



Memo

To: Mayor Davis and Members of the City Council

From: Donna Phillips, GISP, Community Development Director

Date: June 5, 2025

Agenda Item: PZE-24-0130 Hayden Sky (Phase I) Preliminary Plat Request – Written Decision

Agenda Item Location

Consent Calendar

Recommended Action or Motion

Staff recommends approval by the City Council for the Written Decision of the above request.

Summary

On May 27, 2025, the City Council deliberated the request for preliminary plat and at the conclusion of that deliberation the City Council approved the request for preliminary plat of the Hayden Sky (Phase I) Subdivision with conditions finding that it was in accordance with standards of approval.

Functional Impact of Authorizing

Should the City Council approve the request, the developer is able to continue the construction plans to include the required off-site improvements as required by the conditions of approval of the Final PUD.

Functional Impact of Not Authorizing

Should the City Council disapprove the request, the developer is not able to continue to move the project forward including the off-site improvements in accordance with the conditions of approval of the Final PUD.

Fiscal Impact

Fiscal responsibility for the required infrastructure within the subdivision shall be borne by the developer. With respect to the required off-site improvements, those improvements required by the developer for this project and any reimbursement shall be provided through a separate mitigation agreement which shall come back to the City Council at a later date.

Budget Funding Source / Transfer Request

NA

Attachment

Written Decision

WRITTEN DECISION

Preliminary Plat Request

HAYDEN SKY (PHASE I) SUBDIVISION PZE-24-0130

The application of Olson Engineering, Inc, on behalf of the owners, JJJ Limited Partnership and Mills Family Tree Farms, LLC, requesting approval of the preliminary plat of the first phase of the Hayden Sky Final PUD to be developed includes 27.55 acres of the total 127 (+/-) acre site, with 150 dwelling units was recommended by the Planning and Zoning Commission to the City Council to **APPROVE** the request with Conditions.

City Council Motions on May 27, 2025: At the conclusion of the hearing, the City Council deliberated the proposal and Councilmember Shafer moved and Councilmember DePriest seconded the motion, to approve PZE-24-0130 Hayden Sky (Phase I) Subdivision with staff recommended conditions of approval, finding the request **IS** in accord with the standards of Hayden City Code, based upon testimony received at the Planning and Zoning Commission hearing and the record of the request.

FINDINGS:

12-3-4(F) Standards of Approval: The applicant has demonstrated that all existing and proposed infrastructures meets or can be constructed prior to the final plat or within the approval duration identified in 12-3-4(G) from the date of city council approval of the master development agreement which approved the preliminary plat to meet the following standards.

HCC §12-3-4 (F) (1): Infrastructure can/cannot be constructed to function in a manner that promotes the public health, safety, and welfare.

HCC §12-3-4 (F) (2): Infrastructure can/cannot be constructed and located in an orderly manner that accommodates ongoing maintenance needs when taking into consideration collocation of other infrastructure.

Staff: See Hayden Sky Final Planned Unit Development (PUD) Written Decision in Exhibit B of the Staff Analysis, and Staff Analysis related to the standards of approval beginning on page 3.

PZC Hearing:

Mr. Olson, Engineer of Record, identified the project as well thought out and intended it to be constructed in a safe manner. It makes sense to start where the utilities are stubbed out to in the southeast corner.

HCC §12-3-4 (F) (3): Infrastructure is/is not or will/will not be in compliance with applicable city, state, and federal policies and regulations as follows:

Staff: The proposed project is on land which is tied to an annexation agreement and the Hayden Sky Final PUD with requirements related to time of construction of infrastructure. Those timing

requirements for construction can be found in the Hayden Sky Final PUD Written Decision Condition #15. K. in Exhibit B of Staff Analysis.

- a) Provisions have/have not been made for a water supply system that satisfies the city, Idaho Department of Environmental Quality (IDEQ), and NLFPD requirements.

Staff: Hayden Lake Irrigation District (HLID) provided a Will Serve Letter in September of 2024 and then updated it in January of 2025. The existing well location is proposed to be retained and protected. NLFPD provided comments as shown in Public Agency Comments beginning on page 56.

PZC Hearing:

Mr. Olson identified that IDEQ will be reviewing all water extensions, HLID is set up to serve the first phase and will work with NLFPD for fire hydrant locations.

Donna Phillips, Community Development Director, identified the requirements for water as outlined in the Will Serve letter provided and agency comments provided in the record for the project. She also identified that any future utility infrastructure site would need to be brought up to City of Hayden standards related to the utility infrastructure, site requirements, etc.

- b) Provisions have/have not been made for a public sewage system in accordance with the city and Hayden Area Regional Sewer Board's (HARSB) adopted sewer master plans, as amended, that satisfied city, HARSB, and IDEQ requirements and that the existing or proposed systems can accommodate the proposed sewer flows.

Staff: The subject property is within the H-7 sewer basin. Alan Soderling provided a Will Serve for the Hayden Sky Final PUD in its entirety on September 24, 2024. See staff Analysis beginning on page 4.

HARSB: In a letter dated December 16, 2024, the HARSB requested an odor easement as a part of agency comments. This request was included in the conditions of approval for the Hayden Sky Final PUD.

PZC Hearing:

Mr. Olson identified a "will serve" letter from the city was received for the Final PUD to include the phases of the project.

- c) Provisions have/have not been made for snow storage that satisfies the City Public Works Department as the design relates to snow storage and removal practices. If snow storage is proposed to be collocated with stormwater, it shall only be in roadside swale areas and not in regional detention basins unless approved administratively by the City Engineer who shall determine that the likelihood of flooding is minimal.
- d) Provisions have/have not been made for stormwater systems that satisfy the City and IDEQ requirements.

- e) Provisions have/have not been made for streets that are consistent with the adopted transportation plan, as amended, and the transportation element of the adopted comprehensive plan, as amended and that satisfies the City, ITD, adjacent jurisdictions, and local highway district requirements. Where cul-de-sacs are proposed, they are required to be approved administratively by the City Engineer who shall determine that they are limited to portions of developments in which street continuity is not foreseeable due to property configurations and/or that they are needed to address site-specific conditions. A cul-de-sac shall be limited to 400' in length measured from the edge of adjacent street right-of-way to the back of the cul-de-sac, unless an exception to this standard is allowed by the City Engineer.

Staff: See analysis beginning on page 5. Collector streets proposed to be constructed with the project include Carrington Street, Downing Lane, and Hayden Avenue. Additionally, intersection improvements shall be required at Huetter Road & Hayden Avenue, Downing Lane & Hayden Avenue, and Carrington Street & Hayden Avenue as a requirement of this 1st phase of the Hayden Sky PUD in accordance with the Hayden Sky Final PUD conditions of approval found in the Exhibit B. No cul-de-sacs or eyebrows are proposed as part of this phase of the PUD.

Idaho Transportation Department provided comments related to the Huetter Corridor and the importance of preserving and protecting the area as an agency comment.

PZC Hearing:

Mr. Olson identified the typical road section in accordance with the City of Hayden standards as it would address snow storage and stormwater. Roadway network from the transportation plan will not include any knuckles or cul-de-sacs.

Chair Taylor asked if the intent at Huetter Road and Hayden Avenue was to still have the roadway setback to create the intersection. Mr. Olson identified that the exact configuration is still in a wait to be determined. That is what has been presented, but if there is some pushback from other property owners it may need to be moved.

Commissioner Johnson asked if it was going to be a signal. Mr. Olson identified that he thought the intersection should be a temporary intersection as the final design for Huetter Road is still in flux; however, he did note that the intersection would include a mast arm signal in the conditions of approval. The land the owners are not in disagreement.

Staff Summary: Ms. Phillips recognized the timing of the off-site infrastructure in accordance with the FPUD. NLFPD also identified secondary fire access throughout the phases of construction of the PUD.

PZC Deliberations:

Commissioner Johnson identified his appreciation of taking care of the intersections on Hayden Avenue. Commissioner Erickson echoed Commissioner Johnson's comments.

- f) Provisions have/have not been made for parks and open space that are consistent with the adopted parks master plan, as amended, and that satisfies the city's requirement.

Staff: The park construction required as part of the Final PUD is not required in this phase of the PUD.

Staff: Multi-modal pathways are identified as connectivity within both the transportation strategic plans and the parks master plans. The analysis for this connectivity can be found beginning on page 11.

PZC Hearing:

Mr. Olson identified the timing of the parks would occur later in the development of the planned unit development. Transportation requirements would be occurring with the first phase.

HCC §12-3-4 (F) (4): Provisions have/have not been made for erosion controls and geo-hazards stabilization both during construction and as needed for permanent controls to the satisfaction of the city.

HCC §12-3-4 (F) (5): Provisions have/have not been made for gas, power, telecommunications, mailboxes, and similar infrastructure.

HCC §12-3-4 (F) (6): Provisions have/have not been made for driveway locations that take into consideration the width and location of the driveway in relation to the location of snow storage, utility boxes, crosswalks, adjacent roads, mailboxes and the like.

Staff: With the exception of the well-house to remain, no individual access shall be to Carrington Street, Downing Lane, Hayden Avenue, or Huetter Road. No mailbox locations shall be allowed on Carrington Street, Downing Lane, Hayden Avenue or Huetter Road.

PZC Hearing:

Mr. Olson identified the site as pretty flat and there were no known geohazards. Will have erosion controls in place during construction. Utility easements shall be in accordance with the typical sections. City standards require that driveways are at least 5' from property line at a minimum, but in most cases, these will be 7' away.

HCC §12-3-4 (F) (7): The area proposed for subdivision is/is not zoned for the proposed use and the use conforms to other requirements found in this code.

Staff: See Staff Analysis beginning on page 14. All lot development and setbacks shall be in conformance with those approved within the Final Planned Unit Development or in accordance with the underlying zone designation(s).

PZC Hearing:

Mr. Olson identified the zone designation was addressed under the Final Planned Unit Development and any development here would be in accordance with those requirements.

PZC Deliberations:

Commissioner Johnson identified that he liked how the housing construction fades from smaller sites along the Commercial to less intense, larger lots, as the project progresses to the north. Commissioner Erickson echoed Commissioner Johnson's comments.

HCC §12-3-4 (F) (8): 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 improvements will be dealt with through the agreements.

Staff: All on-site and off-site improvements shall be required of the Developer to include off-site infrastructure development and dedication, extension of infrastructure per the adopted City codes, standards, and plans, mitigating off-site improvements with the Post Falls Highway District as required and improvements as required by the timing chart of the Hayden Sky Final PUD Written Decision.

PZC Hearing:

Mr. Olson identified the commitment of the owners to build the intersections at Hayden Avenue and Huetter Road, and Carrington Street and Hayden Avenue. The owners have been in conversation with the property owners to the south of Hayden Avenue and the agreements on funding shall be in place prior to the construction plan submittal.

PZC Deliberation:

Commissioner Erickson identified the request meets the standards of approval. He appreciated the concern over public safety with the dangerous roads and intersections.

Chair Taylor echoed the project meets the standards of approval, most specifically related to transportation mitigation, parks to be phased in, and variety of housing throughout the development.

Council Deliberations:

Councilmember DePriest identified that he had some questions regarding the improvements required because of the transportation impact analysis and/or mitigation requirements and who was going to pay for those improvements. Rob Wright, City Engineer, suggested that Council should look at the conditions of approval in the memo. He then directed the Council to the conditions of approval and #5 specifically. He identified that most notably the mitigation agreement would be directed toward the requirements of Hayden Avenue at Huetter Road, Downing Lane, and Carrington Street. Councilmember DePriest identified the taxpayers are not required to be paying more than their fair share and in particular related to impact fee reimbursement. Fonda Jovick identified the transportation mitigation plan and agreement would be required to come back before City Council for approval. If City Council makes a decision on the agreement, they [developer/owner/applicant] don't like, they all have appeal rights to go to the courts. She went on to state that this was not a part of the preliminary plat request but would occur prior to any construction commencing. Councilmember Depriest identified that he wanted to make sure that this and those particular points were made very clear.

Councilmember Shafer concurred with Councilmember DePriest's comments.

Council President Roetter asked about whether extra-ordinary impacts was a part of the record. Lisa Ailport, City Administrator identified that it was encompassed in condition #5, but the letter itself was not a part of the record of this request as identified by Ms. Jovick. Mr. Wright identified that an agreement had to be in place before anything was going to move forward. Council President Roetter wanted to ensure that the funding mechanisms were in the forefront. Ms. Jovick again identified that the mitigation measures were not a part of this process for preliminary plat, but a part of condition #5.

Councilmember White asked about the intersection improvements along Hayden Avenue. Ms. Ailport identified that these were.

Staff Recommended Conditions of Approval (beginning on page 49 of the staff analysis):

General Conditions of Approval:

1. The conditions provided here are in addition to those requirements of the PZE-24-0129 Hayden Sky Final Planned Unit Development as approved by the City Council. Any subdivision of the Planned Unit Development must meet the requirements of the Final Plan of the planned unit development as well as the subdivision requirements of Hayden City Codes, policies, plans, etc.
2. The Developer shall be required to reflect all necessary permanent dedications and/or easements (to include but not be limited to avigation, odor, sewer, stormwater, water, utilities, etc.) on the face of the final plat of the subdivision and to record as a separate document all necessary temporary easements and to identify to whom the dedication and/or easement is to be granted and for what purpose.

3. All permits from outside agencies (ie. CDA Airport, HARSB, HLID, IDEQ, IDWR, NLFPD, PHD, and PFHD) shall be obtained prior to construction of any future development or building permit issuance.
4. This approval shall run with the land for the term approved herein regardless of whether the property ownership, applicant and/or design professionals noted herein remain the same, whether collectively or individually.
5. Traffic Impact Mitigation Agreement shall be entered into regarding required identified mitigation for off-site improvements as a result of the transportation impact analysis prior to construction plan approval of the first preliminary plat.
6. Property Owners Association documents and legal instrument providing a mechanism for funding shall be required prior to recordation of the final plat in accordance with Final PUD Conditions #10 & 11.
7. Deeds for transfer of ownership of property to become owned by the property owners' association shall be provided to the City in the form acceptable to the City at the completion of any required infrastructure to be recorded concurrent with the final plat free of all liens and encumbrances.
8. Required intersection improvements at Hayden Avenue & Huetter Road, Hayden Avenue & Carrington Street, and Downing Lane road improvements impact property not owned by the developers of the project. Should the Final PUD be approved, the developer shall secure ownership of the areas to be constructed and dedicated to the City and/or PFHD prior to construction plan approval. Additionally, right-of-way dedications and grants of utility easements in accordance with the approved construction plans shall be signed and ready for recordation prior to construction plan approval and recorded at the time of final plat in accordance with Final PUD Condition #15. h.

Access Conditions of Approval:

9. All lots shall be accessed from the internal roads of the subdivision. No lot shall have any form (primary, secondary, for accessory buildings, etc.) of direct individual access onto Carrington Street, Downing Lane, Hayden Avenue, and Huetter Road. The final location of all driveway locations shall be subject to the review and approval of the City. Particular attention will be paid to location of utility pedestals in relation to driveway and snow storage needs and to those lots at intersections to avoid conflict with the required traffic flow.

Construction Plan Requirements:

10. The construction plan submittal shall include those requirements as identified in Hayden City Code §12-6 and more specifically as follows:
 - a. Carrington Street from Hayden Avenue to Dakota Avenue shall be constructed to a C2 section to include 24' (feet) ½ width of paving, curb, gutter, 10' swale, and a sidewalk. The sidewalk must be a 10' sidewalk or multi-modal path where it is located within ½ mile of the park area.

- b. Carrington Street & Hayden Avenue intersection shall be constructed to include a signalized intersection or a round-about.
- c. Carrington Street shall be constructed from Hayden Avenue through the Dakota Avenue & Carrington Street intersection to the north curb return.
- d. Downing Lane shall be constructed to 40' face of curb to face of curb to include 10' swale to include Type IV landscaping, 5' sidewalk on the west side, 10' sidewalk on the east side for a right of way width of 77' overall.
- e. No parking shall be allowed on Downing Lane from Hayden Avenue to Road C and the road shall be signed accordingly.
- f. Downing Lane & Hayden Avenue intersection shall be constructed to include an access controlled intersection to limit access to right-in, right-out, and left-in. The left turn storage bay length will be reviewed at the time of construction plan review.
- g. Hayden Avenue from North Carrington Street to the relocated intersection of North Huetter Road and Hayden Avenue shall be constructed to A1 typical section which includes a 36' $\frac{1}{2}$ paved width, curb, gutter, 10' swale and 10' sidewalk for a 57' half width of right-of-way. Hayden Avenue shall be constructed to a 5-lane section.
- h. Using this new alignment, Hayden Avenue & Huetter Road intersection shall be constructed to include a mast arm signal that shall include left turn bays on all four (4) legs, 28' to 40' (feet) of paved width, 2' gravel shoulders, 1.5' ditch with a 4:1 foreslope and a 2:1 backslope. This shift in the intersection location will not require additional improvements to Huetter Road beyond those identified for the tie-in points of the intersection.
 - 1. As complete construction drawings were not provided with the construction plan submittal, prior to finalization of the transportation mitigation agreement, the plans should be reviewed and minor modifications to the final construction of the intersection may be required.
- i. The Developer shall be required to construct the internal streets to a local street section per ST-111 and ST-111A. As proposed the Internal road typical section shall be 36 feet face of curb to face of curb to allow for parking on both sides of the road, 10' swales to include Type IV landscaping, 5' sidewalks for a right-of-way width of 68 feet.
- j. The site topography is relatively flat; however, erosion control measures shall be identified.
- k. The Developer shall use the City of Hayden Sanitary Sewer system to serve future development in accordance with the adopted Sewer Master Plan and Hayden Sky Sewer Master Plan as approved in the Final PUD. No cross country sewer alignments are allowed.
- l. No USPS mailboxes shall be allowed on Carrington Street, Downing Lane, Hayden Avenue or Huetter Road. A letter (e-mail) from the US Postal Service with respect to mailbox locations shall be provided, with the intent to place the mailboxes within the subdivision on the internal street and not on the the collectors or arterials.

11. Landscape Plans: Detailed landscaping plans conforming to the requirements of City Code, shall be submitted for the entire development with construction plans for required subdivision improvements for review and approval by the City in conformance with the conceptual plans approved in the Hayden Sky Final PUD. All disturbed areas shall be stabilized with dryland grass or other approved BMP.

- a. Individual Lots: The landscape plans shall include a dryland grass mix and shall be applied until individual lots are constructed and the hydro-seeding, installation of the irrigation system and required landscaping are completed.
- b. Street Frontage: Along all street frontages shall be included within the landscaping plan submittal, with actual street tree placement to be completed at the time of building permit for all lots, with the exception of landscaping required with the open space tracts to be owned by the homeowner's association, the planned unit development landscape buffer, and/or multi-modal pathways and the associated landscaping.
- c. Greenway: Shall be constructed and required as a condition of acceptance of infrastructure of that phase(s) in accordance with the design standards of the adopted Park Master Plan at the time of construction, if applicable.
- d. Multi-modal Class I pathway: Shall be a requirement of the construction plans for the phase(s) which the path shall be constructed and required as a condition of acceptance of infrastructure of that phase(s) in accordance with the design standards of the adopted Transportation Plan and/or Park Master Plan.
- e. PUD landscaped buffer area shall be completed, unless within the deferred improvement agreement along the exterior of the PUD in accordance with the Final PUD.
- f. Townhome commonly owned landscaped property shall be landscaped at the time of site development.

Requirements of the Final Plat:

- 12. Carrington Street right-of-way shall be dedicated on the plat from Dakota Avenue to the northern boundary of the project in accordance with the typical section and the annexation agreement.
- 13. Huetter Road right-of-way shall be dedicated on the plat from the tie-in points to the northern boundary of the project in accordance with the typical section and the annexation agreement.
- 14. All public road right-of-way shall either be dedicated on the plat or by separate document at the time of the final plat.
- 15. All utility easements required and/or as identified on the typical section shall be granted on the plat or by separate document at the time of final plat.

Requirements requested by other Agencies:

16. The Developer shall comply with the requirements from the Northern Lakes Fire Protection District letter of December 13, 2024 and updated in April 15, 2025.
17. The avigation easement requested by the Coeur d’Alene Airport shall be recorded and shall be referenced on all final plats of the subdivision.
18. The Developer shall record an easement acceptable to the Hayden Area Regional Sewer Board identifying the language as requested below and reference the recorded easement on the plat:

The owner hereby grants to the Hayden Area Regional Sewer Board a permanent, non-exclusive easement and right-of-way over and above this property for fumes, odors, air pollution, adverse impacts or other conditions or nuisances which may emanate from or be caused by their WastewaterTreatment Plant and associated land application area.
19. The Developer shall record a 20’ wide water line easement to the HLID for installation and maintenance of underground water lines in conformance with the approved construction plans, where the water line runs “cross country”. The CCRs shall address the design standards of landscaping to be reflective of the request to not plant shrubbery, trees, bushes or borders within 10’ of meter vaults and fire hydrants.

With this recommendation, there are a number of conditions with specific components. The specificity does not preclude the City from exercising its right to require compliance, or demonstrate compliance, with any condition at any time, as well as any other applicable requirements whether or not specifically articulated herein.

An Approval of the subdivision application shall not constitute a variance or approval for deviation from said Code, standards, and policies.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section §67-6535 and Hayden City Code §1-1-6 must first seek reconsideration of the final decision from the Hayaden City Council within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought as identified in Hayden City Code §1-1-6(A)(1) (a-f).

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.

FINDINGS, CONCLUSIONS AND RECOMMENDATION OF APPROVAL on the 19th day of May 2025, by the City of Hayden Planning and Zoning Commission.

CITY OF HAYDEN, IDAHO

By: _____

Alan Davis, Mayor

ATTEST:

Abbi Sanchez, Clerk