



**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

**May 14, 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 Underground America 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 04/09/2024
- b. Kruger Annexation Zoning Recommendation File No. ANN-23-5
- c. Northshore Subdivision Reasoned Decision File No. SUBD-23-3

- d. Legion Park SUP & SUBD Reasoned Decision SUP-23-4 & SUBD-23-6
- e. Pleasant View Apartments Reasoned Decision SUP-24-1
- f. 1170 Mullan Reasoned Decision SUP-24-2

Motion by Hampe to accept the Consent Calendar as presented.

Second, by Walton.

Vote: Hampe-Yes, Wilhelm-Yes, Steffensen-Yes, Carey-Yes, Walton-Yes, Schlotthauer-Yes, Kimball-Not Voting on Consent Calendar

Motion Carried

2. CITIZEN ISSUES

This section of the agenda is reserved for citizens wishing to address the Commission on an issue that is not on the agenda. Persons wishing to speak will have 5 minutes. Comments related to pending public hearings, including decisions that may be appealed to the City Council, are out of order and should be held for that public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, by subsequent appointment. In order to ensure adequate public notice, Idaho Law provides that any item, other than emergencies, requiring action must be placed on the agenda of an upcoming meeting. As such, the Commission cannot take action on items raised during citizens issues at the same meeting but may request additional information or that the item be placed on a future agenda.

None

3. UNFINISHED / OLD BUSINESS

This section of the agenda is to continue consideration of items that have been previously discussed by the Planning and Zoning Commission.

ACTION ITEMS:

None

4. PUBLIC HEARINGS

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

ACTION ITEMS:

- a. MVBC Annexation File No ANNX-23-6

Public Hearing opened at 5:34 pm.

Staff report

Ethan Porter, Associate Planner:

Owner: Mountain View Bible Church Inc

Applicant: Stonehenge

Requested Actions: Provide recommendation to City Council for the zoning designation of Limited Commercial (LC) on approximately 3.6 acres including rights-of-way, as part of an annexation request into the City of Post Falls. Currently, there is a church and a residence on the property. It is above the Rathdrum Prairie Aquifer. The surrounding zoning is R1 to the south and the southwest, SC3 to the northeast. The Future Land Use Designation is transitional. The goals and policies in the Comprehensive Plan that are relevant to this area are:

G.07 - Plan for and establish types and quantities of land uses in Post Falls.

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

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

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

P.01 - Support land use patterns.

The City would be willing to serve the property at the requested density upon completion of needed system improvements associated with the Fisher Lift Station and Fisher Gravity Main Extension. East Greenacres Irrigation District is the water provider in this area. Prairie Avenue is identified as a Critical Arterial Corridor by the KMPO. Prairie Avenue is a classified Principal Arterial. Chase Road is classified as a Minor Arterial. Site access limited by proximity to the Prairie/Chase Roundabout.

Steffensen: The connectivity to the city is just that little corner?

Porter: It's to the west across Chase they have the R1 zoning, it takes up all that right-of-way up to the point the right-of-way they're going to be dedicated, so the right-of-way connection will be congruent with limits.

Schlotthauer: What is the advantage/disadvantage of LC zone verses CCS zone for this piece?

Porter: LC allows the use of church outright, CCS would not allow the use of church outright. LC secures that commercial zoning for future in that commercial node as well as still allowing the church to be in use.

Schlotthauer: Recently we've seen churches sell their property after going into LC and then multi-family is an outright approved use.

Porter: Multi-family is not allowed outright in LC, however six-unit townhomes would be permitted.

Manley: Both LC and CCS would require a Special Use Permit for multi-family, the density allocation for LC is at the medium density versus CCS you can go to high density. Six unit townhomes are allowed outright in LC. It would be required to be a platted on their own lot, single family homes, zero lot line product.

Gabbert: For clarification, the religious function is a permitted use in the CCS zone as well.

Applicant

Connie Krueger, Stonehenge: Some of the information I have in my presentation will replicate what Ethan has already provided. This church is already existing here and is part of the greater Post Falls community. The total acreage of the annexation is much larger because the city has requested that we annex the adjacent right-of-ways and that we take the full adjacent right-of-way to us. We're not taking a half width of right-of-way. The key highlights for annexation and the zoning we are requesting are:

- It's adjacent to the city of Post Falls.
- It incorporates a near-island into the City.
- Consistent with the City's future plans. Limited Commercial Zoning within a mapped Commercial Activity Node
- Expansion of church services for the residents of the surrounding area. A specific goal of serving the residents of Post Falls.

- Located on minor and principal arterial roads. No impact to local roads.
- Will be served by City utilities.
- Capitalization and impact fees mitigate specific infrastructure impacts.

Mountain View Bible Church is a small church with limited tithes and donations, a progressive development is important to them. The agreement allows for the phasing of on-site improvements relative to utility extensions, frontage improvements, and rights-of-way dedications. First phase will expand the existing parking to the east. Second phase will expand the building, construct any needed frontage improvements, connect to the City's sewer system, and remove western parking. The right-of-way expanded to full 55' half width will come near to the existing and planned building footprint. The owner would like for right-of-way and easements to be specific in the agreement.

Kimball: If Phase 1 were to happen prior to public sewer being available would that impair the existing septic system?

Krueger: No. The septic system is located up close to that Phase 2 building expansion, so it is in an area we currently have planned for Green Space.

Carey: Are the planned entrance and exit only onto Prairie?

Krueger: There is an entrance plan on Chase Road at the far southwest corner.

Steffensen: Is that where the current exit is?

Krueger: There is a current entrance there.

Schlotthauer: Will you be able to expand now without the available sewer?

Krueger: No. The church has been measuring flow to see if there's an opportunity to expand with the current limits that the City has from PC and it's not looking positive to expand to the on-site septic.

Schlotthauer: There's no sewer available now, what is the immediate plan?

Krueger: The parking lot expansion.

Schlotthauer: Do you need to annex into the City for that?

Krueger: We don't need to be annexed into the City for that but we want to get ahead of that so we can move forward with plans when we are able.

Manley: In your presentation you did say that there were some occupancy constraints until it annexes into the city correct?

Krueger: Yes.

Manley: That would still require to connect to the sanitary sewer to achieve those occupancy it would limit.

Krueger: That is why we're proposing a phased agreement. Phase 2 would be a later phase when the sewer is available.

Carey: The parking noted on the bottom and the east, that is already there?

Krueger: Right now there's a pretty steep slope where the parking currently ends so there's quite a grade change from the western parcel and the eastern parcel. A lot of fill will need to be brought in to expand the parking lot to the east.

Testimony

In-Favor:

Zachariah Kemper, Post Falls: I am one of the pastors at the church. Currently our size limitations of our facilities and parking lot are impeding our ability to serve the community. We have two services due to our parking limitations. We are not a big church so the expenses to expand our facilities are significant for us. The ability to plan in a phased way and know what the plan parameters are is important to us.

Jeff Rachoy, Post Falls: I am a Vice Chairman of Board of Elders at the church. I am in favor of this. It will allow the church to grow in serving the community.

Neutral - None
In Opposition - None

Rebuttal

None

Public Hearing Closed: 6:15 pm.

Deliberation:

Carey: Can construction of the second phase begin before sewer is available?

Robert Palus, Assistant City Engineer: As laid out in the staff report, they will not be able to expand any physical expansion of the building until sanitary sewer is available.

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?

Kimball: Specifically the Focus Area talks about there being a commercial node at that intersection and Limited Commercial is a soft transition from residential.

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

Kimball: In particular, policy 24, 26, and 33 addressing transportation corridors, transportation plans, and sidewalk connectivity. All of which will happen as part of the frontage improvements. Policy 8 addresses infill, it is surrounded on three sides by the city, this is infill which is a priority for annexation. Policy 72 addresses protecting the aquifer by removing the septic system and connecting to the Municipal sewer system.

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?

Commissioners respond nothing was identified.

Discussion:

Schlotthauer: Previous churches that annexed into the city led to subsequent sales to developers then medium density multi-family were built. Can put a recommendation into the Development Agreement that limits future residential use?

Gabbert: Currently we are just considering the zoning designation that will be recommended to City Council. We can make a recommendation on the annexation that limits the use of residential at that time when it goes to City Council.

Manley: Generally those types of decisions are added to the annexation recommendation to City Council.

Gabbert: You can make a recommendation as an item for annexation for a restriction on residential use in the future. The property owner has the ability to agree to those terms of annexation or not agree and not annex.

Steffensen: At the last council meeting there was some concern about that. They are keeping an eye on these annexation hearings moving forward.

Kimball: I think the difference with this situation is there is already a church on the property verses it being bare property.

Manley: You have be careful how you word restricting residential use. That could restrict the city's ability to have a pastors house. You would have a residential house in conjunction with the function of the church.

Schlotthauer: The real issue is in our wording on LC code. That is probably something that needs to be addressed down the road to simplify everything.

Gabbert: In the staff report Exhibit X-XX the wrong roadways are designated. It says Pleasant View and Seltice on paragraphs two and three. It should be Prairie and Chase.

Motion by Kimball to approve Mountain View Bible Church Annexation File No. ANNX-23-6 finding that the requested zoning of Limited Commercial meets the approval criteria of Post Falls Municipal Code 18.20.100 as outlined in our deliberation and direct staff to prepare a zoning recommendation to be provided to City Council including items 1 through 5 to be considered for inclusion in an annexation agreement amending item number 2 to read Prairie Avenue instead of Pleasant View Road and to change Exhibit X-XX to Exhibit A-2 and to amend item 3 to reference Chase Road versus Seltice Way and to change Exhibit X-XX to Exhibit A-2.

Second by Walton.

Vote: Carey-Yes, Walton-Yes, Schlotthauer-Yes, Hampe-Yes, Wilhelm-Yes, Steffensen-Yes, Kimball-Yes

Moved

b. Title 18 & 18A File No TA-24-1

Public Hearing opened at 6:29 pm.

Staff report

Jon Manley, Planning Manager:

Applicant: Planning Division, City of Post Falls

Requested Action: Review and forward a recommendation of approval for the requested amendments to Title 18 and 18A Post Falls Municipal Code (PFMC). Requested amendments:

- PFMC Section 18.20.130 – Subsection A4, change of use Commercial Site Plan Review development standards.

- PFMC Section 18A.20.070 – Building Configuration, Subsection A, describes what qualifies as a story in SmartCode and identifies how a single level building may be counted as a two (2) story building under certain conditions.

Proposed Changes:

PFMC Section 18.20.130 - Site Plan Review, Subsection A4

~~4. Tenant improvement that results in the change of Use or expansion of an existing Use of twenty-five (25) percent or more within a Structure. Change of Use is defined by the International~~

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

PFMC Section 18A.20.070 - Building Configuration, Subsection A:

4. Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling, except for a first floor commercial Function, which shall be a minimum of eleven (11) feet and may be a maximum of twenty-five (25) feet. A single floor level exceeding fourteen (14) feet, or twenty-five (25) feet at ground level, shall be counted as two (2) Stories. Mezzanines extending beyond thirty-three (33) percent of the floor area shall be counted as an additional Story.

i. Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling.

ii. A ground-level non-residential Function will be a minimum of eleven (11) feet. If a ground-level non-residential Function is measured at between eighteen (18) feet and twenty-five feet (25), it will be counted as two (2) Stories. In no event can any ground-level non-residential Function exceed twenty-five (25) feet in height as measured from finished floor to finished ceiling, except for single-level buildings with a flat roof with a parapet.

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

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

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

Schlotthauer: What is the reasoning for doing this? (Section 18.20.130)

Manley: Clarification, so there's less debating with customers.

Kimball: So the purpose of this is to try to get frontage improvements for existing commercial properties that are changing use.

Discussion: Staff, City Attorney, and Commissioners held a discussion to clarify the perimeters of the proposed amendment and justification of the change for the purpose of creating a clear standard for the article.

Testimony

In-Favor: - None

Neutral - None

In Opposition - None

Rebuttal

None

Public Hearing Closed: 6:55 pm.

Motion by Kimball to recommend approval of Title 18 & 18A File No. TA-24-1 finding that the clarifications make sense and it should clarify things moving forward.

Second by Wilhelm.

Vote: Hampe-Yes, Wilhelm-Yes, Steffensen-Yes, Carey-Yes, Walton-Yes, Schlotthauer-Yes, Kimball-Yes

Moved

c. Tiny Homes File No TA-23-2

Staff report

Ethan Porter, Associate Planner:

Applicant: City of Post Falls Planning Division

Requested Actions: The Planning Division is seeking to amend Title 18 to accomplish the following:

- Establish performance standards for Tiny Home residential developments.
- Update definitions

PROPOSED CHANGES: Exhibit S-1 (Draft Ordinance) details the code sections that are being requested to be modified. The following is an overview of the proposed changes:

CHANGE #1: Adopt 18.24.034 TINY HOME RESIDENTIAL PERFORMANCE STANDARDS

Purpose 1: To provide a form of smaller single family residential units, diversifying a housing choice and provide housing that is attainable and attractive to expand opportunities for home ownership.

Purpose 2: To offer another option for middle missing housing communities while promoting open space, safety, and the interaction of the residence.

Purpose 3: Set standards for Tiny Home developments while creating a clearer path in permitting.

Carey: On the parking, if you're rear loaded, is it a single car garage parking for one car?

Porter: It will be a single car garage with a parking pad for a second car in tandem.

Steffensen: There was discussion in the workshop addressing fee structure.

Seale: We're kicking off the impact study now. One of the pieces within that is looking at scaling residential fees related to how many square feet the house is. Whether that ends up being phased in 500-100 square foot or less or 1,000 or a dollar amount per square foot. that is going to be studied and if it seems to work, adopted in the update. That will be about a year out.

Hampe: Currently the regular impact fees on the tiny homes is the same, that is unrealistic.

Seale: Our goal is to try to provide varieties of housing types and to help to reduce costs.

Testimony

In-Favor: - None

Neutral - None

In Opposition - None

Rebuttal

None

Public Hearing Closed: 7:20 pm.

Motion by Kimball to recommend approval of Tiny Homes File No. TA-23-2 which establishes performance standards for Tiny Home residential developments and updates definitions and standards. To amend the purposed ordinance to limit Tiny Home development to a maximum of 5-acres of contiguous Tiny Home use.

Second by Schlotthauer.

Vote: Carey-Yes, Walton-Yes, Schlotthauer-Yes, Hampe-Yes, Wilhelm-Yes, Steffensen-Yes, Kimball-Yes Moved

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

None

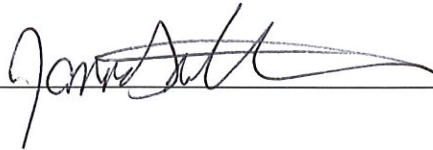
7. ADJOURNMENT

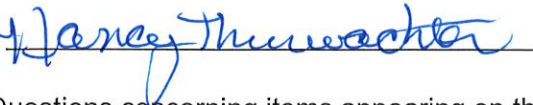
7:28 pm

City of Post Falls
Planning and Zoning Commission Minutes

May 14, 2024

Date: 6/11/2024

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, Bobby Wilhelm, Kibbee Walton