application for subdivision to address the potential unconsolidated fill.
7. Prior to platting and/or any residential permits being issued, all unconsolidated fill areas found within the geotechnical report shall be remediated in conformance with the recommendations of that report.

**Carey** – Are you just changing 6 and adding 7 or is it all new?

**Manley** – 7 is new, being changed from a single part to a two-part condition.

**Motion to approve as amended by Kimball**

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

**Vote: Hampe – Yes; Schlotthauer – Yes; Ward – Yes; Davis – Yes; Kimball – Yes;**

**Carey – Yes; Steffensen - Yes**

**Moved**

#### **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. Stockwell Court Subdivision File No. SUBD-0013-2021 – Jon Manley, Planning Manager, to present – Requesting to subdivide approximately 4.87 acres into 19 single-family residential lots. Requesting for an approval to subdivide approximately 5-acres into 18 lots within the Single-Family Residential (R-1) zoning designation determining that it meets the requirements of the Post Falls Municipal Code (PFMC). It is generally located south of W. Prairie Ave. between N. Howell Rd. and N. Chase Rd. to the north is county; east is Tranquil Meadows (R-1); to the south is Craftsman at Meadow Ridge (R-1-S) with a PUD to allow for R-1 Bulk and Placement Standards and to the west is Arrowleaf Estates (R-1-S) with a PUD to also allow for the R-1 Bulk and Placement Standards. The preliminary plan shows Green Crest Way running west to east with Stockwell Court being a cul-de-sac with a private lane to the north for easy fire access or emergency services. All the lots that you see here meet the minimum lot size for the R1 zoning of 6500 square feet and they all are greater than the minimum lot width of 60 feet for an R1 zone.

Review Criteria

- Water will be provided by East Greenacres Irrigation District and a will serve letter has been submitted by the applicant.
- The City of Post Falls Fisher lift station is approaching capacity and reconstruction is anticipated for 2024. The City will be providing additional capacity to the Fisher Lift Station during the fall or early winter of 2022 with temporary improvements until long term improvements can be constructed. The developer has agreed to share

the costs of the temporary improvements by providing a \$5,000 contribution prior to final platting.

- The subdivision and proposed layout accommodate connectivity and should not have a negative impact on the local transportation system. The proposed trail/fire access lane connecting Stockwell Ct. to the multi-use trail on Prairie Ave will assist pedestrian connectivity through the subdivision and provide acceptable circulation for fire accessibility.
  - Condition 2 – the proposed common driveway at the end of Stockwell Ct. shall be shifted 5' to the north to allow for a 20' parking pad to be accommodated for the existing residence to be retained. The front yard setback for garages in PFMC is 20' minimum.
- The site is located over the Rathdrum Prairie Aquifer. There are no known soil or topographical conditions which have been identified as presenting hazards.
- City Council approved the annexation of the Stockwell property at their March 15, 2022, hearing with a zoning designation of Single-Family Residential (R-1). The subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning). >6500 sq.fr. and >min. lot width of 60'.
- Impact fees and cap fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts to parks, public safety, streets, City water and water reclamations facilities.

All agencies have been notified with the Post Falls Highway District noting no direct access onto Prairie Ave; Kootenai County Fire and Rescue reserve comments for the review and permitting process and the Idaho Department of Environmental Quality had general comments for time of construction.

**Carey** – Green Crest Way, that they are extending across, does it extend into the development next to or will it dead end?

**Manley** – Further to the east there is a terminus of that subdivision and directly to the east Green Crest Way will connect at the southern end of the proposal.

**Carey** – So, it will be connected into the subdivision next to it.

**Manley** – The circulation plan for Green Crest Way is to connect from Arrowleaf through to the very east of other developments, so it creates a connection. The planned outlets that meet our spacing corridors for the Transportation Master Plan will be Paster View St, as it is a north-south and they can go west to Howell Rd. Due to the classification of Prairie Engineering has minimized the outlets onto Prairie.

**Carey** – At this point it will dead end there until further development?

**Manley** – Currently, they can go west to Howell and down southerly to Hydrilla Ave. Fire department has investigated this and they do not have any issues.

**Kimball** – With regards to the existing right-of-way stub off Arrowleaf Lp, there was a comment from one of the homeowners in the packet stating it appeared to be open space or tract, it appears to be developed like that and you explain please?

**Manley** – When Arrowleaf Subdivision went in it was clear in the records that open space was needed to be classified as a PUD. At the time staff discussed if it should be left dirt, leave it open, we didn't know how soon or the time frame of development to the east, so having it as open space for a short or long period of time. We were looking at our transportation network and looking for the interest of the overall community in that area, so we reserved the right-of-way for future connections.

**Carey** – To the north and south of the right-of-way, it will still be open space.

**Manley** – Yes, to the south and north of the right-of-way line will stay green space.

**Kimball** – Once, that connection is built, it will give those on Arrowleaf loop a faster way out to Prairie.

**Manley** – The owners on the east side of Arrowleaf Loop would be able to access Prairie to the east in a faster timeframe.

**Steffensen** – For the private lane, how is that constructed to where it's only going to be fire access and mitigate people from trying to use it otherwise?

**Palus** - The proposed construction plans do show bollards being put in both on the Prairie Ave. side and then on the southern side by the private lane to prevent vehicles from utilizing it unless they have a key to get around the bollards, the fire department has.

**Manley** – One last note, when reviewing a subdivision, the six criteria is what is being looked at for the decision of approval or denial.

**Steffensen** – For the sewer and temporary improvements is \$5,000 a fair share to help mitigate the cost to the city?

**Palus** - City staff did look at what the potential cost of the temporary improvements were, and we did look at what the percentage share of that additional capacity that is being used by them versus two city projects which have been approved for construction. That \$5,000 represented around about five percent of what the estimated total cost of doing those temporary upgrades to the lift station would be so we thought it was a fair representation of what their impact was

**Steffensen** - Based off what you think the usage will be for that area?

**Palus** – Yes, if you look at the total capacity of the lift station for this number of homes it is a very small impact, but we are at the standpoint where if this subdivision didn't come in and if the city wasn't doing its improvements; we would be right up close to the full capacity of that lift station. With this coming in it was in a gray area but being in the gray area and then the city adding about another 50 gallons per minute to the lift station because we're taking two other lift stations off, it really accentuated the need for putting something temporarily in there until 2024 and this was the least expensive option. We did talk with the applicant through the process to get to this and they can comment a little bit further as to how they feel on that \$5,000, but we felt that that was a fair and equitable share towards the lift station.

**Schlotthauer** - What do you put in temporarily?

**Palus** – So, what we're doing temporarily, is we're putting in a couple of larger pumps and then that will also include some additional electrical work. The electrical work tends to be the more expensive part in this because we did happen to have a spare pump laying around that was about the right size to take care of part of that need which helped a little bit on that cost

**Hampe** – So, when the \$5,000 is contributed will there be enough money to do this improvement in full?

**Palus** – Correct, our city crews have most of the materials on hand now because we're moving forward with another project that sometime during the summer is going to be putting more flow in that area. We see that need for those temporary improvements are sometime during the construction year of 2022 so, having these things online by the end of 2022 will be fine as this subdivision comes in, they're not going to have all the homes built and occupied by the end of this year. Plus, there are three other subdivisions out there which are in the process of development and we don't think that those will be fully built out by the end of the year as well so we have the money we've got most of the parts now we can get the rest of it and our water reclamation department has committed to having those improvements in place by the end of this year when they're truly needed.

**Applicant – Chuck Hughes, Coeur d’Alene** - Simple subdivision it's an infill with equal size lots around it, some are a little bigger and some are about the same size. The average lot size is .19 over 8,000 square feet which meets the R1 zoning. One of the benefits of annexing this lot and converting into a subdivision, the existing home will be taken off septic and city sewer will be extended. This relieves some of the load of the aquifer. We will also be paying for part of the expansion on Prairie. The sewer will be extended from the east portion of the subdivision with the water being stubbed on both ends with two fire hydrants. There has been allot of discussion about Green Crest Way however, this will conform with the traffic pattern that's planned. The traffic will flow west to east and flow up to the north.

**Jeremiah Steckman, Rathdrum** - The temporary sewer improvements that are required are required regardless of whether this project goes forward our participation in that is really an acknowledgement that we're going to utilize those, and we've worked with staff to come to those numbers I think they're fair to all parties. It is important to note that regardless of whether this goes forward those improvements will need to be done for the sake of other projects coming online so just want to make that clear.

**Testimony:**

**In Favor - None**

**Neutral - None**

**In Opposition – Jay Linthicum, 1600 W Hydrilla** – I have two concerns, the first is the proposed density. The proposed plan shows 18 individual private lots to be established on this small acreage. This development sits adjacent to and east of Arrowleaf loop with the next main thoroughfare being Chase Ave. There are two other nearly identical properties of this size under current developments and nearing completion which have divided their developments not into 18 private lots but 12 on the same sized acreage. Six less private lots per development than the proposal we have before us tonight. Except for one development west of Arrowleaf Loop, all other developments have no more than 12 private lots per comparable acreage and just across Fisher there are no more than 4 – 6 private lots per comparable acreage. (1.5 acre lots) the nearby neighborhoods would prefer that the density of this proposal align more with the existing and prevailing community design of the surrounding neighborhoods. Just as the other nearby developments underway of similar size can make a handsome profit from twelve lots, it is reasonable that the same handsome profit can be made here, in this development, if it were approved with 12 private lots instead of 18. If I understand the proposed development plan correctly, half of these proposed lots back yards will be facing the front yards and front doors of the now existing neighbors. If a property owner puts a car on blocks, or parks a boat, travel trailer or RV which gets mowed around but not under, or a well-intended but no unintended garden plot that has gone to seed and weeds, or has well worn swing set that is now rusty and dilapidated or choose to leave a table out where they routinely dress the fish from fishing trips or to dress the deer from a successful hunting trip in preparation for the garage freezer, if her puts this in their front yard, the city would take issue to have this situation corrected, if they are in the backyards it wouldn't be corrected. As these new backyards are going to face our front yards, 14-15 existing property owner facing very unsightly front yard views in the future. Having a cluttered and

messy back yard across from your backyard is one thing, having it face our front yard is something else.

**Rebuttal – Chuck Hughes** - On the south side of Stockwell the homes back yards, then you have Hydrilla Ave and then open space with a privacy fence along the proposed subdivision. So, the backyards face the front yards of the owners to the south however, there is a street with open space and a privacy fence. In terms of density, we are less dense than the subdivision to the west as we average .19, we have 4 lots on the west side that are .24. We have met the R-1 zoning standards.

**Hampe** – Can you show us again where the backyards will be?

**Hughes** – The line on the left side of the screen (south of the subdivision) is where the backyards will be, with open space to the south with Hydrilla Ave and then the front yards.

**Hampe** – So, on the other side of Hydrilla?

**Hughes** – Yes, you have a street, open space and then a privacy fence.

**Hampe** – You do have a privacy fence?

**Hughes** – Correct, we were required to do privacy fencing all the way around.

**Schlotthauer** – Is the privacy fence part of the conditions?

**Manley** – It will be apparent when we go over the 6 criteria if it does or if it doesn't.

#### **Deliberation -**

1. Water system supply is adequate in terms of quantity and quality for the type of subdivision proposed.

**Kimball** – The East Greenacre Irrigation Will Serve letter is what we must lean on, if they say they can serve it and have the ability and capacity we must rely on that there is no evidence to the contrary.

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

**Steffensen** – It sounds like whether this development goes forward or not those temporary improvements and ultimately long-term improvements were going to have to be done because of the growth. Sounds like the city is working with all the different developments not only this one but the other ones to talk and get everything situated on a fair and equitable price so the city doesn't spend too much more money on things. I'm fine with that solution.

**Kimball** – I think it was described well, basically doing some electrical upgrades in the panels and they're dropping new pumps in the hole and it's something they're going to do anyway. This is an opportunity for the city to say to the developer if you have 19 lots coming online then your fair share is \$5,000, this came from the city and if they provide this amount then the city will have the capacity to serve the proposed developments.

**Hampe** – I have less concern knowing the money is there.

**Schlotthauer** – I am pleased as it does seem like a fair share and a lot of times, I think it might be the applicant that pays more than what might seem fair, so the city did a good job here.

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

**Carey** – I think staff covered the streets, they explained exactly what the movement is going to be for this and in the future.

**Davis** – Is everyone comfortable with the short term and long term?

**Kimball** – Yes, they are doing what everyone else is doing along here, the pathway will be built and give the city a check for Prairie Ave's improvements, so the widening gets done at the same time instead of piece by piece. This fills the gap between two developments and connects roads.

**Davis** – With development comes the infrastructure.

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.

**Carey** – Nothing noted.

**Steffensen** – Straightforward no individuals came forward saying something was used for this 20 years ago.

**Davis** – Varied fuel tanks etc.

5. Area proposed for subdivision is zoned for the proposed uses and the uses conforms to other requirements found in this code.

**Carey** – It is similar to what is being built around it.

6. This is the fair share piece of the criteria – community impact, cap fees and fair share.

**Steffensen** – This goes to our common statement of the impact fees, we already heard they will be giving a fair share for the sewer which is great and the improvements to Prairie which every development is just giving money in lieu of doing the improvements so that will be done at one point.

**Kimball** – Not only are they going to be paying impact fees but they're going to pay cap fees for sewer too and there'll be water hookup fees for the irrigation for the water district as well.

**Manley** – I have one clarification to share.

**Schlotthauer** – On the Subdivision conditions you have one for the fence, item number 10 along Prairie but not for the other end, what's the reasoning for that?

**Manley** – I believe it is the road classification for Prairie Ave.

**Palus** - City code does not require subdivisions to put in fences around their perimeter however, we do have in our road design standards that when a subdivision is either adjacent to a railroad or a principal arterial roadway, we also will usually do this along most minor arterial roadways as well due to the higher speed and higher traffic volumes require the fence to go up in those locations to try to provide some additional safety from the subdivision versus the busier roadways or the railroad so no it was not a condition in here they can add that though correct, Manley?

**Manley** – I would allow legal council to what the parameters are on that aspect. I wanted to point out that there is a reference to 19 lots however, they are depicting 18 lots, they are not sneaking in an extra lot. Back to the fence condition.

**Herrington** - At the subdivision stage it's really limited to whether or not it complies with our adopted ordinances and code so generally we don't use subdivisions to add additional conditions that may create brand new requirements that aren't in code um so as Rob stated uh the code doesn't require uh perimeter fences um however they are putting the fence long prairie if they're amenable to putting the fence around the perimeter or on those southern properties that's certainly something that can be included in the conditions of approval.



**Kimball** – I would think we'd leave it at their discretion and allow them to honor their word.

**Carey** – I don't know if I am out the period in which I can ask this question, I just have one regarding the open area. Is that part of the development next to it or part of this development?

**Manley** – I can pull up the map.

**Davis** – You pull up the map and we will discuss it.

**Carey** – So, it is part of theirs, so the neighboring development has the maintenance of that.

**Manley** – This green space is part of Arrowleaf. The greenspace south of this property is Craftsmen at Meadow Ridge.

**Carey** – None of them will be maintained by this property then.

**Kimball** – None of them are new.

**Motion to approve finding it meets the approval criteria in the PFMC as outlined in our deliberation. Subject to conditions 1-14 as contained in the staff report and direct staff to prepare a Reasoned Decision by Carey**

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

**Vote: Hampe – Yes; Schlotthauer – Yes; Ward – Yes; Davis – Yes; Kimball – Yes;**

**Carey – Yes; Steffensen - Yes**

**Moved**

**5. ADMINISTRATIVE / STAFF REPORTS**

None

**6. COMMISSION COMMENT**

**\*\* Commissioners thanked staff for the chips and dip\*\***

**7. ADJOURMENT 6:19PM**

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: 4/12/22

Chair: 

Attest: 