



**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

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

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

REGULAR MEETING – 5:30 PM

CALL TO ORDER

Call to Order Time 5:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Vicky Jo Carey, Kibbee Walton, Ray Kimball, James Steffensen, Ross Schlotthauer – **Present**
Nancy Hampe – **Excused**
Kevin Ward - **Absent**

**CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:
ACTION ITEM**

- a. National Porter Day
- b. World Homeless 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.

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 09.12.23
- b. Planning and Zoning Workshop Minutes 9/26/2023

Motion by Planning and Zoning Commissioner Walton to accept the Consent Calendar as presented.

Second by Planning and Zoning Commissioner Carey.

Ayes: Planning and Zoning Commissioner Walton, Planning and Zoning Commissioner Steffensen, Planning and Zoning Commissioner Carey, Planning and Zoning Commissioner Schlotthauer, Planning and Zoning Commissioner Kimball

Motion Carried

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.

ACTION ITEMS:

None.

4. PUBLIC HEARINGS

There are generally two types of public hearings. In a legislative hearing, such as adopting an ordinance amending the zoning code or Comprehensive Plan amendments, the Mayor and City Council may consider any input provided by the public. In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Mayor and City Council must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Mayor and City Council can only consider testimony that relates to the adopted approval criteria for each matter. Residents or visitors wishing to testify upon an item before the Council must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for submission of information from City staff, then presentation by the applicant (15 min.), followed by public testimony (4 min. each) and finally the applicant's rebuttal testimony (8 min.). Testimony should be addressed to the City Council, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

- a. Copper Basin Prairie Annexation File No. ANNX-23-3

Staff Report

Jon Manley, Planning Manager: The owner of this property is Copper Basin Construction with the applicant being Drew Dittman of Lake City Engineering. This notification did meet the requirements. There was a small typo in the notice where it referenced Single Family R1. The district, description, and mapping were correct, and it met all the elements for the notification. I did confirm with legal on this before proceeding. They are looking for a recommendation for a

High Density Multi Family R3 zoning district on approximately 14 acres with the remaining acres being zoned Community Commercial Services. The property is located north of Prairie Avenue approximately 1/3 of a mile east of the intersection of N. Greensferry Road and W. Prairie Avenue about 2/3 of a mile to HWY 41. Currently it is vacant and undeveloped. It is on the Rathdrum Prairie aquifer. The water service provider would be the Ross Point water district with wastewater being provided by the City of Post Falls. To the north and east is vacant undeveloped land that is a TM Zone Technology mix zone. To the west, currently the 5 acre lots and 10 acre lots at that location have been annexed recently as the Joseph Family Trust File No. ANNX-22-7. South there is a commercial mix zone. Zoning review criteria were presented.

Steffensen: Do we know how much R3 is under construction or is approved right now? And of the stuff that is ready to be lived in, do you know the vacancy rate?

Manley: Last I heard the vacancy rate for R3 was less than 2%. I do know that of the R3 we have, the predominant nature of most has been built out. We do have some Special Use elements; Amelia Apartments phase one is complete. They're going to go on to Phase 2 soon. Then they have the east part of Phase 2 of Amelia Apartments, which was done through a Special use Permit. Highway 41, Tullamore, has a future multi-family site they'll be going south of the new school. North Place East that was approved for some multi-families at some future date. Later than 15-20 years from now, they'll have that phase, maybe shorter. Montrose, you know how long Montrose has been here. They have sections that were approved for multi-family north of the bowling alley they've never developed. Sometimes you get these master plans. They're approved for, but 20-25 years later, you may not see that.

Steffensen: With Tech Park, knowing that there are some high-density residential there, has there been any indication of Tech Park as far as the commercial side of it and jobs, any movement there?

Manley: There have been some preliminary discussions. Now we're looking at the appropriate means of servicing the sewer for that project so we can get through that aspect of it allowing the developer to go through a construction plan approval to lead to a subdivision plan and plat approval. I do not know the timing of that. I've not heard at this time a preliminary schedule. The owner of this is the same owner that would likely be developing the bulk of the multifamily to the north and east. That would allow for the opportunity for that to look like a common project. The advantage of that is that we have open space requirements for multi-family, we have so many square feet per unit, so it brings an opportunity to get more shared spaces potentially and meet some of those requirements for quality-of-life elements.

Applicant

Drew Dittman, Lake City Engineering: 20-acre annexation north of Prairie between Greensferry and Highway 41. Copper Basin Construction, the owner, owns the two parcels to the north and the northeast of Tech Park. That is where the multi-family component of the Tech Park is going to go. By annexing this in and getting the R3 zone allows us to do a bigger project and gives us more open space, it's more continuous with the uses that are there. A commercial to the west is an industrial commercial at the intersection of Greensferry, so it seems like a good fit for the uses surrounding it. It is conformant with the future land use map; it's designated transitional, which defers you to the focus areas. Highway 41 north is commercial, with provisions for multi-family and commercial uses adjacent to higher-classification roadways. Prairie Avenue is a principal arterial, so it's a much higher classified road. The creation of backage roads to help alleviate some of that traffic. We're asking R3 for the northern 2/3, CCS for the southern 1/3. We've been working with the property owners to the west where the commercial access road is going to go about 330 feet north of Prairie. You'll see a parallel backage commercial access road that will run parallel to Prairie Avenue. That made a defining point for us about zoning. Provisions for

commercial uses along arterials and collectors, Prairie Avenue is that arterial road. Goals and policies of the comp plan, goal #2 is about maintaining and improving the provision of high quality, affordable and efficient community services in Post Falls. This is in conformance with the future land use map. There are utilities in place to service sewers. This project would mesh well with the surrounding uses with approved multi-family already to the north and the northeast. It will provide additional housing options as well as commercial uses near those housing uses. Policy #20 in the comp plan talks about the location of multi-family development in areas that have great access, to help buffer higher and lower intensity development. So again, you've got mini-storage purposed to the west, some commercial and industrial proposed at the corner of Greensferry and Prairie and then, multi-family units already approved to the north and east so this seems to make sense there. Policy #27 works to improve street connectivity in all areas, improving walkability, health, safety, and transportation efficiency. The back road goes in and the split zoning. Jon talked about the Prairie Trail and when we do develop multi-family we'll have trail connections going from the north to that trail. Zoning #3, demonstrable adverse impacts. There are no known adverse impacts on the agencies that are affected per the letters in the file. There are two purpose conditions, water rights and right of way dedication. Both are acceptable to the applicant.

Carey: Did you say you are planning the plans to develop this piece along with the other R3 that's already been approved?

Dittman: Yes, it's the same owner, there are two parcels, about 44 acres that Copper Basin owns, as well as this piece.

Carey: It will just be all together.

Dittman: We don't have any kind of plan for it yet, but it will be developed as one project.

Carey: Thank you.

Steffensen: So really the timing hasn't been determined at this point. You're just trying to get everything situated.

Dittman: Trying to get everything situated, like I said. It seems appropriate. The property to the west just recently got annexed. We're a county island. Before we get too far in planning the parcels that we already have annexed, it would make sense that we try to get this in so that we can create that larger uniform project.

Public Testimony:

In Favor: None

Neutral: None

Opposed: One

James Van Trout, Post Falls (not wishing to speak)

Opposed:

A lifelong resident of Post Falls shared their experience of graduating from the local high school in 1997. They mentioned that the current high school was built the following year and that their daughter now attends the overcrowded school. The resident expressed concern that the dense population of the building is detrimental to the community's future and emphasized the need for infrastructure improvements to support a better community.

Rebuttal

Dittman: Chairman, you asked about the vacancy rate in apartments. I was talking to my client about this today. Copper Basin owns lots of apartments in Post Falls, Coeur d'Alene, Spokane Valley, and the Spokane area. They have a vacancy rate of between 3% and 4% currently. And that's not even vacancy, that's the turnover rate. Someone moves out of an apartment project to

move into another one, a unit sits empty for a month while they clean it, paint it, do whatever before somebody comes in. I represent a lot of clients that own apartments and I'm seeing that across the board currently. Vacancy rates are still very low for multifamily projects.

Public Hearing closed at 6:02 PM

Review Criteria:

1. Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan?

Walton: It appears as though it is.

Carey: Yeah, it's right along with everything else that's zoned around it so it fits right in there.

Kimball: I see this as an area. If you were to look at the map and take the entire square mile, the entire section and look at anything other than what's being purposed it would probably be a mistake because of the uses around it. We've got commercial, tech, multi-family, all those higher intensity uses in this area and although they're not developed right now, they're not currently under construction or developed to that point, they are currently zoned for that with plans to move forward.

Field Herrington, Legal Director: On that first one could you just talk a little bit of what the focus area is and what that focus area is in that focus area.

Kimball: It's the Highway 41 Corridor focus area as well as the transitional designation. The transitional designation generally says that look at the surrounding land zoning uses and should generally fall in line with those. The Highway 41 Focus Area is about having commercial and higher intensity uses within that corridor. It is about multifamily and commercial businesses being appropriate in that corridor. All those things are met with this proposal.

2. Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration?

Herrington: This is what goals and policies do you think are relevant and what facts in the record support or go against that?

Kimball: There are goals and policies surrounding keeping a mix of housing types. Obviously, there is a low vacancy rate for multi-family right now and a very high demand for that. This would go towards satisfying that goal.

Steffensen: Future land use, so we talked about compatibility with the surrounding land areas. The zoning request for this one is going to match what's around it. We talked about infrastructure for that area and then the traffic pattern. There's been lots of improvements, obviously 41 and then Prairie in that area and we'll continue to have improvements as things are developed over there.

Kimball: There's also policy 9 which encourages annexation of county islands, prioritizing those, encouraging compatible infield development. It's not necessarily infield but it is filling in a hole of county zoning inside the city. It does help with Policy 33 with implementing the transportation master plan by dedicating right of way to Prairie Avenue, which is a principal arterial and a very important part of our transportation masterplan.

3. Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city?

Kimball: There's been no testimony that demonstrates any adverse impact nor any of the letters from the agencies brought up any adverse impact.

Steffensen: There are 25 agencies and of the ones that did respond nothing was outlined and no public testimony, so I think that's good.

Deliberation:

Steffensen: From a zoning perspective specifically, I think it makes sense. Hopefully, we can get

some more businesses in there. Some people are against R3 but we do need a variety of housing, so this one just happens to be R3, sounds like our vacancy rates are very low. The City's going to continue to grow and we have got to do it smartly. Hopefully, we can get a variety of housing here.

Motion by Planning and Zoning Commissioner Carey to Approve the Copper Basin Prairie Annexation File No ANNX-23-3 finding that it meets the approval criteria of the Post Falls Municipal Code as outlined in our deliberation and staff to prepare a recommendation to City Council with zoning of mixed high-density multi-family and CCS with the inclusion of items one and two recommended and noted in the staff report.

Second - Kimball.

Schlotthauer - Aye, Steffensen - Aye, Kimball - Aye, Walton - Aye, Carey - Aye

Motion Carried

b. DeAtley Annexation ANNX-23-1

Public Hearing Opened at 6:11 pm

Staff Report

Ethan Porter, Associate Planner: Presenting the DeAtley Annexation Case File No ANNX-23-1. The owner of the project site is Matt DeAtley with Eucon Corporation. The applicant is Devon Mecham, here to present on their behalf. The requested actions are for a zoning designation of Community Commercial Services, CCS, on approximately 5 acres as part of an annexation request into the City of Post Falls. The subject site is located on the northeast corner of W. Seltice Way and N. Pleasant View Road. It goes across Seltice Way right of way, that is extra annexed area that was not initially incorporated into the city, so that is included with this request. Currently, the land is vacant and not developed. The site is above the Rathdrum Prairie Aquifer, water and wastewater are provided by the City of Post Falls. North of the subject area there's a railroad right of way and vacant industrial land. West across Pleasant View Road is commercial property that is undeveloped. Further west is industrial. Far West Steel is being developed currently. South across Seltice Way is commercial zoning. Currently, a commercial business that purchased it is operating out of it now. They have an approved site plan. East is Boulder Park Commercial subdivision. There are commercial lots there. Zoning review criteria were presented.

Schlotthauer: When did the property to the north annex in?

Porter: With the Pleasant View North Annexation, I believe, were multiple properties all the way up north.

Kimball: It went almost about half a mile north of Prairie.

Porter: Just before the roundabout, I believe.

Schlotthauer: Has there been any movement on that as far as city services or anything moving in there?

Porter: Yes, the engineering department has commented on it. There's been further discussions of improvements by bringing sewers in and looking at that aspect. Annexing this would potentially get you closer to moving north. They would have to provide services most likely as it develops from the south to the north of the property.

Schlotthauer: I would be interested to hear what Rob has to say about that.

Rob Palus, Assistant City Engineer: In terms of the utilities going up the Pleasant View Corridor from a force main design standpoint and water are partially designed at this point. They are not completed; we're waiting for more development to move forward. There are a couple of potential

developments out there that would trigger the installation of those improvements. The city is also working with one of the property owners north of Prairie Avenue on the acquisition of the land which was part of their annexation agreement for a reservoir well and lift station site to the far north. The entire area is part of an urban renewal area, so that as the utilities go in, certain improvements will be reimbursed and there will be a timeframe after the initial force mains water main go in as growth occurs in the area. We see the roadway widen out to a full five lane facility over time.

Schlotthauer: Is the force main going up Pleasant View from Seltice?

Palus: The force main would go from Seltice Way all the way to Prairie Avenue. Ultimately, there would be two lift stations serving that area. One about 1/3 of the way north of Seltice Way and the other north of Prairie Ave.

Schlotthauer: Thank you.

Applicant

Devon Mecham, Black Commercial, Inc.: I'm representing the Eucon Corporation and Matt DeAtley, I don't have anything further to add to what Ethan has done, I'm open for any questions you may have.

Schlotthauer: Do you have any plans for the property?

Mecham: Their plans are to sell it. We have it listed for sale. That is what triggered the annexation process. There's a subdivision meeting to cut up a portion of about one acre off the hard corner and the remainder will stay intact as one parcel. The goal of the owners is to sell the property.

Public Comment: None

Public Hearing closed at 6:26

Review Criteria:

1. Is the proposed zoning district consistent with the Future Land Use Map and Focus Area contained in the currently adopted Post Falls Comprehensive Plan?

Walton: They are asking for is commercial and there's commercial industry all around it.

Kimball: The future land use designation is commercial. The focus area speaks to commercial in both corridors.

2. Is the proposed zoning district consistent with the goals and policies contained in the currently adopted Post Falls Comprehensive Plan that are relevant to the area under consideration?

Kimball: This is consistent with Policy 9 encouraging annexation of a county island. This is surrounded by the city, it is a county island. Policy 8 infield development of vacant areas within the city that is part of this. Regarding transportation corridors, Policy 24 includes right of way acquisition for Pleasant View, which is going to be very important as an arterial. The acquisition of Seltice Way is already done. It meets the transportation masterplan with regards to both Seltice Way and Pleasant View. Policy 1 supports land use patterns; the proposed zoning is consistent with the land use adjacent to and across the street with the surrounding land uses, which is important.

3. Does the proposed zoning district create a Demonstrable Adverse Impact upon the delivery of services by any political subdivision providing public services within the city?

Kimball: There was none provided by any of the political subdivisions or anyone. It will have a positive impact on the extension of water, sewer, and widening of roadways upon development.

Commissioner Comments:

Steffensen: This has a lot of good things in it, it's in that urban renewal district as it gets developed and that whole area gets developed. Pleasant View will be able to have a lot more services, will be able to go north, the roads will get wider, bigger, sidewalks, more connections.

Kimball: If I'm not mistaken, it is not in the Urban Renewal District, it's adjacent. It's not in the district because it was not annexed into the city at that time.

Manley: I'll ask Bob, the right of way is in the urban renewal but not the property itself.

Palus: Correct.

Kimball: Which is also a benefit to the city.

Motion by Planning and Zoning Commissioner Carey to Recommend approval to the City Council of the DeAtley Annexation File No ANNEX-23-1 with the zoning recommendation of CCS with the inclusion of items noted in the Staff Report.

Second by Walton.

Carey - Aye, Kimball - Aye, Walton - Aye, Schlotthauer - Aye, Steffensen - Aye

Motion Carried

5. ADMINISTRATIVE / STAFF REPORTS

None.

6. COMMISSION COMMENT

None.

7. ADJOURNMENT

Meeting Adjourned at 6:32 PM

Date:

11/14/23

Chair:

James Steffensen

Attest:

Nancy Thumwacker

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 Carey, Nancy Hampe, Ross Schlotthauer, Kevin Ward, Kibbee Walton