



**CITY OF PONDERAY PLANNING & ZONING  
PONDERAY CITY COUNCIL CHAMBERS  
288 4<sup>TH</sup> STREET  
NOVEMBER 14<sup>TH</sup>, 2018**

**CALL MEETING TO ORDER - THE PLEDGE OF ALLEGIANCE WAS RECITED.**

**Commission Member Marc Woller called the meeting to order at 6:30 p.m.**

**Planner Brubaker called the roll: Commission Members Present: Steve Fox, Marc Woller, Lawson Tate, Staff: Planner Erik Brubaker, Planner KayLeigh Miller**

**ABSENT: Chairman Merrill, Josh Devita**

**PLANNING UPDATES:**

Planner Brubaker gave the Commission members an update on the number of planning members. We have been actively seeking new people who would like to participate. We reached out to Karen Engel about coming back and she is interested. As soon as we get confirmation from the City Council, she will be joining us starting next meeting.

**ACTION ITEMS:**

**File SP18-047 - Site Plan Review – STCU (Spokane Teachers Credit Union)** is seeking site plan approval to construct a ±4,115 square foot banking facility with an attached drive thru teller canopy (±6,761 square feet total) on a ±0.668-acre parcel. The project site is located at the corner of U.S. Highway 95 and Kootenai Cutoff Road in Section 2, Township 57 North, Range 2 West, Boise Meridian. Pictures were shown.

The structure will have access into its teller lines from an approach that will be near the Highway 95 access onto the adjoining property. Parking is along the East side of the building. The structure will be oriented in a way that it has windows that face out in a westerly direction.

This site is zoned commercial and was the former Payless Shoes location. The project proposes complete demolition of the existing structure. Currently the majority of the parcel is existing impervious surface, there is some minimal existing landscaping. Access is from three existing approaches off highway 95 and Kootenai Cut-Off Road. Services will be provided by City of Sandpoint-water, Kootenai Ponderay Sewer Dist., Northside Fire and Lake Pend Oreille School Dist.

Standards for review: Ponderay City code 9-4c-3 STCU being a financial institution is allowed in the commercial district. Through site plan approval would require that we review signage, lighting, land scaping, storm water management, which have all been supplied and reviewed and out of that came some conditions regarding lighting, signage, landscaping and a storm water facility. This site because it was previously developed already has been developed on both frontages. With a multi-use path along highway 95 and sidewalks along Kootenai Cut-Off Rd. They will be using the existing accesses and are unique because accesses do not come on to the parcel itself. We do require that commercial lots have at least one access. This has two but are provided through some protected covenants and restrictions and easements for the Ponderay crossings. There is some community space for the Ponderay crossings that is able to be used by any of the businesses located in this facility, through that agreement they are allowed parking.

Ponderay City Code 9-4c-2e requires that we get ten to twenty five percent green space. The proposal is for 20.6%. We require twenty five percent open space and they are proposing seventy six percent open space. Required parking spaces are one space for two hundred square feet of facilities for offices and one loading zone. In this case we have four thousand one hundred fifteen Sq. Ft. (4,115 Sq. Ft) building that requires 21 parking spaces and one loading zone, the site plan proposes eight parking spaces on site with one loading zone and the thirteen remaining spaces being provided by the common area on the adjoining property. Set Backs for the commercial and industrial zone requires 75-foot set back from the center line of the street and 25 feet from the edge of the right-of-way from primary arterials, which both Kootenai Cut-Off Road and Highway 95 classify as. It would require that 75-foot set back from the side of the right-of way and 25 feet from the edge in both directions. Ten feet for the remaining two sides. Then we have the ability for the Planning Commission to authorize reductions to those setbacks when the project is located within an approved plan. In this case they are asking for a set back reduction to Kootenai Cut-Off Road that would allow for the teller booth canopy to be located ten feet 4.75 inches from the property line and 32-feet, 5.6-inches from the center line of the Kootenai Cut-Off Road right-of-way. We found that this is a teller canopy, so it is primarily open and is not located within the triangle and staff did not see any reason not to grant that request for reduction.

Ponderay City Code 9-5a limits a maximum height of two stories, condition B-4 will stipulate that. Advertising: we require that signs and advertising comply to not only our standards but with the ITD standards while this is located on the State Highways, so we add condition B-7 to ensure that. We, by calculation, came up with the allowed signage Sq. Ft. for this site of four hundred Sq. Ft. if propose signage is a total one hundred 47.45 Sq. Ft. so well within the allowed. We do limit the maximum sign height when we are looking at free standing signs. We have two stipulations to determine what that max is. It can either be no more that five feet above the roof line at the building that it advertises or 24 feet whichever is less. In this case the proposed structure is 22.5 feet at its highest point so adding another five feet onto that would put it over the twenty-four feet maximum, so we do cap that sign height at 24 feet and that is what is proposed. We require a minimum of 10-foot setback to free standing signs and they have met that with twelve feet to Kootenai Cut-Off Road and 16.9-feet to Highway 95. Condition B-6 and B-7 will insure compliance with these.

Trash facilities: We require that they be enclosed on at least three sides by a solid wall or site obscuring fence. Four feet in height at a minimum. Or be within an enclosed building. The site plan proposes the location of the dumpsters to be located in the south east corner of the parcel, and Condition B-2 will ensure that they have proper screening. All commercial uses with in the City are required to comply with our performance standards, located at PCC 9-5-4 and controls things like noise, vibrations, pollution, Fire hazards, radioactive particles, electrical disturbance, glare and water pollution are condition B-5 ensures compliance with these standards, those are ongoing operating conditions. Any outdoor storage of commercial or industrial materials, or equipment will not apply to this site. B-8 ensures that outdoor storage be screened from view from a residence or residentially zoned property and that commercial or industrial materials are not placed so that they are not in front yard setbacks.

This application was routed to agencies for comment on October 18<sup>th</sup>: Kootenai Ponderay Sewer Dist., Ponderay Police, City of Sandpoint, Idaho Transportation, Frontier Communications, HMM Engineering, Northside Fire, City building official Pat Park with J.A. Sewell, Lake Pend Oreille School Dist., Avista, Northland Cable. We received comments from Avista, Kootenai Ponderay Sewer, Independent Highway, Ponderay Police, HMM and the City of Sandpoint water. They were summarized in your packet reports.

A couple of outstanding conditions came out of this; Kootenai Ponderay Sewer District at that time still had a few things that they were needing. They did sign off on the building permit, so we assume that all of the conditions have been met. We received no public comment on this project.

Commission Member Tate asked about the setbacks. The setback on the Kootenai Cut-Off Road, forecasting that Kootenai Cut-Off Road may expand someday, how should we address that setback variance shall be serving any future walk. Typically, when you have a larger setback on an arterial road that's for visual and safety reasons and also for forecasting planed expansions. Planner Brubaker responded that there is no reason for us to believe that where ever we will need more right-

of-way in that location. What is the difference between our required setback and what's proposed? About fifteen feet from the edge of the right-of-way and about forty feet from the center of the right-of-way.

Public Hearing opened at 6:44. Richard Breitenberg-915 E. Wallace in Coeur d'Alene-facilities director here in support of STCU. We support the recommendations of the staff and here to answer any questions that you may have. No questions from the Commission members. No comments Neutral or Opposed. Public Hearing closed at 6:47.

**Motion to approve- I move to approve this project file #SP18-047 to construct a four thousand one hundred fifteen foot banking facility and an attached drive through teller canopy on a point six eight acre parcel in a commercial zone finding that it is in accord with the applicable provisions of Ponderay City Code and I further move to adopt the conditions of approval as listed in the staff report. Including the reviewed set back as referenced.**

**Commission Tate/Fox, Roll Call Vote. All in favor.**

**File ZC18-017 - Guitron, Guitron, Ibarra, Inc.** is requesting approval to rezone three parcels totaling ±3.3-acres from Residential to Commercial zoning district. At this time redevelopment of the site is not proposed. The property is located on the corner of Starr Lane and Kootenai Cutoff Road, in Section 2, Township 57 North, Range 2 West, Boise Meridian.

- ▶ Applicant is under contract to purchase the property in question subject to zone change approval
- ▶ No redevelopment is proposed at this time. The applicant simply wants to ensure their ability to commercially develop the properties in the future.
- ▶ **Site Data**
  - ▶ ±3.3-acres (according to Bonner County GIS data)
  - ▶ Zoned residential
  - ▶ Currently the corner parcel is developed with a single-family residence and associated accessory buildings
  - ▶ The remaining two parcels are vacant land and were recently logged
- ▶ **Access**
  - ▶ The subject parcels currently access from Kootenai Cutoff Road (KCOR) and/or Starr Lane
  - ▶ KCOR is a primary arterial for Ponderay
  - ▶ Approaches along KCOR were constructed for the two parcels with KCOR frontage
- ▶ **Services**
  - ▶ Northside Water (Currently Serving the residence)
  - ▶ City of Sandpoint (Water) (Future Commercial Development)
  - ▶ Kootenai-Ponderay Sewer District
  - ▶ Northside Fire
  - ▶ Lake Pend Oreille School District
- ▶ **Environmental**
  - ▶ The site is relatively flat containing primarily native grasses, brush and tree's
  - ▶ The property was logged recently removing the marketable timber.
  - ▶ Bonner County GIS mapping does not indicate the presence of mapped wetlands on-site. Additionally, it does not identify any mapped waterbodies or floodplain.
- ▶ **PCC 9-6-2 (F)(1) Application Contents, Narrative**
  - ▶ The application package contained the necessary contents and the narrative answered all of the required questions.
  - ▶ PCC 9-6-2 (F)(1)(c) asks how the project conforms to the Comprehensive Plan
    - ▶ Future land use map indicates this area will transition to commercial
    - ▶ Comp plan policies and goals
- ▶ **PCC 9-6-2 (F)(9) Application Contents, Land Capability Report**
  - ▶ The planning and zoning commission may require a land capability report

- ▶ The site is relatively flat.
- ▶ Bonner County GIS does not indicate the presence of mapped wetlands or waterbodies. The site is not located within the mapped flood plain.
- ▶ Similar properties in the area have been successfully developed with commercial enterprises
- ▶ Staff does not believe that a land capability report is warranted for the proposed zone change
- ▶ PCC 9-6-2 (F)(10) Application Contents, study of social, economic fiscal and environmental effects
  - ▶ Prior to granting a zone change, the planning and zoning commission may require a professional study of the social, economic, fiscal and environmental effects of the proposed amendment.
    - ▶ The subject parcels are located within the primary commercial corridor for Ponderay.
    - ▶ Commercial properties are located in all directions of the subject parcels
    - ▶ Staff does not believe that a professional study is warranted for the proposed zone change.
- ▶ PCC 9-6-2 (H) Supplementary Conditions
  - ▶ In recommending approval of any zone change, the planning and zoning commission may also recommend appropriate conditions, bonds and safeguards.
    - ▶ 1. Minimizing adverse impact on adjacent property.
    - ▶ 2. Controlling the sequence and timing of development.
    - ▶ 3. Controlling the duration of development.
    - ▶ 4. Assuring that the development is maintained properly.
    - ▶ 5. Designating the exact location and nature of development.
    - ▶ 6. Requiring a provision for on site or off-site public facilities or services.
    - ▶ 7. Requiring more restrictive standards than those generally required by this title.
- ▶ Idaho Code 67-6511 and 67-6509
  - ▶ Outline the process for considering a zone change request
- ▶ Public Comment
  - ▶ Eric and Amanda Mann, letter received November 6, 2018: The Mann's expressed a variety of concerns regarding the proposed zone change and asked that the request be denied. Their concerns included but were not limited to; quality of life, property values, wildlife, removal of vegetative buffers, pollution, stormwater, noise and property rights. A complete copy of the Mann's comments have been attached for review.
  - ▶ 10 additional families from the Dustarr Community submitted brief statements asking that their support be added to the Mann's comment letter
  - ▶ Ronald and Dollie Behimer, Letter Received November 14, 2018-read into the record
  - ▶ Staff Recommends Condition 1 requiring a 20-foot dedication prior to zone change publication along the North boundary of the site prior to zone change publication
- ▶ This dedication would accomplish a couple of things.
  - ▶ Consistent with PCC9-6-2 (H) Supplementary Conditions
    - ▶ In recommending approval of any zone change, the planning and zoning commission may also recommend appropriate conditions, bonds and safeguards.
      - ▶ 1. Minimizing adverse impact on adjacent property.
      - ▶ 6. Requiring a provision for on site or off-site public facilities or services.
  - ▶ Eases the transition from residential parcels to commercial

- ▶ **Ponderay Greenbelts + Pathways Action Plan (Appendix to the comprehensive plan) calls for a construction of a future East/West greenbelt connecting from KCOR and Starr Lane to a North/South pathway currently under construction running from KCOR to Durstarr along the west boundary of the animal shelter and McNearney Park.**
- ▶ **Easement vs Dedication**
  - ▶ **Project Representative has indicated that the applicant may prefer to grant an easement in this location rather than a dedication**
  - ▶ **They indicate that easement would allow the applicant to use this space for utility installation and green space for future development**
  - ▶ **The city has typically required dedications in similar situations**
  - ▶ **Easement would offer the City the ability to do drainage work and create a pathway but would not prevent the land owner from removing the existing tree's and vegetation.**
  - ▶ **Language can be included in the dedication document, which indicates that dedications made at this time would be applied toward contributions required at the time of future development, if the planning commission wishes**
- ▶ **Staff maintains the recommendation for a greenbelt dedication**
- ▶ **Agency Routing**

- |                                     |                                  |                                     |                                   |
|-------------------------------------|----------------------------------|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | Kootenai-Ponderay Sewer District | <input checked="" type="checkbox"/> | Northside Fire District           |
| <input checked="" type="checkbox"/> | Ponderay Police Department       | <input checked="" type="checkbox"/> | Pat Park, Building Official       |
| <input checked="" type="checkbox"/> | City of Sandpoint (Water)        | <input checked="" type="checkbox"/> | Avista                            |
| <input checked="" type="checkbox"/> | Independent Highway District     | <input checked="" type="checkbox"/> | Lake Pend Oreille School District |
| <input checked="" type="checkbox"/> | Frontier Communications          | <input checked="" type="checkbox"/> | Northland Cable                   |
| <input checked="" type="checkbox"/> | Northside Water District         |                                     |                                   |

- ▶ **Comments were received from**
  - ▶ **Ponderay Police Department**
  - ▶ **Pat Park, J.A. Sewell & Assoc., City Building Official**
  - ▶ **Northside Water District**
  - ▶ **Northside Fire**
  - ▶ **Kootenai Ponderay Sewer District**
  - ▶ **Independent Highway District**
- ▶ **Staff Recommendation**
  - ▶ **Approval - Subject to the recommended condition of approval**

**OPEN Public hearing at 7:25 p.m.**

Lisa Holder-speaking on behalf of the applicant. The applicant would like to expand their business, and this seems to them a perfect location. Right now, there are no development plans for the property other than they would like to have a restaurant there at some time in the future. We look at this as an opportunity for the community, because if there is somebody that lives nearby who says I wish my office was closer, I wish I have my shop here, if I had some place I could open a business have them come see me after the meeting, we'll talk about how we could maybe incorporate their business into this site as well. Part of the question that has come up have involved drainage. At this point we would like to not have to dedicate or have an easement for that twenty feet. Because drainage is an issue in this part of town. It's not just on this property, we have adjacent properties are having issues as well. This property is going to have to be engineered and it is also going to have to be planned and developed. As part of that engineering, we would like to include the whole thing and not just create a buffer that then becomes another problem that has to be engineered out. At the time that this property is developed, and plans are drawn up we would like to work with the City to create a plan that helps with the drainage. So, we are looking at this as an opportunity for the City as well with their plan. We understand that even if the twenty feet is given that there has to be additional land that the City is going to have to obtain in order to put their plan together. Possibly with this new look the

adjacent land owners and make something work for everybody all at once as opposed to try to piece things together. She tried to address the objections that were in the letters that we have received. A big concern I have with the letters is the possibility that wildlife will be affected by this. I live off highway 200 and we are constantly asking for signs because of the wildlife. Attracting wildlife to a city center is not necessarily a good thing. Having a trail system might be nice. There is also an issue of property rights. The current owners of this property have rights as well. Something that was brought up in the letter was that the adjacent property owners need to use this property for their drainage issues and for their buffer. The property owners of this property also have rights. They need to be able to exercise their rights. They are not asking to extend over into anybody else's property, but it sounds like the adjacent property owners are saying we want to use their property, but we don't want to pay for it. If this is not rezoned commercial, the current owners could build through and completely scrape this property of all trees, there is no restrictions to stop them from doing that. If this property is not rezoned the use of her client would be pretty much eliminated and there would be no engineering, no studies, no additional surveys. The City would lose out on that opportunity to work with somebody in creating a plan that actually worked for this property. It would not be just a plan, but it would be something that would also be implemented as part of the development. I think a bigger concern of the people who have expressed an objection to this is the industrial that goes north-south east of Perstarr. In summary, we think that these 3.09 acres is zoned commercial it will add to the tax base. It will provide part of the budget that the City needs.

Commission member Woller asked about the buffer and about being a good partner for the City and the homeowners behind you why you would be objecting to that. Lisa said that they are not objecting to that being devolved at all, we are thinking that the timing is premature. That it should be something that could be incorporated into the design and planning so that they don't landscape all the way up to twenty feet and now suddenly the City has a piece that it's got to try to meet the same standards on. We would like to work together to create a buffer that is pleasing to everyone and makes sense.

Commissioner Tate stated, in our Greenbelts our pathways our trails plan (I was part of that first rendition) and this parcel in particular had from the southwest to the northeast to have a diagonal meandering corridor proposed through it. My recollections were from forty to sixty feet that could house drainage, that could act as a buffer, that could likely be a natural surface trail or a paved pathway. Is that conducive for what the applicant wants to use the property for? Lisa replied that no plans have actually been drawn up. The only thing that he knows and wants to use it for right now is have a restaurant and beyond that the uses could be varied. We do know that with every development there is a certain percentage of greenbelt that we have to give. There has to be water retention basin, there has to be drainage and it can all be part of that site plan, so it ends up being like it was planned and not just happened.

**Testimony in Favor-**Jolene Overland-Century 21-I represent the seller and the sale is contingent on the zone change to commercial. One of the things that the seller has discussed even prior to this transaction being in place is that they may decide to demolish that house at some point and continue to log the site just to get it ready. In support of what Lisa was saying, there is more control over how the site is developed if the zone change happens and it seems that these requirements would be better off negotiated at the time that you actually have a plan for development on site. The property values being affected, I think that neighborhood primarily always has been surrounded by commercial properties and I think that has always affected the buyer's opinion and desire to buy in that neighborhood. I think that the rise in values across the county are a factor of lack of inventory and demand for housing. I don't think this site development is going to affect those values any more than just the market itself.

**Testimony Neutral:** none

**Testimony Opposed:** Bob and Velta Ashbrook-We live in the brown house that leads to the trees on the property in question. We just moved there recently. The reason we bought that house is because it is surrounded by trees and we liked the privacy. We do not hear the traffic and we have a plan to sell it for a profit. And we have our doubts about how quiet it is going to be. We were wondering if that property is engineered for proper drainage and what that is going to do to our property.

Amanda Mann-104 DuStarr Lane – we are the other property that is adjacent to the property in question. One thing that I want to point out is that all of the maps that are shown are showing the DuStarr, Perstarr, Altstarr development as not very developed. Many of those are developed now. The argument for moving into this neighborhood is because those are treed lots, but it is true, moving into a neighborhood while assuming those three lots would remain residential your chances of the property remaining treed is just better than having commercial zone lots. We have severe concerns about drainage and while all the arguments can say that there is plan in place for that, the fact is that the research out there shows that those plans don't always work. One of the things that Lisa mentioned is that our arguments shows that we want to use that as our drainage, but that is not the case. That is not what we plan on doing. We had our lots professionally graded so that it wouldn't drain into those lots. Everything seems to be flowing into the streets, but we still have drainage issues and if that lot is transition into more concrete, more parking lots and things of that nature is just creating more issues. The other comment is about the animal shelter and who was going to maintain that. The animal Shelter is amazing. They already walk their dogs through our neighborhood on the streets. We have never had any problem with having to pick up after them. They are very respectful and kind and one of the things that I had mentioned was having these three properties developed into continuance of the park and I love the idea of having a control system in there and I think it would be remarkable opportunity for the community, not only our community, our little neighborhood but the whole community. As far as fencing our backyards to the trail system of course, that would be our problem as the property owner if we have a concern with people coming onto our property. Right now, it is very clear where all of our properties start. They are all manicured lawns and those properties are treed so if they were maintained as a natural trail. The comprehensive plan, while it explained everything in my letter about how we believe that this thing converted over to commercial. It explained how to go against the comprehensive plan. I also want to point out that the comprehensive plan was developed before our neighborhood was in place and so the map showing all of that to be eventually commercial doesn't take into account the park and all of our houses. It is twenty of us who all agree that this should not happen. Twenty of us stand firmly that our property values are at risk, we are the most valuable neighborhood in Ponderay and we all strongly feel that we would be pushed out if this area were to be changed to commercial.

Janet Lish-10 PerStarr Lane-Our house is yet to be built behind that development. Your land values are very high. We sold a lot more property down in south east Idaho that we purchased up here. That is a concern about our property values. We liked the quiet neighborhood. There is the bike park that was something that was attractive to us. These are very well manicured yards. The other thing that I like is, I know there are other businesses around, but those businesses, like where the vet and the shelter are, they are not things that are open at night. I would prefer to see some other smaller residential things go in.

Darwin Hurst-14 PerStarr Lane – There are some valid points about us using that property as a buffer for Kootenai Cut-Off Road. There is some truth to that, that is our concern. At the same time the current owners do have a right the use of that property. So, I don't think they are taken by surprise by the fact that it is indeed residential, and I don't begrudge them the fact that they would want to change over that to commercial for profit. It also makes wonder about the zoning or the plans of Ponderay. If Dustarr Estates was allowed to be there in the first place what was the comprehensive idea and how does that fit in. I bought knowing full well that those properties around me were commercial including Wal-Mart, Home Depot. If this property were to become commercial does that signal that Ponderay is willing to turn anything/everything commercial at request. At which time there is no where that our property values won't be negatively affected, that is impossible, absolutely. I would say in closing that somehow our community, the people that are here have to fit into some kind of plan and if it just commercial everywhere around us then I have no idea why it was approved in the first place. It doesn't make a whole lot of since to live in the middle of a bunch of warehouses or businesses. We are close but we are not there, and I am worried about the property values.

Jolena Overland - Anybody who did their due diligence in buying in that neighborhood should have seen and understood that the long-term growth plan for Ponderay in the City's comprehensive plan shows that it is meant to be commercial. The highest and best use is for commercial running

Kootenai Cut-Off with everything around there being primarily commercial properties. So, I can't understand how anyone would buy that property expecting that neighborhood, expecting for those frontage parcels to remain residential. It is not the highest and best use for that property. Another thing is the logging that my client was considering doing, that was brought on because the adjacent property owner had called me to complain about the trees on that property being in need of being removed. So that is what actually started that initial conversation. So, I think being able to work with the developer in creating a plan that is not going to take every single tree away is a better option, not only for the neighborhood behind but for the person who is actually going to develop this site. Any buffer, if that is required as part of the zone change, is going to affect the current seller or the property and it may mean that the purchase doesn't even go through. So that needs to be considered that if that buffer is going to be required it's going to affect the value of my client's property. It is not like they are taking a residential piece in the middle of a residential neighborhood. They are taking a piece that was meant to be commercial and is primarily surrounded by commercial.

Planner Miller- Mrs. Mann indicated that DuStarr Estates was not developed at the time that the comprehensive plan was put in place. That Plat was recorded in December 2004. The comprehensive plan wasn't adopted until the following year 2005. So, they were running concurrently at the time that plat was developed, and it is true our aerial photos are outdated. But these are the most up to date photos that we have available to us.

Public -The comprehensive plan shows that including the DuStarr Estates, that whole neighborhood is designated for future commercial growth, so is it the intent of the City to eventually remove the park and everything to commercial or is that just that there was no communication between how that was residentially zoned and the comprehensive plan.

Planner Miller replied that the Comprehensive plan future land use map is simply a guideline and shows where they anticipate, some time in the future development will go. There is nothing that triggers when that happens. Residential uses are allowed in commercial zone. As things develop it helps steer where the direction of the City is headed.

**Rebuttal** Lisa Holder- When I first started out, I explained that Rosilio is a member of this City, he lives here, he works here, and you are his customers. He does not want to develop something that is going to be something that you would not want to live by. He is going to be respectful of the people in the neighborhood when they start doing the development. The question of drainage comes in and he has offered to work with the City because there are still problems with drainage on the homes that are part of Dustarr. But they drain into this property and in some ways, it is as if the people of Dustarr have taken a privilege on this property to remain vacant. We want to work with the City to create land that will be helpful to everybody. He can't have his property draining onto your land and at the same time the City will not approve any type of engineering plans that have water pushing back onto you. This is a plan that needs to come together and agrees to push toward Kootenai Cut-Off, or it needs to go East eventually. It needs to be a plan that needs to be thought out, engineered and implemented. As opposed to each land owner doing separate grading and hoping that it didn't mess up the neighbor. He wants to be respectful but at the same time the current owners do have rights and they need to have their rights respected as well. Some of the trees need to come down. Some of them are healthy enough to stay.

**Rosilio Ibarra**-Our business will be the same as we have right now. We are not going to open a night club or anything like that. We are just trying to own our own land and not have to rent. We have tried to buy the property where we are right now. The property in the back we'll probably have some office or something that would be quiet and benefit everybody. We do not want to bring anymore noise to the community. Some of the trees are old and they need to be taken down before they come down and fall on someone house.

**Close the Public Hearing at 8:04 p.m.**

Commission Member Tate said that he would like to see a buffer or something that would serve multiple purposes; a transition zone, privacy or vegetative foliage that the City has control over, something for stormwater, interconnectivity (whether that be on foot or walking dogs). I have been leaning toward the sixty foot possibly fifty or forty would be OK, just because that has substance to it. Ten or twenty feet doesn't. If we addressed a site plan, development plan that incorporated an



additional twenty-five feet would be better, but we can't do that today. There needs to be some sort of Zone buffer there.

Commission Member Fox does the buffer have to be done on the Zone change? Don't we generally do that at the site plan. Planner Miller said that you do have the opportunity to wait until development occurs and to request something like that. The down side to that is that between now and then we do not have control of what could occur in that area. The Zone change to Commercial is where it is allowing for that greater impact. Typically, when we see these types of dedications their title is for greenbelt dedication and that allows us to use it for things like pathways, drainage, vegetation and keep a buffer from the residential.

**Reopen the hearing at 8:10p.m.**

Commission Member Woller asked the applicant if they are willing to dedicate a forty foot instead of a twenty-foot buffer as a working relationship between you and your neighbors.

Lisa Holder - They started with this property being 3.3+ acres. With a twenty-foot buffer in back and what the City will take in the front for sidewalks etc. we are down to 2.9 acres. It starts becoming a property that is too small to develop. We ask that the twenty feet be worked into a site plan during development as opposed to today.

**Close hearing at 8:14p.m.**

**MOTION TO APPROVE: *I move to recommend approval of this project FILE ZC18-017 requesting to change the zoning map as it relates to the subject parcels from residential to commercial, subject to conditions, finding that the request is in accord with the general and specific objectives of the Ponderay City Code, the Comprehensive Plan and based upon the evidence submitted and testimony received at this hearing. I further move to recommend adoption of the findings of fact and conclusions of law as stated in the staff report. Specifically, in the staff report as recommended a twenty-foot dedication along the northerly property lines to the City of Ponderay***

**Commission Tate/Fox, Roll Call Vote. All in favor.**

**Commission Member Tate will be present via teleconference**

**File UP18-046 – The Wilson Trust** is requesting Special Use Permit (SUP) approval to develop a portion of a rural zoned parcel with commercial storage. The project proposes construction of a total of 24 storage buildings. The project proposes construction of a total of 24 storage buildings. Construction is proposed to occur through a series of four phases, each phase proposing construction of 6 structures. The project site is located east of U.S. Highway 95 in Section 2, Township 57 North, Range 2 West, Boise Meridian.

**No Conflict of interest.**

▶ **Site Data**

- ▶ ±17.8 acres
- ▶ Zoned Rural
- ▶ Historically the site was developed as a drive-in movie theater
- ▶ Currently developed with a single wide mobile home
- ▶ Mapped by the county as two parcels because of how the legal is written but is one parcel of land in the city's eyes.
- ▶ Access is provided by an existing commercial approach onto U.S. Highway 95 (ITD approach #5-73-037)

▶ **Services**

- ▶ Northside (Water)
- ▶ Individual septic system
- ▶ Northside Fire
- ▶ Lake Pend Oreille School District
- ▶ Avista Power

▶ **Environmental**

- ▶ Site is relatively flat

- ▶ Contains native grasses, brush and tree's
- ▶ Bonner County GIS does not indicate the presence of wetlands or mapped waterbodies on-site and the site is not located within the mapped floodplain
- ▶ PCC 9-4A-4 Special Uses, Rental Warehouses, boat and/or recreational vehicle or mini storage within the Rural zoning district when specific criteria can be met
  - ▶ PCC 9-4A-4(A) Minimum of 5 acres required
    - ▶ Subject Parcel is ±17.8-acres
  - ▶ PCC 9-4A-4(B) Setbacks
    - ▶ 1) Structures must be a minimum of 300-feet from the arterial r-o-w. May be reduced to 150-feet when it can be documented that adequate screening exists
      - ▶ The site plan proposes a setback of ±633-feet from the U.S. Highway 95 r-o-w
    - ▶ 2) All side and rear yard setbacks shall be a minimum of 25-feet
      - ▶ The application proposes side yard setbacks ranging from 87-feet to 128-feet
      - ▶ The proposed rear yard setbacks range from ±61-feet to ±63-feet
  - ▶ PCC 9-4A-4(C)
    - ▶ The site shall have direct access onto the public r-o-w
      - ▶ The subject parcel fronts on U.S. Highway 95
      - ▶ The site has an existing commercial approach (ITD approach #5-73-037)
- ▶ PCC 9-4A-4(D)
  - ▶ Requires that the use and any appurtenant structures and fencing be arranged to minimize the effects on neighboring properties.
    - ▶ Application indicates that setbacks, lot coverage, fencing, landscaping and lighting have been designed in accordance with the Special Use Permit Requirements
    - ▶ Staff notes that the project site has been located along the easterly boundary of the property. This area appears to be densely treed along the boundaries
    - ▶ Proposed setbacks are more than double the minimum required
- ▶ PCC 9-4A-4(E)
  - ▶ A max of 35% of the parcel may be used as a storage facility. This includes the structures, associated parking and fire lanes located within the fenced storage facility boundary
    - ▶ 34.9% coverage is proposed
    - ▶ Condition B-7 - No more than 35% of the total lot or parcel, may be used as a storage facility. The storage facility shall include storage structures, associated parking areas and fire lanes, that are located within fenced storage facility boundary.
- ▶ PCC 9-4A-4(F)
  - ▶ Exterior of the buildings shall be designed in a manner that is consistent with the rural character of the area
    - ▶ Application proposed steel siding and roofing in an earth toned color
    - ▶ Condition B-5 All siding and roofing materials shall be "earth tone" in color.
- ▶ PCC 9-4A-4(G)
  - ▶ Fencing shall compliment the exterior building materials, be of an agricultural nature or be obscured from view with landscaping and shall be maintained and kept in good repair.
    - ▶ The applicant has proposed chain link fence which will be obscured from view by existing vegetation.

- ▶ **Condition B-6 Fencing shall compliment the exterior building materials (similar color, materials and/or detailing) of the storage buildings, be of an agricultural nature or shall be obscured from view with landscaping and shall be maintained and kept in good repair. Fencing shall not exceed 8-feet in height or 4-feet in height if located within the front yard setback in accordance with PCC 9-5-2 (A).**
- ▶ **PCC 9-4A-4(H)**
  - ▶ **Requires that a landscape buffer be installed and maintained around the perimeter of the site**
  - ▶ **Needs to include:**
    - ▶ **Evergreen trees a minimum of 4-feet in height no more than 15-feet on center**
    - ▶ **Or documentation that an adequate buffer is provided by the existing natural vegetation**
  - ▶ **The application indicates**
    - ▶ **The evergreen buffer will remain undisturbed along the south edge of Phase 1**
    - ▶ **Westerly boundary of Phases 1 and 4 are located 600+ feet from the Highway and as a result the project rep felt that landscaping would serve no purpose**
    - ▶ **The east site boundaries of Phases 2 and 3 and the North boundaries of Phases 3 and 4 are currently vegetated. These 25-foot wide or greater buffers will remain intact**
    - ▶ **The 25-foot vegetative buffer is required around the entire perimeter of the site regardless of the proximity to the Highway**
    - ▶ **Condition B-8 A minimum of a 25-foot landscape buffer shall be either retained from adequate natural vegetation or installed around the perimeter of the site at all times. The landscape buffer shall comply with PCC 9-4A-4 Rental Warehouses, boat and/or recreational vehicle storage or ministorage (H).**
- ▶ **PCC 9-4A-4(I)**
  - ▶ **States that outdoor storage must be accessory to the indoor storage facility and shall be limited to major recreational equipment, including travel trailers, recreational vehicles, watercraft, boats or similar, vehicles and or equipment.**
    - ▶ **The application indicates that outdoor storage will include only the listed items**
    - ▶ **Condition B-9 Outdoor storage shall be accessory to the indoor storage facility and shall be limited to major recreational equipment, including travel trailers, recreational vehicles, watercraft, boats or similar, vehicles or equipment.**
- ▶ **PCC 9-4A-4(J)**
  - ▶ **States that unit shall not be used as dwellings or as commercial, service, repair or industrial place of business.**
  - ▶ **Prohibits manufacturing, commercial repair or sale of items from or at the facility**
  - ▶ **Condition B-10 Units shall not be used as dwellings or as a commercial, service, repair or industrial place of business. The manufacturing, commercial repair or sale of items from or at a rental warehouse, mini storage or boat storage facility is specifically prohibited.**
- ▶ **PCC 9-4A-4(K)**
  - ▶ **Limits hours of operation when abutting rural or residentially zoned or developed property**
  - ▶ **The subject property abuts both rural and residentially developed properties**
  - ▶ **Condition B-11 Hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.**

- ▶ **PCC 9-4A-4(L)**
  - ▶ States that lighting shall be shielded downward and directed so as to confine lighting to the premises and produce no glare on adjacent properties or r-o-w
  - ▶ Must be activated by motion and or activity within the facility
  - ▶ Condition B-14 External lighting shall be installed in accord with the approved lighting plan. All lighting shall be shielded and downward directed so as to confine lighting to the premises and produce no glare on adjacent properties or rights of way. External lighting shall be activated by motion and or activity within the facility.
- ▶ **PCC 9-4A-4(M)**
  - ▶ No portion of the above restrictions shall be construed in a manner that shall inhibit agricultural pursuits.
- ▶ **PCC9-5A-4 Maximum Height**
  - ▶ Shall not exceed 2 stories in height
  - ▶ Condition B-4
- ▶ **PCC 9-5C-5 Trash**
  - ▶ Requires screening on at least three sides by a solid wall or sight obscuring fence or storage within a structure
    - ▶ Applicant states there will be no on-site trash facilities
    - ▶ Condition B-12 ensures that future installation of trash facilities will be compliant
- ▶ **PCC 9-5-4 Performance Standards**
  - ▶ Specific operational standards addressing noise, fire hazards, radioactive particles, electrical disturbance, glare and pollution.
  - ▶ Condition B-15
- ▶ **PCC 9-5B-6 Outdoor storage of Commercial or Industrial materials or equipment**
  - ▶ Outdoor storage of commercial or industrial items must be screened from view from any existing residences or residentially zoned properties
  - ▶ No storage shall be allowed within the front yard setback
    - ▶ Conditions B-16 and B-17 ensure compliance
- ▶ **PCC 9-5-2 (A) Fencing requirements**
  - ▶ Fencing height is limited to 8-feet overall and 4-feet within the front yard setback
    - ▶ No portion of the proposed fence is located within the front yard setback
    - ▶ The application package does not disclose the proposed fence height
    - ▶ Condition B-6 limits the fence height to a maximum of 8-feet
- ▶ **PCC 9-5E-3 Commercial off-street parking**
  - ▶ Requires specific parking calculations based on use
  - ▶ No specific parking standards are listed for commercial storage.
  - ▶ It is typical for vehicles to park in front of their rented unit.
  - ▶ No formal parking spaces are proposed
- ▶ **Agency Comment**
  - ▶ Comments were received from:
    - ▶ HMH Engineering, City Engineer-worked with their engineer
    - ▶ Ponderay Police
    - ▶ City of Sandpoint (Water)
    - ▶ Northside Water
    - ▶ Pat Park,CBO, Contract building official
    - ▶ Idaho Transportation Department
    - ▶ Kootenai-Ponderay Sewer District
    - ▶ Northside Fire

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Kootenai-Ponderay Sewer District                             | <input checked="" type="checkbox"/> Northside Fire District           |
| <input checked="" type="checkbox"/> Ponderay Police Department                                   | <input checked="" type="checkbox"/> Pat Park, Building Official       |
| <input checked="" type="checkbox"/> City of Sandpoint  | <input checked="" type="checkbox"/> Avista                            |
| <input checked="" type="checkbox"/> Idaho Transportation Department                              | <input checked="" type="checkbox"/> Lake Pend Oreille School District |
| <input checked="" type="checkbox"/> Frontier Communications                                      | <input checked="" type="checkbox"/> Northland Cable                   |
| <input checked="" type="checkbox"/> Jesse Herndon, P.E., HMH Engineering, Ponderay City Engineer |   |
| <input checked="" type="checkbox"/> Northside Water District                                     |   |

▶ **Public Comment**

▶ **Dana Anderson Comments**

- ▶ Purchased for future residential use
- ▶ Concerns that high fences, lights 24-hours a day and a high rate of people in and out would interfere with their rights for peace and quiet and privacy and would be detrimental to them and their property.
- ▶ Concerns about additional runoff due to the impervious nature of the project

▶ **Marty Taylor, AICP James A Sewell and Associates responded to the comment**

- ▶ Project provides buffers in excess of the of the required by code
- ▶ Hours of operation are set forth
- ▶ Lighting is regulated
- ▶ An engineered stormwater management plan was submitted and reviewed by the City Engineer

▶ **Public Right-of-Way Dedication**

- ▶ The capital improvement plan from the transportation component of the Comprehensive plan calls for future construction of a North/South connection between the existing Starr Lane and Bronx Road.
- ▶ The proposed connection is depicted along the east boundary of the subject property
  - ▶ PCC 9-8-3 (G) Supplementary Conditions and Safeguards
- ▶ Requiring provisions for on site or off-site public facilities
- ▶ Staff proposes the addition of Condition A-2
  - ▶ Prior to building permit issuance, the land owner shall dedicate the East 25-feet of the subject parcel to the City of Ponderay for public right-of-way, consistent with the Ponderay Capital Improvements Plan. Dedicating right of way to the City of Ponderay in no way modifies or renders nonconforming the Special Use Permit UP-18-046 site plan, in no way is contrary to the terms and conditions of said permit, and in no way is inconsistent with the standards set forth in Ponderay City Code, Section 9-4A-4 (Ord. 146.)

▶ **Staff Recommendation**

- ▶ **Approval - Subject to the recommended condition of approval**

**Open the Public Hearing at 8:30 p.m.**

Marty Taylor – J.A Sewell & Assoc. – This project has been designed to be *better than* the Cities standards by code for storage facilities. The main thing is I want to emphasize in addition to the project exceeding the standards required by the City, is that the only real agency comment was the one regarding traffic and so we made sure that we had an approved, valid transportation department permit for use off US Highway 95. Everything else exceeds the code requirements as far as; buffers and setbacks. The staff mentioned that the project has been designed in accordance with the City standards. That being the case, we ask that the commission approve this special use permit and we agree to the conditions of approval as drafted by staff.

No Comments opposed, neutral or in favor.

**Giezla Schultz** – Highway 95 my property is just to the south of this land. Wanted to know if this land will be commercial. NO. She is in favor.

**Public Hearing closed at 8:35**

**MOTION TO APPROVE:** I move to recommend approval of this application FILE UP18-046, requesting Special Use Permit (SUP) approval to develop a rural zoned parcel with commercial storage, finding that it is in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact and conclusions of law in the staff report, and based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing. I further move to recommend adoption of the findings of fact, conclusions of law, and conditions of approval with the condition of 8-2 as proposed by the staff.

**Commission Fox/Tate, Roll Call Vote. All in favor.**

**The Meeting was adjourned at 8:37 p.m.**

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Planning and Zoning Chairperson

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Su Warren, City Clerk-Treasurer