



**PLANNING AND ZONING COMMISSION
MEETING AGENDA**

**January 9, 2024
5:30 PM**

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

REGULAR MEETING – 5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Vicky Jo Carey, Kibbee Walton, Ray Kimball, James Steffensen, Ross Schlotthauer, Nancy Hampe, Bobby Wilhelm

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

- a. National Apricot 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.

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.

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 Planning and Zoning Meeting December 12, 2023
- b. Mullan Villas Special Use Permit Reasoned Decision File No. SUP-23-2
- c. Post Falls Food Bank Special Use Permit Reasoned Decision File No. SUP-23-3

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.

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:

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. Boyd's Landing First Addition Subdivision File No. SUBD-23-5
- b. Zoning Recommendation for the Arche Annexation File No. ANNX-23-4

5. ADMINISTRATIVE / STAFF REPORTS

6. COMMISSION COMMENT

7. 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 Carey, Nancy Hampe, Ross Schlotthauer, Bobby Wilehlrm, Kibbee Walton



**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

**December 12, 2023
5:30 PM**

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

REGULAR MEETING – 5:30 PM

CALL TO ORDER - 5:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

James Steffensen, Ray Kimball, Vicky Jo Carey, Nancy Hampe, Ross Schlotthauer, Kibbee Walton, Kevin Ward

Steffensen, Kimball, Carey, Hampe, Schlotthauer - **Present**

Walton - **Excused**

Ward - **Absent**

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

Field Herrington, Legal Services Director: I was promoted last October to the position of City Attorney so I will be handling the City Council meetings at this point. The new Deputy City Attorney who will be handling our Planning and Zoning Commission meetings is Christopher, (Chris) Gabbert.

- a. National Ding-A-Ling 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. Minutes - Planning and Zoning Meeting November 14, 2023

MOTION BY: Carey to accept the Consent Calendar as presented.

2ND BY: Hampe

VOTE: Steffensen-Yes, Kimball-Yes, Careyll-Yes, Hampell-Yes, Schlotthauerll-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.

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. The Post PUD-23-1 / SUBD-23-4

Public Hearing Opened at 5:34 PM

Staff Report

Ethan Porter, Associate Planner presenting: The applicant, Connie Krueger has requested, on behalf of the property owner SL Investment Properties, to subdivide approximately 8.72 acres into 87 single family residential lots within the Limited Commercial (LC) zoning designation. A Planned Unit Development (PUD) is requested to propose design modifications per Post Falls Municipal Code (PFMC) section 18.20.080 and to subdivide the property to meet subdivision

requirements per PPMC 17.12.060. The Planning & Zoning Commission is being asked to review and approve the proposed subdivision and PUD modifications, determining that it meets the requirements of the PPMC. The property is generally located on the northwest corner of E. Poleline Avenue and N. Cecil Road. The properties directly to the west are zoned Single-Family Residential (R-1) and north of the subject site is zoned as Community Commercial Services (CCS). Across N. Cecil Road to the east is zoned CCS. Public Reserve zoning district is located south across E. Poleline Avenue. The land is vacant undeveloped land. It is over the Rathdrum Prairie Aquifer. The water provider is Ross Point Water District and the wastewater provider will be the City of Post Falls.

Carey: Regarding the entrance and exits on Poleline Avenue and Cecil Road. Have we had any traffic studies there?

Rob Palus, Assistant City Engineer: Yes. Poleline Avenue is classified as a minor arterial roadway. Within our arterial roadways we have spacing standards for road intersections. That spacing standard is 500 feet, the access space that they're showing is a little more than 500 feet. Improvements were made to that roundabout. There are now two lanes in the westbound direction to help with traffic making a right turn out of school. People in that neighborhood could also utilize Cecil Road to head to Highway 41 or Prairie Avenue.

Carey: It's a small enough development. Couldn't it all be rerouted onto Cecil Road?

Palus: We need to provide two access points not out on the same roadway to be in compliance with fire code standards because there are more than 30 units in that subdivision.

Hampe: Could it be a right turn only onto Poleline Avenue?

Palus: It is my opinion that what they have there will work, there is an offset between the entrance to the school and the entrance to the project.

Schlotthauer: I liked neighborhood commercial zoning in that area to offset the school traffic there.

Kimball: I have a question regarding HOA road maintenance fund and setting that up appropriately. What kind of condition can we put on the HOA to make sure it's set up for long-term maintenance of the private roads? We'll come back to that.

PUD REVIEW CRITERIA (Post Falls Municipal Code Title 18.20.080, Subsection E):

1. 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; and
- 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; and
- c. Providing adequate accommodation for other utilities necessary to support the proposed development; and
- d. Providing sufficient parking throughout the development to adequately meet the parking needs of all uses proposed in the PUD.

2. 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; and

- b. Providing a local street network that allows adequate traffic circulation and snow storage throughout the entire development; and
- c. Providing a pedestrian and bicycle system designed to provide adequate circulation throughout the entire development and to all open space areas.

3. 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; and b. Integrating a mix of compatible land uses in the development and adequately buffering and/or separating any incompatible uses in the development; and 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; 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; and
4. 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; and
 - 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.
 - c. Ensuring that a funding mechanism exists to adequately maintain common areas that are not publicly maintained.

SUBDIVISION REVIEW CRITERIA (Post Falls Municipal Code Title 17.12.060, Subsection H):

1. 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.
2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.
3. Proposed streets are consistent with the transportation element of the comprehensive plan.
4. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards have been identified and the proposed uses of these areas are compatible with such conditions.
5. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code.
6. or fewer units per structure, are allowed through the Land Use Table (18.20.030) within the Limited Commercial (LC) zoning district (Exhibit S-2). This PUD is being applied for due to the proposed modifications to the standards within City Code (See Exhibit B in Exhibit A-2). If PUD is approved, the proposed subdivision would be consistent and conform with the zoning of the proposed use.
6. 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.

Applicant Connie Krueger representing SL Investments Properties. This application is for The Post, a townhome community comprised of 87 single-family residential lots being built by Achiterra Homes. The Yellowstone Pipeline bisects the property, providing opportunities for open space, walking paths, a park with amenities, and supplemental parking. The Post is designed for the home buyer who is seeking housing within the median price range for Kootenai County. The gross acreage of the property is 8.65 acres. Of this, 5.31 acres will be in residential lots. This equates to a density of 10.1 du/acre. Approximately 1.51 acres will be in four common open space tracts with a park, pathways, sidewalks, parking, storm water, and utilities. These four tracts are approximately 17.5% of the property. Approximately 1.83 acres will be in one common open space tract with streets, alleys, sidewalks, storm water, utilities, and parking. This tract is

approximately 21.2% of the site. Because the property is small, encumbered by the Yellowstone Pipeline, served by private infrastructure maintained by a future HOA, and contains individual lots, much time and attention has been placed into interior and exterior designs of the individual townhome structures and townhome block structures, as well as the individual lot plans. For future single-family owned homes, careful attention has been paid to livability. Each townhome structure contains 4, 5, or 6 single family residential living units. This is a HOA managed project, Archhiterra Homes and affiliates have an in-house HOA manager. There will be vacation rental restrictions on the property and Airbnb will not be allowed.

Kimball: Would you be alright with a condition of approval that you address the road maintenance in the HOA?

Krueger: Yes and address it in the development agreement as well.

Hampe: You referred to this as entry level housing. Are these going to be single-family-owned? What is the price range considered entry level housing?

Krueger: Yes, single-family owned.

Tyler Hogan, CEO Architerra Homes: Our targeted price range is around the low 400's. We're hoping to be in the high 300's depending on overall development cost and cost of construction at the time of construction. If pricing is trending like it is now, we're hoping that subcontractor pricing will allow us to get to that sub 400 level. Currently, we're sitting in the low 400's range, which is close to or below the median price range for the area.

Carey: Do the rear loaded homes on the alley have two parking spaces that are on the property?

Krueger: They do.

Carey: Only the homes on the perimeter have private yards?

Krueger: Yes, only the homes on the perimeter have private backyards. The north and west side properties will be fenced.

Gabbert: I wanted to remind the commission that our purpose is to review whether the proposed PUD and subdivision meet the design criteria. The price point is instructive, but it is not a factor that the commission can consider supporting a decision or denial.

Testimony:

In Favor: 3

Nuetral: None

In Oppostion: None

In Favor wishing to Speak:

Seth Hohenstreet (Post Falls) - This proposal meets the area needs and the city code, and it addresses the kind of growth we're looking for in Post Falls. I implore you to please approve this proposal.

Rob Orth (Rathdrum/Coeur d'Alene) - I'm a local real estate agent. Statistically, there is a shortage of housing for the local workforce. I feel this is the right kind of project, well-thought-out, in the right area, and a great example of an infill project. For these reasons, I am in favor of this project.

Dean McConnachie (Coeur d'Alene) - I'm in the county and Post Falls highway district. I'm a relator. I am not a relator for the developer or the builder. The PUD has a well-structured HOA to maintain the internal roads, sidewalks and parks. This is the type of development we need in Post Falls due to high land costs. I think it's an awesome project to have in Post Falls.

Rebuttal:

J. Todd Taylor (Spokane, WA) - I'm with the law firm of Randall & Danskin and I represent SL Investment Properties. My purpose is limited to discussing the commentary received from Phillips 66, the owner and operator of the Yellowstone Pipeline. In their written commentary they made references to the need for their approval for this development. I wanted to point out some

legalities with respect to that. Their rights are encapsulated in a 1953 easement which grants them no approval rights other than the pieces of the project directly built over the pipeline. They offer an interpretation that gives them more leeway and tries to impose their will with respect to their current procedural guidelines and developments as to how they would do things now if they were installing this pipeline now and getting this easement now. Those preferences and ideologies don't apply. The courts will look at these issues at the time the easement was granted in 1953 and what was the intent of them. Idaho's law is exceptionally clear when writing is ambiguous. When it doesn't designate a width, it's limited to what is necessary. The whole purpose of my comment is if we get lost on the 50-foot issue or how far we need to be from the pipeline. The commentator from Phillip 66 quoted Federal Regulation but they did so in an incomplete fashion. Their comments leave out the second half of the sentence that they reference, which makes clear that under the federal regulations that apply to this pipeline, you can build residential dwellings within 50 feet so long as you cover the pipeline with 48 inches of fill. That's exactly what my client's plans call for. That's what they intend to do in their construction methods is bring in the fill necessary to cover this pipeline 48 inches to make it compliant with the federal regulations to build within 50 feet of residential developments. That is all I needed to say, thank you. Are there any questions?

Kimball: I did not see anything in the PUD conditions for approval. I didn't see anything referencing the Yellowstone Pipeline other than showing the easement of the pipeline on the final plat. Is that consistent with your analysis of the staff report?

Taylor: Yes. There was an email included in the staff report, that is the commentary I was referring to.

Gabbert: We felt it would be more expedient to combine the two approvals since it wouldn't make sense to approve one without the other. Regarding the comment on the easement, we did receive late comment on the easement. That is a private matter to negotiate or litigate between the developer and the pipeline owner. There are not any conditions in the recommendation to address that comment.

Public Hearing Closed at 6:44 PM

Dilberation:

Carey: I do have a little issue with entering onto the street there, but it meets all the criteria. I think it's a good project. I like that it's not apartments, it's single-family homes, it looks well-designed, it's basically a good addition there.

Steffensen: I think it definitely is well-designed. I hope that it is the lower price point because that is what the city needs. The traffic is an issue but it's not a criteria we can look at. Four days out of the week, traffic will be congested in the morning and afternoon nine months out of the year. Looking at it that way, it's a small portion of the day. Hopefully, with the road improvements, it will work better.

Hampe: I agree.

Steffensen: I don't like the left turn on Poleline in the morning and evening. There's already a congestion problem there, but it is a product that we need.

Kimball: Yes, the issue seems to always come down to traffic. I try to give drivers credit for planning their route options according to traffic flow. I don't think that will be a long-term issue.

MOTION TO APPROVE BY: Kimball - PUD-23-1 and SUBD-23-4; subject to conditions 1 through 11. Amending condition 10 to add a sentence that reads something to the effect of the developer shall provide a calculation for HOA dues to include both annual maintenance costs and well as long-term maintenance costs associated with the streets, alleys, sidewalks, etc. as well as a mechanism to collect funds for those short and long-

term maintenance items, and direct staff to prepare a written reasoned decision.

2ND BY: Carey

**VOTE: Hampe - Yes, Schlotthauer - Yes, Carey - Yes, Kimball - Yes, Steffensen - Yes,
MOVED**

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

None

7. ADJOURNMENT

7:03 PM

Date: _____

Chair: _____

Attest: _____

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

Mullan Villas Special Use Permit File No. SUP-23-2

Planning and Zoning Commission Reasoned Decision

A. INTRODUCTION:

APPLICANT: Drew Dittman, Lake City Engineering

LOCATION: Approximately 500' west of the intersection of E. Mullan Avenue and N. Syringa Street along the north side of E. Mullan Avenue.

REQUEST: A Special Use Permit in the Limited Commercial (LC) Zone to allow for 18 multi-family units to be developed with townhome construction on approximately 1.27 acres.

B. RECORD CREATED:

1. A-1 Application.
2. A-2 Narrative.
3. A-3 Preliminary Plan
4. A-4 Owner Authorization
5. A-5 Title Report
6. A-6 Radius Report
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. PA-1 YPL Comments
11. PA-2 PFHD Comments
12. PA-3 BPA Comments
13. PA-4 PHD
14. PA-5 DEQ
15. PA-6 PFSD
16. PA-7 KCFR
17. P&Z Staff Report
18. Testimony at the September 12, 2023, Planning and Zoning public hearing:

The public hearing was noticed correctly and conducted under the requirements of Idaho Code §§ 67-6512 and 67-6509, and Post Falls Municipal Code (PFMC) §18.20.060. The purpose of the hearing was to allow the Applicant and the public to provide testimony and documentation to be taken by the Planning and Zoning Commission ("Commission") in their application of PFMC § 18.20.070 B.

John Manley, Planning Manager

Mr. Manley presented the staff report and provided testimony regarding the special use permit application submitted by Dennis Decker, the owner, and Drew Dittman of Lake City Engineering, the applicant. The application seeks approval for the development of 18 multi-family townhome units on 1.27 acres of land located north of East Mullan Avenue and west of North Syringa Street.

Mr. Manley highlighted the surrounding zoning, noting that the proposed development falls within the R1 single-family zoning district, with limited commercial sites located to the east and northwest of Syringa Street. He also pointed out the CCS Community Commercial Services located south of Mullan Avenue and east of Syringa, which serves as a medical core.

Mr. Manley mentioned that the project meets the design standards requiring open space and landscape buffers. The applicant is providing a landscape buffer along the Western, Northern, and Eastern edges of the proposed site. One area where the buffer is not yet meeting the requirements is along the fire turnaround, where the greened area would be eight feet, but the tree planting schedule and shrubbery would still meet the requirements for a 10-foot landscape.

Mr. Manley also presented images of the proposed site, including views from the parking lot and the adjacent neighbors. He pointed out that the proposal is for a multi-family townhome development, which requires a landscape buffer that would not be required for a single-family townhome development. He explained that this is due to the proposed development is being built as a unit on a common lot, rather than as individual townhomes with shared walls.

Mr. Manley provided information on the water provider and wastewater system for the proposed development. The Ross Point water district would provide water while the city of Post Falls would handle wastewater.

During the hearing, Mr. Manley provided a detailed summary of the proposed development and its compliance with the criteria specified in the comprehensive plan. He explained that the proposed development involved multi-family townhomes, which required a special use permit and came with increased design standards compared to single-family townhomes. Mr. Manley discussed the transportation aspects of the proposal and stated that engineering experts had evaluated the impact of the development on the road network and confirmed that it had the capacity to serve the proposal without negatively affecting Mullan Avenue. He also noted that the proposed site would be connected to City Wastewater and facilities were in place to serve it, as well as the domestic water out in Mullan Avenue.

Mr. Manley then moved on to address the criteria specified in the comprehensive plan and explained how the proposed development was in compliance with each of them. He discussed the first two criteria, which focused on the compatibility of the proposed use with the health, safety, and welfare of the public and the land uses in its vicinity. He emphasized that the proposed development would not negatively affect the quality of life of the residents in the area and that the transportation and infrastructure plans were in place to support it.

Mr. Manley also discussed the third criterion, which looked at whether the proposed use would comply with the goals and policies found in the comprehensive plan. He explained that the plan supported diversified housing products and encouraged diverse proposals that would maintain or enhance community levels of service and foster long-term fiscal health. He also noted that the proposed development was in line with the goals and policies of the comprehensive plan, as it was located in a designated business commercial area and promoted a mixture of housing types built at moderate densities.

Mr. Manley also discussed the agencies that were notified about the proposal and the comments received, noting that there were no negative comments from any of the agencies regarding the proposal.

Mr. Manley provided some testimony and responded to a series of questions from the Commission regarding the zoning of a plot of land on Mullan Avenue. The Commission

expressed concern about the future land use map and whether the R1 zoning would be suitable for the area in the long run, given the potential increase in traffic and commercial services along the corridor. Mr. Manley explained that the designation on the future land use map takes into account the best category for how the area might evolve over 20-30 years as the city continues to grow.

The Commission also asked about a specific location on Syringa and Mullan where a medical facility had been built and whether it had been changed to limited commercial zoning. Mr. Manley clarified that it had been zoned as such before the facility was built and that the remaining vacant lot nearby had been rezoned to limited commercial within the last 10 years.

The Commission then asked about the buffer requirements for a single-family townhome on the land in question. Mr. Manley explained that, as a unit on its own lot, a townhome would not require a buffer and would be considered a single-family home, like any other. However, in order to meet the medium density design standards, the developer would have to plot lot lines down each one of those lots and potentially make the units wider, resulting in a different-looking development. Additionally, the open space requirement for the development would be 300 square feet per unit with more than one bedroom and 150 square feet per unit with one bedroom or less. Mr. Manley noted that the applicant had met the open space requirements, except for the buffer yard, which could not be used as part of the open space calculations.

Field Herrington, Deputy City Attorney

Mr. Herrington provided a testimony regarding the open space. He mentioned that 18 units, each measuring 300 square feet, would require a total of 5,400 square feet. However, the space being provided is semi-private and measures only 225 square feet for each of the 18 units, amounting to 4,050 square feet. Additionally, there is a common area of 2,000 square feet, which brings the total area to 6,050 square feet.

Drew Dittman, Lake City Engineering, Applicant

Mr. Dittman presented testimony on behalf of Chad Oakland, the buyer of a property that is owned by Dennis Decker. The property is situated on the north side of Mullan Avenue, west of Syringa, and is about 1.27 acres in size. Mr. Dittman explained that they are proposing to build 18 units of townhouses, which fall under a multi-family use, subject to the multi-family design standards. He further explained that this means they have to provide some open space and buffers, which is more work on their end, but it's the way they wanted to do it.

Mr. Dittman presented the open space calculations, which showed that they are providing about 6,050 square feet of open space, whereas they are only required to provide 5,400 square feet. He also explained that the buffer cannot be counted in the calculation, but they are providing more open space than required due to the buffer.

Mr. Dittman presented the front and rear elevations, showing that each unit gets a one-car garage, and the four interior units access from the front, while the two exterior units access from the sides. Each unit also has its own patio in the back, providing a little privacy in its own backyard.

He then went on to discuss the four criteria that the committee will use to make their decision. The first two criteria are whether the implementation would or would not conform to the purposes of the Zone, and whether it would be compatible with the health, safety, and welfare of the public or within land uses. Mr. Dittman explained that townhouses are an outright allowed use, and the proposed use meets the criteria.

The third criterion is whether the proposed use will or will not be compatible with the health, safety, and welfare of the public or within land uses. Mr. Dittman explained that the zoning map is completely surrounded by residential property, and it fits and meets the criteria.

Finally, the fourth criterion is whether the comprehensive plan meets the goals and policies. Mr. Dittman listed a number of policies that they think the proposed use meets, which are in their project narrative.

Mr. Dittman also provided some additional information, such as water and sewer being provided by the city of Post Falls, and the property is considered an infill project with one rental house on it currently.

Mr. Dittman answered several questions related to the townhomes project. When asked about the availability of parking on-site, he explained that each unit will have its own garage, a parking space in front of the garage, and additional parking space in the common parking lot. The total number of parking spaces available for the 18 units will be 59.

Regarding the type of units being built, Mr. Dittman clarified that although they are referred to as townhomes, they are not condos. The building code categorizes them as townhouses because they share a common wall and have access only on the main floor. However, the zoning code views them as multi-family units. As a result, the 18 units will be owned under one ownership and cannot be owned separately.

When asked if there were plans to convert the units into condos in the future, Mr. Dittman explained that it was possible, but not the current plan. He added that it would require a separate process and there could be some caveats associated with it.

Another question was related to the landscape plan for the surrounding area of the project. Mr. Dittman stated that while the plan was not yet formalized, they would need to adhere to the local code which requires four deciduous and four evergreen trees and ten shrubs for every 100 feet.

Finally, Mr. Dittman explained the difference between how the building code and zoning code view the townhomes. The building code focuses on the safety and welfare of residents and the public safety of the building. On the other hand, the zoning code considers how the unit functions and relates to the land. In the case of the townhomes project, the units will be categorized as multi-family units since they are on a common lot. However, they will still meet the townhome building code requirements for the safety of the residents.

The hearing was opened for public testimony.

Daniel Hummer (Testimony read into the record)

In support of the proposal.

Dennis Decker

Mr. Decker shared his opinion on the safety features of townhomes versus apartments or hotels. He believed that townhomes, where people stay for a longer period of time, offered more safety for the surrounding homes. He also mentioned that the old house in the area needed a facelift and removing it would allow for a cleaner and better-looking spot to live.

Mr. Decker also talked about the benefits of having townhomes near the hospital area. It would provide a convenient living option for the hospital staff who could easily walk to work, thus reducing transportation needs. The single path in and out of the area would also ensure

that there would be no traffic through the neighborhood, making it a safer place to live.

In expressing his gratitude to the contractor who was working on the project, Mr. Decker appreciated the safety factors they had taken into account for the townhomes. He particularly liked the buffer zones and the way the contractor had designed the Ingress and Egress systems for the project. Finally, Mr. Decker thanked the hearing committee for considering the project and hoped that it would be approved.

Chad Patrick

Mr. Patrick provided testimony at a hearing regarding concerns about the proposed construction of an 18-family residential complex in the area. He shared his personal experience of having to deal with people jumping over his fence, driving through his property and causing destruction, which resulted in him having to pay for the damages out of his own pocket. Mr. Patrick also expressed his concern about the traffic on Mullan, which has been worsening in recent years, and the potential increase in noise pollution if the construction were to go ahead. He highlighted that property prices in the area might go down, which could impact homeowners' financial well-being. He also talked about the potential for increased crime rates, as the area has already seen an increase in crime over the years. Additionally, Mr. Patrick raised concerns about the lack of parking space for the proposed residential complex, which could lead to people parking in front of private property, causing further damage. He emphasized that the existing property owners in the area do not want to see the construction of an 18-family residential complex, as it would only add to their problems and anxiety. Mr. Patrick concluded his testimony by urging the authorities to see things from their perspective and address their concerns by finding a better solution that takes into account the safety and well-being of the existing residents.

Chad Oakland

Mr. Oakland shared his thoughts on the proposed changes in the property. He acknowledged that nobody likes change, but mentioned that there are 55 permitted uses for this piece of property that could be done without going through the current process. He added that a grocery store could be built there and that a three or four-story apartment mixed-use could be put in there as well. Mr. Oakland emphasized that it was important to design something where there were no decks looking into people's backyards. He mentioned that he was a homeowner from the same area and understood the challenges of finding a perfect fit for the proposed project. However, he appreciated that the project under consideration was probably one of the least intrusive ones that could be done. In conclusion, he thanked the organizers for the opportunity to express his opinions.

Rebuttal

Drew Dittman, Lake City Engineering, Applicant

Mr. Dittman addressed concerns related to parking and traffic on Mullan. He stated that the staff report outlined that there would be no anticipated impacts on Mullan due to traffic from this project. Furthermore, he mentioned that the site plan had designated parking spots for each unit, which were not located along the fence but in front of the garages. The buffer against the neighbor's fence was also mentioned.

Mr. Dittman explained that the project was overparked from an engineering or planning standpoint there were a total of 59 parking spaces available. He further elaborated on the parking spots and garages by showing the site plan and explaining that each unit had a garage and a parking spot in front of it. Additionally, he pointed out that the building layout was turned to accommodate a fire department-approved turnaround.

Deliberations: After the public hearing was complete the hearing was closed, and the Commission moved 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") § 18.20.070 B.

C. EVALUATION OF APPROVAL CRITERIA:

C1. Whether the implementation of the special use conforms to the purposes of the applicable zoning district?

After considering the testimony of Mr. Manley and the Applicant, the Planning and Zoning Commission has found that the proposed multi-family use is allowed with a Special Use Permit as per PFMC Land Use Table 18.20.030 in the Limited Commercial (LC) Zoning district. The Commission believes that the proposed use is associated and compatible with the other surrounding uses and conforms to the purposes of the zone. The Commission also finds it reasonable that residential uses are allowed as special uses in the zone and that the proposed use meets the purpose of the zoning district.

C2. 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.

Based on the analysis of the land use table in PFMC Title 18.20.030, it has been established that the proposed use is compatible and allowed as a special use in the zone, considering other applicable laws and ordinances such as building codes and buffer yards. Even though having eight trees every 100 feet may seem dense, it will provide necessary shielding for the backyards from the headlights of people parking. Additionally, the applicant has met all the relevant laws and no testimony to the contrary has been presented. Therefore, the Planning Commission finds that the approval criterion has been met.

C3. Whether the proposed use will be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

The Commission, having thoroughly reviewed the Special Use Permit application in light of this Criterion, finds as follows:

Permitted Use and Zoning Compatibility: According to PFMC Land Use Table 18.20.030, townhomes are permitted outright in the LC (Limited Commercial) zone. The proposed multifamily development, structured as a townhome project, requires a special use permit as each unit is intended to be on a single lot, diverging from the applicant's plan of 18 units on one lot. The ability to obtain a Special Use Permit for this project indicates compatibility with existing zoning regulations.

Landscape Buffer Requirements: The city mandates a 10' landscape buffer yard between multi-family and single-family residences per PFMC 18.24.080. This requirement is not applicable to platted townhomes categorized as single-family homes. This stipulation aids in maintaining a harmonious aesthetic transition between different property types, enhancing neighborhood compatibility.

Transportation Impact: The proposed development is not expected to negatively impact the existing transportation systems. Mullan Avenue, classified as a Minor Arterial, along with nearby impact fee projects, suggests sufficient capacity and infrastructure to support the development without adversely affecting traffic operations.

Water Reclamation and Domestic Water Services: The site's connection to the City's Water Reclamation Facilities, which are adequately equipped to support the proposed use, and the provision of domestic water services by the City of Post Falls Water District, ensure that essential services are efficiently managed. Site-specific issues, including those related to fire protection, will be addressed during the Site Plan Review process.

Compatibility with Residential Land Use: The surrounding area primarily comprises residential land uses, indicating that the proposed multifamily development is in harmony with the neighborhood's character. The Commission recognizes that alternate permitted uses like a convenience store or a hotel might present greater incompatibility issues in terms of operational hours and nature of activities.

Public Testimony and Opposition: Notwithstanding the concerns raised in public testimony regarding traffic, noise pollution, potential property value decline, and crime rate increase, the Commission finds these concerns speculative and not substantiated with concrete evidence. The Commission acknowledges these concerns but based on the evidence and planning considerations presented, finds the proposed development does not pose a significant risk to public health, safety, and welfare.

In conclusion, the Commission finds that the proposed multifamily development as a special use in the LC zone meets this Criterion, aligning with the objectives of ensuring compatibility with the health, safety, and welfare of the public and with existing land uses within the vicinity.

C4. Whether the proposed use will comply with the goals and policies found within the comprehensive plan.

Based on the testimony provided and the staff report, the Commission finds that the proposal meets the following goals and policies contained in the Comprehensive Plan:

Goals:

Goal 7: Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability.

The Commission's findings reveal that cities hold significant power in shaping land use, which has a direct impact on the nature and type of development, growth patterns, and the financial impact of growth on the local economy. To achieve this goal, it is important to diversify housing options. The Commission emphasizes that public health, safety, and welfare should be the top priority when planning and implementing development projects. The Comprehensive Plan is a critical tool for allocating land use types to achieve the overall objectives of the plan.

Policies:

Policy 1: Based on the proposal and staff comments, the Commission finds that the proposed development supports land use patterns that maintain or enhance community levels of service. The Impact Fees to be paid at the time of permit issuance will assist in maintaining community levels of service. The proposed development also fosters the long-term fiscal health of the community by diversifying housing opportunities, which bolsters the housing sector's long-term health and provides commerce. Moreover, the proposed location of the special use permit is within walking distance to many daily needs, services, and transit, which may enhance residents' quality of life.

The Commission also finds that the proposed development promotes compatible, well-designed development, as it is located on Limited Commercial (LC) zoned properties

surrounded by adjacent and neighboring single-family properties. The City design standards assist in creating compatible, well-designed developments. Additionally, the Commission finds that the proposed development implements the goals and policies of the comprehensive plan, related master plan, and/or facility plans.

Policy 3: The Commission finds that the proposal encourages development patterns that offer daily needs services within walking distance of residential areas. This approach allows a sense of independence for those who cannot or choose not to drive.

Policy 6: The Commission finds that the proposed development plan includes housing that faces the street edge, while an interconnected grid of small-block streets network does not exist at the location. The road network is already established. Thus, street sections designed for safety, traffic calming, and aesthetic appeal may not be feasible. Additionally, the lack of alleys in the area makes it unattainable to develop and utilize alleys for parking and service areas. Finally, the site is not proposed to be mixed-use, so there is no possibility of vertical or horizontal mixed uses along the ID-41 corridor and in neighborhood and regional centers.

Policy 8: The Commission has identified the need to encourage compatible infill development and redevelopment of vacant and underutilized properties within City limits. Upon reviewing this lot, it was determined that it could be considered as under-utilized and infill. Redevelopment with a higher density could offer a small relief to the housing concerns within the city, as per staff comment.

Policy 15: The Commission has found that ensuring adequate land is available for future housing needs is crucial in serving residents of all ages, incomes, and abilities through provision of diverse housing types and price levels. The proposed special use permit could assist in creating additional and diversified housing in the Limited Commercial (LC) zoning designation.

D. ACTIONS THAT THE APPLICANT CAN TAKE TO GAIN APPROVAL.

Not applicable.

E. CONCLUSION

SUP-23-2: After conducting a comprehensive review of the evidence presented to the Commission, which included testimony from the public hearing, and taking into account the conditions listed below, the Commission has concluded that the Special Use Permit requested meets the requirements of the City Code and the Idaho Local Land Use Planning Act. As a result, the permit is approved, subject to the condition that the Applicant complies with the following terms:

1. Site Access points will be required to conform with City Access Management requirements.

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.

Post Falls Food Bank Special Use Permit File No. SUP-23-3

Planning and Zoning Commission Reasoned Decision

A. INTRODUCTION:

APPLICANT: Corey Pataky of H2A Architects

LOCATION: North E. 3rd Avenue, approximately 725' west of the intersection of N. Bay Street and E. 3rd Avenue

REQUEST: A Special Use Permit to allow for the Food Bank to location a High-Density Residential (R3) zoned property with a senior care facility.

B. RECORD CREATED:

1. A-1 Application.
2. A-2 Narrative.
3. A-3 Preliminary Plan
4. A-4 Vicinity Map
5. A-5 Ownership Lease Exhibit
6. S-1 Vicinity Map
7. S-2 Zoning Map
8. S-3 Future Land Use Map
9. PA-1 PFPD Comments
10. PA-2 PFHD Comments
11. PA-3 PFSD Comments
12. PA-4 KCFR Comments
13. P&Z Staff Report
14. Testimony at the September 12, 2023, Planning and Zoning public hearing:

The public hearing was noticed correctly and conducted under the requirements of Idaho Code §§ 67-6512 and 67-6509, and Post Falls Municipal Code (PFMC) § 18.20.060. The purpose of the hearing was to allow the Applicant and the public to provide testimony and documentation to be taken by the Planning and Zoning Commission ("Commission") in their application of PFMC § 18.20.070 B.

Jon Manley, Planning Manager

Mr. Manley presented the staff report. He testified that the Applicant requests approval for a Special Use Permit to allow for the food bank to locate on a High Density Residential (R3) zoned property with a senior care facility as permitted by PFMC 18.20.030.

Mr. Manley provided testimony regarding the proposed property located north of E. 3rd Ave and west of N. Bay St. He noted that the surrounding zoning includes Industrial (I) zoning and a Park and Recreation Facility to the north, High Density Multi-Family (R3) to the west, and Industrial (I) zoning with VFW storage units to the east.

Mr. Manley spoke about the proposed expansion of a food bank in the area. He began by

introducing the co-applicant of the food bank, Brana, who would be able to answer any questions regarding the site itself. He then went on to explain that there would not be any major changes to the existing parking lot and that this would be reviewed as part of the building permit process.

He presented the main floor and upper floor exhibits and noted that the water and wastewater services would be provided by the City of Post Falls. He then reviewed the land use table and the four review criteria that would be used to assess the proposal. The first criteria looked at whether the special use permit would conform to the purposes of the applicable zoning district. Mr. Manley explained that the food bank was in an R3 zone and indicated that a special use permit was required. He also noted that other services on the site would require a special use permit as well.

The second criteria assessed whether the proposed use constituted an allowable use as established by the zoning district involved and complied with applicable laws and ordinances. Mr. Manley explained that this criteria would also be assessed using the land use table and the special use permit requirements.

The third criteria looked at whether the proposed use would be compatible with the health, safety, and welfare of the public and with the land uses in the vicinity. Mr. Manley presented evidence that staff had concluded that the proposal would not have a negative impact on this element, based on adjacent uses and the adjoining road network. He also noted that engineering had identified third as a major collector with sufficient capacity and that there were facilities in place to serve this.

The fourth and final criteria assessed whether the proposed use would be in line with the comprehensive plan goals and policies. Mr. Manley presented evidence that by allowing the food bank to expand and provide services for the community, it would meet some of the supporting needs in the community. He noted that a food bank would fall in line with the first three policies of the plan, which support land use patterns that maintain and enhance community levels of service, foster long-term health and safety, and promote compatible and well-designed development.

Mr. Manley then presented the agencies that were notified of the proposal and the comments received. The Post Falls Police were neutral, the highway district had no comment, Kootenai County Fire and Rescue said they would comment at the time of the development, and the school district was neutral.

Mr. Manley, in response to a question from the Commission, indicated that construction to the existing building was going on at the site but any certificate of occupancy would be contingent on the issuance of the special use permit.

Brana Cully, Applicant

Ms. Cully provided an update on the current status of the Senior Center facility and the upcoming merger with the food bank operation. She explained that the building's interior layout is being adjusted to accommodate the merger, while about a third of the exterior of the building will be changed to add a second level for additional storage space and a loading dock for truck deliveries.

Ms. Cully also shared the planned layout of the facility, which includes a warehouse on the north end, a processing area, a market area for food bank shopping, a senior feeding facility, a senior lunch area, and a commercial kitchen located between the market and processing areas.

She emphasized that the changes to the building are necessary to improve the storage and distribution of food bank products, as well as to provide a better space for seniors to access meals and socialize.

The hearing was opened for public testimony.

No public testimony was received.

Deliberations: After the public hearing was complete the hearing was closed, and the Commission moved 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") § 18.20.070 B.

C. EVALUATION OF APPROVAL CRITERIA:

C1. Whether the implementation of the special use conforms to the purposes of the applicable zoning district?

After careful consideration and review of the relevant regulations, including the presented testimony and evidence, the Commission determined that the proposed Food Bank is an allowable use within the High Density Residential (R-3) Zoning district, subject to obtaining a Special Use Permit as per PFMC Land Use Table 18.20.030.

The site is an established community service site as a senior care facility, with the current use being civic use. The Commission finds that the proposed Food Bank represents an expansion of a civic use and, therefore, is consistent with the typical use of a city-owned property. It is noted that the proposed use is peculiar for the R-3 zoning district; however, the Commission finds that the proposed Food Bank meets the requirements for a Special Use Permit and is an appropriate use of the site.

C2. 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.

According to the land use table in PFMC Title 18.20.030, community food banks and services for elderly and disabled citizens are allowed as a special use with a permit in the High Density Residential (R3) zoning designation. Therefore, the Commission has found that this approval criterion has been met.

C3. Whether the proposed use will be compatible with the health, safety, and welfare of the public or with land uses within the vicinity of the proposal.

After careful consideration and analysis, the Commission finds that the proposed special use is compatible with the adjacent land uses and zoning designations. The transportation impact analysis suggests that the proposed use would not have any adverse impact on the adjoining transportation systems and would not significantly increase traffic on the Major Collector Roadway. Moreover, the proposed use is expected to produce equivalent or less sewerage than the previous land use and would be serviced by the City of Post Falls Water District. The Commission further finds that the testimony and evidence provided demonstrate that the proposed use will not negatively affect the public's health, safety, and welfare.

C4. Whether the proposed use will comply with the goals and policies found within the comprehensive plan.

After reviewing the record created, including the application, narrative, preliminary plan,

vicinity map, exhibits, and comments, the Commission finds that the proposal meets the following goals and policies contained in the Comprehensive Plan:

Goals:

Goal 7: Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability.

Cities have a significant impact on land use, which affects the nature and type of development, growth patterns, and the financial outcomes of growth on the local economy. The staff report further states that the expansion and evolution of community services will be instrumental in facilitating the continued growth and development of the city.

Policies:

Policy 1: The Commission finds that the proposed project supports land use patterns that maintain or enhance community levels of service. The project is expected to improve the level of service provided by the Food Bank to the community, which aligns with the policy objective. The Commission also finds that the project fosters the long-term fiscal health of the community and maintains and enhances resident quality of life. Improvements to the level of service the Food Bank provides to the community are expected to enhance resident quality of life. The Commission further finds that the project promotes compatible, well-designed development and implements the goals and policies of the comprehensive plan, related master plan, and/or facility plans.

Policy 2: The Commission finds that the proposed zoning designations have been carefully considered with reference to various factors. The future land use mapping has been taken into account, and the site's Business/Commercial designation provides for a wide variety of general service, retail, and mixed-uses that serve local and regional residents as well as the traveling public. The Commission also finds that the proposed project is compatible with surrounding land uses, as per PFMC Land Use Table 18.20.030, and is not incompatible with the westerly multi-family housing units, the Park and Rec Facility to the north, and the VFW and storage units to the east. The Commission further finds that the site is connected to existing sanitary sewer and water infrastructure, and the existing facilities have sufficient capacity to provide service for the anticipated land uses. The Commission notes that the site is located adjacent to a Major Collector Street with sufficient capacity to meet current peak hour demands in the master plan, and the proposed project has no significant impact on existing or future traffic patterns. Lastly, the Commission finds that the proposed project aligns with the goals and policies of the comprehensive plan, related master plan and/or facility plans.

Policy 93: The Commission finds that the proposed project encourages the development of Post Falls' city center as a community focal point, combining commercial, civic, cultural, residential, and recreational uses. The Commission also finds that the site has access to arterial and collector streets, ample sidewalks, and pedestrian access, and is in proximity to residential areas being served. The existing and proposed location is along an established transit route serviced by City Link Transit, and the site is fronted by a Major Collector Street with sidewalks. Black Bay Park is located across the street, which provides recreational opportunities for residents. The Commission also finds that the proposed project provides cost-effective access to necessary utilities and services.

D. ACTIONS THAT THE APPLICANT CAN TAKE TO GAIN APPROVAL.

Not applicable.

E. CONCLUSION

SUP-23-3: The Commission has carefully examined all the evidence presented, including public testimonies, and has concluded that the requested Special Use Permit meets the requirements of both the City Code and the Idaho Local Land Use Planning Act. As a result, the Special Use Permit is hereby approved.

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.

CITY OF POST FALLS STAFF REPORT

DATE: January 3, 2024

TO: POST FALLS PLANNING AND ZONING COMMISSION

FROM: JON MANLEY, PLANNING MANAGER, imanley@postfalls.gov, 208-457-3344

SUBJECT: FINAL STAFF REPORT FOR THE JANUARY 9th, 2024, P&Z COMMISSION MEETING
BOYD'S LANDING FIRST ADDITION SUBDIVISION FILE NO. SUBD-23-5

PROJECT NAME/FILE NUMBER: Boyd's Landing 1st Addition File No. SUBD-23-5

OWNERS: Northern Lights Development LLC, 179 E. Wilbur Avenue, Dalton Gardens, ID 83815

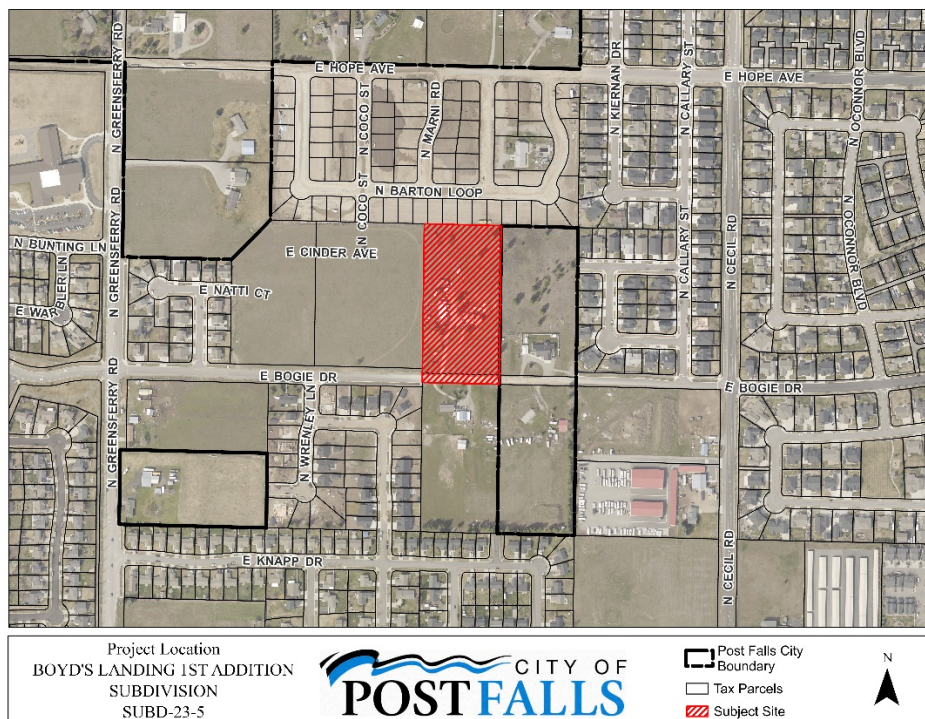
APPLICANT: Drew Dittman, Lake City Engineering, Inc., 126 E. Poplar Avenue, Coeur d' Alene, ID 83814

PROJECT DESCRIPTION: Lake City Engineering, Inc. has requested, on behalf of the property Northern Lights Development, LLC., to subdivide approximately 4.87 acres into 19 single family lots within the Single-Family Residential (R-1) zoning designation.

REQUESTED ACTION: The Planning & Zoning Commission is being asked to review and approve the proposed subdivision determining that it meets the requirements of the Post Falls Municipal Code (PFMC).

PROJECT LOCATION: The property is located north of E. Bogie Dr, halfway between N. Cecil Rd. and N. Greensferry Rd.

Vicinity Map:



PARCEL INFORMATION:

Property Size: 4.87 acres

Current Land Use: Single family residential

Current Zoning: Single Family Residential (R-1) zoning

Proposed Land Use: The proposed subdivision will serve a single-family residential housing development.

Surrounding Land Use: There are 2 county single-family households to the east. To the west is a single-family neighborhood under construction. To the north is the developing Corbin Meadows single-family subdivision in the city. To the south is the recently approved Millsap Landings Annexation and (R-1) subdivision

Surrounding Zoning Districts: The proposed development pattern for this area are other single-family households in the City or County. There are 2 county households to the east. To the south is the recently approved Millsap Landings Annexation and (R-1) subdivision. To the west is an undeveloped planned single-family (R-1) neighborhood in the city. To the north is the developing Corbin Meadows (R-1) single-family subdivision.

Water Provider: Ross Point Water District

Sewer: City of Post Falls

SUBDIVISION REVIEW CRITERIA (Post Falls Municipal Code Title 17.12.060, Subsection H):

1. 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.

Staff's Response: Water service to the development would be provided by Ross Point Water District. The applicant has provided a will serve letter from the water district stating they have the capacity, willingness and intent to serve the proposed 19-lot subdivision (Exhibit A-4).

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

Staff's Response: Sanitary Sewer for the site is located at the southwest corner of the property. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan. The City's Water Reclamation System has the capacity to provide service and the City is willing to serve to the property at the requested density. Existing capacity is not a guarantee of future service.

Existing septic systems shall be abandoned in compliance with Panhandle Health District requirements.

3. Proposed streets are consistent with the transportation element of the comprehensive plan.

Staff's Response: The subdivision and proposed layout (Exhibit A-3) are consistent with the City's Transportation Master Plan.

Roadways, storm drainage management, roadway illumination, ADA ramps and roadway markings / signs shall comply with City Standards with final design and construction.

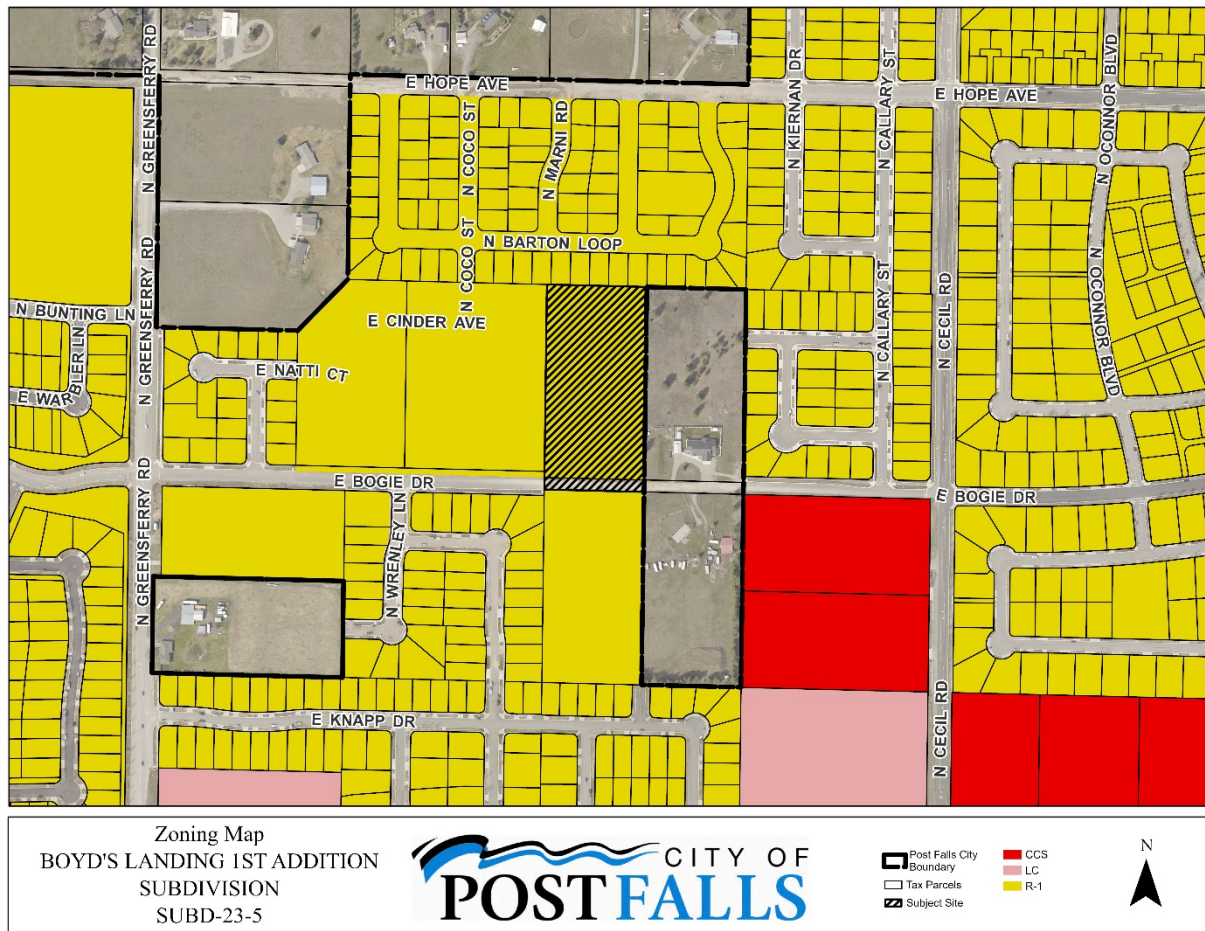
The Homeowners Association for the project will be responsible for maintenance of landscaping and irrigation, including snow removal from sidewalks/trail, for the public rights-of-way along Bogie Avenue.

4. 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.

Staff's Response: This subject property is located over the Rathdrum Prairie Aquifer. No known hazards have been identified that would prevent or hinder development of the property.

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

Staff's Response: The subdivision and proposed lots conform to the requirements of Title 17 (Subdivisions) and Title 18 (Zoning) for Single-Family Residential (R-1) zoning.



6. 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.

Staff's Response: Impact fees will be assessed and collected on individual building permits to assist in mitigating the off-site impacts to parks, public safety, multi-modal pathways, streets and Kootenai County Fire and Rescue and Kootenai County Emergency Management Services.

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

- **PA-1: YPL Phillips 66** – No Impact
- **PA-2: Panhandle Health District (PHD)** – No Jurisdiction with municipal systems
- **PA-3: Post Falls Police Dept. (PFPD)** – Remain Neutral
- **PA-4: Idaho Dept. of Enviro. Quality (DEQ)** – No issues if will serve for Water (Exhibit A-4) and Wastewater

PUBLIC PROCESS: This project is processed as a Subdivision. A public hearing is held before the Planning & Zoning Commission; of which, will review the record, hear the staff report, and render a decision.

If the project is approved, a Master Development Agreement is prepared by staff, approved by City Council, and signed by the parties to the agreement.

Notice of the proposed subdivision was sent to appropriate jurisdictions and mailed to property owners within 300 feet of the proposed project on December 15, 2023. Notice has been published in the Coeur d'Alene Press on December 26, 2023. The property was posted on the December 28, 2023.

MOTION OPTIONS: The Planning and Zoning Commission shall approve as presented, make an approval with conditions or modifications, or disapprove the proposed Subdivision. Should the Commission need additional information or wish to hear additional testimony, it may wish to move to continue the public hearing to a 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 date certain.

FINDINGS & CONCLUSIONS: The Planning & Zoning Commission should adopt Findings and Conclusions when forming a reasoned decision. Staff proposes the following conditions upon a potential recommendation of approval of the proposed Boyds Landing 1st Addition. The Commission may adopt additional conditions from review of the application or from discussion at the Commission meeting.

SUBDIVISION CONDITIONS: Should the Planning & Zoning Commission move to recommend approval; staff proposes the following conditions:

1. Corrections and additions, if any, to the Subdivision requested by staff and/or the Planning & Zoning Commission should be completed by the applicant and reviewed by staff prior to approval by the City Council.

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. The proposed subdivision must be completed in a single phase.
4. A Construction Improvement Agreement shall be prepared and executed prior to commencement of construction for the subdivision.
5. Submitted Preliminary Plans were reviewed from a conceptual basis only and reflect the general ability to provide service. Final construction plans of the streets and utilities shall be reviewed and approved by the Engineering Division prior to any street or utility construction. Such plans shall also include driveway approaches and location of proposed mailboxes. Construction limits shall correspond with the improvements indicated on the Preliminary Plat.
6. Except where an exception is granted, all streetlights, roadways and City owned utilities shall be designed and constructed in accordance with City standards. The application did not request any exceptions from City Code or Design Standards.
7. Direct access to or from residential lots to Bogie Avenue shall be prohibited on the face of the plat.
8. Final landscaping 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.
9. A Homeowners Association (HOA) shall be formed to maintain the common right-of-way frontage along Bogie Avenue, including all landscaping, irrigation, and removal of snow from sidewalks and trails.
10. Existing septic systems shall be abandoned in compliance with Panhandle Health District requirements.

ATTACHMENTS:**Applicant Exhibits:**

Exhibit A-1	Application
Exhibit A-2	Narrative
Exhibit A-3	Preliminary Plan
Exhibit A-4	Will Serve
Exhibit A-5	Owner Authorization Letter
Exhibit A-6	Title Report

Staff Exhibits:

Exhibit S-1	Vicinity Map
Exhibit S-2	Zoning Map
Exhibit S-3	Future Land Use Map

Testimony:

Exhibit PA-1	YPL Phillips 66 comment
Exhibit PA-2	Panhandle Health District (PHD) comment
Exhibit PA-3	Post Falls Police Dept. (PFPD) comment
Exhibit PA-4	Idaho Dept. of Enviro. Quality (DEQ) comment

Subdivision Application ·

448 – BOYD'S LANDING 1ST ADDITION ·

 **Expiration Date**

Active

Request Changes
(</#/explore/request-changes/44870>)



SUBD-23-5



Details
Submitted on Sep 22, 2023 at 2:37 pm



Attachments
7 files



Activity Feed
Latest activity on Oct 13, 2023



Applicant
Lake City Engineering, Inc.

 0



Location
Point Location: 47.7345, -116.9099

Timeline

Add New ▾

Application Fee
Paid Sep 25, 2023 at 3:25 pm



GIS Review
Completed Sep 28, 2023 at 1:44 pm

Oct 02 

Polygon Creation
Completed Oct 3, 2023 at 8:41 am

Oct 02 

Completeness Review
Completed Oct 13, 2023 at 2:03 pm

 Sep 29 

Completeness Review
In Progress

Schedule Planning & Zoning Hearing
In Progress

Exhibit A-1

<https://postfallsid.workflow.opengov.com/#/explore/records/44870/applicant>

Page 31 of 94

Maps created

In Progress



Draft Staff Report

Review



Engineering Review

Review



Engineering Review

Review



Parks Review

Review



Wastewater Review

Review



Draft Notice

Review



Final Planning Review

Review



Review PHN

Review



Notice

Review



Site Posting

Review



Staff Report to Media

Review



PowerPoint to Media

Review



Reasoned Decision

Review



Meeting Minutes

Review



MDA Coordination

Review



P&Z Consent Item

Review



Engineering Review of MDA

Review

**Signature/Applicant Review of MDA**

Review

**City Council Consent Item**

Review

**Recorded MDA Copy to Applicant**

Review

**Lake City Engineering, Inc.**[View Profile](#)**Email Address**

admin@lakecityengineering.com (mailto:admin@lakecityengineering.com)

Phone Number

(208) 676-0230

Address

126 E. Poplar Avenue, Coeur d'Alene, ID 83814

Guests

Other users that have the ability to add attachments, request inspections, and pay fees on this record.

Guest's Email[Grant Access](#)**No guests with access to this record yet**

Boyd's Landing First Addition

Preliminary Subdivision

Project Narrative

City of Post Falls, Idaho

September, 2023



126 E. Poplar Avenue
Coeur d'Alene, Idaho 83814
Phone: 208-676-0230

PROJECT SUMMARY

The *Boyd's Landing First Addition* Subdivision is a proposal for 19 single-family residential lots located in the Post Falls Irrigated Tracts, approximately 0.3 miles East of the intersection of Bogie Drive and Greensferry Road, on the North side of Bogie Drive. The subject property lies within the southwest quarter of Section 25, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho.

SUBJECT PROPERTY

The parcel to be subdivided is as following:

Parcel No.: 0-6360-25-043-AB
AIN: 107803
Area: 4.87 acres



Figure 1: Vicinity Map

LAND USE

The subject property is currently zoned Agriculture in Kootenai County, however, the Applicant has submitted for annexation into the City of Post Falls as R-1. The City of Post Falls Future Land Use Map designates the subject property as Low-Density Residential. It is bounded on the South and East by County zoned Agriculture property. The subject property is contiguous to the City on the North and West, and those properties are zoned R-1. The

Corbin’s Meadow subdivision lies just North of the subject property, and the land to the West is currently under construction as Boyd’s Landing.

The proposed use for the subject property is consistent with the requested zoning designation, the surrounding land uses, and is in conformance with the Post Falls Municipal Code and Comprehensive Plan. Additional open space is not required as a part of this project, and Park Impact fees will be collected with each residential building permit. A brief summary of the proposed project is provided below.

<i>Existing Zoning:</i>	<i>Agriculture (County) – Proposed R-1</i>
<i>Comprehensive Plan Designation:</i>	<i>Low-Density Residential</i>
<i>Project Area:</i>	<i>4.87 acres</i>
<i>Residential Units:</i>	<i>19 lots</i>
<i>Residential Density:</i>	<i>3.9 du/ac</i>
<i>Average Lot Size:</i>	<i>+/- 8,163 sf</i>

<u>Setback or Provision</u>	<u>Proposed</u>
<i>Maximum Lot Coverage</i>	<i>40%</i>
<i>Minimum Lot Width</i>	<i>60’</i>
<i>Front Setback</i>	<i>15’ (20’ to garage)</i>
<i>Side Setback</i>	<i>5’</i>
<i>Flanking Setback</i>	<i>15’ (public street)</i>
<i>Rear Setback</i>	<i>10’</i>
<i>Max Building Height</i>	<i>35’</i>

PRE-DEVELOPMENT CHARACTERISTICS

The subject property is vacant except for a private residence and several outbuildings in the center of the parcel. The general slope of the land is relatively flat, and the uninhabited portion of the property is covered by native grasses and vegetation. See Figure 1 above.

POST-DEVELOPMENT CHARACTERISTICS

The proposed development will be built in accordance with City of Post Falls Standards, Ross Point Water District Standards and common accepted construction practices. All utilities are existing and located adjacent to, or near to, the subject property boundaries and will be used to serve this project. There are no topographical limitations to overcome during the development of this property.

Transportation and Roads

Currently, Bogie Drive is situated in a 60’ public right-of-way (Minor Collector) in front of Wheelbarrow Estates to the North and Wrenley Estates to the South, including standard curb and gutter, roadside grassy swales, and 15’ utility easements. During development, an additional 20’ of right-of-way along the southern border of the subject property would be

dedicated to the City. As Bogie Drive travels between these two existing subdivisions and along the southern border of the subject property, it is unpaved and situated in a 40' right-of-way. During development, this section of Bogie Drive would be paved and provide an entrance to the proposed subdivision via Maker's Street (proposed). An alternate entrance would be provided via the anticipated extension of Cinder Avenue once Boyd's Landing subdivision to the East is completed. Both Maker's Street and Cinder Avenue are proposed to be 65' public rights-of-way with 32' paved street sections, including rolled curb and gutter, roadside grassy swales and 5' concrete sidewalks, together with 10' utility easements. The applicant is proposing to build to centerline +10' of the Bogie Drive street section.

Fire Protection

The subject property is within the Kootenai County Fire and Rescue Protection District boundaries. Fire Station #3, at 3850 E. 16th Street, is located within 2 miles of the project development. Fire hydrants will be installed along both Bogie Drive, as well as at internal locations as designated by the Kootenai County Fire and Rescue District throughout the proposed development. Emergency access is not anticipated to be a problem.

Stormwater

Stormwater will be handled via permanent grassy swale systems that will collect and mitigate stormwater runoff generated from the subdivision. Excess runoff will be direct injected into the ground through the use of drywells. A stormwater management plan shall use best management practices (BMP) during and after construction in accordance with accepted standard construction practices. According to the Natural Resources Conservation Service (NRCS), the area's soils contain Garrison Gravelly Silt Loam in small slivers on the northern and western edges, with the remainder of the property containing Garrison Very Stony Silt Loam. These soils are typical of this area of Post Falls and are suitable for this type of stormwater management system and commonly practiced throughout the City of Post Falls. Maintenance of the storm system will be the responsibility of the City of Post Falls.

Water

Domestic and irrigation water will be provided by Ross Point Water District. There is an existing 12" water main located in Bogie Drive immediately South of the property, to which a new 8" water main will connect and be looped internally through Maker's Street and Cinder Avenue. A Will Serve letter will be supplied to the City by RPWD when it's received.

Sewer

Sanitary Sewer service will be provided by the City of Post Falls. There is currently an 8" gravity sewer main located in Bogie Drive, South of the proposed Subdivision. Infrastructure will be required to be extended through the subject property in accordance with City of Post Falls standards. There is adequate capacity within the City of Post Falls Sewer System. Sanitary sewer generated from this site will be treated at the Post Falls Wastewater Treatment Plant, which currently has capacity to serve this project.

Other Utilities

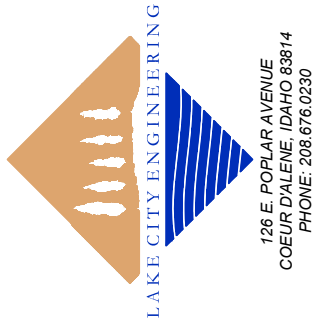
All dry utilities are located in Bogie Drive and currently available to serve the proposed project. They will be extended from and throughout the proposed project as required. All dry utility companies will be notified at the appropriate time. Agreements to provide service will be finalized between the Developer and the respective utility.

DEVELOPMENT SCHEDULE

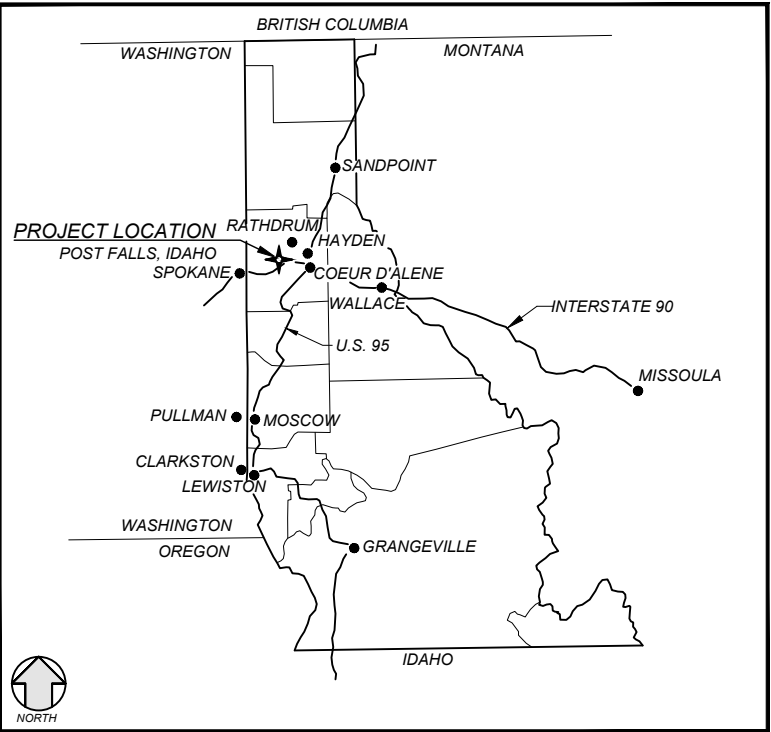
Construction on this project is anticipated to begin in the Fall of 2023 and be completed in one phase.

BOYD'S LANDING FIRST ADDITION

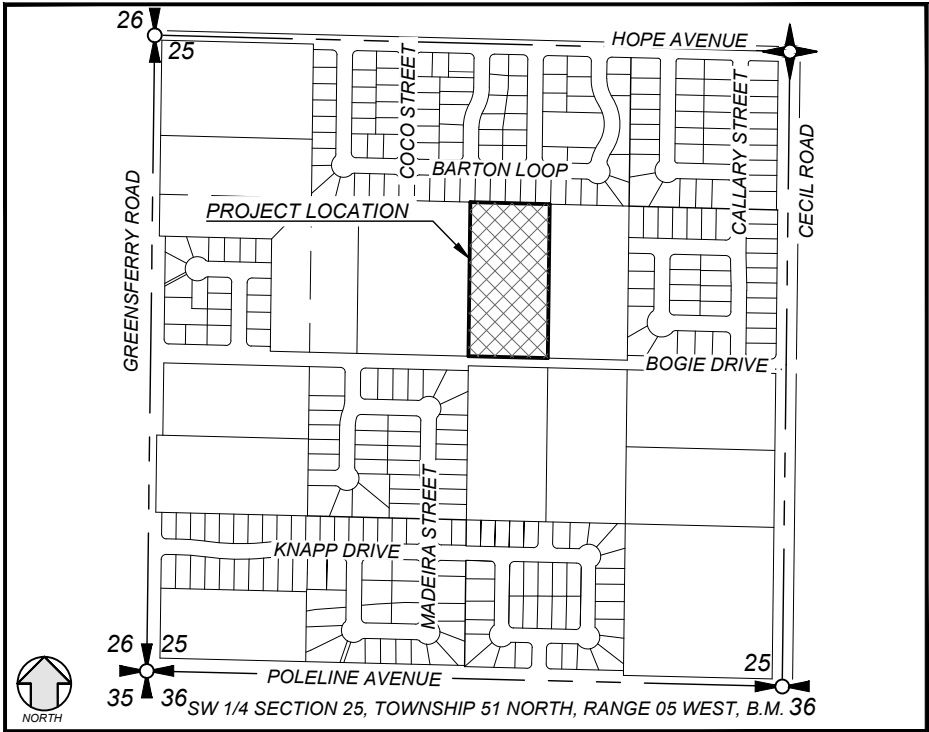
PRELIMINARY SUBDIVISION
CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO



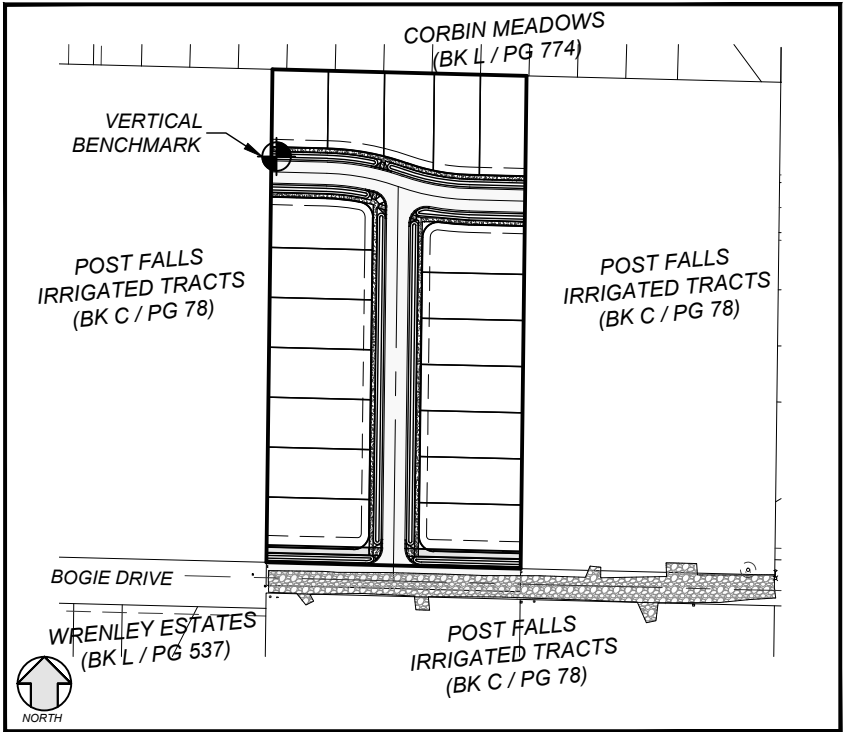
PRELIMINARY
NOT FOR CONSTRUCTION



VICINITY MAP
NTS



PROJECT LOCATION
1" = 800'



PROJECT SITE
1" = 250'

PROJECT OWNER

NORTHERN LIGHTS DEVELOPMENT, LLC
179 E. WILBUR AVENUE
DALTON GARDENS, IDAHO 83815
PH: (208) 704-2000

PROJECT ENGINEER

LAKE CITY ENGINEERING, INC.
126 E. POPLAR AVENUE
COEUR D'ALENE, IDAHO 83814
PH: (208) 676-0230

PROJECT MATRIX

LEGAL DESCRIPTION: WEST HALF OF TRACT 43, BLOCK 25,
POST FALLS IRRIGATED TRACTS
(BK C / PG 78)

AREA: 4.87 ACRES

UTILITY CONTACT LIST

AVISTA (POWER/GAS): (208) 769-1343
KOOTENAI ELECTRIC (POWER): (208) 765-1243
SPECTRUM (COMM): (208) 277-9452
ZIPLY FIBER (COMM): (208) 762-2664
TDS (FIBER): (208) 920-1666

CONTACT INFORMATION

WATER PURVEYOR

ROSS POINT WATER DISTRICT
8584 W. PRAIRIE AVENUE
POST FALLS, IDAHO 83854
PH: (208) 773-1120

SEWER PURVEYOR

CITY OF POST FALLS WATER RECLAMATION
2002 W. SELTICE WAY
POST FALLS, IDAHO 83854
PH: (208) 777-9857

STREET AND STORMWATER PURVEYOR

CITY OF POST FALLS STREET DIVISION
2002 W. SELTICE WAY
POST FALLS, IDAHO 83854
PH: (208) 773-1722

INDEX OF SHEETS

- TITLE SHEET
- PRELIMINARY SUBDIVISION PLAN
- PRELIMINARY UTILITY PLAN
- PROJECT DETAILS AND EXISTING CONDITIONS MAP



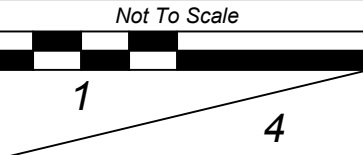
VERTICAL BENCHMARK

SET 1/2" REBAR WITH BLUE PLASTIC CAP
LOCATED NEAR THE NORTHWEST
PROPERTY CORNER
ELEV: 2224.21 (NAVD 88)

Exhibit A-3



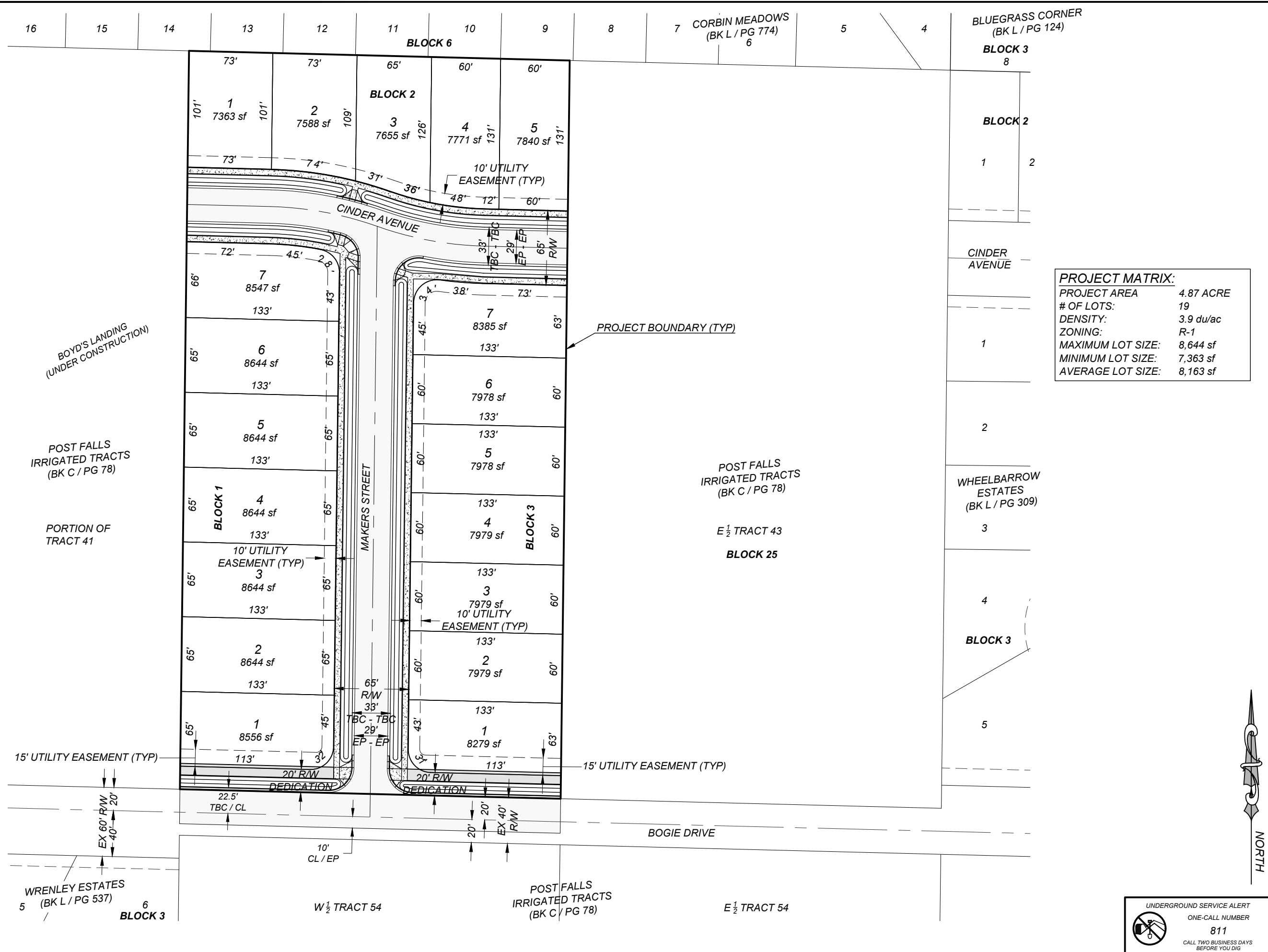
DESIGNED BY: DCD
DRAFTED BY: TCD/SMA
DATE: 09/22/2023
JOB NO: LCE 23-037.1
SCALE: N.T.S.



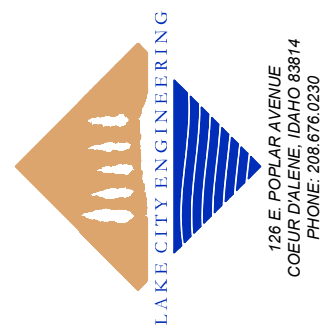
BOYD'S LANDING FIRST ADDITION

TITLE SHEET
CITY OF POST FALLS, IDAHO

alme, Plotted: Sep 22, 2023 - 11:08am, L:\2023\23-037.1\ACAD\23-037.1 PRELIM SUB.dwg



PROJECT MATRIX:	
PROJECT AREA	4.87 ACRE
# OF LOTS:	19
DENSITY:	3.9 du/ac
ZONING:	R-1
MAXIMUM LOT SIZE:	8,644 sf
MINIMUM LOT SIZE:	7,363 sf
AVERAGE LOT SIZE:	8,163 sf

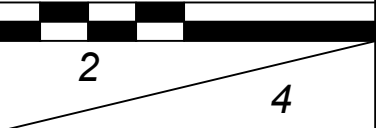


PRELIMINARY
NOT FOR CONSTRUCTION

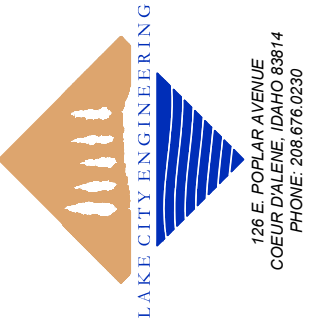
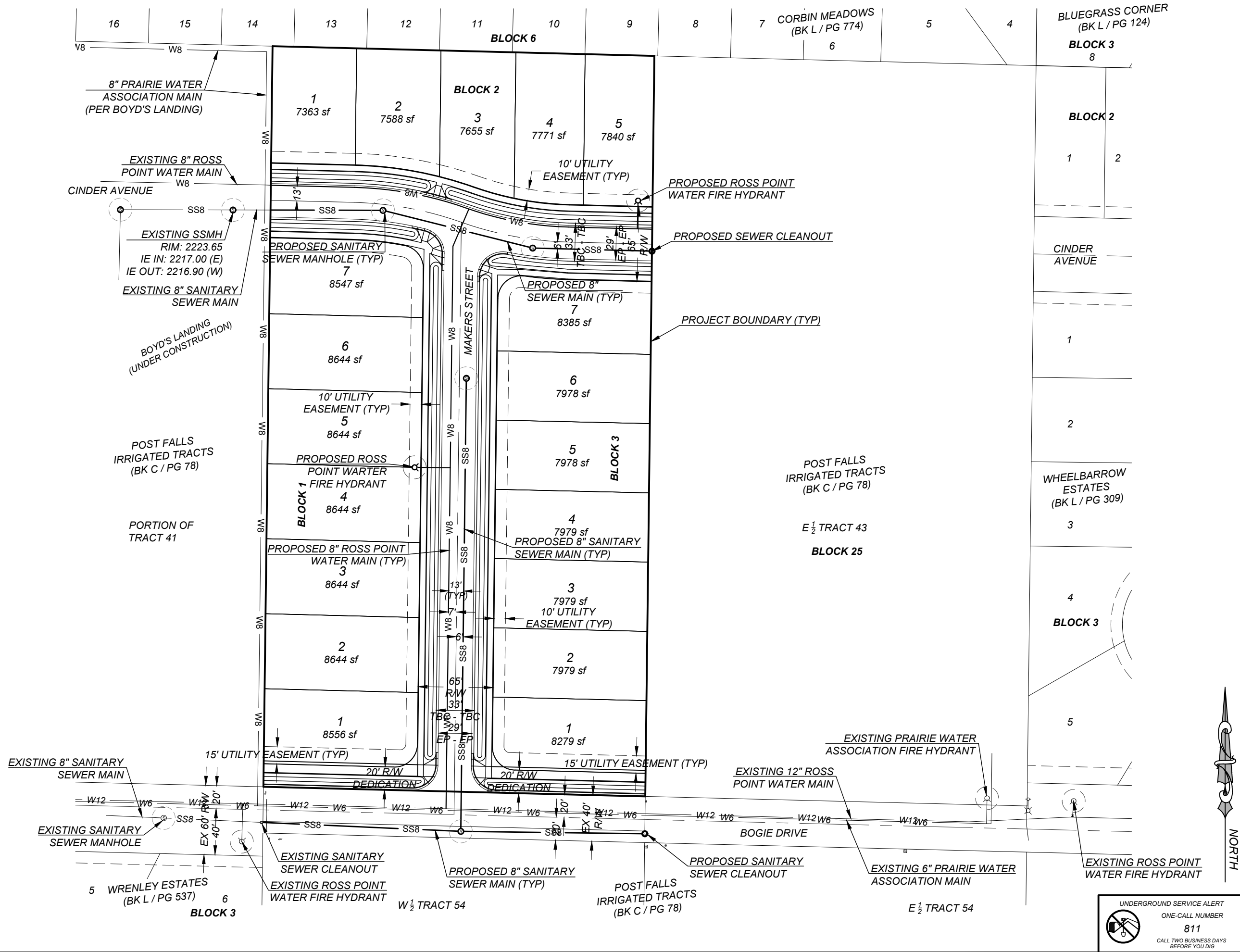
BOYD'S LANDING FIRST ADDITION

PRELIMINARY SUBDIVISION PLAN
CITY OF POST FALLS, IDAHO

DESIGNED BY:	DCD
DRAFTED BY:	TCD/SMA
DATE:	09/22/2023
JOB NO:	LCE 23-037.1
SCALE:	1" = 80'



alme, Plotted: Sep 22, 2023 - 11:08am, L:\2023\23-037.1\ACAD\23-037.1 PRELIM SUB.dwg

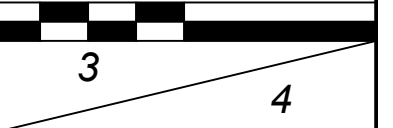


PRELIMINARY
NOT FOR CONSTRUCTION

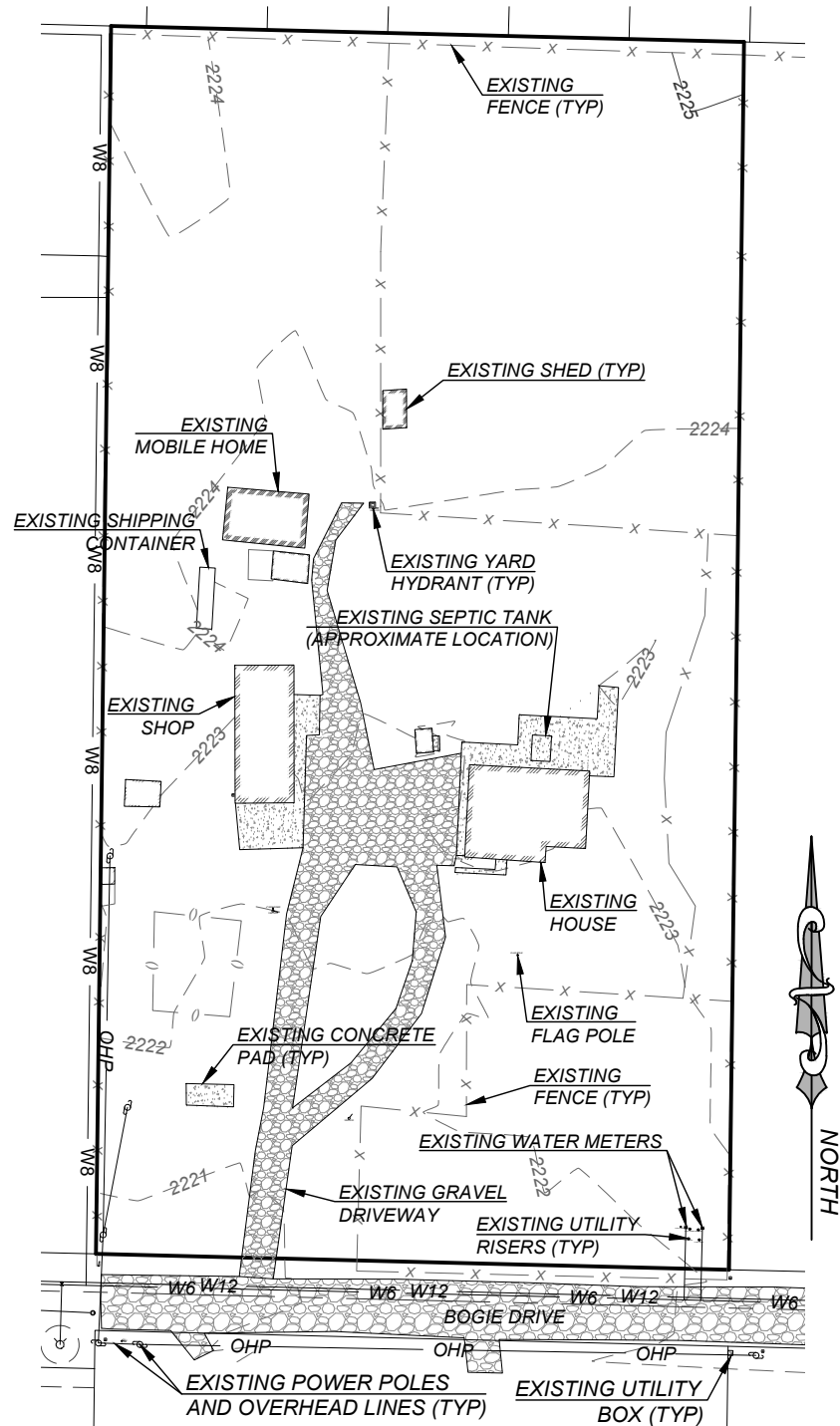
BOYD'S LANDING FIRST ADDITION

PRELIMINARY UTILITY PLAN
CITY OF POST FALLS, IDAHO

DESIGNED BY:	DCD
DRAFTED BY:	TCD/SMA
DATE:	09/22/2023
JOB NO:	LCE 23-037.1
SCALE:	1" = 80'

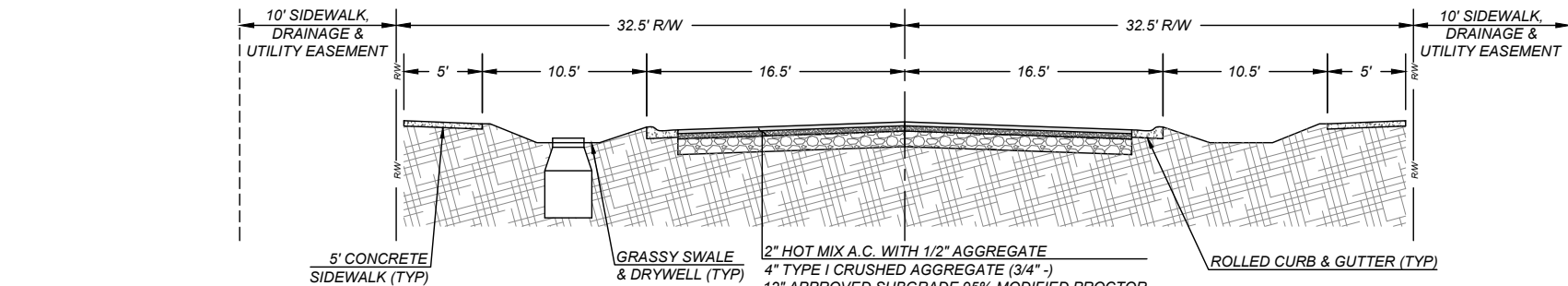


aimc, Plotted: Sep 22, 2023 - 11:08am, L:\2023\23-037.1\ACAD\23-037.1 PRELIM SUB.dwg

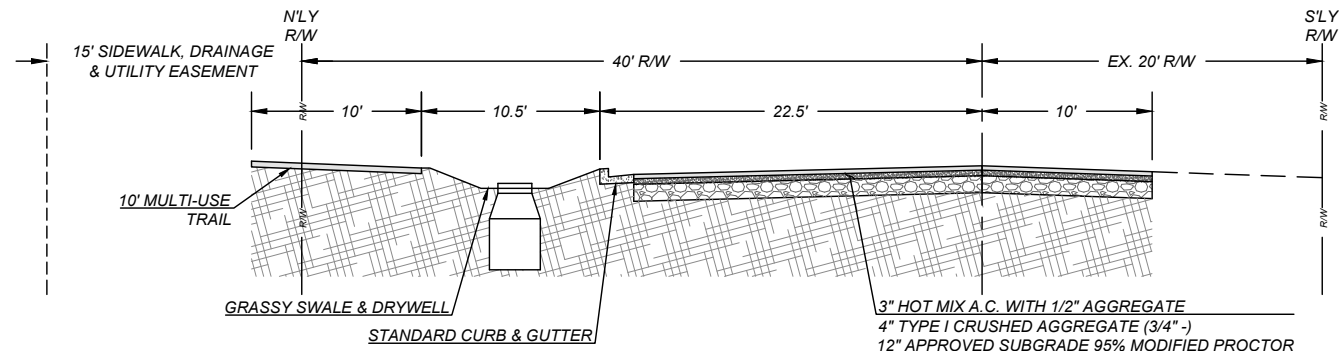


EXISTING CONDITIONS MAP
SCALE 1" = 100'

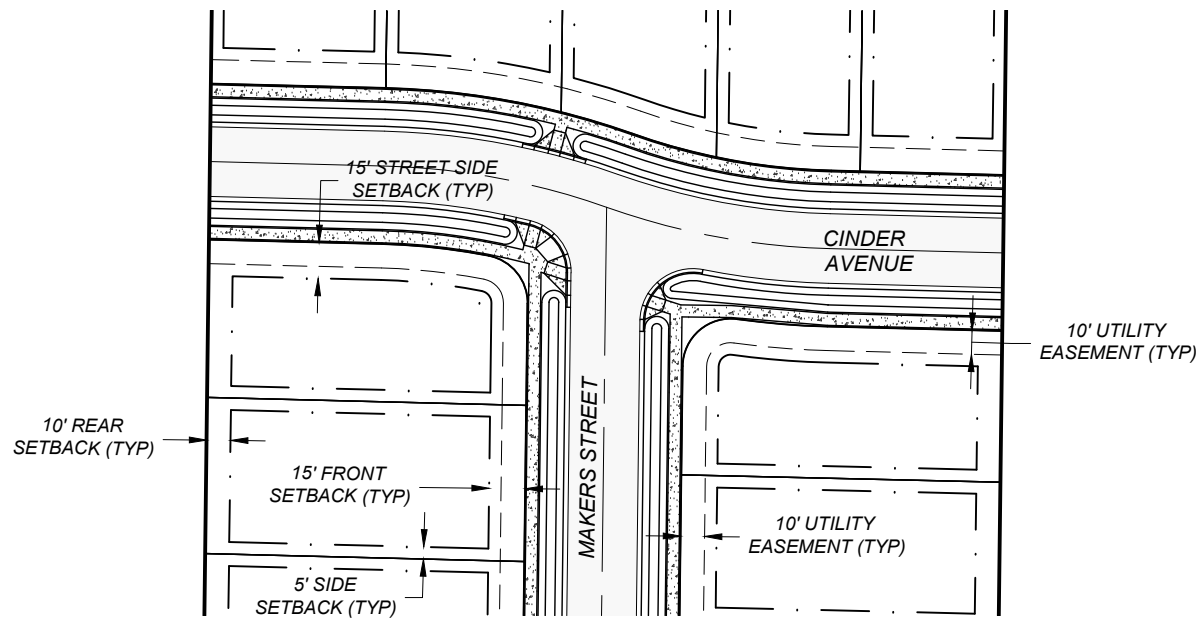
NOTE: ALL EXISTING INFRASTRUCTURE
AND FEATURES ON LOT TO BE REMOVED



CINDER AVENUE AND MAKERS STREET
LOCAL RESIDENTIAL SD 2001

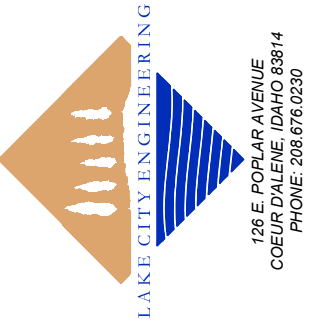


BOGIE DRIVE
MINOR COLLECTOR SD 2003



TYPICAL LOT SETBACKS
SCALE 1" = 80'

NOTE: MIN 20' TO FRONT OF GARAGE FROM
PROPERTY LINE OR BACK OF WALK, WHICHEVER
IS CLOSER TO THE GARAGE.

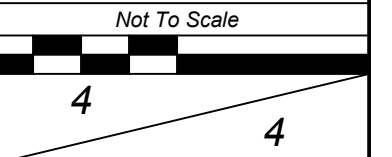


PRELIMINARY
NOT FOR CONSTRUCTION

BOYD'S LANDING FIRST ADDITION

PROJECT DETAILS AND EXISTING CONDITIONS MAP
CITY OF PSOT FALLS, IDAHO

DESIGNED BY:	DCD
DRAFTED BY:	TCD/SMA
DATE:	09/22/2023
JOB NO:	LCE 23-037.1
SCALE:	N.T.S.



ROSS POINT WATER DISTRICT

OCTOBER 9, 2023

TO: Bill Melvin, P.E.
City Engineer, City of Post Falls
408 Spokane Street
Post Falls ID 83854

RE: BOYD'S LANDING FIRST ADDITION

Dear Mr. Melvin:

Ross Point Water District has reviewed the preliminary plans for on-site improvements for the above referenced project and found them to be acceptable. We will need to review the completed construction plans before we can give final approval of the water system.

Ross Point Water District's Consulting Engineer, Whipple Consulting Engineers, Inc., have completed a study, which analyses the impact the proposed subdivision will have on our water supply and distribution system. The study identifies improvements that if made by the Developer, will allow the District to provide service to the subject project and maintain the existing level of service in the Ross Point Water District.

This letter is to advise you that Ross Point Water District is willing and able to provide water service to the proposed Boyd's Landing First Addition, to the extent of its readily available capacity if the following prerequisites are met.

Additional requirements include:

1. Annexation of the subdivision into the Ross Point Water District service area, if applicable.
2. Satisfactory completion and dedication of approved on-site and off-site water system improvements.
3. Payment of all applicable fees and charges.
4. Compliance with all Ross Point Water District policies, rules and regulations.
5. The water is currently serviced to this property by Prairie Water Association and all of the water rights associated with project property must be transferred to Ross Point Water District.
6. The applicant must petition to annex into the District, and such annexation must be approved by the District's Board at a properly noticed public hearing.
7. All cost associated with the annexation process will be covered by the applicant.
8. The Applicant must agree to be bound by the terms and conditions set by the Board if annexation is granted.

If work on the project is not begun within one year this "Will Serve" letter becomes void. If you have any questions, please feel free to contact the District.

Sincerely,



Christine Waller
Ross Point Water District

Cc: Ray Kimball, Whipple Consulting Engineers, Inc.
Idaho Department of Quality
Panhandle Health District
Lake City Engineering



City of Post Falls
408 N. Spokane Street
Post Falls, ID 83854

August 1, 2023

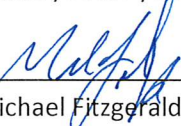
ATTN: Planning Department

RE: Parcel # 0-6360-25-043-AB

To Whom It May Concern,

I hereby authorize Lake City Engineering, Inc. to act as the Authorized Agents for matters related to the above referenced project.

Thank you for your time and consideration in this matter.



Michael Fitzgerald II, Manager
Northern Lights Development, LLC

8.4.23

Date

STATE OF IDAHO)
)ss.
COUNTY OF KOOTENAI)

On this 4th day of August, 2023, before me, the subscriber, a Notary Public in and for said State and County, personally appeared Michael Fitzgerald II, a Manager of Northern Lights Development, LLC, known or subscribed and sworn to me to be the person whose name is subscribed to the within instrument, and in due form of law acknowledged that he is authorized on behalf of said limited liability company to execute all documents pertaining hereto and acknowledged to me that he executed the same as his voluntary act and deed on behalf of said limited liability company.

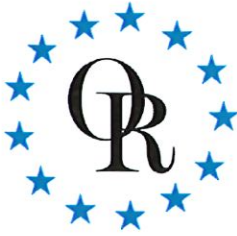


Notary Public

Residing at: Haupden

My Commission Expires: 2/10/29





Schedule A

Issued By: **OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**
400 Second Avenue South, Minneapolis, MN 55401
(612) 371-1111

File No.: KT-500834

Policy No.: [Redacted]

Address Reference: 2765 E. Bogie Drive, Post Falls, ID 83854

Amount of Insurance: [Redacted]

Premium: [Redacted]

Date of Policy: June 15, 2023 at 3:20 PM

1. Name of Insured:
Northern Lights Development, LLC, an Idaho Limited Liability Company
2. The estate or interest in the Land that is insured by this policy is:
fee simple
3. Title is vested in:
Northern Lights Development, LLC, an Idaho Limited Liability Company
4. The Land referred to in this policy is described as follows:
2765 E. Bogie Drive, in the City of Post Falls, County of Kootenai, and State of Idaho
and is described as set forth in Exhibit A attached hereto and made part hereof.

Countersigned:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

Kristin Scott
Authorized Officer or Licensed Agent

By

President

Attest

Secretary

This Policy incorporates the provisions of the 2006 ALTA Owner's Policy and is only valid if all applicable Schedules are attached.



2006 ALTA Owner's Policy Schedule B

File No.: KT-500834

Policy No.: [Redacted]

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by Public Records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments of real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. Property taxes and assessments for the year 2023, which are a lien, not yet due or payable.
8. Assessments of the Prairie Water Association, Inc.
9. Covenants, conditions and restrictions as set forth in the document, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: December 19, 1978
[Book 97 of Miscellaneous at Page 607](#), records of Kootenai County, Idaho
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: Kootenai Electric Cooperative, Inc.
Purpose: public utilities
Recorded: September 21, 1989
Instrument No.: [1161186](#), records of Kootenai County, Idaho.

Any matters as disclosed by a survey recorded September 6, 2001 in Book 21 of [Surveys](#) at Page 97, records of Kootenai County, Idaho.
11. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: Kootenai Electric Cooperative, Inc.
Purpose: public utilities
Recorded: April 18, 2005
Instrument No.: [1942831](#), records of Kootenai County, Idaho.
12. The terms Land and Improvement as used and defined herein shall not include any mobile, manufactured, modular or trailer home located thereon.

This Policy incorporates the provisions of the 2006 ALTA Owner's Policy and is only valid if all applicable Schedules are attached.



2006 ALTA Owner's Policy

Exhibit A

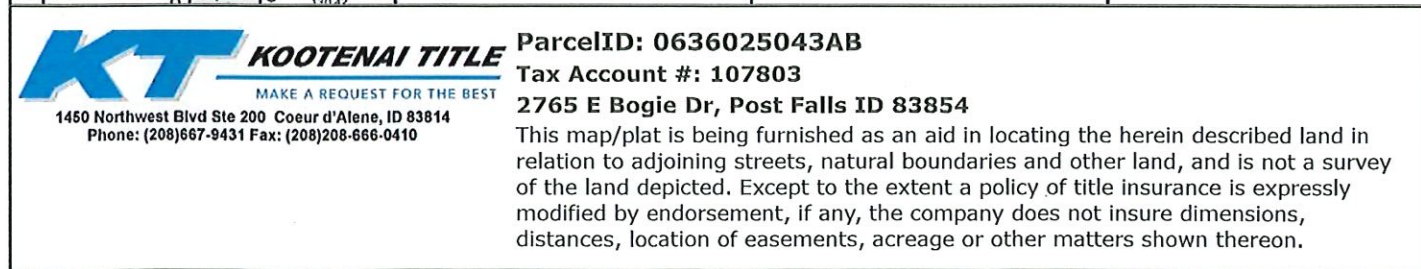
Legal Description

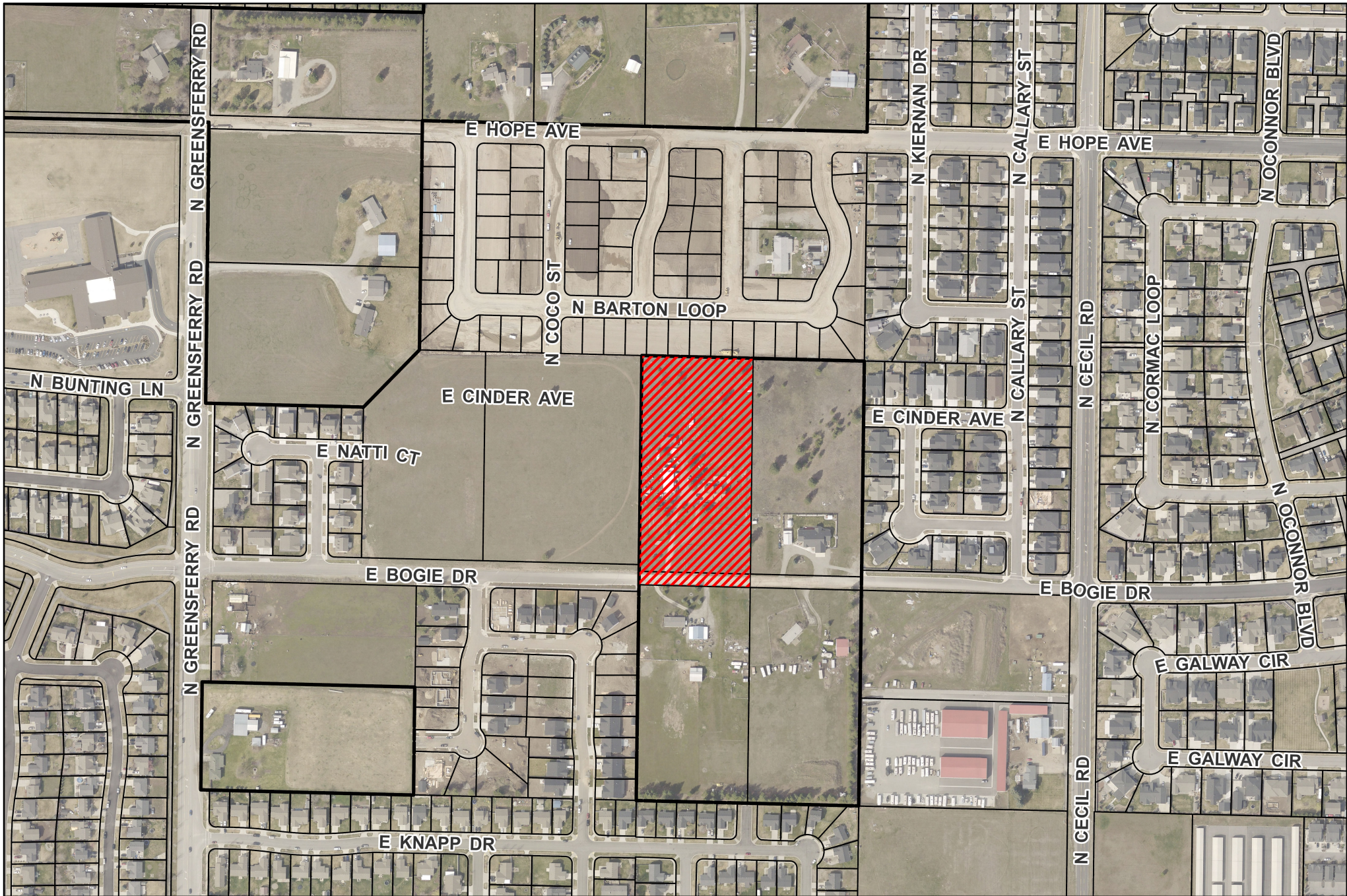
File No.: KT-500834

Policy No.: [Redacted]

The West Half of Tract 43, Block 25, POST FALLS IRRIGATED TRACTS, according to the plat recorded in the office of the County Recorder in Book C of Plats at Page 78, records of Kootenai County, Idaho.

This Policy incorporates the provisions of the 2006 ALTA Owner's Policy and is only valid if all applicable Schedules are attached.

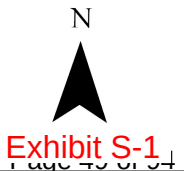


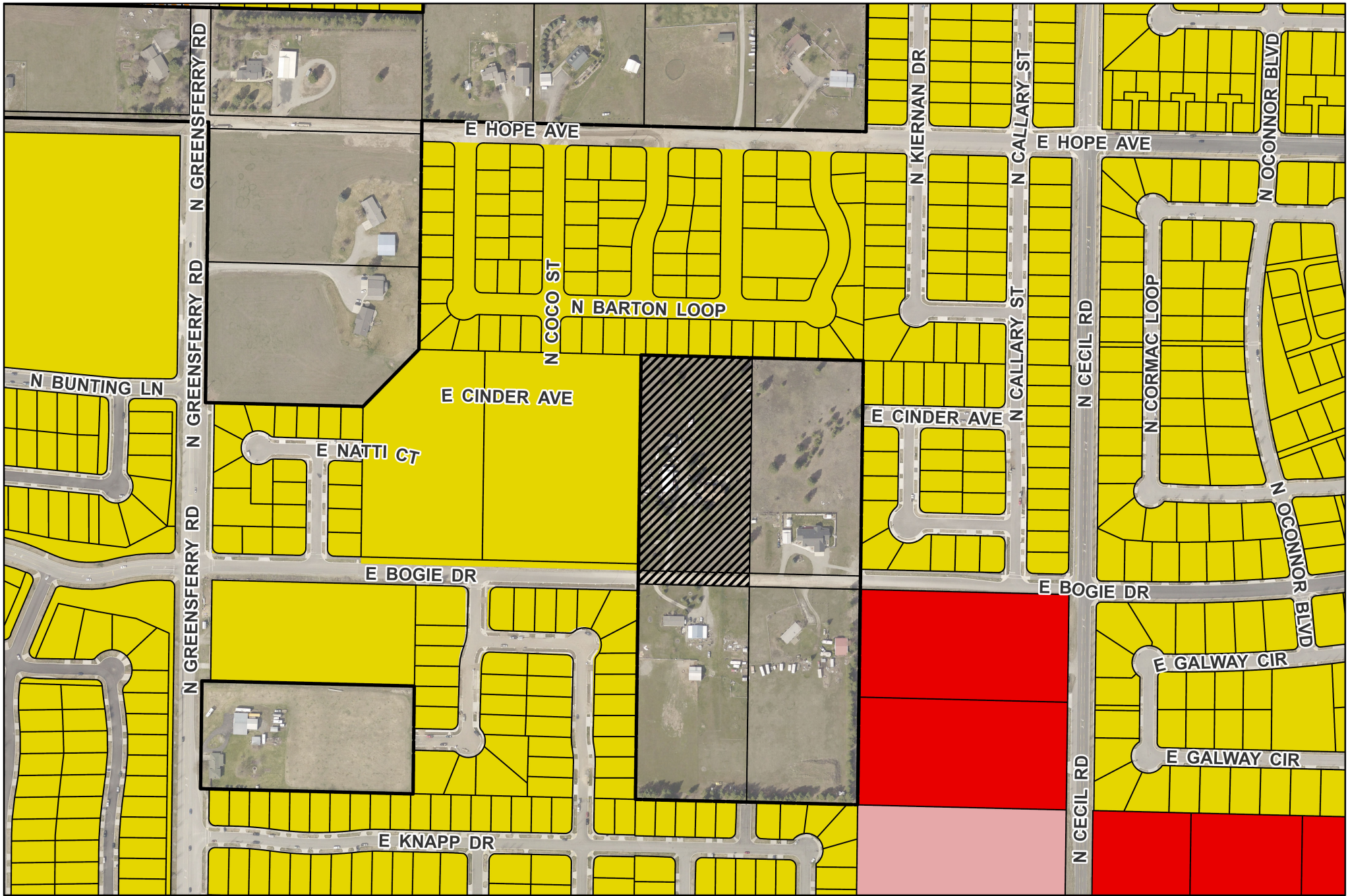


Project Location
BOYD'S LANDING 1ST ADDITION
SUBDIVISION
SUBD-23-5



-  Post Falls City Boundary
-  Tax Parcels
-  Subject Site





Zoning Map
BOYD'S LANDING 1ST ADDITION
SUBDIVISION
SUBD-23-5

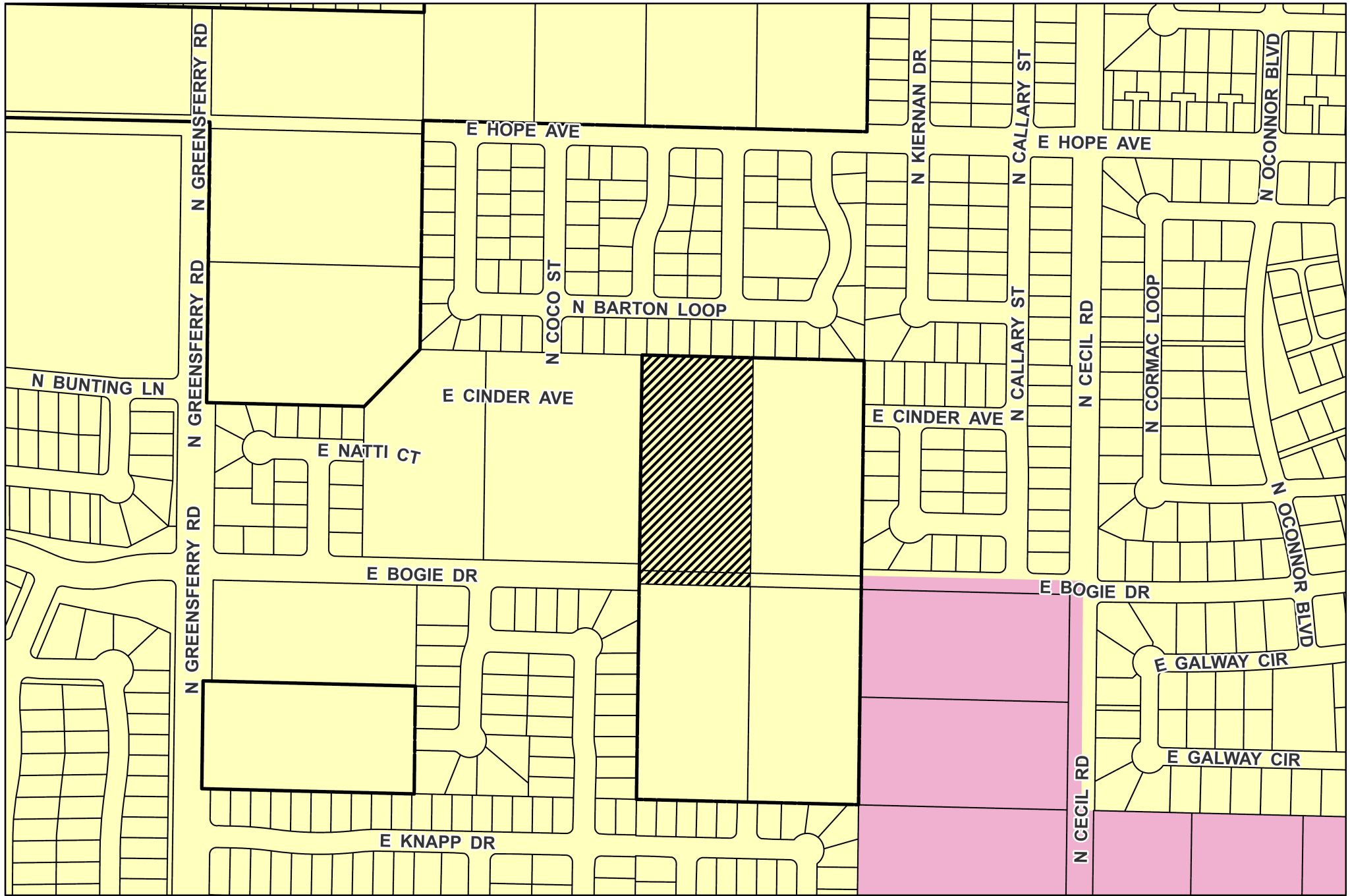


- Post Falls City Boundary
- Tax Parcels
- Subject Site

- CCS
- LC
- RM
- R-1

N



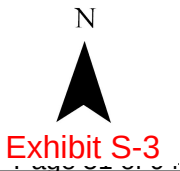


Future Land Use Designation
 BOYD'S LANDING 1ST ADDITION
 SUBDIVISION
 SUBD-23-5



- Post Falls City Boundary
- Tax Parcels
- Subject Site

- Low Density Residential
- Business/Commercial



Nancy Thurwachter

From: Polak, Chad M <Chad.M.Polak@p66.com>
Sent: Tuesday, December 19, 2023 11:07 AM
To: Nancy Thurwachter
Subject: FW: Notice to Jurisdiction - Boyd's Landing First Addition SUBD-23-5
Attachments: NTJ_PZ_Boyd's Landing.pdf

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 Nancy,

Based on the location, there is no impact to the YPL ROW and we do not have any comments.

Sincerely,

Chad M. Polak
Agent, Real Estate Services
O: (+1) 303.376.4363 | M: (+1) 720.245.4683
3960 East 56th Avenue | Commerce City, CO 80022
Phillips 66

From: Nancy Thurwachter <nthurwachter@postfalls.gov>
Sent: Tuesday, December 19, 2023 11:48 AM
To: Ali Marenau <AMarienau@kmpo.net>; Alynette Farley <abfarley@BPA.Gov>; Amanda Raymond <arraymond@bpa.gov>; Audie Neuson <audie.neuson@williams.com>; Avista <c01_Real_Estate@avistacorp.com>; Avista <cdaconst@avistacorp.com>; Ben Tarbutton <btarbutton@kcgov.us>; Carey Borchardt <carey.borchardt@charter.com>; Carrie Ann Hewitt <carriann.hewitt@itd.idaho.gov>; CDA Garbage Reception <reception@cdagarbage.com>; Chad Ingle <cingle@kcgov.us>; Polak, Chad M <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>; 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>; 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>
Cc: Bill Melvin <bmelvin@postfalls.gov>; Dave Fair <dfair@postfalls.gov>; Ethan Porter <eporter@postfalls.gov>; Field

From: [Ryan Johnsen](#)
To: [Nancy Thurwachter](#)
Subject: RE: Notice to Jurisdiction - Boyd's Landing First Addition SUBD-23-5
Date: Tuesday, December 19, 2023 2:00:49 PM
Attachments: [image004.png](#)
[image005.png](#)

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 jurisdiction over parcel connected to municipal sewer systems. Otherwise parcels over the aquifer on septic systems PHD does regulate and they would need 5 acres per single family dwelling.

 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
--	---

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you received this information in error. Also, please delete this email after replying to the sender.

From: Tara Bright <tbright@phd1.idaho.gov>
Sent: Tuesday, December 19, 2023 1:12 PM
To: Ryan Johnsen <rjohnsen@phd1.idaho.gov>
Subject: FW: Notice to Jurisdiction - Boyd's Landing First Addition SUBD-23-5

23-28-06611

 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
--	--

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you received this information in error. Also, please delete this email after replying to the sender.

From: Nancy Thurwachter <nthurwachter@postfalls.gov>
Sent: Tuesday, December 19, 2023 10:48 AM
To: Ali Marenau <AMarienau@kmpo.net>; Alynnette Farley <abfarley@BPA.Gov>; Amanda Raymond <arraymond@bpa.gov>; Audie Neuson <audie.neuson@williams.com>; 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@BNSE.com>; David Callahan <dcallahan@kcgov.us>; David Haggerty <David.Haggerty@tdstelecom.com>; 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 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@aec.com>; Mark Brantl <mbrantl@postfallspolice.gov>; EHApplications <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>; 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>
Cc: Bill Melvin <bmelvin@postfalls.gov>; Dave Fair <dfair@postfalls.gov>; Ethan Porter <eporter@postfalls.gov>; Field Herrington <fherrington@postfalls.gov>; James Steffensen <James.steffensen@yahoo.com>; Jason Faulkner <jfaulkner@postfalls.gov>; Jennifer Poindexter <jpoindexter@postfalls.gov>; John Beacham <jbeacham@postfalls.gov>; Jon Manley <jmanley@postfalls.gov>; Justin Miller <jmiller@postfalls.gov>; Kelly Russell <krussell@postfalls.gov>; Kevin Ward <gatheredfamilyrestaurant@gmail.com>; Kibbee Walton <kibbee@artisanportrait.com>; Media Center <mediacenter@postfalls.gov>; Nancy Hampe <nancyradiantlake@gmail.com>; Naomi Tierney <ntierney@postfalls.gov>; Preston Hill <prestonh@postfalls.gov>; Ray Kimball <rkimball@whipplece.com>; Rob Palus <rpalus@postfalls.gov>; Robert Seale <rseale@postfalls.gov>; Ross Schlotthauer <ross@burlyproducts.com>; Shannon Howard <showard@postfalls.gov>; Shelly Enderud <senderud@postfalls.gov>; Stephanie Herman <sherman@postfalls.gov>; Tisha Gallop <tgallop@postfalls.gov>; Vicky Jo Carey <vjcarey@aol.com>; Wade Meyer <wmeyer@postfalls.gov>; Warren Wilson <wwilson@postfalls.gov>

Subject: Notice to Jurisdiction - Boyd's Landing First Addition SUBD-23-5

CAUTION: This message originated outside of Panhandle Health District. Do not click links or open attachments unless you recognize the sender, are expecting something from them, and know the content is safe. Please forward spam & phishing emails to IT Support.

Good morning,

Please find attached the Notice to Jurisdictions for the Boyd's Landing First Addition Subdivision that is scheduled for the Planning and Zoning meeting on January 9, 2024. The draft staff report will be on the city's website shortly.

Nancy Thurwachter

Planning Administrative Specialist

408 N. Spokane Street

Post Falls, ID 83854

(208) 457-3338



The City of Post Falls has changed our domain to POSTFALLS.GOV. Please adjust your contacts/links.



1717 E Polston Ave. ♦ Post Falls, ID 83854 ♦ Phone (208) 773-3517 ♦ Fax (208) 773-3200

December 19th, 2023

Nancy Thurwachter
Planning Administrative Specialist
nthurwachter@postfalls.gov

Re: Boyd's Landing First Addition SUBD-23-5

The Police Department has reviewed the above listed subdivision plan and will remain Neutral on this request. Please accept this letter as the Police Department's response to this request for both Planning and Zoning as well as City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark J. Brantl".

Mark J. Brantl
Captain
Post Falls Police Department

Nancy Thurwachter

From: Kristie May <Kristie.May@deq.idaho.gov>
Sent: Thursday, December 21, 2023 3:56 PM
To: Nancy Thurwachter
Subject: RE: Notice to Jurisdiction - Boyd's Landing First Addition SUBD-23-5

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.

Thank you for the opportunity to comment on the proposed subdivision for Boyd's Landing First Addition SUBD-23-5. DEQ's primary concern for the proposed project is ensuring adequate capacity for providing drinking water and wastewater collection. If the proposed providers of drinking water and wastewater service to the parcels have provided a will-serve letter and verified that serving these parcels is consistent with their existing facility plans, DEQ takes no exception to the proposed project. Please note that if drinking water and wastewater main extensions will be needed to serve the project, plans and specifications for those projects will require review and approval consistent with Idaho Code 39-118.

Thank you-
Kristie

Kristie May | Admin Assistant II
Idaho Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Direct: 208.666.4608
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: Tuesday, December 19, 2023 10:48 AM
To: Ali Marenau <AMarienau@kmpo.net>; Alynette Farley <abfarley@BPA.Gov>; Amanda Raymond <arraymond@bpa.gov>; Audie Neuson <audie.neuson@williams.com>; Avista <c01_Real_Estate@avistacorp.com>; Avista <cdaconst@avistacorp.com>; Ben Tarbutton <btarbutton@kcgov.us>; Carey Borchardt <carey.borchardt@charter.com>; Carrie Ann Hewitt <carriann.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>;

**CITY OF POST FALLS
STAFF REPORT**

DATE: January 3, 2024

TO: POST FALLS PLANNING AND ZONING COMMISSION

FROM: ETHAN PORTER, ASSOCIATE PLANNER • eporter@postfalls.gov • 208-457-3353

SUBJECT: FINAL STAFF REPORT FOR THE DECEMBER 12, 2023, P&Z COMMISSION MEETING
ARCHE ANNEXATION ANNX-23-4

INTRODUCTION:

Olson Engineering is requesting, on behalf of Arche Idaho LLC, the property owner, approval to annex approximately 14.7-acres among two parcels into the City of Post Falls with a zoning request of Community Commercial Services (CCS) (Exhibit A-2: Narrative). The Planning & Zoning Commission must conduct a public hearing and review the proposed zoning as part of the annexation proposal per the Zone Change approval criteria contained in Post Falls Municipal Code Section 18.20.100. Following the public hearing, **the Planning Commission will forward its recommendation on zoning to City Council** for review and final action pertaining to the annexation. The approval criteria for establishing zoning are:

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?
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.
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.

PROJECT INFORMATION:

Project Name / File Number: Arche Annexation File No. ANNX-23-4

Owner(s): Arche Idaho LLC, 1820 297th Way SE, Fall City, WA 98024

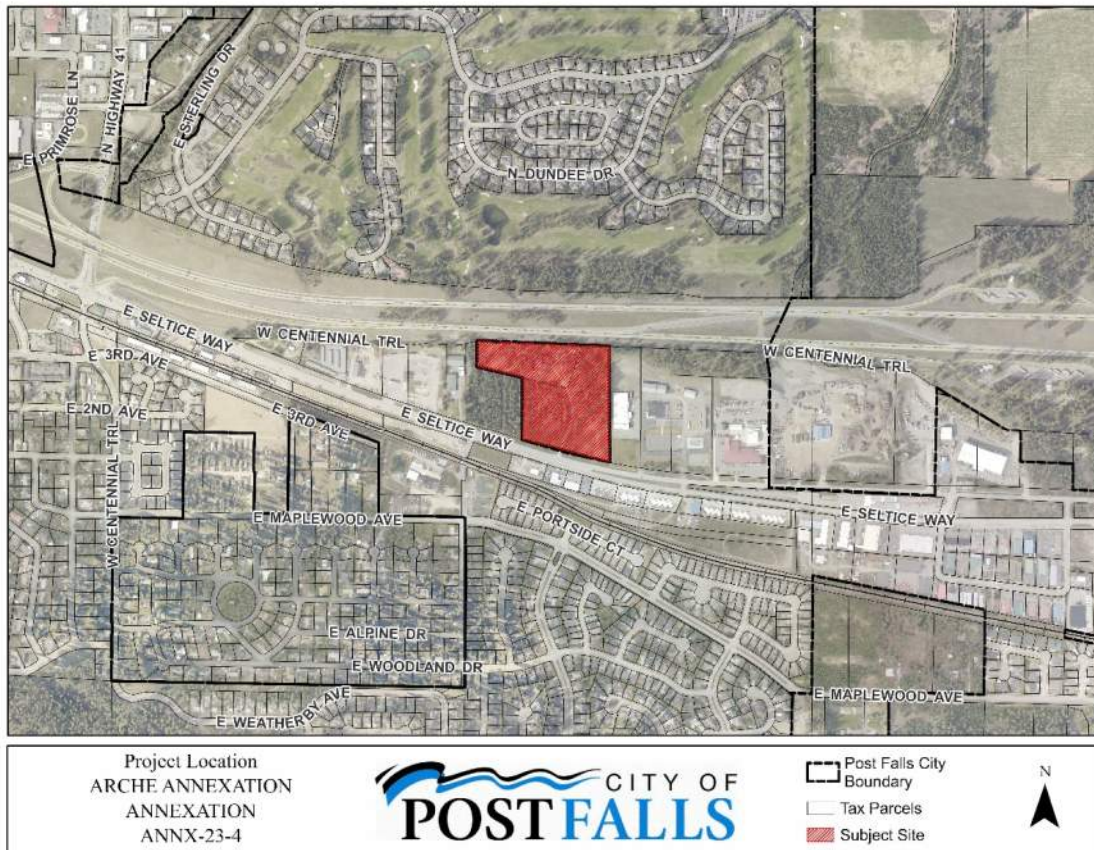
Applicant: Olson Engineering, PO Box 1894, Post Falls, ID 83877

Project Description: Annex approximately 14.7-acres among two parcels into the City of Post Falls with a zoning request of Community Commercial Services (CCS).

Project Location: The property is located on the north side of E Seltice Way and approximately 400-feet east of N Cedar Street.

AREA CONTEXT (proposed site hatched red below):

Surrounding Land Uses: Located to the north of the subject site is W Interstate 90 right-of-way and south is E Seltice Way right-of-way. Directly west is a vacant parcel and directly east is an industrial business building.

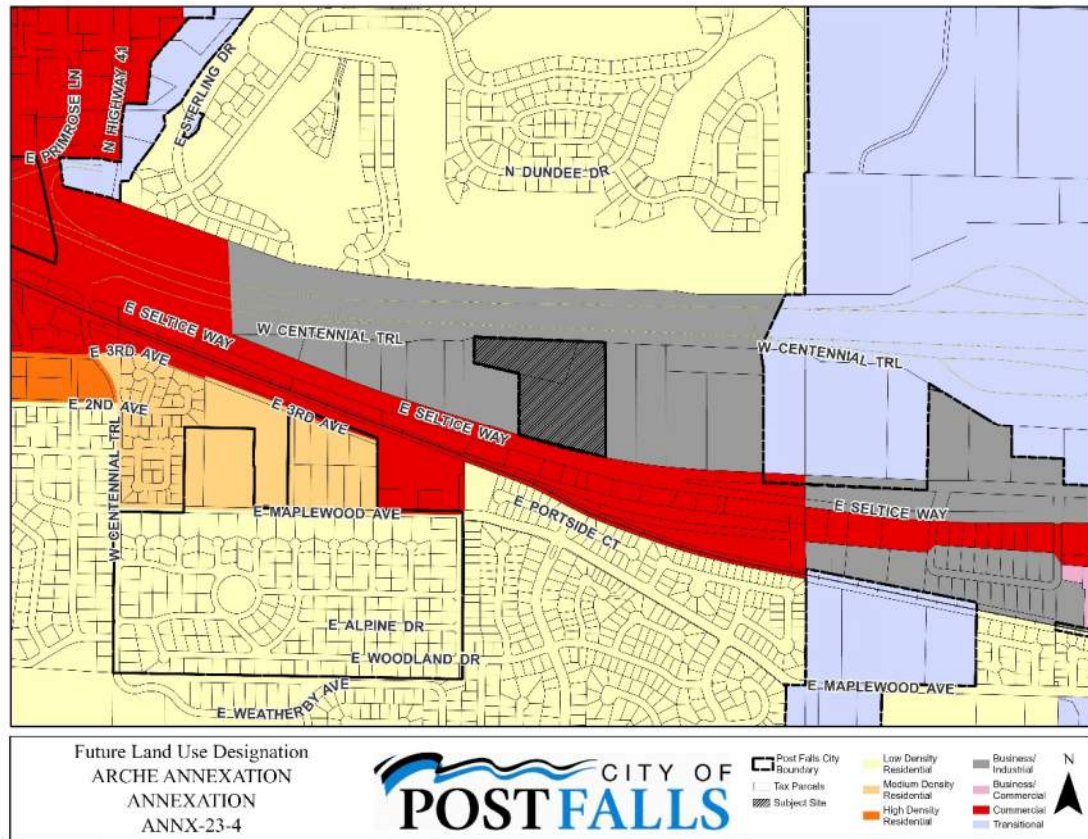
Area Context Vicinity Map:**EVALUATION OF ZONING APPROVAL CRITERIA:**

The following section provides the staff analysis pertaining to the Annexation Application and the establishment of zoning. The zone change review criteria set forth within the Post Falls Municipal Code sections 18.20.100 are cited within the following staff analysis in **BOLD**. This review criteria provides the framework for decision making for the Planning Commission and City Council.

ZONE CHANGE 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?**

The Future Land Use Map classifies this property with the land use designation of **Business/Industrial**. The Business/Industrial land use designation provides for a mix of heavy and light manufacturing, warehousing, business park and service commercial uses in areas with existing industrial uses or other areas with suitable land and transportation access that are buffered from residential and other uses typically seen as incompatible with industrial activities.



The subject site is located within the **Maplewood Focus Area**. Post Falls reaches east of Highway 41, extending to the small town of Huetter and Coeur d'Alene. This eastern lobe consists of a variety of different uses, with the freeway, railroad tracks, the Centennial Trail and the Spokane River separating it into distinct east-west character areas. The residential areas will likely not change much, but the commercial district along this portion of Seltice and the Centennial Trail will soon be ripe for reinvestment. Coeur d'Alene's westward expansion has brought new attention to this arterial street, and the older industrial, warehousing, and manufacturing uses may evolve into new commercial and residential development, both of which could take advantage of the trail connections, relative proximity to the river and convenient access to both Coeur d'Alene's Riverstone district and central Post Falls.

The following items affirm or guide development of key policies for this area, or suggest future action items for the Maplewood context area:

- Promote infill development;
- Prioritize infill annexations;
- Encourage development that is interconnected, including pedestrian access to multi-use paths, parks, schools, and trails;
- Focus provisions for Multi-Family, Commercial and Industrial uses along Seltice Way;
- Look for opportunities to beautify and add gateway signage along the Seltice Corridor, corresponding with Coeur d'Alene's westward expansion.

Staff Comment: The proposed Community Commercial Services (CCS) zone is consistent with the Future Land Use Map and does align with commercial uses outlined above within the Maplewood Focus Area.

- 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;** Goals and Policies (listed by policy number) that may be relevant to this annexation request are shown below, followed by staff comments.

The following goals may or may not assist with this zone change request.

Goal 1: Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health.

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. This plan supports strategies that build and sustain a diverse, balanced economic base, retain existing quality of life assets, and help keep Post Falls prosperous.

Goal 7: Plan for and establish types and quantities of land uses in Post Falls supporting community needs and the City's long-term sustainability.

Cities exercise considerable influence over land use, in turn influencing the type and character of development, patterns of growth, and the short and long-term financial impact of growth on the local economy. Consequently, the Comprehensive Plan supports the allocation of land use types, parks features and other areas sufficient to achieve overall plan objectives.

Goal 12: Maintain the City of Post Falls' long-term fiscal health.

Services that cities provide cannot be sustained without fiscal balance and accountability. This goal serves to anchor the City of Post Falls' obligation to sustain its fiscal health – achieved through the gathering of income in responsible, equitable ways, and through decisions, investments and actions that provide rate-payers with efficient, effective services now and in the future.

Goal 14: Involve the community of Post Falls in all local government planning and decision-making.

The development of the Comprehensive Plan is community-driven, involving numerous residents including some representing large groups of residents. For plans to succeed, community buy-in and support is critical. Future conditions will certainly require the creation of new objectives and strategies, and this goal supports keeping residents highly involved in such work.

The following policies may or may not assist with this zone change request.

Policy 1: Support land use patterns that:

- Maintain or enhance community levels of service;

Staff Comment: Impact Fees are paid at the time of permit issuance to assist in mitigating impacts and maintain/enhance community levels of service.

- Foster the long-term fiscal health of the community;

Staff Comment: Additional commercial uses may help further long-term fiscal health of the City by commercial uses to help accommodate the current and future residents within the City.

- Maintain and enhance resident quality of life;

Staff Comment: Future commercial businesses and amenities that are accessible within Post Falls may help enhance the quality of life for those within the City.

- Promote compatible, well-designed development;

Staff Comment: Development will be required to meet City design standards once development is proposed through the site plan review process.

- Implement goals and policies of the comprehensive plan, related master plan and/or facility plans.

Staff Comment: Transportation impacts, and sewer and water capacity are reviewed by City staff. Any anticipated inadequacies identified are addressed and/or have a plan on how to be brought into compliance with the relevant agreements and city processes through the public hearing process and land use action proposals.

Policy 2: Apply or revise zoning designations with careful consideration of factors including:

- Future land use mapping;

Staff Comment: This is addressed by the first review criteria 1.

- Compatibility with surrounding land uses;

Staff Comment: The proposed development pattern for this proposal would not be incompatible with the surrounding uses along E Seltice Way, which are commercial and industrial uses.

- Infrastructure and service plans;

Staff Comment: Sanitary Sewer for the site is located along the southern boundary of the property. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan. The City's Water Reclamation System has the capacity to provide service and the City is willing to serve the property at the requested density. Existing capacity is not a guarantee of future service.

The property is not subject to any Local Improvement Districts (LID's), Subsequent User Agreements or Sewer Surcharges.

Water service for the site would be provided by the City of Post Falls. An 8-inch water main exists along the southern boundary of the property. The City's water system has the capacity to provide service and the City is willing to serve the property at the requested density. Existing capacity is not a guarantee of future service.

- Existing and future traffic patterns;

Staff Comment: The property is adjacent to Seltice Way, a classified Principal Arterial roadway. Existing rights-of-way exceed the City's minimum requirements, no rights-of-way dedications would be required with annexation. Dedication of easements would be required, at the time of annexation and complying with adopted City Design Standards:

Seltice Way – Principal Arterial: existing rights-of-way exceed City minimum standards, no rights-of-way dedication required. a 15-foot sidewalk, drainage, and utility easement shall be provided along Seltice Way.

Future traffic patterns to/from this site are benefitted from Seltice Ways connectivity to the I90 / SH41 Interchange located less than 1 mile to the west.

Access to the site will be required to comply with City Access Management Standards at the time of development. Seltice Way is identified as Critical Arterial Corridors by the KMPO and Seltice Way being a Principal Arterial. Roadway classifications, coupled with the impacts of the signalized intersection will require that future development of the site demonstrates how access to the site will operate without degradation of the safety or operation of the adjoining roadways.

- Goals and policies of the comprehensive plan, related master plan and/or facility plans.

Staff Comment: The response to this is embedded within the analysis within this section.

Policy 5: Direct the location of commercial shopping centers to areas near arterial intersections and high-traffic areas.

Staff Comment: This location of the proposed annexation is along a principal arterial and near the intersection of N Cedar Street and E Seltice Way.

Policy 8: Encourage compatible infill development and redevelopment of vacant and under-utilized properties within City limits.

Staff Comment: This site is currently under-utilized along a major roadway and is surrounded by incorporated City properties. Having this approved to be incorporated into the City of Post Falls may help incentivize development on this vacant lot and allow further commercial commerce within the City's tax base.

Policy 9: Encourage annexation of County "islands" within the City, with priority given to areas:

- Surrounded by incorporated areas;

Staff Comment: The two subject parcels are currently surrounded by incorporated City is standing alone as its own County "island".

- That have readily available service infrastructure and capacity.

Staff Comment: The City of Post Falls would be purveyor for both domestic water and sanitary sewer with annexation. Sanitary sewer and water infrastructure are located along the properties southern boundary with Seltice Way. The City has capacity and is willing to provide service to the site. utilities would need to be extended within the site with any future subdivision or development.

- That support increased development intensity near the urban core.

Staff Comment: The site is not located near an urban core, but within a growth area of commercial and industrial uses.

Policy 14: Follow all annexation procedures established by Idaho State Statutes and applicable City ordinances.

Staff Comment: Idaho State Statutes and City ordinances associated with annexations have been followed.

Policy 24: Plan for and protect transportation corridors from encroachment and preserve adequate rights-of-way for future corridors including utility facilities.

Staff Comment: Additional rights-of-way along Seltice Way is not required. A 15-foot Sidewalk, Drainage and Utility easement is required to be dedicated along Seltice Way as part of the annexation agreement. Future improvements at the time of site development will need to include consideration of the KMPO Critical Arterials Corridor Policy that affects access.

Policy 26: Maintain and improve the continuity of sidewalks, trails, and bicycle paths in Post Falls.

Staff Comment: Upon development through subdivision or site plan review frontage improvements will need to be completed. This allows for continuity of pedestrian pathways and closing any gap within existing pedestrian facilities.

Policy 33: Annexation should help implement Post Falls' transportation plans, enabling completion or preserving continuity of circulatory patterns for roads and pedestrian ways.

Staff Comment: with annexation and site development completion of roadway improvements and pedestrian facilities along the Seltice Way frontage would be required. This would help close gaps within pedestrian pathways along Seltice Way.

Policy 45: Guide annexation decisions guided by and considering:

- Master plans for water, sewer, transportation, parks, schools and emergency services;

Staff Comment: Water service and Sanitary Sewer service will be provided by the City of Post Falls. Sanitary Sewer and domestic water are currently located along property's southeastern boundary. The property requesting annexation and zoning is identified in the City of Post Falls Water and Water Reclamation Master Plans as being serviced by the referenced mains. The requested zoning is in conformance with the land use assumptions within the City's Water Reclamation Master Plan.

The property is not subject to any Local Improvement Districts (LID's), Subsequent User Agreements or Sewer Surcharges.

The City's Water and Water Reclamation Systems have the capacity to provide service and the City is willing to serve to the property at the requested density. The proposed zoning is compatible with the land uses anticipated within the City's Master Plans. Current capacity of the City's Water Systems is not a guarantee of future service. Schools and emergency services have been notified of this request and have been

given the chance to comment on the request.

- Provision of necessary rights-of-way and easements;

Staff Comment: Dedication of easements have been described as part of the annexation agreement. Rights-of Way are not required.

- Studies that evaluate environmental and public service factors;

Staff Comment: No known environmental studies have been conducted however Panhandle Health District and the Department of Environmental Quality have been notified of this request and have been given the chance to comment on the request.

- Timing that supports orderly development and/or coordinated extension of public services;

Staff Comment: The property is surrounded by the City of Post Falls on all four (4) sides. Utilities are located along the property and capable of providing service to the property.

- Comprehensive plan goals and policies.

Staff Comment: The response to this is embedded within the analysis within this section.

Policy 72: Support and participate in efforts to protect the high quality of water from the Rathdrum Prairie Aquifer, which provides the existing and future municipal water supply.

Staff Comment: All development associated with this proposal will be connected to municipal wastewater systems and will not utilize a septic system. Stormwater management will be reviewed through subdivision and site plan review process.

Policy 84: Expand the number of local living-wage jobs, enabling more residents to live and work in Post Falls.

Staff Comment: Commercial businesses may help create new jobs and enable a work live situation within the City of Post Falls.

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.**

Staff Comment: At this point in time there have been no identified “Demonstrable Adverse Impacts upon the delivery of services by any political subdivision providing public services within the city”.

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 (DEQ)	Panhandle Health District	Kootenai County Planning
Conoco, Inc. (Pipeline Co.)	NW Pipeline Corp.	KMPO
Yellowstone Pipeline Co.	TransCanada GTN	TDS

OTHER AGENCY RESPONSE & RECEIVED WRITTEN COMMENTS:

PA-1 Yellowstone Pipeline – No Comments

PA-2 Panhandle Health District – No Comments

PA-3 Post Falls Police Department – Remains Neutral

PUBLIC PROCESS: Notice of the proposed annexation was sent to appropriate jurisdictions and mailed to property owners within 300 feet of the proposed project on December 15, 2023. Notice has been published in the Coeur d'Alene Press on December 26, 2023. The property was posted on December 28, 2023.

MOTION OPTIONS: The Planning and Zoning Commission must provide a recommendation of zoning to City Council along with an evaluation of how the proposed development does/does not meet the required evaluation criteria for the requested annexation. 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 date certain.

ITEMS TO BE CONSIDERED FOR INCLUSION IN AN ANNEXATION AGREEMENT:

1. Prior to commencement of development of the property, the Owners shall grant to the City or to a municipal water purveyor designated by the City all water rights associated with the land being annexed, but may continue the use of the water for agricultural purposes from the well located on site, if any, until such time that the annexed area is fully developed, at which time Owners shall discontinue the use of any well serving the property and the use of the water for agricultural purposes.
2. Dedication of rights-of-way and easements along Seltice Way
 - a. No right-of-way dedications are required.
 - b. A 15-foot sidewalk, drainage and utility easement is required.

ATTACHMENTS:**Applicant Exhibits:**

Exhibit A-1	Annexation Application
Exhibit A-2	Narrative
Exhibit A-3	Vicinity Map
Exhibit A-4	Auth Letter
Exhibit A-5	Title Report

Staff Exhibits:

Exhibit S-1	Vicinity Map
Exhibit S-2	Zoning Map
Exhibit S-3	Future Land Use Map

Testimony:

Exhibit PA-1 YPL Comments
Exhibit PA-2 PHD Comments
Exhibit PA-3 PFPD Comments

ANNX-23-4

Annexation

Status: Active

Submitted On: 10/4/2023

Primary Location

0

Owner

Applicant Jeramie Terzulli 208-819-6004 jt@oecivil.com PO Box 1894

Post Falls , ID 83877

Application Information**Did an Annexation Pre-app take place?***

Yes

Applicant Type*

Engineer

Description of Project/Reason for Request*

Annexation Request

Existing Zoning*

County Industrial

Adjacent Zoning*

Industrial

Current Land Use*

Residential/Vacant

Adjacent Land Use*

Commercial/Industrial

Proposed Zone*

Owner Information**Name***

Arche Idaho LLC

Company**Phone***

408.421.4331

Email*

dustin.grant@gmail.com

Address*

1820 297TH WAY SE

City, State, Zip Code

Fall City, WA 98024

Application Certification

The applicant (or representative) must be present at the public hearing to represent this proposal or the application will not be heard. The applicant will be responsible for costs to re-notice the public hearing.



I (We) the undersigned do hereby make application for the land use action contemplated herein on the property described in this application and do certify that the information contained in the application and any attachments or exhibits herewith are accurate to the best of my (our) knowledge. I (We) further acknowledge that any misrepresentation of the information contained in this application may be grounds for rejection of the application or revocation of a decision rendered. I (We) understand that the Administrator may decline this application if required information is deficient and/or the application fee has not been submitted. I (We) acknowledge that City staff may, in the performance of their functions, take photographs and/or videos of the property under consideration as deemed necessary, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application. I (We) hereby certify that I am (we are) the owner or contract buyer of the property upon which the land use action is to be located, or that I (we) have been vested with the authority to act as agent for the owner or contract buyer. *

✓ Jeramie Terzulli
Sep 13, 2023

Attachments

[illegible]

se=2023-10-
 4BM%2FdsUBRA%2F7zdwrgTodaHqrRPVlg8Jwg%3D)
 it/vpc3- Arche Idaho LLC Legal Description.docx
 tion_Wed_Oct_4_2023_15:20:54IdmXts-2023-at 2017 PM
 &se=2023-10-
)X2jnpoWEkxh%2B%2BpaCjRdOCRYwcdUmC2UQ%3D)
Title Report
 's.net/vpc3- Arch Title Commitment.pdf
 ed_Oct_4_2023_15:33:21mpfEqHr-2023-at 3:33 PM
 Z&se=2023-10-
 cxxFGeQNH6%2Be8UTbzdDBq3mQqmk7CELI%3D)
Owner Authorization
 vs.net/vpc3- Arche Auth.pdf
 2023_15-33:13pdfEqHr-2023-at 3:33 PM
 !Z&se=2023-10-
 iUffCuCewUi1mUu3t%2BmyzdHDP1j3QzIDCw%3D)
Radius Report
 net/vpc3- Radius.pdf
 -33-38.pdfEqHr-2023-at 3:33 PM
 1FT7adhni9KU2hu%2BcVTboSI9kUFHwuePwRE%3D)

REQUIRED

REQUIRED

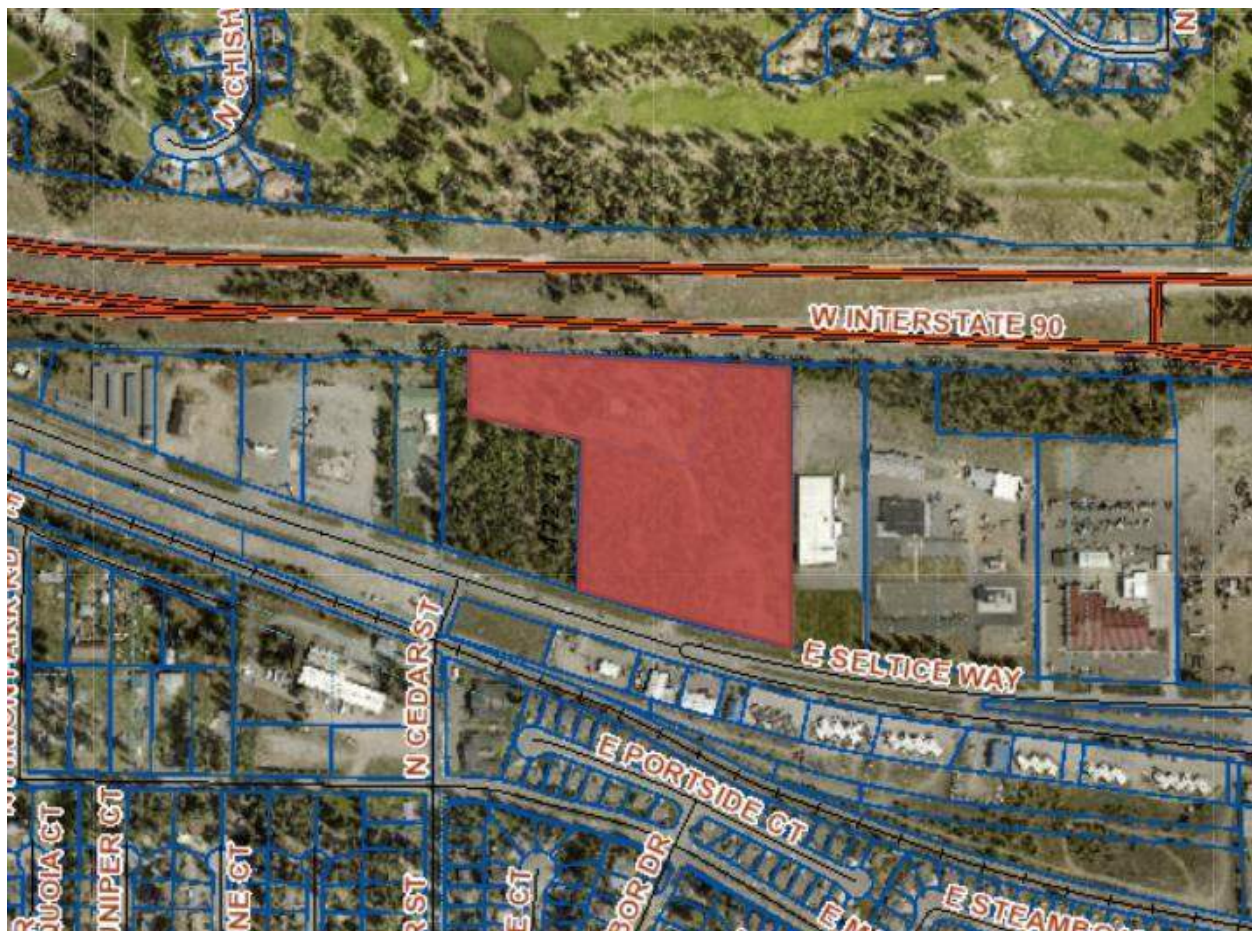
REQUIRED

REQUIRED

Arche Annexation Narrative

Project Description

Olson Engineering, on behalf of Arche Idaho LLC is requesting annexation of 2 parcels into the city of Post Falls. The properties are located along Seltice Way near the eastern boundary of the City and total approximately 14.7 acres. The property owner is seeking the Community Commercial Services (CCS) zoning designation.



Characteristics

The property is positioned between Seltice Way and Interstate 90 and is surrounded by properties that are within city limits. There are three aging homes on the northern parcel that are served by a common driveway from Seltice Way. The homes are currently served water by individual wells and sewer is being treated via individual septic systems. The property is heavily treed and increases in elevation from Seltice Way to I90. There appear to be three fairly distinct topographical “benches” as one moves from south to north through the property. The site is not located in a known flood zone and no unusual soil conditions have been identified.

Comprehensive Plan

[P.09] Encourage annexation of County “islands” within the City

[P.44] Annexation should leverage existing capital facilities, with minimal need for expansion or duplication of facilities.

The City’s Comprehensive Plan explicitly outlines a priority for annexing land that are “county islands” as these properties currently utilize city infrastructure while not contributing to the tax base. As stated earlier, the subject property is surrounded by incorporated land and is one of only a few commercial properties along this section of Seltice Way that are not within City limits.

[P.84] Expand the number of local living-wage jobs, enabling more residents to live and work in Post Falls

The master plan for the property, if annexed, would be for a series of buildings that would offer a retail/shop hybrid space for local businesses on the center/north portion of the site with a higher intensity retail element along Seltice Way. This would align with many of the objectives of the Maplewood Focus Area that is the focus area associated with the property.

[P.85] Coordinate use patterns along the I-90 corridor to take advantage of access and visibility while enhancing Post Falls’ regional image.

The Future Land Use Map identifies the property as Business/Industrial which does not perfectly align with the requested zoning, however, the anticipated uses do align with the principal uses & character identified within this designation. Specifically, the Business/Industrial land use character supports business parks, service commercial and accessory uses, which is the intent of the development group. Additionally, most of the existing

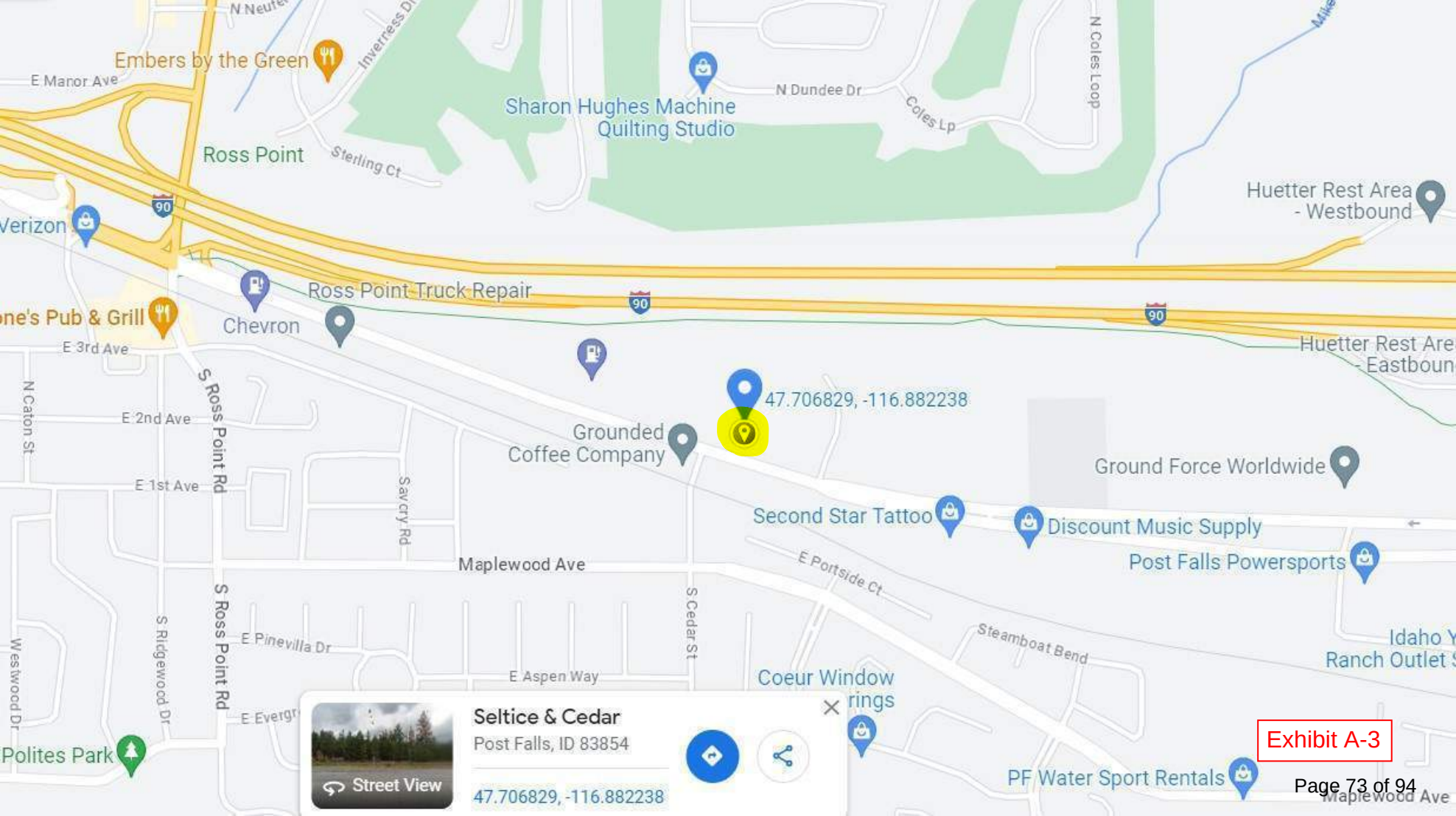
uses adjacent to the property are more closely aligned with the Business/Commercial land use category.

[G-01] Grow and sustain a balanced, resilient economy for Post Falls, providing community prosperity and fiscal health.

This underutilized property, upon development, can create an opportunity for locally based small businesses to lease space with excellent exposure and access to major corridors. There are very few modern commercial buildings along this section of Seltice Way and virtually no vacant spaces available for lease.

Summary

The subject property is one of the few remaining properties in the area not yet incorporated into the City of Post Falls and is positioned along one of the most trafficked corridors in the City. The request for CCS zoning (if annexed) aligns with the area context and could provide opportunities for local businesses to occupy highly visible and accessible commercial space while minimizing adverse impacts on the street network. The development team will work closely with city staff and other outside agencies to produce a vibrant commercial/industrial park that can service the needs of residents in the area and provide expansion opportunities for local and regional businesses.



Seltice & Cedar
Post Falls, ID 83854

47.706829, -116.882238

Exhibit A-3

August 30, 2023

To whom it may concern,

This document is to grant authorization for Olson Engineering to act on behalf of Arche Idaho LLC for land use processes in the City of Post Falls. The property in question is commonly referred to as 5055 E Seltice Way.

AIN 106717

AIN 141736



Dustin Grant- Member Arche Idaho LLC

Exhibit A-4

COMMONWEALTH LAND TITLE INSURANCE COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, Commonwealth Land Title Insurance Company, a(n) Washington corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within 30 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

Exhibit A-5

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements; [and]
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form].

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I - Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

- (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

Commitment No.: 419212

SCHEDULE A

Escrow Officer: Keri Mitchell - keristeam@kootenaititle.com

Title Officer: Sam Johnson - sam@kootenaititle.com

1. Commitment Date: November 15, 2022 at 12:00 AM

2. Policy to be issued:

a. Owner's Policy	(ALTA Owners Policy (06/17/06))	Amount:	\$2,750,000.00
Proposed Insured:		Premium:	\$6,280.00
Venator Capital			
		Total::	\$6,280.00
b. Loan Policy	(ALTA Loan Policy (06/17/06))	Amount:	\$2,722,500.00
Proposed Insured:		Premium:	\$1,943.00
Lender with contractual obligations under a loan agreement with the			
Proposed Insured identified at Schedule A, Item 2(a)			
		Total::	\$1,943.00
Endorsements: ALTA 8.2			\$50.00

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. Title to the Fee Simple estate or interest in the Land is at the Commitment Date vested in:

Coeur d'Alene Development Company, an Idaho corporation

5. The Land is described as follows:

SEE SCHEDULE C ATTACHED HERETO

Commonwealth Land Title Insurance Company

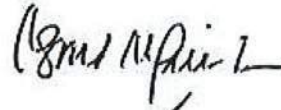
COMMONWEALTH LAND TITLE INSURANCE COMPANY

By: 
Kootenai County Title Company, Inc.



By:

ATTEST



President



Secretary

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. The Owners Policy contemplated hereby is an ALTA standard coverage Owners Policy, in which General Exceptions 1 through 6 shall remain on the final Policy. Any requests to delete any or all of said Exceptions shall require additional approval, Requirements and/or Exceptions, and incur an additional premium.
6. The Loan Policy contemplated hereby is an ALTA extended coverage Loan Policy, in which General Exceptions 1 through 6 are anticipated to be deleted. As a condition for the deletion of said Exceptions, the Company will require an affidavit and sworn statement from the parties to the transaction confirming that no unpaid work has taken place and that no inchoate liens exist, that there are no unrecorded leases, easements or other interests that affect the Land, and that there are no encroachments or other adverse matters that they have knowledge of. In the event any broken priority or inchoate liens are disclosed or discovered, General Exception 4 shall appear on the final Policy, and any other adverse matters disclosed or discovered shall appear as an Exception on the final Policy.
7. The Company will require the following documents for the entity named below:

Entity: Coeur d'Alene Development Company, an Idaho corporation

A. Resolution authorizing the subject transaction and setting forth the signatory and their authority to bind the corporation.
8. The Company will require the following documents for the entity named below:

Entity: Venator Capital

A. Evidence the corporation is duly created and in good standing in its state of domicile

B. A copy of the corporation By-Laws and/or Articles of Incorporation.

C. Resolution authorizing the subject transaction and setting forth the signatory and their authority to bind the corporation.

D. If the Articles or By-Laws require approval by a "parent" organization, the above documents will also be required for that entity as well.
9. We find the following address to be associated with the Land described herein:

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

5055 E. Seltice Way
Post Falls, ID 83854

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

SCHEDULE B, PART II Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- B. General Exceptions:
 - 1. Rights or claims of parties in possession not shown by the Public Records.
 - 2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
 - 3. Easements, or claims of easements, not shown by the Public Records.
 - 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
 - 5. (a) Unpatented mining claims; (b) reservations in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) of (c) are shown by Public Records.
 - 6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments of real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- C. Special Exceptions:
 - 7. Property taxes and assessments for the year 2022, which are a lien, of which the 1st installment is due December 20, 2022, and the 2nd installment is due June 20, 2023 (amounts do not include penalty and interest if delinquent):
 - 1st Installment: \$22.07, due and payable
 - 2nd Installment: \$22.07, payable but not yet due
 - Parcel No.: 50N04W067900
 - AIN No.: 141736
 - Parcel 1

 - 1st Installment: \$1,892.38, due and payable
 - 2nd Installment: \$1,892.37, payable but not yet due

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

Parcel No.: 50N04W068000

AIN No.: 106717

Parcel 2

1st Installment: \$10.61, due and payable

2nd Installment: \$10.61, payable but not yet due

Parcel No.: P00000068050

AIN No.: 155994

Parcel 3

8. Assessments of the City of Post Falls.
9. Assessments of the City of Post Falls LID No. 92-1.
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: Washington Water Power Company
Purpose: Electric transmission line and telephone system
Recorded: February 27, 1942
Instrument No.: [Book 119 of Deeds at Page 91 \(pg 2\)](#), records of Kootenai County, Idaho.
11. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: State of Idaho
Purpose: Public road and relocation of all irrigation and drainage ditches and structures and such surface drain ditches as may be necessary to the proper construction of the highway.
Recorded: May 13, 1946
Instrument No.: [Book 130 of Deeds at Page 405 \(pg 2\)](#), records of Kootenai County, Idaho.
12. Easement and right of way for a public highway, relinquishments of access rights between the Land and the highway, and negative easements for the purpose shown below, and any rights incidental thereto, as set forth in a deed to the State of Idaho
Purpose: Grantor agrees that no buildings or structures, except irrigation or drainage structures, will be permitted to be constructed within 20 feet of the right of way of the said project. Grantors convey unto the State the right to prohibit junkyards on any of their remaining land within 1000 feet of the right of way of the said project, and the right to prohibit advertising signs, displays and devices within 660 feet thereof; provided that advertising relating to business conducted on any of the Grantors remaining land be permitted not closer than 20 feet therefrom, but only on land utilized exclusively for said business.
Recorded: June 15, 1967
Instrument No.: [Book 214 of Deeds at Page 79 \(pg 2\)](#), records of Kootenai County, Idaho.
13. An easement for the purpose shown below, rights incidental thereto, and other covenants and restrictions as set forth in a document
Granted to: Washington Water Power Company
Purpose: Scenic easement, sign restrictions, building setbacks, timber protection and restrictions as to commercial or industrial use

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

Recorded: June 29, 1978

Instrument No.: [Book 292 of Deeds at Page 217](#), records of Kootenai County, Idaho

14. An easement for the purpose shown below, rights incidental thereto, and other covenants and restrictions as set forth in a document
Granted to: Washington Water Power Company
Purpose: Scenic easement, sign restrictions, building setbacks, timber protection and restrictions as to commercial or industrial use
Recorded: June 29, 1978
Instrument No.: [Book 292 of Deeds at Page 218](#), records of Kootenai County, Idaho
15. Any rights, interests, claims or other adverse matters which may exist or arise by reason of facts shown, delineated, described or otherwise set forth on Record of Survey recorded December 19, 1979 in Book 2 of Surveys at Page 21, records of Kootenai County, Idaho, including without limitation those described as follows:
- A. Discrepancies between the bearings, measurements and locations of record and those shown on said survey.
 - B. I-90 R/W and U.S. Hwy. 10 rights-of-way and the locations thereof
 - C. 50' Scenic Easements, and the encroachment of an unidentified object into the same
 - D. Unidentified object, presumably a roadway, looping through the center of the Land.
16. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Purpose: Ingress and egress
Recorded: March 5, 1981
Instrument No.: [Book 311 of Deeds at Page 463](#), records of Kootenai County, Idaho.
- Any invalidity, termination or other effect due to or relating to merger of title of the dominant and servient estates.
17. Any rights, interests, claims or other adverse matters which may exist or arise by reason of facts shown, delineated, described or otherwise set forth on Record of Survey recorded April 24, 1981 in Book 3 of Surveys at Page 20, records of Kootenai County, Idaho, including without limitation those described as follows:
- A. Discrepancies between the bearings, measurements and locations of record and those shown on said survey.
 - B. I-90 and Seltice Way rights-of-way and the locations thereof
 - C. 50' Scenic Easement
 - D. 30' Ingress-Egress Easement

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

18. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Purpose: Ingress, egress, future public road dedication
Recorded: January 4, 1983
Instrument No.: [Book 321 of Deeds at Page 352](#), records of Kootenai County, Idaho.
19. Any rights, interests, claims or other adverse matters which may exist or arise by reason of facts shown, delineated, described or otherwise set forth on Record of Survey recorded April 22, 1985 in Book 4 of Surveys at Page 146, records of Kootenai County, Idaho, including without limitation those described as follows:
- A. Discrepancies between the bearings, measurements and locations of record and those shown on said survey.
 - B. I-90 R/W and Seltice Way rights-of-way and the locations thereof
 - C. 50' Scenic Easements, and the encroachment of an unidentified object into the same
 - D. 30' Ingress-Egress Easement
20. Any unrecorded leases, including the terms, conditions and provisions thereof and any leasehold interests pursuant thereto; rights of vendors and holders of security interests on personal property installed upon the Land; and rights of tenants to remove trade fixtures at the expiration of the term of said lease.
21. The terms Land and Improvement as used and defined herein shall not include any mobile, manufactured, modular or trailer home located thereon.

END OF SCHEDULE B

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY
SCHEDULE C

The Land is described as follows:

Parcel 1:

A portion of Tax No. 7804, Book 243, Page 291, records of Kootenai County, Idaho, in the Southeast Quarter of Section 6, Township 50 North, Range 4 West, Boise Meridian, more particularly described as follows:

BEGINNING at the center of Section 6 as shown on that Record of Survey by L.S. #3506, filed at Page 20, Book 3, Kootenai County Records Office; thence

South 0°09'49" West along the North-South centerline of said Section 6, 22.04 feet to a point on the South right of way line of Interstate 90, said point also being the Northwest corner of Tax No. 7804; thence

Along said South right of way line, North 78°30'29" East, 88.13 feet to a right of way monument being a brass cap marked 402+00.00; thence

Continuing along said South right of way line, South 87°34'50" East, 807.35 feet to the TRUE POINT OF BEGINNING; thence

Continuing along said South right of way line, South 87°34'50" East, 213.26 feet; thence

Leaving said South right of way line, South 01°13'21" East 899.27 feet to the North right of way line of Seltice Way (Old U.S. Highway 10); thence

Along said North right of way line, a distance of 664.44 feet; thence

Continuing along said North right of way line, North 72°06'14" West, 34.45 feet to the Southeast corner of Tax No. 13096; thence

Leaving said North right of way line, North 0°09'49" East, 482.75 feet; thence

South 76°46'13" East, 345.24 feet; thence

North 56°58'09" East, 18.5 feet; thence

North 18°28'40" East, 334.46 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

A portion of Tax No. 7804, Book 243, Page 291, Records of Kootenai County, Idaho, in the Southeast Quarter of Section 6, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho described as follows:

COMMENCING at the East Quarter corner of said Section 6; thence

North 88°41'50" West, 2656.44 feet to the center of Section 6; thence

South 0°09'49" West, 22.04 feet along the North-South centerline of Section 6 to the Northwest corner of Tax No. 7804 and the South right-of-way line of U.S. Interstate 90; thence

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

North 78°30'29" East, 88.13 feet along the North line of Tax No. 7804 and said South right-of-way line to the TRUE POINT OF BEGINNING, being a brass cap for right-of-way monument at Station 402+00.00; thence

Continuing along said right-of-way line, South 87°34'40" East, 807.35 feet; thence

Leaving said right-of-way line, South 0°13'21" East, 247.56 feet; thence

South 57°00'59" West, 146.05 feet to the centerline of an existing private road; thence

North 76°46'13" West, 704.34 feet; thence

North 0°09'49" East, 200.00 feet, parallel with said North-South centerline of Section 6, to the TRUE POINT OF BEGINNING.

LESS a portion situated in Kootenai County, Idaho, being a portion of Tax No. 7804, Book 243, Page 291, records of Kootenai County, Idaho, in the Southeast Quarter of Section 6, Township 50 North, Range 4 West, Boise Meridian, more particularly described as follows:

BEGINNING at the center of Section 6 as shown on that Record of Survey by L.S. #3506, filed at Page 20, Book 3, Kootenai County Records Office; thence

South 0°09'49" West along the North-South centerline of said Section 6, 22.04 feet to a point on the South right of way line of Interstate 90, said point also being the Northwest corner of Tax No. 7804; thence

Along said South right of way line, North 78°30'29" East (also shown of record as North 76°30'29" East), 88.13 feet to a right of way monument being a brass cap marked 402+00.00; thence

Continuing along said South right of way line, South 87°34'50" East, 807.35 feet to the TRUE POINT OF BEGINNING; thence

Leaving said South right of way line, South 01°13'21" East 247.70 feet; thence

South 56°58'39" West, 127.56 feet; thence

North 18°28'40" East, 334.46 feet to the TRUE POINT OF BEGINNING.

Parcel 3:

All that portion of the Northwest Quarter of the Southeast Quarter (also erroneously shown of record as the Northwest Quarter of the Southwest Quarter) of Section 6, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho dec=scribed as follows:

BEGINNING at a ¾ iron pipe lying at the intersection of the Southerly right of way line of Interstate 90 and the North-South centerline of Section 6, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho from which the center of said Section 6 bears North 0°09'49" East, 22.04 feet; thence

North 78°30'29" East, along said Southerly right of way line, 88.13 feet, to a found brass cap in concrete; thence

Leaving said right of way line, South 0°09'49" West, 200.0 feet to a found rebar and cap (Meckel); thence

South 76°46'13" East, 359.10 feet to a set 5/8 inch rebar and cap; thence

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

South 0°09'49" West, 482.75 feet to the Northerly right of way line of Seltice Way (Old Hwy 10) and a set 5/8 inch rebar and cap; thence

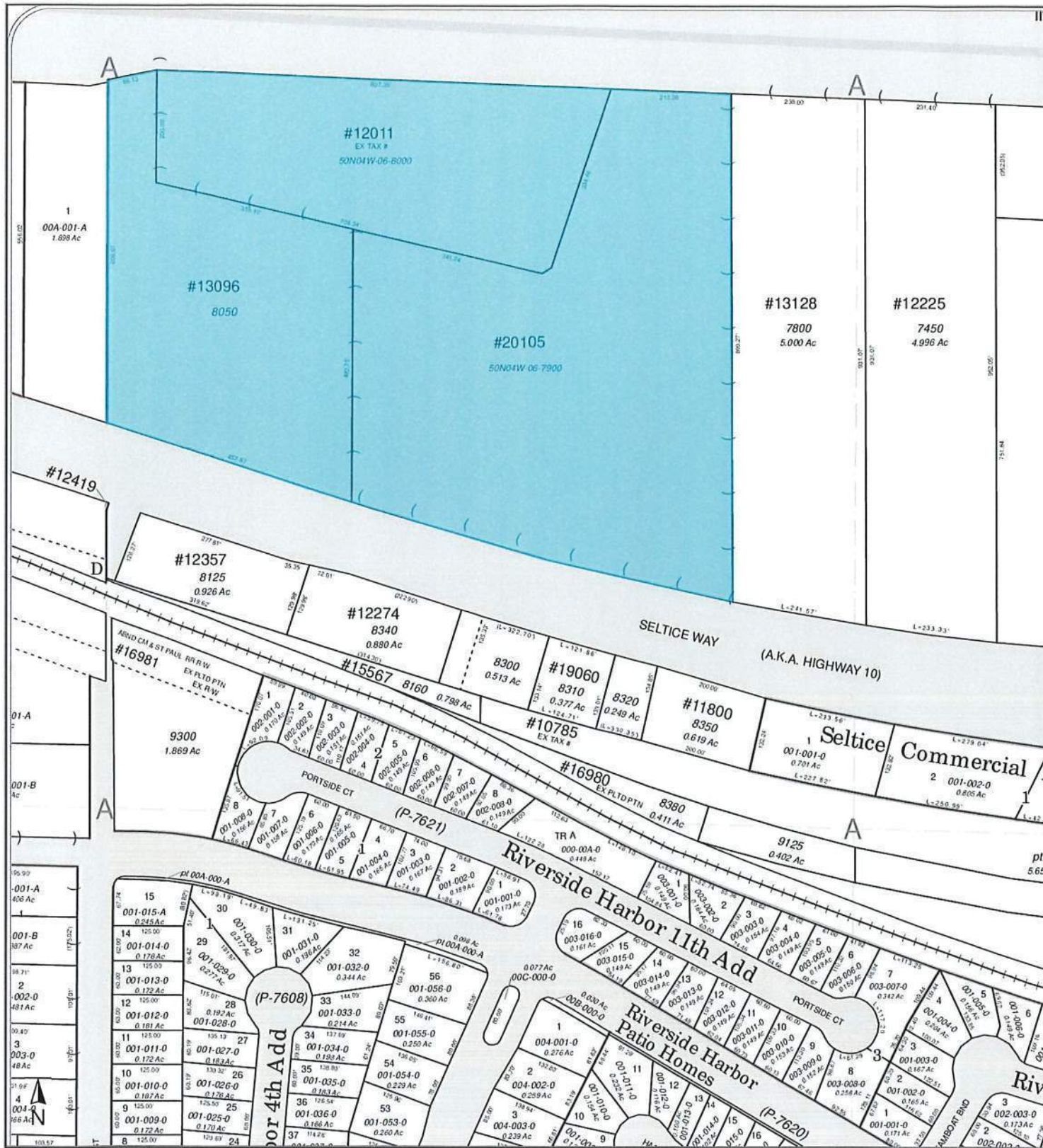
Along said Northerly right of way line, North 72°06'14" West, 457.87 feet to a found 6" x 6" fence post set in concrete lying on the North-South centerline of said Section 6; thence

Along said North-South centerline North 0°09'49" East, 606.67 feet to the POINT OF BEGINNING.

Copyright 2006 - 2016 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

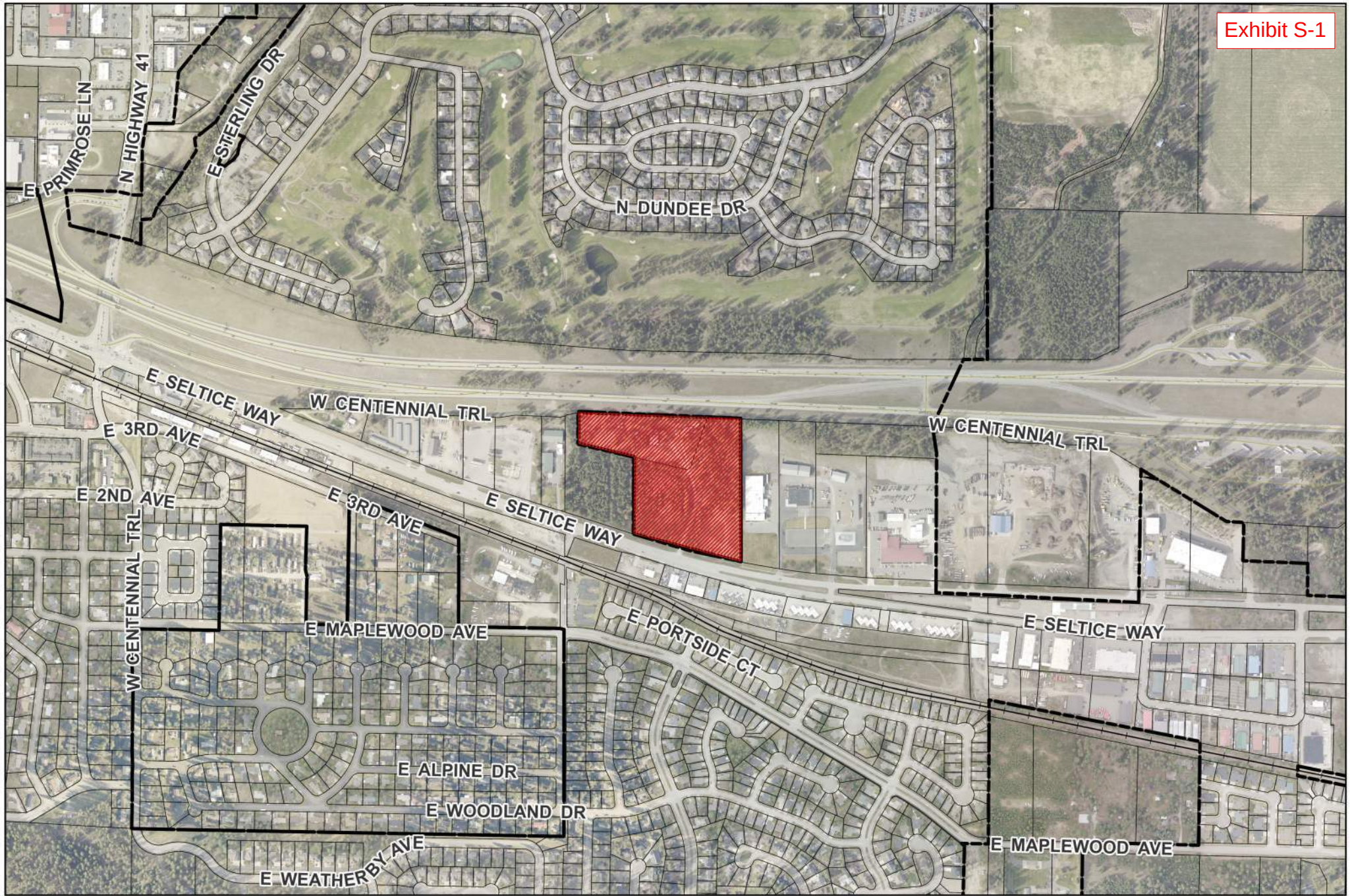




KT KOOTENAI TITLE
MAKE A REQUEST FOR THE BEST

1450 Northwest Blvd Ste 200 Coeur d'Alene, ID 83814
Phone: (208)667-9431 Fax: (208)208-666-0410

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

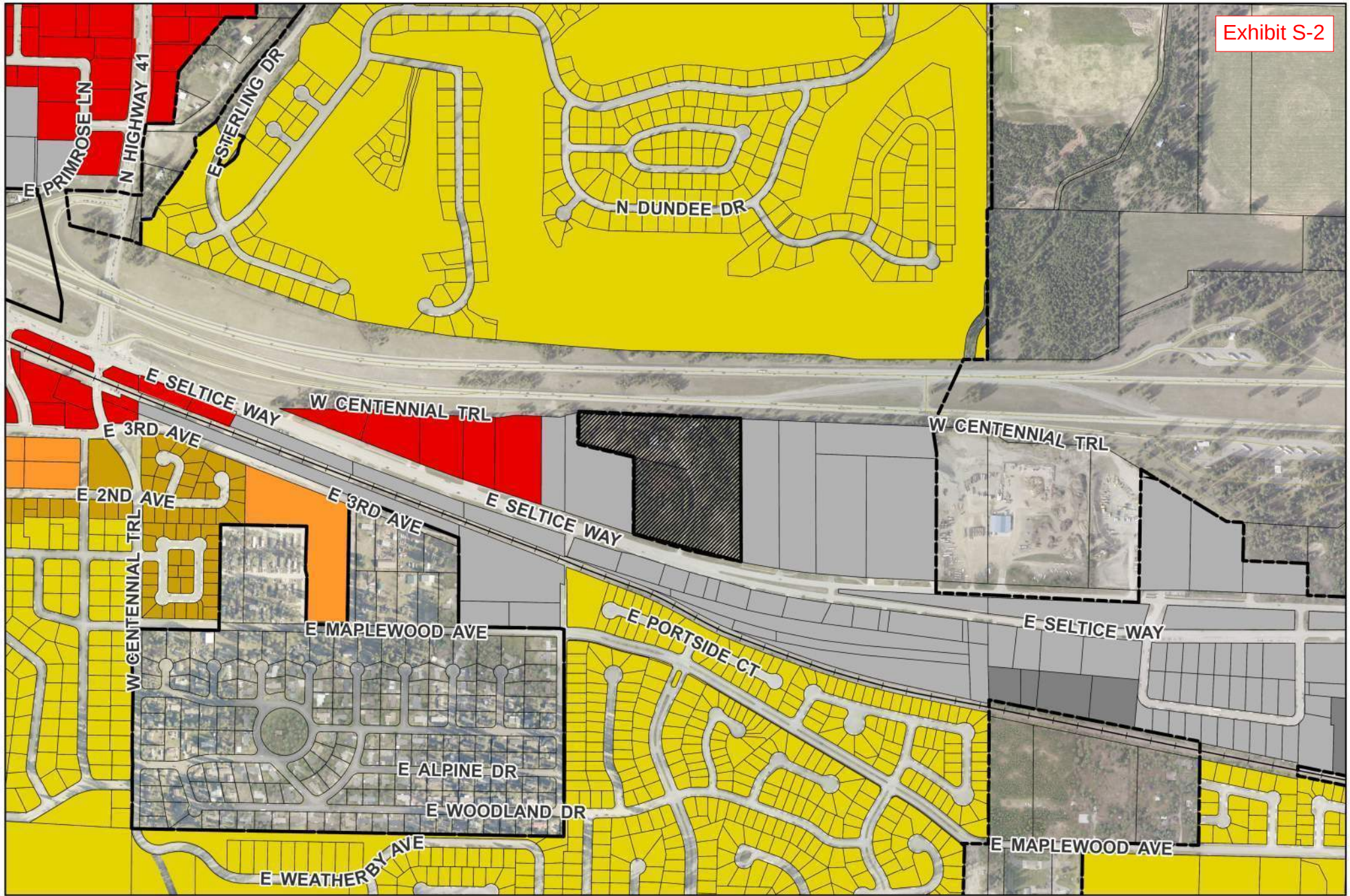


Project Location
ARCHE ANNEXATION
ANNX-23-4



- Post Falls City Boundary
- Tax Parcels
- Subject Site





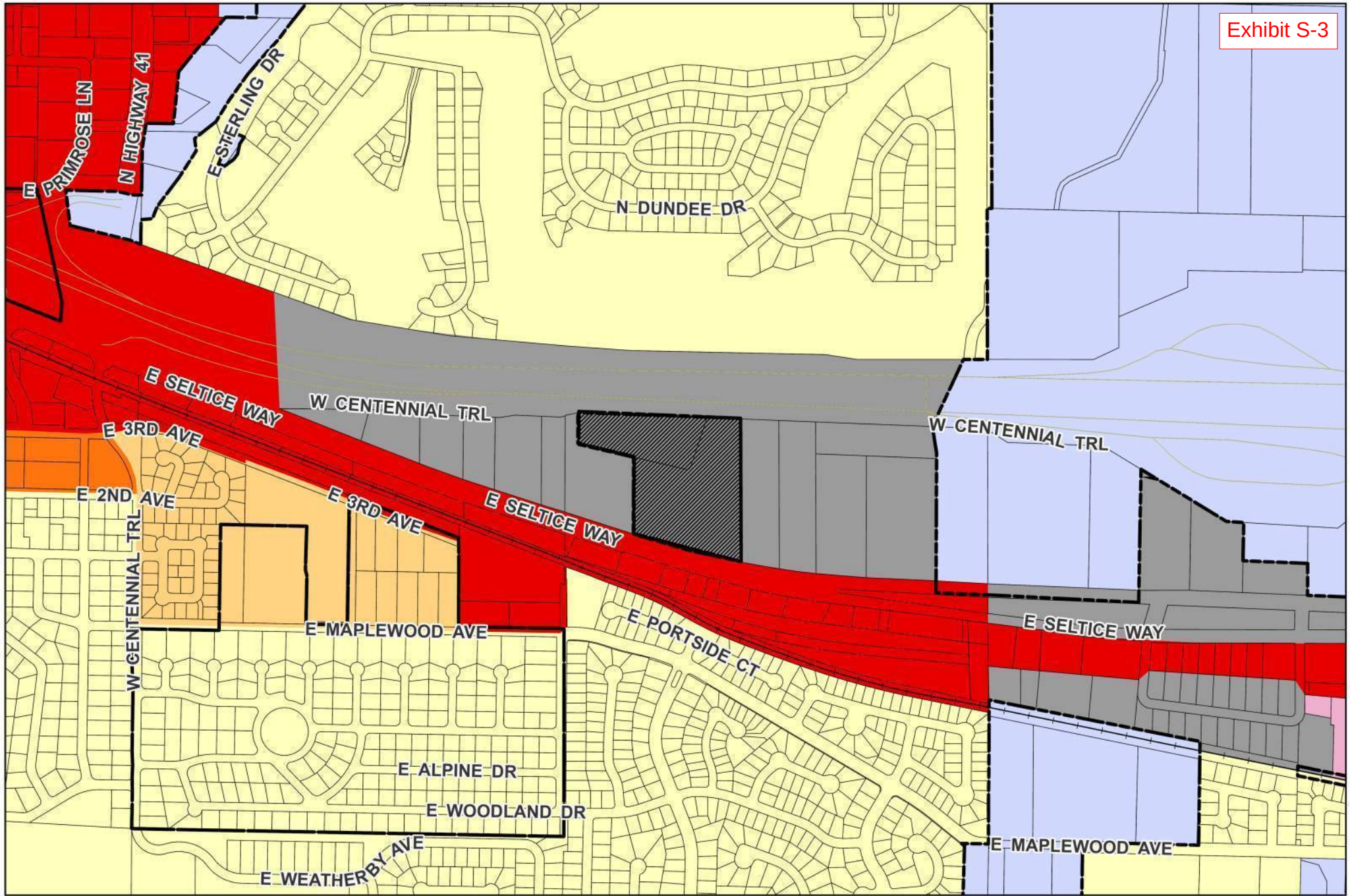
Zoning Map
ARCHE ANNEXATION
ANNEXATION
ANNX-23-4



- Post Falls City Boundary
- Tax Parcels
- Subject Site
- CCS

- HI
- I
- R-1
- R-2
- R-3





Future Land Use Designation
 ARCHE ANNEXATION
 ANNEXATION
 ANN-23-4



Post Falls City
 Boundary
 Tax Parcels
 Subject Site

Low Density
 Residential
 Medium Density
 Residential
 High Density
 Residential

Business/
 Industrial
 Business/
 Commercial
 Commercial
 Transitional



Nancy Thurwachter

From: Polak, Chad M <Chad.M.Polak@p66.com>
Sent: Tuesday, December 19, 2023 11:08 AM
To: Nancy Thurwachter
Subject: FW: Notice to Jurisdictions - Arche Annexation ANNX-23-4
Attachments: NTJ_PZ_Arche (1).pdf

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 Nancy,

Based on the location, there is no impact to the YPL ROW and we do not have any comments.

Sincerely,

Chad M. Polak
Agent, Real Estate Services
O: (+1) 303.376.4363 | M: (+1) 720.245.4683
3960 East 56th Avenue | Commerce City, CO 80022
Phillips 66

From: Nancy Thurwachter <nthurwachter@postfalls.gov>
Sent: Tuesday, December 19, 2023 11:47 AM
To: Ali Marenau <AMarienau@kmpo.net>; Alynnette Farley <abfarley@BPA.Gov>; Amanda Raymond <arraymond@bpa.gov>; Audie Neuson <audie.neuson@williams.com>; 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>; Polak, Chad M <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 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>; 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>; 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>

Nancy Thurwachter

From: Ryan Johnsen <rjohnsen@phd1.idaho.gov>
Sent: Tuesday, December 19, 2023 2:08 PM
To: Nancy Thurwachter
Subject: RE: Notice to Jurisdictions - Arche Annexation ANNX-23-4

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 on annexing parcels or the zoning. Commercial use of the parcels may require a commercial/industrial application through the health department.



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)

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you received this information in error. Also, please delete this email after replying to the sender.

From: Tara Bright <tbright@phd1.idaho.gov>
Sent: Tuesday, December 19, 2023 1:14 PM
To: Ryan Johnsen <rjohnsen@phd1.idaho.gov>
Subject: FW: Notice to Jurisdictions - Arche Annexation ANNX-23-4



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)

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you received this information in error. Also, please delete this email after replying to the sender.

Exhibit PA-2



1717 E Polston Ave. ♦ Post Falls, ID 83854 ♦ Phone (208) 773-3517 ♦ Fax (208) 773-3200

December 19th, 2023

Nancy Thurwachter
Planning Administrative Specialist
nthurwachter@postfalls.gov

Re: Arche Annexation ANNX-23-4

The Police Department has reviewed the above listed annexation/zone change request and will remain Neutral on this project. Please accept this letter as the Police Department's response to this request for both Planning and Zoning as well as City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark J. Brantl".

Mark J. Brantl
Captain
Post Falls Police Department

Exhibit PA-3