



**PLANNING & ZONING COMMISSION
MEETING MINUTES**

**June 29, 2022
5:30 PM**

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

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.

SPECIAL 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, Schlotthauer - PRESENT

Davis, Ward, Kimball – EXCUSED

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

Manley – Commission needs to select a temporary Chair

Steffensen nominated by Hampe

2nd by Carey

All agreed

- INTERNATIONAL FISHERMAN DAY
- THE NATIONAL DAY OF JOY

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 – Under public hearings items B and D, Froehlich and Joseph Family Trust have chosen to be moved to a future date with a full Commission. We will be noticing these items again, so keep looking for the update.

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 – June 14, 2022, Planning and Zoning Commission Meeting
- b. Zoning Recommendation – The Pointe Zone Change File No. RZNE-0001-2022

Motion to approve as presented – Hampe

2nd by – Carey

Vote: Steffensen – Yes; Carey – 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. 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.

None

3. UNFINISHED / OLD BUSINESS

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

None

4. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing

procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

- A. **Approve/Deny** KCF Station #3 Special Use Permit File No. SUP-22-1 – Jon Manley, Planning Manager, to present a request to approve or deny a request for a Special Use to a new fire station within the Single-Family Residential (R1) zone per Post Falls Municipal Code 18.20.030 Land Use Table. The requested action is for a Special Use Permit Approval to relocate Kootenai County Fire Station #3 to the southwest corner of Prairie and Charleville. The current station is just west of the intersection at 16th Ave and N. Highway 41. The existing zone is Single-Family Residential R1 with Community Commercial Services and the Tech Park to the north; east is the Highway 41 commercial corridor. The water provider will be Ross Point Water District and the sewer will be provided by the City of Post Falls. Facility Details include 3 drive thru apparatus bays; 8 personnel, and training use the site is approximately 2.07 acres. The Future Land Use is residential surrounded by Business/Commercial. Directly adjacent to the west is the Ross Point Water District Site with City of Post Falls Future Regional Park to the south and to the west of Ross Point Water; to the east is Single-Family development with the north being vacant land. The Special Use Approval allows Fire and Rescue uses to be permitted within the R-1 zoning district.

Review Criteria

- Special Uses Permitted will still need to comply with City code and regulations of the city and state to include PFMC Section 18.20.040 Official Bulk and Placement Standards.
- The proposed use should not negatively impact the health, safety, and welfare of the public or land uses within the vicinity. The proposed special use for building height is not anticipated to produce impacts that would adversely impact the adjoining transportation systems. The site will be connected to the City's Water Reclamation Facilities. Existing facilities are in place and have the capacity and capability to handle the requested use. The proposed special use will be serviced by Ross Point Water District.
- Goals 5, 7, and 14; Policy 8, 50, and 52 encourage compatible infill development and redevelopment; cooperate with the Fire District to plan for and locate fire stations, and coordinate with and support local emergency service providers.

All agencies have been notified with Kootenai County Fire and Rescue working in partnership with the City through processes. Post Falls Police Department remains neutral along with the Post Falls School District and the Department of Environmental Quality provided general comments for the construction phase.

Hampe – Will there be any buffers, I know there are two roads Prairie and Charleville, will there be any kind of a buffer?

Manley – Typically with how this is laid out with other uses on the north side of Prairie and on the east side of Charleville we would apply our buffer requirements because of the road and the separation there. Looking at the water district site, we wouldn't buffer between two service providers our code wouldn't consider the 2 incompatible uses. With the regional park, we heard nothing in the routing from the parks department with this site creating a nuisance. So, we wouldn't require any base buffering for the site.

Hampe – Will there be full-time employees there.

Manley – That would be a good question for the applicant.

Hampe – Where do you usually have a Fire Station, what is the current zoning designation that the Fire Station is in right now.

Manley – Allot of the commercial and heavier intense uses they are permitted outright; with the residential zones and limited commercial they can ask for a special use permit. Reason for that, it could potentially be a good site and potentially there may be some lower intense uses single-family one-acre lots if one went there, there might be some buffering element that you brought up and possibly something that the Commission would want to apply in the decision.

Hampe – That makes sense.

Applicant: Chris Wave, Kootenai County Fire Chief with Kootenai County Fire and Rescue – We acquired this land in 2011 with a land swap partially and at that time it was zoned with a mixed use and changed to an R1. It has always been our intention with the city to put a Fire Station on this location. It's been long planned, we've actually had a study done, I think in 2012, about Fire Station placement and we've given the growth to the north and the 5,000 anticipated single-family residences north of prairie between that and Pleasant View at some point, we felt like we needed to get farther north that our 16th station. So, this will be 1-story with a little bit taller roof over the apparatus bays which will be on the south side of the complex. To answer the question about buffering although they're on the rear towards Ross Point there's actually a berm that buffers it some and then there will be fencing, a secure facility from the park side as well. There will be full-time employees there with room to have up to 8 full-time employees. Initially it will be staffed with an engine and a single resource so there will be 4 to 5 full-time employees 24 hours a day 7 days a week with the ability to put an ambulance there at some point which would up it to 7 employees. The facility is about 10,000 square feet and we think this is a prime location for emergency response. With the growth in our community this fits into our Master Plan. We have been asked what will happen with the 16th site and I think Mr. Manley did a good job in his staff report of talking about it. We will be selling that, but we will be covering southern responses by adding the 5th station, which is already zoned commercial, so we won't be coming back and asking for a special use permit. It will be located at Seltice in between Heutter and Highway 41. So, we will be adding coverage to the City of Post Falls.

Carey – Where Fire Stations are but in neighborhoods like this, is there some allowance for sirens and stuff, do you try to get out as far as you can before you.

Wave – Yes, we do and obviously we're sensitive to that and work with the city too on traffic control. So, eventually in the long-term plan, I know there's a thought of having a traffic light there at Charleville and Prairie and we have controls for traffic lights out of stations so we could control the traffic light right away and we wouldn't have to hit the sirens right away. The time of day would be taken into account and things like that. We have designed this facility to be very compatible with residents in that area its not going to look like a commercial building, it is designed to look like a residence, so it doesn't stick out like a sore thumb.

Hampe – When would you anticipate that to be started and finished.

Wave – How fast can the city get it through the planning process. The plans are drawn, we had to come and get the special use permit, it was part of our bond last year, so the money is sitting there, and contractor has been selected. We would love to break ground at the end of August if we can. It is about a 12-month process once started.

Hampe – Will you shut the other one down

Wave – Yes, because the staffing is already there for the one on 16th, so we won't move anybody until that available.

Schlotthauer – Can you explain what it would take streetlight wise, to not have to run the siren in the middle of night as you pull past residential areas?

Wave – At any controlled intersection we have what they call an Opticom device, it's a controlled device where we can whether it is the ambulance or the fire truck it has a light emitter that controls the light. So we can automatically get the green light if we had out lights on.

Schlotthauer – So you wouldn't have to run the siren.

Wave – We wouldn't have to unless there was traffic, obviously its situationally dependent, going down Prairie at 4 o'clock in the afternoon I would tell I'd use the siren at that time to get other's out of the way. However, if it is 4 o'clock in the morning there would not be a need to run the sirens.

Manley – As an additional commentary that's why in our Comprehensive Plan, this being a principal arterial given that designation long term you're going to end up with more traffic, more sirens, more light pollution, more noise pollution and why generally discouraging lower density along some of the major arterial reduces that conflict. Sometimes it makes sense as you see east to west along Prairie but other times you will see these higher impact uses both in the built environment and just with the traffic long term.

Schlotthauer – I think the policy is good, but we do have quite a lot of residences across the street from it and they're probably not going to be really happy about the sirens is the downside.

Wave – They are super happy about it though when they have chest pain at 3 o'clock in the morning or their house is on fire.

Hampe – How many emergencies...

Wave – That station, current station 3 runs about 12 calls a day however, you're splitting some of that so I would say that number will be reduced a little due to the 5th station. Maybe 8-10 times a day but, not every call is an emergency call with lights and sirens either.

Testimony:

In Favor

Neutral

In Opposition

Schlotthauer – Do you have immediate plans for a light at that intersection?

Palus – Our Transportation Master Plan has that intersection identified for a future traffic control device whether that be a roundabout or a traffic signal that will be analyzed in the future to determine which one will be best for the situation. Having a fire station there will weigh on the decision as well as time frame we don't have a firm date as to when it will occur. It is based more on traffic patterns and the safety of our citizens.

Manley – If it is for Froehlich, that is being moved to a later date and the soonest will be July 25th on Monday.

Steffensen – There was some adjustments last minute today because of the size of the Commission tonight so they opted to postpone to a later date.

Manley – As part of the intro I stated you should continue to watch your website; we're going to post it again.

Schlotthauer – Thanks for coming down and we'll hope to see you next time.

Steffensen - I apologize for the confusion so sometimes these change for various reasons and this is just one of those nights.

Comments:

Special Use Permit Criteria:

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

Steffensen – In the zoning code its an R1 and it definitely says special use permit makes it allowable.

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

Steffensen – what we said in the first criteria.

Everyone agrees

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

Steffensen – The Fire Station will definitely help the health, safety, and welfare of the public.

All Agree

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

Carey – It goes along with our Comprehensive Plan and how we're building the city and having safety within the confines of the city limits.

Schlotthauer – With the location, land use, along the principal arterial we are not going to do better than that. It will affect a few folks that already live there but I don't see how you get away from that ever.

Hampe – The R1, it only has them on one side which is beneficial.

Steffensen – I live in Fieldstone; I hear sirens during the day but not at night.

Motion to approve finding it meets the approval criteria in the PFMC 18.20.070 as outlined in our deliberations and to include condition 1 contained in the staff report and direct staff to draft the Reasoned Decision. Carey

2nd by – Hampe

Vote: Hampe – Yes; Schlotthauer – Yes; Carey – Yes; Steffensen - Yes

Moved

B. **CANCELED TO BE RESCHEDULED Zoning Recommendation** for Froehlich Zone Change File No. ZC-22-5 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council on a request to rezone approximately 1.88-acres from Single-Family Residential (R1) to Medium-Density Residential (R2) zoning designation.

C. **Zoning Recommendation** for Hydrilla Estates Zone Change and **Review Requested** for Hydrilla Estates Subdivision File No(s). ZC-22-2/SUBD-22-8 –Jon Manley, Planning Manager, to present a request for a recommendation to City Council for a rezone of approximately 5.37-acres from Single-Family Residential Suburban (R1S) to Single-Family Residential (R1) zoning designation, Additionally, a subdivision review request of 15 lots. The requested actions are to provide a recommendation to City Council for the

zoning designations of Single-Family Residential (R1) from the existing Single-Family Residential Suburban (R1S) zoning on approximately 5.37 acres. Additionally, an approval to subdivide approximately 5.37 acres into 15 lots, contingent on Planning and Zoning recommendation of the zoning designation and zone change approval from City Council. The Land Use Planning Act established in 1975 is what facilitated the adoption of city code and put guidance in our review criteria in these land use matters so it's the enabling statute. Title 6765 looking at the purpose of this land use planning act it is to protect the property rights as well as looking for low-cost housing and encouraging urban type development incorporated cities and to avoid undue concentrations of populations. What this means essentially is whether or not you are following the Comp Plan; if you are it is justified concentration and if not it could be deemed unjustified. The duties of this is to provide guidance to the Comprehensive Plan more specifically housing to provide safe, sanitary, and adequate housing within the provisions of low-cost housing as well as how to accommodate manufacturing and mobile homes within the community. In pursuit to maintain a competitive market for all housing types. It is located on the northeast corner of W. Fisher Ave and N. Howell Rd. to the south is Prairie Meadows which are larger estate homes and directly to the north and east are more in line with R1 or a little larger. The current land use is large lot residential in the city and is over the Rathdrum Prairie Aquifer. The water will be provided by East Greenacres Irrigation District and the sewer will be provided by the City of Post Falls. The surrounding zoning is an R1S however the development pattern is more like and R1 due to the PUD request. However, if it was developed today, there wouldn't be a PUD and they would have just asked for an R1 as there is no longer a misconception with housing types and zoning this area is vested in old processes. There are R1 projects along the south of Prairie just north of this request which are 1/3-acre type lots.

Zoning Review Criteria:

- The Future Land Use Map designates this site as low-density residential that entertains all types of single-family residential uses up to eight dwelling units per acre. This property is currently compatible and so is the requested R1. It also shows that the densities can vary as appropriate and is within the Central Prairie Focus Area. With land values increasing, new projects are more likely to integrate higher density housing with community amenities to broaden their appeal to buyers. It supports provisions for a variety of housing types and densities.
- This request is consistent with Goals 1, 2, 5, 7, and 12 keeping good neighborhoods safe, vital, and diversified housing supporting sustainability in the community long term. Policy 1 is to support land use patterns; Policy 2 careful consideration of the infrastructure and service plans which there are some conditions in the staff report for being consistent in the timing of them whether it's the sewer or street improvements. Policy 8 encouraging compatible infill development. And Policy 15.
- Fisher Ave., a classified Minor Collector, and Howell Rd, a residential collector; the proposed zone change would not have a negative impact on the surrounding transportation systems.
- Not applicable commercial isn't be requested.
- Not near higher intensity urban activity
- Not applicable as industrial zoning isn't being requested.

The initial subdivision plan didn't allow Hydrilla Ave to extend through to Howell Rd. however, the Transportation Master Plan is to improve the circulation and connectivity the revised plan shows that connection. The revised plan still shows 15 lots, and the sizes still

meet the minimum of 6500 they shrunk the lots to the west in order to accommodate the road sill allowing the lots widths to meet the subdivision standards.

Subdivision Review Criteria:

- Water will be provided by East Greenacres Irrigation District
- City of Post Falls has adequate capacity to provide service to the subdivision as proposed and it is in conformance with the City's Water Reclamation Master Plan.
- The subdivision should not have a negative impact on the local transportation system. Direct access from residential lots onto Howell Rd or Fisher Ave. will be prohibited. (Condition 8)
- The site is located over the Rathdrum Prairie Ave. there are no known soil or topographical conditions which have been identified as presenting hazards.
- Subdivision approval is contingent upon Zone Change approval from City Council; (Condition #1 states Annexation and needs to be amended to state Zone Change) the subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning).
- 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, multi-modal pathways, City water and water reclamations facilities.

All agencies have been notified with the Post Falls Police Department remains neutral; Kootenai County Fire and Rescue maintaining being in partnership with the city through the review process and the DEQ responded with construction related comments. The School District also remains neutral.

Schlotthauer – Condition 8 no direct access to Howell; how come that is there?

Manley – That is for the drive approaches, when they apply for a building permit, they have a choice to utilize the residential roadways or the interior roadways; so they have no driveway approaches onto Howell or Fisher creating conflicts.

Schlotthauer – Not even as a secondary access for a camper or something?

Manley – No, and we do that for the safety of the corridor.

Carey – That would be the same regardless of zoning, right?

Manley – Yeah.

Steffensen – John, on three sides you have R1S the lots to the south seem to be a little bigger but then to the north and the east they are much smaller and appear to be more like and R1. What is the comparison with the lot sizes?

Manley – You can see from these lots they are about 80-85% the size of the lots to the east of them; to me they are closer and similar to the lots to the east than those to the south. They also look similar to the lots to north, maybe slightly larger; this request is 15 lots and to the north looks like 16 or 17 lots. The property to the northeast of this, between Arrowleaf and Tranquil Meadows is currently being developed. This is giving connectivity to the east with fire access to Prairie. With each 5, 10, 15 acres developing we look for connectivity and a road network, pedestrian connectivity and meet access restrictions from intersections.

Steffensen – Is that lot being developed through the county?

Manley – Sometimes the maps are current, we have approved this annexation however, the boundary line will adjust once it is recorded.

Steffensen – That's what I thought, I just couldn't remember.

Manley – It did come in as R1 at this location.

Hampe – What about the structures that are there.

Manley – That might be a good question for the applicant, sometimes they keep certain structures and sometimes they remove them.

Applicant, Ray Kimball, Whipple Consulting Engineers – Back in 2004-2005, I worked for the developers of the Craftsman at Meadow Ridge and designed the subdivision and was part of the annexation. In December of 2005 it was annexed in with 2 phases and chose R1S and back then PUDs were an option, which allowed us to cut the lot sizes down and increase the density. 5-6 years ago, the city changed the code and are no longer allowed to increase density with a PUD. It was always the developers plan to build this as phase 2 and then the real-estate plunged in 2007 hit; the property was never developed and never purchased by a developer. My client purchased this last year and that is when we started running concepts. The Future Land Use Map designates this area as low-density residential this project fits I that R1 is a zone within the land use designation. The density is similar a typical R1 subdivision which is typically 3.5 to 3.8 units per acre. These lots are significantly larger with a density of about 2.79 units per acre the same to the north and the lots to the east says its about 2 however that includes the park which brings that subdivision to closer to 2.5 units per acre. Yes, the zoning fits the future land us map and complies with the City's transportation and sewer master plans. The R1 zoning is supported by the comprehensive plan as described in the narrative and in the staff report. As a note, if we were to develop this property as an R1S, there wouldn't be any internal street connections all lots would front Howell. The proposed R1 zoning is surrounded by residential uses and is over a mile away from any commercial zoning. The requested R1 zoning is in conformance with the Future Land Use Map. Going into the subdivision plan, Manley explained it well in where our first submittal didn't have Hydrilla pop out to Howell and so it was requested that we redesigned the layout to show it connected. We did have to bring the lot sizes down about 500 square feet however, the lot sizes are still over 10,000 square feet: nice large lots. This proposal will allow the transportation network in the area to flow, it will allow the residents to north more that one way to travel outside of their neighborhood. This corner will also fill in the pedestrian pathway and bring that complete connection. This is within the boundaries of East Greenacres Irrigation District and has provided a will serve letter. The sewer is a little different than normal, as it needs lift station improvements. The lift stations on Howell or on Fisher have limitation issues. There is a lift station that handles majority of the northern area of Prairie Falls which is about 150 houses, a lift station is a concrete vault in the ground with pumps in it and the sewer flows into it and once it is full the pumps turn on and pumps up to another gravity manhole and it flows on its way down towards the plant. There are 2 current lift stations one is at the corner of Idaho and Prairie and another one at the corner of Spokane St. and Prairie which are being taken offline. The city is doing some sewer improvement projects, temporary lift stations and they are putting in a gravity superman that will allow the sewer to flow the way it was intended within the Master Plan. The lift station on Fisher is being upgraded this year, just means it will get bigger pumps and new control wiring. Typical wastewater systems have peak hours which is about 8 in the morning and drops off during the day and then a dinner peak happens, dishes, laundry, etc. This is the natural cycles of what happens upstream of a lift station. It takes about an hour from the Prairie Falls area to get to the first lift station, on Guy Rd., when the pump is off there is zero flow and then the pump turns on when it fills up (50 gallons per minute) then the pump shuts off again. So, that flow that is seen downstream of the Guy Rd lift station will go to the Fisher lift station after the others are

taken offline. The reason I am talking about this is because of the criteria have provisions been made to supply adequate sewer. So, we have a proposed modification to condition 11 Construction of the Subdivision cannot commence until the City of Post Falls completes reconstruction of the Fisher Ave. Lift Station, estimated completion 2025, unless the City verifies that the improvements being constructed in 2022 provide additional capacity to accommodate this development. We feel this gives flexibility to the city to be able to say yes, they can go and reevaluate the capacity after the improvements and if they have the capacity, we would be able to start construction sooner. The right of way will be dedicated for Fisher Ave. and Howell Rd. to City standards and provisions have been made o adequately provide connectivity to adjacent properties. There are no known hazards or topographical conditions that are incompatible with the proposed use and the proposal meets all of the requirements of the R1 zoning.

Hampe – Why was it not requested as an R1.

Kimball – In 2005?

Hampe – Yes.

Kimball – They are testing my memory.

Manley - I would only presume that the planning game was completely different, at the time PUDs allowed you to flex and go higher density with the R1S which would give you 1/3, 1/2 acre lots up until about 5-6 years ago. Staff decided if the applicant was going to ask for something then lets zone it for what the intent is and then we aligned the PUD with the intent of the end product due to misconception of having zoned lots whether it was industrial, commercial or R1S with single-family homes on it.

Kimball – The idea was because there was no middle product between and R1 and R1S, either 1 acre or 6500 square feet, and we wanted to go with an R1 type product but were okay with some limitations. Bigger lots were always the intent which is why we are bringing the subdivision forward at the same time to show that intent.

Manley – This is where condition 1 comes in, it will be contingent upon that zone change request to City Council if this proposal is denied by Council the subdivision dies with it.

Hampe – My question is basically is it because they were afraid there would be push back if an R1 was requested.

Kimball – In all honesty is was a much different time when it came to the attitude of subdivision growth and planning. Subdivisions like Fieldstone the public hearing went until midnight and now we think it is a fantastic neighborhood. It was definitely a path of least resistance and was a way to get to the same thing we are looking at today. The path is just different now because the PUD option is gone.

Manley – It is still consistent from 2005 to now where Prairie Ave. is still identified as an arterial, so it is how you will transition from Fisher Ave to Prairie Ave.

Testimony

In Favor – Read in by Steffensen – Wade Jacklin – Perfect location for small infill neighborhood to help alleviate housing needs in our town.

Neutral - None

In Opposition - None

Hampe – With condition 11, the sewer lift station, we have seen this several times come through to us where we maybe can't supply with sewer, and we can't connect to sewer right now but when improvements are made, we will be able to. So, I've never seen this part of it that says if the improvements being done earlier are going to reevaluate and

then we'll give you... I have never seen it added to conditions like this before. Has it been done before?

Manley – We have done this for streets that I am aware of, for sewer I would like to call up Mr. Palus. I do want to identify that the condition in the staff report is not the same what was proposed by the applicant.

Schlotthauer – Palus, do you think the condition modification they are asking for is plausible?

Palus – Engineering has been working with the applicant in getting to this stage, the bulk of what the applicant presented was very much in line as to the entry some of the technical details of how sewage gets from one point to another. The previous subdivision just to the northeast of this, The Stockwell Subdivision, as we realized that we were in the location that when those 2 lift stations go we didn't have enough capacity we found a way to get a couple more pumps to upsize the Fisher lift station and put us into a location where we have enough capacity to handle what is built plus what is already subdivided and not built. Until such time as we improve the Fisher Lift Station but there's a little bit of grayness in there as far as taking what the model shows because there are some levels of basically factors of safety we take into account, we don't look at everyone flushing their toilets at the same time, but we do look at what is a typical pattern of how sewage goes into an area. We do take into account what is the typical length of time it takes to get from the farthest reach to the lift station that's how that impacts but the reality is when you get to the ground not everyone follows that same exact pattern and it's an average. So, our water reclamation department will be making and getting those improvements in place at the Fisher Lift Station the 2 existing lift stations are going to be going offline within the next month and after those items are done we'll be able to go out there and reevaluate and see where in that gray zone do we really fall, were our estimates correct, were they over cautious or were we on the other side and from that we can make a determination. At that time, we can either say yes or we can determine that there still isn't enough capacity. So, yes, staff would be comfortable with that revised condition 11.

Hampe – So, there are no approved subdivisions currently there that would have to wait until 2024 or 2025, everything should be able to connect to the sewer as of now.

Palus – Everything that is currently platted within the Fisher Lift Station service area should be able to build out to their density or completely build on the lots that are there without overloading the Fisher Lift Station once we make the improvements that we have identified.

Hampe – So, there is nobody else waiting.

Palus – There is no one else waiting, the Stockwell Subdivision was kind of the proverbial last one in and then we closed the door and we said we're not going to take anyone lese in as far as new subdivisions until we get that lift station taken care of. The applicant posed an interesting question as to the sensitivity and if we were willing to go back and re-look at those numbers after the improvements and see were we correct, is there enough room to gen in 2.79 dwelling units per acre on 5-acres. The reality is that's not a lot of sewage, but it isn't an area that we said no more growth and it's a gray area but we're willing to go back and say okay for this one we'll take a look.

Hampe – Would you take a look otherwise.

Palus – At this point I would say, no. You have this one that asked for it and we having made the improvements yet and taken stuff offline to see where we're at to put that additional burden on just you have that many additional people who you could tell them sorry you have to wait. So, I would rather know the facts as to where we are at before we

give anyone else this same opportunity or actually look at these guys either come in or they don't ahead of the Fisher improvements and then everyone else waits.

Hampe – So, you would prefer not to say that it can promised to them if its there.

Palus – I can't promise it to these guys.

Hampe – If it's there.

Palus – Right

Hampe – We're promising it, if its there.

Palus – For this proposed subdivision

Hampe – If number 11 would be put in as proposed.

Palus – I don't have a problem with number 11 as proposed.

Hampe – Okay, that was my question.

Manley – Do you feel like number 11 protects the city interest for the being a provision to provide adequate sewer service.

Palus – Yes, because it says unless the city verifies that the improvements being constructed in 2022 provide additional capacity to accommodate this development, I believe it gives the city the latitude to make that decision as to whether or not there is additional capacity sufficient to handle that.

Hampe – Is that easy to figure out. Is it going to take man hours, is the city going to have to expend resources for this ask?

Palus – When we put in the new pumps, we will have to do a drawdown test to confirm that we're getting the capacity that we thought. That will give us the base information. It will probably be about 4 hours to go back through the numbers to see how much additional capacity we will have.

Comments

Zoning Criteria:

1. Consistent with Future Land Use Map.

Carey and Hampe – Yes, it is.

Steffensen – The surrounding area is R1S and its residential all over.

Schlotthauer – PUD so it is essential.

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

Hampe and Carey – Yes, that is consistent.

Steffensen – Its R1S but they have a PUD so it's going to be like size and so all the zoning is gonna look very similar from a bird's eye view lots sizes are very similar.

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

Hampe – I think that was covered.

Carey – It fits with all the development around it, it has Fisher and some major streets.

Steffensen – It's filling in the connection of those streets as those lands are developed. Limits the ability to get out on some of those other streets but does increase another exit for that north development.

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

Not Applicable

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

Steffensen – I think it was mentioned that its at least a mile away from any commercial activity.

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

Not Applicable

Motion to recommend approval to City Council finding requested zoning of R1 meets review criteria found in the PFMC as outlined in our deliberation and direct staff to prepare a zoning recommendation. (Hampe)

2nd by – Schlotthauer

Vote: Steffensen – Yes; Carey – Yes; Schlotthauer – Yes; Hampe - Yes

Moved

Subdivision Criteria:

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

Yes – Will Serve Letter provided

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

Carey and Steffensen – It is subject to a condition.

Hampe – The current condition is not what the applicant is asking for.

Steffensen – It is depending on a future test, but it gives the city and the applicant flexibility.

Schlotthauer – I don't see where it hurts to have that flexibility to, I don't see any reason to tie their hands right now if it works then let them and if it doesn't then don't.

Manley – So, Herrington, the motion towards condition 11 as in the staff report or as presented this evening.

Herrington – So, in the motion I would also cover the correction to condition 1 and 11 in whatever motion.

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

Yes

Steffensen – It gives the connectivity to the development to the north and limits access to some of the major streets in that area.

Schlotthauer – To clarify, there were 2 subdivision preliminary plats and the second one showed the connectivity straight through.

Manley – To Hydrilla?

Schlotthauer – To Hydrilla, that is the one being moved forward?

Manley – Yes. The second one is the one staff, and the applicant would like brought forward conditioned on the zone change decision.

Schlotthauer – Okay.

Herrington – I'd likely make that part of the motion as well. That was added as an Exhibit.

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 – None noted.

Steffensen – Mr. Kimball said there was some piles of dirt there that they had no problem removing. Nothing noted.

Schlotthauer – Nothing major.

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

Herrington – Again, that is considering the R1 zoning.

Hampe – And it is.

Schlotthauer – It will be at the time it applies.

Steffensen – It meets the different requirements for zoning and in the subdivision, yes.

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

Schlotthauer – Yes, in addition to fees they'll be paying on that number of lots plus the pedestrian and vehicle connection we need so very much so.

Motion to approve finding it meets the approval criteria of the PFMC 17.12.060 as outlined in our deliberation subject to conditions 1-12 with condition 1 changed to read subject to zone change approval and condition 11 changed to include the opportunity for the City to reevaluate capacity after the 2022 system improvements are made. Adding condition 13 Exhibit A-10 plat map is utilized. Schlotthauer

2nd by – Carey

Vote: Hampe – Yes; Schlotthauer – Yes, Carey – Yes; Steffensen - Yes

Moved

- D. **CANCELED TO BE RESCHEDULED Zoning Recommendation** for Joseph Family Trust Annexation File No. ANNX-22-7 – Jon Manley, Planning Manager, to present a request for a recommendation to City Council on a request for a zoning designation of Community Commercial Services (CCS) on 20.74-acres and Community Commercial Mixed (CCM) on 20.60-acres for a total of approximately 41-acres which requires a Development Agreement.

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

Commission told Steffensen he did great filling in for the chair.

7. ADJOURNMENT 7:02PM

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.

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

Date: 7/12/22

Chair: 

Attest: 