



**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, SchlotthauerII-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 PFMC 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 PFMC. 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: 1/9/24

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