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**PLANNING & ZONING COMMISSION  
MEETING MINUTES**

**JANUARY 10, 2023  
5:30 PM**

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

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**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, Ward, Schlotthauer - Present

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

- NATIONAL BITTERSWEET CHOCOLATE 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.*

**Manley-** Item 3 Unfinished Old Business has the continued Recommendation for Development Impact Fee Update. It doesn't mention "Action Item", so we need to move to a later date. We can meet at our Regular February Meeting, or we can hold a Special Meeting January 31<sup>st</sup> and cancel the February Meeting.

**Davis –** All in favor of having it January 31<sup>st</sup>.

**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. Meeting Minutes 12-13-2022
- b. Zoning Recommendation Nagra Annexation File No. ANNX-22-11
- c. Reasoned Decision Sinclair Addition Special Use Permit File No. SUP-22-4

Motion to approve as presented by Steffensen

2<sup>nd</sup> by Carey

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

- A. **\*Continued\* 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.  
**Davis** – This item was moved to January 31<sup>st</sup> for a Special Meeting.

**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. **Recommendation** D-Bat Facility Zone Change File No. ZC-22-6 – Ethan Porter, Associate Planner, to present a request to rezone approximately 2.13 acres from Heavy Industrial (HI) to Industrial (I). The Commission is to recommend approval/denial of the requested zoning designation to City Council. To provide a recommendation to City Council for the zoning designation of Industrial (I) from Heavy Industrial (HI) on approximately 2.13 acres. This request is generally located south of E. Seltice Way east of E. Commerce Loop. The land is currently vacant that sits over the Rathdrum Prairie Aquifer and the City of Post Falls will be both water and sewer provider. It is surrounded by Industrial with 2 larger parcels directly south Heavy Industrial (a legacy zone).

Zone Change Review Criteria:

- The Future Land Use Map designates this site as commercial within the Maplewood focus area. This category includes a broad mix of commercial, retail, professional office, civic, and cultural uses. Residential uses may be permitted by the implementing zoning district and active uses are emphasized along key block frontages to focus pedestrian and commercial activity. The implementing zoning districts is per focus area. It promotes infill development, commercial and industrial uses along Seltice Way; so being just south of Seltice Way along Commerce Loop this would utilize that Seltice Way Arterial.
- In seeking long-term prosperity, residents understand the need to build economic diversity – capitalizing on access to neighboring job centers as well as developing a strong business base within City limits. There were a couple other Goals and Policies that this request is consistent with that are within the Comprehensive Plan.
- Commerce Loop is classified as a Local Commercial Roadway; Seltice Way is classified as a Principal Arterial Roadway. Future traffic patterns to/from the site are benefitted from the proximity to Seltice Way that would distribute traffic from the subject site to SH41, I-90, and Coeur d'Alene, as identified in the City's Transportation Master Plan.
- Commerce Loop and Seltice Way can support commercial zoning.
- Not applicable
- Both Seltice Way and Commerce Loop provide sufficient access based on the City's Master Transportation Plan and the proposed zoning.

All other agencies have been notified; the Yellowstone Pipeline responded with no impact/no comment; Kootenai County Fire and Rescue reserves comments for the review process; Post Falls Police remain neutral, and the Post Falls Highway District had no comment.

**Hampe** – There is still Heavy Industrial but, there is no use for it correct?

**Porter** – Correct. The Heavy Industrial that remains is considered a legacy zone and will require a rezone, which is the main purpose of this meeting tonight. The applicant wants to utilize the land and develop it, but the zoning must be changed first. I am not sure how much Heavy Industrial is left in the city.

**Hampe** – Was it ever permitted?

**Porter** – I believe.

**Manley** – At one point in time Heavy Industrial was a zone that was an allowed permitted use. Years ago, they established a code stating no additional permits are allowed on a Heavy Industrial Lot which like this area forced them to ask for a rezone to obtain permits for development.

- Hampe** – Wouldn't it have made more sense to just make it Industrial at that time? Because it isn't usable as Heavy Industrial now.
- Manley** – We can't go back in time and figure out the rationale of why they did what they did about 20 years ago.
- Hampe** – So, it wasn't under your watch.
- Manley** – It wasn't, it was before my time.
- Herrington** – The City typically won't rezone property, the city usually waits for landowners to come forward and request a rezone.
- Hampe** – I can see that but, when you say you can no longer build with the zone, you're taking away its value.
- Manley** – Typically, the uses within Heavy Industrial, are smokestacks, steel refining companies, they are more of a heavy pollutant for the communities. I can only guess at one point in time there was a discussion stating they wanted more clean industrial uses rather than the heavy industrial uses. So, ultimately you are increasing opportunities with Industrial and Commercial rather than the use of Heavy Industrial.
- Hampe** – I understand, it is just a little confusing that it even exists if there is no use for it.
- Schlotthauer** – Do you have an idea of what used to be there?
- Manley** – I don't know what was out there.
- Ward** – I'm going to guess heavy industrial.
- Manley** – Yeah, I am not sure what the use was, as far as business.
- Davis** – I will say with landowner rights, it makes sense for them to come to us with the zone they are requesting.

**Applicant – Rex Anderson with Fusion Architecture in Spokane** – I've been working with Luke and Shannon on the development of this property and over the course of the development it became apparent that to develop we would need to rezone the property. Our narrative shows that our request meets the Goals and Policies within the Post Falls Municipal Code and I think Mr. Porter's introduction to the project speaks to how inline the location and zoning addresses the Future for the City of Post Falls. I also think the construction type will meet the Industrial Zoning. Luke, would you like to fill anything else in?

**Luke Greenside** – We want to develop this land and feel it will be a great addition to the community obviously we have a hurdle to work through with the Heavy Industrial, this request is to adjust that so we can move forward with this addition to Post Falls.

**Anderson** – The Commissioners comment was an interesting point; I understand land rights in Idaho and how it maybe imperative for the owners to present their case to the Jurisdiction. I feel it is an interesting case and maybe there isn't a pathway for the zoning classification to be phased out better and possibly this can be investigated further.

#### **Testimony**

**In Favor - None**

**Neutral - None**

**In Opposition - None**

#### **Deliberations:**

##### **Zoning Criteria:**

1. Amendments to the Zoning Map should be in accordance with the Comprehensive Plans and Future Land Use.



**\*All Commissioners agreed this was clear\***

2. Amendments to the Zoning Map should be in accordance with the Goals and Policies found in the Post Falls Comprehensive Plan.  
Davis – I think Porter covered it; he did a great job any other addition? No?
3. Zoning assigned to following consideration such as items of street classification, traffic patterns, existing development, future land use, community plans, geographic and natural features.  
**Kimball** – These fits in with the existing development pattern and this is just housekeeping really.  
**Steffensen** – Fits well with the traffic patterns too.
4. Commercial and high-density residential zoning typically assigned along streets with a higher road classification.  
**\*Not applicable\***
5. Limited neighborhood commercial, low-density residential zoning is typically assigned for properties as they proceed further away from higher intensity Urban activities ensuring that adequate land is available for future housing needs.  
**\*Not applicable\***
6. Industrial zoning is typically assigned to properties with sufficient access to major transportation routes and maybe situated away from residential zoning.  
**Kimball** – It has access directly on Commerce Drive which is a commercial route and butts up to Seltice Way which is an arterial, so it fits.  
**Steffensen** – It does have buffering between the residential zone that is to the south.

Motion to recommend to City Council finding it meets approval criteria in the PFMC and as outlined in our deliberations and direct staff to prepare a Zoning Recommendation with the zone change from Heavy Industrial to Industrial. - Hampe

2<sup>nd</sup> by Schlotthauer

Vote Steffensen – Yes; Carey – Yes; Kimball – Yes; Ward – Yes; Schlotthauer – Yes; Hampe - Yes

Moved

- B. **Recommendation** Post Falls Title 18A Idaho St. Housekeeping Ordinance File No. TA-22-6 – Jon Manley, Planning Manager, to present adding development standards; ensuring non-residential uses on the main floor of the development along Idaho St; within Title 18A for the SC5 and SC6 zoning districts. The requested action is to review and approve the requested amendments to the Title 18A. This amendment is specific to zones SC5 and SC6; The ground floor of any structure constructed on a lot with frontage on Idaho or Spokane Streets must be used for non-residential uses. The purpose is so we don't have apartments right along the prime commercial corridors for mixed use. As you can see our downtown area is SC5 and SC4 and along 4<sup>th</sup> and Idaho St you have SC5. A Developer was looking for this part of the code that never was codified, which is why we are bringing it forward again to gain adoption in a timely manner, so applicants want this code and so does staff. SmartCode 5 encourages a walkable corridor verses a typical auto centric type of development. All agencies have been notified with Yellowstone Pipeline and Post Falls Highway District having no comment/objection.  
**Ward** – Just north of the Freeway on Spokane St., is that part of it?  
**Manley** – This map was part of the previous public hearing on this, call me lazy but I didn't change it. So, this area has already been changed to SC5.

**Ward** – It was already approved for a bunch of apartments, right?

**Manley**- It's been planned for a mixed-use development along Spokane St and behind that they had planned on some residential units.

**Herrington** – To clarify, Spokane St. is already included in our current code. This request is just to add Idaho St.

**Manley** – Also it is only for the SC5 and SC6 areas.

**Testimony:**

**In Favor - None**

**Neutral - None**

**In Opposition - None**

Motion to recommend approval to City Council as presented by Kimball

2<sup>nd</sup> by Carey

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

Moved

**5. ADMINISTRATIVE / STAFF REPORTS**

None

**6. COMMISSION COMMENT**

**HAMPE – NEW UPDATED ALLOWED USE TABLE**

**7. ADJOURNMENT 6:06PM**

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

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

Chair: Ryan Davis      Vice Chair: Ray Kimball

Members: Vicky Jo Cary, Nancy Hampe, Ross Schlotthauer, James Steffensen, Kevin Ward

Date: 1-31-2023

Chair: 

Attest: 