

WRITTEN RECOMMENDATION of the PLANNING & ZONING COMMISSION

Final Planned Unit Development

PZE-24-0129 Hayden Sky FPUD

The application of **Olson Engineering, Inc.**, on behalf of the owner **JJJ Limited Partnership and Mills Family Tree Farms, LLC** requesting the approval of a final planned unit development on one (1) lot of 127.53 acres in size to construct a four-phase project to include a mixture of single-family dwelling structure types, neighborhood parkland, and light industrial uses accessory to the use of single family residential was recommended by the Planning and Zoning Commission to the City Council to **APPROVE** the request with staff recommended conditions of approval and exceptions as noted.

Planning and Zoning Commission Motion on February 24, 2025: At the conclusion of the hearing, the Planning and Zoning Commission deliberated the proposal and Commissioner Erickson moved and Commissioner Gibson seconded the motion, to recommend approval of the file PZE-24-0129 Hayden Sky Final Planned Unit Development with staff recommended conditions of approval and exceptions as noted 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:

Standards of Review and Evidence of Record (Findings) for Approval of a Final Planned Unit Development

1. HCC §11-6-5 (D)(1): The development **is** consistent with the goals and purposes of a planned unit development, as defined in section [11-6-2](#) of this chapter, all standards and requirements of this chapter, the intent and purpose of the Hayden Zoning Ordinance and the Comprehensive Plan.

Staff/CC: Per the Written Decision of the Approval in Concept of the Hayden Sky Preliminary Planned Unit Development with Conditions (attached as Exhibit "B" of the Staff Analysis), the development has met this requirement in concept. Additional information provided in the Staff Analysis should be reviewed to address this standard.

PZC Public Hearing:

Applicant: Eric Olson – Engineer of Record, Dale Rainey – Architect, Dave Bailey as the Owner’s Representative were present to provide testimony for the project. Mr. Olson highlighted Hayden City Code 11-6-2 and summarized that the proposed development addressed a variety of housing types, provision of open space, efficient use of land, etc.

Deliberations:

Commissioner Erickson identified the request appears to fit within the master plans of the City.

HCC §11-6-5 (D)(2): The proposed PUD **provides for adequate utilities, services, and parking** to service the proposed development by:

Deliberations:

Chair Taylor identified the applicant showed they had adequate utilities, services, and with respect to parking showed how the parking requirements were met on the residential, and in the light industrial storage as proposed which will help with the availability to store items and provide for parking on site as well.

- a. **Providing a public water supply system** that has adequate supply to serve the proposed development; and

Applicant: See Sheet “Master Infrastructure Plan”

Staff: See Staff Analysis page 8 & 9.

Agency Comments: See Agency Comments page 47 – 53 of Staff Analysis.

PZC Public Hearing:

Applicant: Mr. Olson referenced the infrastructure master plan and identified the water would be provided by Hayden Lake Irrigation District to include a well site, water rights, etcetera.

Vice-Chair Howard asked which lift station the project was going to. Mr. Olson wasn’t aware of the name. Robert Wright, City Engineer identified that it would be going to the H-7 lift station and confirmed that it was already constructed.

- b. **Providing a public wastewater collection system** that is designed in accordance with the City’s adopted Collection System Master Plan and has sufficient capacity to accommodate the proposed sewer flows; and

Applicant: See sheet “Master Infrastructure Plan” at page 98 of Staff Analysis.

Staff: See Staff Analysis pages 8 for the overall sewer plan and page 9 for additional information.

PZC Public Hearing:

Applicant: Wastewater will be provided by City of Hayden and will flow to the lift station across the street and then to the treatment plant.

- c. **Providing for public and/or private stormwater system** that is designed in accordance with the City’s adopted Stormwater policy and sufficient capacity to accommodate the required stormwater [in accordance with] Hayden City Code; and

Applicant: See conceptual construction drawings beginning on page 100 of the Staff Analysis.

Staff: See Staff Analysis page 9.

PZC Public Hearing:

Applicant: Mr. Olson confirmed that stormwater would be treated in roadside swales in conformance with the adopted typical street section.

- d. **Providing adequate accommodation for other utilities** to include but not be limited to electrical, gas, phone, solid waste, etc. necessary to support the proposed development; and

Applicant: See page 102 of the staff analysis for provisions of necessary easement areas.

Staff: See Staff Analysis page 9.

PZC Public Hearing:

Applicant: With respect to power, gas, and communications, easements would be provided in the street typical sections and vault box locations have been identified.

- e. **Providing sufficient parking** throughout the development to adequately meet the parking needs of all uses proposed in the PUD; and

Staff: See Staff Analysis pages 9-10.

PZC Public Hearing:

Applicant: With respect to parking, streets will be wide enough to park on both sides of the road. Each home site would provide for two parking spaces.

HCC §11-6-5 (D)(3): The proposed PUD **provides for an integrated transportation network** that adequately serves the proposed development by:

- a. **Providing for the continuation of arterial and collector streets**, meeting City standards for traffic volume, in a manner consistent with the City's adopted Transportation Master Plan; and

Applicant: See Applicant's narrative page 16-18 (page 80 - 83 of the Staff Analysis), and page 98 of the Staff Analysis.

Staff: See Staff Analysis pages 10-11.

PZC Public Hearing:

Applicant: Mr. Olson referenced the City's adopted Transportation Plan with respect to N. Downing Lane, W. Dakota Avenue, and W. Phantom Avenue. He went on to discuss the realignment of the Huetter Road and Hayden Avenue intersection for a temporary solution while waiting for direction as to final design of Huetter Road. This proposed change would remain within the setback area of Huetter Road. Mr. Olson identified the property owner to the south of Hayden Avenue agreed to the idea in concept. Mr. Olson provided a graphic of the proposed intersection of N. Carrington Street and W Hayden Avenue.

Vice-Chair Howard asked how far north the swing out would occur. Mr. Olson verified this would swing back into the current roadway at approximately the south PUD line adjacent to Huetter.

Staff: Donna Phillips, Community Development Director, provided an overview of the proposed intersection development along Hayden Avenue and the non-project property owners which may be impacted/affected by an approval of the Final PUD. She also identified the city has not received comments from Post Falls Highway District regarding either intersection improvement as proposed. Although Scott McArthur on behalf of his client Thomas McNabb provided comments and consent in concept of the project, Ms. Phillips identified the City was not involved in the cooperative arrangement between the landowners.

Fonda Jovick, City Attorney, identified that the city was not involved in the arrangement between the private developments, and that the information provided shows they are working together. The final arrangement is between them and is not the City's responsibility.

Rebuttal: Mr. Rainey pointed out that with respect to the infrastructure improvements there is always concern about development paying for the impacts. In this case, the developer is building the infrastructure before they have any impact on the infrastructure. With respect to the move of the intersection, temporary because no one knows what will happen with Huetter, Thomas McNabb knows that when he constructs, he will have to set aside the buffer area along Huetter Road as well. Mr. Olson identified that construction of the intersection in its current location would be difficult, and they would need to have some additional dedication of right-of-way from property owners to the west.

Deliberations:

Commissioner Gibson recognized good conditions from staff, the nature of Huetter Road not being solidified was dealt with well. Believe other conditions are met and looks well.

Commissioner Erickson recognized the improvements should improve safety along Hayden Avenue.

Vice-Chair Howard concurred with Commissioner Erickson.

Commissioner Johnson believes that by adding that curve it will create a traffic calming effect at this intersection with the light which should help with safety.

Chair Taylor recognized the applicant's willingness to front load the expenses ahead of their impact on the infrastructure.

b. **Providing a local street network** that allows adequate traffic circulation and snow storage throughout the entire development; and

Applicant: See Applicant's sheet E-1 found on page 97 of the Staff analysis.

Staff: See Staff Analysis pages 11-12.

PZC Public Hearing:

Applicant: Mr. Olson recognized the group took a more in depth look to how these streets would work and removed the road between the townhomes on the south and the commercial area to create more green open space for the townhomes, removed a road at the northwest corner of the project site as it didn't seem to flow traffic very well, and added an intersection from Road A to North Carrington Street in Phase I.

Vice-Chair Howard asked for clarification about how the intersection at Downing Lane and Hayden Avenue would look like. Mr. Rainey identified that it would be a right-in, right-out and a left-in. Mr. Olson identified the importance of the $\frac{3}{4}$ movement intersection to the Commercial lots which front Hayden Avenue. Question to Rob Wright, City Engineer, regarding the placement of a concrete barrier at this location and he identified this would be reviewed at the time of construction.

Ms. Phillips asked Mr. Wright what happens at Dakota Avenue and Huetter Road. Mr. Wright identified that in the past, Huetter was proposed to be a depressed roadway and should that be constructed at that time, it would be an overpass. If it was not constructed at that time, it would be constructed as an intersection.

Vice-Chair Howard asked about the road names of Phantom and Downing, and why the road names change and why in the locations proposed. Ms. Phillips identified the city will work with the Kootenai County Emergency agency and address the future road names when the subdivision phase comes forward.

Ms. Phillips recognized the applicant's request to end the Carrington Road widening at the north boundary of the Phase 1; however, the city is requesting Carrington Road to be constructed to Dakota Avenue for safety purposes for those making a left turn from Dakota Avenue to Carrington Road.

c. **Providing a pedestrian and bicycle system** designed to provide adequate circulation throughout the entire development and to all open space areas; and

Applicant: See Applicant's narrative pages 13 – 15 (pages 78 - 80 of Staff Analysis).

Staff: See Staff Analysis page 12.

PZC Public Hearing:

Applicant: Mr. Olson identified that all streets would have either a sidewalk or a multi-use path along both sides of the street. Hayden Avenue and Carrington Street would have multi-use paths.

Chair Taylor asked if the project would connect Dakota Avenue to Huetter Road. Mr. Olson identified that this would be dependent on the Huetter bypass.

Vice-Chair Howard asked how the pedestrian – bicycle traffic could get to the possible future school to the south? Mr. Olson identified that pedestrian-bicycle traffic would use crossings at the lights on West Hayden Avenue, most likely at Carrington and Hayden Avenue. Vice-Chair

Howard asked how wide these amenities would be. Mr. Olson identified the sidewalks are generally 5' wide and multi-use paths are generally 10' wide.

HCC §11-6-5 (D)(4): The proposed PUD **provides enhanced community design** by:

Deliberations:

Vice-Chair Howard believes these standards of approval have been met with respect to pedestrian connectivity and to green/open space as well. Provides for a variety of housing options for a sustainable community not just for us, but for our kids as well as they become adults. She believes the design is good and is an enhancement to the community. The market will dictate the timely manner for development. The additional requirements that staff have identified are good as well.

Commissioner Morris agreed with all comments from the Commissioners.

- a. Conserving and incorporating the sites significant natural, scenic and/or historical features in the development, if any; and

Staff: See Staff Analysis pages 12-13.

- b. Integrating a mix of compatible land uses in the development and adequately buffering and/or separating any incompatible uses in the development; and

Applicant: See Applicant's narrative pages 11 to 15 (pages 76 - 80 of the Staff Analysis).

Staff: See Staff Analysis pages 13-15.

PZC Public Hearing:

Applicant: Dale Rainey identified the location of the lot sizes, densities, and zone designations and how they were laid out to buffer and provide compatibility between the uses. The distance between the town home area and the proposed block wall adjacent to the Commercial area is about 147 (+/-) feet to really create that campus feel.

Deliberation:

Commissioner Johnson really likes the walls to reduce noise and create separation of uses in these areas. He went on to state how this more open feel should be good, and he appreciates the reduction in density from that which was allowed in the Annexation Agreement.

- c. Locating the proposed uses and lot sized in the proposed PUD in a manner that blends with surrounding uses, neighborhoods, and public facilities located in the city; and

Applicant: See the Written Decision of City Council for the Approval in Concept of the Preliminary Planned Unit Development beginning on page 35 of the Staff Analysis.

Staff: See Staff Analysis page 16.

Deliberation:

Chair Taylor recognized the variety of lot sizes fills a need in the community and provides for a number of price points. It will be market driven regarding the timeliness of development. He would not be opposed to a ten-year construction process for the Planned Unit Development.

- d. Providing at least 10% of the gross land area for open space that meets the recreational needs of the users of the development and provides for a variety of recreational uses consistent with the City's adopted Parks Master Plan; and

Applicant: See Applicant's narrative pages 9, 10, and 15 (pages 74, 75, and 80 of the Staff Analysis).

Staff: See Staff Analysis page 16.

PZC Public Hearing:

Applicant: Mr. Rainey provided information as the two parks and the uses between the more active park out in the open on the south side of Dakota Avenue, and the more passive park with a play structure to the north within the residential lots. The pedestrian connection will be a traffic calming area.

Chair Taylor asked if there was any connection to N. Carrington Street acknowledging the eagerness of the neighbors to the east to have a park closer than south of West Hayden Avenue. Mr. Rainey identified that Dakota Avenue connected to N. Carrington Street.

Deliberation:

Commissioner Erickson asked the Commission again regarding the timing of the development of the parkland and the promise of neighboring properties who have purchased in the anticipation of a park which was not constructed previously. The Commission recognized the importance of the timing of the planned unit development.

Commissioner Gibson recognized the traffic construction first, and that the developer needed to make some money in order to afford to build the park.

HCC §11-6-5 (D)(5): The proposed PUD **provides for timely development** of the property and security for future completion and maintenance by:

- a. Ensuring that each development block contains all the necessary elements to exist independently from future blocks; and

Applicant: See Applicant's narrative pages 8 – 10 (page 73 – 75 from the Staff Analysis).

Staff: See Staff Analysis page 17.

PZC Public Hearing:

Applicant: Mr. Rainey identified that each phase could stand on its own. Dirt from phase 3 was needed in phase 4. All the high impact improvements will occur in Phase 1 with respect to

transportation infrastructure – this development didn't cause the traffic but is putting in the infrastructure before a single house is constructed in the development [Huetter/Hayden & Carrington/Hayden intersections and north ½ width of the typical section on Hayden Avenue between Huetter and Carrington].

Commissioner Erickson asked about the ability to construct one of the parks as part of Phase I or Phase 2, besides the cost associated with the request so those newer homes in the PUD will have a park to go use. Mr. Rainey identified that it would be difficult to do in Phase I, because of the need to strip topsoil to get to structural fill as well as how the sewer connections would work. Commissioner Erickson asked about the timelines related to the actual construction timeline of the park. Mr. Rainey identified at least a 2–3-year time frame per phase, with at least 4-5 years out for this.

- b. Ensuring that each building in the development lot has sufficient access around the structure to allow for continual maintenance of the building and access for emergency services; and

Applicant: See Applicant's narrative pages 2-8, and A 2.0 through TH 16-02 (pages 67-73, and 87 – 94 of the Staff Analysis) for site layouts of proposed building structures.

Staff: See Staff Analysis page 17.

Agency Response: See Agency Comments from the Northern Lakes Fire Protection District on Page 55 of the Staff Analysis.

- c. Ensuring that a funding mechanism exists to adequately maintain common areas that are not publicly maintained; and

Applicant: See Applicant's draft CC&Rs and HOA documents beginning on page 116 of the Staff Analysis.

Staff: See Staff Analysis page 17.

PZC Public Hearing:

Applicant: Mr. Rainey identified there would be a master POA and a sub-POA for the townhome areas.

Rebuttal: Mr. Rainey recognized concerns from public comment regarding proximity to the airport and the sewer treatment plant and that notices to this effect would be included in the CCRs to the owners and the prospective tenants.

HCC §11-6-5 (D)(6): In order to achieve the purpose of this section, the developer **may request** modification (or exceptions) to the following development standards:

- a. Any provision pertaining to the height, bulk, setback or maximum dimensions of any facility.

Applicant: See Applicant's narrative page 4. (page 69 of Staff Analysis)

Staff: See Staff Analysis pages 17-18.

PZC Public Hearing:

Applicant: Mr. Rainey identified the following requested provisions related to setbacks:

| Lot Type | Front Yard Setback | Side Yard Setback | Rear Setback | Flanking Street | Garage |
|-----------------------------------|---|---|---|--|---------------|
| Single Family – Front Load Garage | 15' Min. 40' Minimum combined front & rear setbacks | 5' & 10' or 7.5' & 7.5' 15' Min between houses | 15' Minimum 40' Minimum combined front & rear setbacks | 15' Minimum | 25' To Garage |
| Townhome Rear Load Garage | 10' Min to Porch 15' Min to TH 40' Minimum combined front & rear setbacks | 0'* | 25' Minimum 40' Minimum combined front & rear setbacks | 15' Minimum landscape buffer setback on HOA property | 25' To Garage |

*Townhomes shall have a minimum 20' between buildings. Flanking street setbacks shall be 15' minimum from the back of sidewalk to structure, this area shall be part of the HOA property and be landscaped, meeting the intent of the setback code.

Vice-Chair Howard asked about the minimum setbacks between buildings. Mr. Rainey said the building structures were basically 4-units each with a minimum building separation of 20' and in many cases it was more than that.

Vice-Chair Howard asked about the lots that showed as red on the diagram and what was being placed there. Mr. Rainey confirmed that those were 45' wide lots and they would be single-family detached homes. Higher density closer to the Commercial and estate style lots to the north.

b. Any provision establishing buffering, landscaping or other similar requirements pertaining to site design.

Applicant: See Applicant's narrative beginning on page 65 of the Staff Analysis.

Staff: See Staff Analysis page 18.

PZC Public Hearing:

Applicant: Mr. Rainey identified a request for a waiver of the required PUD buffer along the north boundary of the PUD, because the CDA Airport is constructing a berm that will have low

impact non-irrigated landscaping to not attract birds which are a conflict with the airport. Additionally, Mr. Rainey noted a request to defer the PUD landscape buffer along North Huetter Road at the time of Phase 4 preliminary plat if the Huetter Road question is still not answered.

Deliberation:

Chair Taylor: Identified that he would not be opposed to a waiver of the landscape buffer to the north of the PUD due in large part to the request of the Coeur d'Alene Airport and that they will be meeting a buffer requirement.

c. Any provision pertaining to the minimum or maximum dimensions of lot(s).

Applicant: See Applicant's narrative sheet E-1, page 97 of the Staff Analysis.

Staff: See Staff Analysis page 18.

d. Any provision of this title regarding driveways, local streets, and sidewalks except accessibility standards.

Staff: No exceptions to these standards have been requested nor granted.

If a preliminary plat is filed with the final development plan for the PUD, the approval may be granted if the City Council makes those finding required for subdivision approvals.

Staff: PZE-24-0130 Hayden Sky Phase I was requested concurrent with the Final PUD, however, due to conditions within the Final PUD as proposed it was determined that the Preliminary Plat was not ready to move forward concurrent with the Final PUD.

Public Comments at the Public Hearing: No public provided comments in favor, neutral, or opposed to the request. Chair Taylor asked those in attendance if they wished to provide testimony. No member of the public present provided comments.

Exceptions Recommended to be Granted:

1. Modifications to the development standards:
 - a. Minimum lot sizes as identified on Exhibit E-1
 - b. Setback modifications as identified below:

| Lot Type | Front Yard Setback | Side Yard Setback | Rear Setback | Flanking Street | Garage |
|-----------------------------------|--|---|---|-----------------|---------------|
| Single Family – Front Load Garage | 15' Min. 40' Minimum combined front & rear setbacks | 5' & 10' or 7.5' & 7.5' 15' Min between houses | 15' Minimum 40' Minimum combined front & rear setbacks | 15' Minimum | 25' To Garage |

| | | | | | |
|---------------------------------|---|-----|---|---|------------------|
| Townhome Rear Load Garage | 10' Min to Porch 15' Min to TH 40' Minimum combined front & rear setbacks | 0'* | 25' Minimum 40' Minimum combined front & rear setbacks | 15' Minimum landscape buffer setback on HOA property | 25' To Garage |
|---------------------------------|---|-----|---|---|------------------|

*Townhomes shall have a minimum 20' between buildings. Flanking street setbacks shall be 15' minimum from the back of sidewalk to structure, this area shall be part of the HOA property and be landscaped, meeting the intent of the setback code.

2. Waiver of the PUD landscape buffer on north side of PUD in accordance with Coeur d'Alene Airport's request regarding landscaping attraction of birds and animals and that conflict with airport.
3. Deferral of the PUD landscape buffer on the west side of the PUD in accordance with Huetter Road deferrals at the time of the Phase 4 preliminary plat.
4. Request to extend the length of the PUD to a 10-year completion date, instead of the existing phased subdivision date of five years.

Staff Recommended Conditions of Approval:

General Conditions of Approval:

1. In accordance with Hayden City Code §11-6-4 (A)(2) before approval is granted to the final development plan, the entire project shall be under single ownership or control, and evidence of legal title must be documented with the final development plan. Therefore, upon approval by the City Council of the Final Planned Unit Development and prior to entering into the Master Development Agreement of the Final Planned Unit Development the project site must be under single ownership and the evidence of the legal title shall be documented within the master development agreement. An approved PUD plan shall be binding on all present and future property owners.
2. The Developer shall be required to reflect all necessary permanent dedications and/or easements (to include but not be limited to sewer, water, stormwater, utilities, avigation, 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 (i.e. PHD, IDEQ, HLID and NLFPD) 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. All development shall be conformance with the Annexation Agreement dated July 25, 2013 and recorded as instrument #2421051000.

6. Detailed analysis will occur during the subdivision processes, which may require a need to revise a variety of plan elements.
 - a. If the City determines that these revisions are substantial, these changes will require an amendment to the Hayden Sky PUD. Substantive changes in the timing, geographic boundaries of phases, and other components need to follow the revision process identified above.
 - b. If the City determines that the revisions are minor, the changes may be approved, disapproved, or approved with conditions administratively.
7. Conditions noted herein may be further clarified and/or modified at the time of preliminary and final plat application based on the demonstrated need for functionality, connectivity, or similar needs.
8. This staff review is based on the plan proposed by the applicant and the conditions herein are developed using that proposal. Substantiative changes in the timing, geographic boundaries, and other components, such as land uses, within pahses shall be subject to the revision process detailed within condition #6 above.
9. Mitigation related to the requirements identified in the Transportation Impact Analysis and their timing shall be identified in the timing table of the infrastructure (condition #15.k.) as required.

Property Owners Association:

10. Per Hayden City Code the developer shall provide for the establishment of a property owners' association for all owners of property within the planned unit development. The association shall own and be responsible for the maintenance of all commonly owned properties, open space, private streets facilities, and other such improvements. The property owners' association shall be created at the time of final approval, with association documents to be recorded with the 1st final plat of the Hayden Sky Planned Unit Development.
11. A legal instrument providing a mechanism for funding the perpetual maintenance of the commonly owned areas shall be recorded with the County prior to the recordation of the first final plat.

Dedication of Parkland and Common Open Space:

12. Dedication of the parkland as a requirement of the annexation agreement shall be in accordance with the final timing plan for the infrastructure improvements and shall be identified as a condition of approval within the subdivision conditions of approval as required. This parkland shall be deeded to the City free and clear of all liens and encumbrances by a deed in the form acceptable to the City.
13. Dedication of property to become commonly owned and maintained by the property owners' association shall be in accordance with the final timing plan for the infrastructure improvements and shall be identified as a condition approval within the subdivision conditions of approval as required. The commonly owned properties shallbe deed to the POA free and clear of all liens and encumbrances by a deed in the form acceptable to the

City upon final completion of any required infrastructure and after the time or concurrent of the final plat.

Access Conditions of Approval:

14. All lots shall be accessed from the internal roads of the Hayden Sky Planned Unit Development. No lot shall have any form (primary, secondary, for accessory buildings, etc.) of direct access onto North Huetter Road, North Carrington Street, West Hayden Avenue, or West Phantom Avenue unless approved by the City in conformance with the codes and policies in effect at the time of development of the site. No individual access shall be allowed on North Downing Lane from Hayden Avenue to Road C in Phase 1. 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.
 - a. No mailbox locations shall be allowed on Carrington Lane, Downing Lane, Hayden Avenue or on 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 the subdivision on the internal local streets concurrent with subdivision construction plan submittals.
 - b. No parking is allowed on North Downing Lane from Hayden Avenue to Road C and shall be signed accordingly.

Construction Plan Requirements:

15. The construction plan submittal for each subdivision shall include those requirements as identified in Hayden Ciy Code §12-6 and more specifically as follows:
 - a. The Developer shall use the City of Hayden Sanitary Sewer system to serve future development.
 - b. The Developer shall use the Hayden Lake Irrigation District to serve future development.
 - c. A note shall be included in the landscape plans to identify that a dry grass mix shall be applied until individual lots are constructed and the hydro-seeding, installation of the irrigation system and required landscaping are completed. No irrigation systems shall be located or crossing any public road right-of-way.
 - d. If swales are proposed within the project to be located in a tract to be owned by the homeowner's association, then no fences shall be allowed within joint storm water areas. The construction plans should note that Hayden City Code §11-4-4(J) require these areas to be irrigated.
 - e. Street frontage landscaping 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 any landscaping required as a part of the Planned Unit Development buffer, or within tracts dedicated to the property (homeowner) association which shall be a condition of

each subdivision construction. Detailed landscaping plans, conforming to the requirements of City Code, to include proposed landscaping along street frontages, proposed swales and property boundaries, shall be submitted for the entire development with construction plans for required subdivision improvements, for review and approval by the City. Pathways, sidewalks, multi-modal pathways in all areas except the park area, shall be a requirement of the subdivision construction. Non-motorized connectivity within the park shall be reviewed at the time of park site plan review.

- f. Improvements as required by the 1st plat of the Planned Unit Development are those identified in the timing table, on the next page and more specifically include the following at a minimum:
 - 1. The developer shall be required to widen the ½ width of West Hayden Avenue from North Carrington Street to North Huetter Road and dedicate required right-of-way and grant of easements to a A-1 typical section with a 57' half-width right-of-way to include a 10' sidewalk or multi-modal path.
 - 2. Intersection improvements located at North Carrington Street/West Hayden Avenue and North Huetter Road/West Hayden Avenue shall be in conformance with the requirements identified in the Transportation Mitigation Agreement entered into between the City and the project's Owner prior to construction plan submittal.
 - 3. Intersection improvements at West Hayden Avenue/North Downing Lane shall include control to limit access to right-in, right-out, and left-in.
- g. The Developer shall be required to construct the internal streets to a local street section per ST-111 and ST-111A.
- h. 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.
- i. Huetter Road shall be constructed in accordance with the City's adopted typical section at the time of construction as a part the subdivision requirements of Phase 4 of the Final PUD, 4th preliminary plat or the final preliminary plat whichever shall occur first of the Hayden Sky Planned Unit Development, unless a deferred improvement agreement is approved within the preliminary plat approval of the

planned unit development for the area identified above. Should a deferred improvement agreement be approved, a performance surety shall be posted for the completion of these required improvements in accordance with standards, policies, and codes in effect at the time of the agreement.

- j. Should the request for the PUD buffer landscaping be approved by City Council to be deferred consistent with the Huetter Road improvements identified in Condition #15. i. above, then the buffer landscaping shall be constructed concurrent with the required Huetter Road construction and/or deferred improvement agreement as identified above. Should a deferred improvement agreement be approved, a performance surety shall be posted for the completion of these required improvements in accordance with standards, policies, and codes in effect at the time of the agreement.
- k. Infrastructure shall be constructed as follows at a minimum within the areas identified by the phasing map and phasing plan as follows in the timing table and not necessarily as additions platted:

| Improvement | | Phase 1 | Phase 2 | Phase 3 | Phase 4 |
|----------------------|---|-----------------------|---------|--|-------------------------------|
| Parks | Design/Construction | | | X | |
| | Open Space Tract | X | X | X | X |
| PUD | Landscape Buffer – Part of Typical Road Section or Open Space Tract | X | X | X | X |
| Roads | Carrington | Hayden through Dakota | | Dakota to Phantom | |
| | Dakota | | | Carrington to the west to Phase 3 boundary | Complete extension to Huetter |
| | Downing | Hayden through Road C | | Downing Extended to Dakota | |
| | Hayden | X | | | |
| | Huetter | | | | X |
| Intersections | Dakota /Carrington | X | | | |

| | | | | | |
|--------------|-----------------------------------|---|---|---|---|
| | Hayden/Carrington | X | | | |
| | Hayden/Downing | X | | | |
| | Hayden/Huetter | X | | | |
| | Phantom/Carrington | | | X | |
| Sewer | Main Extensions | X | X | X | X |
| Water | Annex into District | X | | | |
| | Main Extensions | X | X | X | X |
| | Well Site Development/Platted Lot | | | X | |

16. Park design shall occur at any time prior to the 3rd preliminary plat, or the area to be platted as the 2nd Addition of the Hayden Sky Planned Unit Development. Park design shall include public outreach during the design of the elements to be included within the Neighborhood Park design. The developers/owners of the Planned Unit Development in order to meet the intent of the Park Master Plan, shall construct the minimum components required for a Neighborhood Park as identified in the adopted Park Master Plan at the time construction of this addition in accordance with 5.0 of the Annexation Agreement.

17. Construction of the park area(s) shall be completed prior to final plat of the 3rd final plat (or 2nd addition), or the area identified as Phase 3 whichever occurs first.

Requirements requested by other Agencies:

18. The Developer shall comply with the requirements from the Northern Lakes Fire Protection District letter of December 30, 2024.

19. The avigation easement requested by the Coeur d'Alene Airport shall be recorded and shall be referenced on all final plats of the subdivision.

20. 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 Wastewater Treatment Plant and associated land application area.

21. 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.

22. The project site has annexed into the HLID and the required Will Serve letter has been received with respect to Condition #9 of the preliminary PUD approval. At the time of development of the area where the well is located, Phase 3 of the Hayden Sky Final PUD or in accordance with the timing of the Developer's Agreement with Hayden Lake Irrigation District whichever shall occur first, this well site shall be located on a platted lot of the subdivision and shall meet the requirements of site development in accordance with Title 8 & Title 11 as a required subdivision improvement.

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.

The City shall notify the developer, in writing, of the recommendation of the Commission and any recommended conditions or changes requested and shall advise the developer that the subdivision will be placed on the agenda of the City Council at the earliest practicable date, upon the developer's written request.

Should the applicant wish to contest the recommendations of the Planning and Zoning Commission, the applicant may provide a written statement of its objections regarding the Planning and Zoning Commission recommendations for inclusion in the City Council deliberations on the subdivision request. Such written statements must be received at least five (5) days prior to the scheduled City Council meeting.

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

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

CITY OF HAYDEN, IDAHO

By: _____

Shawn Taylor, Chair

ATTEST:

Shannon Drappo, Clerk