



**PLANNING AND ZONING COMMISSION
MEETING AGENDA**

**October 30, 2023
2:00 PM**

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

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

1. CONSENT

Montrose PUD Amendment/Subdivision File No PUDA-22-1/SUBD-22-10 Reason Decision.

ACTION ITEMS:

- a. Montrose PUD and Subdivision Amendment Reasoned Decision File No(s): PUDA-22-1/SUBD-22-10

2. ADJOURNMENT

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

Montrose PUD Amendment/Subdivision File No(s). PUDA-22-1/SUBD-22-10 Planning and Zoning Commission Reasoned Decision

A. INTRODUCTION:

APPLICANT: Kevin Schneidmiller and Greenstone-Kootenai II

LOCATION: South of Poleline Ave., north of Seltice Way, north Mullan Avenue, and east of McGuire Rd. within the Montrose PUD

REQUEST: Review and approve with appropriate conditions for the proposed Major PUD Amendment and subdivision, finding that both meet the review criteria and the code requirements found within Post Falls Municipal Code.

B. RECORD CREATED:

1. A-1a PUD Amendment Application
2. A-1b Subdivision Application
3. A-2 Narrative
4. A-3 Phasing Plan
5. A-4a Preliminary Plan
6. A-4b Will Serve
7. A-5 Authorization Letter
8. A-6 Title Report
9. S-1 Vicinity Map
10. S-2 Zoning Map
11. S-3 Future Land Use Map
12. PA-1 PFPD Comments
13. PA-2 YPL Comments
14. PA-3 PFSD Comments
15. PA-4 KCFR Comments
16. PA-5 PFHD Comments
17. PA-6 PFHD Comments
18. PA-7 PHD Comments
19. PA-8 YPL Comments
20. PZ Staff Report
21. Testimony at the July 11, 2023 Planning and Zoning Commission ("Commission") hearing including:

The Planning and Zoning Commission (hereinafter "Commission") heard the request at a public hearing, the hearing was in-person and live-streamed on the City of Post Falls YouTube Channel. The request was for the Commission to review the request to approve the proposed major amendment to the Montrose PUD and subdivision. The proposed Major PUD amendment requested a design standard deviation to increase the lot coverage from 40 percent allowed under the City of Post Falls municipal code to 50 percent for the Montrose PUD per Exhibit A-2. This amendment decreased the potential housing units from 769 to 465 housing units (Exhibit A-3). The requested subdivision proposed a multiphase subdivision for approximately 306 lots on 73.72 acres per

Exhibit A-4a. The request is evaluated under the standards of Post Falls Municipal Code ("PFMC") §§ 18.20.080 and 17.12.060.

Jon Manley, Planning Manager

Mr. Manley presented the staff report to the Commission. He testified that the owner of the property is Schneidmiller Land Company, Schneidmiller Partners and Greenstone-Kootenai Inc. represented by the Applicant, Kevin Schneidmiller. Mr. Manley summarized the request made by Kevin Schneidmiller on behalf of Schneidmiller Land Company and Greenstone-Kootenai Inc. to approve the proposed Major PUD Amendment. The amendment would allow for an increase in lot coverage from 40 percent to 50 percent for the Montrose PUD and would also remove remaining cluster housing and multi-family areas for phase 4 and 5, providing only single-family detached lots. The project location is bound to the west by McGuire, to the east by Chase, and to the north by Poleline. Mr. Manley noted that the removal of cluster housing from phase 4 and 5 reduces the total approved units from 769 to 465.

Mr. Manley clarified that the removal of cluster and multi-family is just for the areas in phases 4 and 5 and the 50 percent lot coverage would apply towards the whole PUD, meaning that if someone asked for an addition in previous phases, they would have an increased development right for 50 percent lot coverage.

Mr. Manley testified that the Post Falls Highway District had an original comment from the October notice that they had no comment or concerns. They then followed it up for this noticed hearing that they had concerns but with no explanation as to what those were. The City Engineering Division has noted that reducing the density by 300 housing units would reduce the net daily traffic by 2500-3000 trips per day.

Rob Palus, Assistant City Engineer

Mr. Palus discussed the transportation plan for the Montrose subdivision. The City of Post Falls maintains the public roadways within the subdivision and the roads along Poleline and McGuire Road. The long-term goal is to make Poleline Avenue a straight shot, which would require an \$8 million investment. The Highway District does not have any adjacent section of Poleline, so he speculated, that their concern may be that improvements are needed at the intersection of Poleline Avenue and McGuire Road if a bridge is constructed. Additionally, traffic control devices may be necessary on McGuire Road due to its expansion to a five-lane roadway.

Jon Manley, Planning Manager

Mr. Manley discussed the proposed multiphase subdivision for approximately 306 lots on 73.72 acres. The average lot size of 6,000 feet is similar to current lots in Montrose, and the proposed R1 zoning is consistent with surrounding zones. He noted that the public process was previously discussed in a staff report and met notification requirements, including a four-inch by two column advertisement, legal notice, and site posting at nine different locations.

Kevin Schneidmiller, Applicant

Mr. Schneidmiller requested approval for an amendment to the Montrose PUD originally approved in 1998, as well as approval to subdivide 75 acres within the PUD for single-family detached housing. The original agreement stated that they would not pay park mitigation fees but provide certain park improvements and land. Over the last 18 months, they have been working with the Parks Department to provide a combined site that accommodates the park and public use facility, in addition to providing a certain level of dollars for improvements. They have transferred about 22 acres of land to the City for ball fields, and the first phase of the park will be completed in 2024. As lots have gotten smaller over time, they have bumped up against the issue of exceeding the 40 percent maximum coverage.

They agreed to realign the intersection of Clark Fork and Poleline and leave a temporary connection in place until July 1, 2025, to allow for a trail system. The parks described will be maintained by the City, while all other parks within Montrose are private and maintained by the HOA.

Public Testimony:

The Chair opened the hearing for public testimony. None was received.

Deliberations: The Chair closed the hearing upon completion, and the Commission progressed to deliberations to discuss their interpretation of the information presented both orally and in the written record and to apply that information to the approval criteria contained in Post Falls Municipal Code ("PFMC") §§ 18.20.080 and 17.12.060.

EVALUATION OF APPROVAL CRITERIA:

C. PUD REVIEW CRITERIA:

To approve a proposed PUD, plan the commission must determine that the proposal meets each of the following approval criteria:

C1. The proposed PUD provides for adequate utilities, services, and parking to service the proposed development by:

a. Providing a public water supply system that has adequate supply to serve the proposed development.

The Commission determines that the project will connect East Greenacres District providing adequate water supply to serve the proposed development. This is evidenced by the provision of a will-serve letter from the District.

b. Providing a public wastewater collection system that is designed in accordance with the City's adopted Wastewater Master Plan and has sufficient capacity to accommodate the proposed sewer flows.

The Commission determines that Post Falls is the wastewater service provider. The evidence shows that the proposed amendment, which decreases the number of residential units through a modification from cluster housing to single-family residential will generate a decrease in wastewater flows than the original PUD. The downstream wastewater collection and treatment systems provide for generated flows from the development as a part of our long-range facility plans. The wastewater collection system within the subdivisions shall be extended to accommodate service to adjacent properties per our wastewater collection system master plans.

c. Providing adequate accommodation for other utilities necessary to support the proposed development.

The Commission determines that other utilities are accommodated during project development by including utility easements along the dedicated public rights-of-way.

d. Providing sufficient parking throughout the development to adequately meet the parking needs of all uses proposed in the PUD.

The Commission determines that the proposed PUD is required to meet City of Post Falls parking requirements through individual residential permitting. Additional parking is provided by including standard on-street parking along both sides of residential streets. No evidence was presented to the contrary.

C2. The proposed PUD provides for an integrated transportation network that adequately serves the proposed development by:

- a. **Providing for the continuation of arterial and collector streets, meeting City standards for traffic volume, in a manner consistent with the City's adopted Transportation Master Plan.**

The Commission determines that the Subdivision will provide for frontage improvements to the collector and arterial roadways of McGuire Road, Poleline Avenue, and Clarkfork Parkway. This will aid in the completion of adjacent and interior roadways, with Santium Drive and Clark Fork Parkway providing access around the currently bisected section of Poleline Ave. The Commission understands that Santium Drive is intended as a temporary roadway connection until provisions for extending Poleline Ave. through the Grand Junction crossings are completed. As such, the temporary connection of Santium shall remain open until July 1, 2025, to allow for the city to negotiate with the railroad on the closure of this crossing in support of a new crossing with UPRR. The city will need to continue to coordinate with EMS and the School District regarding the long-term need for this temporary connection as the development progresses.

- b. **Providing a local street network that allows adequate traffic circulation and snow storage throughout the entire development.**

The Commission determines that there is adequate regarding traffic circulation and snow storage in the proposed development. Staff presented that an internal network of public roadways will be established, connecting to residential collectors, to ensure adequate traffic circulation. Standard roadside swales and grass strips will be utilized for snow storage. To maintain flexibility in the future reconnection of Poleline Avenue, the Commission requires the dedication of future Rights-of-Way to the city as part of any associated plat adjoining this area. The city will be responsible for the maintenance of these areas upon dedication of the Rights-of-Way.

- c. **Providing a pedestrian and bicycle system designed to provide adequate circulation throughout the entire development and to all open space areas.**

The Staff Report and Narrative show that the project is providing sidewalks and / or multi use trails along all public roadways. The proposed trail system allows for the eventual abandonment of the BNSF rail spur that runs through the development, which is a long range planned City trail system, once the abandonment is complete. Completion of frontage improvements along McGuire Rd. and Poleline Ave. will aid in providing sufficient widths to accommodate future bike lanes. Therefore, the Commission determines that the project would conform with the city's standards for adequate pedestrian and bicycle circulation throughout the entire development and to all open space areas.

C3. The proposed PUD provides enhanced community design by:

- a. **Conserving and incorporating the sites significant natural, scenic and/or historical features in the development, if any.**

The Staff Report provides that there are no significant natural, scenic, or historical features on the subject property to conserve. No other evidence was presented. Therefore Commission determines that there are no significant natural, scenic, or historical features on the subject property to conserve.

- b. **Integrating a mix of compatible land uses in the development and adequately buffering and/or separating any incompatible uses in the development.**

The Staff Report and Narrative from the applicant show that the applicant intends to develop single-family lots consistent with the other uses in the area, no evidence to the contrary was presented. Therefore, the Commission determines that the proposed uses are a compatible mix of uses and adequately buffer from incompatible uses in the development.

- c. **Locating the proposed uses and lot sizes in the proposed PUD in a manner that blends with the surrounding uses, neighborhoods and public facilities located in the City.**

In examining the evidence contained in the Staff Report and the applicant's Narrative, the Commission finds that the proposed use and lot configuration blends with other uses, neighborhoods, and public facilities surrounding this development, no evidence to the contrary was presented.

- d. **Providing at least ten percent (10%) of the gross land area for open space that meets the recreational needs of the users of the development and provides for a variety of recreational uses.**

The Commission determines that based upon the approximately 10% open space calculation as explained by the evidence presented by the staff and the applicant, the PUD meets this criterion, no evidence to the contrary was presented.

C4. The proposed PUD provides for timely development of the property and security for future completion and maintenance by:

- a. **Ensuring that each development block contains all the necessary element to exist independently from future blocks.**

The Staff Report provides this is within the phasing schedule already established and that the proposed amendment reduces the overall density for these associated phasing and eliminates many of the cul-de-sacs shown in the original design. The elimination of the cul-de-sacs would be considered an improvement. The design standard deviation request to increase lot coverage from 40 percent allowed under the City of Post Falls municipal code to 50 percent for the Montrose PUD would not affect this review criterion. The Commission agrees and finds that the PUD amendment ensures that each development block contains all the necessary elements to exist independently from future blocks.

- b. **Ensuring that each building in the development lot has sufficient access around the structure to allow for continual maintenance of the building and access for emergency services.**

The Commission determines that based on the evidence presented by staff and the applicant, the proposed development plan, site plan development requirements, standards setback requirements, and building code requirements should allow sufficient access around the structure to allow for continual maintenance of the building and access for emergency services.

- c. **Ensuring that a funding mechanism exists to adequately maintain common areas that are not publicly maintained.**

Based on testimony from the applicant, the Commission has determined that a Homeowner's Association has already been established to maintain any common areas that are not publicly

maintained. Therefore, there exists a funding mechanism to adequately maintain such common areas.

- D. SUBDIVISION REVIEW CRITERIA:** (Post Falls Municipal Code Title 17.12.060, Subsection H): No subdivision shall receive approval unless findings and conclusions are made that:

- D1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.**

The Commission determines that the project will connect to the East Greenacres District providing adequate water supply to serve the proposed development. This is evidenced by the provision of a will-serve letter from the District.

- D2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.**

The Staff Report stated that the City of Post Falls has adequate capacity to provide service to the subdivision as proposed. The conceptual layout of the sanitary sewer system, as proposed, shows the ability to be served and shall be designed and constructed to City Standards. No evidence to the contrary was provided, therefore, the Commission determines that the city of Post Falls has adequate capacity to provide sewer service to the subdivision as proposed.

- D3. Proposed streets are consistent with the transportation element of the comprehensive plan.**

The Staff report and applicant's Narrative prove that the subdivision and proposed layout are consistent with the City's Transportation Master Plan and Design Standards. There was no evidence to the contrary, therefore the Commission determines that the subdivision and proposed layout are consistent with the City's Transportation Master Plan and Design Standards.

- D4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.**

No testimony or evidence was presented that identified any soil or topographical conditions as presenting hazards. The Commission therefore determines that there are no identified soil or topographical conditions that present hazards to the subdivision as proposed.

- D5. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code.**

The Staff Report and the applicants Narrative provide that the subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning) while being consistent with the Approved Montrose PUD. The Commission therefore determines that the subdivision and proposed lots conform to Title 17 and Title 18 requirements for the R1 single-family zoning district within the Montrose PUD. The uses allowed in that zone will be permitted consistent with PFMC 18.20.030 Land Use Table.

- D6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.**

The Staff Report states that impact fees, lift station fees, and surcharge fees will be assessed on individual building permits to mitigate the off-site impacts to parks, fire, EMS, public safety, multi-

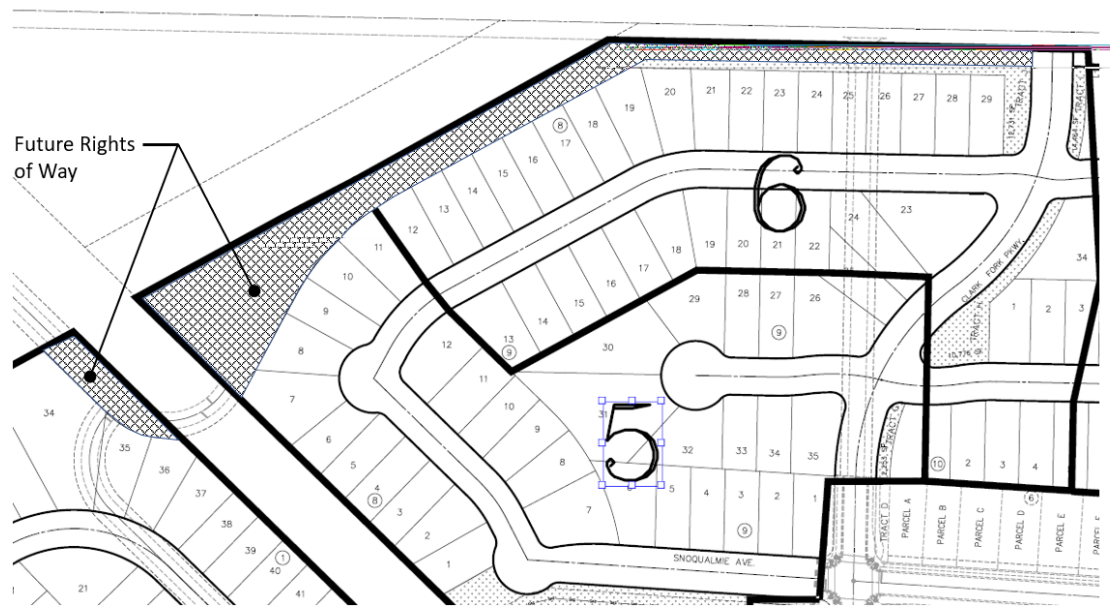
modal pathways, and streets. Therefore, the Commission determines that there are adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community.

D7. Additional Recommended Conditions necessary to ensure compliance with the adopted standards:

The Commission decides that the requested subdivision can meet the city's standards. However, certain conditions will need to be completed to meet the criteria. Those conditions, 1-10 listed below, when imposed, will ensure that the criteria found in PFMC are met. Based upon the presentations made to the Commission at a properly noticed public hearing, the record compiled in this matter, the applicant must meet the following conditions:

1. Corrections and additions, if any, to the Planned Unit Development (PUD) amendment and/ or Subdivision requested by staff and/or the Planning & Zoning Commission should be completed by the applicant and reviewed by staff prior to approval.
2. A Master Development Agreement shall be prepared by staff, reviewed, and approved by the City Council, and signed by the parties prior to commencement of any construction.
3. A Construction Improvement Agreement shall be completed prior to construction of each phase.
4. Construction plans of the streets and utilities shall be submitted to, reviewed, and approved by the Engineering Division prior to any street or utility construction associated with any phase. Such plans shall also include anticipated driveway approaches and location of proposed mailboxes.
5. Except where an exception is granted, all streetlights and roadways and public utilities shall be designed and constructed in accordance with City standards.
6. Plans for the street trees will be submitted for review and approval as part of the construction plans. Street trees shall be planted by the developer in the spring and fall following construction of homes. The Urban Forester shall be notified prior to planting.
7. Direct lot access to McGuire Road and Poleline Avenue shall be restricted on the respective platting.
8. A Homeowners Association (HOA) shall be formed to maintain the common right-of-way frontage along McGuire Rd. and Poleline Ave. and shall be responsible for maintenance of Community common areas, and all open space tracts and associated improvements and amenities within the Subdivision. This includes clearing of snow from sidewalks and trails, along with irrigation of Street Trees and other landscaping improvements.
9. The existing temporary section of Santium Drive must remain in place until July 1st, 2025. After July 1, 2025 at the discretion of the developer, the temporary Santium Drive access can be removed.

The following proposed future rights-of-way depicted below and in Exhibit A-4a must be dedicated as part of each associated plat. The full width of the rights-of-way shall generally be 50 feet minimum west of the depicted lot 20 in phase 6. East of lot 19, the half width of the rights-of-way shall be 55 feet.



E. STEPS THE APPLICANT CAN TAKE TO OBTAIN APPROVAL:

Not Applicable, approval has been granted, subject to the conditions noted above.

E. CONCLUSIONS OF THE COMMISSION:

PUDA-22-1: Based upon the record placed before the Commission, the testimony received at the properly noticed public hearing, it is the conclusion of the Post Falls Planning and Zoning Commission that the request, Montrose Major PUD Amendment, PUDA-22-1, meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved.

SUBD-22-10: Based upon the record placed before the Commission, the testimony received at the properly noticed public hearing, and with the imposition of the above conditions, it is the conclusion of the Post Falls Planning and Zoning Commission that the request, Montrose 2022 Subdivision, SUBD-22-10, meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved with conditions contained herein.

Approved by the Planning and Zoning Commission on _____

Date

Chairman

Attest

NOTICE OF RIGHTS:

Any affected person aggrieved by a final decision of the Planning and Zoning Commission may submit a written notice of appeal along with the required fees in accordance with the City's adopted fee schedule, to the City Clerk for appeal to the Post Falls City Council within fourteen (14) days of the date of the written decision, pursuant to Post Falls City Code 18.20.60.E

The final decision of the Planning and Zoning Commission is not a final decision for purposes of judicial review until the City Council has issued a final decision on appeal and the party seeking judicial review has requested reconsideration of that final decision as provided by Idaho Code 67-6535(2)(b), pursuant to Post Falls City Code 18.20.60.E.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section 67-6535 must first seek reconsideration of the final decision within fourteen (14) days of such decision. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section 67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code Section 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.