



**PLANNING AND ZONING COMMISSION
MEETING AGENDA**

**August 8, 2023
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

Carey, Walton, Kimball, Steffensen, Schlotthauer, Ward, Hampe

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

- a. National Mochi Day
National Pickle Ball Day
National Melvin Day
- b. Introduce Anna Staal - Planner 1

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. Minutes – July 11, 2023, Planning and Zoning Commission Meeting
- b. Reasoned Decision - Fair Estates Subdivision File No. SUBD-23-1

- c. Reasoned Decision - Millsap Landing Subdivision File No. SUBD-22-16
- d. Reasoned Decision - Haycrop Commercial Park Subdivision File No. SUBD-23-2

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:

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



**PLANNING & ZONING COMMISSION
MINUTES**

**July 11, 2023
5:30 PM**

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

REGULAR MEETING – 5:30 PM

CALL TO ORDER – 5:47PM

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

Carey, Steffensen, Walton, Schlotthauer - **Present**
Hampe, Kimball- **Excused**
Ward - **Absent**

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

- National Blueberry Muffin 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 Commission..

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

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ACTION ITEMS:

- a. Meeting Minutes 6-13-2023

Motion by Carey to accept the Consent Calendar as presented.

Second by Walton.

Vote: Carey-Aye, Walton-Aye, Steffensen-Aye, Schlotthauer-Aye

Motion Carried

2. CITIZEN ISSUES

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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

In quasi-judicial hearings, such as subdivisions, special use permits and zone change requests, the Commission must follow procedures similar to those used in court to ensure the fairness of the hearing. Additionally, the Commission 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 Commission must sign up in advance and provide enough information to allow the Clerk to properly record their testimony in the official record of the Commission. 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 Commission, only address the relevant approval criteria (in quasi-judicial matters) and not be unduly repetitious.

ACTION ITEMS:

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

Public Hearing Opened at 5:50pm

Staff Report

Jon Manley, Planning Manager: This is the request of Kevin Schneidmiller on behalf of Schneidmiller Land Company and Greenstone-Kootenai Inc. to approve the proposed Major PUD Amendment to allow for a design standard deviation to increase lot coverage from 40 percent to 50 percent for the Montrose PUD. The amendment would also memorialize the changes in the local access streets, reduction of cul-de-sacs, and remove the remaining cluster housing and multi-family areas for phase 4 and 5 providing only single-family detached lots. The project location is bound to the west by McGuire, to the east by Chase, and to the north by Poleline. Removal of cluster housing from phase 4 and 5 reduces the total approved units from 769 to 465.

Carey – Getting rid of the cluster and multi-family and making the R1 requirement 50 percent is that just for the lots that are being changed to R1?

Manley – Its just for the areas in phase 4 and 5. The 50 percent would go towards the whole PUD.

Carey – So that would include any future R1 development in there?

Manley - Yes, so if someone in these previous phases asked for an addition, with this change they would get an increased development right of a total of 50 percent.

Carey – We had a response from the Post Falls Highway District that they had concerns.

Manley – They had an original comment from the October notice that they had no comment/concerns. They then followed it up for this noticed hearing that they had concerns but with no explanation as to what those were. In talking with the Engineering Division, reducing that density by 300 housing units would reduce the net daily traffic by 2500-3000 trips per day.

Schlotthauer – Why are they concerned about that?

Manley – They didn't say.

Carey – Is that something that would be resolved through staff?

Manley - We have our subdivision plan that would follow if the Subdivision got approved. It's tough to know what the concerns are when the net impact is reduced substantially.

Schlotthauer – Who is responsible for Poleline as it ends and goes through the subdivision there?

Manley – Clark Fork Parkway was originally planned to just go north and south, but if we could shift that, we could potentially eventually get a bridge system going east west on Poleline. They develop the roads up to a certain point. Do you want Rob to talk about the bridge?

Rob Palus, Assistant City Engineer – Both within the Montrose subdivision the public roadways and the roadways along the exterior, Poleline and McGuire Road, are fully within the City and the City of Post Falls operates and maintains those roadways. We do have in our Transportation Master Plan our long range goal is to see Poleline Avenue be a straight shot and either the railroads go away or we provide a structure to go over the railroads as necessary. Its around an \$8 million investment, which our impact fees are predicated on, in 2018 dollars, to put a bridge there.

Schlotthauer – So the Highway District doesn't have any adjacent section of Poleline?

Palus – No they do not. So, speculating a little bit, part of the concern would be having to look at the intersection of Poleline Avenue and McGuire Road and make improvements on that. McGuire is going to be a five lane roadway. So we would then need to look to see if the traffic volumes would need a traffic control device at that intersection.

Manley – The subdivision aspect of this request is to approve the proposed multiphase subdivision for approximately 306 lots on 73.72 acres. The average lot size is around 6,000 feet which is very similar to the current average lots in Montrose. Looking at the zoning map, the proposed R1 zoning is more consistent with the current surrounding zones. I want to note in the staff report dealing with the public process, what you saw in there was relative to the November 2022 hearing that was cancelled due to the negotiations for the conditions of the subdivision, but at that time it did meet the notification requirements. On Friday June 23rd, this was published in the paper meeting state requirements for the alternative notification of a four inch by two column advertisement as well as a legal notice that was done separately on that same day. Additionally, there was a site posting that had nine different locations so it met the site posting requirements for state code.

Applicant

Kevin Schneidmiller: We are requesting approval of the amendment to the Montrose PUD originally approved in 1998. We are also requesting approval to subdivide 75 acres within the Montrose PUD. We've never really utilized the cluster housing in the Montrose development, and it didn't fit quite right with what we were trying to do. As the area and Montrose continued to develop, we came to the conclusion that this area is best for single-family detached housing. The original agreement stated we would not pay park mitigation fees and that we would provide certain park improvements and also land. Over the last 18 months we have been working with the Parks Department as their needs have changes somewhat as well. We've determined we will provide a combined site that accommodated the park, the public use facility in a smaller park, and in addition to that we are required to provide a certain level of dollars to provide improvements. We've executed the transfer of about 22 acres of land to the City east of the Orgill facility. Most of it is going to be ball fields, so

no we're moving into design work. The first phase we will be responsible for will be completed in 2024. The original PUD was about 467 acres and we are about 50 percent built out at this point. The amendment of the 50 percent would apply to the entire PUD. As lots have gotten smaller over time, and when you start dealing with covered back patios and three car garages many times our building company bumps up against the issue of exceeding the 40 percent maximum coverage. The open space is 7.53 acres. Currently Clark Fork goes directly north and intersects with Poleline, when Westridge Elementary was built the railroad was requiring the current Poleline crossing to be closed so that road is a temporary road. Through this process, we agreed that realigning the intersection of Clark Fork and Poleline was appropriate. There is also currently a temporary road that goes out on the southwest side of the slow speed rail and ties into Poleline. At that time that was the only access to Westridge from Poleline. We agreed with staff to give them more time to leave that temporary connection in place until July 1, 2025. This will have a trail system in it and an additional one to the south, but until the low speed rail is abandoned there won't be a full connection there. We respectfully request approval of these requests.

Carey – Are your parks public parks that the City is taking over, or are they maintained by the HOA?

Schneidmiller – The ones that I described will be maintained by the City. All of the other parks within Montrose are private parks maintained by the HOA.

Schlotthauer – In the staff conditions, condition eight calls for the forming of an HOA.

Schneidmiller – There already is an HOA. That covers the entire PUD.

Testimony

In Favor- None

Neutral - None

In Opposition – None

Public Hearing Closed at 6:25pm

Discussion

Carey – Because we have two different motions, are the conditions attached to each motion?

Manley – Yes. They follow the whole project as a whole.

Field Herrington, Deputy City Attorney – Similar to what's in the book, you are going to make the motion subject to the conditions found in the report for both.

PUD Review Criteria:

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

Schlotthauer – These are all existing though? Are there any of these criteria that have been affected by the change to the PUD?

Herrington – So the water supply is the same, East Greenacres, wastewater will be the City, parking doesn't change. I can check the box if I get nods.

Steffensen – I don't think if they have changed, we've talked about them before. It's just adding onto a development that's been there for a while.

2. The proposed PUD provides for an integrated transportation network that adequately serves the proposed development.

Carey – Yes if anything, it is going to reduce the overall volumes

3. The proposed PUD provides enhanced community design.

Steffensen - Nothing new was identified, we got rid of the incompatible uses, made it blend together.

All Commission - yes

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

All Commission – yes

Motion by Carey to approve PUDA-22-1 finding that it meets the approval criteria in the Post Falls Municipal Code as outlined in our deliberation subject to conditions one through ten contained in the staff report and direct staff to prepare a written reasoned decision.

Second by Walton

Vote: Carey-Aye, Walton-Aye, Steffensen-Aye, Schlotthauer-Aye

Motion carried

Subdivision Review Criteria:

1. Definite provision has been made for a water supply system.

All Commission– yes, East Greenacres

2. Adequate provisions have been made for a public sewage system.

All Commission - yes, the city sewer system.

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

All Commission – yes, as presented

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

All Commission - yes

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

All Commission – yes, everything around there is R-1

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.

All Commission – yes, paying impact fees as they develop out, outside of the park one which has other plans.

Motion by Carey to approve Montrose Subdivison SUBD-22-10 and find that it meets the approval criteria of the Post Falls Municipal Code as outlined in our deliberation subject to conditions one through ten contained in the staff report and direct staff to prepare a written reasoned decision.

Second by Schlotthauer

Vote: Carey-Aye, Walton-Aye, Steffensen-Aye, Schlotthauer-Aye

Motion carried

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENTS

None

ADJOURNMENT 6:34PM

Date: _____

Chair: _____

Attest: _____

Questions concerning items appearing on this Agenda should be addressed to the Community Development Department – Planning Division, 408 N. Spokane Street or call 208-773-8708. City Council and City Commission meeting are broadcast live on Post Falls Cable channel 1300 (formerly 97.103) and the City's YouTube Channel (<https://www.youtube.com/c/CityofPostFallsIdaho>).

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

**Fair Estates Subdivision
File No. SUBD-23-1
Planning and Zoning Commission
Reasoned Decision**

A. INTRODUCTION:

APPLICANT: Olson Engineering

LOCATION: Generally located on the southwest corner of W. Prairie Ave. and N. Chase Rd.

REQUEST: Subdividing approximately 6.04 acres into 20 Single-Family Residential Lots. As depicted Exhibit A-3.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Preliminary Plan
4. A-4 Will Serve
5. A-5 Legal
6. A-7 Title Report
7. A-8 Fair to VS Development Deed
8. A-9 Amended Fair Subdivision Plan
9. S-1 Vicinity Map
10. S-2 Zoning Map
11. S-3 Future Land Use Map
12. PA-1 YPL Comments
13. PA-2 KCFR Comments
14. PA-3 PFSD Comments
15. PC-1 French Comments
16. PC-2 Donato Comments
17. PC-3 Wahlert Comments
18. PZ Staff Report
19. Testimony at the May 30, 2023, Planning and Zoning Commission ("Commission") hearing including:

The Planning and Zoning Commission (hereinafter "Commission"), at the request at a public hearing, the hearing was in-person and live-streamed on the City of Post Falls YouTube Channel. The request was for the Commission to review the request to subdivide approximately 6.04 acres into 20 single-family lots within the Single-Family Residential (R-1) zoning designation. The request is evaluated under the standards of Post Falls Municipal Code ("PFMC") § 17.12.060.

Jon Manley, Planning Manager

Mr. Manley presented the staff report to the Commission. He testified that the owner of the property is VS Development LLC, represented by the Applicant, Olson Engineering. He testified that the applicant requests approval to subdivide approximately 6.04 acres into 20 single-family lots within the Single-Family Residential (R-1) zoning designation.

Mr. Manley explained that the property is generally located southwest of W. Prairie Avenue and North Chase Road, whose current land use is Large Lot Single Family Home. He testified that the water provider is East Greenacres Irrigation District, with wastewater services provided by the City of Post Falls.

Mr. Manley testified regarding the surrounding uses, explaining that to the west are other R-1 lots, and to the southwest are R-1-S lots. He further explained that the R-1-S lots to the south are very similar to the R-1 lots to the north and were approved through a PUD.

Mr. Manley testified to the proposed subdivision plan, stating that the applicant was planning on continuing Watercress Avenue and Pickerel Street with Fair Road, including an easement for access to about five lots depicted within the elliptical shape. He elaborated that city code requires lots to front a public or private street, so the applicant amended their plan and created a private road bringing the lots up to Title 17 code requirements. He stated all lots were reviewed as meeting the minimum lot size square footage and the minimum lot width. He also noted that dead-end cul-de-sacs are discouraged in Title 17 and that this proposed layout was within conformance by not including a dead-end cul-de-sac.

Mr. Manley testified regarding the first review criteria, stating again that East Greenacres Irrigation District will provide water. He noted that the second criteria is also met as the city has adequate capacity to service the subdivision as proposed. As to the third review criteria, he stated that the subdivision and layout, as proposed, are consistent with the Transportation Master Plan and Design Standards. Under the fourth review criteria, Mr. Manley testified that the site is located over the Rathdrum Prairie Aquifer and that no known soil or topographical conditions have been identified as hazards at this time.

Mr. Manley testified regarding the fifth review criteria, stating that the proposed lots and layout, as amended, comply with the Single-Family Residential (R-1) zoning designation and Title 17. Finally, as to the last review criteria, he testified that impact fees would be assessed and collected on individual building permits to offset costs to parks, public safety, multi-modal pathways, streets, and fire and EMS.

Mr. Manley reviewed the comments by agencies stating that Yellowstone Pipeline responded with no comments, Kootenai County Fire and Rescue reserves comments for the city's review process, and the Post Falls School District provided a letter stating that they are not over capacity and remain neutral.

In response to questions from the Commission, Mr. Manley explained the access points to the proposed subdivision. He stated that once there are 30 or more lots, the Fire Department requires a second access point. He stated that the proposal currently allows for connection through Watercress or Westerly on Pickerel and has future connection potential to Prairie, all of which emergency services are satisfied with.

Jeremy Trezulli, Olson Engineering Project Manager, Applicant

Mr. Trezulli testified that East Greenacres can and will serve the project and that Post Falls Municipal Sewer will provide sewer. He elaborated that they had waited for the Fisher Lift Station analysis and that there is capacity within the lift station to serve this project. He expanded that the impact fees associated with this project will help fund the Fisher Lift Station upgrades within the next couple of years.

Mr. Trezulli testified to the proposed streets stating that they are all designed with the appropriate right-of-way, sidewalks, curbing, and proper widths. He said they are classified as local streets and are deliberately designed to be narrower to help slow traffic on these neighborhood streets. He testified that the development can be accessed through Pickerel and Cordgrass, which funnels west

and south and ultimately ends up at Fisher, a minor collector, and then over to Chase. He mentioned initially considering direct access to Chase, but such access would have been too close to the Chase and Prairie roundabout and instead created entry through Watercress. He stated that the intended function was for the northern half of the development to funnel west and ultimately south, and the southern half of the development would use the connection to Watercress out to Fisher.

Mr. Trezulli testified that no soil or topographical issues had been identified and that the subdivision conforms to other code requirements. He stated that the proposal's density is lower than what the code allows within R-1 zoning. He testified that the developer will pay their fair share by dedicating several rights-of-way, installing public infrastructure, looping water lines, improving EMS and fire access, and extending and improving the frontage along Chase Avenue. He elaborated that the bike path in front of the Fair property, not a part of this project, will also be connected through their work with the city. All of which will be turned over to benefit the city.

Mr. Trezulli pointed out that collecting impact fees and developing 20 homes rather than one single-family on a 6-acre piece will generate a more robust tax base within the city limits. He stated that as an infill development, it is considered by the Comprehensive Plan to be the most efficient and judicious use of city resources.

Mr. Trezulli clarified that the access for lots 13, 14, and 15 was initially considered a shared driveway but was revised to be a private road maintained by the HOA in order to meet code requirements. He also testified that the development will be market driven if approved and likely to start next year.

Public Testimony:

The hearing was opened for public testimony.

Lynn Wahlert

Mr. Wahlert testified on behalf of the HOA board, stating that they are concerned with not getting direct access to Chase Road. He testified that funneling traffic through the HOA will create future hardship. He requested that the turn lane onto Chase Road be considered since Prairie has no access. He stated he believes it should be more accessible to fire trucks and EMS.

Stephanie Montreuil

Ms. Montreuil expressed concerns regarding the street connecting to a cul-de-sac where there is no access to Chase. She stated that the only access to Chase is through Fisher by using either Arrowleaf or Serenity, which will become very congested with the addition of 20 new homes and at minimum 40 new cars. She testified that having access to Chase where Ashworth would make sense. She questioned why the east side of Chase could get access, but the west side was not, stating that it did not make sense. She reiterated the amount of traffic this development creates. She mentioned how small the streets are within the neighborhood and that they are not conducive to efficiency among EMS vehicles.

Wes Brulotte

Mr. Brulotte testified that the connection of the new road would create a lot of new traffic, with 40, 50, 60, 70 cars driving by at night, shining their lights into their home. He stated that one of the main reasons for purchasing in this area was because it was quiet, with minimal traffic, and a great place to raise kids. He stated that other options exist, like having access to Chase across from Pheasant's Landing to avoid all this extra traffic.

Stephen Wvay

Mr. Wway testified that emergency service vehicles would have to make several abrupt turns to provide services to the neighborhood. Instead, he testified that access from Chase directly into the middle of this project and neighborhood makes much more sense. He expressed concerns for the safety of children with this increase in traffic. He encouraged engineers to re-evaluate and consider granting access directly to Chase Road to prevent all these issues.

Stan French

Mr. French reiterated the need for access to Chase. He expressed concerns with the huge influx of traffic through Serenity and Arrowleaf onto Fisher to get to the existing Chase Road. He testified that direct access to Chase would alleviate much of the traffic that enters the neighborhood through Serenity. He also mentioned the inefficiency of this "large cul-de-sac" for emergency vehicles. He stated that this neighborhood needs more access to more significant roadways, either Chase Road or Prairie Avenue.

Rebuttal

Jeremy Trezulli, Olson Engineering Project Manager, Applicant

Mr. Trezulli testified that in regards to density, this project is well under the maximum density allowed; these lots vary from 8,500 to 13,000 square feet, where the minimum lot size is 6,500 square feet under R-1 zoning.

In response to connection and traffic concerns, Mr. Trezulli testified that the project is consistent with the six standards of approval: sufficient access to water and sewer, consistency with the Transportation Master Plan, compatibility with topographical conditions, conformity with city code, and fair payment by the developer.

Mr. Trezulli acknowledged the concerns of no direct connection to Chase Road. He emphasized that their initial and preferred approach was to connect to Chase but the expansion of the Chase and Prairie roundabout presented a more significant danger as westbound traffic bearing south onto Chase Road would be accelerating through the roundabout and could cause congestion as well as the potential for collisions at the intersection. He testified that access to Chase Road would have been more efficient and inexpensive for them, but it comes down to traffic analysis and safety.

In developing alternative routes, Mr. Trezulli pointed out that Kootenai County Fire Department provided comments regarding fire hydrant spacing, fire truck turnaround, and a request for Watercress access. EMS reiterated this access request. Additionally, he stated that the city engineer felt the intersection spacing at the intersection of Chase was too close and that having two access points off Cordgrass and Pickerel was insufficient. He stated that the subdivision exceeds the required points of access requirement under International Fire Code because they only have 20 lots with 2 points of ingress-egress.

Mr. Trezulli testified that the city, fire, and EMS discourage using cul-de-sacs for maintenance. He stated that connectivity goes beyond traffic flow, street networking, and EMS access. It is also about connecting infrastructure like loping water lines that improve fire flow.

Mr. Trezulli reiterated their willingness to connect to Chase if deemed appropriate.

Robert Palus, Assistant City Engineer

Mr. Palus testified that Watercress Road is a standard residential street 32 feet wide built for parking on both sides. Serenity Street is considered a residential collector street and is 36 feet wide to accommodate traffic onto Fisher.

Mr. Palus testified that, ideally, the subdivision could connect to Chase Road at Ashworth but explained that the subdivision does not have the requisite spacing for that connection. He elaborates that the left turns to get into the subdivision would overlap with those trying to get down to Ashworth, creating a dangerous situation given the 40-mph zone it is in. Additionally, he stated that the city standard for spacing on minor arterial roadways, like Chase Road, is every 500 feet. The distance between Ashworth to Fisher is about 400 feet and between Ashworth and Prairie is about 900 feet, which does not allow for another access point between Ashworth and Prairie. He emphasized the danger of putting an access point near the roundabout with its accelerating traffic and placing one near Ashworth with its overlapping turns. Without the ability to place Ashworth all the way across, there is no safe access point to Chase.

In response to questions from the Commission, Mr. Palus clarified that, eventually, Cordgrass will have connectivity to the vacant property to the west. However, he noted that the vacant lot would not have direct connectivity to Prairie Avenue but would instead be able to connect through Pastureview.

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

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

C1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.

The Commission determines that East Greenacres Irrigation District will provide water service to the project. The applicant had provided a will-serve letter from the water district stating they have the capacity, willingness, and intent to serve the 20-lot subdivision as proposed.

C2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.

The Commission determines that the city of Post Falls' Fisher Lift Station has adequate capacity to provide service to the subdivision as proposed. The proposed sanitary sewer system's conceptual layout shows the ability to be served and shall be designed and constructed according to City Standards.

The Commission acknowledges that the Fisher Lift Station is getting close to its max and must be upgraded.

C3. Proposed streets are consistent with the transportation element of the comprehensive plan.

The Commission determines that the subdivision and proposed layout are consistent with the city's Transportation Master Plan following the amendment to the preliminary construction plans providing access to lots 13, 14, and 15 through a private street maintained by the HOA, complying with Title 17.

The Commission determines that the proposed layout provides the best option for connectivity to

the local transportation system despite not directly connecting to Chase Road. While direct access to Chase would be desirable to facilitate connectivity, the Commission recognizes that the applicant went to great lengths to establish as much connectivity as possible. By letter of the law, it is consistent with the transportation master plan. They ultimately determine that the proposed subdivision layout is preferred to ensure safety and compliance with the city's access spacing standards.

Roadway illumination, ADA ramps, and roadway markings/signs shall comply with City Standards.

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

- C4. 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.**

The Commission determines that no testimony or evidence was presented that identified any soil or topographical conditions that would prevent or hinder the development of the property.

- C5. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code.**

The Commission determines that this subdivision and proposed lots conform to Title 17 and Title 18 requirements for Single-Family Residential (R-1) zoning by providing lots much larger than the minimum lot size, making them less dense than they could have been.

- C6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.**

The Commission determines that impact fees will be assessed on individual building permits to mitigate the off-site impacts to parks, public safety, streets, Kootenai County Fire and Rescue, and Kootenai County Emergency Management Services.

- C7. Additional Recommended Conditions necessary to ensure compliance with the adopted standards:**

The Commission decides that the requested subdivision can meet the city's standards. However, certain conditions will need to be completed to meet the criteria. Those conditions, 1-11 listed below, when imposed, will ensure that the six criteria found in PFMC 17.12.060.H are met. Based upon the presentations made to the Commission at a properly noticed public hearing, the record compiled in this matter, the applicant must meet the following conditions:

1. Corrections and additions, if any, to the 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.
 - Roadway sections shall meet City Standards
 - Chase Road frontage improvements shall be designed based on a 50-foot roadway width (curb face – curb face) from the existing curb on the east side of Chase Rd.
 - The multi-use path along Chase Rd. shall be extended to the existing facility on the north property line of the plat of Craftsman at Meadow Ridge
 - Frontage improvements along Prairie Ave.; consisting of roadway widening along with curb & gutter shall be cashed out. The value of the cash out will be utilized by the developer to offset costs of Chase Rd. improvements to t into the Craftsman at Meadow Ridge.
 - Bicycle ramps shall be added to the southwest quadrant of the existing Prairie / Chase Roundabout
7. Direct access from residential lots to Prairie Avenue and Chase Road 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 Prairie Avenue and Chase Road, 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.
11. Lots 13, 14, and 15 require an amendment to the proposed preliminary construction plans to provide access via a public or private street as all lots must front a public or private street per PPMC Title 17.28.110: RESIDENTIAL SUBDIVISION DESIGN. The proposed amendment has been submitted and can be referred to per Exhibit A-9.

D. STEPS THE APPLICANT CAN TAKE TO OBTAIN APPROVAL:

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

E. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:

SUBD-23-1: Based upon the record placed before the Commission, the testimony received at the properly noticed public hearing, and with the imposition of the above conditions, it is the conclusion of the Post Falls Planning and Zoning Commission that the request, Fair Estates Subdivision, SUBD-23-1, meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved with conditions contained herein.

Approved by the Planning and Zoning Commission on _____

Date

Chairman

Attest

NOTICE OF RIGHTS:

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

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

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

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

**Millsap Landing Subdivision
File No. SUBD-22-16
Planning and Zoning Commission
Reasoned Decision**

A. INTRODUCTION:

APPLICANT: Whipple Engineering

LOCATION: Generally located south of E. Bogie Dr., between N. Greensferry Rd and N. Cecil Rd.

REQUEST: Subdividing approximately 4.88 acres into 18 Single-Family Residential Lots. As depicted Exhibit S-3.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Preliminary Plat
4. A-4 Will Serve
5. A-6 Auth Letter
6. A-7 Title Report
7. S-1 Vicinity Map
8. S-2 Zoning Map
9. S-3 Future Land Use Map
10. PA-1 PFPD Comments
11. PA-2 YPL Comments
12. PA-3 KCFR Comments
13. PA-4 DEQ Comments
14. PZ Staff Report
15. Testimony at the April 11, 2023, Planning and Zoning Commission ("Commission") hearing including:

The Public Hearing was properly noticed and conducted per the requirements of Post Falls Municipal Code ("PFMC"). The meeting was in-person and live-streamed on the City of Post Falls YouTube Channel. The purpose of the hearing was to allow the applicant and the public to supply testimony and documentation to the Commission in their application of the standards of Post Falls Municipal Code ("PFMC") § 17.12.060.

Laura Jones, Associate Planner

Ms. Jones presented the staff report to the Commission. She testified that there is a condition in the staff report that needs to be revised, condition 9, all new subdivision roads would need to be maintained by the HOA, and that should be stricken. It should just be Bogie Drive to be maintained by the HOA. She testified that the applicant seeks to subdivide approximately five acres into 18 lots within the Single Family Residential (R-1) zoning designation.

Ms. Jones explained that the subject property is located south of E. Bogie Dr., between N. Greensferry Rd. and N. Cecil Rd. She testified that the property is within a county island and its current land use

is a large lot single family residence, and the only natural characteristic or feature is that it is on the Rathdrum Prairie Aquifer. She testified that the water will be provided by the Ross Point Water District and the city of Post Falls will provide wastewater services.

Ms. Jones testified about the surrounding uses, explaining that to the north and east of the property is large lot residential in Kootenai County, and to the south and west, there are other R1 Subdivisions in the city.

Ms. Jones testified that they are proposing eighteen single-family residential lots, there is a north-south connection of Neptune Dr. going down the center with an extension of Han St. to the south through the Knapp Subdivision. E. Bogie Dr. will have the frontage improvements constructed with this project.

Ms. Jones testified regarding the first review criteria, stating again that Ross Point Water District will provide water and the applicant has submitted a will-serve letter. As to the second criteria, she stated that the city has sufficient capacity for the proposed uses, and it is in conformance with the city's water reclamation master plan. As to the third review criteria, she explained that the proposed streets are consistent with the transportation element of the comprehensive plan and right of way and easements will be dedicated and constructed per city standards.

Ms. Jones testified regarding the fourth review criteria, stating that the site is located over the Rathdrum prairie aquifer, and at this time, no known soil or topographical conditions have been identified as hazards. Regarding the fifth review criteria, she attested that the subdivision is contingent on the annexation and zoning approval from City Council. If approved, the proposed lots comply with the bulk and placement standards for the relevant zoning designations. Finally, as to the last review criteria, she testified that impact fees and cap fees would be assessed and collected on individual building permits to mitigate the off-site impacts to parks, public safety, streets, city water, and water reclamation facilities.

Ms. Jones testified that agencies have been notified that the Post Falls Highway District is asking that the city annex across Bogie Dr. to the northern right-of-way line. Yellowstone Pipeline states there is no impact on the YPL ROW. Kootenai County Fire and Rescue reserve the comments for the permitting process, and Post Falls School District is neutral.

Ryan Andrade, Whipple Consulting Engineers Applicant

Mr. Andrade testified that future land use shows low-density residential, which is what we are going for. He explained that the surrounding zoning is the R1 beside the CCS and LC directly to the east. He stated that this request complies with the city's transportation and sewer master plans, and the R1 is supported by the Comprehensive Plan as described in the narrative. He illustrated that this property is approximately 1.2 miles from the higher intensity Highway 41 corridor, and Neptune Dr. is a north/south roadway that connects to Hahn St to the south, and Bogie Dr. is north of the property.

Public Testimony:

The hearing was opened for public testimony, the Commission received none.

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

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

C1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.

The Commission determines that Ross Point Water District would provide water service to the project and have adequate capacity to provide service to the project as proposed. The applicant has provided a will-serve letter.

C2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.

The Commission determines that the city of Post Falls has adequate capacity to provide service to the subdivision as proposed and conforms to the city's water reclamation master plan. Existing septic systems must be abandoned in conformance with Panhandle Health requirements.

C3. Proposed streets are consistent with the transportation element of the comprehensive plan.

The Commission determines that the subdivision and proposed layout accommodate connectivity and will not have a negative impact on the local transportation system. The Commission finds that the proposal's connections of Hahn to the south and as Neptune comes around provide adequate connectivity to adjacent properties and roadways.

The project shall dedicate rights of way and easements and be constructed to the roadway standards outlined in the City Transportation Master Plan. Specifically, the right of way will be dedicated for Bogie Drive.

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

C4. 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.

The Commission determines that, while the site is located over the Rathdrum prairie aquifer, no testimony or evidence was presented that identified any soil or topographical conditions as presenting hazards.

C5. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code.

The Commission determines that this subdivision request is contingent upon the subsequent annexation and zoning by the City Council. The subdivision and proposed lots conform to the requirements of Title 17, the subdivision ordinance, and Title 18, the zoning ordinance. If the area is zoned within the City of Post Falls as proposed with Single Family Residential (R-1), the proposed use will conform with the zoning and other requirements found in PFMC by exceeding the minimum required 6,500 square foot lot size with the proposal's minimum lot size at 7,200 square feet.

C6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.

The Commission determines that impact fees and cap fees will be assessed and collected on individual building permits to mitigate the off-site impacts on parks, public safety, streets, multi-modal transportation, fire, EMS, and water reclamation facilities.

C7. Additional Recommended Conditions necessary to ensure compliance with the adopted standards:

The Commission decides that the requested subdivision can meet the City's standards. However, certain conditions will need to be completed to meet the criteria. Those conditions, 1-10 listed below, when imposed, will ensure that the six criteria found in PFMC 17.12.060.H are met. Based upon the presentations made to the Commission on April 11, 2023, at a properly noticed public hearing, the record compiled in this matter, and the applicant must meet the following conditions:

1. This subdivision may only be approved subject to annexation approval.
2. 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.
3. 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.
4. The proposed subdivision must be completed in a single phase.
5. A Construction Improvement Agreement shall be prepared and executed prior to commencement of construction for the subdivision.
6. Submitted Preliminary Plans were reviewed from a conceptual basis only and reflected only the Phase I construction. 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.
7. 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.
 - Bogie Drive – Minor Collector, 44-foot width (centerline +10 feet required construction)
 - Neptune Drive and Hahn Street – Local Residential, 32-foot width
 - Hahn Street – ½ roadway improvements only, barricaded at southern property line
8. Direct access from residential lots to Bogie Drive shall be prohibited on the face of the plat.
9. A Homeowners Association (HOA) shall be formed to maintain the common right-of-way frontage along Bogie Drive; including all landscaping, irrigation and removal of snow from sidewalks and trails.
10. Lot Access along Prairie Avenue in conformance with the KMPO Critical Arterial Policy

D. STEPS THE APPLICANT CAN TAKE TO OBTAIN APPROVAL:

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

E. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:

SUBD-22-16: Based upon the record placed before the Commission, the testimony received at the properly noticed public hearing, and with the imposition of the above conditions, it is the conclusion of the Post Falls Planning and Zoning Commission that the request, Millsap Landing Subdivision, SUBD-22-16 meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved with conditions contained herein.

Approved by the Planning and Zoning Commission on _____

Date

Chairman

Attest

NOTICE OF RIGHTS:

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

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

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

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

Haycrop Commercial Park Subdivision

File No. SUBD-23-2

Planning and Zoning Commission

Reasoned Decision

A. INTRODUCTION:

APPLICANT: Whipple Consulting Engineers

LOCATION: Generally located north of Prairie Ave and east of Highway 41.

REQUEST: Subdividing approximately 88 acres into 22 commercial lots within the Community Commercial Services (CCS) and Community Commercial Mixed (CCM) zoning districts. As depicted Exhibit A-3.

B. RECORD CREATED:

1. A-1 Application
2. A-2 Narrative
3. A-3 Preliminary Plan
4. A-4 Legal
5. A-5 Will Serve
6. A-7 Title Report
7. A-9 Phasing Plan
8. S-1 Vicinity Map
9. S-2 Zoning Map
10. S-3 Future Land Use Map
11. PA-1 YPL Comments
12. PA-2 KCFR Comments
13. PA-3 ITD Comments
14. PZ Staff Report
15. Testimony at the May 30, 2023, Planning and Zoning Commission ("Commission") hearing including:

The Planning and Zoning Commission (hereinafter "Commission") heard the request at a public hearing, the hearing was in-person and live-streamed on the City of Post Falls YouTube Channel. The request was for the Commission to review the request to subdivide approximately 88 acres into 22 commercial lots within the Community Commercial Services (CCS) and Community Commercial Mixed (CCM) zoning designations (SUBD-23-2). The request is evaluated under the standards of Post Falls Municipal Code ("PFMC") § 17.12.060.

Ethan Porter, Associate Planner

Mr. Porter presented the staff report to the Commission. He testified that the owner of the property is Medalist Development Inc. represented by the Applicant, Whipple Consulting Engineers. He testified that the applicant seeks to subdivide approximately 88 acres into 22 commercial lots within the Community Commercial Services (CCS) and Community Commercial Mixed (CCM) zoning designations.

Mr. Porter explained that the property is generally located east of Highway 41, north of W. Prairie Ave., west of Fennecus, and east of Zorros, where the current land use is vacant. He testified that

Ross Point Water District will provide the water, the applicant provided a will-serve letter, and wastewater services will be provided by the city of Post Falls.

Mr. Porter testified regarding the surrounding uses, explaining that the northwest of the property has Community Commercial Services and Community Commercial Mix zoning to the east. He testified that the west side of Highway 41 is a Technology Mix Zone with some residential zoning as well.

Mr. Porter illustrated the four proposed phases of the subdivision plan, with Fennecus and Zorros being 2 points of access off of Prairie Ave and Harvest Ave. going west and east towards the northern side coming off Highway 41. He testified that the smallest lot would be 0.63 acres and the largest at 9.02 acres.

Mr. Porter testified regarding the first review criteria, stating again that Ross Point Water District will provide water, and the applicant has submitted a will-serve letter. As to the second criteria, he stated that the city has sufficient capacity for the proposed uses and it is in conformance with the city's water reclamation master plan. He stated that a surcharge will be applied south of Harvest Ave. to the 12th Avenue Lift station in phases 1 and phase 4 will not be included in this surcharge. As to the third review criteria, he explained that the subdivision and proposed layout streets are consistent with the transportation element of the comprehensive plan. He testified that the plan includes a future traffic signal at the intersection of Harvest Ave. and Highway 41. He testified that the minor collector roadways are Zorros Road and Harvest Avenue, and Fennecus is a Major Collector roadway.

Mr. Porter testified regarding the fourth review criteria, stating that the site is located over the Rathdrum prairie aquifer, and at this time, no known soil or topographical conditions have been identified as hazards. Regarding the fifth review criteria, he attested that the subdivision's proposed lots and layout comply with the build and placement standards for the Community Commercial Services (CCS) zoning district and that the approved development agreement will follow the Community Commercial Mix zone. Finally, as to the last review criteria, he testified that impact fees and building permits would be assessed and collected on individual building permits to mitigate the off-site impacts to parks, fire, EMS, public safety, multi-modal pathways, and streets.

Mr. Porter listed the agencies notified and shared that Yellowstone Pipeline responded with no comment, Kootenai County Fire and Rescue reserved comments for the city's permitting review process, and Idaho Transportation Department (ITD) stated that Harvest has not been approved for access and will need to apply for access requiring a transportation impact study.

Mr. Porter testified to some changes and considerations of the conditions outlined in the staff report. He stated that condition 4 would change from "The project is responsible for one-half of the costs of the future traffic signal at Harvest Ave/SH 41, at the time of site development west of Zorros Rd." to "A traffic signal warrant analysis will be required prior to the installation of the traffic signal. The developer is being required to "cash-out" 50% of the estimated cost for installing a traffic signal at the intersection. The timing of the signal will be dependent upon the intensity of the development (traffic volumes) and coordinated with ITD as a project with the City or other future developer (Junction project on the west side of SH 41)" to provide more clarity. He stated that condition 15 should be removed as it is stated elsewhere in another agreement, the annexation agreement. Lastly, condition 18 should be modified to include "excludes Prairie Trail."

Rob Palus, Assistant City Engineer

Mr. Palus explained ITD's comment regarding Harvest Avenue's access approval. He testified that the intersection with Harvest and Highway 41 has been identified in the Highway 41 Corridor Master Plan and has been examined with a traffic study done for an adjacent project on the northeast corner of Prairie and Highway 41, Prairie Crossing. It is also being reviewed with a traffic study on the west side of Highway 41 across from Harvest. After these reviews, ITD has identified this intersection for a traffic signal. Before Harvest connecting to Highway 41, ITD requires an encroachment permit

where a traffic study will verify when that signal needs to go in or if it is warranted. If not warranted, the configuration of this intersection would need to be determined.

In response to a question regarding the 12th Street lift station surcharge, Mr. Palus explained that a surcharge would be applied to phases 1, 2, and 3 and a separate surcharge for phase 4. He testified that a sewer study was done about a year ago and revealed sufficient capacity to handle areas 1-3 in the Highway 41 line. Phase 4, on the other hand, would have to go through the Meyer alternative line, a pipe that has not been constructed south of Prairie Avenue. The surcharge for phases 1, 2, and 3 would help pay for the force mains associated with the 12th Avenue lift station. Once sewer is made available, the phase 4 surcharge would be paid for the 12th avenue lift station and the Meyer alternative sewer line. Therefore, the surcharges will be more significant for phase 4 than for phases 1-3.

Mr. Palus elaborated that the conceptual plan shows that phases 1-3 all flow to the southwest towards Highway 41 and Prairie intersection. An additional line is shown as a dry line to allow phase 4 and any other development to the north and east to utilize the Meyer Alternative Line in accordance with the Water Reclamation Master Plan.

Todd Whipple, Whipple Consulting Engineers, Applicant

Mr. Whipple testified that it is a large subdivision of 88 acres with only 22 commercial lots since commercial lots require bigger roads, larger lots, and different types of connectivity. He stated that the project site is at the northeast corner of Highway 41 and Prairie Ave. He testified that the project utilizes existing zone designations of CCM and CCS, where all proposed uses will be consistent with these zones.

Mr. Whipple illustrates the size of this subdivision. He explains that the layout has small lots along Prairie Ave. with conditions that there cannot be direct access onto Prairie from them. Instead, secondary access must be off Zorros, Fennecus, or some other part of the commercial subdivision. He testified that almost all roads are either minor, major, or arterial-level collectors. Large lot subdivisions may have some internal, local-looking roads. Still, they will all lead out to the collectors, following the transportation plan.

Mr. Whipple testified that the Ross Point Water District would provide water and that the city of Post Falls would provide sewer, following the provisions detailed by Mr. Palus. He testified that the proposed streets include Zorros, Fennecus, Harvest, and Prairie. Prairie Avenue is an existing road with frontage improvements only, Fennecus is partially constructed, and Prairie will be constructed this summer, and all are consistent with the transportation plan. Mr. Whipple illustrated the higher order of roads where the collectors, Zorros, Fennecus, and Harvest, collect and divert traffic to the principal arterials, Highway 41 and Prairie Avenue.

Mr. Whipple testified that as a larger subdivision project, it has the capacity for higher traffic volumes. As such, the proposal includes three roundabouts at Fennecus and Prairie (2023), Fennecus and Harvest (2023), and Zorros and Prairie (2024) with a future traffic signal at Harvest and Highway 41 when the signal warrants are met.

Mr. Whipple testified that the project site is valley gravel with free-draining soil mixed with loose gravel with no known conditions incompatible with the proposed CCM and CCS zoning.

Mr. Whipple reiterated the conditions to be modified as explained by Mr. Porter. He stated their agreement with staff to modify condition 4 to better align with the ITD's process, remove condition 14, and add language to exclude Prairie Trail from condition 18.

In response to questions from the Commission, Mr. Whipple stated that the distance between Highway 41 and Zorros was about a quarter mile and Harvest and Fennecus at the half mile.

Public Testimony:

The Chair opened the hearing for public testimony.

Mark Hughes

Mr. Hughes testified in favor of the project, stating that he had previously agreed to an easement for the Jacklin's to bring water to the site through his property. He trusts the development of the Jacklin's and looks forward to this project's development.

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

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

- C1. Definite provision has been made for a water supply system that is adequate in terms of quantity, and quality for the type of subdivision proposed.**

The Commission determines that Ross Point Water District will provide water service to the project and has adequate capacity to provide service to the project as proposed.

- C2. Adequate provisions have been made for a public sewage system and that the existing municipal system can accommodate the proposed sewer flows.**

The Commission determines that the city of Post Falls has adequate capacity to provide sewer service to the subdivision as proposed.

Properties south of the proposed Harvest Ave. will utilize existing infrastructure and infrastructure currently approved and under construction. In addition to standard Sewer CAP Fees, these properties are subject to and will be charged a sanitary sewer surcharge for the 12th Avenue Lift Station / Forcemain at the time of building permit issuance. The City system has capacity and is willing to serve this area.

Properties north of the proposed Harvest Ave. will utilize a future sewer main that needs to be extended from SH41 along Horsehaven Ave. And then to the site along Fennecus St. In addition to standard Sewer CAP Fees, these properties are subject to and will be charged a sanitary sewer surcharge for the 12th Avenue Lift Station / Forcemain and the Meyer South Alternative sanitary sewer surcharge. The city will collect Sewer CAP Fees and surcharges at the time of building permit issuance. Building permits for Properties north of Harvest Ave cannot be issued until the Meyer South Alternative has been constructed.

- C3. Proposed streets are consistent with the transportation element of the comprehensive plan.**

The Commission determines that the subdivision and proposed layout are consistent with the City's Transportation Master Plan and Design Standards.

Zorros Rd. and Harvest Ave. are designed and constructed as minor Collector roadways, and Fennecus a Major Collector. Additionally, the subdivision is located off of the principal arterials, Highway 41 and Prairie Ave. As such, the Commission finds that the roads are designed to be larger than typical residential roadways, making them capable of handling greater traffic volumes. They also determine that the three proposed roundabouts and future traffic signal at Harvest and Highway 41, when signal warrants are met, will comply with the master plan and help facilitate the

safety and flow of traffic.

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

Frontage development along SH41 shall include installation and irrigation of turf between the SH41 trail and roadway shoulder. Common Frontage along Prairie Ave shall be landscaped and irrigated. A Business Owners Association will be responsible for the irrigation and maintenance of the landscaping, including snow removal from the trail sections.

C4. 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.

The Commission determined that no testimony or evidence was presented that identified any soil or topographical conditions as presenting hazards.

C5. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code.

The Commission determines that the subdivision and proposed lots conform to Title 17 and Title 18 requirements for the Community Commercial Services (CCS) and the Community Commercial Mixed (CCM) zoning districts. The uses allowed in the CCS zone will be permitted consistent with PFMC 18.20.030 Land Use Table, while the uses in the CCM zone shall be consistent with the current Development Agreement for that area.

C6. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off-site impacts to streets, parks, and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay development impact fees.

The Commission determines that impact fees, lift station fees, and surcharge fees will be assessed on individual building permits to mitigate the off-site impacts to parks, fire, EMS, public safety, multi-modal pathways, and streets.

C7. Additional Recommended Conditions necessary to ensure compliance with the adopted standards:

The Commission decides that the requested subdivision can meet the city's standards. However, certain conditions will need to be completed to meet the criteria. Those conditions, 1-17 listed below, when imposed, will ensure that the six criteria found in PFMC 17.12.060.H are met. Based upon the presentations made to the Commission at a properly noticed public hearing, the record compiled in this matter, the applicant must meet the following conditions:

1. Corrections and additions, if any, to the 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 may be constructed in phases.

4. A traffic signal warrant analysis will be required prior to the installation of the traffic signal. The developer is being required to "cash-out" 50% of the estimated cost for installing a traffic signal at the intersection. The timing of the signal will be dependent upon the intensity of the development (traffic volumes) and coordinated with ITD as a project with the City or other future developer (Junction project on the west side of SH 41).
5. Building permits for property north of Harvest Ave will not be issued until the Meyer Alternative South Sewer Main has been constructed to SH41.
6. Properties north of Harvest Ave. will be assessed sewer surcharges, in addition to standard sewer CAP fees, for the 12th Ave. Lift Station / Forcemain and Meyer Line; based on the current fees in place at the time of building permit issuance.
7. Properties south of Harvest Ave. will be assessed a sewer surcharges, in addition to standard sewer CAP fees, for 12th Ave. Lift Station / Forcemain; based on the current fee in place at the time of building permit issuance.
8. A Construction Improvement Agreement shall be prepared and executed prior to commencement of construction for the subdivision. Coordinate Irrigation of frontages with the Post Falls Urban Forester.
9. 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.
10. 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.
11. Direct access from Lots 1-5 to Prairie Ave shall be prohibited on the face of the plat, excepting the allowance for one $\frac{3}{4}$ turn access near the common property lines of Lots 3 and 4
12. A shared access agreement shall be included on the face of the plat for Lots 1 thru 9.
13. Industry Lane shall be extended, or a common drive provided, from Zorros Rd. To Fennecus Rd that is located along the common lot line between Lots 6 thru 9.
14. Direct access from Lot 11 to SH41 shall be prohibited on the face of the plat.
15. Connections from proposed lots 8-14 to the Prairie Trail would be determined at the time of site plan review for each lot, by the City. If a trail connection is required by the City or requested

and approved during site plan review, the property owner shall grant an appropriate access easement to the City of Post Falls at that time.

16. 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 on adjacent lots. The Urban Forester shall be notified prior to planting.
17. A Business Association shall be formed to maintain the common right-of-way frontage along Prairie Avenue, SH41 and the roundabout within the Harvest / Fennecus Roundabout. Maintenance shall include all landscaping, irrigation, and removal of snow from sidewalks and trails, excluding the Prairie Trail.

D. STEPS THE APPLICANT CAN TAKE TO OBTAIN APPROVAL:

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

E. CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION:

SUBD-23-2: Based upon the record placed before the Commission, the testimony received at the properly noticed public hearing, and with the imposition of the above conditions, it is the conclusion of the Post Falls Planning and Zoning Commission that the request, Haycrop Commercial Park Subdivision, SUBD-23-2, meets the standards of City Code, and the Idaho Local Land Use Planning Act, and is hereby approved with conditions contained herein.

Approved by the Planning and Zoning Commission on _____

Date

Chairman

Attest

NOTICE OF RIGHTS:

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

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

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

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