



**PLANNING & ZONING COMMISSION
MEETING MINUTES**

**DECEMBER 13, 2022
5:30 PM**

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

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

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, Kimball, Schlotthauer - Present
Ward – Excused

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

1. NATIONAL CREAM CHEESE FROSTING DAY

AMENDMENTS TO THE AGENDA

Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.

None

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

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

NONE

CONSENT CALENDAR

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

ACTION ITEMS:

- A. Meeting Minutes 11-8-2022

Moved to approve as presented Hampe

2nd by: Steffensen

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

Moved

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

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

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. **Recommendation** Nagra Annexation File No. ANN-22-11 – Jon Manley, Planning Manager, to present a request to annex approximately 2.64 acres with a Community Commercial Services (CCS) zoning designation. The Commission is to recommend approval/denial of the requested zoning designation to City Council.
Requesting to annex approximately 2.64 acres into the City of Post Falls and assign the zoning designation of Community Commercial Services (CCS). The general location is on the northwest corner of N. McGuire Rd and W. Prairie Ave. It is currently an underdeveloped county lot with no significant topography or vegetation matters and is over the aquifer. The water will be provided by East Greenacres Irrigation District with the sewer being provided by the City of Post Falls. To the west and north has zoning of

Residential Mixed and Public Reserve, the proposed use for the public reserve piece is a school and to the south and east are county property.

Zoning Criteria:

- a. The Future Land Use Map shows this area as transitional, and it calls this area out at a commercial node. The guidance for this area can be found within the associated Focused Area, West Prairie. Seek opportunities to develop off corridor commercial; West Prairie areas may warrant commercial use consideration if adjacent to arterial/collector streets where traffic volume exceeds 4,000 vehicles per day.
- b. Goal 1 is to grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health. Goal 3 maintain and improve Post Falls' small-town scale, charm, and aesthetic beauty, help retain the city's lower-scale, walkable, small-lot development patterns common in early Post Falls, while at the same time, providing for urban growth in other, appropriate areas. Goal 5; keep Post Falls' neighborhoods safe, vital, and attractive. Safe: improved roadways with development create safer conditions for both vehicles and pedestrians and possibly increase access for emergency vehicles. Impact fees are paid towards public safety. Vital: With a planned high school nearby and residential mixed zoning in the city to the west, commercial lands within an identified commercial node may add to the vibrancy of the area of Post Falls. Attractive: There are Commercial Design Standards that would be required to be met upon site development. Goals 7 and 8 as well as Policies 1-3, 7, and 27 also support this request.
- c. Zoning is assigned following consideration of such items as street classifications, traffic patterns, existing development, future land uses, community plans, and geographic or natural features. Encourage a balance of land uses to help Post Falls remain a desirable, stable, and sustainable community.
- d. Prairie Ave. Is a Principal Arterial and McGuire Rd is a Major Collector. Once the Pleasant View Rd. Interchange is completed Prairie will be utilized even more.
- e. This is in a location in transition. What was once on the outskirts of Post Falls will evolve into a major east/west arterial corridor.
- f. Industrial is not being requested so this isn't applicable.
All agencies have been notified; Kootenai County Fire coordinates with the city upon development, Post Falls Police, Post Falls Highway District, and Post Falls School District all remain neutral with YPL having no comment.

Schlotthauer – Is that future interchange with HWY 53?

Manley – Yes.

*Discussion on what was south v north on the graph regarding location of the new interchange.

Hampe – When are they planning for this?

Manley – Mr. Melvin might know more on that. 2027 ish.

Carey – Will the Highway Districts comment be added to the agreement regarding the 40' right-of-way?

Manley – It could be however, the Right-of-Way that is needed from the development with the annexation will meet the need of the Highway District.

Applicant, Connie Krueger – This property is only about 2.5-acres, we do understand that this is an area that has no utilities at this time, and we are a little ahead. We do know there was a recent annexation that occurred in this area and so we are just requesting to bring this piece in. We are wanting to work with everyone to bring in the utilities, transportation system,

etc. The owner has several different properties in the area and has developed commercial uses on them. He knows the processes and fees and how everything works. We are requesting the CCS Zoning within a mapped Commercial Activity Node and is consistent with the City's future plans, transportation master plan, the Parks Plan, etc. We believe this finishes off the Pleasant View North Annexation area. The commercial uses on this site will complement the surrounding sites and their uses. McGuire Rd and Prairie Ave. Are arterial and collector road systems and are capable of carrying commercial traffic volumes. At the cost of the owner this will be services by all utility's services. A Mix of residential, commercial, and industrial uses are envisioned between Corbin Rd. And Pleasant View Rd., with higher densities near commercial corridors and arterials; mixed residential is envisioned between McGuire Rd. And Corbin Rd., with higher densities near commercial corridors and arterials. With the location, adjacent roadways, our request for CCS zoning is a good fit for this corner. The request is consistent with the Goals and Policies found withing the Comprehensive Master Plan. Living in the area it would be nice to be able to have these types of services available rather than driving down to Seltice, Highway 41, etc. It keeps some support services local.

Schlotthauer – Were you approached by the city to annex in with the rest of the property?

Manley – I think Mr. Seale led the charge and might be able to answer that.

Seale – When we were discussing annexation plans with different property owners, we did not address this property. We were focused on the track of how to get up there the other properties around this one was all owned by 1 person as well as the School District, so that is why we didn't approach every parcel.

Schlotthauer – You mentioned neighborhood services, what services are you referring to?

Krueger – Mr. Nagra usually provides for fuel services stations, convenience stores, commercial strip models are the types that he is mostly engaged in with his business. Good example is Prairie and Atlas that commercial strip mall which is a neighborhood commercial node.

Testimony:

In Favor - None

Neutral - None

In Opposition – Shea Hansen, 14289 W. Prairie Ave. - There is allot of talk about the future benefits for the people in the area and not a lot of talk about the benefits or how it's going to impact those that already live there. We have no desire for the increased traffic on Prairie it's bad enough as it is. The construction on Prairie to Spokane St. was bad enough through the summer. I think there are better options to put this like if there is going to be an interchange on Pleasant View and 53 then the opposite corner on Prairie and Pleasant View would be better. We have livestock, we do our best to keep them in however, anyone knows with livestock they do get out still. We chose a rural area for a reason, we don't want a commercial area, my property will never be commercial. I appreciate people want to try to add value to our area, but it is valuable enough. My property will never be a part of the Commercial area that was shown, I think I speak for some of my neighbors as well. I haven't been approached about improving the area and it is pretty upsetting seeing how close I live to it; I worked security for a School District for a few years and none of this is something I want in my neighborhood. All the amenities that were talked about are not that far away from us, we don't need one here.

Deliberations:

Zoning Criteria:

1. Amendments to the zoning map should be in accordance with the Comprehensive Plans and Future Land Use Map.
Steffensen – Strictly from a zoning perspective on the future land use it's transitional but it has the Commercial Focus Group. Commercial could be good there based on what was already annexed out there.
Schlotthauer – It is basically what the Future Land Use Map says should be there with that Commercial Node.
2. Amendments to the zoning map should be in accordance with the goals and policies found in the Post Falls Comprehensive Plan.
Steffensen – Like any improvements will bring in infrastructure adjacent to the property.
Kimball – Both applicant and staff went through everything thoroughly. It's an awkward shaped property, it wouldn't work for residential unless it stays a large lot with it being next to a future High School. I picture Lake City High School on Ramsey, where in 1995 was planned for some commercial that didn't happen for about 20 years. This isn't going to happen tomorrow; it is a long-range planning situation and Commercial makes sense.
Davis – Have we had a discussion for the school timeline?
Schlotthauer – We haven't here, but I think enrollment is currently declining, I stand to be corrected.
Kimball – I've conversations with the School District in recent months, professionally speaking. They are moving towards pushing for it through a bond, it will be a tough push, but they are looking for it. I also know the URD is trying to get services up there so they can move forward with development of that school.
Schlotthauer – Which direction are the services coming?
Kimball – Pleasant view.
Hampe – Wouldn't services need to come before the bond?
Kimball – No.
Steffensen – The email that was sent to parents of students; they were looking for input on a bond for March. No timeline on development just trying to get that through in March.
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.
Kimball – My previous comments are more germane to this criteria. Little corner pieces are the hardest to develop like this and they are the most expensive, so they usually develop last. This allows for the commercial node to be on that corner as well.
Hampe – There are 5-acre parcels, small farms, people with animals, what is out there isn't commercial right now. The future land use does call it as commercial; I just don't see it right now.
Davis – I think you can all agree we have tight rules to follow, but I think you are right it isn't commercial out there right now.
Hampe – I just want to acknowledge that I understand that.
Davis – Timing is the key with this area with the future land use, this fits.
4. Commercial and high-density residential zoning is typically assigned along streets with a higher road classification.

Kimball – Prairie and McGuire are both higher road classifications, principal arterial and a major collector.

5. Limited or neighborhood commercial and lower density residential zoning is typically assigned for properties as they proceed farther away from the higher intensity urban activity. Ensure that adequate land is available for future housing needs.

Kimball – This is one of those things that is covered in the commercial node aspect of the Comprehensive Plan.

Hampe – At this point you can't get any further away from higher density.

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 its consistent with the Comprehensive Plan and the Future Land Use Map along with the Facts and Findings contained in the staff report with the zoning designation of CCS by Steffensen

2nd By: Kimball

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

Moved

- B. **Approve/Deny** Sinclair Addition Special Use Permit File No. SUP-22-4 – Laura Jones, Associate Planner, to present a request for a Special Use Permit to allow residential uses at densities permitted by the Medium-Density Residential (R2) zone per PFMC 18.20.030 on approximately .28-acre Limited Commercial (LC) lot.

Requesting a special use permit approval to allow residential uses at densities permitted by the Medium Density Residential (R2) Zone as permitted by PFMC 18.16.010, on a .28-acre Limited Commercial (LC) lot within the City of Post Falls. It is generally located north of E. 6th Ave. West of N. Henry St. To the north is zoned Community Commercial Services (CCS), east and west is Limited Commercial (LC) and to the south is City Arboretum Park. The surrounding properties consist of a mix of residential and commercial uses. The water and sewer will be provided by the City of Post Falls, the applicant is planning on retaining the existing house on the western property and subdividing the eastern property to be developed with Medium Density Residential (R2) homes. The Future Land Use Map shows this area as Business/Commercial, to provide for a variety of general service, retail, professional office, and mixed uses. This category also promotes a mixture of moderate/high density housing types within walking distance of the city center, neighborhood center and corridor commercial uses as well as civic uses and other amenities within Post Falls. (at least 8 units per acre) the design standards that enhance the character of these areas, improve pedestrian connections, and promote compatibility between permitted uses are important. The applicant has 3 different possibilities for layouts with a minor subdivision, currently it is 2 lots with a shop being on its own lot, layout 1 is a 3 lot and the second one is a 4 lot. The 4 lot is if the cottage home ordinance is adopted.

Special Use Review Criteria:

- a. The LC zone permits neighborhood compatible commercial retail and service uses of modest scale in areas not conveniently served by existing or proposed commercially designated lands. This zoning district is compatible with residential lands that would accommodate medium density residential land uses.

- b. The LC zoning designation is suitable for Medium Density Residential (R2) uses and PFMC section 18.16.101 (B)(1) Limited Commercial (LC) states: "Residential uses may be allowed at densities permitted by the Medium Density Residential (R2) Zone by special use permit. Lot area and building bulk and placement requirements shall agree with the values set forth in section 18.20.040, "Official Bulk and Placement Regulations Table," of this title."
- c. The proposed use should not negatively impact health, safety, and welfare of the public or land uses within the vicinity. The proposal will not adversely impact the transportation systems. Existing facilities are in place and have the capacity and capability to handle the requested use. Domestic water currently exists within the alley along the property's northern boundary. Existing facilities are in place and have the capacity and capability to handle the requested use.
- d. This request is consistent with the Goals and Policies found within the Comprehensive Plan.

All agencies have been notified with the Kootenai County Fire reserving comments for time of site development, Post Falls Police Department, Post Falls Highway District and the Post Falls School District all remaining neutral and the YPL having no comment.

Steffensen – How long has this area been Limited Commercial and CCS vs. How long have those houses been there?

Schlotthauer – Did the houses come first?

Manley – It's been there my entire career here, been zoned CCS and Limited Commercial.

Steffensen – How long is career?

Manley – 15 years.

Steffensen – So, at least 15 years.

Manley – Pre-existing homes that may at one time complied with zoning

Schlotthauer – So, the houses probably came first then the zoning.

Manley – That is what I would deduce.

Jones – Property owner may be able to tell you how old his house is.

Hampe – Is the intent to tear the garage down and build behind the house? Because the garage is on one lot.

Jones – I believe it depends on what may be approved if the performance standards for the Cottage Homes are developed, it looks like they may tear down that existing shop. To accommodate a third lot, accommodate the cottage home development.

Hampe – Okay.

Jones – If they do 2 lots, it appears they would be keeping the shop, we do have restrictions for platting new lots you must have a residence not just a shop. They would need to apply for a residential building permit for lot 3 prior to plat.

Applicant: Mackenzie Sinclair, 311 E. 6th Ave.

The existing conditions the lot has a house and a small shop on the property. The house sits on the south end of lot 11 and the shop is on the north end of lot 12, to answer your question the shop will be removed, it is pretty old. The zoning for the 2 lots is Limited Commercial (LC) this zoning has other single-family homes along 6th St. Beginning on the west side of Post St. And runs west 150 feet past Williams St. and south of the alley. The proposed R2 development request would allow for an accessory unit to be built on the north end of lot 11 and lot 12 to be divided into R2 single-family lots. The special use permit would keep this area of Seltice Central cohesive with the surrounding homes around it and promote infill. It

would bring this section of Henry up to date with the City standards that support development patterns that improve pedestrian connectivity to the commercial core of Seltice Central.

Steffensen – Do you have a preference to do the Cottage Homes or the configuration you showed?

Sinclair – We like the plan for the Cottage Homes and would be nice to do that one however, no matter what we will build something there.

Herrington - In consideration of the Special Use Permit, you are considering the allowed use in that Zone on that lot.

Schlotthauer – We aren't really talking about an R2 zone change we're just talking about a Special Use Permit in the commercial.

Herrington – It's a Special Use Permit to allow for the residential uses at R2 densities.

Manley – It was done that way to look at their choices, if they are too specific too early it would potentially deny their options.

Testimony:

In Favor - None

Neutral - None

In Opposition – None

Deliberations

Special Use Permit Criteria:

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

Kimball – I think staff went over that well with the Limited Commercial and how it does conform as a Special Use in complement to the commercial uses.

Schlotthauer – It conforms technically through that provision but also practically.

2. 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.

All Agree

3. 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.

Hampe – Consistent

Kimball – Land uses next door are residential and will support the commercial uses in the vicinity.

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

Kimball – This was covered well; this is a little infill development.

Motion to approve finding it meets the approval criteria found in the PPMC 18.20.070 as outlined in our deliberations subject to no conditions and direct staff to prepare a written Reasoned Decision by Carey. add condition 1 in staff report

Kimball – I'll second that with adding a condition #1 as found in the staff report. Would you amend your motion?

Carey – I move to add condition 1 as found in the staff report

2nd By: Steffensen

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

Moved

- C. **Recommendation** Post Falls Title 18 Cottage Homes Ordinance File No. TA-22-7 – Laura Jones, Associate Planner, to present an amendment to Title 18.20 to accomplish and establish performance standards for Cottage Home residential development, update definitions, and increase the Medium-Density (R2) single family lot size.

Requested action is to recommend to City Council for the adoption of Cottage Home residential performance standards, updated Title 18 definitions, and increase in the Medium Density (R2) single-family lot size. The public process started with a City Council Workshop on October 4th, Planning and Zoning following on October 11th with a Developer Forum in an email during November. The purpose and goals of Cottage Home standards is to provide a form of smaller single family residential units, diversifying a housing choice and provide housing that is attainable and attractive to expand opportunities for home ownership. To create a path to offer a middle ground between single family residences and multi-family development residential communities while promoting open space, safety, and the interaction of the residence as well as continue to follow the guidance of LLUPA – Title 67, Chapter 65 seeking ways to create low-cost conventional housing. There are currently no standards in place and having them may provide a level playing field for all Cottage Home Developments while creating a clearer path in permitting. Cottage housing developments may incentivize some additional infill projects and can offer a smaller scale housing choice, which are suitable for meeting a variety of needs, compared to traditional detached single-family homes. Their flexibility, from making more effective or desirable use of underutilized spaces to serving the needs of different populations. As an infill type development, they can maintain a spacious feeling with open courts and as higher density development, they offer privacy by having detached units. Their sizes allow them to be potentially more energy-efficient compared to larger residences and can serve as housing for families seeking to downsize, young households, and the workforce.

Cottage Home Performance Standards:

- a. Any detached residential structure, either on a platted lot or a common lot, with a total living area of less than 1,400 sq/ft (with ground floor area being no larger than 1,200 sq/ft) and more than 800 sq/ft.
- b. Implementing Zoning Districts: R2, R3, and RM. Also allowed in the CCM zone where the approved development agreement authorizes multi-family residential uses and in CCS and R1 zones with an approved Special Use Permit. Allowed in the following Future Land Use Designations: Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Business/Commercial, and Transitional. Not allowed in the Business Industrial.

General Design Standards - apply to both platted lots and common lot cottage home developments:

- a. Garages: Front loaded cannot exceed 360 sq/ft; rear loaded cannot exceed 500 sq/ft; attached garages for front loaded cottage homes must not exceed 66% of the width of the structure.
- b. Porches: Minimum depth of 6', front loaded porch no less than 50 sq/ft in size, rear loaded porch no less than 80 sq/ft in size.
- c. Architectural Design: no 2 abutting or directly opposing cottage homes may have the same front façade and must alternate the application of items listed in 18.24.032(c.) (2.) (e.). Minimum of 4 elements, features or treatments listed in the same code section.

- d. Accessory Structures: must match architectural style of the cottage home and meet building code separation requirements.
- e. Green Space: Cottage homes must provide 550 sq/ft of common Green Space per unit and provide a pet waste clean-up station. Developments with 8 or more units must have 50% of the common open space centrally located with 20% of the green space fronting a street. Less than 8 units must consolidate the common Green Space into one location (no dimension less than 20'). Cottage homes placed on individual lots will only require 325 sq/ft of common Green Space but will be required to provide a functional yard. Located in the rear or side yard (not within front yard setback); equal to at least 10% of the parcel area; and minimum dimension no less than 15' (no less than 12' for parcels smaller than 3,500 sq/ft).
- f. Fences: prohibit in common Green Space.
- g. Parking: 2 off street parking stalls per unit; developments of 8 units or more – for each cottage unit that fronts a Green Space or a street where parking is not allowed, they must provide an additional .25 parking stalls per unit, within a common parking cluster.

Single Family Cottage Home Standards: applies only to platted Lot cottage home developments:

- a. Vehicular access must be from the rear or side; when design constraints prove implausible the zoning administrator may grant a deviation of up to 50% of the lot being front loaded. Cottage Homes are encouraged to front a Green Space and must have a pedestrian path constructed of concrete or asphalt between the sidewalk and the building entry.
- b. Minimum lot area 2,400 sq/ft. Setbacks and height limitations: front:16' to the principal plan; side net 12' (no less than 3' on either side); rear: front loaded 12' and rear loaded 20'; flanking street 10'; height 30'.
- c. Accessory Structures: cannot exceed the height of the primary structure and cannot exceed the square footage of the primary structure of 720 sq/ft, whichever is less.
- d. Fences: Cannot exceed 36" in height within front yard setback; cannot exceed 48" in height within the rear or side yard setbacks and up to 60" with an administrative exception. When directly adjacent to other developments that allow fences up to 6' in height – may be permitted through an administrative process.
- e. Green Infrastructure: Where a minimum of 25% of the Lots contain green infrastructure amenities, common Green Space requirements may be reduced by 50 sq/ft per unit (from 325 sq/ft per unit to 275 sq/ft per unit). Examples: solar arrays, rain gardens (located within the common Green Space), water harvesting devices, green roofs, and EV charging stations.

Multi-Family Cottage Home Standards - applies only to common Lot cottage home developments with 3 or more cottage homes:

- a. Vehicular access must be from the rear or side, unless approved through a Special Use Permit. Cottage homes are encouraged to front a green space and must have a pedestrian path constructed of concrete or asphalt between the sidewalk and the building entry.
- b. Separation: must meet adopted building code without additional fire rating. Front setback 20', side 10', rear 10', flanking street 20', and height 30'.
- c. Green infrastructure where green infrastructure amenities are provided, common green space requirements may be reduced by 50 sq/ft per unit (from 550 sq/ft per unit to 500 sq/ft per unit). At least 2 amenities as listed in 18. 24.030, EV charging stations (1 station for every 25 cottage home units), and solar arrays.

- d. Access, Driveways, Parking, and garages: Consolidated parking structures may be considered by the zoning administrator. Refuse: outside storage and solid waste areas must meet the requirements of 18.24.040.

***Implementing Cottage Home Standards*:**

- a. An example is Tullamore Vista (SUBD-0011-2020) - 20-acres, centrally located common green space; lots fronting ROW or common green space; access from rear; and pedestrian path between sidewalk and building entry
- b. A hypothetical infill lot is on N. Spokane St. And W. 16th Ave (.49 acres) this lot could be a perfect cottage home infill project and meet parking, open space, spacing, partially fronting the ROW etc.

All other agencies have been notified with YPL having no comments, Department of Environmental Quality stating there is no impact, and Post Falls Highway District and Post Falls School District being neutral.

Kimball - With medium density I think 4,000 sqft is better for that type of product, a lot size the builders are putting out there are in the 40 by 100-foot-long range.

Manley – The concern we have if you plot a bunch of RQ 4000s it's no longer divisible to create town homes, twin homes if you do the 4800 you can put the other products on them down the road.

Kimball – I'm talking the single-family part, they can always go a little larger and then divide it later, but having a minimum being at 4,000 gives them the flexibility to.

Manley – It permanently ingrains it as a single family.

Kimball – Right, it does which is how they would build it. In General Design Standards with regard to garages, says on rear loaded cottage homes shall not exceed 500. I'm assuming you also mean rear and side loaded for clarity.

Manley – No, I think front or side loaded would be 360 square feet.

Kimball – Which ever one, you just need to tell where the side loaded fits in there. I think on the side loaded, if it was a 2-car garage it can be larger.

Manley – We went off the rear being larger because theoretically if you're coming off the alley, you're not seeing it from the front so you can go wider if it's rear loaded. If you are a corner lot and side loaded, then you would be at 360. So being clear on that would be a good thing.

Kimball – I am assuming when you talk about porches, you mean front porch?

Jones – Correct.

Kimball – We should probably clarify that in the code. Under the setbacks and height limitations with front loaded cottage homes we should make sure there's a 20' setback to the garage, it talks about the garage not sticking out front but it's only 16'.

Jones – Isn't that covered in Title 12?

Manley – Title 18. I believe that is in the bulk and placement table, note 3 speaks of a parking pad for a single-family home, these are a form of a single-family home.

Kimball – In this case it says, we're talking about garages, and I think we should make a reference to the code or be clear. My thoughts on fences in the backyard, I like 6' fences. If we have all of these homes facing a nice common space, then that is the common activities, and the backyards should be more private. You don't want little Timmy peaking his head over the fence staring at you asking what you are doing.

Davis – Repeated Kimball's main points.

Carey – Agrees with the fence height for more privacy. When you talked about 3' between, is that 3' on each lot so you have 6' between the cottages.

Jones – Are you asking about the net of 12'?

Carey – Yes

Jones – It could be a combination

Carey – No less than 3'

Jones – So, you could do 9' on one side if you want a big functional side yard instead of a functional rear yard. It is to have an alternating pattern in the form and function of the unit, so it doesn't flow with every single house having a 5' setback on both sides to make them all line up in a nice little row. We wanted to see variety.

Carey – 3 is the minimum right?

Jones – Yes

Carey – So you could have 2 with just 3' and only have 6' total between them?

Manley – Not on the same lot, 2 adjacent though side by side, however, there might be some building code situations regarding fire rating issues. Theoretically you could see 3 and 3 on the same opposing.

Carey – Okay. I just wanted to clarify there would be at least 6' between 2 houses.

Testimony:

In Favor - None

Neutral - None

In Opposition - None

Schlotthauer – I have a question regarding the 3' and the fire code dictated 10' and the first lot built 3' and now the 2nd lot must build 7'.

Jones – Or they can do fire rating.

Kimball – Fire allows for closer; you just have to do fire rated walls, openings, etc. It gets a little tricky but there will probably be 1 builder going through all of the plans and so they may have fire rated walls in some spots but not in others.

Davis – No question block, right Herrington?

Herrington – Nope, you can talk about it, it is a legislative item.

Motion to recommend approval to City Council with the following amendments the Single-Family lot size be reduced to 4,000 square feet from 4,800. To clarify front and side loaded garages can't exceed 360 square feet, and to clarify porches are front porches not side or rear. To emphasize the garage setback to be 20' or reference the section of city code. Allow for rear and side yard fences to be 72" high rather than 48". Kimball

2nd By: Steffensen

Vote: Steffensen – Yes; Carey – Yes; Kimball – Yes; Davis – Yes; Schlotthauer – Yes;

Hampe - Yes

Moved

- D. **Recommendation** Development Impact Fee Update – Jon Manley, Planning Manager, to present an amendment to the Development Impact Fee to accomplish: Adjust impact fees based upon inflationary cost escalations, Basis on a ten (10) to twenty (20) year growth cost depending on the Impact Fee category. The Planning and Zoning Commission serve as the Impact Fee Advisory Committee and the current impact fee adjustments are based upon inflationary costs escalation and not updates capital improvement plans. Public Process to date: on August 2nd City Council approved the financing endeavor; November 2nd Committee review of draft with consultant. November 15th Bob Seale presented to NIBCA, and November 22nd Bill Melvin coordinated informational video on the website and December 6th

an email notification was sent to the development community. Your recommendation is currently scheduled to go to City Council on January 17th. Going back into the impact fees, we have projected growth trends; public safety, parks, streets, multimodal, and they look at the proposed future growth of the community and what capital plans associated, like regional capital plans, are needed to mitigate those impacts of growth. So, impact fees are a way for growth paying for growth. We have a growth rate from 2000 to now, in 2004 we had a jump from 6.5% to 8.8% then the recession hit with a dip down to around 1.6% then in 2021 we went up to 9.2%; Post Falls' average annual growth rate is about 4.7%. This helps take in account of the ups and downs within the community. Impact fees are payment required by local governments of new development for the purpose of providing new or expanded public capital facilities required to serve the community and new developments. (Not used to pay for maintenance, staffing, vehicles, etc.).

Hampe – So, no snowplows.

Manley – That would be equipment.

Herrington – There are some provisions for large equipment like fire trucks etc. but that is specifically delineated in the impact fee.

Hampe – So, it is specific then.

Herrington – Anything with a useful life over 10 years.

Manley - The different sections, public services departments, Parks and Rec, Police, Transportation/Streets, and multimodal, this graph shows the service area is city wide with the fee components and cost allocations. The fees support, Police Stations, Ancillary Facilities, and Communication Facilities for the Public Safety. They base this off a 10-year growth costs (Adjusted for 2022): \$15,287,495 and is established on a per person and vehicle trip basis. Parks base the fees on Level 1 and 2 parks as well as indoor recreation; the basis is established on a replacement methodology; 10-year growth costs (Adjusted for 2022): \$30,618,134 and applied to “residential” only. For the Transportation is based on the City’s Transportation Master Plan has a numerous Capital Facilities expenditures and Capital Plans within the Transportation Plan and once again those were not modified or updated just the cost escalation to complete those capital projects. And is applied on a per trip basis. The Multi-Modal supports those trails and bike lane facilities in the Transportation Master Plan with a 10-year growth cost. These changes brought the Multi-Family Impact Fee total from \$5,207 to \$8,910 and the Single-Family from \$7,406 to \$12,712. The non-residential development also sees increases. I want to reiterate this is dealing with the cost of materials and the cost escalations exceeded what we typically modify based off the ENR Index, we were seeing it wasn’t doing the impact fee service and escalated beyond what the ENR Index would control.

Hampe – When did we last update this?

Manley – We just recently did it.

Kimball – 2 years ago right.

Manley – 2 years ago was the major update.

Hampe – So, 2 years ago it would have been for a single-family 7,400?

Manley – Slightly less because it was escalated 1 time but now it is, yes.

Hampe – So, with the 12,700 where does that compare to the City of Coeur d’Alene or Hayden? Out of curiosity I am wondering.

Schlotthauer – More

Hampe – We are more, okay.

Kimball – Allot more.

Manley – With the 7,406 we are relative to other jurisdictions. Coeur d’Alene was a little lower than us this will make us slightly more expensive than some of the other communities. I don’t have the totals right now.

Hampe – Okay, I was asking for a general range, and it sounds like we are ahead of the pack.

Manley – That is good input, I will add that slide for Council.

Schlotthauer – How are we going to spend 20 million on bike paths in the next 10 years? Most paths, the developers would have to put them in, right?

Manley – Melvin is the one that coordinates the Transportation Master Plan, and that component is within that plan.

Melvin – Tischler took our multimodal components, doesn’t include every sidewalk or multi-use trail and bike lane that’s in the community, they took the majority of our multimodal Centennial Trail and some other major facilities. They divided it on a linear foot or square foot per population that we had and then project that out over 10-years. So, it’s a replacement base to keep up with the growth and to keep the same amount of multi-use system that we have per population. That is how they established those numbers. We have some rail lines that are going away and will be replaced with trails and some other major facilities.

Manley – Like the Prairie Trail.

Melvin – Yes.

Hampe – So that is just replacement?

Melvin - It’s not repair, it’s keeping the same amount per population.

Hampe – I see what you are saying.

Schlotthauer – Where will we be in 10 Years?

Manley – 2032 about 65,000

Schlotthauer – Vs?

Manley – about 44,004 in the beginning of 2022.

Kimball – So, about 20,000 more.

Schlotthauer – So, about 50% growth and your numbers are about 4.7 per year.

Manley – 4.7 - 4.8 per year.

Kimball – Am I to understand that Capital Improvement project list didn’t change.

Manley – Correct for any of the sectors.

Kimball – So, inflation’s 14%, or the Engineering News Record stated that construction costs went up 14% this year. The highest it has been in many years. We just did this 2 years ago and now we are increasing the Impact Fees overall by 71%? We were either way off before or the cost estimates we are basing these off are way off base, that is too big of a gap.

Manley – Hence why we had Tischler do it and not go by the ENR because we acknowledged that because what we were seeing for quotes wasn’t cutting it.

Kimball – So, we either screwed up last time or we didn’t get it right either time.

Manley – That is assuming the ENR Index is Gospel.

Kimball – It isn’t 50% off, the difference between 14% and 71% is huge.

Hampe – Do you think it will tend to slow growth, out of curiosity? Or discourage it in Post Falls and encourage it in other places?

Manley – The data I have seen is when Impact Fees go up it doesn’t necessarily discourage growth.

Hampe – But it is passed along to those people the consumer.

Schlotthauer – It ends up going to the tenant or the homeowner, everyone has to pay that sooner or later.

Melvin – The ENR we've adjusted it by, historically it has been in that 3, 4, 5% range I think the very last year what we did with an adjustment in the budget was 8%, that was the national range. These dollars are the 2018 dollars, even though it seems like we just adopted it. We had a local consultant, JUB, to do the cost escalations and those dollars were given to Tischler. Applied these new costs to the methodology, they didn't exaggerate the costs, they said here is what you have today.

Kimball – I am going to need to disagree with you a little, they have Right-of-Way in JUB's study at \$300,000/acre; that is \$6.87/square foot. I appreciate that they are looking at projects and trying to estimate a project cost based on no plans and just using a broad scope. I agree on increasing, so 2018 dollars now let increase to the 202 dollars, do the proper increase to the math. But that still doesn't get 71% in 1 year that is a huge pill.

Seale – Additionally, if you look at the cost that parks and police were adding you know those were adjusted, the parks department was adjusted based on land value obviously that has gone up tremendously. The police department had an error or omission within their original set of plans, so that had been fixed with this round. When you look at those 2 cost increases that may lead to the 71% increase. The re-evaluation for the parks department was more than what we had anticipated.

Hampe – Is that to acquire more land?

Seale – Yes, with the parks department the idea is we have x number of acres per person so therefore as we're growing, we want to maintain that ratio of the Level 1 and 2 parks.

Schlotthauer – What can we buy for \$30million in the next 10-years for parks?

Seale – We recently bought \$1million worth of land for parks and public works. Some of it will go towards improvements to the parks.

Schlotthauer – It would be great to have all this money to spend on all the wish list items. Businesses and developers have their pick of where they want to be and if the fees are twice as high in the City of Post Falls as they are down the road, it will discourage the growth here. I recently drove through some depressed areas of Washington; you think of towns growing but not all of the are many are decaying. People have to want to invest in the area and I think that the upfront fees I've seen personally evaluating a commercial project and the fees are a big factor and for the good of the town I hate to see businesses and residents discouraged from improving and building. I don't think we should lose sight of how important it is to incentivize the fact that we are improving, much of Post Falls is being improved and people will look at the Impact Fees, those are really just an upfront tax.

Seale – We do recognize this is a dramatic increase the costs the purpose behind it to follow the plan of making growth pay for itself. We didn't change the plan; projects were not added, and we didn't change anything from the original plan. We did, however, adjust the cost of what we anticipate having to spend on the projects that are developed and built due to the influx of growth. The other route is to have deficient services due to the growth or it gets paid through a different route. We are trying to accommodate for what you have today you still have in 10-years.

Hampe – That is certainly what we have heard from people over and over is to have development pay for itself. I believe there is a lot to be said for that.

Seale – We do plan to look at the Impact Fee Plan within the next couple of years in order to address some of it and potentially doing different zones within the Impact Fee. For the building in areas that are causing more of an impact on those services and networks versus areas that already have those services available. For example, downtown versus the Prairie Ave. Area, downtown already has parks, sidewalks, the infrastructure so there is potentially less of an impact building in the downtown area then if you were building north of Prairie. So,

the impact fee would be higher in the Prairie area versus development impact fees in the downtown area. This could incentivize those businesses within areas that are looking for redevelopment. We are looking at the methodology in the next round of doing the update, there wasn't time for a complete update, the last one took a couple of years. We are currently reacting to a current development of a roundabout up at Prairie and Zorros and the CIP quoted it to be around \$722,000 however, the estimate came back at approximately \$2.1 million. The question came up, if we are only collecting \$722,000 how are we going to build the \$2.1 million project.

Schlotthauer – I think it is important to not overshoot it though. The construction industry is making a major correction right now, residential as well as municipal and as the residential market is slowing those contractors are moving into the public market. You will see decreases in costs like lift stations and roads in my opinion. We do have some high costs; however, things are coming down in price and everything will follow, and we just don't want to overshoot right now.

Manley – From my understanding this is a balancing correction, Melvin acknowledged you have the 2018 base for the transportation elements and Seale brought up the Parkland element. I know the previous 2020 was a little deficient probably in the estimated cost. We all know what the land costs have done in recent times, and I think all of it corrects it, so it is current now. I asked Melvin if he has ever seen a negative percentage in the ENR Index, which was a no so odds are we will not see a minus 2% in the ENR Index, we could, but odds are we won't there is generally an increase.

Kimball – There was one in 2007, -1.6%.

Manley – If we adjusted our Impact Fees accordingly, we would adjust from that.

Kimball – My point is, we should probably continue to use an established index and with such a jump in fees, I am speaking from experience, in a down market when fees double or go up at such a high increment the push back from the development community is to file a lawsuit. When I got into the weeds of this and saw JUB used an estimate of \$27 for a linear foot of curb and I just completed an estimate a couple weeks ago and it was \$17. When I see the costs being such a huge jump, if this goes through a judicial review it will not pass. I don't feel comfortable recommending it.

Manley – There is a balance.

Kimball – The land prices are dropping.

Manley – In the Capital Plan of \$780,000 project bid comes in \$2.1 million who picks up the difference? If the Impact Fees are not covering the cost of the Capital Plans.

Kimball – That is also a JUB estimate. With all due respect to JUB they are a great engineering company and I understand where they are coming from. They never want to be the low bidder, when doing an estimate, they want to be high that is how it should be. 2.1 is an overshoot for that as well; the reality of the construction world right now is the prices are dropping.

Schlotthauer – Prices are dropping, and the competitiveness is going up substantially. The price point you are looking at is a pinnacle and I would hate to see us adopt it based on the pinnacle and prevent development from happening because the fees are so extreme compared to our neighbors.

Steffensen – I had said before, I think we are always behind on the 8-ball on these. If we looked at them in 2020 using 2018 numbers, we are behind there and I know full reviews take time however, if it is in another 5 years we might be behind again. Just looking at the growth in 2021 it was over 9% growth and then inflation and I think we are in an exceptional time, and I don't like this increase by any means I don't want anything to slow down our

economy however, maybe this is a correction. Time will tell; have we had a change this much in the past or have we always used that index?

Manley – For the most part we have used the index, the major changes that occurred has been in our updates and staff takes a long time looking at our projects and we try to cost balance them. We try to be responsible in creating our Capital project lists based on what is necessary.

Steffensen – I don't necessarily think we are overshooting.

Melvin – Our Transportation Master Plan for example, we have a 20-year plan that we are trying to maintain a certain level of service requirements. When we developed it, we have a list of Capital Projects, we have not said we're going to fund them completely we use grants, some we get and some we do not get, however, we do apply for them. We also look at partnering opportunities when we can. The last time I was before the North Idaho Building Contractors, they had said they don't like the jump in Impact Fees however, they said if you don't have good park systems, roads, or police facilities and you're not maintaining them then you are not an attractive community to build in.

Hampe – 2018 is when the suggested numbers but they were not approved until 2020. So, it took 2 years, or are we working backwards?

Melvin – The Transportation Plan was adopted in 2018, it took a couple years to do that. If Parks does a new master plan, they will move the impact fees forward and adjust those fees. Same thing with both the Transportation Master plan and the Police Department.

Hampe – Okay, thank you!

****Commission continued the discussion regarding the information already provided above; all agreed to continue the discussion at a later time with more information per department with increases****

Kimball - Motion to move to Jan. 10th (Table) all in favor...
Moved

- **ADMINISTRATIVE / STAFF REPORTS**

None

- **COMMISSION COMMENT**

HAPPY HOLIDAYS/MERRY CHRISTMAS!

- **ADJOURNMENT 8:17PM**

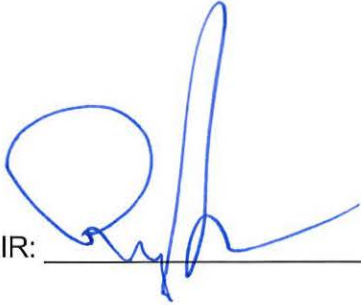
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Chair: Ryan Davis Vice Chair: Ray Kimball
Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

SIGNATURE PAGE

DATE: 1-10-23

CHAIR:  _____

ATTEST:  _____