



**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

**October 8, 2024
5:30 PM**

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

REGULAR MEETING – 5:30 PM

CALL TO ORDER

5:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING & ZONING COMMISSION MEMBERS

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

Present: Carey, Walton, Kimball, Steffensen, Schlotthauer, Wilhelm

Excused: Hampe

CEREMONIES, ANNOUNCEMENTS, APPOINTMENTS, PRESENTATION:

ACTION ITEM

None

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.

Jon Manley, Planning Manager: Item "C" Landmark Place File No. AYBD-24-3 will be moved to Planning & Zoning Meeting 11/12/2024 due to comments that came in on the file. We want to make sure we have a complete submittal.

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.

Wilhelm: Recused himself from Gario Estates File No. ZC-24-2

Kimball: Recused himself from Consent Calendar.

1. CONSENT CALENDAR

The consent calendar includes items which require formal Commission action, but which are typically routine or not of great controversy. Individual Commission members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the Commission agenda packet regarding these items and any contingencies are part of the approval.

ACTION ITEMS:

- a. Meeting Minutes Planning & Zoning Meeting Minutes 9/10/24
- b. Mongeau Meadows Annexation Zoning Recommendation File No. ANNX-24-3
- c. Mongeau Meadows Subdivision Reasoned Decision File No. SUBD-24-2
- d. Shawver Autobody Zone Change Zoning Recommendation File No. ZC-24-1
- e. Shawver Autobody Special Use Permit Reasoned Decision File No. SUP-24-6

Motion to Approve as presented by Walton

2nd by Carey

Vote: Carey - yes, Walton - yes, Steffensen - yes, Schlotthauer - yes, Wilhelm - yes

Kimball: Recused

Moved

2. CITIZEN ISSUES

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

Joshua Hemphill, Post Falls: He expressed his concern about the sewer system, the smell and if it was able to sustain the input because the smell is so bad.

Wayne Plante, Post Falls: He has an issue with the sewer and the stench from it. He is unable to go outside his home in the evening. He is also concerned about the impact on the market value of his home if he were to sell it.

Glenn Whipple, Post Falls (Not wishing to speak): Sewer odor issue.

Steffensen: Fill out a form and we will have someone contact you directly regarding your concerns.

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. Bogie Subdivision File No. SUBD-24-1

Staff Report

Ethan Porter, Associate Planner Presenting:

Owner: Andrey Russu

Applicant: George Anderson

Requested Action: To review and approve the proposed subdivision determining that it meets the requirements of the Post Falls Municipal Code (PFMC).

Project Location: The property is located on the southeast corner of E. Bogie Drive and N. Greensferry Road. Property Size: 4.2-acres Current Land Use: Single family residential. Current Zoning: Single Family Residential (R1) zoning. Proposed Land Use: The proposed subdivision will serve a single-family residential housing development. Surrounding Land Use: There is a Kootenai County lot directly south that is being used as a large single-family home. The subject site is on the corner of two roadway rights-of-ways and abuts Wrenley Estates on the east, which is a single-family residential subdivision. Surrounding Zoning Districts: The proposed development pattern surrounding the subject site is predominantly single-family residential (R1). Directly south is a Lot within Kootenai County zoned as Agriculture. Water Provider: Ross Point Water District Sewer: City of Post Falls

Applicant:

Not present

Testimony:

In Favor: None

Neutral: None

In Opposition: None

Public Hearing Closed: 5:49 pm

Deliberation:

Kimball: Because there are property lines going through the buildings, would it be appropriate for us to add a condition of approval of that?

Gabbert: If you want to condition that they have to remove that at the time of final platting that would be the cleanest.

Subdivision Review and Approval Criteria:

1. Definite whether a 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.

Carey: Yes, it will be Ross Point Water District.

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

Kimball: We have a "Will Serve" letter per staff report indicating that the city of Post Falls has the ability to serve it.

Gabbert: There is a comment that the septic will be abandoned as well.

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

plan.

Kimball: Greensferry will be constructed to arterial standards and Bogie will be constructed to collector standards, which are important elements of the Comprehensive Plan with regard to transportation. It provides connectivity to the adjoining property for future transportation connectivity and proper planning.

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

Steffensen: No known hazards have been identified, no public testimony has said otherwise.

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

Steffensen: The whole area there is all R1 residential as it continues to build. The lot next to it is in the county.

Kimball: The lots conform to the R1 minimum lot sizes with regard to both width and area.

6. Developers 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, site mitigation will be dealt with through the obligation to pay development impact fees.

Kimball: Staff mentioned impact fees and the construction of their frontage improvements.

Motion by Kimball to Approve Bogie Subdivision File No. SUBD-24-1 finding that it meets the approval criteria in the Post Falls Municipal Code 17.12.06h as outlined in our deliberation subject to conditions 1 through 10 found in staff report and adding condition 11 stating that all structures shall be demolished prior to filing the final plat and direct staff to prepare a written Reason Decision to that effect.

2nd by Carey

Vote: Wilhelm - yes, Schlotthauer - yes, Steffensen - yes, Kimball - yes, Walton - yes,

Carey - yes,

Moved

b. Gabrio Estates Duplexes File No. ZC-24-2

Wilhelm stepped down for this hearing.

Staff Report

Ethan Porter, Associate Planner, Presenter:

The applicant/owner, Nate Grossglauser, has requested approval to rezone lots 8, 9 and 10 of Gabrio Estates block 1 from Single-Family Residential (R1) to Medium Density Residential (R2) zoning district. The total acreage of the three lots is 0.59 acres. They are currently vacant lots. The water provider is East Greenacres Irrigation District and wastewater is provided by the City of Post Falls. The property is generally located north of W. Okanogan Avenue and west of N. McGuire Road near the intersection of N. McGuire Road and W. Okanogan Avenue. **Surrounding Land Uses:** Located to the north of the three lots is the Wildflower Meadows, approved as a duplex and twin home residential subdivision. To the west and south the land uses are single-family residential homes within Gabrio Estates Subdivision. The N. McGuire right-of-way is directly east of lots 9 and 10. The future land use designation has the subject property as Medium Density Residential. The proposed zone change is located within the West Prairie Focus Area, goal 7 and policy .02 were highlighted. There were no agency comments received, we received a public comment that Chair Steffensen would read.

Applicant:

Nate Grossglauser: When we originally applied for the subdivision we asked for R2 which made perfect sense for the area, but we were denied. Within months, you approved multiple subdivisions adjacent to us with varying zoning, creating an island of our subdivision. The lots the duplexes are going to be on is a private street. They just have three lots. They're unique in shape, so anything I have to do there as far as duplexes, would have to be custom designed. I currently own all the existing lots and the homes that are touching these lots, and the remaining vacant lots in the subdivision. There is a new subdivision proposed to the west of us, and it seems that will possibly be R2 as well. There are many examples of duplexes among single-family homes throughout the city of Post Falls. It makes sense here. It's a private street, and it's contiguous to R2.

Kimball: Is Okanagan private?

Grossglauser: Okanagan is a public road, it's a private road that these lot will be accessed from.

Kimball: Like a private driveway coming off of Okanagan?

Schlotthauer: That's Gabrio Court?

Grossglauser: Yes.

Schlotthauer: These lots look a little bigger than the other lots in the subdivision?

Grossglauser: Correct, they are all larger. They would be accessed by a private street that is existing, there would be no infrastructure changes as far as additional water and sewer hookups.

Carey: How many duplexes will there be?

Grossglauser: Three.

Carey: One for each lot?

Grossglauser: Yes, three custom duplexes.

Carey: And will they all access off the private street?

Grossglauser: Correct.

Schlotthauer: The house to the south of the three lots that's existing?

Grossglauser: Yes, I own that house.

Steffensen: It looks like it's partly on lot three.

Grossglauser: No it's not, it's close. There's a five-foot set back there.

Steffensen: I'm curious about the approval and denial of this. What was the history of this?

Manley: The criteria are what the criteria are for this, but for historical context, there's no nexus to the review criteria. They did come forward initially with an R2 proposal and walked away with an R1. Initially, the project to the north was approved as an R1 as well, but then shortly came after a rezone to R2, and it was approved for that rezone. If I remember the order of events correctly.

Grossglauser: Both subdivisions were approved for R2 within months after I was turned down.

Testimony:

In Favor: none

Neutral: none

In Opposition:

Wayne Plante, Post Falls, ID: Mr. Plante spoke about his concerns that multifamily was a buffer, now they're in residential areas. He's concerned about the traffic it will create, the fire department access to the dead end street where they put two houses ten feet apart, and the debris left behind by the contractor. Mr. Plante expressed he felt that the developers are destroying the 5-acre ranchettes they moved there for.

Stephanie Johnson, Post Falls, ID: Ms. Johnson spoke about the HOA by-laws created by the developer that state that the subdivision must have single family homes. That is why she purchased her home on that street. She stated that the maintenance on the vacant lots is

atrocious and there was no response from the developer. Ms. Johnson feels the implications for future developments in subdivisions the city council approved are changed, set a precedent moving forward that she doesn't think we want for Post Falls families. Ms Johnson stated that the developer does own land there but currently rents it out and does not live there. She stated his home is not on a private street, you have to come down her street to get to those three lots.

Debbie Vocca, Post Falls, ID: Ms. Vocca does not agree with mixing the R1 and R2 so close together. She stated that the area needs more affordable single family homes and this area is still rural, which she would like it to stay that way for some time, so people will stay there.

Rebuttal:

Grossglausesr: What I'm doing here fits the lay of the land with the neighborhoods to the north. This is important to me. It's named after my son, Gabriel. We're making a nice product that fits the city well. We can amend the HOA bylaws for just those three lots. I had to submit the CCR and HOA that were relevant to the subdivision at the time.

Schlotthauer; The HOA is not relevant to us.

Grossglausesr: Also, there's a new subdivision around Prairie Falls Golf Course that has a little pocket of R2 duplexes and single family homes around it. That's a recent example.

Public Hearing Closed: 6:26 PM

Delibertaion:

Kimball: I have a question for the staff. The HOA is not part of our criteria that we would be using, rather it would be a civil issue between those property owners and the developer. Is that correct?

Chris Gabbert, Deputy City Attorney: That is correct. The city doesn't approve the HOA. The CCR is a private contract between the landowners. There was some testimony that the city had approved bylaws. That would be inconsistent with the city's practice. The city makes a recommendation or condition that they create a HOA and CCR to govern their subdivision, but the city has no role other than that. To your question if the city can consider a possible violation of the CCR's, that is not in the record before you. It's not one of the review criteria for our zoning recommendation. It's outside the scope of what we need to consider for our three criteria. We make a recommendation about whether to approve the zoning change request or not. City Council will make the final decision.

Review and Approval 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: The Future Land Use Map calls this medium density residential. R2 zoning is an implementing zone within that medium density residential designation. It is consistent with the Future Land Use Map.

2. Is the purposed 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: The staff report speaks to it.

Schlotthauer: They give one goal and one policy.

Steffensen: Policy 2 talks about Future Land Use Mapping that goes with the focus group.

Schlotthauer: Policy 2 outlines compatibility with surrounding land uses. There are a variety of land uses around it. It's compatible with the north and probably the east, but incompatible with the south and the west.

Kimball: It would take an exception to residential uses being incompatible next to each other. My

general opinion is that people living next to each other are people living next to each other, regardless of the number of walls that they share or don't share. I do think it would be in conformance with Policy 2 because they are residential uses. Regarding it being medium density residential in The Future Land Use Map, it speaks to the up to 16 units per acre and how those little pockets of higher density are appropriate. That's one of the few places in our city where we have a land use designation of medium density residential as part of that comprehensive plan designation. Because of that, it fits with the Land Use Map Policy 2. There's sewer and water, there's no testimony of demonstrable impact, it doesn't put us close to any capacity issues. Okanagon is a residential street and has capacity for traffic for three extra homes above and beyond what would be allowed for today and Policy 3 regarding encouraging development patterns that provide housing within walkable distance of services.

Schlotthauer: If this was a hearing on a subdivision that hadn't been sold out and there hadn't been deals made based on zoning, I would completely agree that it's compatible land use and be in favor of it. But the deal was made, so I think that after the developer sold lots based on that deal I feel it's incompatible.

Walton: It seems compatible with the surrounding area lots, but not necessarily compatible with the people that are right there. It's conflicted.

Carey: The duplexes are in one corner, they are not put in the middle of the development. So, to me, that's a little different.

Schlotthauer: It's a bit of a stretch on our criteria, but I don't think the city council will see it that way.

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?

Steffensen: Nothing has come to light through public testimony or in the staff report.

Kimball: This has probably met the minimum of the criteria, and I fully recognize and understand that changes like this, especially for those who bought homes in this subdivision, are not welcome. I would encourage you to voice your concerns to the City Council as well. That's a right that you have.

Walton: We are restricted to our criteria.

Schlotthauer: I think that it is strictly judged against our criteria, the City Council will have a lot more latitude to decide on this.

Motion by Kimball to recommend approval of the Gabrio Estates Duplexes zone change file no. ZC-24-2 finding that the requested zoning meets the approval criteria in the 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.

2ND: Carey

**Vote: Carey - yes, Walton - yes, Kimball - yes, Steffensen - no, Schlotthauer - no
Moved**

- c. Landmark Place Subdivision File No. SUBD-24-3

Moved to Planning & Zoning meeting 11/12/2024.

5. ADMINISTRATIVE / STAFF REPORTS

None

6. COMMISSION COMMENT

None

7. ADJOURNMENT

6:39 PM

Date: 10/24/24

Chair: James Steffensen

Attest: Nancy Thunrocker

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