

**CITY OF POST FALLS
STAFF REPORT**

DATE: May 8, 2024

TO: POST FALLS PLANNING & ZONING COMMISSION

FROM: JON MANLEY, PLANNING MANAGER, 457-3344, jmanley@postfalls.gov

SUBJECT: FINAL STAFF REPORT FOR THE MAY 14, 2024 P&Z MEETING
TITLE 18 AND 18A HOUSEKEEPING TEXT AMENDMENT

FILE NUMBER/NAME: TA-24-1 / TITLE 18 AND 18A TEXT AMENDMENT

APPLICANT: City of Post Falls Planning Division

REQUESTED ACTION: The Planning Division is seeking amendments to Title 18 and 18A Post Falls Municipal Code (PFMC) for the following:

- PFMC Section 18.20.130. – Subsection A4, clarifies what site changes would require Commercial Site Plan Review development standards.
- PFMC Section 18A.20.070 – Building Configuration, Subsection A describes what qualifies as a story in SmartCode and identifies how a single level building may be counted as a two (2) story building under certain conditions.

PROPOSED CHANGES: Exhibit S-1 (Draft Ordinance), details the code sections that are being requested to be modified, with the underlined text being the proposed new language and the ~~striketrough~~ text being removed. The following is an overview of the proposed changes:

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

Agencies Notified:

Post Falls Post Office	PF Park & Rec	East Greenacres Irr. District
Kootenai County Fire	Kootenai Electric	Time Warner Cable
PF Highway District	Ross Point Water	PF Police Department
PF School District	Verizon	Utilities (W/WW)
Avista Corp. (WWP-3)	Idaho Department of Lands	Urban Renewal Agency
Department of Environmental Quality	Panhandle Health District	Kootenai County Planning
Conoco, Inc. (Pipeline Co.)	NW Pipeline Corp.	KMPO
Yellowstone Pipeline Co.	TransCanada GTN	TDS

MOTION OPTIONS: The Planning Commission must provide a recommendation pertaining to the requested amendment to City Council, of which at a later date, an additional Public Hearing will be heard by City Council. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a later date certain. If the Commission has heard sufficient testimony but needs additional time to deliberate and make a recommendation, it may close the public hearing and move the deliberations to a later date certain.

ATTACHMENTS:

Staff Submittals:

Exhibit S-1 Draft Title 18 and 18A Ordinance

Testimony:

Exhibit PA-1: Post Falls School District – Remains Neutral

Exhibit PA-2: Kootenai County Fire & Rescue – Reserves to coordinate at time of permitting

Exhibit PA-3: Panhandle Health District – has no comment

Exhibit PA-4: Department of Environmental Quality – has no environmental impacts

Exhibit PA-5: Post Falls Highway District – has no comment

ORDINANCE NO. [Category]

AN ORDINANCE AMENDING SECTIONS OF TITLE 18 ZONING, THE MUNICIPAL CODE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO; AMENDING 18.20.130 – SITE PLAN REVIEW; AMENDING 18A.20.070 – BUILDING CONFIGURATION; PROVIDING SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE BY SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after recommendation of the Planning and Zoning Administrator on the hereinafter provided amendments; and

WHEREAS, a public hearing was held before the Post Falls Planning and Zoning Commission on May 14th, 2024 in accordance with the law, testimony taken, and recommendation of the Commission that the City Council adopt the amendments hereinafter provided; and

WHEREAS, *after public hearing on the hereinafter provided amendments, and after recommendation by the Planning and Zoning Commission*, it is deemed by the Mayor and City Council to be in the best interests of the City of Post Falls that said amendments be adopted;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Post Falls as follows:

SECTION 1. *That Post Falls Municipal Code Section 18.20.130. – Subsection A4, is amended to read as follows:*

18.20.130. - Site Plan Review.

A. *Site plan review* ensures that new development meets applicable provisions of this Code through administrative review. A *Site plan* shall implement the appropriate provisions to connect to nearby infrastructure and utilities, provide necessary easements, complement adjoining land *Uses* and transitioning of areas. *Site plan review* and approval is required for the following conditions:

1. Establishment or location of any permitted commercial, industrial, public or multi-family residential (three (3) or greater units on one (1) parcel) *Structure* or Use on a vacant Lot.
2. Expansion of the total *Floor Area* (either attached or detached) of an existing *Structure* greater than twenty-five (25) percent other than a multi-family *Structure*.
3. Expansion of a multi-family *Structure* (duplex or greater) in which additional unit(s) are to be attained.
4. ~~Tenant improvement that results in the change of Use or expansion of an~~

~~existing Use of twenty-five (25) percent or more within a Structure. Change of Use is defined by the International Building Code (IBC). A change of Use within an existing Structure of twenty-five (25) percent or more, an expansion of an existing Structure of twenty-five (25) percent or more, or any change of Use on the site itself (outside of the Structure) where improvements are required within PFMC for the utilization of the land as intended.~~

SECTION 2. *That Post Falls Municipal Code Section 18A.20.070 – Building Configuration. Subsection A, is amended to read as follows:*

18A.20.070. – Building configuration.

A. General to Zones SC-2 Through SC-6.

1. The *Private Frontage* of buildings shall conform to and be allocated in accordance with table 7 and table 14I, attached to the ordinance codified herein.
2. Buildings on corner lots shall have two (2) *Private Frontages* as shown in table 17, attached to the ordinance codified herein. Requirements for the second and third *Layers* pertain only to the *Principal Frontage*. Prescriptions for the first *Layer* pertain to both *Frontages*.
3. Building heights, *Step Backs*, *Expression Lines*, and *Extension Lines* shall conform to table 8 and table 14J, attached to the ordinance codified herein.
4. ~~Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling, except for a first floor commercial Function, which shall be a minimum of eleven (11) feet and may be a maximum of twenty five (25) feet. A single floor level exceeding fourteen (14) feet, or twenty five (25) feet at ground level, shall be counted as two (2) Stories. Mezzanines extending beyond thirty three (33) percent of the floor area shall be counted as an additional Story.~~

Stories:

- i. *Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling.*
- ii. *A ground-level non-residential Function will be a minimum of eleven (11) feet. If a ground-level non-residential Function is measured at between eighteen (18) feet and twenty-five feet (25), it will be counted as two (2) Stories. In no event can any ground-level non-residential Function exceed twenty-five (25) feet in height as measured from finished floor to finished ceiling, except for single-level buildings with a flat roof with a parapet.*

iii. Mezzanines extending beyond thirty-three (33) percent of the floor area of any building shall be counted as an additional *Story*.

5. All single-level buildings with a pitched roof of at least eighteen (18) feet and up to a maximum of twenty-five (25) feet measured from finished floor to finished ceiling or top plate of the wall, shall be counted as two (2) *Stories*.

6. All single-level buildings with a flat roof with a parapet of at least twenty (20) feet and a maximum of thirty feet (30) feet measured from finished floor to top of parapet, shall be counted as two (2) *Stories*.

57. In a *Parking Structure* or garage, each level counts as a single *Story* regardless of its relationship to habitable *Stories*.

68. Height limits do not apply to attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.

79. All *Principal Buildings* must have a primary entrance facing the public *Sidewalk* that is made readily identifiable by the use of canopies, *Forecourts*, porticos, clerestory and/or side windows, and/or other architectural details. Interior buildings (secondary buildings) may utilize well-lit and clearly marked pedestrian oriented *Plazas*, or courtyard entrances to service as *Principal Entrances*. Entrances at building corners may be used to satisfy this requirement. All entrances must be connected to the *Sidewalk* within the *Public Frontage* and/or *Private Frontage* by providing a walkway constructed of concrete, asphalt, or pavers.

SECTION 3. All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Post Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included

therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on _____, 2024.

APPROVED, ADOPTED and SIGNED this day of , 2024.

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

SUMMARY OF POST FALLS ORDINANCE NO. [Category]

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. [Category], Section 1 provides for amendment of 18.20.130 - Site Plan Review, Section 2 provides for amendment of 18A.20.070 – Building Configuration, Subsection A of City Code regarding Story Calculation. The full text of the summarized Ordinance No. [Category] is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.

Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Field K. Herrington, am the legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No.[Category], and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this day of , 2024.

Field K. Herrington, City Attorney



POST FALLS

SCHOOL DISTRICT #273

DISTRICT OFFICE
P.O. Box 40
Post Falls, ID 83877
PHONE 208-773-1658
FAX 208-773-3218
www.pfsd.com

September 8, 2023

Robert Seale
Community Development Director
City of Post Falls
408 Spokane Street
Post Falls, ID 83854

Dear Bob,

The purpose of this letter is to restate the status and position of the Post Falls School District regarding growth within the city and school district boundaries. The Post Falls School District will continue to remain neutral regarding proposed developments and will provide additional or modified comments in a timely manner when deemed necessary.

The district has a responsibility through State statute to provide an appropriate education for every student ages 6 through 21 who attend our schools. It is also the district's responsibility to provide an adequate educational program, organizational structure, and facilities.

Though there are pros and cons for new development growth, the district will continue to provide a quality education. The district appreciates the working relationship we have with the City of Post Falls.

With the anticipated growth in future years, the district requests assistance from the Planning Department to acquire school building sites in any large proposed residential developments and support financial mitigation for smaller developments.

The enrollment status and capacity of each school for the 2023-2024 school year are listed below.

The district will review the current long-range facility plan this fall. A copy of the current plan is included with this letter.

School	2023-2024 Enrollment	Building Capacity
Greensferry Elementary	400	525
Mullan Trail Elementary	341	500
Ponderosa Elementry	440	570
Prairie View Elementary	328	525
Seltice Elementary	410	560
Treaty Rock Elementary	432	525
West Ridge Elementary	415	525
Post Falls Middle School	765	920
River City Middle School	597	750

Our school community will develop relationships, skills, and knowledge to become responsible citizens who think critically to solve problems.

Post Falls High School	1645	1800
New Vision High School	144	225

The school district looks forward to continuing the good working relationship we have with the City of Post Falls. Thank you for your support of the Post Falls School District.

Sincerely,



Dena Naccarato
Superintendent

Cc: Post Falls School District Board of Trustees
Shelly Enderud, City Administrator

Kootenai County Fire & Rescue

Fire Marshal's Office

5271 E. Seltice Way
Post Falls, ID 83854
Tel: 208-777-8500
Fax: 208-777-1569
www.kootenaifire.com

January 18, 2024

Nancy Thurwachter
Planning Administrative Specialist
nthurwachter@postfalls.gov

RE: Notice to Jurisdiction Response

Nancy,

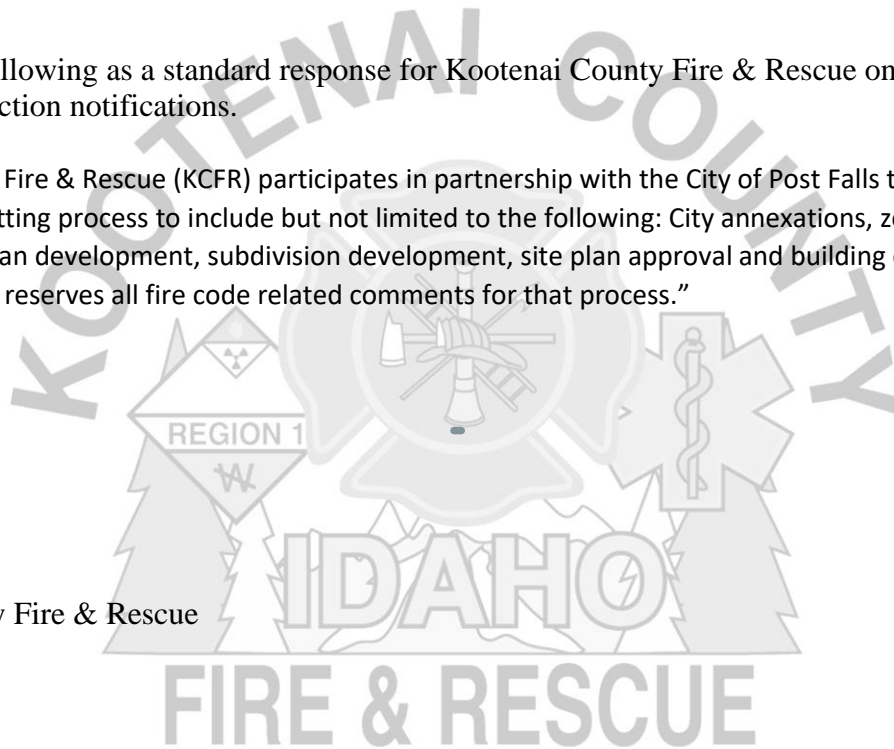
Please use the following as a standard response for Kootenai County Fire & Rescue on all applicable Notice to Jurisdiction notifications.

"Kootenai County Fire & Rescue (KCFR) participates in partnership with the City of Post Falls throughout the review and permitting process to include but not limited to the following: City annexations, zoning issues, comprehensive plan development, subdivision development, site plan approval and building construction code compliance. KCFR reserves all fire code related comments for that process."

Respectfully,



Jeryl Archer II
Kootenai County Fire & Rescue
Division Chief
Fire Marshal



Nancy Thurwachter

From: Ryan Johnsen <rjohnsen@phd1.idaho.gov>
Sent: Thursday, April 25, 2024 11:09 AM
To: Nancy Thurwachter
Subject: RE: Notice to Jurisdictions - Title 18 Zoning and Title 18A Smartcode Zoning Amendment File No TA-24-1

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PHD has no comment.

Thanks!



Public Health
Prevent. Promote. Protect.

Panhandle Health District

Ryan Johnsen | Sewage Program Coordinator, EHS
35 Wildcat Way, Suite A, Kellogg, ID 83837
P: 208-415-5209
W: [Panhandlehealthdistrict.org](https://panhandlehealthdistrict.org)

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From: Tara Bright <tbright@phd1.idaho.gov>
Sent: Friday, April 19, 2024 9:35 AM
To: Ryan Johnsen <rjohnsen@phd1.idaho.gov>
Subject: FW: Notice to Jurisdictions - Title 18 Zoning and Title 18A Smartcode Zoning Amendment File No TA-24-1



Public Health
Prevent. Promote. Protect.

Panhandle Health District

Tara Bright | Office Services Supervisor
8500 N. Atlas Rd., Hayden ID 83835
P: 208-415-5220
E: ehapplications@phd1.idaho.gov
W: [Panhandlehealthdistrict.org](https://panhandlehealthdistrict.org)

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Nancy Thurwachter

From: Kristie May <Kristie.May@deq.idaho.gov>
Sent: Friday, April 26, 2024 9:57 AM
To: Nancy Thurwachter
Subject: RE: Notice to Jurisdictions - Title 18 Zoning and Title 18A Smartcode Zoning Amendment File No TA-24-1

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Thank you for providing the opportunity to comment. DEQ has no environmental impact comments for the proposed ordinance listed above.

Thank you,

Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Office Line: 208.769.1422
www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

From: Nancy Thurwachter <nthurwachter@postfalls.gov>
Sent: Friday, April 19, 2024 9:30 AM
To: Ali Marenau <AMarienau@kmpo.net>; Alynnette Farley <abfarley@BPA.Gov>; Amanda Raymond <arraymond@bpa.gov>; Avista <c01_Real_Estate@avistacorp.com>; Avista <cdaconst@avistacorp.com>; Ben Tarbutton <btarbutton@kcgov.us>; Carey Borchardt <carey.borchardt@charter.com>; Carrie Ann Hewitt <carrieann.hewitt@itd.idaho.gov>; CDA Garbage Reception <reception@cdagarbage.com>; Chad Ingle <cingle@kcgov.us>; Chad Polak <Chad.M.Polak@p66.com>; Chris Way <cway@kootenaifire.com>; Christina Petit <christina@postfallschamber.com>; Christine Harmon <Christine.Harmon@deq.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dan Zeck <dan@eastgreenacres.org>; Dana Marsh <dana.marsh@tdstelecom.com>; Daniel Mavrinac <Daniel.Mavrinac@BNSF.com>; David Callahan <dcallahan@kcgov.us>; David Haggerty <David.Haggerty@tdstelecom.com>; Dena Naccarato <dena.naccarato@sd273.com>; Devin Weeks <dweeks@cdapress.com>; Glen Miles <Gmiles@kmpo.net>; Greta Gissel <greta@connectkootenai.org>; Jame Davis <jame.davis@intermaxteam.com>; Jason Cortes <JCortes@hbkengineering.com>; Jeff Boren <Jeffrey.Boren@charter.com>; Jeremy Hofer <jhofer@kec.com>; Jeryl Archer <jeryla@kootenaifire.com>; Jessie Holderman <JHolderman@kec.com>; John R. Price <John.Price1@charter.com>; Jordan Wirth <Jordan.T.Wirth@usps.gov>; Karen Philips <Karen.Phillips@avistacorp.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kevin Teo <kevin.teo@ziply.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie May <Kristie.May@deq.idaho.gov>; Lori Cogley <lcogley@kec.com>; Lynn Sandsor <lynn.sandsor@aecom.com>; Mark Brantl <mbrantl@postfallspolice.gov>; Owens, Dylan <Dylan.Owens@tdstelecom.com>; Panhandle Health General <ehapplications@phd1.idaho.gov>; Patricia M. Corrigan <pcorrigan@hbkengineering.com>; PFPD Admin <admin@postfallspolice.gov>; Post Falls Highway District <contactus@postfallshd.com>; Robert Beachler <robert.beachler@itd.idaho.gov>; Ron Wilson <Ron@eastgreenacres.org>; Ross Point Water <rosspointwater@yahoo.com>; Ryan Goff <ryan.goff@tdstelecom.com>;

Nancy Thurwachter

From: Jonie Anderson <Jonie@postfallshd.com>
Sent: Monday, May 6, 2024 9:26 AM
To: Nancy Thurwachter
Subject: RE: Notice to Jurisdictions - Title 18 Zoning and Title 18A Smartcode Zoning Amendment File No TA-24-1

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Good morning,
The Post Falls Highway District has no comment.

Jonie Anderson
Post Falls Highway District
208.765.3717
contactus@postfallshd.com



From: contactus@postfallshd.com <contactus@postfallshd.com> **On Behalf Of** Nancy Thurwachter
Sent: Friday, April 19, 2024 9:30 AM
To: Ali Marenau <AMarienau@kmpo.net>; Alynette Farley <abfarley@BPA.Gov>; Amanda Raymond <arraymond@bpa.gov>; Avista <c01_Real_Estate@avistacorp.com>; Avista <cdaconst@avistacorp.com>; Ben Tarbutton <btarbutton@kcgov.us>; Carey Borchardt <carey.borchardt@charter.com>; Carrie Ann Hewitt <carrieann.hewitt@itd.idaho.gov>; CDA Garbage Reception <reception@cdagarbage.com>; Chad Ingle <cingle@kcgov.us>; Chad Polak <Chad.M.Polak@p66.com>; Chris Way <cway@kootenaifire.com>; Christina Petit <christina@postfallschamber.com>; Christine Harmon <christine.harmon@deq.idaho.gov>; Dan Ryan <danr@kootenaifire.com>; Dan Selden <danselden@hotmail.com>; Dan Zeck <dan@eastgreenacres.org>; Dana Marsh <dana.marsh@tdstelecom.com>; Daniel Mavrinac <Daniel.Mavrinac@BNSF.com>; David Callahan <dcallahan@kcgov.us>; David Haggerty <David.Haggerty@tdstelecom.com>; Dena Naccarato <dena.naccarato@sd273.com>; Devin Weeks <dweeks@cdapress.com>; Glen Miles <Gmiles@kmpo.net>; Greta Gissel <greta@connectkootenai.org>; Jame Davis <jame.davis@intermaxteam.com>; Jason Cortes <JCortes@hbkengeering.com>; Jeff Boren <Jeffrey.Boren@charter.com>; Jeremy Hofer <jhofer@kec.com>; Jeryl Archer <jeryla@kootenaifire.com>; Jessie Holderman <JHolderman@kec.com>; John R. Price <John.Price1@charter.com>; Jordan Wirth <Jordan.T.Wirth@usps.gov>; Karen Phillips <Karen.Phillips@avistacorp.com>; Kevin Linville <kevin.linville@tdstelecom.com>; Kevin Teo <kevin.teo@ziply.com>; Kristen Rondo <krondo@phd1.idaho.gov>; Kristie May <Kristie.May@deq.idaho.gov>; Lori Cogley <lcogley@kec.com>; Lynn Sandsor <lynn.sandsor@aecom.com>; Mark Brantl <mbrantl@postfallspolice.gov>; Owens, Dylan <Dylan.Owens@tdstelecom.com>; Panhandle Health General <ehapplications@phd1.idaho.gov>; Patricia M. Corrigan <pcorrigan@hbkengeering.com>; PFPD Admin <admin@postfallspolice.gov>; Post Falls Highway District <contactus@postfallshd.com>; Robert Beachler <Robert.Beachler@itd.idaho.gov>; Ron Wilson <Ron@eastgreenacres.org>; Ross Point Water <rosspointwater@yahoo.com>; Ryan Goff <ryan.goff@tdstelecom.com>; Sherman <Sherman@cdagarbage.com>; Stephen Elliott <stephen.elliott@williams.com>; Tess Reasor <tess@connectkootenai.org>; Tom kearns <tkearns@idl.idaho.gov>; Tom Murn <Tom.Murn@Ziply.com>; URA <postfallsura@gmail.com>